1985 No. 282

HOUSING; RATES

The Housing Benefits Regulations (Northern Ireland) 1985

Made . . . . . *17th October 1985*

Coming into operation . . . *2nd December 1985*

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The Department of Health and Social Services, in exercise of the powers conferred on it by Article 3(2) of the Housing Benefits (Northern Ireland) Order 1983(**a**) and acting jointly with the Department of the Environment, in exercise of the powers conferred on them by Article 3(1) of that Order, in each case with the consent of the Department of Finance and Personnel, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Housing Benefits Regulations (Northern Ireland) 1985 and shall come into operation on 2nd December 1985.

Interpretation

2.—(1) In these regulations—

"the 1983 Order" means the Housing Benefits (Northern Ireland) Order 1983;

"advanced education" means full-time education by attendance at an educational establishment for the purposes of—

(*a*) a course in preparation for a degree, a diploma of higher education, a higher national diploma, a higher diploma of the Technician Education

(a) S.I. 1983/1121 (N.I. 14)

Council, a higher national diploma of the Business Education Council or a teaching qualification; or

(*b*) any other course which the Department considers to be a course of a standard above ordinary national diploma, a diploma of the Technician Education Council, a national diploma of the Business Education Council or general certificate of education (advanced level);

"beneficiary" means a person to whom a housing benefit has been granted;

"benefit day" is to be construed in accordance with regulation 29(1);

"benefit period" means the period for which a housing benefit is granted;

"boarder on supplementary benefit" means a boarder within the meaning of regulation 9(10) and (11) of the Requirements Regulations who is in receipt of, or has claimed and is entitled to, supplementary benefit;

"certificated case" means a case in which a certificate has been issued by the Department under regulation 9(1);

"dependent child" means a person who resides in the dwelling occupied by the eligible person and whose requirements are provided for, in whole or in part, by the eligible person or his partner, or wholly by means of maintenance payments payable to him, and who is—

(*a*) under the age of sixteen;

(*b*) aged sixteen or over but under the age of twenty and receiving full-time education at a school, college or other similar educational establishment, other than advanced education; or

(*c*) a person in respect of whom child benefit is paid or is payable under the Child Benefit (Northern Ireland) Order 1975(**a**);

"eligible person", except as provided by regulation 26(2), means a person eligible for a housing benefit;

"eligible rates" means the amount of payments by way of rates which may be met by a rate rebate;

"eligible rent" means the amount of rent which may be met by a rent rebate or a rent allowance;

"fuel" includes gas and electricity and a reference to a charge for, or an amount payable for, fuel includes a reference to a charge for, or, as the case may be, an amount payable for, the facility of providing it;

"grant-aided student" means a person for the time being in receipt, in respect of his attendance at a course at an establishment in the United Kingdom, or undergoing education in the United Kingdom, of an award or grant of any of the classes specified in Part I of Schedule 1;

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972(**b**);

"hereditament" has the meaning assigned by virtue of Article 2(2) of the Rates (Northern Ireland) Order 1977(**c**);

"housing association" has the meaning assigned by Article 114 of the Housing (Northern Ireland) Order 1981(**d**);

"industrial disablement pension" means any weekly payment of disablement pension under the Social Security (Northern Ireland) Act 1975(**e**);

(**a**) S.I. 1975/1504 (N.I. 16)
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) S.I. 1977/2157 (N.I. 28); in Article 2(2) the definition of "rate" was amended by Article 3(2)(*a*) of the Rates (Amendment) (Northern Ireland) Order 1983 (S.I. 1983/421 (N.I. 7))
(**d**) S.I. 1981/156 (N.I. 3)
(**e**) 1975 c. 15

"married couple" means a man and woman who are married to each other and are members of the same household;

"non-dependant" means, in relation to an eligible person,—

(*a*) a member of his household other than his partner or a dependent child of his or of his partner, or

(*b*) a person occupying his dwelling who makes payments to him which include a charge in respect of board, where that charge forms a substantial proportion of those payments,

but does not, except where sub-paragraph (*b*) of this definition applies, include a person paying rent under a tenancy or similar agreement;

"old cases allowance" means a weekly payment made under regulations having effect by virtue of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**a**);

"owner" means the person who, otherwise than as a mortgagee in possession, is for the time being entitled to dispose of the fee simple of any hereditaments;

"partner" means one of a married or an unmarried couple;

"pensionable age" means in the case of a man, 65 and in the case of a woman, 60;

"qualifying supplementary benefit" means supplementary pension or allowance under Article 3 of the Supplementary Benefits (Northern Ireland) Order 1977(**b**) which is payable in respect of a person who under regulation 14(3), (4), (4A), (5) and (6) of the Requirements Regulations would be treated as responsible for, and be allowed an amount in respect of, housing benefit expenditure (as defined in regulation 2(1) of those regulations) if such expenditure were an item to which housing requirements related for the purposes of those regulations, except any such pension or allowance—

(*a*) which is payable in accordance with that Order as modified by virtue of Article 6 of that Order for the period to which regulation 5(3)(*a*) of the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(**c**) applies;

(*b*) which is payable because, in the determination of requirements, an amount is applicable under regulation 19A of the Requirements Regulations (housing benefit supplement);

"rent" includes the following periodical sums payable in respect of a dwelling—

(*a*) payments in respect of a licence or permission to occupy a dwelling;

(*b*) payments for services performed or facilities (including the use of furniture) provided for, or rights made available to, the occupier of a dwelling, whether or not made under the same agreement as that under which the dwelling is occupied, but only in each case where the right to occupation depends, or depended when the dwelling was first occupied by that occupier, upon agreement to make such payments;

(*c*) payments by way of mesne profits or payments which are considered analogous to rent;

(*d*) payments in respect of or in consequence of use and occupation of a dwelling;

(*e*) mooring charges payable for a houseboat;

(*f*) where a dwelling is a caravan or mobile home, payments in respect of the site on which it stands; and

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(a) 1975 c. 17

(b) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(c) S.R. 1981 No. 372; to which there are amendments not relevant to the subject matter of these regulations

(*g*) payments under a rental purchase agreement, that is to say an agreement under which a dwelling is being acquired through payments for a fixed period of sums which include a capital element attributable to the landlord's interest in the dwelling;

"rent-free period" means a period for which no rent is payable;

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1983(**a**);

"supplementary benefit" means supplementary pension or allowance under Article 3 of the Supplementary Benefits (Northern Ireland) Order 1977;

"supplementary benefit assessment unit" means an assessment unit as defined in regulation 2 of the Requirements Regulations;

"unmarried couple" means a man and a woman who are not married to each other but are living together as husband and wife as members of the same household;

"war disablement pension" means—

(*a*) any pension or other benefit such as is referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**b**) which is awarded in respect of disablement due to service in the armed forces of the Crown;

(*b*) any pension or other benefit awarded in respect of disablement under the Personal Injuries (Emergency Provisions) Act 1939(**c**), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**d**) or the Polish Resettlement Act 1947(**e**); or

(c) any pension or other benefit awarded in respect of disablement which is considered by the appropriate authority to be analogous to any pension or other benefit specified in either of sub-paragraph (*a*) or (*b*).

(2) In these regulations references to dwellings and payments in respect of dwellings shall be construed in accordance with Articles 2(2) and 3(4) of the 1983 Order.

(3) In these regulations a reference to housing benefit is to rate rebate, rent rebate or rent allowance as the circumstances may require, and a reference to paying any housing benefit includes, in the case of a rate rebate or a rent rebate, effecting a reduction in rates or rent to reflect the amount of the housing benefit granted.

(4) In these regulations a reference to the appropriate authority in respect of any dwelling is—

(*a*) in relation to a rate rebate—

(i) to the Department of the Environment for any person who owns and occupies as his own home a dwelling in respect of which he makes payment by way of rates direct to that Department, or

(ii) to the Executive for any other person who occupies as his home a dwelling in respect of which he makes payment by way of rates to the Executive, the Department of the Environment, a private landlord, or a housing association;

(*b*) in relation to a rent rebate, to the Executive;

(*c*) in relation to a rent allowance, to the Executive for any person who makes payment by way of rent to a private landlord or a housing association.

(**a**) S.R. 1983 No. 61; the relevant amending regulations are S.R. 1983 Nos. 215 and 291, S.R. 1984 No. 79 and S.R. 1985 No. 91

(**b**) 1977 c. 5

(**c**) 1939 c. 82

(**d**) 1939 c. 83

(**e**) 1947 c. 19

(5) For the purposes of these regulations, the following shall be treated as included in a dwelling—

(*a*) any structure or space which is used for the purposes of an eligible person's dwelling where either—

(i) he acquired simultaneously the right to occupy the structure or space and the right to occupy the dwelling, and, in the case of a person liable to make payments of rent for his dwelling, he could not have rented that dwelling without the structure or space, or

(ii) he has made or is making all reasonable efforts to terminate his liability to make payments in respect of the structure or space;

(*b*) where the dwelling is a caravan or a mobile home, such of the land on which it stands as is used for the purposes of the dwelling;

(*c*) where the dwelling is a houseboat, the land used for the purposes of mooring it.

(6) References in these regulations to "weekly income", "weekly eligible rates" and "weekly eligible rent" are to the weekly amounts which represent, respectively, income, eligible rates and eligible rent, as converted where appropriate in accordance with regulation 14.

The schemes

3. The provisions of these regulations shall have effect as the schemes made under Article 3 of the 1983 Order.

PART II

ELIGIBILITY

Provision against multiple benefits

4.—(1) Subject to paragraph (2), no person shall be eligible for housing benefit at any one time in respect of more than one dwelling.

(2) Nothing in paragraph (1) shall prevent a person from being eligible for housing benefit in respect of two (but no more than two) dwellings—

(*a*) where that person has left, and remains absent from, a previous home through fear of domestic violence and the appropriate authority considers that it is reasonable that housing benefit should be paid in respect of both the previous home and the new home; or

(*b*) for a period not exceeding four weeks where the appropriate authority considers that the person's liability to make payments in respect of two homes is unavoidable.

Eligibility for rate rebate

5.—(1) Subject to regulations 9(5), 11(2) and 12 and to paragraph (2), any of the following persons is eligible for a rate rebate in respect of a dwelling which he occupies as his home—

(*a*) a person who is liable to make payments by way of rates in respect of the dwelling;

(*b*) a person who, though not liable to make such payments, makes them as though he were so liable and either—

(i) is the partner of the person liable to make such payments, or

(ii) is some other person whom the appropriate authority considers it reasonable to treat as eligible for a rate rebate.

(2) Notwithstanding paragraph (1)—

(*a*) subject to regulation 8(1), a boarder on supplementary benefit is not eligible for a rate rebate in respect of a dwelling at which he boards; and

(*b*) a person who is entitled to supplementary benefit but who is not treated under sub-paragraph (*a*) of regulation 14(3) of the Requirements Regulations as responsible for housing expenditure is not eligible for a rate rebate in respect of that housing expenditure.

Eligibility for rent rebate

6.—(1) Subject to regulations 9(5), 11(2) and 12 and to paragraphs (2) and (3), any of the following persons is eligible for a rent rebate in respect of a dwelling which he occupies as his home—

(*a*) a person who is liable to make payments to the Executive, otherwise than by way of rates, in respect of the dwelling;

(*b*) a person who, though not liable to make such payments to the Executive, makes them as though he were so liable and either—

(i) is the partner of the person liable to make such payments, or

(ii) is some other person whom the Executive considers it reasonable to treat as eligible for a rent rebate.

(2) Notwithstanding paragraph (1), a person is not eligible for a rent rebate in respect of a dwelling which, or such part of a dwelling as, he occupies as being the owner.

(3) Notwithstanding paragraph (1), but subject to regulation 8(1), a boarder on supplementary benefit is not eligible for a rent rebate in respect of a dwelling at which he boards.

Eligibility for rent allowance

7.—(1) Subject to regulations 9(5), 11(2) and 12 and to paragraphs (2) and (3), any of the following persons is eligible for a rent allowance in respect of a dwelling which he occupies as his home—

(*a*) a person who is liable to make, otherwise than to the Executive, payments otherwise than by way of rates, in respect of the dwelling;

(*b*) a person who, though not liable to make such payments, makes them as though he were so liable and either—

(i) is the partner of the person liable to make such payments, or

(ii) is some other person whom the Executive considers it reasonable to treat as eligible for a rent allowance.

(2) Notwithstanding paragraph (1), a person is not eligible for a rent allowance in respect of a dwelling which, or such part of a dwelling as, he occupies as being the owner.

(3) Notwithstanding paragraph (1)—

(*a*) subject to regulation 8(1), a boarder on supplementary benefit is not eligible for a rent allowance in respect of a dwelling at which he boards; and

(*b*) a person who is entitled to supplementary benefit but who is not treated under sub-paragraph (*a*) of regulation 14(3) of the Requirements Regulations as responsible for housing expenditure is not eligible for a rent allowance in respect of that housing expenditure.

Eligibility for boarders on supplementary benefit

8.—(1) Where a person—

(*a*) has been granted a housing benefit in respect of a dwelling; and

(*b*) during his benefit period becomes a boarder on supplementary benefit, whose requirements for the purposes of the Requirements Regulations include an amount for board and lodging at that dwelling;

he may continue to be eligible for that housing benefit under regulation 5, 6 or 7, as the case may be, for a period of four weeks beginning on the date on which he becomes entitled to supplementary benefit.

(2) Where a person is a boarder on supplementary benefit whose requirements for the purposes of the Requirements Regulations include an amount for board and lodging at a dwelling and he becomes liable to make payments in respect of a dwelling which, temporarily, he is unable to occupy as his home, then if the appropriate authority considers that the person's liability to make those payments is unavoidable, it may regard that person as being eligible for housing benefit in respect of that dwelling for a period not exceeding four weeks or until he occupies it as his home, whichever is the earlier.

Persons on supplementary benefit

9.—(1) Where a person, other than an ineligible person, has claimed and is entitled to qualifying supplementary benefit, the Department shall issue and give or send to the appropriate authority a certificate in respect of that person stating the date on which such benefit became payable; and upon receipt of that certificate the appropriate authority shall, subject to paragraph (6), treat that person as a person eligible for housing benefit in respect of the dwelling which he occupies as his home.

(2) Where a person in respect of whom a certificate is issued is not the only occupier of his dwelling who is eligible for a housing benefit, the Department shall—

(*a*) when giving or sending a certificate to the appropriate authority for the purposes of a rate rebate, state the proportion of rates for which that person is to be regarded as responsible;

(*b*) when giving or sending a certificate to the Executive for the purposes of a rent rebate or rent allowance, state the proportion of rent for which that person is to be regarded as responsible.

(3) Subject to paragraph (4), the Department shall cancel a certificate issued under paragraph (1) where the person in respect of whom it was issued is not or is no longer entitled to qualifying supplementary benefit, and shall in every case in which a certificate is cancelled (including one in which it is cancelled under paragraph (4)) give or send to the appropriate authority a notice in writing to the effect that the certificate is cancelled, giving the date of such cancellation.

(4) Where a person ceases to be entitled to qualifying supplementary benefit by reason that paragraph 2(*a*) or (*c*) of Schedule 2 to the Requirements Regulations (hospital patients), in so far as they relate to persons with no dependants, applies to him, a certificate issued in respect of him shall not be cancelled until—

(*a*) he ceases to be responsible for housing expenditure for the purposes of those regulations; or

(*b*) a period of eight weeks expires beginning on the date on which he ceases to be entitled to qualifying supplementary benefit,

whichever first occurs; and if within the period of eight weeks specified in sub-paragraph (*b*) he becomes entitled again to qualifying supplementary benefit the certificate issued in respect of him shall (unless already cancelled under sub-paragraph (*a*)) continue in force as though he had not ceased to be so entitled.

(5) Where a certificate has been issued under paragraph (1) in respect of a person for the purposes of a housing benefit and that certificate has not been cancelled under paragraph (3), no other member of that person's supplementary benefit assessment unit shall be eligible for that housing benefit, except as provided by paragraph (6).

(6) Where the person in respect of whom a certificate is issued is not liable to make particular payments by way of rates or rent, and does not make such payments as though he were so liable, but another member of his supplementary benefit assessment unit is so liable, that other member, and not the person in respect of whom the certificate was issued, shall be treated as eligible for a housing benefit so far as it relates to such payments.

(7) In paragraph (1) "ineligible person" means, in respect of a dwelling, a person who—

(*a*) in relation to a rate rebate for that dwelling would not be eligible under regulation 5 by virtue of regulation 5(2);

(*b*) in relation to a rent rebate for that dwelling would not be eligible under regulation 6 by virtue of regulation 6(2) or (3);

(*c*) in relation to a rent allowance for that dwelling would not be eligible under regulation 7 by virtue of regulation 7(2) or (3);

(*d*) in relation to any housing benefit for that dwelling is a person to whom regulation 8 applies.

Persons treated as occupying a dwelling as their home

10. Where a person—

(*a*) occupies a dwelling of any description, including hostel accommodation; and

(*b*) would not otherwise be treated as occupying it as his home by reason only of the short duration of his occupancy,

that person shall be treated for the purposes of these regulations as though he occupied that dwelling as his home, subject, in cases other than certificated cases, to the condition that he shall have occupied it for a continuous period of fourteen days.

Joint occupiers

11.—(1) Subject to paragraphs (2) and (3), a person eligible for a housing benefit under regulations 4 and 5, 6 or 7 is eligible whether he is the sole occupier of his dwelling or a joint occupier of his dwelling.

(2) Where a married or an unmarried couple occupy a dwelling, one only of that couple is eligible for housing benefit, being such one as the appropriate authority may determine; and any such determination shall be made in a certificated case in accordance with regulation 9.

(3) If a joint occupier of his dwelling was, at any time during the period of eight weeks prior to the creation of the joint tenancy or other agreement giving rise to the joint liability to pay rent or, as the case may be, to make payments by way of rates, a non-dependant of one or more of the other joint occupiers of that dwelling, he shall not be eligible for housing benefit in respect of that dwelling unless the appropriate authority is satisfied that that joint tenancy or other agreement was not created to take advantage of the rate rebate scheme, the rent rebate scheme or the rent allowance scheme, as the case may be.

Students from abroad

12.—(1) Except in a certificated case, a student with limited leave or without leave to enter or remain in the United Kingdom shall not be eligible for housing benefit.

(2) In this regulation "student with limited leave or without leave to enter or remain in the United Kingdom" means a person who is present in the United Kingdom for the purpose of attending a course of education, whether or not he is for the time being engaged in a programme of studies, and who—

(*a*) is a person, other than a national of a member State or a person to whom the European Convention on Social and Medical Assistance done at Paris on 11th December 1953(**a**) applies, who has a limited leave (as defined in section 33(1) of the Immigration Act 1971(**b**)) to enter or remain in the United Kingdom which was given in accordance with any provision of immigration rules (as defined in section 33(1) of that Act) which refers to there being, or to there needing to be, no recourse to public funds, or to there being no charge on public funds, during that limited leave;

(*b*) having a limited leave (as defined in section 33(1) of the Immigration Act 1971) to enter or remain in the United Kingdom, has remained without further leave under that Act beyond the time limited by the leave;

(*c*) is the subject of a deportation order, that is to say an order within section 5(1) of the Immigration Act 1971 requiring him to leave and prohibiting him from entering the United Kingdom; or

(*d*) is an illegal entrant (as defined in section 33(1) of the Immigration Act 1971) who is not given leave under that Act to enter or remain in the United Kingdom.

PART III

AMOUNT OF HOUSING BENEFIT

Factors governing amount of housing benefit

13. Except where regulation 24 (those on qualifying supplementary benefit) applies, the housing benefit to which an eligible person is entitled is a weekly amount calculated in accordance with regulation 22 by reference to—

(*a*) an amount to be allowed for the needs of that person and of any partner of his or dependent child of his or of his partner (the "needs allowance" set out in regulation 15);

(*b*) the weekly income of that person and of any such partner (ascertained under regulation 16 and Schedule 2);

(*c*) in the case of a rate rebate, the amount of the eligible rates (ascertained under regulations 17 and 19);

(*d*) in the case of a rent rebate or rent allowance, the amount of the eligible rent (ascertained under regulations 18 and 19 and Schedules 1 and 3);

(*e*) amounts to be deducted for non-dependants (under regulation 20); and

(*f*) minimum and maximum amounts of rebate or allowance (set out in regulation 23).

Conversion to weekly amounts

14.—(1) Any amount which is payable or calculated otherwise than weekly or which, though normally payable weekly, is not payable in every week of the year shall be converted for the purposes of these regulations into the weekly sum which represents it, and in a case to which paragraph (2) or (3) applies shall be converted in accordance with such of those paragraphs as is applicable.

(2) For the purposes of calculating weekly eligible rent where there is a rent-free period in a year, the aggregate amount of rent payable in a year shall be divided by 52 or 53, whichever the Executive considers reasonable in the circumstances.

(**a**) Cmnd. 9512
(**b**) 1971 c. 77

(3) For the purposes of calculating weekly eligible rates where there is a rent-free period in a year and payments by way of rates are made together with rent, paragraph (2) shall apply to the payments by way of rates as it applies to the rent.

Needs allowance

15.—(1) Except in a case to which paragraph (2) applies, and subject to the increases provided for in paragraph (3), the needs allowance for each week is—

(*a*) for a single person who has no dependent child — £47·70
(*b*) for a married or unmarried couple — £70·20
(*c*) for a single person who has a dependent child — £70·20.

(2) Subject to the increases provided for in paragraph (3), the needs allowance for each week is—

(*a*) for a single handicapped person who has no dependent child — £53·20
(*b*) for a married or unmarried couple one of whom is a handicapped person — £75·70
(*c*) for a single handicapped person who has a dependent child — £75·70
(*d*) for a married or unmarried couple both of whom are handicapped persons — £78·25.

(3) The needs allowance shall be increased—

(*a*) in every case referred to in paragraphs (1) and (2) where the eligible person or his partner is, or both of them are, of pensionable age, by 85 pence;
(*b*) in the cases referred to in paragraphs (1)(*b*) and (*c*), and (2)(*b*), (*c*) and (*d*), by £14·50 for each dependent child.

(4) In paragraph (2), "handicapped person" means a person who is registered in pursuance of arrangements made under Articles 4(*b*) and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**), (welfare arrangements for handicapped persons) or is a person who is not registered but in the opinion of a Health and Social Services Board would qualify for registration under arrangements referred to in that Order.

Income

16.—(1) The weekly income of an eligible person and any partner of his shall be ascertained for the purposes of these regulations by–

(*a*) assessing the amount which is likely to be the income of that person and any such partner during the benefit period in accordance with paragraphs (2) to (4); and
(*b*) disregarding any item mentioned in paragraphs 1 to 22 of Schedule 2 to the extent allowed by paragraph 23 of that Schedule; and
(*c*) adding any maintenance payment made to any dependent child of that person or of his partner.

(2) In so far as a person's income consists of earnings from a gainful occupation, the amount which is likely to be the income shall be estimated by reference to the average of his earnings from that occupation over a period ending with the last occasion before his claim on which his earnings were paid and being a period—

(*a*) of five weeks, if he is paid weekly;
(*b*) of two months, if he is paid monthly,

but in any particular case regard may be had to the average of a person's earnings from a gainful occupation over such other period or periods as may be appropriate in order

(**a**) S.I. 1972/1265 (N.I. 14)

that the amount which is likely to be his income over the benefit period may be properly assessed.

(3) In so far as a person's earnings from any gainful occupation comprise salary, wages or fees related to a fixed period, the gross amount of his salary, wages or fees shall be taken into account; and in so far as a person's earnings from any gainful occupation do not comprise salary, wages or fees related to a fixed period, the net profit derived from that occupation shall be taken into account.

(4) In so far as a person's income does not consist of earnings from a gainful occupation, its weekly amount shall be calculated or estimated on such basis as appears to the appropriate authority to be reasonable in the circumstances of the particular case.

(5) In paragraph (3), "net profit" means profit after deduction of expenses but without deduction of income tax or of contributions payable under the Social Security (Northern Ireland) Acts 1975(**a**).

Eligible rates

17.—(1) This regulation is subject to regulation 19 (unsuitable accommodation).

(2) The amount of payments by way of rates which may be met by a rate rebate ("eligible rates") for an eligible person in respect of a dwelling is such amount as he is liable to pay less any proportion of that amount which, by virtue of paragraph (3), is or could be the eligible rates of another person other than a non-dependant.

(3) Where a person is liable to make payments by way of rates otherwise than to the Department of the Environment, in respect of a dwelling comprising part only of a rateable unit, the eligible rates for that person are such proportion of the rates payable in respect of the rateable unit as is referable to that dwelling.

(4) Where a rateable unit consists partly of residential accommodation and partly of other accommodation, only such proportion of the rates payable for that rateable unit as is referable to the residential accommodation may be met by a rate rebate.

(5) Where, under regulations 5 and 11, more than one person is eligible for a rate rebate in respect of a dwelling, the rates payable in respect of that dwelling shall be apportioned for the purposes of calculating the eligible rates for each such person having regard to all the circumstances, in particular the number of such persons and the proportion of rates paid by each such person.

(6) Where a person who is not liable to make payments by way of rates is eligible for a rate rebate by reason that he makes such payments as though he were so liable he shall be treated for the purposes of this regulation as though he were so liable.

(7) In this regulation "rateable unit" means a hereditament.

Eligible rent

18.—(1) This regulation is subject to regulation 19 (unsuitable accommodation).

(2) Subject to the following paragraphs, the amount of rent which may be met by a rent rebate or a rent allowance ("eligible rent") for an eligible person in respect of a dwelling is such amount as he is liable to pay less—

(*a*) where the rent includes an amount in respect of—

(i) rates, or

(ii) the provision of board,

the amount fairly attributable to such of those items as are included;

(a) 1975 c. 15 and the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

(*b*) where the rent includes a charge for fuel for—

(i) heating (other than hot water),

(ii) hot water,

(iii) lighting, or

(iv) cooking,

in respect of the dwelling itself (not including any areas of access to the dwelling or other communal areas), an amount, ascertained in accordance with paragraphs 2 to 6 of Schedule 3, in respect of such charges as are included;

(*c*) subject to paragraph (3), where the rent includes a charge for services performed or facilities provided for, or rights made available to, the eligible person and no deduction falls to be made in respect of it under sub-paragraph (*a*) or (*b*), an amount in respect of such services, facilities or rights for which under paragraphs 7 to 9 of Schedule 3 a deduction is to be made, such amount to be ascertained in accordance with those paragraphs of that Schedule;

(*d*) where part of the dwelling is occupied by another person, other than a non-dependant, in consideration of a rent payable to the eligible person, an amount ascertained in accordance with paragraphs 10 and 11 of Schedule 3; and

(*e*) where the eligible person is a grant-aided student and it is not a certificated case, £15·75 a week.

(3) No deduction shall be made under paragraph (2)(*c*) in respect of payments for the use of furniture.

(4) In a certificated case where a rent rebate or a rent allowance is payable in accordance with regulation 4(2) in respect of two dwellings, no deduction shall be made under paragraph (2)(*b*) of this regulation in respect of the dwelling not being occupied by the eligible person.

(5) The deduction referred to in paragraph (2)(*e*) shall be made, as regards a student with an award or grant of a class specified in a paragraph in column 1 of Part II of Schedule 1, only in respect of such period as is specified in the corresponding paragraph in column 2 of that Part.

(6) Where a single payment has been made to a person or his partner under regulation 21A of the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**a**) (rent in advance) the eligible rent for the dwelling in respect of which it was made shall be abated by the amount of the single payment.

(7) Where a rent is registered in respect of a dwelling under Part V of the Rent (Northern Ireland) Order 1978(**b**) and the rent recoverable from a person is limited to the rent so registered, his eligible rent shall not exceed the rent so registered.

(8) Where, under regulations 6, 7 and 11, more than one person is eligible for a rent rebate or rent allowance in respect of a dwelling, the rent and other items referred to in paragraph (2), other than that referred to in sub-paragraph (*e*) thereof, shall be apportioned for the purposes of calculating the eligible rent for each such person having regard to all the circumstances, in particular the number of such persons and the proportion of rent paid by each such person; and the deduction referred to in paragraph (2)(*e*) shall be made in respect of each eligible person who is a grant-aided student.

(**a**) S.R. 1981 No. 369; the relevant amending regulations are S.R. 1983 No. 290

(**b**) S.I. 1978/1050 (N.I. 20); Part V was amended by Article 8(3) of the Housing Benefits (Northern Ireland) Order 1983 (S.I. 1983/1121 (N.I. 14)) and Articles 98 and 105 of, and Part II of Schedule 9 to, the Housing (Northern Ireland) Order 1983 (S.I. 1983/1118 (N.I. 15))

(9) Where a person who is not liable to make payments of rent is eligible for a rent rebate or a rent allowance by reason that he makes such payments as though he were so liable, he shall be treated for the purposes of this regulation as though he were so liable.

Unsuitable accommodation

19.—(1) Subject to paragraphs (2) and (3), where the appropriate authority considers—

(*a*) that an eligible person occupies a dwelling larger than is reasonably required by him and others who also occupy that dwelling, including any non-dependants of his and any person paying rent to him;

(*b*) that, by reason of the location of the eligible person's dwelling the rates, in the case of a rate rebate, payable for his dwelling are unreasonably high by comparison with the rates payable for suitable alternative accommodation; or

(*c*) that the rent, in the case of a rent allowance, payable for an eligible person's dwelling is unreasonably high by comparison with the rent payable in respect of suitable alternative accommodation,

that authority may treat the eligible rates or, as the case may be, eligible rent as being reduced by such amount as it considers appropriate in the circumstances and make the calculations under these regulations by reference to the eligible rates or eligible rent as so reduced.

(2) No reduction shall be made under this regulation where it is not reasonable to expect the eligible person to seek alternative cheaper accommodation, having regard to—

(*a*) the availability of suitable alternative accommodation; and

(*b*) the circumstances of the occupiers of the dwelling including in particular their age, state of health and length of residence in the dwelling, the eligible person's prospects of retaining or obtaining employment and the effect on the education of any dependent children if a change in accommodation were to result in a change of school.

(3) Without prejudice to the operation of paragraph (2), where the appropriate authority is satisfied that the eligible person or a member of his household was able to meet the financial commitments for his dwelling when they were entered into no reduction shall be made under this regulation during the first six months of the eligible person's first benefit period.

(4) In relation to a dwelling occupied with security of tenure, other accommodation shall not be treated as suitable alternative accommodation for the purposes of this regulation unless that accommodation will be occupied on terms which will afford security of tenure reasonably equivalent to that under which that dwelling is occupied.

Deductions for non-dependants

20.—(1) Subject to paragraphs (3) to (13), the deductions to be made in the calculation of rate rebate in respect of non-dependants are for each week—

(*a*) for each person who is neither a relevant student nor in receipt of supplementary benefit—

(i) where he is aged 16 or 17, £1·10,

(ii) where he is aged 18 or more but under pensionable age, £2·60,

(iii) where he is of pensionable age, £1·10;

(*b*) for each person aged 21 or more in receipt of supplementary benefit, £1·10.

(2) Subject to paragraphs (3) to (13), the deductions to be made in the calculation of rent rebate and rent allowance in respect of non-dependants are for each week—

(*a*) for each person who is neither a relevant student nor in receipt of supplementary benefit—

(i) where he is aged 16 or 17, £2·80,

(ii) where he is aged 18 or more but under pensionable age, £7·80,

(iii) where he is of pensionable age, £2·80;

(*b*) for each person aged 21 or more in receipt of supplementary benefit, £2·80.

(3) For the purposes of this regulation a married couple or an unmarried couple shall be treated as one person, and if deductions of different amounts would, but for this paragraph, fall to be made in respect of each one of that couple the deduction to be made shall be the lesser of those amounts; and if a deduction would fall to be made in respect of one of that couple, but not the other, then that deduction shall be made.

(4) For the purposes of this regulation, where a person who is a joint occupier of his dwelling is not eligible for a housing benefit by virtue of regulation 11(3), he shall be treated as a non-dependant in respect of whom a deduction falls to be made in calculating any housing benefit payable to any of the other joint occupiers of that dwelling.

(5) Where more than one person is eligible for a housing benefit in respect of a dwelling and a person is a non-dependant of more than one such eligible person, the deduction for that non-dependant shall be apportioned having regard to all the circumstances, in particular the number of eligible persons and the proportion of rates or, as the case may be, rent paid by each such person.

(6) Where—

(*a*) except in a certificated case, the appropriate authority is satisfied that the eligible person or his partner is blind;

(*b*) in a certificated case, the appropriate authority is notified by the Department that for the purposes of determining entitlement to qualifying supplementary benefit, the eligible person or his partner is blind,

no deduction shall be made in respect of any non-dependant of that person.

(7) Where in a certificated case the appropriate authority is notified by the Department that for the purposes of determining entitlement to qualifying supplementary benefit a non-dependant of the eligible person is giving residential assistance in respect of which an amount is applicable under paragraph 14(1) of column (2) of Schedule 3 to the Requirements Regulations (additional requirements, domestic assistance) or would be applicable—

(*a*) but for the application of regulation 13(3) of those regulations (trade dispute); or

(*b*) were it not that the assistance given by the non-dependant is provided for by a Health and Social Services Board,

no deduction shall be made in respect of that non-dependant.

(8) Where, in a case other than a certificated case, the eligible person or his partner is a handicapped person and a non-dependant of the eligible person provides assistance with domestic tasks which neither the eligible person nor his partner is able to perform, no deduction shall be made in respect of that non-dependant unless that non-dependant is a parent, son, daughter, step-son, step-daughter, brother or sister of the eligible person or his partner.

(9) No deduction shall be made in respect of a non-dependant who is in receipt of a training allowance paid by the Department of Economic Development in connection with a Youth Training Programme established under section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**a**).

(**a**) 1950 c. 29 (N.I.)

(10) No deduction shall be made in respect of a non-dependant who is a member of the eligible person's household but whose normal home is considered by the appropriate authority to be elsewhere than the eligible person's dwelling.

(11) Subject to a determination under regulation 21 a non-dependant in respect of whom a deduction is to be made who is not a person aged 21 or more in receipt of supplementary benefit shall be treated for the purposes of paragraphs (1) and (2) as though he were such a person for each week in respect of which he has income consisting only of one or more of the following benefits—

(*a*) unemployment benefit under section 14 of the Social Security (Northern Ireland) Act 1975(**a**);

(*b*) sickness benefit under section 14 of that Act(**a**);

(*c*) maternity allowance under section 22 of that Act(**b**);

(*d*) child benefit under the Child Benefit (Northern Ireland) Order 1975(**c**).

(12) No deduction shall be made in respect of a non-dependant for any period before the terminal date within the meaning of regulation 7 of the Child Benefit (General) Regulations (Northern Ireland) 1979(**d**).

(13) No deduction shall be made in respect of a non-dependant aged 16 or 17 who is in receipt of a severe disablement allowance under section 36 of the Social Security (Northern Ireland) Act 1975(**e**).

(14) In this regulation—

(*a*) "relevant student" means a person who is receiving full-time education at an educational establishment and whose requirements are provided for, in whole or in part, by the eligible person;

(*b*) "blind" in paragraph (6)(*a*) means so blind as to be unable to perform any work for which eyesight is essential;

(*c*) "handicapped person" in paragraph (8) has the meaning assigned to it by regulation 15(4).

Lesser deductions for non-dependants in certain cases

21.—(1) Where a non-dependant of a claimant for a housing benefit in respect of whom a deduction falls to be made under regulation 20 (deductions for non-dependants) fulfils the specified conditions and the claimant has furnished the appropriate authority with the necessary information, the authority shall, subject to paragraph (2), determine that the deduction in respect of that non-dependant shall be a lesser deduction.

(2) Where a claimant fails to furnish any necessary information within six weeks of being requested in writing to do so by the appropriate authority, the authority shall be under no duty to make a determination in accordance with paragraph (1).

(3) Subject to regulations 27 and 28 (duration of benefit period) a lesser deduction shall be made so as to take effect from the week in which the non-dependant in respect of whom the deduction falls to be made first fulfilled the necessary

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(**a**) 1975 c. 15; section 14 was amended by Articles 20 and 74(1) of, and paragraph 21 of Schedule 5 to, the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), Article 16 of, and paragraph 5 of Schedule 3 to, the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and Articles 32(3) and 38 of, and paragraph 5 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))

(**b**) Section 22(4) was repealed by Article 7(6) of, and the Schedule to, the Social Security (No. 2) (Northern Ireland) Order 1980 (S.I. 1980/1087 (N.I. 13))

(**c**) S.I. 1975/1504 (N.I. 16)

(**d**) S.R. 1979 No. 5; the relevant amending regulations are S.R. 1980 No. 261 and S.R. 1982 No. 114

(**e**) Section 36 was substituted by Article 5 of the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8))

conditions and shall continue to be made until such time as he ceases to fulfil the condition as to income specified in regulation 20(11).

(4) In this regulation—

"lesser deduction" means a deduction under regulation 20 in accordance with paragraph (11) of that regulation in the calculation of a housing benefit;

"necessary information" means—

(*a*) a statement signed by the non-dependant in respect of whom the question of a lesser deduction arises to the effect that he fulfils the specified conditions, and

(*b*) such other information and evidence as the appropriate authority may reasonably require for the purposes of making the determination;

"specified conditions" means, in relation to a non-dependant, both of the following conditions—

(*a*) the condition as to income specified in regulation 20(11), and

(*b*) that, for a period of not less than fifty-six consecutive days, each day was a day—

(i) in respect of which he was in receipt of a benefit specified in sub-paragraphs (*a*) to (*c*) of regulation 20(11) or would have been entitled to any such benefit but for section 14(3) of the Social Security (Northern Ireland) Act 1975 (first three days) or section 17(1)(*e*) of that Act (Sundays and certain other days), or

(ii) which, for the purposes of Part II of the Social Security (Northern Ireland) Order 1982(**a**) (statutory sick pay) was a day of incapacity for work in relation to his contract of service (and, if more than one, to each such contract) and fell within a period of entitlement to statutory sick pay.

Calculation of benefit

22.—(1) Subject to regulations 23 to 25 and Schedule 4, the weekly amount of a housing benefit to which an eligible person is entitled is ascertained by means of the calculation set out in this regulation.

(2) There shall be taken a figure of—

(*a*) in the case of a rate rebate, 60% of the weekly eligible rates;

(*b*) in the case of a rent rebate or rent allowance, 60% of the weekly eligible rent,

and deducted from that figure such amounts in respect of non-dependants as are required to be deducted under regulation 20; and the figure resulting from this calculation (whether positive or negative) is referred to in this regulation as £x.

(3) The weekly income of the eligible person and any partner of his (ascertained under regulation 16) shall be compared with the needs allowance applicable to his case (in this regulation referred to as the "relevant needs allowance").

(4) If the weekly income of the eligible person and any partner of his is equal to the relevant needs allowance, the weekly amount of rebate or allowance to which he is entitled is £x.

(5) If the weekly income of the eligible person and any partner of his exceeds the relevent needs allowance, the weekly amount of rebate or allowance to which he is entitled is—

(*a*) in the case of a rate rebate, £x minus 13% of the amount by which that weekly income exceeds the relevant needs allowance;

(*b*) in the case of a rent rebate or rent allowance, £x minus 29% of the amount by which that weekly income exceeds the relevant needs allowance.

(**a**) S.I. 1982/1084 (N.I. 16)

(6) If the weekly income of the eligible person and any partner of his is less than the relevant needs allowance, the weekly amount of rebate or allowance to which he is entitled is—

(*a*) where either the eligible person or his partner is of pensionable age—
(i) in the case of a rate rebate, £x plus 20% of the amount by which that weekly income is less than the relevant needs allowance,
(ii) in the case of a rent rebate or rent allowance, £x plus 50% of the amount by which that weekly income is less than the relevant needs allowance;

(*b*) where neither the eligible person nor his partner is of pensionable age—
(i) in the case of a rate rebate, £x plus 8% of the amount by which that weekly income is less than the relevant needs allowance,
(ii) in the case of a rent rebate or rent allowance, £x plus25% of the amount by which that weekly income is less than the relevant needs allowance.

(7) Where a person has a rent-free period—

(*a*) the amount of rent rebate or rent allowance to which he is entitled; and

(*b*) if sums by way of rates are payable together with his rent, the amount of rate rebate to which he is entitled,

is the amount ascertained under the preceding paragraphs multiplied by 52 or 53 (being that by which the rent is divided under regulation 14(2)) and divided by the number of weeks in a year for which rent is payable.

(8) Amounts of rebate or allowance shall be calculated to the nearest penny by disregarding an amount of less than half a penny and by treating an amount of half a penny or more as a whole penny.

(9) In a case to which Schedule 4 (areas of high rent) applies this regulation shall have effect subject to the modifications specified in that Schedule.

Minimum and maximum amounts of benefit

23.—(1) If the weekly amount of a housing benefit calculated in accordance with the other provisions of these regulations would be less than the appropriate minimum, it shall not be granted.

(2) In paragraph (1), "appropriate minimum" means—

(*a*) in a certificated case, a case in which the eligible person has claimed and is entitled to supplementary benefit for the purposes of ascertaining which an amount is applicable under regulation 19A of the Requirements Regulations (housing benefit supplement) or a case in which the weekly income of the eligible person and any partner of his is less than the amount of the needs allowance applicable to his case—
(i) for the purposes of a rate rebate, 10 pence per week, and
(ii) for the purposes of a rent rebate or rent allowance, 20 pence per week;

(*b*) in any other case, for the purpose of a rate rebate, rent rebate or rent allowance, 50 pence per week.

(3) If the amount of an eligible person's housing benefit calculated in accordance with the other provisions of these regulations would exceed the relevant amount, any excess over the relevant amount shall not be granted.

(4) In paragraph (3), "relevant amount" means—

(*a*) in the case of a rate rebate, an amount equal to the eligible person's eligible rates less any deductions required to be made under regulation 20 in respect of non-dependants;

(*b*) in the case of a rent rebate or rent allowance, an amount equal to the eligible person's eligible rent less any such deductions.

Amount of benefit for certain persons in receipt of supplementary benefit

24.—(1) Where the appropriate authority is furnished with a certificate issued by the Department under regulation 9(1) (entitlement to qualifying supplementary benefit) in respect of a person, then, notwithstanding anything in regulations 13, 15, 16 or 22—

(*a*) the appropriate authority shall assess the weekly amount of housing benefit to which that person is entitled as being, subject to paragraphs (2) to (4), an amount equal—

(i) in the case of a rate rebate to his weekly eligible rates,

(ii) in the case of a rent rebate or rent allowance to his weekly eligible rent,

less, in each case, any deductions for non-dependants as provided for by regulation 20; and

(*b*) where that person is not the only occupier of the dwelling and the certificate states the proportion of rates or, as the case may be, rent for which he is to be regarded as responsible, the appropriate authority shall, for the purposes only of calculating the eligible rates of that person, or his eligible rent, apportion the rates or rent for the dwelling in accordance with that certificate;

and the following paragraphs shall have effect.

(2) Where a person has a rent-free period—

(*a*) the amount of rent rebate or rent allowance to which he is entitled; and

(*b*) if sums by way of rates are payable together with his rent, the amount of rate rebate to which he is entitled,

is the amount assessed under paragraph (1) multiplied by 52 or 53 (being that by which the rent is divided under regulation 14(2)) and divided by the number of weeks in a year for which rent is payable.

(3) Where a certificate has been issued in respect of a person for the purposes of both a rate rebate and a rent rebate or a rent allowance, and for the purposes of calculating his rent rebate or rent allowance—

(*a*) a deduction falls to be made under regulation 18(2)(*d*) (rent payable to the eligible person); and

(*b*) that deduction exceeds the amount which would be his eligible rent apart from that deduction,

his rate rebate shall be reduced by an amount equal to that excess.

(4) Where a certificate has been issued in respect of an eligible person for the purposes of a rate rebate but not for the purposes of a rent rebate or a rent allowance and that eligible person receives rent from another person, other than a non-dependant, occupying his dwelling, the amount of that eligible person's rate rebate shall be reduced by the amount of that rent which shall be calculated in accordance with paragraphs 10 and 11 of Schedule 3 as though it were being calculated for the purposes of a rent rebate or a rent allowance.

Disentitlement to rent allowance and rate rebate

25.—(1) A person shall not be entitled to a rent allowance or, as the case may be, a rate rebate where it appears to the appropriate authority that the tenancy or other agreement to pay rent or, as the case may be, to make payments by way of rates was created to take advantage of the rent allowance scheme, or insofar as the tenancy or other agreement relates to payments by way of rates, the rate rebate scheme, so however that this provision shall not apply to a person who was, for any period within the eight weeks prior to the creation of the tenancy or other agreement to pay rent or, as the case may be, to make payments by way of rates, otherwise liable to pay rent in respect of the same dwelling.

(2) A person shall not be entitled to a rent allowance or, as the case may be, a rate rebate where—

(*a*) he resides with the person to whom he is liable to pay rent or, as the case may be, to make payments by way of rates in respect of the dwelling; and

(*b*) either that person is a close relative or the tenancy or other agreement between them is other than on a commercial basis.

(3) For the purposes of paragraph (2), "close relative" means a parent, son, daughter, step-parent, step-son, step-daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother, sister, brother-in-law or sister-in-law.

Benefit by reference to another person's income

26.—(1) If a non-dependant of the eligible person appears to the appropriate authority to have a higher income than the eligible person, and the appropriate authority has grounds for considering that in the special circumstances of the case it would be reasonable to make its calculations under these regulations by reference to the income of that non-dependant and not that of the eligible person, that authority may, except in a certificated case, determine to make its calculations as though that non-dependant were the eligible person and grant such housing benefit (if any) as ought to be granted on that basis.

(2) Where an authority exercises the power conferred by paragraph (1) in relation to a housing benefit, the eligible person shall be treated as a non-dependant for the purposes of calculating that benefit and references in these regulations to the "eligible person" shall, except in this regulation, regulation 22(1) and paragraph 3 of Schedule 4, be treated as references to the person treated as such under paragraph (1).

PART IV

BENEFIT PERIOD

Beginning of benefit period

27.—(1) Subject to paragraphs (2) to (7), a person's benefit period shall begin—

(*a*) except in a certificated case, on the date on which his claim for that benefit was received by the appropriate authority;

(*b*) in a certificated case, on the date specified in the certificate as being that on which the qualifying supplementary benefit in respect of which it was issued became payable.

(2) The appropriate authority may, except in a certificated case—

(*a*) having regard to the day of the week upon which the eligible person is liable to make payments in respect of which the benefit is granted, allow his benefit period to begin on a date which is six days or less earlier than the date of receipt of the claim; or

(*b*) if in its opinion the circumstances are exceptional, allow the benefit period to begin on a date which is twelve months or less earlier than the date of receipt of the claim.

(3) Where the appropriate authority exercises its powers under paragraph (2) in relation to a person, the amount of housing benefit granted in respect of any period before that person's claim was received shall not exceed the amount to which he would have been entitled if his claim had been received on the date from which the benefit period is allowed to begin.

(4) Where in a certificated case the eligible person was entitled to supplementary benefit for a period including the day before the date referred to in paragraph (1)(*b*),

the appropriate authority may allow his benefit period to begin on a date which is six days or less earlier than that referred to in paragraph (1)(*b*).

(5) Where—

(*a*) a person or his partner has made a claim in accordance with regulation 3 of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(**a**) for qualifying supplementary benefit;

(*b*) that person or his partner has received notice of a determination that there is no entitlement to qualifying supplementary benefit otherwise than by virtue of regulation 9(1)(*b*) or (*c*) of the Supplementary Benefit (Conditions of Entitlement) Regulations (Northern Ireland) 1981(**b**) (persons who have been engaged in remunerative full-time work treated as still so engaged for a limited period); and

(*c*) that person or his partner has made a claim for housing benefit within one month of receipt of that notice,

the benefit period shall begin on the date of claim for qualifying supplementary benefit, and paragraphs (2) and (3) shall apply as though for the references to date of receipt of the claim for housing benefit there were substituted references to the date of claim for qualifying supplementary benefit.

(6) Where a person to whom a housing benefit has been granted makes a further claim for the same benefit within one month after the expiry or termination of his current benefit period, the benefit period, as regards any grant of that housing benefit made following that claim, shall begin immediately after the end of the former period.

(7) Where a person is not eligible for a housing benefit on the date of his claim, the references in this regulation to the date of receipt of his claim and in paragraph (5) to the date of claim shall be treated as references to the date thereafter on which he becomes eligible for that benefit, except that where a person becomes eligible for a housing benefit on fulfilment of the condition specified in regulation 10 (fourteen days occupancy) he shall be treated as having been so eligible on the date of receipt of his claim for that benefit.

End of benefit period

28.—(1) Subject to paragraph (5) and to regulations 33(1)(*a*) and 34(1)(*a*), a person's benefit period shall end on such a date as may be determined by the appropriate authority in accordance with paragraphs (2) and (3).

(2) Where at the time of his claim a person is of pensionable age or in receipt of any of the benefits specified in paragraph (4) in the circumstances, if any, there specified in relation to that benefit, his benefit period shall end—

(*a*) if the date of notification falls during October or November in any year, not later than fourteen months after that date; and

(*b*) if the date of notification falls during any other month, not later than twelve months after that date.

(3) In a case not within paragraph (2), the benefit period shall end—

(*a*) if the date of notification falls during March or April in any year, not later than nine months after that date; and

(*b*) if the date of notification falls during any other month, not later than seven months after that date.

(4) The benefits referred to in paragraph (2) are—

(*a*) war disablement pension;

(**a**) S.R. 1981 No. 368; the relevant amending regulations are S.R. 1982 No. 240 and S.R. 1983 No. 191

(**b**) S.R. 1981 No. 371; the relevant amending regulations are S.R. 1984 No. 120

(*b*) industrial disablement pension;

(*c*) invalidity pension or allowance under the Social Security (Northern Ireland) Act 1975;

(*d*) old cases allowance;

(*e*) any weekly payments under section 76 of the Social Security (Northern Ireland) Act 1975 (benefit in respect of certain industrial diseases and injuries);

(*f*) widow's pension under section 26 of the Social Security (Northern Ireland) Act 1975(**a**), but only where the claimant is unemployed and in the opinion of the appropriate authority her circumstances (including her lack of employment) are unlikely to change within twelve months of the date of the claim.

(5) Notwithstanding the preceding paragraphs, in a certificated case a person's benefit period shall end on such a date as is notified to the appropriate authority by the Department as being the date on which the certificate issued under regulation 9(1) is cancelled on the grounds that that person is not, or is no longer, entitled to qualifying supplementary benefit or, in a case to which paragraph (4) of regulation 9 applies, the date so notified as being that on which either of the events specified in sub-paragraph (*a*) or (*b*) of that paragraph has occurred.

(6) The appropriate authority shall invite a person to make a further claim for housing benefit—

(*a*) in a certificated case where his benefit period ends under paragraph (5);

(*b*) in any other case in which the benefit period exceeds four months, within two months before that period is due to expire.

(7) In paragraphs (2) and (3) "date of notification" means, in relation to the grant of a housing benefit to a person, the date on which he was notified by the appropriate authority of the determination to grant him that benefit.

Days of entitlement to housing benefits

29.—(1) The appropriate authority shall determine the day of the week (in these regulations referred to as the "benefit day") upon which an eligible person's entitlement to a housing benefit shall accrue in a benefit period, which may be any such day that it considers appropriate in the circumstances.

(2) Subject to paragraphs (3) and (4) a person shall be entitled to a weekly amount of a housing benefit on the first benefit day in a benefit period and to a weekly amount of that benefit on each subsequent benefit day within that period.

(3) There shall be no entitlement to any amount of rent rebate or rent allowance on a benefit day which falls within a rent-free period.

(4) In a case where sums by way of rates are payable together with rent, there shall be no entitlement to any amount of rate rebate on a benefit day which falls within a rent-free period.

PART V

CLAIMS AND CHANGES OF CIRCUMSTANCES

Claims

30.—(1) Except as provided by paragraph (2) a claim for a housing benefit in respect of a dwelling shall be made in writing to the appropriate authority.

(**a**) 1975 c. 15; section 26 was amended by Article 74(1) of, and paragraph 24 of Schedule 5 to, the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and Article 18(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11))

(2) Where a certificate has been issued under regulation 9(1) and given or sent to the appropriate authority the person in respect of whom it has been issued shall be treated as having made a claim to that authority for a housing benefit and references in this Part to claim and claimant shall be read accordingly.

(3) A person to whom a housing benefit has been granted may make a claim of the appropriate authority for a further grant of that benefit to take effect immediately after the end of his current benefit period and, subject to regulations 27(6) and 31(8), the provisions of these regulations shall apply on such a claim as they apply on a first claim.

Procedure following a claim

31.—(1) When the appropriate authority receives a claim for a housing benefit it shall, subject to paragraph (4)—

(*a*) except in a certificated case, determine whether the claimant is eligible for that benefit and, if so, any amount to which he is entitled, his benefit day and the duration of the benefit period;

(*b*) in a certificated case (notwithstanding anything in regulations 5 to 7) treat the claimant as eligible for that benefit, calculate the amount of his eligible rates or, as the case may be, eligible rent, determine his benefit day and make a determination to grant him benefit ascertained under regulation 24.

(2) For the purposes of determining a claim, the appropriate authority shall request the claimant in writing to furnish such information and such evidence as it may reasonably require relating to any of the following matters—

(*a*) the amount of payments by way of rates or of rent liable to be made by the claimant or by other occupiers of the dwelling to which the claim relates;

(*b*) income which consists of rent payable to the claimant or to any partner of his;

(*c*) the number and identity of other occupiers of the dwelling;

(*d*) any necessary information within the meaning of regulation 21 (lesser deductions for certain non-dependants);

(*e*) for the purposes of a rent allowance, the interest which the claimant has in the dwelling;

(*f*) except in a certificated case—

(i) the income of the claimant and of any partner of his (other than income referred to in sub-paragraph (*b*)),

(ii) the capital on which the claimant receives interest;

except that the appropriate authority need not make such a request where the information and the evidence which it requires for the purposes of determining the claim has been furnished with the claim, or is otherwise in its possession.

(3) A request made under paragraph (2) shall include a notice to the claimant which—

(*a*) informs him of his duty under regulation 32 to notify the appropriate authority of changes of circumstances; and

(*b*) (without prejudice to the extent of that duty) indicates to him the kinds of change of circumstances which are to be notified;

and where no such request is made, such a notice shall be given as soon as is reasonably practicable after receipt of the claim by the appropriate authority.

(4) An authority shall be under no duty to determine a claim unless it is satisfied that the claimant has furnished all such information and evidence as it reasonably requires, and which it has requested, for the purposes of determining that claim.

(5) An authority shall determine a claim within fourteen days of being furnished with such information and evidence as it reasonably requires for the purposes of

determining that claim, or, if that is not reasonably practicable, as soon as possible thereafter.

(6) A claim may be withdrawn at any time, and if a claim is withdrawn the appropriate authority shall upon the withdrawal cease to be under any duty to make a determination on it, or to take any further steps in relation to it.

(7) Where, following a request for information under paragraph (2) in a case other than a certificated case, the claimant fails to furnish that information within six weeks of being requested to do so, the appropriate authority may, unless it considers that such failure was reasonable in all the circumstances, treat the claim as having been withdrawn.

(8) A claim under regulation 30(3) (benefit to take effect from end of current period) need not be entertained if it is made more than two months before the end of the current benefit period.

Duty to notify changes of circumstances

32.—(1) Subject to paragraph (2), if at any time between the making of a claim and its determination, or during the benefit period, there is a change of circumstances such that a person may reasonably be expected to know that it may affect his eligibility for housing benefit or the amount to which he is entitled, it shall be the duty of that person to notify the appropriate authority of that change, unless that change relates to either—

(*a*) the amount of rent and rates payable to the Executive, or

(*b*) the amount of rates payable to the Department of the Environment.

(2) The duty imposed on a person by paragraph (1) shall extend, in a certificated case, only to—

(*a*) a change in the amount of rent or sums by way of rates payable by him (other than such changes as are specified in paragraph (1)(*a*) and (*b*));

(*b*) a change in the number of non-dependants or persons who pay rent to him and occupy his dwelling where, in each case, the change occurs after the date on which he is notified by the Department that he is entitled to qualifying supplementary benefit;

(*c*) a change in any amount of rent or sums by way of rates payable to him;

(*d*) cessation of his receipt of qualifying supplementary benefit;

(*e*) where a deduction is being made in respect of a non-dependant of his in accordance with regulation 20(11), or he has applied for such a deduction to be made, a change affecting the amount of that deduction,

but without prejudice to any requirements imposed by or under the Supplementary Benefits (Northern Ireland) Order 1977(**a**) as to notification of any change of circumstances(**b**).

(3) In a certificated case a person shall notify the Department of any change in the number of non-dependants in his household which occurs on or before the date referred to in paragraph (2)(*b*).

Changes leading to lesser amounts of benefit

33.—(1) If during a benefit period the appropriate authority considers, whether or not following a notification of a change of circumstances under regulation 32, that

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(**a**) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(**b**) See in particular regulation 8 of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981 (S.R. 1981 No. 368), which was amended by S.R. 1982 No. 295, S.R. 1983 No. 290 and S.R. 1984 No. 174

there has been a change of circumstances which will affect a beneficiary's eligibility for a housing benefit or reduce the amount to which he is entitled, that authority shall determine, according to the circumstances—

(*a*) in a case other than a certificated case, either—

(i) that the benefit period shall terminate on a date earlier than that on which it would otherwise terminate, or

(ii) that the amount of the housing benefit shall be altered in accordance with paragraph (2);

(*b*) in a certificated case, that the amount of the housing benefit ascertained under regulation 24 shall be altered with effect from the benefit day within the period beginning with the sixth day before, and ending with the sixth day after, the change of circumstances occurred.

(2) The alteration referred to in paragraph (1)(*a*)(ii) shall be made so as to take effect—

(*a*) where the change of circumstances is a change in income, other than income by way of rent, from such time and for such period as the appropriate authority considers appropriate to reflect that change;

(*b*) in any other case, from the benefit day within the period beginning with the sixth day before, and ending with the sixth day after, the change of circumstances occurred.

(3) If the appropriate authority determines under paragraph (1)(*a*) that a person's benefit period ought to terminate, and it considers that he may nevertheless be entitled to an amount of benefit, it shall invite that person to make a further claim for benefit.

Changes leading to greater amounts of benefit

34.—(1) If during a benefit period the appropriate authority considers, whether or not following a notification of a change of circumstances under regulation 32, that there has been a change of circumstances which might entitle a beneficiary to a greater amount of a housing benefit, that authority, if it is of the opinion, after obtaining and considering such information and evidence as it requires, that that person is entitled to a greater amount of the housing benefit, shall determine, according to the circumstances—

(*a*) in a case other than a certificated case, either—

(i) that the benefit period shall terminate on a date earlier than that on which it would otherwise terminate, or

(ii) that the amount of the housing benefit shall be increased in accordance with paragraph (2);

(*b*) in a certificated case, that the amount of the housing benefit ascertained under regulation 24 shall be increased with effect from the benefit day within the period beginning with the sixth day before, and ending with the sixth day after, the change of circumstances occurred.

(2) The increase referred to in paragraph (1)(*a*)(ii) shall be made so as to take effect—

(*a*) where the change of circumstances is a change in income, other than income by way of rent, from such time and for such period as the appropriate authority considers appropriate to reflect that change;

(*b*) in any other case, from the benefit day within the period beginning with the sixth day before, and ending with the sixth day after, the change of circumstances occurred.

(3) If the appropriate authority determines under paragraph (1)(*a*) that a person's benefit period ought to terminate, it shall invite that person to make a further claim for benefit.

Changes in rates and Executive rents

35. If there is such an alteration in the rates payable to the Department of the Environment as to affect the amount of rate rebate to which a beneficiary is entitled, or in the rent and rates payable to the Executive as to affect the amount of rent rebate and rate rebate to which a beneficiary is entitled, the appropriate authority shall make such alterations to the amount of rate rebate, or, as the case may be, rent rebate as are necessary to reflect the alteration in rates or rent, and any such alterations shall take effect from the week in which the rates were, or rent was, altered.

Changes in regulations

36. If an amendment is made to these regulations such as to affect the amount of any housing benefit to which a beneficiary is entitled, the appropriate authority shall make such alteration to the amount of that benefit as is necessary as a consequence of that amendment; and it shall make any such alteration with effect from the benefit day first occurring on or after the date on which that amendment comes into operation.

Disregard of small amounts

37. Except in a certificated case, the Department of the Environment need not make any alteration under regulations 33, 34, 35 or 36 if the amount of the alteration would be 20 pence or less, and except in such a case the Executive need not make any such alteration if its amount would be 40 pence or less in the case of a rent rebate or rent allowance, or 20 pence in the case of a rate rebate.

PART VI

PAYMENT

Time and manner of payment

38.—(1) Subject to paragraph (2) and to regulations 39, 40, 41 and 43, the Executive or the Department of the Environment may pay housing benefit to which a beneficiary is entitled under these regulations at such time and in such manner as it thinks fit and may in particular—

(*a*) have regard to the times at which, and the frequency with which, a beneficiary's liability to make payments by way of rates or rent arises; and

(*b*) where a beneficiary's weekly entitlement to a housing benefit is less than 50 pence, pay that benefit at half yearly intervals.

(2) In paying any housing benefit the Executive or the Department of the Environment shall have regard to the reasonable needs and convenience of the beneficiary.

Interim payments of rent allowance

39.—(1) Where, in a certificated case, the Executive is unable to determine the amount of a person's rent allowance within fourteen days of the receipt by it of the certificate issued under regulation 9(1), it shall, unless no information has been provided to it regarding the rent payable by that person, make interim payments of rent allowance of such amount as appears to it to be reasonable in the circumstances, taking into account such information as may at that time be available regarding that person's eligible rent.

(2) Where, except in a certificated case, the Executive is unable to determine the amount of a person's rent allowance in accordance with regulation 31(5) solely because it has insufficient information about the rent payable by that person and further information, or verification of information or evidence already furnished, is being sought, it shall, unless no information has been provided to it regarding the rent

payable, and provided that it would be reasonable in the circumstances to do so, make interim payments of such amount as appears to it to be reasonable taking into account such information as may at that time be available regarding that person's eligible rent.

(3) Where there is a difference between the amount paid to a person under paragraph (1) or (2), as the case may be, and the amount found to be payable on the subsequent determination of the amount of his rent allowance, future payments of rent allowance shall be increased or reduced to take account of any underpayment or, as the case may be, overpayment.

Prompt first payment

40. In addition to the duty under regulation 31(5), the appropriate authority shall make the first payment of such housing benefit as is granted by it—

(*a*) except in a certificated case, within fourteen days of being furnished with such information and evidence as it reasonably requires for the purposes of determining the claim; and

(*b*) in a certificated case, within fourteen days of receipt by it of the certificate issued under regulation 9(1);

or, if that is not reasonably practicable, as soon as possible thereafter.

Frequency of payments of rent allowance

41.—(1) Subject to paragraphs (3) and (4), any rent allowance, other than a payment which is made in accordance with regulation 38(1)(*b*), 39 or 40—

(*a*) shall be paid at intervals of one month, four weeks or two weeks; or

(*b*) may be paid at intervals greater than one month if a beneficiary consents to or has requested payment of his rent allowance at that frequency.

(2) A payment of rent allowance pursuant to paragraph (1) shall be made at a time which is, so nearly as is reasonably practicable, two weeks before the end of the period in respect of which it is made, except that where the beneficiary pays rent in arrears the payment may be made at the end of that period.

(3) Where a beneficiary whose weekly entitlement to a rent allowance exceeds one quarter of his eligible rent requires the Executive to pay his rent allowance at fortnightly intervals, that allowance shall be so paid.

(4) The Executive may pay a beneficiary's rent allowance at weekly intervals where either—

(*a*) it considers that unless his rent allowance is paid weekly an overpayment is likely to result; or

(*b*) he is liable to pay rent weekly and it considers that it is in his overriding interests that his rent allowance should be paid weekly.

Withholding of payment

42.—(1) The Executive may withhold any payment of rent allowance where it is satisfied on reasonable grounds that the beneficiary is not paying regularly the rent to which that allowance relates.

(2) The Executive may, in a case where the beneficiary is liable to make payments by way of rates otherwise than to the Department of the Environment, withhold any payment of rate rebate where it is satisfied on reasonable grounds that the beneficiary is not making regularly the payments by way of rates to which that rebate relates.

(3) A payment withheld under paragraph (1) or (2) shall be made at a later time if the Executive is satisfied that the liability to which it relates will thereupon be discharged.

(4) Where the Executive receives notification under regulation 32 which indicates that a person may no longer be in receipt of qualifying supplementary benefit it shall withhold payment of his housing benefit pending receipt of a notice of cancellation given by the Department under regulation 9(3), or receipt of confirmation from the Department that that person is still in receipt of qualifying supplementary benefit; and in either case payment shall be made at a later time of any amount to which that person is found subsequently to be entitled.

Persons to whom benefit may or shall be paid

43.—(1) Except as provided by paragraphs (2) and (3), neither rent allowance nor, in a case where payments by way of rates are to be made otherwise than to the Department of the Environment, rate rebate shall be paid to a person other than the beneficiary.

(2) A payment of rent allowance or rate rebate direct to a landlord or other person to whom rent is or sums by way of rates are payable—

(*a*) may be made where the beneficiary consents in writing to or has requested in writing such direct payment;

(*b*) may be made where the beneficiary is at least six weeks in arrears with his rent; and

(*c*) shall be made where the appropriate authority has been notified by or on behalf of the Department that pursuant to regulation 15A(2) of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981(**a**) a weekly amount of the beneficiary's supplementary benefit is being paid to his landlord for rent arrears.

(3) Where a person is for the time being appointed—

(*a*) pursuant to regulations made under section 81(4) of the Social Security (Northern Ireland) Act 1975(**b**) to receive sums payable under that Act to another person; or

(*b*) pursuant to regulations made under Article 19(2) of the Supplementary Benefits (Northern Ireland) Order 1977(**c**) to receive sums payable under that Order to another person,

the appropriate authority may pay any housing benefit to which that other person is entitled to the person so appointed if the person so appointed so requests.

PART VII

RECOVERY OF OVERPAYMENTS

Meaning of overpayment

44. In this Part "overpayment" means any amount of a housing benefit which has been paid but to which there was not entitlement under these regulations, including any excess of rebate and including any amount which was not due by reason that a certificate should not have been issued under regulation 9(1), or should have been cancelled under regulation 9(3).

(**a**) S.R. 1981 No. 368; the relevant amending regulations are S.R. 1983 No. 290

(**b**) 1975 c. 15; *see* regulation 28 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 (S.R. 1977 No. 351) which was amended by S.R. 1980 No. 385

(**c**) S.I. 1977/2156 (N.I. 27); Article 19(2) was amended by Article 7 of, and paragraph 13 of Schedule 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), Article 38 of, and paragraph 14 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)) and Article 6 of, and Schedule 3 to, the Social Security Adjudications (Northern Ireland) Order 1983/1524 (N.I. 17). *See also* regulation 26 of the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981 (S.R. 1981 No. 368)

Restriction on recovery

45.—(1) Subject to paragraph (2), an overpayment shall be recoverable only if it was made as a result of either—

(*a*) a misrepresentation (whether fraudulent or otherwise) made by any person as to a material fact; or

(*b*) a failure by any person to disclose a material fact.

(2) Notwithstanding paragraph (1) an overpayment shall be recoverable to the extent that it arises because—

(*a*) an amount is paid to a person before the benefit day on which entitlement to that amount accrues; and

(*b*) (i) his benefit period ends before that benefit day, or
(ii) there is a change of circumstances between the date on which that amount is paid and that benefit day such as to reduce his entitlement on that day.

Recovery by authorities

46.—(1) The appropriate authority may recover an overpayment made by it where the overpayment is recoverable by virtue of paragraph (2) of regulation 45 or—

(*a*) in a case other than a certificated case, where the overpayment results from a misrepresentation (whether fraudulent or otherwise) of or failure to disclose any material fact relating to or affecting—
(i) income,
(ii) eligible rates,
(iii) eligible rent, or
(iv) non-dependants; and

(*b*) in a certificated case, where the overpayment results from a misrepresentation (whether fraudulent or otherwise) of or failure to disclose any material fact relating to or affecting—
(i) eligible rates,
(ii) eligible rent, or
(iii) non-dependants.

(2) Without prejudice to any other method of recovery, the appropriate authority may recover any overpayment referred to in paragraph (1) from the person to whom it was made by deduction from any of the following benefits payable to that person—

(*a*) rate rebate;

(*b*) rent rebate; or

(*c*) rent allowance.

Recovery by the Department

47.—(1) In a certificated case the Department may recover any overpayment to the extent that it is not recoverable by the appropriate authority under regulation 46.

(2) Without prejudice to any other method of recovery, the Department may recover an overpayment referred to in paragraph (1) from the person to whom it was made by deduction from any of the following benefits payable to that person—

(*a*) any benefit under the Social Security (Northern Ireland) Act 1975(**a**) (including graduated retirement benefit) except maternity or death grant;

(*b*) old cases allowance;

(*c*) family income supplement under the Family Income Supplements Act (Northern Ireland) 1971(**b**);

(**a**) 1975 c. 15
(**b**) 1971 c. 8 (N.I.)

(*d*) any payment of benefit under the legislation of any member State other than the United Kingdom concerning the branches of social security mentioned in Article 4(1) of Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons and their families moving within the Community(**a**), whether or not the benefit has been acquired by virtue of the provisions of that Regulation; or

(*e*) supplementary benefit.

(3) The appropriate authority shall supply the Department with such information in its possession as the Department may require for the purposes of recovering any overpayment recoverable by the Department under this regulation.

(4) Where an overpayment is recoverable by the Department it may require the appropriate authority to take steps to recover that sum on its behalf, whether by deduction from any of the benefits specified in regulation 46(2) or otherwise.

PART VIII

DETERMINATIONS AND REPRESENTATIONS

Determinations

48. Any matter which falls to be determined under these regulations shall, except to the extent that these regulations provide otherwise, be determined in the first instance by the appropriate authority in accordance with this Part.

Notification of determinations

49.—(1) The appropriate authority shall notify a person in writing of every determination which it makes under these regulations in relation to him and every notification of such a determination shall include a notice explaining the right to make representations under regulation 50.

(2) Every notification of a determination which affects a person's entitlement to a housing benefit or the amount of his benefit shall include a notice to the effect that he may have on request a written statement showing how the amount of his benefit has been calculated, or, as the case may be, showing how he is not entitled to any benefit.

(3) Every notification of a determination to grant a housing benefit to a person shall inform him of—

(*a*) the amount of the housing benefit granted;

(*b*) except in a certificated case, the benefit period;

(*c*) his duty under regulation 32 (changes of circumstances);

(*d*) in the case of a rent allowance—

(i) the frequency with which the allowance will be paid, and

(ii) the period (whether in advance or in arrear) for which payments of allowance will be made.

(4) Where the appropriate authority makes a determination under regulation 26(1) it shall give notification of that determination both to the person eligible for housing benefit and to the person by reference to whose income the calculations are made, and that notification shall contain a statement of the authority's reasons for making that determination.

(5) Where a person requests of the appropriate authority a statement showing how his entitlement to housing benefit, or lack of it, has been calculated, the authority

(a) O.J. No. L149, 5.7. 1971

shall provide such a statement within fourteen days of the request having been made or, if that is not reasonably practicable, as soon as possible thereafter; and where the appropriate authority has exercised its powers under regulation 19 (unsuitable accommodation) that statement shall show the extent to which, and the reasons why, that person's eligible rates have or, as the case may be, eligible rent has been treated as reduced.

Representations in writing and review

50.—(1) A person may make representations to the appropriate authority concerning a determination which it makes in relation to him, and if the authority receives representations in writing from a person within six weeks of notification to him of such a determination it shall—

(*a*) consider those representations;

(*b*) review the determination and alter or confirm it according to the circumstances; and

(*c*) notify in writing the person making the representations—

(i) whether the determination is altered or confirmed, giving reasons for the alteration or confirmation, and

(ii) of his right to require a further review under regulations 51 to 53.

(2) For the purposes of calculating the period of six weeks mentioned in paragraph (1) no account shall be taken of any period beginning with the receipt by the appropriate authority of a request for a statement under regulation 49(5) and ending with the provision to that person of that statement.

Further review of determinations

51.—(1) A person who has made representations under regulation 50 (in this regulation and regulations 52 and 53 referred to as the "interested person") may within twenty-eight days of notification having been given to him by the appropriate authority under that regulation of alteration or confirmation of a determination or within such further time as that authority may allow give or send to that authority notice in writing requiring a further review of that determination.

(2) The notice given by the interested person under paragraph (1) shall state the grounds on which a further review is required.

(3) The function of making the further review of the authority's determination shall not be that of the authority but that of a review board constituted in accordance with Schedule 5.

(4) The Executive may provide a review board with such staff and such accommodation, services and other facilities as appear to the Executive to be necessary or expedient for the proper performance of the functions of the review board.

Procedure on further review

52.—(1) Within six weeks of receipt by the appropriate authority of a notice under regulation 51 requiring further review of a determination or, if that is not reasonably practicable, as soon as possible thereafter, the review board shall hold a hearing in order to review that determination further.

(2) Any matter may be proceeded with in the absence of one member of the review board provided that—

(*a*) there are at least two members present;

(*b*) the interested person consents; and

(*c*) one member shall act as chairman.

(3) Reasonable notice of the time and place of the hearing shall be given to the interested person.

(4) If the interested person makes representations in writing in connection with the further review those representations shall be considered by the review board at the hearing.

(5) The interested person shall be entitled to be present at the hearing, other than any part of it set aside by the review board exclusively for the purpose of arriving at a decision, and—

(*a*) to be heard by the review board;

(*b*) to call persons to give evidence; and

(*c*) to put questions to any other person who gives evidence;

and may for these purposes be accompanied or represented at the hearing by another person (whether having professional qualifications or not).

(6) In the event of disagreement between the members of a review board any matter under consideration shall be decided by a simple majority of votes cast and in the case of an equality of votes the chairman shall have a second or casting vote.

(7) The appropriate authority may pursuant to these regulations pay travelling expenses in respect of attendance at the hearing to the interested person and to one other person representing him or accompanying him at the hearing.

(8) Subject to paragraphs (1) to (6) the review board may regulate its own procedure at the hearing and may in particular receive representations and evidence from such persons present as it considers appropriate.

Determinations on further review

53.—(1) Upon the further review the review board shall decide—

(*a*) to confirm the determination of the appropriate authority; or

(*b*) make such alterations to that determination as could have been made by that authority,

and where the determination has been altered under regulation 50, it shall decide that the determination as so altered shall be confirmed or altered in accordance with sub-paragraph (*b*).

(2) The review board shall record in writing every decision which it makes on further review and shall include in every such record a statement of the reasons for its decision and of its findings on material questions of fact.

(3) Within seven days of the review board's decision or, if that is not reasonably practicable, as soon as possible thereafter, a copy of the record of that decision, made in accordance with paragraph (2), shall be given or sent to the appropriate authority and to the interested person.

(4) Where the review board has made a decision that a determination of an authority shall be altered the authority which made that determination shall alter it in accordance with that decision.

Effect of alteration of determination

54. Any alteration of a determination under regulation 50 or 53 shall take effect as though it were made on the date of that determination.

Revision of determinations

55.—(1) An authority may revise a determination which it has made—

(*a*) if it is satisfied that it was made in ignorance of, or was based on a mistake as to, a material fact;

(*b*) except where a decision has been made by a review board in relation to the determination, if it is satisfied that it was based on a mistake as to the law.

(2) Subject to paragraph (3), where a determination is revised the determination as revised shall have effect as though it were made on the date of the original determination.

(3) No revision of a determination shall increase the amount of a housing benefit to which a person is entitled in respect of a period falling more than fifty-two weeks before the actual date on which the determination is revised.

(4) Regulations 49 to 54 shall apply to the revision of a determination as they apply to a determination, but shall not apply to a decision not to revise a determination.

PART IX

REVOCATIONS

Revocations

56. The regulations specified in column 1 of Schedule 6 are revoked to the extent mentioned in column 3 of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 17th October 1985.

(L.S.) *A. N. Burns*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment on 17th October 1985.

(L.S.) *W. N. Campbell*
Assistant Secretary

The Department of Finance and Personnel hereby consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 17th October 1985.

(L.S.) *R. G. Smartt*
Assistant Secretary

SCHEDULE 1 Regulations 2 and 18(5)

STUDENTS

PART I Regulation 2

Classes of award or grant

Class 1 — awards made under Articles 39 and 40 of the Education and Libraries (Northern Ireland) Order 1972(**a**) or regulations made thereunder(**b**) other than awards in respect of attendance at sandwich courses;

Class 2 — awards made under Articles 39 and 40 of the Education and Libraries (Northern Ireland) Order 1972 or regulations made thereunder in respect of attendance at a sandwich course;

Class 3 — awards made under Article 40 of the Education and Libraries (Northern Ireland) Order 1972 being bursaries in respect of postgraduate courses or courses comparable to postgraduate courses;

Class 4 — awards made under Article 40 of the Education and Libraries (Northern Ireland) Order 1972 being studentships in respect of postgraduate courses or courses comparable to postgraduate courses;

Class 5 — any awards or grants considered by the appropriate authority to be analogous to any of the preceding classes of awards or grants;

Class 6 — any award or grant for the purpose of attending a course of education which is financed out of the public funds of another country or is otherwise made by or on behalf of the government of, or an institution funded out of the public funds of, another country.

(**a**) S.I. 1972/1263 (N.I. 12); Articles 39 and 40 were substituted by Article 6 of the Education (Northern Ireland) Order 1978 (S.I. 1978/1040 (N.I. 10)) and amended by Article 7 of the Education (Northern Ireland) Order 1980 (S.I. 1980/1958 (N.I. 16)). Article 40 was also amended by Article 36 of, and paragraph 15 of Schedule 8 to, the Education (Northern Ireland) Order 1984 (S.I. 1984/1156 (N.I. 6))

(**b**) *See* the Students Awards Regulations (Northern Ireland) 1984 (S.R. 1984 No. 335)

Period of deduction for students when calculating eligible rent

Column 1	Column 2
Type of award or grant	*Period of deduction*
Class 1 —	Each term; and any period of the vacation in respect of which payments are made in pursuance of the award or grant at the rate applicable to additional attendance at the course.
Class 2 —	Each period of full-time study in an establishment, and any period of the vacation in respect of which payments are made in pursuance of the award or grant at the rate applicable to additional periods of such study.
Class 3 —	Each term.
Class 4 —	The period for which the award is payable each year.
Class 5 —	A period equivalent to the period specified above in relation to the class to which the award or grant is considered by the appropriate authority to be analogous.
Class 6 —	The period for which the grant or award in question is tenable.

In this Schedule — "sandwich course" has the meaning assigned to it by regulation 3 of the Students Awards Regulations (Northern Ireland) 1984(a).

(a) S.R. 1984 No. 335

SCHEDULE 2 Regulation 16(1)(*b*)

AMOUNTS TO BE DISREGARDED WHEN ASCERTAINING WEEKLY INCOME FOR ANY HOUSING BENEFIT

1. Any amount which under regulation 17(2) and (3) is or could be the eligible rates of some other person.

2. Where the eligible person makes payments by way of rent, any amount which falls to be deducted under regulation 18(2)(*d*) (rent payable to the eligible person).

3. Any payment made to the eligible person or his partner by a dependent child of his or of his partner or by a non-dependant.

4.—(*a*) In a case not falling within sub-paragraph (*b*), £17·30 of any earnings of the eligible person and £5·00 of any earnings of his partner;

(*b*) where the eligible person has a partner whose earnings are greater than his, £5·00 of any earnings of the eligible person and £17·30 of the earnings of his partner.

5. Any sums payable under Article 39(3) or 43(1)(*e*) of the Education and Libraries (Northern Ireland) Order 1972 (financial assistance to enable persons to take advantage of educational facilities).

6. Any attendance allowance, that is to say any of the following—

(*a*) an attendance allowance under section 35 of the Social Security (Northern Ireland) Act 1975(**a**);

(*b*) an increase of disablement pension under section 61 or 63 of that Act (increases in respect of the need for constant attendance);

(*c*) a payment made under regulations made in exercise of the power conferred by section 150(3)(*b*) of that Act (constant attendance allowance and an increase for exceptionally severe disablement for certain pre-1948 cases);

(*d*) an increase of allowance which is payable in respect of constant attendance under regulations having effect by virtue of the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975(**b**); or

(*e*) an allowance in respect of constant attendance on account of disablement for which a person is in receipt of a war disablement pension, including an allowance in respect of exceptionally severe disablement.

7. Any mobility allowance under section 37A of the Social Security (Northern Ireland) Act 1975(**c**).

8. Any mobility supplement under Article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(**d**) (including such a supplement under that Order by virtue of any other Scheme or Order) or under Article 25A of the Personal Injuries (Civilians) Scheme 1983(**e**).

9. Any sums payable to any person as holder of the Victoria Cross or of the George Cross.

10. Any supplementary benefit.

(**a**) 1975 c. 15; section 35 was amended by Article 3 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and Article 3 of, and paragraph 8 of Schedule 1 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

(**b**) 1975 c. 17

(**c**) 1975 c. 15; section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), and amended by Article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))

(**d**) S.I. 1983/883; Article 26A was inserted by Article 4 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment Order 1983 (S.I. 1983/1116), and amended by Article 2 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Amendment (No. 2) Order 1983 (S.I. 1983/1521)

(**e**) S.I. 1983/686; Article 25A was inserted by Article 3 of the Personal Injuries (Civilians) Amendment Scheme 1983 (S.I. 1983/1164), and amended by Article 2 of the Personal Injuries (Civilians) Amendment (No. 2) Scheme 1983 (S.I. 1983/1540)

11. Any war disablement pension.

12. A payment of—

(*a*) any pension or other benefit such as is referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977(**a**) which is awarded in respect of death due to service in the armed forces of the Crown;

(*b*) any pension or other benefit awarded in respect of death under the Personal Injuries (Emergency Provisions) Act 1939(**b**), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**c**), or the Polish Resettlement Act 1947(**d**), Part VII of the Reserve Forces Act 1980(**e**) or section 151 of that Act; or

(*c*) any pension or other benefit which is considered by the appropriate authority to be analogous to any pension or other benefit specified in (*a*) or (*b*) above.

13. Any pension paid under the social security scheme of a country outside the United Kingdom which is received in Northern Ireland by a person resident in Northern Ireland and which either—

(*a*) is analogous to a war disablement pension, or

(*b*) is paid to a widow in respect of a person's death but is otherwise analogous to such a pension.

14. £4·00 of any of the following, namely—

(*a*) industrial disablement pension;

(*b*) an old cases allowance;

(*c*) any weekly payment by way of compensation under any enactment relating to workmen's compensation;

(*d*) a pension paid for disablement to a person who has retired from employment because of ill-health or disablement, if it has been awarded—

(i) for a disablement attributable to or aggravated by the employment, and

(ii) at a higher rate than it would have been if the disablement had not been attributable to or aggravated by the employment;

(*e*) any ex gratia payment for injuries paid by the Department of Economic Development where payments of that kind are made or to be made to the eligible person for a period exceeding six months;

(*f*) a pension paid under the social security scheme of a country outside the United Kingdom which is received in Northern Ireland by a person resident in Northern Ireland and which either—

(i) is analogous to an industrial disablement pension, or

(ii) is paid to a widow in respect of a person's death but is otherwise analogous to such a pension;

(*g*) a pension paid for disablement in respect of a person's service as a policeman or fireman;

(*h*) a widow's special pension under—

(i) regulation 25 or 26 of the Royal Ulster Constabulary Pensions Regulations 1973(**f**), or

(ii) Article 19 or 20 of the Firemen's Pension Scheme Order (Northern Ireland) 1973(**g**);

(*i*) pension payable under any special provision made by the law of the Federal Republic of Germany or any part of it, or of Austria, for victims of National Socialist persecution;

(*j*) a widow's pension (by way of industrial injuries benefit) payable at the initial rate or the higher permanent rate under section 68 of the Social Security (Northern Ireland) Act 1975;

(**a**) 1977 c. 5
(**b**) 1939 c. 82
(**c**) 1939 c. 83
(**d**) 1947 c. 19
(**e**) 1980 c. 9
(**f**) S.R. 1973 No. 317
(**g**) S.R. 1973 No. 393: the relevant amending regulations are S.R. 1979 No. 387

(*k*) any payment considered by the appropriate authority to be analogous to any of the payments mentioned in sub-paragraphs (*a*) to (*j*) above.

15. £4·00 of any charitable payment or of any voluntary payment other than a payment which is made by a person for the maintenance of his partner or his former partner or his children.

16. Where the eligible person is a grant-aided student—

(*a*) an amount equal to that amount, if any, which, under regulation 18(2)(*e*) and Part II of Schedule 1 is deducted for the purposes of ascertaining eligible rent, but only in respect of those weeks referred to in regulation 18(5); and

(*b*) any amount by which his grant is increased on account of him maintaining a home at a place other than that at which he resides during his course.

17. An amount equal to any maintenance payment made by the eligible person or his partner to the former partner of either of them or in respect of children of either of them, other than dependent children.

18. In the case of a person undergoing a course of Government training established by section 1(1) of the Employment and Training Act (Northern Ireland) 1950(**a**) or a course at an employment rehabilitation centre established under that section—

(*a*) any payment received from the Department of Economic Development in respect of travelling expenses incurred as a result of his attendance on the course;

(*b*) if he receives an allowance from the Department of Economic Development under the provision of section 3(3) of that Act such amount, if any, of that allowance expressed to be a lodging allowance.

19. Where the eligible person or his partner makes a parental contribution in respect of a grant-aided student which has been assessed, for the purposes of calculating under regulations made in exercise of the powers conferred by Articles 39 and 40 of the Education and Libraries (Northern Ireland) Order 1972, that student's award under those Articles, an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

20. Where the eligible person or his partner is the parent of a student under twenty-five years of age in advanced education who either—

(*a*) is not in receipt of any award or grant in respect of that education; or

(*b*) is in receipt of an award under Article 39(3) of the Education and Libraries (Northern Ireland) Order 1972 (awards made at the discretion of Boards),

and the eligible person or his partner makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount, in respect of weeks during the student's term, equal to—

(*aa*) the weekly amount of those payments; or

(*ab*) £23·60 less the weekly amount of any award referred to in sub-paragraph (*b*),

whichever is the lesser amount.

21. Any payment made by way of allowance to a person in respect of a child boarded out with him—

(*a*) by a Health and Social Services Board or training school within the meaning of section 137 of the Children and Young Persons Act (Northern Ireland) 1968(**b**); or

(*b*) by a voluntary organisation within the meaning of that Act in circumstances to which the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976(**c**) applies,

to the extent, if any, to which that payment exceeds the amount by which, under regulation 15(3), the needs allowance is increased in respect of a dependent child.

(**a**) 1950 c. 29 (N.I.)
(**b**) 1968 c. 34 (N.I.)
(**c**) S.R. 1976 No. 19

22. Income arising from National and Ulster Savings Certificates.

23. The total disregard under paragraphs 14 and 15 shall in no case exceed £4·00 and where a number of voluntary or charitable payments (other than those payments for maintenance mentioned in paragraph 15) are received, they shall be treated as though they were one payment for the purposes of paragraph 15.

SCHEDULE 3 Regulation 18(2)(*b*)(*c*) and (*d*)

DEDUCTIONS IN RESPECT OF CHARGES FOR FUEL AND SERVICES AND IN RESPECT OF RENT FOR THE PURPOSE OF COMPUTING ELIGIBLE RENT

Interpretation

1. In this Schedule—

(*a*) "relevant agreement" means, in relation to any amount, the agreement under which that amount is payable; and

(*b*) a reference to the provision of services includes a reference to the provision of facilities, except the use of furniture, and includes a reference to the making available of rights.

Deductions for charges for fuel

2. Except in a certificated case, the amounts to be deducted for charges for fuel in respect of heating (other than hot water), hot water, lighting or cooking are—

(*a*) where under the relevant agreement the amount payable in respect of any such fuel is charged separately or is otherwise readily identifiable, the amount so payable;

(*b*) in any other case, such amount of the rent as the Executive considers is fairly attributable to a charge for any such fuel.

3. Subject to paragraphs 4 to 6, in a certificated case, the amounts to be deducted in respect of each week are—

(*a*) for heating (other than hot water)	£6·55
(*b*) for hot water	£0·80
(*c*) for lighting	£0·50
(*d*) for cooking	£0·80.

4. Subject to paragraph 6, where under the relevant agreement an amount payable for any such fuel is charged separately or is otherwise readily identifiable, there shall be deducted the amount so payable for that fuel or the relevant amount specified in sub-paragraphs (*a*) to (*d*) of paragraph 3, whichever is the lesser amount.

5. Where the Executive considers that the heating for which a charge is included in the rent for a dwelling is not adequate for that dwelling, there shall be deducted for the charge such lesser amount than would otherwise be deducted under paragraph 3 or 4 as it considers reasonable in the circumstances; and in determining whether or not heating is adequate for the purposes of this paragraph, the Executive shall leave out of account any special need for heating which it considers arises from the personal circumstances of any person occupying the dwelling.

6. Where under the relevant agreement the amount payable in respect of any fuel for heating (other than hot water), hot water, lighting or cooking varies in accordance with the amount of fuel actually used (whether by means of a variable charge or a system of refunds or credits or otherwise), for example a district heating charge payable to the Executive, the deduction to be made for the charge for that fuel shall be the amount so payable.

Deduction for other services

7. Subject to paragraph 9, a deduction shall be made under regulation 18(2)(*c*) only in respect of provision of the following services—

(*a*) cleaning of windows, other than windows of any communal area;

(*b*) sports facilities (not including a children's play area);

(*c*) laundering, other than the mere provision of facilities which may be used by the eligible person for doing his own laundry;

(*d*) any other service which the Executive, having taken into account the age and other circumstances of the eligible person and the type and location of his dwelling, considers is not reasonably necessary for the proper enjoyment of that dwelling by the eligible person.

8. The amount of the deduction referred to in paragraph 7 shall be—

(*a*) where under the relevant agreement the amount payable in respect of the provision of the service is charged separately or is otherwise readily identifiable, the amount so payable;

(*b*) in any other case, such amount of the rent as the Executive considers is fairly attributable to the provision of any such service.

9. Where no deduction would otherwise be made under paragraph 7 in respect of a payment for the provision of a service, but the Executive considers that the payment is excessive in relation to the service provided for the eligible person, it may make a deduction under regulation 18(2)(*c*) in respect of that payment of such amount as it considers appropriate in the circumstances.

Deductions for rent payable to the eligible person

10. The amount to be deducted for rent payable to the eligible person is the amount so payable less—

(*a*) any amount of that rent which the Executive considers is fairly attributable to—

(i) rates;

(ii) the provision of board; or

(iii) the provision of heating (other than hot water), hot water, lighting or cooking; and

(*b*) an amount of that rent for services provided by the eligible person and the use of furniture provided by him and in respect of which (in each case) the eligible person does not himself pay rent, such amount being that specified in paragraph 11.

11. The amount referred to in paragraph 10(*b*) is—

(*a*) where rent payable to the eligible person—

(i) includes an amount in respect of the use of furniture, £3·00,

(ii) does not include an amount in respect of the use of furniture, £1·50; and

(*b*) £0·40 in respect of any garage or outbuilding for which rent is payable to the eligible person.

SCHEDULE 4 Regulation 22(9)

AREAS OF HIGH RENT

1. The Executive may apply to the Department for an authorisation to grant rent rebates or rent allowances in accordance with this Schedule for a particular class of dwelling and if the Department considers that the level of rents payable for dwellings in respect of which this application is made exceeds 130% of the general level of rents payable to housing authorities in the United Kingdom, the Department may authorise it to grant rent rebates or rent allowances, as the case may be, in accordance with this Schedule.

2. An authorisation under paragraph 1 shall be for such period as the Department may specify in granting it and may be made conditional upon compliance by the Executive with such terms as the Department may specify in granting it.

3. Where the Executive is authorised under paragraph 1, any amount of rent rebate or rent allowance to which an eligible person is entitled in respect of a dwelling to which the authorisation applies shall be calculated in accordance with paragraphs 4 to 6.

4. There shall be taken a figure of 130% of the general level of weekly rents payable to housing authorities in the United Kingdom, which level shall in relation to any authorisation be determined by the Department when granting it; and that figure is referred to in this Schedule as £y.

5. The weekly eligible rent of the eligible person shall be compared with £y and—

(*a*) where it is equal to or less than £y the calculation of his rent rebate or rent allowance is made under regulation 22; or

(*b*) where it exceeds £y the calculation of his rent rebate or rent allowance is made under regulation 22 as though for the reference in paragraph (2)(*b*) of that regulation to 60% of the weekly eligible rent there were substituted a reference to—

(i) 90% of the weekly eligible rent minus 30% of £y, or

(ii) 80% of the weekly eligible rent,

whichever is the lesser figure.

6. Except as is otherwise provided by this Schedule the other provisions of these regulations shall have effect in relation to cases to which it applies as they have effect in relation to other cases.

7. For the purposes of this Schedule the Department shall estimate any general level of rents in such manner as it thinks fit.

8. In this Schedule the expression "housing authorities in the United Kingdom" means a local authority, a new town corporation, the Greater London Council, the Scottish Development Association, the Development Board of Rural Wales and the Executive.

SCHEDULE 5 Regulation 51(3)

CONSTITUTION OF REVIEW BOARDS

1. A review board referred to in regulation 51(3), shall be constituted by the Executive from a panel of persons appointed by the Department of the Environment to act for such area as that Department thinks fit.

2. The panel appointed to act for an area shall be composed of persons appearing to the Department of the Environment to have knowledge or experience of the conditions in the area and to be representative of persons living or working in that area.

3. Before appointing persons to a panel that Department may take into consideration any recommendations from such organisations or persons as it considers appropriate.

4. The persons appointed to a panel shall hold office for such period as the Department of the Environment may direct, but that Department may at any time terminate the appointment of any such person.

5. A review board shall, subject to regulation 52(2), consist of a chairman and two other persons. The chairman shall be drawn from those persons on a panel referred to in paragraph 1 and designated to act as such by the Department of the Environment.

6. If practicable, at least one of the members of a review board hearing a case shall be of the same sex as the interested person referred to in regulation 51(1).

7. The Executive may pay to members of a review board such allowances as the Department of the Environment, with the consent of the Department of Finance and Personnel, considers appropriate.

SCHEDULE 6 Regulation 56

REVOCATIONS

Column 1 *Regulations revoked*	*Column 2* *References*	*Column 3* *Extent of revocation*
The Housing Benefits Regulations (Northern Ireland) 1983	S.R. 1983 No. 292	The whole regulations
The Housing Benefits (Transitional) Regulations (Northern Ireland) 1983	S.R. 1983 No. 350	The whole regulations
The Housing Benefits (Amendment) Regulations (Northern Ireland) 1984	S.R. 1984 No. 77	The whole regulations
The Housing Benefits (Amendment No. 2) Regulations (Northern Ireland) 1984	S.R. 1984 No. 280	The whole regulations
The Housing Benefits (Amendment No. 3) Regulations (Northern Ireland) 1984	S.R. 1984 No. 379	The whole regulations
The Housing Benefits (Amendment No. 4) Regulations (Northern Ireland) 1984	S.R. 1984 No. 450	The whole regulations
The Housing Benefits (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985 No. 79	The whole regulations
The Housing Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1985	S.R. 1985 No. 204	The whole regulations
The Housing Benefits (Increase of Needs Allowances) Regulations (Northern Ireland) 1985	S.R. 1985 No. 210	The whole regulations
The Housing Benefits (Amendment No. 2) Regulations (Northern Ireland) 1985	S.R. 1985 No. 250	The whole regulations

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations are made for the purpose only of consolidating the Housing Benefits Regulations (Northern Ireland) 1983 with subsequent amending regulations, all of which they revoke. They are accordingly not required to be referred to the Social Security Advisory Committee (section 10(2) of, and paragraph 20 of Schedule 3 to, the Social Security Act 1980 (c.30)).

The regulations follow the same pattern as the Housing Benefits Regulations (Northern Ireland) 1983 which they replace: they deal with eligibility for housing benefit (Part II); the amount (Part III); the period (Part IV); claims, payments and overpayments (Parts V, VI and VII respectively); and the determination of questions (Part VIII).