1983 No. 350

HOUSING; RATES

The Housing Benefits (Transitional) Regulations (Northern Ireland) 1983

Made . . . . . *3rd November 1983*

Coming into operation . . . *21st November 1983*

The Department of Health and Social Services for Northern Ireland and the Department of the Environment for Northern Ireland acting jointly, in exercise of the powers conferred on them by Article 3(1) of the Housing Benefits (Northern Ireland) Order 1983(**a**), and the Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 3(2) of that Order, in each case with the consent of the Department of Finance and Personnel for Northern Ireland, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations which satisfy the requirements of Article 7(7) of the said Order of 1983 and which accordingly are not subject to the requirement of section 10(1) of the Social Security Act 1980(**b**) for prior reference to the Social Security Advisory Committee:

Citation and commencement

1. These regulations may be cited as the Housing Benefits (Transitional) Regulations (Northern Ireland) 1983 and shall come into operation on 21st November 1983.

Interpretation

2.—(1) In these regulations—

(*a*) ''old scheme'' means a scheme under any of the enactments repealed by Article 9(2) of, and Schedule 2 to, the Housing Benefits (Northern Ireland) Order 1983;

''the principal regulations'' means the Housing Benefits Regulations (Northern Ireland) 1983(**c**);

''relevant date'' means, in relation to a person's housing benefit, 21st November 1983.

(*b*) expressions used to which a meaning is assigned by regulation 2 of the principal regulations bear the meaning so assigned.

(2) A determination under these regulations shall be treated for the purposes of regulations 45 to 50 of the principal regulations as if it were a determination under those regulations.

Persons in receipt of rebates or allowances under repealed legislation

3.—(1) Unless the appropriate authority otherwise requires, an eligible person who immediately before the relevant date is in receipt under an old scheme of a rebate or allowance shall not be required to make a claim to the appropriate authority for the corresponding rebate or allowance under the principal regulations, and the following paragraphs of this regulation shall have effect in relation to him until the end of his benefit period under paragraph (3) of this regulation.

(**a**) S.I. 1983/1121 (N.I. 14)
(**b**) 1980 c. 30
(**c**) S.R. 1983 No. 292

(2) The appropriate authority shall determine the amount of housing benefit (if any) to which the eligible person is entitled and may for that purpose require him to furnish such information and such evidence as it may reasonably require relating to any of the matters specified in regulation 27(2) of the principal regulations.

(3) Where this regulation applies to an eligible person and he is entitled to an amount of housing benefit under the principal regulations, his benefit period shall end on the date on which his rebate or allowance period would have ended under the corresponding old scheme had it remained in force, or such earlier date as the appropriate authority may determine.

Claims for rebate or allowance under repealed legislation

4.—(1) An application for a rebate or allowance under an old scheme made, but not determined, before the relevant date shall be treated as respects any period after that date as a claim for the corresponding rebate or allowance under the principal regulations.

(2) Where an application is made by a person to an authority for a rebate or allowance under an old scheme, and—

(*a*) that person is not entitled to a rebate or allowance under that old scheme; and

(*b*) the appropriate authority considers that that person may be entitled to an amount of housing benefit from the relevant date,

the appropriate authority may treat the application as a claim for housing benefit from the relevant date.

Beginning of benefit period

5.—(1) Where, under regulation 24(2) of the principal regulations (which provide that a benefit period may begin before the date of a claim), a person's benefit period would (if the principal regulations had then had effect in relation to him) have been allowed to begin on a date before the relevant date he may, subject to paragraph (2) of this regulation, be granted the amount of housing benefit to which he would have been entitled if his benefit period had been allowed to begin on that earlier date and the principal regulations had then had effect in relation to him.

(2) For the purposes of calculating the amount of housing benefit under paragraph (1) of this regulation in a case to which regulation 24(2)(*b*) of the principal regulations (benefit period to begin up to twelve months before date of claim) applies, regulation 24(3) shall have effect in relation to any period before the relevant date as though for the reference to the amount of a housing benefit to which a person would have been entitled there were substituted a reference to the amount of the corresponding rebate or allowance to which he would have been entitled under an old scheme.

Persons awarded supplementary benefit for housing benefit expenditure

6.—(1) Where an eligible person is entitled to qualifying supplementary benefit and—

(*a*) in the assessment of his requirements for the purposes of the award of that benefit there were determined as being applicable to him items which, on or after the relevant date, are no longer prescribed in relation to him as housing benefit expenditure by the Requirements Regulations; and

(*b*) the Department pays to the eligible person an amount equal to the amount of that award,

a certificate need not be issued under regulation 9 of the principal regulations in respect of that person until such time as that award is reviewed and revised by a benefit officer.

(2) Where the provisions of paragraph (1) apply and an award of supplementary benefit is revised by a benefit officer any certificate issued under regulation 9 of the

principal regulations shall, instead of stating the date upon which qualifying supplementary benefit became payable to the eligible person, state the Monday in the week from which payments under the revised award will be made to him.

(3) In this regulation—

"benefit officer" has the meaning assigned to it by Article 2(2) of the Supplementary Benefits (Northern Ireland) Order 1977(a);

"week" in paragraph (2) means a period of seven days beginning between Saturday and Sunday.

(4) This regulation shall cease to have effect on 28th May 1984.

Overpayments of rebate or allowances under repealed legislation

7. Without prejudice to any other method of recovery an amount of rebate or allowance wrongly granted by an authority under an old scheme which, if it had arisen from the relevant date would be recoverable under regulation 41 of the principal regulations, may be recovered by the appropriate authority under regulation 42(2) of the principal regulations (deduction from rebates or allowances) as though it were an overpayment within the meaning of regulation 40 of those regulations.

Determinations made in anticipation of the principal regulations having effect

8. Where a determination made by the appropriate authority before the relevant date, in order that it might be effective from that date, is notified to a person before that date, regulation 46(1) of the principal regulations (representations) shall have effect as though for the reference in that provision to a period of six weeks from notification of a determination there were substituted a reference to the period of six weeks beginning on the relevant date.

Eligible rates and rents

9. Where the rent payable by an eligible person in the period from 20th November 1983 to 1st April 1984 includes an amount in respect of rates and that amount is not readily ascertainable, then for the purposes of regulations 15 and 16 of the principal regulations, the Executive shall estimate the amount of eligible rates and rent as best it may having regard to the probabilities of the case.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd November 1983.

(L.S.) *C. Davie*
Assistant Secretary

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 3rd November 1983.

(L.S.) *J. M. Beckett*
Assistant Secretary

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

Sealed with the Official Seal of the Department of Finance and Personnel for Northern Ireland on 3rd November 1983.

(L.S.) *N. R. Cowling*
Assistant Secretary

(a) S.I. 1977/2156 (N.I. 27): the definition of "benefit officer" was inserted by Article 7(1) of and paragraph 1 of Schedule 2 to, the Social Security (Northern Ireland) Order 1980

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make transitional provision in connection with the schemes for the granting of rate rebates, rent rebates and rent allowances introduced by the Housing Benefits (Northern Ireland) Order 1983 ("the 1983 Order") and the Housing Benefits Regulations (Northern Ireland) 1983, which come into operation on 21st November 1983. These new schemes are to be administered by the Northern Ireland Housing Executive for all tenants in the public and private sectors and by the Department of the Environment for all owner occupiers.

Under these regulations persons receiving rebate or allowance under legislation repealed by the 1983 Order (the "old schemes") will not generally be required initially to make a claim under the new schemes, though the appropriate authority may require them to do so; those persons will be paid rebate or allowance at the appropriate new rate when the new schemes come into operation (regulation 3). Certain applications for rebate or allowance under the old schemes may, and in some cases shall, be treated as claims under the new schemes (regulation 4).

Provision is made for the grant of additional rebate or allowance where an authority would otherwise have backdated payment to a date before the new schemes come into operation (regulation 5).

Provision is made to prevent, during a transitional period, duplication of rebates or allowances towards the rates and rent of those in receipt of supplementary benefit (regulation 6). Rebates and allowances under the new schemes will be payable only from the time at which the payments of rates or rent cease to be met by supplementary benefit.

Under the old schemes authorities may recover overpayments of rebate or allowance by means of deduction from future rebates or allowances. Regulation 7 enables certain of these overpayments to be recovered by means of deduction from rebates or allowances under the new schemes.

Where the appropriate authority makes any determination in advance of the introduction of a new scheme, the time for requiring a review of that determination will start to run only from the introduction of that scheme (regulation 8).

Provision is made to allow the Executive to estimate an amount payable for rent or rates in order that a determination to grant rent allowance or rate rebate can be made (regulation 9).

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1983 Nos. 351, 352, 353, 354

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.