NOTE: This S.R. is part of a consolidation of the Housing Benefit (General) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 461). Another part of the consolidation, the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 407), contain transitional and savings provisions (carried forward from earlier Regulations) and transitory modifications (having effect for a limited period), which have not been reproduced in the text of this S.R.

2006 No. 406

HOUSING; RATES

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006

Made - - - - - - - - 12th October 2006

Coming into operation - - - 20th November 2006

CONTENTS

PART I
General

1. Citation and commencement
2. Interpretation
3. Definition of non-dependant
4. Cases in which section 1(1A) of the Administration Act is disapplied
5. Persons who have attained the qualifying age for state pension credit
6. Remunerative work

PART II
Provisions affecting entitlement to housing benefit

7. Circumstances in which a person is or is not to be treated as occupying a dwelling as his home
8. Circumstances in which a person is to be treated as liable to make payments in respect of a dwelling
9. Circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling
10. Persons from abroad

PART III
Payments in respect of a dwelling

11. Eligible housing costs
12. Rates
13. Rent
13A. Eligible rent
13B. Eligible rent and maximum rent
13C. Eligible rent and maximum rent (LHA)
13D. Transitional protection–reduction in LHA
14. Maximum rent
14A. Protection on death and 13 week protection
14B. Change in reckonable rent
14C. When a maximum rent (LHA) is to be determined
14D. Determination of a maximum rent (LHA)
14E. Publication of local housing allowances
14F. Amended determinations
15. Decisions
16. Pre-tenancy decisions

PART IV
Membership of a family

17. Persons of prescribed description
18. Circumstances in which a person is to be treated as responsible or not responsible for another
19. Circumstances in which a person is to be treated as being or not being a member of the household

PART V
Applicable amounts

20. Applicable amounts

PART VI
Assessment of income and capital
SECTION 1
General

21. Calculation of income and capital of members of claimant's family and of a polygamous marriage
22. Circumstances in which income of non-dependant is to be treated as claimant's

SECTION 2
Income

23. Calculation of income and capital

24. Claimant in receipt of guarantee credit
25. Calculation of claimant's income and capital in savings credit only cases
26. Calculation of income and capital where state pension credit is not payable
27. Meaning of "income"
28. Calculation of income on a weekly basis
29. Treatment of child care charges
30. Calculation of average weekly income from tax credits
31. Calculation of weekly income
32. Disregard of changes in tax, contributions etc.

SECTION 3
Employed earners
33. Earnings of employed earners
34. Calculation of net earnings of employed earners

SECTION 4
Self-employed earners
35. Calculation of earnings of self-employed earners
36. Earnings of self-employed earners
37. Calculation of net profit of self-employed earners
38. Deduction of tax and contributions of self-employed earners

SECTION 5
Other income
39. Notional income
40. Income paid to third parties

SECTION 6
Capital
41. Capital limit
42. Calculation of capital
43. Calculation of capital in the United Kingdom
44. Calculation of capital outside the United Kingdom
45. Notional capital
46. Diminishing notional capital rule
47. Capital jointly held

PART VII
Amount of benefit

48. Maximum housing benefit
49. Housing benefit tapers

50. Amount payable during extended payment period when an extended payment is payable pursuant to regulation 70 or 71 of the Housing Benefit Regulations
51. Extended payments (qualifying contributory benefits)
51A. Duration of extended payment period (qualifying contributory benefits)
51B Amount of extended payment (qualifying contributory benefits)
51C Relationship between extended payment (qualifying contributory benefits) and entitlement to housing benefit under the general conditions of entitlement
52. Continuing payments where state pension credit claimed
53. Non-dependant deductions
54. Minimum housing benefit

PART VIII
Calculation of weekly amounts and changes of circumstances

55. Date on which entitlement is to commence
57. Date on which change of circumstances is to take effect
58. Change of circumstances where state pension credit payable
59. Calculation of weekly amounts
60. Rent and rate-free periods

PART IX
Claims

61. Who may claim
62. Time and manner in which claims are to be made
62A. Electronic claims for benefit
63. Evidence and information
64. Amendment and withdrawal of claim
65. Duty to notify changes of circumstances
65A. Notice of change of circumstances given electronically

PART X
Decisions on questions

66. Decisions by a relevant authority
67. Notification of decision

PART XI
Payments

68. Time and manner of payment
69. Circumstances in which a rate rebate may be treated as if it fell to be paid as a rent allowance
70. Frequency of payment of a rent allowance

71. Payment on account of a rent allowance
72. Payment to be made to a person entitled
73. Circumstances in which payment is to be made to a landlord or the Department of Finance and Personnel
74. Circumstances in which payment may be made to a landlord or the Department of Finance and Personnel
75. Payment on death of the person entitled
76. Offsetting

PART XII
Overpayments

77. Meaning of overpayment
78. Recoverable overpayments
79. Person from whom recovery may be sought
80. Method of recovery
81. Diminution of capital
82. Sums to be deducted in calculating recoverable overpayments
82A. Sums to be deducted in calculating recoverable overpayments where the claimant has changed dwelling
83. Recovery of overpayments from prescribed benefits
84. Prescribed benefits
85. Restrictions on recovery of rent and consequent modifications

PART XIII
Information
SECTION 1
Claims and information

85A. Interpretation
85B. Collection of information
85C. Verifying information
85D. Recording and holding information
85E. Forwarding of information
85F. Request for information

SECTION 2
Information from landlords and agents

86. Interpretation
87. Requiring information
88. Circumstances for requiring information
89. Relevant information
90. Manner of supply of information
91. Criminal offence

SCHEDULE 1 — Ineligible service charges
PART I — Service charges other than for fuel
PART II — Payments in respect of fuel charges
SCHEDULE 2 — Decisions of rent payable
PART I — Decisions
PART II — Assumptions, etc.
PART III — Indicative rent levels
PART IV — Size criteria
PART V — Special cases
PART VI — Interpretation
SCHEDULE 3 — Excluded tenancies
SCHEDULE 4 — Applicable amounts
PART I — Personal allowances
PART II — Family premium
PART III — Premiums
PART IV — Amounts of premiums specified in Part III
SCHEDULE 5 — Sums disregarded from claimant's earnings
SCHEDULE 6 — Amounts to be disregarded in the calculation of income other than earnings
SCHEDULE 7 — Capital to be disregarded
PART I — Capital to be disregarded generally
PART II — Capital disregarded only for the purposes of determining deemed income
SCHEDULE 9 — Matters to be included in decision notice
PART I — General
PART II — Awards where state pension credit is payable
PART III — Awards where no state pension credit is payable
PART IV — Awards where direct payments made to landlords
PART V — Notice where income of non-dependant is treated as claimant's
PART VI — Notice where no award is made
PART VII — Notice where recoverable overpayment
PART VIII — Notice following a decision on a work-focused interview
SCHEDULE 10 — Electronic communication

HOUSING BENEFIT (**PERSONS WHO HAVE ATTAINED THE QUALIFYING AGE FOR STATE PENSION CREDIT**) REGULATIONS (NORTHERN IRELAND) 2006 (S.R. 2006 No. 406)

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(d), 129(2), (3) and (4), 130, 131(1), (2) and (6), 132, 132A(3) and (4)(a), 133, 171(1) and (3) to (5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**), sections 1(1) and (1C), 5(1)(a) to (d) and (g) to (t) and (5), 73, 107, 119A, 126(4) and (5) and 165(1) and (4) to (6) of the Social Security Administration (Northern Ireland) Act 1992(**b**) and Articles 34 and 74(1) and (3) of the Social Security (Northern Ireland) Order 1998(**c**) and now vested in it(**d**).

The Regulations are made with the consent of the Department of Finance and Personnel(**e**).

(**a**) 1992 c. 7; section 129(2) was amended by Article 8(2) of the Housing Support Services (Northern Ireland) Order 2002 (S.I. 2002/3154 (N.I. 8)); section 132A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)); in section 133(1) the definition of "family" was amended by paragraph 99(2) of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**b**) 1992 c. 8; section 1(1C) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)); in section 5 subsection (1) was amended by Article 3(1) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)) and Article 70 of, and Schedule 7 to, the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and subsection (5) was inserted by Article 3(1) of the Housing Benefit (Payment to Third Parties) (Northern Ireland) Order 1996 (S.I. 1996/2597 (N.I. 20)); section 73 was amended by Article 15 of, and paragraph 2 of Schedule 1 and Schedule 2 to, the Social Security Administration (Fraud) (Northern Ireland) Order 1997 and section 62 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)); section 107 was substituted by Article 56 of the Social Security (Northern Ireland) Order 1998 and amended by paragraph 5 of Schedule 4 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671) and paragraph 7 of Schedule 6 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000; section 119A was inserted by Article 10 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 and in section 165 subsection (1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 and subsection (6) was amended by Schedule 7 to the Social Security (Northern Ireland) Order 1998

(**c**) S.I. 1998/1506 (N.I. 10); Article 34 was amended by Schedule 9 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and paragraph 30 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) and Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002

(**d**) *See* Article 8(b) of S.R. 1999 No. 481

(**e**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993; *see also* Article 6(b) of S.R. 1999 No. 481

PART I

General

Citation and commencement

1.—(1) These Regulations may be cited as the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 and shall come into operation on 20th November 2006.

(2) These Regulations are to be read, where appropriate, with the Consequential Provisions Regulations.

(3) The regulations consolidated by these Regulations are revoked, in consequence of the consolidation, by the Consequential Provisions Regulations.

Interpretation

2.—(1) In these Regulations—

"the 1950 Act" means the Employment and Training Act (Northern Ireland) 1950(**a**);

►[532] the 2015 Order means the the 2015 Order" means the Welfare Reform (Northern Ireland) Order 2015;

"the Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"the Administration Act" means the Social Security Administration (Northern Ireland) Act 1992;

"the Children Order" means the Children (Northern Ireland) Order 1995(**b**);

►[6]"the Electronic Communications Act" means the Electronic Communications Act (Northern Ireland) 2001;◄

"the Employment Rights Order" means the Employment Rights (Northern Ireland) Order 1996(**c**);

"the Health and Personal Social Services Order" means the Health and Personal Social Services (Northern Ireland) Order 1972(**d**);

"the Jobseekers Order" means the Jobseekers (Northern Ireland) Order 1995(**e**);

"the Quality, Improvement and Regulation Order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**f**);

"the State Pension Credit Act" means the State Pension Credit Act (Northern Ireland) 2002(**g**);

(**a**) 1950 c. 29 (N.I.)
(**b**) S.I. 1995/755 (N.I. 2)
(**c**) S.I. 1996/1919 (N.I. 16)
(**d**) S.I. 1972/1265 (N.I. 14)
(**e**) S.I. 1995/2705(N.I. 15)
(**f**) S.I. 2003/431 (N.I. 9)
(**g**) 2002 c.14 (N.I.)

"the Tax Credits Act" means the Tax Credits Act 2002(**a**);

"the Taxes Act" means the Income and Corporation Taxes Act 1988(**b**);

►[148]"the Welfare Reform Act" means the Welfare Reform Act (Northern Ireland) 2007;◄

"Abbeyfield Home" means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

"adoption leave" means a period of absence from work on ordinary or additional adoption leave by virtue of Article 107A or 107B of the Employment Rights Order(**c**);

►[740] "adult disability payment" has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;◄

►[94]"amended determination" means a determination where the Executive is of the opinion that it has made an error (other than in the application of its professional judgement) in relation to a broad rental market area determination or a local housing allowance determination determined in accordance with regulation 3(2) of the Executive Determinations Regulations;◄

"appropriate office" means an office of the Department dealing with state pension credit ►[149]or employment and support allowance◄ or an office which is normally open to the public for the receipt of claims for income support and jobseeker's allowance;

►[647]"approved blood scheme" means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;◄

►[414]"armed forces independence payment" means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;◄

"assessment period" means the period determined—

(a) in relation to the earnings of a self-employed earner, in accordance with regulation 35 for the purpose of calculating the weekly earnings of the claimant; or

(b) in relation to any other income, in accordance with regulation 31 for the purpose of calculating the weekly income of the claimant;

"attendance allowance" means—

(a) an attendance allowance under Part III of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

►[567]◄

(**a**) 2002 c.21

(**b**) 1988 c.1

(**c**) Articles 107A and 107B were inserted by Article 3 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983(**a**) or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

►[238]"basic rate", where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007(**b**) (see section 989 of that Act);◄

►[150] ►[409]►[504] ►[533] the benefit Acts" means the Act, the Jobseekers Order, the State Pension Credit Act, the Welfare Reform Act, the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011, the Pensions Act (Northern Ireland) 2015 and Part 5 of the 2015 Order;

"benefit week" means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

"board and lodging accommodation" means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

►[95]"broad rental market area" has the meaning specified in paragraph 4 of the Schedule to the Executive Determinations Regulations;

"broad rental market area determination" means a determination made in accordance with regulation 3(1) of the Executive Determinations Regulations;

►[811] "carer support payment" means ►[873]the carer support payment component of carer support◄ given in accordance with the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023;◄

►[346]"the Caxton Foundation" means the charitable trust of that name established on 28th March 2011, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;◄

"change of dwelling" means, for the purposes of regulation 14C, a change of dwelling occupied by a claimant as his home during the award where the dwelling to which the claimant has moved is one in respect of which the Executive may make a rent allowance;◄

"child" means a person under the age of 16;

►[720] "child abuse payment" means a payment from a scheme established or approved by the Secretary of State for the purpose of providing compensation in respect of historic institutional child abuse in the United Kingdom;◄

►[726] "child disability payment" has the meaning given in regulation 2 of the DACYP Regulations;◄

"child tax credit" means a child tax credit under section 8 of the Tax Credits Act;

►[554]"child who cannot share a bedroom" means a child—

►[727](a) who is entitled to—

(**a**) S.I. 1983/686; relevant amending Instruments are S.I. 1984/1675 and S.I. 2001/420

(**b**) 2007 c. 3

(i) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; or

(ii) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations; and◄

(b) who the relevant authority is satisfied is, by virtue of his or her disability, not reasonably able to share a bedroom with another child;◄

"claim" means a claim for housing benefit;

"claimant" means a person claiming housing benefit;

"close relative" means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

►[193]"concessionary payment" means a payment made under arrangements made by the ►[253]Department with the consent of the Department of Finance and Personnel◄ which is charged ►[254]either to the Northern Ireland National Insurance Fund or◄ to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act are charged◄;

"the Consequential Provisions Regulations" means the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006(**a**);

►[151] ►[601]"contributory employment and support allowance" means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the Welfare Reform (Northern Ireland) Order 2015 that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;" ◄

"contributory employment and support allowance" means a contributory allowance under Part 1 of the Welfare Reform Act;◄

"couple" means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

(c) 2 people of the same sex who are civil partners of each other and are members of the same household; or

(d) 2 people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), 2 people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead 2 people of the opposite sex;

"course of study" means any course of study, whether or not it is a sandwich course and whether or not a grant is made for undertaking or attending it;

(**a**) S.R. 2006 No. 407

►[728]"the DACYP Regulations" means the Disability Assistance for Children and Young People (Scotland) Regulations 2021;◄

"date of claim" means the date on which the claim is made, or treated as made, for the purposes of regulation 62;

"the Decisions and Appeals Regulations" means the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**a**);

"designated office" means the office designated by the relevant authority for the receipt of claims to housing benefit—

(a) by notice upon or with a form approved by it for the purpose of claiming housing benefit;

(b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or

(c) by any combination of the provisions set out in paragraphs (a) and (b);

"disability living allowance" means a disability living allowance under section 71 of the Act;

"dwelling occupied as the home" means the dwelling together with any garage, garden and outbuildings normally occupied by the claimant as his home, including any part thereof not so occupied which it is impracticable or unreasonable to sell separately, together with—

(a) any agricultural land adjoining that dwelling; and

(b) any land not adjoining that dwelling which it is impracticable or unreasonable to sell separately;

"earnings" has the meaning prescribed in regulation 33 or, as the case may be, 36;

"the Eileen Trust" means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

►[7]"electronic communication" has the same meaning as in section 4(1) of the Electronic Communications Act;◄

"eligible rates" is to be construed in accordance with regulation 12;

►[96]"eligible rent" means, as the case may require, an eligible rent determined in accordance with—

(a) regulation 13A, 13B or 13C; or

(b) regulations 13 (rent) and 14 (restrictions on unreasonable payments) as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations in a case to which paragraph 4 of that Schedule applies;◄

"employed earner" means a person who is gainfully employed in Northern Ireland or the Republic of Ireland either under a contract of service or in an office (including elective office) with general earnings and also includes a person who is in receipt of a payment which is payable under any statute of the Parliament of the United Kingdom extending solely to Great Britain and which corresponds to statutory sick pay or statutory maternity pay;

(**a**) S.R. 2001 No. 213

►[152]"the Employment and Support Allowance Regulations" means the Employment and Support Allowance Regulations (Northern Ireland) 2008(**a**);◄

►[262]"equity-sharing lease" means a lease of land, the general effect of which is to provide—

(a) that, in consideration for the granting of the lease, the lessee shall pay a capital sum, representing a part payment in respect of the cost of acquisition of the premises demised, and a rent; and

(b) that the lessee may make additional part payments towards the said cost of acquisition and may exercise an option to purchase the whole or part of the lessor's reversion in the premises demised;◄

"the Executive" means the Northern Ireland Housing Executive;

►[97]"the Executive Determinations Regulations" means the Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008(**b**);◄

►[123]"extended payment (qualifying contributory benefits)" means a payment of housing benefit payable pursuant to regulation 51 of these Regulations or regulation 71 of the Housing Benefit Regulations (extended payments (qualifying contributory benefits));

"extended payment period" means the period for which an extended payment is payable in accordance with regulation 51A of these Regulations or regulation 70A (duration of extended payment period) or 71A (duration of extended payment period (qualifying contributory benefits)) of the Housing Benefit Regulations;◄

"family" has the meaning assigned to it by section 133(1) of the Act;

"the Fund" means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

"the Graduated Retirement Benefit Regulations" means the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 2005(**c**);

►[705]►[795]"Grenfell Tower payment" means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;◄◄

"guarantee credit" is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act;

"a guaranteed income payment" means a payment made under article 14(1)(b) or 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(**d**);

"Health and Social Services Board" means a Board established under Article 16 of the Health and Personal Social Services Order;

(**a**) S.R. 2008 No. 280
(**b**) S.R. 2008 No. 100
(**c**) S.R. 2005 No. 121, amended by S.R. 2005 No. 541 and S.R. 2006 No. 104
(**d**) S.I. 2005/439

"HSS trust" means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**a**), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(**b**);

►[796]"the Horizon system" means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;◄

"hostel" means a building—

(a) in which there is provided for persons generally or for a class of persons, domestic accommodation, otherwise than in separate and self-contained premises, and either board or facilities for the preparation of food adequate to the needs of those persons, or both;

(b) which is—

(i) managed or owned by a registered housing association;

(ii) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or agency, the Executive or a Health and Social Services Board or HSS trust, or

(iii) managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community; and

(c) which is not—

(i) a residential care home;

(ii) a nursing home;

(iii) an independent hospital, or

(iv) an Abbeyfield Home;

"housing association" has the meaning assigned to it by Article 3 of the Housing (Northern Ireland) Order 1992(**c**);

"the Housing Benefit Regulations" means the Housing Benefit Regulations (Northern Ireland) 2006(**d**);

"an income-based jobseeker's allowance" has the same meaning as it has in the Jobseekers Order by virtue of Article 3(4) of that Order(**e**);

►[153]"income-related employment and support allowance" means an income-related allowance under Part 1 of the Welfare Reform Act;◄

"the Income Support Regulations" means the Income Support (General) Regulations (Northern Ireland) 1987(**f**);

(**a**) S.I. 1991/194 (N.I. 1)
(**b**) S.I. 1994/429 (N.I. 2)
(**c**) S.I. 1992/1725 (N.I. 15)
(**d**) S.R. 2006 No. 405
(**e**) The definition of "an income-based jobseeker's allowance" was amended by paragraph 3(4)(a) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**f**) S.R. 1987 No. 459

"independent hospital" has the meaning assigned to it by Article 2(2) of the Quality, Improvement and Regulation Order;

►[184]◄

►[185]◄

►[186]◄

►[187]◄

►[63]"the Independent Living Fund (2006)" means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;◄

►[648]"the Infected Blood Payment Scheme for Northern Ireland" means the scheme of that name administered by the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;◄

"invalid carriage or other vehicle" means a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

"the Jobseeker's Allowance Regulations" means the Jobseeker's Allowance Regulations (Northern Ireland) 1996(**a**);

"a joint-claim jobseeker's allowance" has the same meaning as it has in the Jobseekers Order by virtue of Article 3(4) of that Order(**b**);

►[841]"LGBT Financial Recognition Scheme payment" means a payment under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme administered under the authority of the Secretary of State for Defence;◄

►[98]"linked person" means—

(a) any member of the claimant's family;

(b) if the claimant is a member of a polygamous marriage, any partners of his and any child or young person for whom he or a partner is responsible and who is a member of the same household;

(c) any relative of the claimant or his partner who occupies the same dwelling as the claimant, whether or not they reside with him, except for a relative who has a separate right of occupation of the dwelling which would enable them to continue to occupy it even if the claimant ceased his occupation of it;

"local housing allowance" means an allowance determined in accordance with paragraph 2 of the Schedule to the Executive Determinations Regulations;◄

►[779]"linked welfare provision" means occasional financial or other assistance given by a Northern Ireland Department, or a person authorised to exercise any function of, or provide a service to, it, to or in respect of indivduals for the purpose of—

(**a**) S.R. 1996 No. 198

(**b**) The definition of "a joint-claim jobseeker's allowance" was inserted by paragraph 3(4)(b) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999

(a) meeting, or helping to meet, an immediate short term need—

(i) arising out of an exceptional event, or exceptional circumstances; and

(ii) that requires to be met in order to avoid a risk to the well-being of an individual; or

(b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—

(i) in prison, hospital, a residential care establishment or other institution; or

(ii) homeless or otherwise living in an unsettled way of life;◄

"the London Bombings Relief Charitable Fund" means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

►[636] "the London Emergencies Trust" means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;◄

"lone parent" means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

►[66]◄

"the Macfarlane Trust" means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

"the Macfarlane (Special Payments) Trust" means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

"the Macfarlane (Special Payments) (No. 2) Trust" means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

►[154]"main phase employment and support allowance" means an employment and support allowance where the calculation of the amount payable in respect of the claimant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act►[633] or the claimant is a member of the work-related activity group◄;◄

"maternity leave" means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part IX of the Employment Rights Order(**a**);

"maximum rent" means the amount to which the eligible rent is restricted in a case where regulation 14 applies;

(**a**) Part IX was substituted by Part I of Schedule 4 to the Employment Relations (Northern Ireland) Order 1999 (S.I. 1999/2790 (N.I. 9)) and amended by Article 14 of the Employment (Northern Ireland) Order 2002

►[99]"maximum rent (LHA)" means the amount determined in accordance with regulation 14D;◄

►[588]"member of a couple who cannot share a bedroom" means a member of a couple—

(a) who is in receipt of —

(i) attendance allowance►[839]◄;

►[827](ia) pension age disability payment►[840]◄;◄

(ii) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act;

►[729] (iia) the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;◄

►[846](iib) the care component of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;◄

(iii) the daily living component of personal independence payment in accordance with Article 83 of the 2015 Order; ►[741]◄

►[742] (iiia) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; or◄

(iv) armed forces independence payment; and

(b) whom the relevant authority is satisfied is, by virtue of his or her disability, not reasonably able to share a bedroom with the other member of the couple; ◄

►[555]"member of the armed forces away on operations" means a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(2)) who is absent, while on operations, from the dwelling usually occupied as their home;◄

►[625]"member of the work-related activity group" means a ►[634] person◄ who has or is treated as having limited capability for work under either—

(a) Part 5 of the Employment and Support Allowance Regulations (Northern Ireland) 2008 other than by virtue of regulation 30 of those Regulations; or

(b) Part 4 of the Employment and Support Allowance Regulations (Northern Ireland) 2016 other than by virtue of regulation 26 of those Regulations;◄

►[272]"MFET Limited" means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;◄

►[865]"miscarriage of justice compensation payment" means—

(a) a payment made under section 133(1) of the Criminal Justice Act 1988; or

(b) any other payment made by the Secretary of State, the Scottish Ministers or, in Northern Ireland, the Department of Justice, for the purpose of compensating a person—

(i) for a miscarriage of justice in criminal proceedings, or

(ii) for being wrongfully charged with a criminal offence;"◄

►[705]"the National Emergencies Trust" means the registered charity of that name (number 1182809) established on 28th March 2019;◄

"net earnings" means such earnings as are calculated in accordance with regulation 34;

"net profit" means such profit as is calculated in accordance with regulation 37;

"non-dependant" has the meaning prescribed in regulation 3;

"non-dependant deduction" means a deduction that is to be made under regulation 53;

"nursing home" has the meaning it has for the purposes of the Quality, Improvement and Regulation Order by virtue of Article 11 of that Order;

"occupational pension" means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

"owner" means the person who, otherwise than as a mortgagee in possession, is for the time being entitled to dispose of the fee simple or leasehold interest of any rateable unit, whether or not with the consent of other joint owners;

►[768]"parental bereavement leave" means leave under Article 112EA of the Employment Rights (Northern Ireland) Order 1996;◄

"partner" means—

(a) where a claimant is a member of a couple, the other member of that couple; or

(b) where a claimant is polygamously married to 2 or more members of his household, any such member;

►[379]"paternity leave" means a period of absence from work on ►[477]◄paternity leave by virtue of Article 112A or 112B of the Employment Rights►[478];◄

"payment" includes part of a payment;

►[828] "pension age disability payment" has the meaning given in regulation 2 of the Disability Assistance for Older People (Scotland) Regulations 2024;◄

"pension fund holder" means with respect to a personal pension scheme or ►[49]an occupational pension scheme◄, the trustees, managers or scheme administrators, as the case may be, of the scheme ►[50]◄ concerned;

"person affected" shall be construed in accordance with regulation 3 of the Decisions and Appeals Regulations;

"person on income support" means a person in receipt of income support;

"person on state pension credit" means a person in receipt of state pension credit;

►[299]"person who requires overnight care" means a person ("P")—

(a) who—

►[410](zi) is in receipt of armed forces independence payment;◄

(i) is in receipt of attendance allowance;

►**829** (ia) is in receipt of pension age disability payment;◄

(ii) is in receipt of the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act, ►534

►**730** (iiza) is in receipt of the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations;◄

►**847**(iizb) is in receipt of the care component of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;◄

►534 (iia) is in receipt of the daily living component of personal independence payment in accordance with Article 83 of the 2015 Order; or

►743 (iiaa) is in receipt of the daily living component of adult disability payment in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;◄

►744 (iii) although not satisfying either paragraph (zi), (i), ►**830**(ia),◄ (ii)►731 , (iiza)◄►**848**, (iizb)◄, (iia) or (iiaa) above has provided or, where P is a child, the claimant has provided the relevant authority with such certificates, documents, information or evidence as are sufficient to satisfy the authority that P requires overnight care ; and◄

(b) whom the relevant authority is satisfied reasonably requires, and has in fact arranged, that one or more people who do not occupy as their home the dwelling to which the claim or award for housing benefit relates should—

(i) be engaged in providing overnight care for P;

(ii) regularly stay overnight at the dwelling for that purpose, and

(iii) be provided with the use of a bedroom in that dwelling additional to those used by the persons who occupy the dwelling as their home,

but, in a case where P is treated as occupying a dwelling which P does not actually occupy, sub-paragraphs (ii) and (iii) are to be treated as satisfied where the relevant authority is satisfied that the dwelling contains such an additional bedroom and that P did or will reasonably so require and so arrange at such time as P actually occupied or occupies the dwelling;◄

►**51**"personal pension scheme" means—

(a) a personal pension scheme as defined by section 1 of the Pension Schemes (Northern Ireland) Act 1993(**a**);

(b) an annuity contract or trust scheme approved under section 620 or 621 of the Taxes Act or a substituted contract within the meaning of section 622(3) of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004(**b**);

(**a**) 1993 c. 49
(**b**) 2004 c. 12

(c) a personal pension scheme approved under Chapter IV of Part XIV of the Taxes Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;◄

►[536] "personal indenpendence payment" means personal independence payment under Part 5 of the 2015 Order;

"policy of life insurance" means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

"polygamous marriage" means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy;

►[797]"the Post Office" means Post Office Limited (registered number 02154540);◄

►[798] "Post Office compensation payment" means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

(a) in connection with the failings of the Horizon system, or

(b) otherwise payable following the judgment in *Bates and Others v Post Office Limited* ((No. 3) "Common Issues")(**a**);◄

►[255]"public authority" has the meaning given in section 75(3) of the Northern Ireland Act 1998;◄

"the qualifying age for state pension credit" means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act)—

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

►[124]"qualifying contributory benefit" means—

(a) severe disablement allowance;

(b) incapacity benefit;◄

►[155](c) contributory employment and support allowance;◄

"qualifying course" means a qualifying course as defined for the purposes of Parts II and IV of the Jobseeker's Allowance Regulations;

►[125]"qualifying income-related benefit" means—

(a) income support;

(b) income-based jobseeker's allowance;◄

►[156](c) income-related employment and support allowance;◄

►[556]"qualifying parent or carer" means a person who has a bedroom in the dwelling they occupy as their home additional to those used by the persons who occupy the dwelling as their home and who—

(**a**) [2019] EWHC 606 (QB)

(a) has a child or qualifying young person placed with them as mentioned in regulation 19(3) who by virtue of that provision is not treated as occupying their dwelling; or

(b) has been approved as a foster parent under regulation 3 of the Foster Placement (Children) Regulations (Northern Ireland) 1996(**3**) but does not have a child or qualifying young person placed with them and has not had a child or qualifying young person placed with them for a period which does not exceed 52 weeks;◄

"qualifying person" means a person in respect of whom►**706** a Grenfell Tower payment►**722** , a child abuse payment►**800**, a Windrush payment, a Post Office compensation payment►**842**, a vaccine damage payment►**866**, an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment◄◄◄◄ has been made or◄ payment has been made from the Fund, the Eileen Trust►**273**, MFET Limited◄, the Skipton Fund►**347**, the Caxton Foundation◄►**649** , the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme◄►**637**, the London Emergencies Trust, the We Love Manchester Emergency Fund◄►**707** , the National Emergencies Trust◄►**807**, the Victims of Overseas Terrorism Compensation Scheme◄ or the London Bombings Relief Charitable Fund;

"rateable unit" means a hereditament as defined in Article 2(2) of the Rates (Northern Ireland) Order 1977;

►**100**"reckonable rent" means payments which a person is liable to make in respect of the dwelling which he occupies as his home, and which are eligible, or would, but for regulation 14, be eligible for housing benefit;

"registered housing association" means a housing association which is registered in a register maintained under Article 14 of the Housing (Northern Ireland) Order 1992(**a**);◄

"relative" means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

"relevant authority" means an authority administering housing benefit;

►**101**"relevant information" means information or evidence forwarded to the relevant authority by an appropriate office regarding a claim on which rent allowance may be awarded, which completes the transfer of all information or evidence held by the appropriate office relating to that claim;◄

"remunerative work" has the meaning prescribed in regulation 6;

"rent" includes all those payments in respect of a dwelling specified in regulation 13(1);

"residential care home" has the meaning it has for the purposes of the Quality, Improvement and Regulation Order by virtue of Article 10 of that Order;

►**52**◄

(**a**) S.I. 1992/1725 (N.I. 15)

►[122]"sandwich course" has the meaning prescribed in regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, regulation 2(9) of the Education (Student Support) Regulations 2008 or regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007, as the case may be;◄

"savings credit" is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act;

►[849]"Scottish adult disability living allowance" has the meaning given in regulation 2 of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;◄

►[519] "Scottish basic rate" means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;

►[650]"Scottish Infected Blood Support Scheme" means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);◄

"Scottish taxpayer" has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998◄

"self-employed earner" means a person who is gainfully employed in Northern Ireland or the Republic of Ireland otherwise than in employed earner's employment (whether or not he is also employed in such employment);

►[436]◄

►[479] "shared parental leave" means leave under Article 107E or 107G of the Employment Rights (Northern Irleand) Order 1996;

"single claimant" means a claimant who neither has a partner nor is a lone parent;

"the Skipton Fund" means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions;

"sports award" means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993(**a**) out of sums allocated to it for distribution under that section;

►[239]◄

"student" means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

(a) a course of study at an educational establishment; or

(b) a qualifying course;

"tax year" means a period beginning with 6th April in one year and ending with 5th April in the next;

"training allowance" means an allowance (whether by way of periodical grants or otherwise) payable—

(**a**) 1993 c. 39

(a) out of public funds by a government department or by or on behalf of the Department for Employment and Learning(**a**);

(b) to a person for his maintenance or in respect of a member of his family; and

(c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, a government department or approved by such department in relation to him or so provided or approved by or on behalf of the Department for Employment and Learning,

but it does not include an allowance paid by any government department to, or in respect of, a person by reason of the fact that he is following a course of full-time education, other than under arrangements provided under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**b**) or made under section 1(1) of the 1950 Act, or is training as a teacher;

►[602]"universal credit" means universal credit under Part 2 of the Welfare Reform (Northern Ireland) Order 2015;"◄

►[799]"vaccine damage payment" means a payment under the Vaccine Damage Payments Act 1979;◄

►[808]"the Victims of Overseas Terrorism Compensation Scheme" means the scheme of that name established by the Ministry of Justice in 2012 under section 47 of the Crime and Security Act 2010;◄

"voluntary organisation" means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members of the association;

►[194]"war disablement pension" means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003(**c**);

"war pension" means a war disablement pension, a war widow's pension or a war widower's pension;

"war widow's pension" means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

"war widower's pension" means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;◄

(**a**) See Article 4(b) of S.R. 1999 No. 481 and section 1 of the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15 (N.I.))

(**b**) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

(**c**) 2003 c. 1; subsection (2) was inserted into section 639 by section 19(4) of the Finance Act 2005 (c. 7)

►[35]"water charges" means any water and sewerage charges under Chapter I of Part VII of the Water and Sewerage Services (Northern Ireland) Order 2006 in so far as such charges are in respect of the dwelling which a person occupies as his home;◄

►[638]"the We Love Manchester Emergency Fund" means the registered charity of that name (number 1173260) established on 30th May 2017;◄

►[721] "Windrush payment" means a payment made under the Windrush Compensation Scheme (Expenditure) Act 2020;◄

"working tax credit" means a working tax credit under section 10 of the Tax Credits Act;

"the Working Tax Credit Regulations" means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(**a**);

►[340]◄

"young person" has the meaning prescribed in regulation 17(1).

(2) References in these Regulations to a person who is liable to make payments shall include references to a person who is treated as so liable under regulation 8.

(3) For the purposes of these Regulations, a person is on an income-based jobseeker's allowance on any day in respect of which an income-based jobseeker's allowance is payable to him and on any day—

(a) in respect of which he satisfies the conditions for entitlement to an income-based jobseeker's allowance but where the allowance is not paid in accordance with Article 21 or 22A of the Jobseekers Order (circumstances in which a jobseeker's allowance is not payable) ►[358]or regulation 27A of the Jobseeker's Allowance Regulations◄;

(b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Order and which falls immediately before a day in respect of which an income-based jobseeker's allowance is payable to him or would be payable to him but for Article 21 or 22A of that Order ►[359]or regulation 27A of the Jobseeker's Allowance Regulations◄;

(c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Order and no joint-claim jobseeker's allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of Article 22A of that Order; or

(d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section ►[338]5B,◄ 6, 7, or 8 of the Social Security Fraud Act (Northern Ireland) 2001(**b**) (loss of benefit provisions).

►[157](3A) For the purposes of these Regulations, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day—

(**a**) S.I. 2002/2005

(**b**) 2001 c. 17; section 6 was amended by Schedule 6 to the Tax Credits Act 2002 and paragraph 33 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 and section 8 was amended by paragraph 34 of that Schedule

(a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act (disqualification); or

(b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.◄

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

(a) subject to sub-paragraphs (b) and (c), any land (whether or not occupied by a structure) which is used for the purposes of occupying a dwelling as a home where either—

(i) the occupier of the dwelling acquired simultaneously the right to use the land and the right to occupy the dwelling, and, in the case of a person liable to pay rent for his dwelling, he could not have occupied that dwelling without also acquiring the right to use the land, or

(ii) the occupier of the dwelling has made or is making all reasonable efforts to terminate his liability to make payments in respect of the land;

(b) where the dwelling is a caravan or 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.

(5) In these Regulations references to any person in receipt of a guarantee credit, a savings credit or state pension credit includes a reference to a person who would be in receipt thereof but for regulation 13 of the State Pension Credit Regulations (Northern Ireland) 2003(**a**) (small amounts of state pension credit).

►[437](5A) References in these Regulations to a claimant participating as a service user are to—

(a) a person who is being consulted by or on behalf of—

(i) a body which has a statutory duty to provide services in the field of health, social care or social housing, or

(ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,

in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or

►[502] (ab) a person who is being consultated on or on behalf of—

(i) the Department in relation to any of the Department's functions in the field of social security or child support under section 1 of the Employment and Training Act (Northern Ireland) 1950 (general functions of the Department as to employment and training for employment), or

(**a**) S.R. 2003 No. 28

(ii) the body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,

in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or◄

(b) the carer of a person consulted under ►[503]sub-paragraph (a) or (ab).◄

(6) Subject to paragraphs (7) and (8), the Interpretation Act (Northern Ireland) 1954(**a**) shall apply to these Regulations as it applies to an Act of the Assembly.

(7) For the purposes of these Regulations and notwithstanding section 39(2) of the Interpretation Act (Northern Ireland) 1954, where a period of time is expressed to begin on, or to be reckoned from, a particular day, that day shall be included in the period.

(8) Without prejudice to any other method of service authorised under section 24 of the Interpretation Act (Northern Ireland) 1954, the requirement to send any document under these Regulations may be met by sending it by ordinary post.

►[590] (9) For the purposes of these Regulations, reference to a member of a couple who can share a bedroom is to a member of a couple where the other member of the couple is a member of a couple who cannot share a bedroom. ◄

Definition of non-dependant

3.—(1) In these Regulations, "non-dependant" means any person, except someone to whom paragraph (2) applies, who normally resides with a claimant or with whom a claimant normally resides.

(2) This paragraph applies to—

(a) any member of the claimant's family;

(b) if the claimant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;

(c) a child or young person who is living with the claimant but who is not a member of his household by virtue of regulation 19;

(d) subject to paragraph (3), a person who jointly occupies the claimant's dwelling and is either a co-owner of that dwelling with the claimant or his partner (whether or not there are other co-owners) or is liable with the claimant or his partner to make payments in respect of his occupation of the dwelling;

(e) subject to paragraph (3)—

(i) any person who is liable to make payments on a commercial basis to the claimant or the claimant's partner in respect of the occupation of the dwelling;

(ii) any person to whom or to whose partner the claimant or the claimant's partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling, or

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(**a**) 1954 c. 33 (N.I.)

(iii) any other member of the household of the person to whom or to whose partner the claimant or the claimant's partner is liable to make payments on a commercial basis in respect of the occupation of the dwelling;

(f) a person who lives with the claimant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the claimant or his partner for the services provided by that person.

(3) Sub-paragraphs (d) and (e) of paragraph (2) shall not apply to any person who is treated as if he were not liable to make payments in respect of a dwelling under regulation 9(1).

(4) For the purposes of this regulation and regulation 9 ►[102]and the definition of "linked person" in regulation 2(1)◄ a person resides with another only if they share any accommodation except a bathroom, a lavatory or a communal area within the meaning prescribed in paragraph 8 of Schedule 1 but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord.

Cases in which section 1(1A) of the Administration Act is disapplied

4. Section 1(1A) of the Administration Act(**a**) (requirement to state national insurance number) shall not apply—

(a) to a claim for housing benefit where the person making the claim, or in respect of whom the claim is made, is liable to make payments in respect of a dwelling which is a hostel;►[236]◄

(b) to any child or young person in respect of whom housing benefit is claimed►[237]; or

(c) to a person who—

(i) is a person in respect of whom a claim for housing benefit is made;

(ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999;

(iii) is a person from abroad for the purposes of these Regulations as defined in regulation 10(2), and

(iv) has not previously been allocated a national insurance number.

Persons who have attained the qualifying age for state pension credit

5.—(1) Except as provided in paragraph (2), these Regulations apply to a person who has attained the qualifying age for state pension credit.

(2) These Regulations shall not apply in relation to any person if he, or if he has a partner, his partner, is a person ►[669]on universal credit, ◄on income support ►[158], on an income-based jobseeker's allowance or on an income-related employment and support allowance◄.

(**a**) Subsection (1A) was inserted by Article 18 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997

Remunerative work

6.—(1) Subject to the following provisions of this regulation, a person shall be treated for the purposes of these Regulations as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over—

(a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);

(b) in any other case, the period of 5 weeks immediately prior to the date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week. (5) A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support ►**159**, an income-based jobseeker's allowance or an income-related employment and support allowance◄ for more than 3 days in any benefit week shall be treated as not being in remunerative work in that week.

(7) A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or ►[480]adoption leave ►**769**, shared parental leave, parental bereavement leave◄◄, or is absent from work because he is ill.

(8) A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—

(a) a sports award has been made, or is to be made, to him; and

(b) no other payment is made or is expected to be made to him.

PART II

Provisions affecting entitlement to housing benefit

Circumstances in which a person is or is not to be treated as occupying a dwelling as his home

7.—(1) Subject to the following provisions of this regulation, a person shall be treated as occupying as his home the dwelling normally occupied as his home—

(a) by himself or, if he is a member of a family, by himself and his family; or

(b) if he is polygamously married, by himself, his partners and any child or young person for whom he or any partner of his is responsible and who is a member of that same household,

and shall not be treated as occupying any other dwelling as his home.

(2) In determining whether a dwelling is the dwelling normally occupied as a person's home for the purpose of paragraph (1) regard shall be had to any other dwelling occupied by that person or any other person referred to in paragraph (1) whether or not that dwelling is in Northern Ireland.

(3) Where a single claimant or a lone parent is a student, other than one to whom regulation 53(1) of the Housing Benefit Regulations (circumstances in which certain students are treated as not liable to make payments in respect of a dwelling) applies, or is on a training course and is liable to make payments (including payments of mortgage interest or analogous payments) in respect of either (but not both) the dwelling which he occupies for the purpose of attending his course of study or, his training course, or as the case may be, the dwelling which he occupies when not attending his course, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make such payments.

(4) Where a claimant has been required to move into temporary accommodation by reason of essential repairs being carried out to the dwelling normally occupied as his home, and is liable to make payments (including payments of mortgage interest or analogous payments) in respect of either (but not both) the dwelling which he normally occupied as his home or the temporary accommodation, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(5) Where a person is required by a court to reside in a dwelling which is a hostel, he shall not be treated as occupying that dwelling as his home.

(6) Where a person is liable to make payments in respect of 2 (but not more than 2) dwellings, he shall be treated as occupying both dwellings as his home only—

(a) for a period not exceeding 52 weeks in the case where he has left and remains absent from the former dwelling occupied as his home through fear of violence in that dwelling or by a former member of his family and—

(i) it is reasonable that housing benefit should be paid in respect of both his former dwelling and his present dwelling occupied as the home, and

(ii) he intends to return to occupy the former dwelling as his home;

(b) in the case of a couple or a member of a polygamous marriage, where he or one partner is a student, other than one to whom regulation 53(1) of the

Housing Benefit Regulations applies, or is on a training course and it is unavoidable that the partners should occupy 2 separate dwellings and reasonable that housing benefit should be paid in respect of both dwellings;

(c) in the case where, because of the number of persons referred to in paragraph (1), they have been housed by the Executive in 2 separate dwellings;

(d) in the case where a person has moved into a new dwelling occupied as the home, except where paragraph (4) applies, for a period not exceeding 4 benefit weeks ►[11]from the date on which he moved◄ if he could not reasonably have avoided liability in respect of 2 dwellings; or

(e) in the case where a person—

(i) is treated by virtue of paragraph (8) as occupying a dwelling as his home ("the new dwelling") and sub-paragraph (c)(i) of that paragraph applies, and

(ii) he has occupied another dwelling as his home on any day within the period of 4 weeks immediately preceding the date he moved to the new dwelling,

for a period not exceeding 4 benefit weeks immediately preceding the date on which he moved.

(7) Where—

(a) a person has moved into a dwelling for which he is not liable to make payments ("the new dwelling");

(b) immediately before that move, he was liable to make payments for the dwelling he previously occupied as his home ("the former dwelling"); and

(c) that liability continues after he has moved into the new dwelling,

he shall be treated as occupying the former dwelling as his home for a period not exceeding 4 benefit weeks if he could not reasonably have avoided liability in respect of that former dwelling.

(8) ►[68]Where◄—

(a) ►[69]a person◄ has moved into a dwelling and was liable to make payments in respect of that dwelling before moving in;

►[70](b) either—

(i) that person had claimed housing benefit before moving in and either no decision has yet been made on that claim or it has been refused but a further claim has been made or treated as made within 4 weeks of the date on which the claimant moved into the new dwelling occupied as the home, or

(ii) that person notified the move to the new dwelling as a change of circumstances under regulation 65 before the move, or the move to the new dwelling was otherwise notified before the move under that regulation; and"; and◄

(c) the delay in moving into the dwelling in respect of which there was liability to make payments before moving in was reasonable and—

(i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of that person or any member of his family;

(ii) the move was delayed pending the outcome of an application under Part VIII of the Act for a social fund payment to meet a need arising out of the move or in connection with setting up the home in the dwelling and either a member of the claimant's family is aged 5 or under or the claimant is a person who has attained or whose partner has attained the qualifying age for state pension credit, or

(iii) the claimant became liable to make payments in respect of the dwelling while he was a patient or in residential accommodation,

►[71]the person shall be treated◄ as occupying the dwelling as his home for any period not exceeding 4 weeks immediately prior to the date on which he moved into the dwelling and in respect of which he was liable to make payments.

(9) Where a person is treated by virtue of paragraph (8) as occupying a dwelling as his home in respect of the period before moving in, his claim for housing benefit in respect of that dwelling shall be treated as having been made on—

(a) in the case of a claim in respect of which a decision has not yet been made the date that claim was or was treated as made in accordance with regulation 62;

(b) in the case of a claim for housing benefit in respect of that dwelling which has been refused and a further claim was or was treated as made in accordance with Part IX within 4 weeks of the date on which he moved into the dwelling, the date on which the claim was refused or was treated as made; or

(c) the date from which he is treated by virtue of paragraph (8) as occupying the dwelling as his home,

whichever of those dates is the later.

(10) Where a person to whom neither paragraph (6)(a) or (16)(c)(x) applies—

(a) formerly occupied a dwelling but has left and remains absent from it through fear of violence—

(i) in the dwelling, or

(ii) by a person who was formerly a member of the family of the person first mentioned; and

(b) has a liability to make payments in respect of that dwelling which is unavoidable,

he shall be treated as occupying the dwelling as his home for a period not exceeding 4 benefit weeks.

(11) This paragraph shall apply to a person who enters residential accommodation►[568] in Northern Ireland◄—

(a) for the purpose of ascertaining whether the accommodation suits his needs;

(b) with the intention of returning to the dwelling which is normally occupied by him as his home should, in the event, the residential accommodation prove not to suit his needs; and

(c) while the part of the dwelling which is normally occupied by him as his home is not let, or as the case may be, sublet.

(12) A person to whom paragraph (11) applies shall be treated as if he is occupying the dwelling he normally occupies as his home for a period not exceeding, subject to

an overall limit of 52 weeks on the absence from that home, 13 weeks beginning from the first day he enters ►[569] the ◄ residential accommodation.

►[570](13) Subject to paragraphs (13B) and (17), where a person who is temporarily absent within Northern Ireland from his main dwelling, he shall be treated as occupying that dwelling as his home whilst he is so absent, subject to an overall limit of 13 weeks beginning with the first day of the absence from the main dwelling, provided that—

(a) the person intends to return to occupy the main dwelling as his home;

(b) the part of the main dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and

(c) the period of absence within Northern Ireland is unlikely to extend beyond the overall limit◄

►[571](13A) The period of 13 weeks referred to in paragraph (13) shall run or continue to run during any period of absence from Northern Ireland.

(13B) Where—

(a) a person returns to Northern Ireland after a period of absence from Northern Ireland;

(b) he has been absent from the main dwelling for less than 13 weeks beginning with the first day of absence from that dwelling; and

(c) at the outset of, or during, the period of absence from Northern Ireland, he ceased to be treated as occupying the main dwelling as his home,

then, for any day that follows the period of absence from Northern Ireland and precedes his return to the main dwelling, he shall not be treated as occupying the main dwelling as his home under paragraph (13).

(13C) This paragraph applies to a person who is temporarily absent from Northern Ireland and who occupied the main dwelling as his home, or was treated as occupying that dwelling as his home, immediately before the period of absence from Northern Ireland.

(13D) Subject to paragraphs (13E), (13G), (17C)►[863], (17D) and 17(E)◄ a person to whom paragraph (13C) applies shall be treated as occupying the main dwelling as his home whilst he is absent from Northern Ireland, for a period not exceeding 4 weeks beginning with the firstday of that absence from Northern Ireland, provided that—

(a) the person intends to return to occupy the main dwelling as his home;

(b) the part of the main dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and

(c) the period of absence outside Northern Ireland is unlikely to exceed 4 weeks.

(13E) If the temporary absence from the main dwelling is in connection with the death of—

(a) the person's partner or a child or young person for whom the person or the person's partner is responsible;

(b) the person's close relative;

(c) the close relative of the person's partner; or

(d) the close relative of a child or young person for whom the person or the person's partner is responsible, then the period of 4 weeks in the opening words of paragraph (13D) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Northern Ireland within the first 4 weeks (and so that the reference in subparagraph

(e) of that paragraph to a period of 4 weeks shall, where the period is extended,

be taken as referring to the period as so extended).

(13F) This paragraph applies to a person who is temporarily absent from Northern Ireland as a member of Her Majesty's forces posted overseas, a mariner or a continental shelf worker, and who occupied the main dwelling as his home, or was treated as occupying that dwelling as his home, immediately before the period of absence from Northern Ireland.

(13G) A person to whom paragraph (13F) applies shall be treated as occupying the main dwelling as his home whilst he is absent from Northern Ireland, for a period not exceeding 26 weeks beginning with the first day of that absence from Northern Ireland, provided that—

(a) the person intends to return to occupy the main dwelling as his home;

(b) the part of the main dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and

(c) the period of absence outside Northern Ireland is unlikely to exceed 26 weeks.◄

(14) This paragraph applies to a person who is—

(a) detained in custody pending sentence upon conviction or under a sentence imposed by a court other than a person who is detained in hospital under the provisions of the Mental Health (Northern Ireland) Order 1986(**a**); and

►[685](b) on temporary release from such detention in accordance with Rules made under the Prison Act (Northern Ireland) 1953(**b**)◄

(15) Where paragraph (14) applies to a person, then, for any day when he is on temporary release—

(a) if such temporary release was immediately preceded by a period of temporary absence under paragraph (13) or (16), he shall be treated as if he continues to be absent from the dwelling, despite any occupation of the dwelling;

(b) for the purposes of paragraph (16)(c)(i), he shall be treated as if he remains in detention; and

(c) if he does not fall within sub-paragraph (a), he shall be treated as if he does not occupy his dwelling as his home despite any such occupation of the dwelling.

(16) This paragraph shall apply to a person who is temporarily absent from the ►[572] main dwelling◄, if—

(**a**) S.I. 1986/595 (N.I. 4)

(**b**) 1953 c.18 (N.I.)

(a) he intends to return to occupy the ►[573] main◄ dwelling as his home;

(b) while the part of the ►[573] main◄ dwelling which is normally occupied by him has not been let or, as the case may be, sublet;

(c) he is—

►[389](i) a person to whom paragraph (16A) applies;◄

(ii) resident in a hospital or similar institution as a patient;

(iii) undergoing, or as the case may be, his partner or his dependent child is undergoing, ►[574] ◄ medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;

(iv) following, ►[574] ◄a training course;

(v) undertaking medically approved care of a person residing in the United Kingdom or elsewhere;

(vi) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;

(vii) a person who is, ►[574] ◄receiving medically approved care provided in accommodation other than residential accommodation;

(viii) a student to whom paragraph (3) or (6)(b) does not apply;

(ix) a person who is receiving care provided in residential accommodation other than a person to whom paragraph (11) applies, or

(x) a person who has left the dwelling he occupies as his home through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned, and to whom paragraph (6)(a) does not apply; and

►[575]

(d) in the case of—

(i) absence within Northern Ireland, any period of absence from the dwelling isunlikely to extend beyond, or in exceptional circumstances is unlikely substantially to extend beyond, an overall limit of 52 weeks beginning with the first day of the absence from the dwelling;

(ii) an absence from Northern Ireland by a person to whom any of sub-paragraphs (c)(ii), (iii), (vii) or (x) apply, any period of absence from Northern Ireland is unlikely to exceed or, in exceptional circumstances is unlikely substantially to exceed, 26 weeks beginning with the first day of the absence from Northern Ireland; or

(iii) absence from Northern Ireland by a person to whom head (ii) does not apply, any period of absence from Northern Ireland is unlikely to exceed or, in exceptional circumstances is unlikely substantially to exceed, 4 weeks beginning with the first day of absence from Northern Ireland. ◄

►[390](16A) This paragraph applies to a person ("P") who is detained in custody on remand pending trial, detained pending sentence upon conviction, or as a condition of bail,

required to reside in a dwelling, other than a dwelling P occupies as P's home, and who is not also detained in custody following sentence upon conviction.◄

►[576] (17) Subject to paragraph (17B), a person to whom paragraph (16) applies who is absent within Northern Ireland, shall be treated as occupying the main dwelling as his home whilst he is so absent, subject to an overall limit of a period of 52 weeks beginning with the first day of the absence from the dwelling. ◄

► [577] (17A) The period of 52 weeks referred to in paragraph (17) shall run or continue to run during any period of absence from Northern Ireland.

(17B) Where—

(a) a person returns to Northern Ireland after a period of absence from Northern Ireland;

(b) he has been absent from the main dwelling for less than 52 weeks beginning with the first day of absence from that dwelling; and

(c) at the outset of, or during, the period of absence from Northern Ireland, he ceased to be treated as occupying the main dwelling as his home, then, for any day that follows the period of absence from Northern Ireland and precedes his return to the main dwelling, he shall not be treated as occupying the main dwelling as his home under paragraph (17).

(17C) A person to whom paragraph (16) applies who—

(a) is a person described in any of sub-paragraphs (c)(ii), (iii), (vii) or (x) of that paragraph;

(b) is temporarily absent from Northern Ireland; and

(c) immediately before that period of temporary absence, occupied the main dwelling as his home or was treated as so occupying that dwelling,

shall be treated as occupying that dwelling as his home whilst he is absent from Northern Ireland, for a period not exceeding 26 weeks beginning with the first day of the absence from Northern Ireland.

(17D) A person to whom paragraph (16) applies who—

(a) is a person described in any of sub-paragraphs (c)(i), (iv), (v), (vi), (viii) or (ix) of that paragraph;

(b) is temporarily absent from Northern Ireland; and

(c) immediately before that period of temporary absence, occupied the main dwelling as his home or was treated as so occupying that dwelling,

shall be treated as occupying that dwelling as his home whilst he is absent from Northern Ireland, for a period not exceeding 4 weeks beginning with the first day of the absence from Northern Ireland◄

►[864](17E) A person who is absent from Northern Ireland is treated as occupying the main dwelling as his home during the first 26 weeks of the absence if—

(a) the person was present in a country or territory immediately before His Majesty's Government—

(i) provided public information to advise British nationals to leave that country or territory, or

(ii) arranged the evacuation of British nationals from that country or territory;

(b) paragraph (13A), (13D), (13E), (13G), (17A), (17C) or (17D) applied to the person when the public information was issued or the evacuation began;

(c) the relevant authority is satisfied that it would be unreasonable to expect the person to return, or to have returned, to Northern Ireland; and

(d) the person did not enter that country or territory when His Majesty's Government's public information was to advise British nationals to leave that country or territory.

(17F) Where a person is temporarily absent from Northern Ireland, except where the circumstances in paragraph (17A) apply, the total period of absence where the person is treated as occupying the main dwelling as his home will not exceed 26 weeks.◄

(18) In this regulation—

► [578] "continental shelf worker" means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998(a);

"designated area" means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

"main dwelling" means the dwelling that a person normally occupies as his home;

"mariner" means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage; ◄

"medically approved" means certified by a medical practitioner;

► [579] "member of Her Majesty's forces posted overseas" means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(a)), who is absent from the main dwelling because the person has been posted outside of Northern Ireland to perform the duties of a member of her Majesty's regular forces or reserve forces; ◄

"patient" means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

►[580] "prescribed area" means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purposes of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998; ◄

"residential accommodation" means accommodation which is provided in—

(a) a residential care home;

(b) a nursing home;

(c) an independent hospital;

(d) an Abbeyfield Home; or

(e) an establishment managed or provided by a body incorporated by Royal Charter or constituted by a statutory provision;

"training course" means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, a government department.

Circumstances in which a person is to be treated as liable to make payments in respect of a dwelling

8.—(1) Subject to regulation 9, the following persons shall be treated as if they were liable to make payments in respect of a dwelling—

(a) the person who is liable to make those payments;

(b) a person who is a partner of the person to whom sub-paragraph (a) applies;

(c) a person who has to make the payments if he is to continue to live in the home because the person liable to make them is not doing so and either—

(i) he was formerly a partner of the person who is so liable, or

(ii) he is some other person whom it is reasonable to treat as liable to make the payments;

(d) a person whose liability to make such payments is waived by his landlord as reasonable compensation in return for works actually carried out by the tenant in carrying out reasonable repairs or redecoration which the landlord would otherwise have carried out or be required to carry out but this sub-paragraph shall apply only for a maximum of 8 benefit weeks in respect of any one waiver of liability;

(e) a person who is a partner of a student to whom regulation 53(1) of the Housing Benefit Regulations applies.

(2) A person shall be treated as liable to make a payment in respect of a dwelling for the whole of the period in, or in respect of, which the payment is to be made notwithstanding that the liability is discharged in whole or in part either before or during that period and, where the amount which a person is liable to pay in respect of a period is varied either during or after that period, he shall, subject to regulations 57 to 60, be treated as liable to pay the amount as so varied during the whole of that period.

Circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling

9.—(1) A person who is liable to make payments in respect of a dwelling shall be treated as if he were not so liable where—

(a) the tenancy or other agreement pursuant to which he occupies the dwelling is not on a commercial basis;

(b) his liability under the agreement is to a person who also resides in the dwelling and who is a close relative of his or of his partner;

(c) his liability under the agreement is—

(i) to his former partner and is in respect of a dwelling which he and his former partner occupied before they ceased to be partners, or

(ii) to his partner's former partner and is in respect of a dwelling which his partner and his partner's former partner occupied before they ceased to be partners;

(d) he is responsible, or his partner is responsible, for a child of the person to whom he is liable under the agreement;

(e) subject to paragraph (3), his liability under the agreement is to a company or a trustee of a trust of which—

(i) he or his partner;

(ii) his or his partner's close relative who resides with him, or

(iii) his or his partner's former partner,

is, in the case of a company, a director or an employee, or, in the case of a trust, a trustee or a beneficiary;

(f) his liability under the agreement is to a trustee of a trust of which his or his partner's child is a beneficiary;

(g) subject to paragraph (3), before the liability was created, he was a non-dependant of someone who resided, and continues to reside, in the dwelling;

(h) he previously owned, or his partner previously owned, the dwelling in respect of which the liability ►[41]in respect of rent◄ arises and less than 5 years have elapsed since he or, as the case may be, his partner, ceased to own the property, save that this sub-paragraph shall not apply where he satisfies the appropriate authority that he or his partner could not have continued to occupy that dwelling without relinquishing ownership;

(i) his occupation, or his partner's occupation, of the dwelling is a condition of his or his partner's employment by the landlord;

(j) he is a member of, and is wholly maintained (disregarding any liability he may have to make payments in respect of the dwelling he occupies as his home) by, a religious order;

(k) he is in residential accommodation;

(l) in a case to which the preceding sub-paragraphs do not apply, the appropriate authority is satisfied that the liability was created to take advantage of the housing benefit scheme established under Part VII of the Act.

(2) In determining whether a tenancy or other agreement pursuant to which a person occupies a dwelling is not on a commercial basis regard shall be had inter alia to whether the terms upon which the person occupies the dwelling include terms which are not enforceable at law.

(3) Paragraph (1)(e) and (g) shall not apply in a case where the person satisfies the appropriate authority that the liability was not intended to be a means of taking advantage of the housing benefit scheme.

(4) In this regulation "residential accommodation" means accommodation which is provided in—

(a) a residential care home;

(b) a nursing home; or

(c) an independent hospital.

Persons from abroad

10.—(1) A person from abroad who is liable to make payments in respect of a dwelling shall be treated as if he were not so liable but this paragraph shall not have effect in respect of a person to whom and for a period to which regulation 10A (entitlement of a refugee to housing benefit) and Schedule A1(**a**) (treatment of claims for housing benefit by refugees) apply.

(2) In paragraph (1), "person from abroad" means, subject to the following provisions of this regulation, a person who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(3) No person shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless he has a right to reside in (as the case may be) the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland other than a right to reside which falls within paragraph (4) ►[676] or (4A) ◄.

(4) A right to reside falls within this paragraph if it is one which exists by virtue of, or in accordance with, one or more of the following—

(a) regulation 13 of the ►[677] Immigration (European Economic Area) Regulations 2016◄;

(b) regulation 14 of those Regulations, but only in a case where the right exists under that regulation because the person is—

(i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or

(ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker; ►[690] or◄

►[386](bb) ►[678]regulation 16 of those Regulations, but only in a case where the right exists under that regulation because the person satisfies the criteria in paragraph (5) of that regulation; ◄◄

►[691]◄

►[679](4A) A right to reside falls within this paragraph if it is one which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

(a) Appendix EU to the immigration rules made under section 3(2) of that Act; ►[694] ◄

(b) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act ◄►[695]; or

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(**a**) *See*, for regulation 10A and Schedule A1, paragraph 2(1) to (3) of Schedule 4 to S.R. 2006 No. 407

(c) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.◄

►[686](4B) Paragraph (4A)(a) does not apply to a person who —

(a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and

(b) would have a right to reside under the Immigration (European Economic Area) Regulations 2016 if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4).◄

(5) A person is not a person from abroad if he is—

►[702] (zza) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—

(i) the Afghan Relocations and Assistance Policy; or

(ii) the previous scheme for locally-employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);

(zzb) a person in Northern Ireland not coming within sub-paragraph (zza) or ►[784](h)◄ who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;◄

►[785](zzc) a person in Northern Ireland who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971(**a**), ►[789]◄

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act(**b**)►[790]or◄;◄

►[791] (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act; ◄

►[804] (zzd) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act; ◄

►[806](zze) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023, who left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or

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(**a**) 1971 c. 77
(**b**) Section 2 was substituted by section 39(2) of the British Nationality Act 1981 (c. 61)

Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—

(i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971(**a**);

(ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act(**b**); or

(iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act(**c**);◄

►[406](za) a qualified person for the purposes of regulation 6 of the ►[680]Immigration (European Economic Area) Regulations 2016◄as a worker or a self-employed person;

(zb) a family member of a person referred to in sub-paragraph (za) ►[687]◄;

(zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations; ◄

►[688] (zd) a family member of a relevant person of Northern Ireland with a right to reside which falls within paragraph (4A)(a), provided that the relevant person of Northern Ireland falls within sub-paragraph (za), or would do so but for the fact that they are not an EEA national;◄

►[692] (ze) a frontier worker within the meaning of regulation 3 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;

(zf) a family member of a person referred to in sub-paragraph (ze), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971;◄

(g) a refugee;

►[407](h) a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 ►[786]◄

(i) a person who has humanitarian protection granted under those rules;

(j) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999(**d**) and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom; ►[408]or◄

►[409]◄

(l) on state pension credit.

(6) Paragraph 1 of Part 1 of the Schedule to, and regulation 2 as it applies to that paragraph of, the Social Security (Immigration and Asylum) Consequential

(**a**) 1971 c.77
(**b**) Section 2 was substituted by section 39(2) of the British Nationality Act 1981 (c. 61) and amended by regulation 4(2) of S.I. 2019/745
(**c**) Section 3ZA was inserted by section 2(2) of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (c. 20)
(**d**) 1999 c. 33

Amendments Regulations (Northern Ireland) 2000(**a**) shall not apply to a person who has been temporarily without funds for any period, or the aggregate of any periods, exceeding 42 days during any one period of limited leave (including any such period as extended).

►[689](7) In this regulation—

"EEA national" has the same meaning given in regulation 2(1) of the Immigration (European Economic Area) Regulations 2016;

"family member" has the same meaning given in regulation 7(1)(a), (b) or (c) of the Immigration (European Economic Area) Regulations 2016, except that regulation 7(4) of those Regulations does not apply for the purposes of paragraph (4B) and (5)(zd) of this regulation;

"refugee" means a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees;

"relevant person of Northern Ireland" has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971.◄

►[693](8) References in this regulation to the Immigration (European Economic Area) Regulations 2016 are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020(Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020.◄

PART III

Payments in respect of a dwelling

Eligible housing costs

11.—(1) Subject to the following provisions of this regulation, housing benefit shall be payable in respect of the payments specified in regulation 12(1) and 13(1) and a claimant's maximum housing benefit shall be calculated under Part VII by reference to—

(a) in the case of a rate rebate, the amount of his eligible rates determined in accordance with regulation 12(3); and

►[103](b) in the case of a rent rebate or allowance, the amount of his eligible rent determined in accordance with—

(i) regulation 13A;

(ii) regulations 13B, 14, 14A and 14B;

(iii) regulations 13C, 14C and 14D, or

(iv) regulations 13 (rent) and 14 (restrictions on unreasonable payments) as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations,

whichever is applicable in his case.◄

(**a**) S.R. 2000 No. 71

(2) Where any payment for which a person is liable in respect of a dwelling and which is specified in regulation 13(1), is increased on account of—

(a) outstanding arrears of any payment or charge; or

(b) any other unpaid payment or charge,

to which ►[104]paragraphs (1) or (2) of that regulation or paragraph (2) of regulation 13A◄ or Schedule 1 refer and which is or was formerly owed by him in respect of that or another dwelling, a rent rebate or, as the case may be, a rent allowance shall not be payable in respect of that increase.

Rates

12.—(1) The payments in respect of which housing benefit is payable in the form of a rate rebate are the payments by way of rates in respect of the dwelling which a person occupies as his home.

(2) Where the person is liable to make payments only of such a kind as are specified in regulation 13(1) in respect of the dwelling which he occupies as his home and which comprises part only of a rateable unit, the proportion of those payments equal to the proportion of the rates payable in respect of the rateable unit as a whole which appears to the appropriate authority to be referable to his dwelling shall be treated as payments by way of rates for the purpose of paragraph (1).

(3) Subject to any apportionment in accordance with paragraphs (4) and (5) the amount of a person's eligible rates shall be the amount of the payments by way of rates referred to in paragraph (1), or, as the case may be, (2).

(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 shall count as eligible rates for the purpose of these Regulations.

(5) Subject to paragraph (6), where more than one person is liable to make payments by way of rates 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) Paragraph (5) shall not apply to any person so residing with the claimant who is a student to whom regulation 53(1) of the Housing Benefit Regulations applies.

Rent

13.—(1) Subject to the following provisions of this regulation, the payments in respect of which housing benefit is payable in the form of a rent rebate or allowance are the following periodical payments which a person is liable to make in respect of the dwelling which he occupies as his home—

(a) payments of, or by way of, rent;

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

(c) payments by way of mesne profits;

(d) payments in respect of, or in consequence of, use and occupation of the dwelling;

(e) payments of, or by way of, service charges payment of which is a condition on which the right to occupy the dwelling depends;

(f) mooring charges payable for a houseboat;

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

(h) payments under a rental purchase agreement, that is to say an agreement for the purchase of a dwelling which is a building or part of one under which the whole or part of the purchase price is to be paid in more than one instalment and the completion of the purchase is deferred until the whole or a specified part of the purchase price has been paid.

(2) A rent rebate or, as the case may be, a rent allowance shall not be payable in respect of the following periodical payments—

(a) payments by an owner ►[263]except under an equity-sharing lease in respect of payments specified in paragraph (1)(a) and (e)◄;

(b) payments under a hire purchase, credit sale or conditional sale agreement except to the extent the conditional sale agreement is in respect of land; ►[42]◄

(c) payments by a person who is eligible for a rent rebate or allowance under a scheme operated by the Ministry of Defence; ►[43]and

(d) payments by a person in respect of a dwelling where his partner is an owner of that dwelling.◄

►[105]◄

(8) In this regulation ►[106], regulation 13A◄ and Schedule 1—

"service charges" means periodical payments for services, whether or not under the same agreement as that under which the dwelling is occupied, or whether or not such a charge is specified as separate from or separately identified within other payments made by the occupier in respect of the dwelling;

"services" means services performed or facilities (including the use of furniture) provided for, or rights made available to, the occupier of a dwelling.

►[107]Eligible rent

13A.—(1) The amount of a person's eligible rent shall be determined in accordance with the provisions of this regulation except where regulations 13B or 13C apply, or paragraph 4 of Schedule 3 to the Consequential Provisions Regulations applies.

(2) Subject to paragraphs (3), (4) and (7), the amount of a person's eligible rent shall be the aggregate of such payments specified in regulation 13(1) as that person is liable to pay less—

(a) except where he is separately liable for rates, an amount determined in accordance with paragraph (5);

(b) except where he is separately liable for charges for water, sewerage or allied environmental services, an amount determined in accordance with paragraph (6);

(c) where payments include service charges which are wholly or partly ineligible, an amount in respect of the ineligible charges determined in accordance with Schedule 1; and

(d) where he is liable to make payments in respect of any service charges to which regulation 13(1)(e) does not apply, but to which paragraph 3(2) of Schedule 1 applies in the particular circumstances, an amount in respect of such charges determined in accordance with paragraph 3(2) of Schedule 1.

(3) Where the payments specified in regulation 13(1) are payable in respect of accommodation which consists partly of residential accommodation and partly of other accommodation, only such proportion of those payments as is referable to the residential accommodation shall count as eligible rent for the purposes of these Regulations.

(4) Where more than one person is liable to make payments in respect of a dwelling, the payments specified in regulation 13(1) shall be apportioned for the purpose 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.

(5) The amount of the deduction in respect of rates referred to in paragraph (2) shall be—

(a) if the dwelling occupied by the claimant is a single rateable unit, the amount of the rates payable in respect of the rateable unit as a whole; or

(b) if the dwelling comprises part only of a rateable unit, the amount treated as a payment by way of rates by virtue of regulation 12(2).

(6) The amount of the deduction referred to in paragraph (2) shall be—

(a) if the dwelling occupied by the claimant is a self-contained unit, except in a case to which sub-paragraph (c) applies, the amount of the charges;

(b) in any other case, except one to which sub-paragraph (c) applies, the proportion of those charges in respect of the self-contained unit which is obtained by dividing the area of the dwelling occupied by the claimant by the area of the self-contained unit of which it forms part;

(c) where the charges vary in accordance with the amount of water actually used, the amount which the Executive considers to be fairly attributable to water, and sewerage services, having regard to the actual or estimated consumption of the claimant.

(7) In any case where it appears to the Executive that in the particular circumstances of that case the eligible rent as determined in accordance with the preceding paragraphs of this regulation is greater than it is reasonable to meet by way of housing benefit, the eligible rent shall be such lesser sum as seems to the Executive to be an appropriate rent in that particular case.

Eligible rent and maximum rent

13B.—(1) This regulation applies where a maximum rent has been, or is to be, determined in accordance with regulation 14.

(2) Where this regulation applies, the amount of a person's eligible rent shall be the maximum rent, subject to paragraphs (3), (4) and (7) of regulation 13A.

Eligible rent and maximum rent (LHA)

13C.—(1) ►[300]Except where regulation 13D applies,◄ this regulation applies where, by virtue of paragraphs (2) or (3) of regulation 14C, a maximum rent (LHA) has been, or is to be, determined in accordance with regulation 14D.

(2) Where this regulation applies, except where paragraphs (3)(a) or (5)(a) apply,—

(a) the amount of a person's eligible rent shall be the maximum rent (LHA); and

(b) it shall apply until the earlier of—

(i) the determination of a maximum rent (LHA) by virtue of regulation 14C(2)(d);

(ii) the determination of a maximum rent (LHA) by virtue of regulation 14C(3), or

(iii) the determination of a maximum rent by virtue of regulation 14 or an eligible rent under regulation 13A.

(3) Subject to paragraph (7), where the Executive is required to determine a maximum rent (LHA) by virtue of regulation 14C(2)(a), (b) or (d)(i) or (ii) and the claimant occupies a dwelling which is the same as that occupied by him at the date of death of any linked person, the eligible rent shall be—

(a) either—

(i) the eligible rent which applied on the day before the death occurred, or

(ii) in a case where there was no eligible rent, subject to regulation 13A(3), (4) and (7), the reckonable rent due on that day; or

(b) the eligible rent determined in accordance with paragraph (2), where it is equal to or more than the eligible rent determined in accordance with sub-paragraph (a).

►[581] (4) For the purposes of paragraph (3), a claimant is treated as occupying the dwelling if—

(a) any of paragraphs (13), (13D) (with (13E) where applicable) or (13G) of regulation 7 is satisfied and for that purpose those paragraphs shall have effect as if subparagraph (b) of those paragraphs were omitted; or

(b) any of paragraphs (17), (17C) or (17D) of regulation 7 is satisfied and for that purpose those paragraphs shall have effect as if sub-paragraph (b) of paragraph (16) of that regulation were omitted. ◄

(5) Subject to paragraphs (6) and (7), where the Executive is required to determine a maximum rent (LHA) by virtue of regulation 14C(2)(a) or (b) and the Executive is satisfied that the claimant or a linked person was able to meet the financial commitments for his dwelling when they were entered into, the eligible rent shall be—

(a) an eligible rent determined in accordance with regulation 13A(2); or

(b) the eligible rent determined in accordance with paragraph (2), where it is equal to or more than the eligible rent referred to in sub-paragraph (a).

(6) Paragraph (5) shall not apply where a claimant or the claimant's partner was previously entitled to benefit in respect of an award of housing benefit which fell wholly or partly less than 52 weeks before the commencement of the claimant's current award of housing benefit.

(7) Where a person's eligible rent has been determined in accordance with—

(a) paragraph (3)(a), it shall apply until the first of the following events occurs—

(i) the period of 12 months from the date of death has expired;

(ii) the Executive determines an eligible rent in accordance with paragraph (2) which is equal to or exceeds it or is based on a maximum rent (LHA) determined by virtue of regulation 14C(2)(d)(iii);

(iii) the determination of an eligible rent in accordance with paragraph (3)(a) in relation to a subsequent death, or

(iv) the determination of a maximum rent by virtue of regulation 14 or an eligible rent under regulation 13A;

(b) paragraph (5)(a), it shall apply until the first of the following events occurs—

(i) the first 13 weeks of the claimant's award of housing benefit have expired;

(ii) the Executive determines an eligible rent in accordance with paragraph (2) which is equal to or exceeds it or is based on a maximum rent (LHA) determined by virtue of regulation 14C(2)(d)(iii);

(iii) the determination of an eligible rent in accordance with paragraph (3)(a), or

(iv) the determination of a maximum rent by virtue of regulation 14 or an eligible rent under regulation 13A.

(8) Where an eligible rent ceases to apply by virtue of paragraph (7)(a)(i) or (b)(i) the eligible rent that shall apply instead shall be the one which would have applied but for paragraphs (3)(a) and (5)(a).◄

►[301]Transitional protection–reduction in LHA

13D.—(1) This regulation applies where—

(a) reference was made to a maximum rent (LHA) in determining the amount of the eligible rent which applied immediately before 1st April 2011;

(b) on or after 1st April 2011 the relevant authority is required to determine a maximum rent (LHA) by virtue of—

(i) regulation 14C(2)(d)(i) because the claimant has become entitled to a larger category of dwelling, or

(ii) regulation 14C(3); and

(c) the determination referred to in sub-paragraph (b) is the first determination of a maximum rent (LHA) the relevant authority is required to make on or after 1st April 2011.

(2) Where this regulation applies, the claimant's eligible rent is—

(a) the maximum rent (LHA) where that is equal to or higher than the eligible rent which applied immediately before 1st April 2011; or

(b) in any other case, the lower of—

(i) the amount of the eligible rent which applied immediately before 1st April 2011, or

(ii) the amount of the cap rent by reference to which the maximum rent (LHA) referred to in paragraph (1)(b) was determined.

(3) Where the claimant's eligible rent is determined in accordance with paragraph (2)(b) it will continue to apply until, on or after 1st April 2011, the first of the following events occurs—

(a) the period 9 months after the determination of the maximum rent (LHA) referred to in paragraph (1)(b) has expired;

(b) the relevant authority is required to determine a new maximum rent (LHA) by virtue of regulation 14C(2)(d)(i) because the claimant has become entitled to a larger category of dwelling and the maximum rent (LHA) is equal to or higher than the eligible rent referred to in paragraph (2)(b);

(c) the relevant authority is required to determine a new maximum rent (LHA) by virtue of regulation 14C(2)(d)(i) because the claimant has become entitled to a smaller category of dwelling;

(d) the relevant authority is required to determine an eligible rent following a change of dwelling; or

(e) the relevant authority is required to determine an eligible rent in accordance with regulation 13C(3).

(4) Where the eligible rent ceases to apply because of paragraph (3)(a), the eligible rent will be the maximum rent (LHA) which would have applied but for the transitional protection in paragraph (2)(b).

(5) Where the eligible rent is the maximum rent (LHA), it shall be treated as if it had been determined in accordance with regulation 13C(2)(a) and shall apply according to the provisions of regulation 13C.◄

►[108]**Maximum rent**

14.—(1) Where the Executive has made a decision in accordance with Schedule 2(**a**), the maximum rent shall be determined in accordance with paragraphs (2) to (6).

(2) In a case where a claim-related rent has been decided, but a local reference rent is not required, the maximum rent shall be that claim-related rent.

(3) Subject to the limit specified in paragraph (4), in a case where both a local reference rent and a claim-related rent has been decided, the maximum rent shall be the local reference rent.

(4) In a case to which paragraph 8 of Schedule 3 to the Consequential Provisions Regulations applies, where a local reference rent has been decided, the maximum rent shall not exceed twice that local reference rent.

(5) Where the maximum rent is derived from—

(**a**) Schedule 2 was amended by regulation 4(5) of S.R. 2007 No. 266

(a) a claim-related rent and an ineligible amount in respect of meals has been included in that claim-related rent; or

(b) a local reference rent and an ineligible amount in respect of meals has been included in that local reference rent,

in determining the maximum rent the Executive shall deduct an amount determined in accordance with paragraph 2 of Schedule 1(**a**) in respect of meals.

(6) This regulation is subject to regulations 14A and 14B.

(7) In this regulation—

"claim-related rent" means the rent decided by the Executive under paragraph 6 of Schedule 2;

"local reference rent" means the rent decided by the Executive under paragraph 4 of Schedule 2.

Protection on death and 13 week protection

14A.—(1) In a case where the claimant occupies a dwelling which is the same as that occupied by him at the date of death of a linked person, the maximum rent shall be either—

(a) the maximum rent which applied before the death occurred; or

(b) in a case where there was no maximum rent, the reckonable rent due before the death occurred,

for a period of 12 months from the date of such a death.

►[582] (2) For the purpose of paragraph (1), a claimant is treated as occupying the dwelling if—

(a) any of paragraphs (13), (13D) (with (13E) where applicable) or (13G) of regulation 7 is satisfied and for that purpose those paragraphs shall have effect as if subparagraph (b) of those paragraphs were omitted; or

(b) any of paragraphs (17), (17C) or (17D) of regulation 7 is satisfied and for that purpose those paragraphs shall have effect as if sub-paragraph (b) of paragraph (16) of that regulation were omitted. ◄

(3) Subject to paragraph (4), where the Executive is satisfied that the claimant or a linked person was able to meet the financial commitments for his dwelling when they were entered into, there shall be no maximum rent during the first 13 weeks of the claimant's award of housing benefit.

(4) Paragraph (3) shall not apply where a claimant or the claimant's partner was previously entitled to benefit in respect of an award of housing benefit which fell wholly or partly less than 52 weeks before the commencement of the claimant's current award of housing benefit.

(**a**) The amounts in paragraph 2 were substituted by Article 20(4)(a) of S.R. 2007 No. 153

Change in reckonable rent

14B.—(1) In a case where—

(a) the Executive has determined a maximum rent under regulation 14 or 14A; and

(b) during the period for which that maximum rent applies the reckonable rent in respect of the dwelling by reference to which that maximum rent was determined is reduced to a sum which is less than that maximum rent,

the maximum rent shall be reduced to an amount equal to the reduced reckonable rent.

(2) This paragraph applies in a case where—

(a) the Executive has made a decision under regulation 16(1);

(b) subsequent to that decision the reckonable rent for that dwelling is changed; and

(c) a maximum rent is to be determined in relation to a claim for housing benefit by a claimant.

(3) In a case to which paragraph (2) applies, where the reckonable rent is reduced to a figure below the figure that would have been the maximum rent if the reckonable rent had not changed, the maximum rent shall be the reckonable rent as so reduced.

(4) In any other case to which paragraph (2) applies, the Executive shall treat the reckonable rent to be that applicable to the decision referred to in paragraph (2)(a).

When a maximum rent (LHA) is to be determined

14C.—(1) The Executive shall determine a maximum rent (LHA) in accordance with regulation 14D in any case where paragraphs (2) or (3) apply.

(2) This paragraph applies where the Executive has received—

(a) a claim on which a rent allowance may be awarded, where the date of claim falls on or after 7th April 2008;

(b) relevant information regarding a claim on which a rent allowance may be awarded, where the date of claim falls on or after 7th April 2008;

(c) in relation to an award of housing benefit where the eligible rent was determined without reference to regulation 14D, a notification of a change of dwelling (as defined in regulation 2) where the change occurs on or after 7th April 2008; or

(d) in relation to an award of housing benefit where a maximum rent (LHA) was determined in accordance with regulation 14D—

(i) notification of a change of a kind which affects the category of dwelling applicable to the claim;

(ii) notification of the death of a linked person, where the notification does not fall within head (i), ►[432]◄

(iii) notification of a change of dwelling. ►[433]or

(iv) notification of a change of a kind which affects the amount of the claimant's cap rent as determined in accordance with regulation 14D.◄

►[434](3) This paragraph applies on 1st April in any year.◄

▶ 435 ◀

(5) This regulation does not apply in a case where—

(a) the landlord is a registered housing association;

(b) paragraph 4(1)(b) of Schedule 3 to the Consequential Provisions Regulations (savings provision) applies;

(c) the tenancy is an excluded tenancy under paragraph 4 or 5 of Schedule 3(**a**);

(d) the claim or award relates to—

(i) periodical payments of a kind falling within regulation 13(1) which a person is liable to make in relation to a houseboat, caravan or mobile home which he occupies as his home, or

(ii) rent payable in relation to a hostel; or

(e) a substantial part of the rent under the tenancy is fairly attributable to board and attendance.

▶ 435 ◀

Determination of a maximum rent (LHA)

14D.—(1) Subject to paragraphs (3) to (9), the maximum rent (LHA) shall be the local housing allowance determined by virtue of regulation 3(2) or (4)(a) of the Executive Determinations Regulations which is applicable to—

(a) the broad rental market area in which the dwelling to which the claim or award of housing benefit relates is situated at the relevant date; and

(b) the category of dwelling which applies at the relevant date in accordance with paragraph (2).

(2) The category of dwelling which applies is—

(a) the category specified in paragraph 1(1)(a) of the Schedule to the Executive Determinations Regulations (one bedroom shared accommodation) where sub-paragraph (b) does not apply because neither sub-paragraph (b)(i) nor (ii) are satisfied in the claimant's case and—

(i) neither the claimant nor his partner (where he has one) is a person to whom paragraph 6 of Schedule 4 applies, or

(ii) the claimant's partner is not a care leaver;

(b) the category specified in paragraph 1(1)(b) of the Schedule to the Executive Determinations Regulations (one bedroom self-contained accommodation) where that applies in the claimant's case at the relevant date in accordance with the size criteria as set out in paragraph (3) and—

(i) the claimant (together with his partner where he has one) has the exclusive use of 2 or more rooms, or

(ii) the claimant (together with his partner where he has one) has the exclusive use of one room, a bathroom and toilet and a kitchen or facilities for cooking,

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(**a**) Paragraph 4 was amended by regulation 4(6) of S.R. 2007 No. 266

and in this sub-paragraph "room" means a bedroom or room suitable for living in except for a room which the claimant shares with any person other than a member of his household, a non-dependant of his, or a person who pays rent to him or his partner;

(c) in any other case, the category which corresponds with the number of bedrooms to which the claimant is entitled in accordance with ◗[557]paragraphs (3) to (3B)◖ ►[302]up to a maximum of 4 bedrooms◄.

(3) The claimant shall be entitled to one bedroom for each of the following categories of occupier (and each occupier shall come within the first category only which applies to him)—

►[591](za) a member of a couple who cannot share a bedroom;

(zb) a member of a couple who can share a bedroom◄

(a) a couple;

(b) a person who is not a child;

►[558](ba) a child who cannot share a bedroom►[592]; ◄◄

(c) 2 children of the same sex;

(d) 2 children who are less than 10 years old;

(e) a child

►[593]but the claimant is only entitled to a bedroom in respect of a child who cannot share a bedroom or a member of a couple who cannot share a bedroom if there is a bedroom in the dwelling occupied as the home that is additional to those to which the claimant would be entitled if the child or the member of the couple were able to share a bedroom. ◄

►[559]◄

►[560]◄(3A) The claimant is entitled to one additional bedroom in any case where—

(a) ►[594] one or more of the following persons is a person who requires overnight care—

(i) the claimant;

(ii) the claimant's partner;

(iii) a person (other than the claimant or the claimant's partner) who occupies the claimant's dwelling as their home;

(iv) a child or young person in respect of whom the claimant or the claimant's partner is a qualifying parent or carer; or◄(b) the claimant or the claimant's partner is (or each of them is) a qualifying parent or carer.

(3B) The claimant is entitled to two additional bedrooms where paragraph (3A)(a) and (b) both apply.◄

(4) The Executive shall determine —

(a) the cap rent (in accordance with the definition in paragraph (10)); and

(b) whether the cap rent exceeds the applicable local housing allowance.

►[304](5) Where the applicable local housing allowance exceeds the cap rent, the maximum rent (LHA) shall be the cap rent.◄

►[305]◄

(10) In this regulation—

"cap rent" means the aggregate of such payments specified in regulation 13(1) which the claimant is liable to pay, or is treated as liable to pay by virtue of regulation 8, subject to regulation 13A(3), (4) and (7);

"care leaver" means a person who has not attained the age of 22 and—

(a) has ceased to be the subject of a care order made pursuant to Article 50(1)(a) of the Children Order which had previously been made in respect to him either—

(i) after he attained the age of 16 years, or

(ii) before he attained the age of 16 years, but had continued after he attained that age; or

(b) was formerly provided with accommodation under Article 21 of the Children Order;

►[561]◄"occupiers" means—

(a) the persons whom the relevant authority is satisfied occupy as their home the dwelling to which the claim or award relates except for any joint tenant who is not a member of the claimant's household; and

(b) any member of the armed forces away on operations who—

(i) is the son, daughter, step-son or step-daughter of the claimant or the claimant's partner;

(ii) was the claimant's non-dependant before they became a member of the armed forces away on operations; and

(iii) intends to resume occupying the dwelling as their home when they cease to be a member of the armed forces away on operations;◄

"relevant date" means, as the case may require—

(a) the date of the claim to which the claim or relevant information referred to in regulation 14C(2)(a) or (b) relates;

(b) the date of the change of dwelling, change which affects the category of dwelling, or date of death, to which a notification referred to in regulation 14C(2)(c) or (d) relates; or

(c) the date on which the anniversary of the LHA date referred to in regulation 14C(3) falls;

"tenancy" includes a licence to occupy premises, and reference to a tenant or any other expression appropriate to a tenancy shall be construed accordingly.

Publication of local housing allowances

14E. The Executive shall take such steps as appear to it to be appropriate for the purpose of securing that information in relation to broad rental market areas, and local

housing allowances applicable to such broad rental market areas, is brought to the attention of persons who may be entitled to housing benefit from the Executive.

Amended determinations

14F.—(1) This regulation applies where a decision has been revised in consequence of an amended broad rental market area determination or amended local housing allowance determination.

(2) Where that amended determination has led to a reduction in the maximum rent (LHA) applicable to a claimant, the amended determination shall be a change of circumstances in relation to that claimant.

(3) Where that amended determination has led to an increase in the maximum rent (LHA) applicable to a claimant, the amended determination shall have effect in place of the original determination.◄

Decisions

15.—(1) Subject to paragraph (3), in respect of a claim for rent allowance ►[109]where a maximum rent (LHA) does not fall to be determined under regulation 14C◄ the Executive shall—

(a) make the decision in accordance with Part I of Schedule 2; and

(b) comply with Part II of Schedule 2 when making the decision.

(2) The Executive, on the first working day of each month, shall—

(a) make a decision in accordance with Part III of Schedule 2; and

(b) comply with paragraph 8(2) of Schedule 2 when making the decision.

(3) No decision shall be made—

(a) under paragraph 3 ►[341]or 4◄ of Schedule 2 if the tenancy is of residential accommodation, within the meaning of regulation 9(4), or in a hostel; ►[341]or◄

(b) for a tenancy under Schedule 3; ►[342]◄

►[343]◄

(4) This regulation shall apply as specified in Part V of Schedule 2 in relation to—

(a) mooring charges payable for a houseboat;

(b) payments in respect of the site on which a caravan or a mobile home stands; or

(c) payments under a rental purchase agreement.

Pre-tenancy decisions

16.—►[110](1) Except in the case where any liability to make payments in respect of a dwelling would be to the Executive, a decision shall be made by the Executive of the amount of rent which may be used in the calculation of housing benefit, where a request is received from a person ("the prospective occupier"), on a properly completed form approved for the purpose by the Executive, which includes the specified matters and any of the circumstances specified in regulation 14C(5)(a) to (d) apply.◄

(2) A decision by the Executive shall not be required under paragraph (1) where a request relates to—

(a) a dwelling in a hostel if, during the period of 12 months which ends on the day on which that request is received by the Executive—

(i) the Executive has already made a decision in accordance with Schedule 2 in respect of a dwelling in that hostel which is a similar dwelling to the dwelling to which the request relates, and

(ii) there has been no change relating to a rent allowance that has affected the dwelling in respect of which that decision was made; or

(b) an "excluded tenancy" within the meaning of Schedule 3.

(3) Where the Executive receives a request pursuant to paragraph (1) it shall make a decision within 7 days of receipt of that request except it is a case where, by reason of paragraph (2), a decision in accordance with Schedule 2 is not required, where the Executive shall—

(a) return it to the prospective occupier, indicating why no such application is required; and

(b) where it is not required by reason of either paragraph (2)(a) of this regulation or paragraph 2 of Schedule 3, also send him a copy of the previous decision within 4 days of the receipt of that request.

(4) For the purpose of calculating the period of days mentioned in paragraph (3)(b), no regard shall be had to a day in which the offices of the Executive are closed for the purposes of receiving or deciding claims.

(5) In this regulation—

"change relating to a rent allowance" means a change or increase to which paragraph 2(3)(a), (b), (c)►**306**, (d) or (f) ◄ of Schedule 3 applies;

"prospective occupier" shall include a person currently in receipt of housing benefit in respect of a dwelling which he occupies as his home and who is contemplating entering into a new agreement to occupy that dwelling, but not in a case where his current agreement commenced less than 11 months before such a request;

►**111**◄

►**112**"specified matters" means—

(a) the signature of the prospective occupier;

(b) the signature of the person to whom the prospective occupier would incur liability to make such payments;

(c) a statement that the person in paragraph (b) agrees to the application being made for that decision; and

(d) an indication that the prospective occupier is contemplating occupying the dwelling as his home and that if he does so, he is likely to claim housing benefit.◄

PART IV

Membership of a family

Persons of prescribed description

17.—(1) Subject to paragraph (2), a person of a prescribed description for the purposes of section 133(1) of the Act as it applies to housing benefit (definition of family(**a**)) is a person who falls within the definition of qualifying young person in section 138 of the Act(**b**) (child and qualifying young person), and in these Regulations such a person is referred to as a "young person".

(2) Paragraph (1) shall not apply to a person who is—

(a) on income support►[159], an income-based jobseeker's allowance or an income-related employment and support allowance◄;►[603]◄

(b) a person to whom section 6 of the Children (Leaving Care) Act (Northern Ireland) 2002(**c**) (exclusion from benefits) applies►[604] or;◄

►[605] (c) entitled to an award of universal credit. ◄

(3) A person of a prescribed description for the purposes of section 133(1) of the Act as it applies to housing benefit (definition of family) includes a child or young person in respect of whom section 141A of that Act(**d**) applies for the purposes of entitlement to child benefit but only for the period prescribed under section 141A(1) of that Act.

Circumstances in which a person is to be treated as responsible or not responsible for another

18.—(1) Subject to the following provisions of this regulation, a person shall be treated as responsible for a child or young person who is normally living with him and this includes a child or young person to whom regulation 17(3) applies.

(2) Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph (1) as normally living with—

(a) the person who is receiving child benefit in respect of him; or

(b) if there is no such person—

(i) where only one claim for child benefit has been made in respect of him, the person who made that claim, or

(ii) in any other case the person who has the primary responsibility for him.

(**a**) The definition of "family" was amended by paragraph 99(2) of Schedule 24 to the Civil Partnership Act 2004 (c. 33)

(**b**) Section 138 was substituted by section 2(2) of the Child Benefit Act 2005 (c. 6); *see also* regulation 2 of S.I. 2006/223

(**c**) 2002 c. 11 (N.I.)

(**d**) Section 141A was inserted by section 55 of the Tax Credits Act 2002 (c. 21) and amended by paragraph 101 of Schedule 24 to the Civil Partnership Act 2004 and paragraph 38 of Schedule 1 to the Child Benefit Act 2005

(3) For the purposes of these Regulations a child or young person shall be the responsibility of only one person in any benefit week and any person other than the one treated as responsible for the child or young person under this regulation shall be treated as not so responsible.

Circumstances in which a person is to be treated as being or not being a member of the household

19.—(1) Subject to paragraphs (2) to (4), the claimant and any partner and, where the claimant or his partner is treated as responsible by virtue of regulation 18 for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily living away from the other members of his family.

(2) Paragraph (1) shall not apply to a person who is living away from the other members of his family where—

(a) that person does not intend to resume living with the other members of his family; or

(b) his absence from the other members of his family is likely to exceed 52 weeks, unless there are exceptional circumstances (for example where the person is in hospital or otherwise has no control over the length of his absence) and the absence is unlikely to be substantially more than 52 weeks.

(3) A child or young person shall not be treated as a member of the claimant's household►[330], nor as occupying the claimant's dwelling,◄ where he is—

(a) placed with the claimant or his partner by an authority, as defined in Article 2 of the Children Order, under Article 27(2)(a) of that Order (provision of accommodation and maintenance by an authority for children whom it is looking after) or by a voluntary organisation under Article 75(1)(a) of that Order (provision of accommodation by voluntary organisation);

(b) placed with the claimant or his partner prior to adoption; or

(c) placed for adoption with the claimant or his partner pursuant to a decision under the Adoption Agencies Regulations (Northern Ireland) 1989(**a**).

(4) Subject to paragraph (5), paragraph (1) shall not apply to a child or young person who is not living with the claimant and he—

(a) is being looked after by an authority, as defined in Article 2 of the Children Order, under a relevant enactment;

(b) has been placed with a person other than the claimant prior to adoption; or

(c) has been placed for adoption pursuant to a decision under the Adoption Agencies Regulations (Northern Ireland) 1989.

(5) An authority shall treat a child or young person to whom paragraph (4)(a) applies, as being a member of the claimant's household in any benefit week where—

(a) that child or young person lives with the claimant for part or all of that benefit week; and

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(**a**) S.R. 1989 No. 253

(b) the authority considers that it is reasonable to do so taking into account the nature and frequency of that child's or young person's visits.

(6) In this regulation "relevant enactment" means the Army Act 1955(**a**), the Air Force Act 1955(**b**), the Naval Discipline Act 1957(**c**),the Children and Young Persons Act (Northern Ireland) 1968(**d**), the Health and Personal Social Services Order, the Family Law Reform (Northern Ireland) Order 1977(**e**), the Matrimonial Causes (Northern Ireland) Order 1978(**f**), the Domestic Proceedings (Northern Ireland) Order 1980(**g**), the Adoption (Northern Ireland) Order 1987(**h**) and the Children Order.

PART V

Applicable amounts

Applicable amounts

20.—(1) Subject to regulations 59 and 60 and Schedule A1(**i**) (treatment of claims for housing benefit by refugees), the applicable amount of a claimant shall be the aggregate of such of the following amounts as apply in his case—

(a) an amount in respect of his personal allowance, determined in accordance with paragraph 1 of Schedule 4;

►[623](b) an amount determined in accordance with paragraph 2 of that Schedule in respect of ►[824]◄children or young persons ►[824]◄ who are members of his family;◄

(c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3(1) of that Schedule;

(d) if he is a member of a family of which one member is a child under the age of one year, an additional amount determined in accordance with paragraph 3(2) of that Schedule;

(e) the amount of any premiums which may be applicable to him determined in accordance with Parts III and IV of that Schedule.

(2) In Schedule 4—

"additional spouse" means a spouse of either party to the marriage who is additional to the other party to the marriage;

"patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a young offenders centre or a juvenile justice centre) who is regarded as receiving free in-patient treatment within the meaning of

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(**a**) 1955 c. 18
(**b**) 1955 c. 19
(**c**) 1957 c. 53
(**d**) 1968 c. 34 (N.I.)
(**e**) S.I. 1977/1250 (N.I. 17)
(**f**) S.I. 1978/1045 (N.I. 15)
(**g**) S.I. 1980/563 (N.I. 5)
(**h**) S.I. 1987/2203 (N.I. 22)
(**i**) *See*, for Schedule A1, paragraph 2(2) and (3) of Schedule 4 to S.R. 2006 No. 407

regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005(**a**).

▶624 ▶825◀ ◀

PART VI

Assessment of income and capital

SECTION 1

General

Calculation of income and capital of members of claimant's family and of a polygamous marriage

21.—(1) The income and capital of a claimant's partner which by virtue of section 132(1) of the Act is to be treated as income and capital of the claimant, shall be calculated or estimated in accordance with the following provisions of this Part in like manner as for the claimant; and any reference to the "claimant" shall be construed for the purposes of this Part as if it were a reference to his partner.

(2) Where a claimant or the partner of a claimant is married polygamously to 2 or more members of his household—

(a) the claimant shall be treated as possessing capital and income belonging to each such member; and

(b) the income and capital of that member shall be calculated in accordance with the following provisions of this Part in like manner as for the claimant.

(3) The income and capital of a child or young person shall not be treated as the income and capital of the claimant.

Circumstances in which income of non-dependant is to be treated as claimant's

22.—(1) Where it appears to the relevant authority that a non-dependant and the claimant have entered into arrangements in order to take advantage of the housing benefit scheme and the non-dependant has more capital and income than the claimant, that authority shall, except where the claimant is on ▶195a guarantee credit◀, treat the claimant as possessing capital and income belonging to that non-dependant and, in such a case, shall disregard any capital and income which the claimant does possess.

(2) Where a claimant is treated as possessing capital and income belonging to a non-dependant under paragraph (1) the capital and income of that non-dependant shall be

(**a**) S.R. 2005 No. 580

calculated in accordance with the following provisions of this Part in like manner as for the claimant and any reference to the "claimant" shall be construed for the purposes of this Part as if it were a reference to that non-dependant.

SECTION 2

Income

Calculation of income and capital

23. The income and capital of—

(a) the claimant; and

(b) any partner of the claimant,

shall be calculated in accordance with the rules set out in this Part and any reference in this Part to the claimant shall apply equally to any partner of the claimant.

Claimant in receipt of guarantee credit

24. In the case of a claimant who is in receipt, or whose partner is in receipt, of a guarantee credit, the whole of his capital and income shall be disregarded.

Calculation of claimant's income and capital in savings credit only cases

25.—(1) In determining the income and capital of a claimant who has, or whose partner has, an award of state pension credit comprising only the savings credit, the relevant authority shall, subject to the following provisions of this regulation, use the calculation or estimate of the claimant's or, as the case may be, the claimant's partner's income and capital made by the Department for the purpose of determining that award.

(2) The Department shall provide the relevant authority with details of the calculation or estimate—

(a) if the claimant is on housing benefit or has claimed housing benefit, within the 2 working days following the day the calculation or estimate was determined, or as soon as reasonably practicable thereafter; or

(b) if sub-paragraph (a) does not apply, within the 2 working days following the day he receives information from the relevant authority that the claimant or his partner has claimed housing benefit, or as soon as reasonably practicable thereafter.

(3) The details provided by the Department shall include the amount taken into account in that determination in respect of the net income of the person claiming state pension credit.

(4) The relevant authority shall modify the amount of the net income provided by the Department only in so far as necessary to take into account—

(a) the amount of the savings credit payable;

(b) in respect of any dependent children of the claimant, childcare charges taken into account under regulation 28(1)(c);

(c) the higher amount disregarded under these Regulations in respect of—

(i) lone parent's earnings;

(ii) payments of maintenance, whether under a court order or not, which is made or due to be made by—

(aa) the claimant's former partner, or the claimant's partner's former partner; or

(bb) the parent of a child or young person where that child or young person is a member of the claimant's family except where that parent is the claimant or the claimant's partner;

(d) any amount to be disregarded by virtue of paragraph ►[264]5A or◄ 9(1) of Schedule 5;

(e) the income and capital of any partner of the claimant who is treated as a member of the claimant's household under regulation 19 to the extent that it is not taken into account in determining the net income of the person claiming state pension credit;

(f) regulation 22, if the relevant authority determines that this provision applies in the claimant's case;

(g) any income, in excess of £10, which falls to be disregarded under the provisions of paragraph 1 of Schedule 6.

(5) Regulations 27 to 47 shall not apply to the amount of the net income to be taken into account by the relevant authority under paragraph (1), but shall apply (so far as relevant) for the purpose of determining any modifications which fall to be made to that amount under paragraph (4).

(6) The relevant authority shall for the purpose of determining the claimant's entitlement of housing benefit use, except where paragraphs (7) and (8) apply, the calculation of the claimant's capital made by the Department, and shall in particular apply the provisions of regulation 41 if the claimant's capital is calculated as being in excess of £16,000.

(7) If paragraph (8) applies, the relevant authority shall calculate the claimant's capital in accordance with regulations 41 to 47.

(8) This paragraph applies if—

(a) the Department notifies the relevant authority that the claimant's capital has been determined as being £16,000 or less;

(b) subsequent to that determination the claimant's capital rises to more than £16,000; and

(c) the increase occurs whilst there is in force an assessed income period within the meaning of sections 6 and 9 of the State Pension Credit Act.

Calculation of income and capital where state pension credit is not payable

26. The income and capital of a person to whom neither regulation 24 nor 25 applies shall be calculated or estimated by the relevant authority in accordance with regulations 27 to 47.

Meaning of "income"

27.—(1) For the purposes of these Regulations, "income" means income of any of the following descriptions—

(a) earnings;

(b) working tax credit;

(c) retirement pension income within the meaning of section 16(1) of the State Pension Credit Act;

(d) income from annuity contracts (other than retirement pension income);

(e) a guaranteed income payment;

(f) a payment made under article 21(1)(c) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(**a**) ►[196]in any case where Article 23(2)(c) applies◄;

(g) income from capital, other than capital disregarded under Part I of Schedule 7;

(h) social security benefits, other than retirement pension income or any of the following benefits—

(i) disability living allowance;

►[418](ia) armed forces independence payment;◄

►[537] (ib) personal independence payment;

►[745] (iba) adult disability payment;◄

(ii) attendance allowance payable under section 64 of the Act(**b**);

(iii) an increase of disablement pension under section 104 or 105 of the Act;

(iv) a payment under regulations made in exercise of the power conferred by paragraph 4(2)(b) of Schedule 8 to the Act;

(v) child benefit;

(vi) any guardian's allowance payable under section 77 of the Act(**c**);

(vii) any increase for a dependant, other than the claimant's partner, payable in accordance with Part IV of the Act;

(viii) any social fund payment made under Part VIII of the Act;

(ix) Christmas bonus payable under Part X of the Act;

(x) housing benefit;

(xi) ►[585] bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;◄ (**d**);

(xii) statutory sick pay;

(xiii) statutory maternity pay;

(**a**) S.I. 2005/439

(**b**) Section 64 was amended by Article 63(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

(**c**) Section 77 was amended by Schedule 6 to the Tax Credits Act 2002, paragraph 88 of Schedule 24 to the Civil Partnership Act 2004 and paragraph 30 of Schedule 1 to the Child Benefit Act 2005

(**d**) Bereavement payment was introduced by Article 51(1) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

►**380**(xiv) ►[481]◄statutory paternity pay payable under Part XIIZA of the Act;

(xiva) ►[482];◄

(xv) statutory adoption pay payable under Part XIIZB of the Act(**a**);

►[483](xva) statutory shared parental pay payable under Part 12ZC of the Act;◄

►[770](xvaa) statutory parental bereavement pay payable under Part 12ZD of the Act;◄

►[670] (xvb) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018; ◄

►[670](xvc) carer's allowance supplement payable under section 81 of the Social Security (Scotland)Act 2018; ◄

►[684](xvd) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018;◄

►[738](xve) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018;◄

►[874](xvea) Scottish carer supplement and carer additional person payment given in accordance with the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023;◄

(xvi) any benefit similar to those mentioned in the preceding provisions of this paragraph payable under legislation having effect in Great Britain;

(i) all foreign social security benefits which are similar to the social security benefits prescribed above;

►**197**(j) a payment made—

(i) under Article 30 of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 2006, in any case where Article 30(1)(b) applies, or

(ii) under Article 12 of that Order, in any case where Article 12(8)(b) applies;◄

(k) ►[583] a pension paid by a government to victims of National Socialist persecution; ◄

(l) payments under a scheme made under the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979(**b**);

(m) payments made towards the maintenance of the claimant by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the claimant's partner by his spouse, civil partner, former spouse or former civil partner, including payments made—

(i) under a court order;

(ii) under an agreement for maintenance, or

(**a**) Part XIIZB was inserted by Article 6 of the Employment (Northern Ireland) Order 2002

(**b**) S.I. 1979/925 (N.I. 9); amended by Article 22 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(iii) voluntarily;

(n) payments due from any person in respect of board and lodging accommodation provided by the claimant;

►[240](o) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;

(p) any payment in respect of any—

(i) book registered under the Public Lending Right Scheme 1982(**a**), or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982;◄

(q) any payment, other than a payment ordered by a court or made in settlement of a claim, made by or on behalf of a former employer of a person on account of the early retirement of that person on grounds of ill-health or disability;

(r) any sum payable by way of pension out of money provided under the Civil List Act 1837(**b**), the Civil List Act 1937(**c**), the Civil List Act 1952(**d**), the Civil List Act 1972(**e**) or the Civil List Act 1975(**f**);

(s) any income in lieu of that specified in sub-paragraphs (a) to (p);

(t) any payment of rent or, as the case may be, rates made to a claimant who—

(i) owns the freehold or leasehold interest in any property or is a tenant of any property;

(ii) occupies part of the property, and

(iii) has an agreement with another person allowing that person to occupy that property on payment of rent or, as the case may be, rates;

(u) any payment made at regular intervals under an equity release scheme; and

(v) PPF periodic payments within the meaning of section 17(1) of the State Pension Credit Act(**g**).

►[248](2) For the purposes of these Regulations and subject to regulation 42(2), a claimant's capital shall be treated as if it were a weekly income of—

(a) £1 for each £500 in excess of £10,000; and

(b) £1 for any excess which is not a complete £500.◄

(3) Where the payment of any social security benefit prescribed under paragraph (1) ►[642], or retirement pension income to which section 16(1)(za) to (e) of the State Pension Credit Act applies,◄ is subject to any deduction (other than an adjustment specified in paragraph (4)) the amount to be taken into account under paragraph (1) shall be the amount before the deduction is made.

(4) The adjustments specified in this paragraph are those made in accordance with—

(**a**) The Scheme is set out in the appendix to S.I. 1982/719
(**b**) 1837 c. 2
(**c**) 1937 c. 32
(**d**) 1952 c. 37
(**e**) 1972 c. 7
(**f**) 1975 c. 82
(**g**) Section 17(1) was amended by paragraph 3(3) of the Schedule to S.R. 2006 No. 37

(a) the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**a**);

(b) the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 2005;

(c) section 30DD or section 30E of the Act(**b**) (reductions in incapacity benefit in respect of pensions and councillor's allowances).

►[160](d) section 3 of the Welfare Reform Act (deductions from contributory employment and support allowance in respect of pensions and councillor's allowances).◄

►[643](e) section 14 of the Pensions Act (Northern Ireland) 2015 (pension sharing: reduction in the sharer's section 4 pension);

(f) section 45B (reduction of additional pension in Category A retirement pension: pension sharing) or section 55B (reduction of shared additional pension: pension sharing) of the Act.◄

►[812] (g) regulation 16(2) of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023.◄

(5) Where an award of any working tax credit or child tax credit under the Tax Credits Act is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax credit which arose in a previous tax year the amount to be taken into account under paragraph (1) shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

►[249]◄

(8) In paragraph (1)(u), "equity release scheme" means a loan—

(a) made between a person ("the lender") and the claimant;

(b) by means of which a sum of money is advanced by the lender to the claimant by way of payments at regular intervals; and

(c) which is secured on a dwelling in which the claimant owns an estate or interest and which he occupies as his home.

Calculation of income on a weekly basis

28.—(1) Subject to regulation 32, 59 and 60, for the purposes of section 129(1) of the Act (conditions of entitlement to housing benefit) the income of a claimant who has reached the qualifying age for state pension credit shall be calculated on a weekly basis—

(a) by calculating or estimating the amount which is likely to be his average weekly income in accordance with this Part;

(b) by adding to that amount the weekly income calculated under regulation 27(2);

(**a**) S.R. 1979 No. 242

(**b**) Section 30DD was inserted by Article 60 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and section 30E was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12))

(c) by then deducting any relevant child care charges to which regulation 29 applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph (2) are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the claimant's family of whichever of the sums specified in paragraph (3) applies in his case.

(2) The conditions of this paragraph are that—

(a) the claimant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and

(b) that claimant or, if he is a member of a couple either the claimant or his partner, is in receipt of working tax credit or child tax credit.

(3) The maximum deduction to which paragraph (1)(c) refers shall be—

(a) where the claimant's family includes only one child in respect of whom relevant child care charges are paid, ►[463]£175.00◄ per week;

(b) where the claimant's family includes more than one child in respect of whom relevant child care charges are paid, ►[463]£300 ◄per week.

Treatment of child care charges

29.—(1) This regulation applies where a claimant is incurring relevant child care charges and—

(a) is a lone parent and is engaged in remunerative work;

(b) is a member of a couple both of whom are engaged in remunerative work; or

(c) is a member of a couple where one member is engaged in remunerative work and the other—

(i) is incapacitated;

(ii) is an in-patient in hospital, or

(iii) is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).

(2) For the purposes of paragraph (1) and subject to paragraph (4), a person to whom paragraph (3) applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—

(a) is paid statutory sick pay;

(b) is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act(**a**);

(**a**) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and paragraph 68 of Schedule 24 to the Civil Partnership Act 2004; section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by paragraphs 14(b) and 18(3) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), paragraph 21 of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, Schedule 6 to the Tax Credits Act 2002 and paragraph 69 of Schedule 24 to the

►[161](ba) is paid an employment and support allowance►[606] or the Employment and Support Allowance Regulations (Northern Ireland) 2016◄;◄

(c) is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations(**a**); or

(d) is credited with earnings on the grounds of incapacity for work ►[162]or limited capability for work◄ under regulation 8B of the Social Security (Credits) Regulations (Northern Ireland) 1975(**b**).

(3) This paragraph applies to a person who was engaged in remunerative work immediately before—

(a) the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit►[163], an employment and support allowance◄ or income support on the grounds of incapacity for work; or

(b) the first day of the period in respect of which earnings are credited,

as the case may be.

(4) In a case to which paragraph (2)(c) or (d) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.

(5) Relevant child care charges are those charges for care to which paragraphs (6) and (7) apply, and shall be estimated on a weekly basis in accordance with paragraph (10).

(6) The charges are paid by the claimant for care which is provided—

(a) in the case of any child of the claimant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or

(b) in the case of any child of the claimant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.

Civil Partnership Act 2004; section 30C was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and amended by paragraph 37 of Schedule 3 to the Tax Credits Act 2002 and section 30D was inserted by Article 5(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**a**) Regulation 4ZA was inserted by regulation 4 of S.R. 1996 No. 199 and amended by regulation 5(2) of S.R. 1997 No. 412, regulation 5(3) of S.R. 2000 No. 71 and the Schedule to S.R. 2000 No. 241 and Schedule 1B was inserted by Schedule 1 to S.R. 1996 No. 199 and paragraph 14 was amended by regulation 2 of S.R. 2002 No. 332

(**b**) S.R. 1975 No.113; regulation 8B was inserted by regulation 2(6) of S.R. 1996 No. 430 and amended by regulation 3 of S.R. 2000 No. 404 and regulation 2(2) of S.R. 2003 No. 151

(7) The charges are paid for care which is provided by one or more of the care providers listed in paragraph (8) and are not paid—

(a) in respect of the child's compulsory education;

(b) by a claimant to a partner or by a partner to a claimant in respect of any child for whom either or any of them is responsible in accordance with regulation 18; or

(c) in respect of care provided by a relative of a child wholly or mainly in the child's home.

(8) The care to which paragraph (7) refers may be provided—

(a) out of school hours, by a school on school premises or by an education and library board or an HSS trust—

(i) for children who are not disabled in respect of the period beginning on their twelfth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday, or

(ii) for children who are disabled in respect of the period beginning on their twelfth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday;

(b) by a child care provider approved in accordance with the Tax Credit (New Category of Child Care Provider) Regulations 1999(**a**); ►[251]◄

(c) by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act.

►[252](d) by a foster parent under the Foster Placement (Children) Regulations (Northern Ireland) 1996(**b**) in relation to a child other than one whom the foster parent is fostering;

(e) by a domiciliary care worker under the Domiciliary Care Agencies Regulations (Northern Ireland) 2007(**c**); or

(f) by a person who is not a relative of the child wholly or mainly in the child's home.◄

(9) In—

(a) paragraphs (6) and (8)(a), "the first Monday in September" means the Monday which first occurs in the month of September in any year; and

(b) paragraph (8)(a) "education and library board" means an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(**d**).

(10) Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

(11) For the purposes of paragraph (1)(c) the other member of a couple is to be treated as incapacitated where—

(**a**) S.I. 1999/3110
(**b**) S.R. 1996 No. 467
(**c**) S.R. 2007 No. 235
(**d**) S.I. 1986/594 (N.I. 3)

(a) he is aged not less than 80;

(b) he is aged less than 80 and—

(i) the additional conditions specified in paragraph 13 of Schedule 4 to the Housing Benefit Regulations (additional condition for the higher pensioner and disability premiums) are treated as applying in his case, and

(ii) he satisfies those conditions or would satisfy them but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 167E of the Act(**a**);

►[164](ba) the ►[655] other member of the couple would be a member of the support group or◄ a member of the work-related activity group◄but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations or the Employment and Support Allowance Regulations (Northern Ireland) 2016;◄

(c) the claimant is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part XIIA of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any 2 or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

►[165](ca) the claimant (within the meaning of regulation 2(1)) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations or the Employment and Support Allowance Regulations (Northern Ireland) 2016 for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;◄

(d) there is payable in respect of him one or more of the following—

(i) long-term incapacity benefit or short-term incapacity benefit at the higher rate specified in paragraph 2 of Part I of Schedule 4 to the Act(**b**);

►[419](ia) armed forces independence payment;◄

(ii) attendance allowance under section 64 of the Act;

►[831] (iia) pension age disability payment;◄

(iii) severe disablement allowance under section 68 of the Act(**c**);

(**a**) Part XIIA, which includes section 167E, was inserted by Articles 7 and 8(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994; section 167E was amended by paragraph 57 of Schedule 6 to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))

(**b**) Paragraph 2 was substituted by Article 4(2) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(**c**) Section 68 was amended by Article 11 of, and paragraph 18 of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and regulation 2(2) of S.R. 1994 No. 370 and repealed by Schedule 10 to the Welfare

(iv) disability living allowance;

►[850](iva) Scottish adult disability living allowance;◄

(v) increase of disablement pension under section 104 of the Act;

(vi) a pension increase ►[198]paid as part of a war disablement pension or under◄ or an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (v);

►[166](vii) main phase employment and support allowance;◄

►[538] (viii) personal independence payment;

►[746] (ix) adult disability payment;◄

(e) a pension , ►[539] allowance or payment to which head (ii), (iv), (v), (vi) or (viii) ◄of sub-paragraph (d) refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient within the meaning of regulation 20(2);

►[832] (ea) a pension age disability payment was payable on account of his incapacity but has ceased to be payable in accordance with regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024;◄

►[851](eb) a Scottish adult disability living allowance was payable on account of his incapacity but has ceased to be payable in accordance with regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish adult disability living allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;◄

►[879](ec) an adult disability payment was payable on account of the other member's incapacity but has ceased to be payable in accordance with regulation 28 of the Disability Assistance for Working Age People (Scotland) Regulations 2022 (effect of admission to hospital on ongoing entitlement to adult disability payment); ◄

(f) sub-paragraph (d) or (e) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Great Britain; or

(g) he has an invalid carriage or other vehicle provided to him by the Department of Health, Social Services and Public Safety(**a**) under Article 30(1) of the Health and Personal Social Services Order or provided by the Secretary of State under section 5(2)(a) of, and Schedule 2 to, the National Health Service Act 1977(**b**) or under section 46 of the National Health Service (Scotland) Act 1978(**c**).

(12) For the purposes of paragraph (11), once paragraph (11)(c) applies to the claimant, if he then ceases, for a period of 56 days or less, to be incapable, or to be

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Reform and Pensions (Northern Ireland) Order 1999, subject to savings in Article 4 of S.R. 2000 No. 332 (C. 14)

(**a**) *See* Article 3(6) of the Departments (Northern Ireland) Order 1999 (S.I. 1999/283 (N.I. 1))

(**b**) 1977 c. 49

(**c**) 1978 c. 29

treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

►**167**(12A) For the purposes of paragraph (11), once paragraph (11)(ca) applies to the claimant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter to apply to him for so long as he has, or is treated as having, limited capability for work.◄

(13) For the purposes of paragraphs (6) and (8)(a), a person is disabled if he is a person—

►**420**(za) in respect of whom armed forces independence payment is payable;◄

(a) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;

►**732**(aa) in respect of whom child disability payment is payable;◄

►**455**(b) who is certified as severely sight impaired or blind by a consultant ophthalmologist;◄

(c) who ceased to be ►**456**certified as severely sight impaired or blind◄ within the period beginning 28 weeks before the first Monday in September following that person's fifteenth birthday and ending on the day preceding the first Monday in September following that person's sixteenth birthday ►540 ►747 ◄

(d) in respect of whom personal independence payment is payable, or has ceased to be payable solely by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients).◄►748or

(e) in respect of whom adult disability payment is payable, or has ceased to be payable solely by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022◄

(14) For the purposes of paragraph (1) a person on maternity leave, paternity leave►484, adoption leave ►771, shared parent leave or parental bereavement leave◄◄ shall be treated as if he is engaged in remunerative work for the period specified in paragraph (15) ("the relevant period") provided that—

(a) in the week before the period of maternity leave, paternity leave►485, adoption leave ►772, shared parental leave or parental bereavement leave◄◄ began he was in remunerative work;

(b) the claimant is incurring relevant child care charges within the meaning of paragraph (5); and

(c) he is entitled to statutory maternity pay under section 160 of the Act, ►**381**►486◄ statutory paternity pay by virtue of section 167ZA or 167ZB of the Act, ►487◄, statutory adoption pay by virtue of section 167ZL of the Act►488, statutory shared parental pay by virtue of section 167ZU or 167ZV

of the Act►[773] , statutory parental bereavement pay by virtue of section 167ZZ9 of the Act◄◄(**a**)or maternity allowance under section 35 of the Act.

(15) The relevant period shall begin on the day on which the person's maternity leave, paternity leave►[774] , parental bereavement leave◄or adoption leave commences and shall end on—

(a) the date that leave ends;

(b) if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, statutory maternity pay, ►**382**►[489]◄or additional statutory paternity pay◄ ►[490], statutory adoption pay ►[775] , statutory shared parental pay or statutory parental bereavement pay◄◄ ends, the date that entitlement ends; or

(c) if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance, statutory maternity pay, ►►[491]◄ statutory paternity pay◄►[492], statutory adoption pay ►[776] , statutory shared parental pay or statutory parental bereavement pay◄◄ ends, the date that entitlement to that award of the child care element of working tax credit ends,

whichever shall occur first.

(16) In paragraph (15), "child care element" of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element).

Calculation of average weekly income from tax credits

30.—(1) This regulation applies where a claimant receives a tax credit.

(2) Where this regulation applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph (3).

(3) Where the instalment in respect of which payment of a tax credit is made is—

(a) a daily instalment, the period is one day, being the day in respect of which the instalment is paid;

(b) a weekly instalment, the period is 7 days, ending on the day on which the instalment is due to be paid;

(c) a 2 weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;

(d) a 4 weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

(4) For the purpose of this regulation "tax credit" means working tax credit.

Calculation of weekly income

31.—(1) Except where paragraphs (2), (2A), (3A) and (4) apply, for the purposes of calculating the weekly income of the claimant, where the period in respect of which a payment is made—

(a) does not exceed a week, the whole of that payment shall be included in the claimant's weekly income;

(**a**) Section 167ZL was inserted by Article 6 of the Employment (Northern Ireland) Order 2002

(b) exceeds a week, the amount to be included in the claimant's weekly income shall be determined—

(i) in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;

(ii) in a case where that period is 3 months, by multiplying the amount of the payment by 4 and dividing the product by 52;

(iii) in a case where that period is a year, by dividing the amount of the payment by 52;

(iv) in any other case, by multiplying the amount of the payment by 7 and dividing the product by the number of days in the period in respect of which it is made.

(2) Where—

(a) the claimant's regular pattern of work is such that he does not work the same hours every week; or

(b) the amount of the claimant's income fluctuates and has changed more than once,

the weekly amount of that claimant's income shall be determined—

(i) if, in a case to which sub-paragraph (a) applies, there is a recognised cycle of work, by reference to his average weekly income over the period of the complete cycle (including, where the cycle involves periods in which the claimant does no work, those periods but disregarding any other absences), or

(ii) in any other case, on the basis of—

(aa) the last 2 payments if those payments are one month or more apart;

(bb) the last 4 payments if the last 2 payments are less than one month apart; or

(cc) calculating or estimating such other payments as may, in the particular circumstances of the case, enable the claimant's average weekly income to be determined more accurately.

(2A) Income calculated in pursuant to paragraph (2) shall be take into account—

(a) in the case of a claim, on the date the claim was made or treated as made, and the first day of each benefit week thereafter;

(b) in the case of a claim or award where the claimant commences employment, the first day of the benefit week following the date the claimant commences that employment, and the first day of each benefit week thereafter; or

(c) in the case of a claim or award where the claimant's average weekly earnings from employment change, the first day of the benefit week following the date the climant's earnings from employment change so as to require recalculation under this paragraph, and the first day of each benefit week thereafter,

regardless of whether those earnings were actually received in that benefit week.

(3) For the purposes of paragraph (2)(b) the last payments are the last payments before the date the claim was made or treated as made or, if there is a subsequent supersession under paragraph 4 of Schedule 7 to the Child Support, Pensions and

Social Security Act (Northern Ireland) 2000(**a**), the last payments before the date of the supersession.

(3A) A claimant's earnings from employment as an employed earner not calculated pursuant to paragraph (2) shall be taken into account—

(a) in the case of a claim, on the date the claim was made or treated as made and the first day of each benefit week thereafter;

(b) in the case of a claim or award where the claimant commences employment, the first day of the bendit week following the date the claimant commences that employment, and the first day of each benefit week thereafter; or

(c) in the case of a claim or award where the claimant's average weekly earnings from employment change, the first day of the benefit week following the date of the change, and the beginning of each benefit week therafter,

regardless of whether those earnings were actually received in that benefit week.

(4) If a claimant is entitled to receive a payment to which paragraph (5) applies, the amount of that payment shall be treated as if made in respect of a period of a year.

(5) This paragraph applies to—

►[241](a) royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark;

(b) any payment in respect of any—

(i) book registered under the Public Lending Right Scheme 1982; or

(ii) work made under any international public lending right scheme that is analogous to the Public Lending Right Scheme 1982; and◄

(c) any payment which is made on an occasional basis.

(6) The period under which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that benefit is payable.

(7) Where payments are made in a currency other than Sterling, the value of the payment shall be determined by taking the Sterling equivalent on the date the payment is made.

(8) The sums specified in Schedule 5 shall be disregarded in calculating—

(a) the claimant's earnings; and

►[242](b) any amount to which paragraph (5) applies where the claimant is the first owner of the copyright, design, patent or trademark, or an original contributor to the book or work referred to in paragraph (5)(b).◄

►[243](8A) For the purpose of paragraph (8)(b), and for that purpose only, the amounts specified in paragraph (5) shall be treated as though they were earnings.◄

(9) Income specified in Schedule 6 is to be disregarded in the calculation of a claimant's income.

(10) Schedule 7 shall have effect so that—

(a) the capital specified in Part I shall be disregarded for the purpose of determining a claimant's income; and

(b) the capital specified in Part II shall be disregarded for the purpose of determining a claimant's income under regulation 27(2).

(**a**) 2000 c. 4 (N.I.)

(11) In the case of any income taken into account for the purpose of calculating a person's income, there shall be disregarded any amount payable by way of tax.

Disregard of changes in tax, contributions etc.

32. In calculating the claimant's income the appropriate authority may disregard any legislative change—

(a) in the basic or other rates of income tax;

(aa) ►[520] in the Scottish basic or other rates of income tax;◄

(b) in the amount of any personal tax►[521] reliefs under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007◄;

(c) in the rates of ►**[513]**national insurance contributions◄ payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, ►**[870]**or◄ the lower or upper limits applicable to Class 4 contributions under the Act►**[871]**◄►[498]◄►[787]◄ ;

(d) in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act►**[505]** or a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015◄; and

(e) in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 benefit weeks beginning with the benefit week immediately following the date from which the change is effective.

SECTION 3

Employed earners

Earnings of employed earners

33.—(1) Subject to paragraph (2), "earnings" means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes—

(a) any bonus or commission;

(b) any payment in lieu of remuneration except any periodic sum paid to a claimant on account of the termination of his employment by reason of redundancy;

(c) any payment in lieu of notice;

(d) any holiday pay;

(e) any payment by way of a retainer;

(f) any payment made by the claimant's employer in respect of expenses not wholly, exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the claimant's employer in respect of—

(i) travelling expenses incurred by the claimant between his home and place of employment;

(ii) expenses incurred by the claimant under arrangements made for the care of a member of his family owing to the claimant's absence from home;

(g) the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part V of Schedule 3 to the Social Security (Contributions) Regulations 2001(**a**);

(h) statutory sick pay and statutory maternity pay payable by the employer under the Act;

►[383](i) ►[493]◄statutory paternity pay payable under Part XIIZA of the Act;

(ia) ►[494]◄

(j) statutory adoption pay payable under Part XIIZB of the Act;

►[495](ja) statutory shared parental pay payable under Part 12ZC of the Act;

►[777](jb) statutory parental bereavement pay payable under Part 12ZD of the Act;◄

(k) any sums payable under a contract of service—

(i) for incapacity for work due to sickness or injury, or

(ii) by reason of pregnancy or confinement;

(l) any payment made under the legislation of, or under any scheme operating in, the Republic of Ireland which is analogous to income to which sub-paragraphs (h) to (j) relate.

(2) Earnings shall not include—

(a) subject to paragraph (3), any payment in kind;

(b) any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment;

(c) any occupational pension;

(d) any payment of compensation made pursuant to an award by an employment tribunal in respect of unfair dismissal or unlawful discrimination.

►[257](e) any payment in respect of expenses arising out of the ►[438]claimant participating as a service user◄.◄

(3) Paragraph (2)(a) shall not apply in respect of any non-cash voucher referred to in paragraph (1)(g).

Calculation of net earnings of employed earners

34.—(1) For the purposes of regulation 28, the earnings of a claimant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to regulation 31(5) and Schedule 5, be his net earnings.

(2) For the purposes of paragraph (1) net earnings shall, except in relation to any payment to which regulation 31(5) refers, be calculated by taking into account the gross earnings of the claimant from that employment over the assessment period, less—

(a) any amount deducted from those earnings by way of—

(i) income tax;

(**a**) S.I. 2001/1004

(ii) primary Class 1 contributions under the Act;

(b) one half of any sum paid by the claimant by way of a contribution towards an occupational pension scheme;

(c) one half of the amount calculated in accordance with paragraph (4) in respect of any qualifying contribution payable by the claimant; and

(d) where those earnings include a payment which is payable under any statute of the Parliament of the United Kingdom extending solely to Great Britain and which corresponds to statutory sick pay, statutory maternity pay, ►**384** ►[496]◄ statutory paternity pay◄►[497], statutory adoption pay ►**778**, statutory shared parental pay or statutory parental bereavement pay◄◄, any amount deducted from those earnings by way of any contributions which are payable under any statute of the Parliament of the United Kingdom extending solely to Great Britain and which correspond to primary Class 1 contributions under the Act.

(3) In this regulation "qualifying contribution" means any sum which is payable periodically as a contribution towards a personal pension scheme.

(4) The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this regulation the daily amount of the qualifying contribution shall be determined—

(a) where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;

(b) in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.

(5) Where the earnings of a claimant are determined under regulation 31(2)(b), his net earnings shall be calculated by taking into account those earnings over the assessment period, less—

(a) an amount in respect of income tax equivalent to an amount calculated by applying to those earnings ►**244**◄ the basic rate ►[522], or in the case of a Scottish taxpayer, the Scottish basic rate, of tax applicable to the assessment period less only the ►[523] personal reliefs to which the claimant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are◄ appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the ►**245**basic rate◄►[524], or the Scottish basic rate, of tax is to be applied and the amount of the personal ►[525] reliefs◄ deductible under this sub-paragraph shall be calculated on a pro-rata basis;

(b) an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and

(c) one half of any sum which would be payable by the claimant by way of a contribution towards an occupational or personal pension scheme, if the earnings so estimated were actual earnings.

(6) Where the claimant is an employed earner in the Republic of Ireland the amounts to be deducted for income tax and primary Class 1 contributions under this

regulation shall be such amounts as, in the opinion of the appropriate authority, would have been deducted had the claimant been employed in Northern Ireland.

SECTION 4

Self-employed earners

Calculation of earnings of self-employed earners

35.—(1) Where a claimant's earnings consist of earnings from employment as a self-employed earner, the weekly amount of his earnings shall be determined by reference to his average weekly earnings from that employment—

(a) over a period of one year; or

(b) where the claimant has recently become engaged in that employment or there has been a change which is likely to affect the normal pattern of business, over such other period ("computation period") as may, in the particular case, enable the weekly amount of his earnings to be determined more accurately.

(2) For the purposes of determining the weekly amount of earnings of a claimant to whom paragraph (1)(b) applies, his earnings over the computation period shall be divided by the number equal to the number of days in that period and multiplying the quotient by 7.

(3) The period over which the weekly amount of a claimant's earnings is calculated in accordance with this regulation shall be his assessment period.

Earnings of self-employed earners

36.—(1) Subject to paragraph (2), "earnings", in the case of employment as a self-employed earner, means the gross receipts of the employment ▶[349]◀.

(2) "Earnings" in the case of employment as a self-employed earner does not include—

(a) where a claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation for which payment is made, those payments;

(b) any payment made by an authority, as defined in Article 2 of the Children Order, to a claimant who is caring for a child by virtue of arrangements made under Article 27(2)(a) of that Order (provision of accommodation and maintenance by an authority for children whom it is looking after);

(c) any payment made by a voluntary organisation under Article 75(1)(a) of the Children Order (provision of accommodation by voluntary organisations);

(d) any payment made to the claimant or his partner for a person ("the person concerned") who is not normally a member of the claimant's household but is temporarily in his care, by—

(i) a Health and Social Services Board or HSS trust;

(ii) a voluntary organisation, or

(iii) the person concerned pursuant to Article 36(7) of the Health and Personal Social Services Order(**a**); or

(e) any sports award.

Calculation of net profit of self-employed earners

37.—(1) For the purposes of regulation 28 the earnings of a claimant to be taken into account shall be—

(a) in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;

(b) in the case of a self-employed earner whose employment is carried on in partnership, his share of the net profit derived from that employment, less—

(i) an amount in respect of income tax and of ►[514]national insurance contributions◄payable under the Act calculated in accordance with regulation 38, and

(ii) one half of the amount calculated in accordance with paragraph (10) in respect of any qualifying premium.

(2) For the purposes of paragraph (1)(a) the net profit of the employment shall, except where paragraph (8) applies, be calculated by taking into account the earnings of the employment over the assessment period less—

(a) subject to paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of that employment;

(b) an amount in respect of—

(i) income tax, and

(ii) ►[515]national insurance contributions◄payable under the Act,

calculated in accordance with regulation 38; and

(c) one half of the amount calculated in accordance with paragraph (10) in respect of any qualifying premium.

(3) For the purposes of paragraph (1)(b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs (4) to (7), any expenses wholly and exclusively incurred in that period for the purposes of the employment.

(4) Subject to paragraph (5), no deduction shall be made under paragraph (2)(a) or (3), in respect of—

(a) any capital expenditure;

(b) the depreciation of any capital asset;

(c) any sum employed or intended to be employed in the setting up or expansion of the employment;

(d) any loss incurred before the beginning of the assessment period;

(**a**) Article 36 was substituted by Article 25 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1))

(e) the repayment of capital on any loan taken out for the purposes of the employment; and

(f) any expenses incurred in providing business entertainment.

(5) A deduction shall be made under paragraph (2)(a) or (3) in respect of the repayment of capital on any loan used for—

(a) the replacement in the course of business of equipment or machinery;

(b) the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair; and

(c) the purchase of land under the Northern Ireland Land Act 1925(**a**).

(6) The relevant authority shall refuse to make a deduction in respect of any expenses under paragraph (2)(a) or (3) where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

(7) For the avoidance of doubt—

(a) a deduction shall not be made under paragraph (2)(a) or (3) in respect of any sum unless it has been expended for the purposes of the business;

(b) a deduction shall be made thereunder in respect of—

(i) the excess of any value added tax paid over value added tax received in the assessment period;

(ii) any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;

(iii) any payment of interest on a loan taken out for the purposes of the employment.

(8) Where a claimant is engaged in employment as a child minder the net profit of the employment shall be one third of the earnings of that employment, less—

(a) an amount in respect of—

(i) income tax, and

(ii) ►[516]national insurance contributions◄payable under the Act,

calculated in accordance with regulation 38; and

(b) one half of the amount calculated in accordance with paragraph (10) in respect of any qualifying premium.

(9) For the avoidance of doubt where a claimant is engaged in employment as a self-employed earner and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

(10) The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this regulation the daily amount of the qualifying premium shall be determined—

(a) where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and dividing the product by 365;

(**a**) 1925 c. 34

(b) in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

(11) Where the claimant is a self-employed earner in the Republic of Ireland the amounts to be deducted for income tax and social security contributions under this regulation shall be such amounts as, in the opinion of the appropriate authority, would have been deducted had the claimant been employed in Northern Ireland.

(12) In this regulation, "qualifying premium" means any premium which is payable periodically in respect of ►**53**◄ a personal pension scheme and is so payable on or after the date of claim.

Deduction of tax and contributions of self-employed earners

38.—(1) The amount to be deducted in respect of income tax under regulation 37(1)(b)(i), (2)(b)(i) or (8)(a)(i) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at ►**244**◄ the basic rate ►526, or in the case of a Scottish taxpayer, the Scottish basic rate◄ of tax applicable to the assessment period less only the ►527 personal reliefs to which the claimant is entitled under Chapters 2, 3 and 3A of Part 3 of the Income Tax Act 2007 as are◄ appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the ►**245**basic rate◄ ►528 or the Scottish basic rate◄ of tax is to be applied and the amount of the personal relief deductible under this paragraph shall be calculated on a pro-rata basis.

(2) The amount to be deducted in respect of ►**517**national insurance contributions◄under regulation 37(1)(b)(i), (2)(b)(ii) or (8)(a)(ii) shall be the total of—

►872◄

(b) the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro-rata.

(3) In this regulation "chargeable income" means—

(a) except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph (2)(a) or, as the case may be, (3) of regulation 37;

(b) in the case of employment as a child minder, one third of the earnings of that employment.

SECTION 5

Other income

Notional income

39.—(1) A claimant shall be treated as possessing—

(a) subject to paragraph (2) the amount of any retirement pension income—

(i) for which no claim has been made, and

(ii) to which he might expect to be entitled if a claim for it were made;

(b) income from an occupational pension scheme which the claimant elected to defer.

(2) Paragraph (1)(a) shall not apply to the following where entitlement has been deferred—

(a) a Category A or Category B retirement pension payable under sections 43 to 55 of the Act;

(b) a shared additional pension payable under section 55A (►[506]or 55AA◄of the Act(**a**);►[507]◄(c) graduated retirement benefit payable under sections 35 or 36 of the National Insurance Act (Northern Ireland) 1966(**b**)►[508];and

(d) state pension under Part 1 of the Pensions Act (Northern Ireland) 2015◄.

(3) For the purposes of paragraph (2) entitlement has been deferred—

(a) in the case of Category A or Category B pension, in the circumstances specified in section 55(3) of the Act(**c**);

(b) in the case of a shared additional pension, in the circumstances specified in section 55C(3) of the Act(**d**);

(c) in the case of graduated retirement benefit, in the circumstances specified in section 35(4) and (4A) of the National Insurance Act (Northern Ireland) 1966(**e**)

►[509](d) in the case of a state pension under Part 1 of the Pensions Act (Northern Ireland) 2015, in the circumstances specified in section 17(7) and (8) of that Act.

►[54](4) This paragraph applies where a person ►[277]who has attained the qualifying age for state pension credit◄—

(a) is entitled to money purchase benefits under an occupational pension scheme or a personal pension scheme;

(b) fails to purchase an annuity with the funds available in that scheme; and

(c) either—

(**a**) Section 55A was inserted by paragraph 3 of Schedule 6 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147(N.I. 11)) and amended by section 37(3) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(**b**) 1966 c. 6 (N.I.); sections 35 and 36 continue in force by virtue of Schedules 1 and 2 to S.R. 1978 No. 105, relevant amending Rules are S.R. 1989 No. 373, S.R. 1995 No. 483, S.R. 1996 No. 289, S.R. 1999 No. 371 (C. 28), S.R. 2005 Nos. 121 and 541 and S.R. 2006 No. 109

(**c**) Section 55 was substituted by Article 273(1) of the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1))

(**d**) Section 55C was substituted by Article 273(2) of the Pensions (Northern Ireland) Order 2005

(**e**) Sub-sections (4) and (4A) were substituted by regulation 2(2)(a) of S.R. 2005 No. 121

(i) defers in whole or in part the payment of any income which would have been payable to him by his pension fund holder;

(ii) fails to take any necessary action to secure that the whole of any income which would be payable to him by his pension fund holder upon his applying for it, is so paid, or

(iii) income withdrawal is not available to him under that scheme.

(4A) Where paragraph (4) applies, the amount of any income foregone shall be treated as possessed by that person, but only from the date on which it could be expected to be acquired were an application for it to be made.◄

(5) The amount of any income foregone in a case ►[55]where paragraph (4)(c)(i) or (ii)◄ applies shall be the ►[644]rate of the annuity which may have been purchased with the fund◄and shall be determined by the relevant authority which shall take account of information provided by the pension fund holder in accordance with regulation 63(6).

(6) The amount of any income foregone in a case ►[56]where paragraph (4)(c)(iii)◄ applies shall be the income that the claimant could have received without purchasing an annuity had the funds held under the relevant scheme ►[57]◄ been held under a personal pension scheme or occupational pension scheme where income withdrawal was available and shall be determined in the manner specified in paragraph (5).

(7) In paragraph (4), "money purchase benefits" has the meaning it has in the Pension Schemes (Northern Ireland) Act 1993(**a**).

(8) Subject to ►[510]paragraph (9), (10ZA), (10ZB) ◄ ►[258]and (10A)◄, a person shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement to housing benefit or increasing the amount of that benefit.

(9) Paragraph (8) shall not apply in respect of the amount of an increase of pension or benefit where a person, having made an election in favour of that increase of pension or benefit under Schedule 5 or 5A to the Act(**b**) or under Schedule 1 to the Graduated Retirement Benefit Regulations, changes that election in accordance with regulations made under Schedule 5 or 5A to that Act in favour of a lump sum.

(10) In paragraph (9), "lump sum" means a lump sum under Schedule 5 or 5A to the Act or under Schedule 1 to the Graduated Retirement Benefit Regulations.

(**a**) 1993 c. 49; *see* section 176(1)

(**b**) Schedule 5 was amended by paragraph 36 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993, paragraph 40 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraphs 6(2) to (4) and 18(15) and (18) of Schedule 2 to the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), section 35(1) of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)), paragraphs 2 to 13 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 and paragraph 6 of the Schedule to S.R. 2005 No. 434 and Schedule 5A was inserted by paragraph 14 of Schedule 9 to the Pensions (Northern Ireland) Order 2005

►[511](10ZA) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase in pension under section 8(2) of the Pensions Act (Northern Ireland) 2015, alters that choice that in accordance with regulations made under section 8(7) of that Act in favour of a lump sum.

(10ZA) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with regulations made under section 10 of that Act which include provision corresponding or similar to regulations made under section 8(7) of that Act.

(10ZC) In paragraph (10ZA), "lump sum" means a lump sum under section 8 of the Pensions Act (Northern Ireland) 2015.

(10ZD) In paragraph (10ZB), "lump sum" means a lump sum under regulations made under section 10 of the Pensions Act (Northern Ireland) 2015 which include provision corresponding or similar to section 8 of that Act. ◄

►[259](10A) Paragraph (8) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the ►[439]claimant participating as a service user◄.◄

(11) Where a claimant is in receipt of any benefit (other than housing benefit) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the relevant authority shall treat the claimant as possessing such benefit at the altered rate—

(a) in a case in which the claimant's weekly amount of eligible rent or, as the case may be, rates falls to be calculated in accordance with regulation 59(2)(b) or (c) or, as the case may be, (3)(b) or (c), from 1st April in that year;

(b) in any other case, from the first Monday in April in that year,

to the date on which the altered rate is to take effect.

(12) In the case of a claimant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where a relevant authority treats the claimant as possessing any benefit (other than housing benefit) at the altered rate in accordance with paragraph (11), that authority shall—

(a) determine the income and capital of that claimant in accordance with regulation 25(1), where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st Aril in any year but not more than 14 days thereafter; and

(b) treat that claimant as possessing such income and capital at the altered rate by reference to the period referred to in paragraph (11)(a) or (b), as the case may be.

(13) For the purposes of paragraph (8), a person is not to be regarded as depriving himself of income where—

(a) his rights to benefits under a registered pension scheme are extinguished and in consequence of this he receives a payment from the scheme; and

(b) that payment is a trivial commutation lump sum within the meaning given by paragraph 7 of Schedule 29 to the Finance Act 2004(**a**).

(14) In paragraph (13) "registered pension scheme" has the meaning given in section 150(2) of the Finance Act 2004.

Income paid to third parties

40.—(1) Any payment of income, other than a payment specified in ►[350]paragraphs (2) or (3)◄, to a third party in respect of the claimant shall be treated as possessed by the claimant.

(2) Paragraph (1) shall not apply in respect of a payment of income made under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where—

(a) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration or a judicial factor has been appointed on that person's estate under section 41 of the Solicitors (Scotland) Act 1980(**b**);

(b) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and

(c) the person referred to in sub-paragraph (a) and his partner does not possess, or is not treated as possessing, any other income apart from that payment.

►[351](3) Paragraph (1) shall not apply in respect of any amount of income other than earnings, or earnings derived from employment as an employed earner, arising out of the ►[440]claimant participating as a service user◄.◄

SECTION 6

Capital

Capital limit

41. For the purposes of section 130(1) of the Act as it applies to housing benefit (no entitlement to benefit if capital exceeds a prescribed amount), the prescribed amount is £16,000.

Calculation of capital

42.—(1) For the purposes of Part VII of the Act as it applies to housing benefit, the capital of a claimant to be taken into account shall, subject to paragraph (2), be the whole of his capital calculated in accordance with this Part.

(2) There shall be disregarded from the calculation of the claimant's capital under paragraph (1) any capital, where applicable, specified in Schedule 7.

(**a**) 2004 c. 12
(**b**) 1980 c. 46

(3) A claimant's capital shall be treated as including any payment made to him by way of arrears of—

(a) child tax credit;

(b) working tax credit;

(c) state pension credit,

if the payment was made in respect of a period for the whole or part of which housing benefit was paid before those arrears were paid.

►[74]Calculation of capital in the United Kingdom

43. Capital which a claimant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

(a) where there would be expenses attributable to the sale, 10 per cent.; and

(b) the amount of any encumbrance secured on it.◄

Calculation of capital outside the United Kingdom

44. Capital which a claimant possesses in a country outside the United Kingdom shall be calculated—

(a) in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value;

(b) in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,

less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrance secured on it.

Notional capital

45.—(1) A claimant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to housing benefit or increasing the amount of that benefit except to the extent that the capital which he is treated as possessing is reduced in accordance with regulation 46.

(2) A person who disposes of capital for the purpose of—

(a) reducing or paying a debt owed by the claimant; or

(b) purchasing goods or services if the expenditure was reasonable in the circumstances of the claimant's case,

shall be regarded as not depriving himself of it.

(3) Where a claimant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he shall be treated as if he were such sole owner or partner and in such a case—

(a) the value of his holding in that company shall, notwithstanding regulation 42, be disregarded; and

(b) he shall, subject to paragraph (4), be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Part shall apply

for the purposes of calculating that amount as if it were actual capital which he does possess.

(4) For so long as a claimant undertakes activities in the course of the business of the company, the amount which he is treated as possessing under paragraph (3) shall be disregarded.

(5) Where under this regulation a person is treated as possessing capital, the amount of that capital shall be calculated in accordance with the provisions of this Part as if it were actual capital which he does possess.

Diminishing notional capital rule

46.—(1) Where a claimant is treated as possessing capital under regulation 45(1), the amount which he is treated as possessing—

(a) in the case of a week that is subsequent to—

(i) the relevant week in respect of which the conditions set out in paragraph (2) are satisfied, or

(ii) a week which follows that relevant week and which satisfies those conditions,

shall be reduced by an amount determined under paragraph (3);

(b) in the case of a week in respect of which paragraph (1)(a) does not apply but where—

(i) that week is a week subsequent to the relevant week, and

(ii) that relevant week is a week in which the condition in paragraph (4) is satisfied,

shall be reduced by the amount determined under paragraph (4).

(2) This paragraph applies to a benefit week where the claimant satisfies the conditions that—

(a) he is in receipt of housing benefit; and

(b) but for regulation 45(1), he would have received an additional amount of housing benefit in that week.

(3) In a case to which paragraph (2) applies, the amount of the reduction for the purposes of paragraph (1)(a) shall be equal to the aggregate of—

(a) the additional amount to which paragraph (2)(b) refers;

(b) where the claimant has also claimed state pension credit, the amount of any state pension credit or any additional amount of state pension credit to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 21(1) of the State Pension Credit Regulations (Northern Ireland) 2003(**a**) (notional capital);

(c) where the claimant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the

(**a**) S.R. 2003 No. 28

application of regulation 113 of the Jobseeker's Allowance Regulations(**a**) (notional capital). ►[168]and

(d) where the claimant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the benefit week to which paragraph (2) refers but for the application of regulation 115 of the Employment and Support Allowance Regulations (notional capital).◄

(4) Subject to paragraph (5), for the purposes of paragraph (1)(b) the condition is that the claimant would have been entitled to housing benefit in the relevant week but for regulation 45(1), and in such a case the amount of the reduction shall be equal to the aggregate of—

(a) the amount of housing benefit to which the claimant would have been entitled in the relevant week but for regulation 45(1) and, for the purposes of this sub-paragraph, if the relevant week is a week to which regulation 59(4)(a) refers, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number of days in that week for which he was liable to make payments in respect of the dwelling he occupies as his home and multiplying the quotient so obtained by 7;

(b) if the claimant would, but for regulation 21 of the State Pension Credit Regulations (Northern Ireland) 2003, have been entitled to state pension credit in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the state pension credit to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;

(c) if the claimant would, but for regulation 113 of the Jobseeker's Allowance Regulations, have been entitled to an income-based jobseeker's allowance in respect of the benefit week, within the meaning of regulation 1(2) of those Regulations(**b**) (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7.

►[169](d) if the claimant would, but for regulation 115 of the Employment and Support Allowance Regulations, have been entitled to an income-related employment and support allowance in respect of the benefit week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled

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(**a**) Regulation 113 was amended by S.R. 1997 No. 412, S.R. 1998 No. 326, S.R. 1999 No. 391, S.R. 2000 No. 350, S.R. 2001 No. 151, S.R. 2002 Nos. 128 and 132, S.R. 2003 No. 195, S.R. 2004 No. 389 and S.R. 2005 Nos. 98 and 424

(**b**) The definition of "benefit week" was amended by regulation 2(2) of S.R. 1996 No. 358 and regulation 2(2)(a) of S.R. 1996 No. 503

and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.◄

(5) The amount determined under paragraph (4) shall be re-determined under that paragraph if the claimant makes a further claim for housing benefit and the conditions in paragraph (6) are satisfied, and in such a case—

(a) sub-paragraphs (a) to (c) of paragraph (4) shall apply as if for "relevant week" there were substituted "relevant subsequent week"; and

(b) subject to paragraph (7), the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

(6) The conditions are that—

(a) a further claim is made 26 or more weeks after—

(i) the date on which the claimant made a claim for housing benefit in respect of which he was first treated as possessing the capital in question under regulation 45(1);

(ii) in a case where there has been at least one re-determination in accordance with paragraph (5), the date on which he last made a claim for housing benefit which resulted in the weekly amount being re-determined, or

(iii) the date on which he last ceased to be entitled to housing benefit,

whichever last occurred; and

(b) the claimant would have been entitled to housing benefit but for regulation 45(1) or regulation 46(1) of the Housing Benefit Regulations.

(7) The amount as re-determined pursuant to paragraph (5) shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

(8) For the purposes of this regulation—

"part-week" in paragraph (4)(b)►**170**, (c) and (d)◄ means—

(a) a period of less than a week which is the whole period for which state pension credit►**171**, an income-related employment and support allowance◄, or, as the case may be, an income-based jobseeker's allowance, is payable; and

(b) any other period of less than a week for which either of those benefits is payable;

"relevant week" means the benefit week in which the capital in question of which the claimant has deprived himself within the meaning of regulation 45(1)—

(a) was first taken into account for the purpose of determining his entitlement to housing benefit; or

(b) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to housing benefit on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, housing benefit,

and where more than one benefit week is identified by reference to paragraphs (a) and (b) of this definition, means the later or latest such benefit week;

"relevant subsequent week" means the benefit week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

Capital jointly held

47.—(1) Where a claimant and one or more other persons are beneficially entitled in possession to any capital asset, other than a capital asset disregarded under regulation 45(3), they shall be treated as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Part shall apply for the purposes of calculating the amount of capital which the claimant is treated as possessing as if it were actual capital which the claimant does possess.

(2) Any premises or land not wholly owned by the claimant shall be disregarded for such period as is reasonable in the circumstances to enable the collection of such information as is necessary to determine the treatment of capital in accordance with paragraph (1).

PART VII

Amount of benefit

Maximum housing benefit

48. The amount of a person's appropriate maximum housing benefit in any week shall be—

(a) 100 per cent. of his eligible rent calculated on a weekly basis in accordance with regulations 59 and 60; and

(b) 100 per cent. of his eligible rates calculated on a weekly basis in accordance with those Regulations,

less, in either case, any deductions in respect of non-dependants which fall to be made under regulation 53.

Housing benefit tapers

49. The prescribed percentages for the purpose of section 129(3)(b) of the Act (percentage of excess of income over applicable amount which is deducted from maximum housing benefit) shall be—

(a) in calculating the amount of a rate rebate, 20 per cent.; and

(b) in calculating the amount of a rent rebate or allowance, 65 per cent.

►[126]Amount payable during extended payment period when an extended payment is payable pursuant to regulation 70 or 71 of the Housing Benefit Regulations

2.—(1) This regulation applies where—

(a) a claimant became entitled to an extended payment pursuant to regulation 70 of the Housing Benefit Regulations or an extended payment (qualifying contributory benefits) pursuant to regulation 71 of those Regulations; and

(b) during the extended payment period, these Regulations become applicable to the claimant or the claimant's partner in accordance with regulation 5.

(2) Where this regulation applies, the amount of the extended payment or extended payment (qualifying contributory benefits) payable to a claimant for any week during the extended payment period shall be the higher of—

(a) the amount of the extended payment payable in accordance with regulation 70B(1)(a) of the Housing Benefit Regulations or the extended payment (qualifying contributory benefits) payable in accordance with regulation 71B(1)(a) of those Regulations, as the case may be;

(b) the amount of housing benefit to which a claimant would be entitled under the general conditions of entitlement of these Regulations, if regulation 70 or 71 of the Housing Benefit Regulations did not apply to the claimant; or

(c) the amount of housing benefit to which the claimant's partner would be entitled under the general conditions of entitlement of these Regulations, if regulation 70 or 71 of the Housing Benefit Regulations did not apply to the claimant.

(3) Where this regulation applies, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period to a claimant's partner under these Regulations for any week in the extended payment period.◄

►[127]Extended payments (qualifying contributory benefits)

51.—(1) Except in the case of a claimant who is in receipt of state pension credit, a claimant who is entitled to housing benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment (qualifying contributory benefits) where—

(a) the claimant or the claimant's partner was entitled to a qualifying contributory benefit;

(b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant's partner—

(i) commenced employment as an employed or self-employed earner;

(ii) increased their earnings from such employment, or

(iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last 5 weeks or more;

(c) the claimant or the claimant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and

(d) the claimant or the claimant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last benefit week in which the claimant, or the claimant's partner, was entitled to a qualifying contributory benefit.

(2) A claimant must be treated as entitled to housing benefit by virtue of the general conditions of entitlement where—

(a) the claimant ceased to be entitled to housing benefit because the claimant vacated the dwelling occupied as the claimant's home;

(b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and

(c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph (1)(b).

Duration of extended payment period (qualifying contributory benefits)

51A.—(1) Where a claimant is entitled to an extended payment (qualifying contributory benefits), the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

(a) at the end of a period of 4 weeks; or

(b) on the date on which the claimant to whom the extended payment (qualifying contributory benefits) is payable has no liability for rent or rates, if that occurs first.

Amount of extended payment (qualifying contributory benefits)

51B.—(1) Subject to the paragraphs (2) to (5), for any week during the extended payment period the amount of the extended payment (qualifying contributory benefits) payable to a claimant shall be the higher of the amount of housing benefit to which—

(a) the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying contributory benefit;

(b) the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 51 did not apply to the claimant; or

(c) the claimant's partner would be entitled under the general conditions of entitlement, if regulation 51 did not apply to the claimant.

(2) Where the last benefit week referred to in paragraph (1)(a) fell, in whole or in part, within a rent and rate-free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent and rate-free period.

(3) Where—

(a) a claimant is entitled to an extended payment (qualifying contributory benefit) by virtue of regulation 51(2); and

(b) the last benefit week before the claimant ceased to be entitled to a qualifying contributory benefit was a week in which the claimant's eligible rent or rates was calculated in accordance with regulation 59(4)(c),

the last benefit week for the purpose of calculating the amount of the extended payment (qualifying contributory benefits) under paragraph (1)(a) shall be the benefit week before the partial week.

(4) Where—

(a) a claimant was treated as occupying 2 dwellings as the claimant's home under regulation 7(6) at the time when the claimant's entitlement to a qualifying contributory benefit ceased; and

(b) the claimant's liability to pay rent or rates for either of those dwellings ceases during the extended payment period,

the amount of the extended payment (qualifying contributory benefits) for any week shall be reduced by a sum equivalent to the housing benefit which was payable in respect of that dwelling.

(5) No extended payment (qualifying contributory benefits) is payable for any rent and rate-free period as defined in regulation 60(1)(**a**).

(6) Where a claimant is in receipt of an extended payment (qualifying contributory benefits) under this regulation and the claimant's partner makes a claim for housing benefit, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period.

Relationship between extended payment (qualifying contributory benefits) and entitlement to housing benefit under the general conditions of entitlement

51C.—(1) Where a claimant's housing benefit award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in regulation 51(1)(b), that award will not cease until the end of the extended payment period.

(2) Part VIII shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 51B(1)(a).◄

Continuing payments where state pension credit claimed

52.—(1) This regulation applies where—

(a) the claimant is entitled to housing benefit;

(b) paragraph (2) is satisfied; and

(c) either—

(i) the claimant has attained the qualifying age for state pension credit►[656]◄, or

(ii) the claimant's partner has actually claimed state pension credit.

(2) This regulation is only satisfied if the Department has certified to the relevant authority that the claimant's partner has actually claimed state pension credit or that—

(a) the claimant's award of—

(i) income support has terminated because the claimant has attained the qualifying age for state pension credit, or

(ii) income-based jobseeker's allowance ►[172]or income-related employment and support allowance◄ has terminated because the claimant has attained the qualifying age for state pension credit►[657]◄; and

(b) the claimant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to paragraph (4), in a case to which this regulation applies, housing benefit shall continue to be paid for the period of 4 weeks beginning on the day following the day the claimant's entitlement to income support►[173], income-related

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(**a**) Referred to in that regulation as a rent-free period

employment and support allowance ◄ or, as the case may be, income-based jobseeker's allowance, ceased, if and for so long as the claimant otherwise satisfies the conditions for entitlement to housing benefit.

(4) Where housing benefit is paid for the period of 4 weeks in accordance with paragraph (3), and the last day of that period falls on a day other than the last day of a benefit week, then housing benefit shall continue to be paid until the end of the benefit week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in paragraph (3) and any further period specified in paragraph (4)—

(a) the whole of the income and capital of the claimant shall be disregarded;

(b) subject to paragraph (6) the appropriate maximum housing benefit of the claimant shall be that which was applicable in his case immediately before that period commenced.

(6) The appropriate maximum housing benefit shall be calculated in accordance with regulation 48 if, since the date it was last calculated—

(a) the claimant's rent or rates or both have increased; or

(b) a change in the deduction under regulation 53 falls to be made.

Non-dependant deductions

53.—(1) Subject to the following provisions of this regulation, the deductions referred to in regulation 48 shall be—

(a) in respect of a non-dependant aged 18 or over in remunerative work—

(i) in calculating the amount of a rent rebate or allowance, ►[464]£131.45◄ per week;

(ii) in calculating the amount of a rate rebate, ►[363]£9.90◄ per week;

(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply—

(i) in calculating the amount of a rent rebate or allowance, ►[464]£20.40◄ per week;

(ii) in calculating the amount of a rate rebate, ►[442]£3.30◄per week.

(2) In the case of a non-dependant aged 18 or over to whom paragraph (1)(a) applies because he is in remunerative work, where it is shown to the appropriate authority that his normal weekly gross income is—

(a) less than ►[465]£192.00◄, the deduction to be made under this regulation in respect of a rent rebate or allowance shall be that specified in paragraph (1)(b)(i);

(b) not less than ►[466]£192.00◄ but less than ►[466]£279.00◄, the deduction to be made under this regulation in respect of a rent rebate or allowance shall be ►[466]£46.85◄;

(c) not less than ►[467]£279.00◄ but less than ►[467]£365.00◄, the deduction to be made under this regulation in respect of a rent rebate or allowance shall be ►[467]£64.35◄;

(d) not less than ►[468]£365.00◄ but less than ►[468]£485.00◄, the deduction to be made under this regulation in respect of a rent rebate or allowance shall be ►[468]£105.20◄;

(e) not less than ►[469]£485.00◄ but less than ►[469]£605.00◄, the deduction to be made under this regulation in respect of a rent rebate or allowance shall be ►[469]£119.85◄;

(f) less than ►[369]£183.00◄, the deduction to be made under this regulation in respect of a rate rebate shall be that specified in paragraph (1)(b)(ii);

(g) not less that ►[370]£183.00◄ but less than ►[370]£316.00◄, the deduction to be made under this regulation in respect of a rate rebate shall be ►[370]£6.55◄;

(h) not less than ►[371]£316.00◄ but less than ►[371]£394.00◄, the deduction to be made under this regulation in respect of a rate rebate shall be ►[371]£8.25◄.

(3) Only one deduction shall be made under this regulation in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

(4) In applying the provisions of paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of paragraph (2) to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a couple or members of a polygamous marriage), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the payments in respect of the dwelling payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying a claimant's dwelling if the claimant or his partner is—

(a) blind or treated as blind by virtue of paragraph 6(5) of Schedule 4; or

(b) receiving in respect of himself either—

►[421](zi) armed forces independence payment,◄

(i) attendance allowance, ►[541]

►[833] (ia) pension age disability payment;◄

(ii) the care component of the disability living allowance►[541] ►[749] ◄

►[852] (iia) the care component of Scottish adult disability living allowance;◄

(iii) the daily living component of personal independence payment.◄►[750]or

(iv) the daily living component of adult disability payment; ◄

(7) No deduction shall be made in respect of a non-dependant if—

(a) although he resides with the claimant, it appears to the appropriate authority that his normal home is elsewhere;

►[188](b) he is in receipt of an allowance paid in connection with training provided or arranged by the Department for Employment and Learning under section 1(1)

or 3 of the 1950 Act for which persons aged under 18 are eligible and for which persons aged 18 to 24 may be eligible;◄

658 ◄(e) he is a full-time student►659◄; ►562◄

(f) he is not residing with the claimant because he has been a patient for a period in excess of 52 weeks, or a prisoner, and for these purposes—

(i) "patient" has the meaning given in paragraph (18) of regulation 7;

(ii) where a person has been a patient for 2 or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods, and

(iii) "prisoner" means a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court other than a person who is detained in hospital under the Mental Health (Northern Ireland) Order 1986(**a**)►562; or

(g) he is not residing with the claimant because he is a member of the armed forces away on operations.◄

(8) No deduction shall be made in calculating the amount of—

(a) a rent rebate or allowance in respect of a non-dependant aged less than 25 who is on income support►174, an income-based jobseeker's allowance or an income-related employment and support allowance which does not include an amount under section 4(2)(b) of the Welfare Reform Act (the support component►628 ◄) ►607 or who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income ►629 ►635 and where the non-dependant is not a member of the work-related activity group◄ ◄;◄

(b) a rate rebate in respect of a non-dependant who is on income support►174, an income-based jobseeker's allowance or an income-related employment and support allowance which does not include an amount under section 4(2)(b) of the Welfare Reform Act (the support component►630◄) ►608 or who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income►631 ►635and where the non-dependant is not a member of the work-related activity group ◄◄◄◄.

(9) No deduction shall be made in respect of a non-dependant who is on state pension credit.

(10) In the case of a non-dependant to whom paragraph (2) applies because he is in remunerative work, there shall be disregarded from his weekly gross income—

(a) any ►422armed forces independence payment,◄ attendance allowance►834, pension age disability payment,◄ ►542 disability living allowance►853, Scottish adult disability living allowance◄►733 , child disability payment◄ ►751 ,◄ personal independence payment◄►752 or adult disability payment◄ received by him;

(b) any payment made under ►278or by◄ the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust,

(**a**) S.I. 1986/595 (N.I. 4)

the Fund, the Eileen Trust►[274], MFET Limited◄►[352], the Skipton Fund, the Caxton Foundation◄►[651] , the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme◄►[639], the London Emergencies Trust, the We Love Manchester Emergency Fund ◄►[708], the National Emergencies Trust◄►[809], the Victims of Overseas Terrorism Compensation Scheme◄ or the Independent Living ►[189]Fund 2006◄ which had his income fallen to be calculated under regulation 37 of the Housing Benefit Regulations (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 6 to those Regulations (income in kind); and

►[709] (ba) any Grenfell Tower payment;◄

►[723] (bb) any child abuse payment;

(bc) any Windrush payment;◄

►[801] (bd) any Post Office compensation payment;◄

►[843] (be) any LGBT Financial Recognition Scheme payment;◄

►[867] (bf) any miscarriage of justice compensation payment;◄

(c) any payment which had his income fallen to be calculated under regulation 37 of the Housing Benefit Regulations would have been disregarded under paragraph 37 of Schedule 6 to those Regulations (payments made under certain trusts and certain other payments)

►[653](d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother's pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.◄

►[609] (11) For the purposes of paragraph (8) "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations (Northern Ireland) 2016. ◄

Minimum housing benefit

54. Where housing benefit is payable in the form of a rent rebate or allowance, it shall not be payable where the amount to which a person would otherwise be entitled is less than 50 pence per benefit week.

PART VIII

Calculation of weekly amounts and changes of circumstances

Date on which entitlement is to commence

55.—(1) Subject to paragraph (2), a person who makes a claim for, and is otherwise entitled to, housing benefit shall be entitled to that benefit from the benefit week following the first day in respect of which that claim is made.

(2) A claimant shall become entitled to housing benefit from the benefit week in which the first day in respect of which his claim is made falls, where he is otherwise entitled to housing benefit and—

(a) he becomes liable in that benefit week, for the first time, to make payments in respect of a dwelling which he occupies as his home; or

►[13](b) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of the accommodation specified in paragraph (3) which he occupies as his home.◄

►[14](3) The accommodation referred to in paragraph (2)(b) is—

(a) a hostel;

(b) board and lodging accommodation where the payments are to the Executive under Article 12(2) of the Housing (Northern Ireland) Order 1988;

(c) accommodation secured by the Executive where the payments are to the Executive under Article 12(2) of that Order; or

(d) accommodation which the Executive holds on a lease granted for a term not exceeding 10 years.

(4) In this regulation "board and lodging accommodation" means—

(a) accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than a person to whom the accommodation is provided or by a member of his family) and are consumed in that accommodation or associated premises; or

(b) accommodation provided to a person in a hotel, guest house, lodging house or some similar establishment,

but it does not include accommodation in a care home, an Abbeyfield Home, an independent hospital or a hostel.◄

►[128]◄

Date on which change of circumstances is to take effect

57.—(1) Except in cases where regulation 32 ►[64]applies, and subject to regulation 8(3) of the Decisions and Appeals Regulations and◄ the following provisions of this regulation, and to regulations 58 and 59(6), a change of circumstances which affects entitlement to, or the amount of, housing benefit ("change of circumstances") shall take effect from the first day of the benefit week following the date on which the change of circumstances actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

(2) Subject to paragraph (10) ►[65]and regulation 8(3) of the Decisions and Appeals Regulations◄, where the change of circumstances is a change in the amount of rent or rates payable in respect of a dwelling, that change shall take effect from the day on which it actually occurs.

(3) Subject to paragraphs (10) ►[75]to (11A)◄, except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies, where the change of circumstances is—

(a) that a person moves into a new dwelling occupied as the home; or

(b) any other event which—

(i) entitles a person to be treated as occupying 2 dwellings as his home under regulation 7(6), or

(ii) brings to an end a person's right to be treated as occupying 2 dwellings as his home under that regulation, in a case where he has, immediately prior to the event, been treated as occupying 2 dwellings as his home,

that change of circumstances shall take effect on the day on which it actually occurs.

(4) Subject to paragraph (10), where the change of circumstances is the expiry of a maximum period of time, referred to in regulation 7(6), for which a person can be treated as occupying 2 dwellings as his home, that change shall take effect on the day after the last day of that period.

(5) Subject to paragraph (10), where the change of circumstances is an amendment to these Regulations that change, subject to regulation 59(6), shall take effect as follows—

(a) where the amendment is made by an order under section 132 of the Administration Act(**a**) (annual up-rating of benefits)—

(i) in a case in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 59(2)(b) or (c), from 1st April;

(ii) in any other case, from the first Monday in April,

in the year in which that order comes into operation;

(b) in respect of any other amendment, from the date on which the amendment of these Regulations comes into operation in the particular case.

(6) Subject to paragraph (10), if 2 or more changes of circumstances occurring in the same benefit week would, but for this paragraph, take effect in different benefit weeks in accordance with this regulation, they shall all take effect on the first day of the benefit week in which they occur, unless a change taking effect under paragraphs (2), (3) or (4) takes effect in that week, in which case the changes shall all take effect on the day on which that change takes effect.

(7) Where, during a benefit week commencing on the first Monday in April—

(a) a change of circumstances takes effect in accordance with paragraph (5)(a)(ii);

(b) one or more changes of circumstances occur to which paragraph (1) applies; and

(c) no other change of circumstances occurs to which this regulation applies,

any change of circumstances to which paragraph (1) applies and which occurs in that benefit week shall take effect from the first day of that benefit week.

(8) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act ▶**423**▶[543], article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011 or Part 5 of the 2015 Order◀, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

(**a**) Section 132 was amended by paragraph 41 of Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c. 49)

(9) Without prejudice to paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances shall take effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

(10) Subject to paragraph (11), where a change of circumstances occurs which has the effect of bringing entitlement to an end it shall take effect on the first day of the benefit week following the benefit week in which that change actually occurs except in a case where a person is liable to make payments, which fall due on a daily basis, ►[15]◄ in which case that change shall take effect on the day on which it actually occurs.

(11) Where the change of circumstances is that a person moves to a new dwelling and immediately after the move he is treated as occupying his former dwelling as his home in accordance with regulation 7(7) or (10) then that change of circumstances shall take effect on the day after the last day for which he is treated as ►[183]occupying◄ the former dwelling in accordance with whichever of those regulations applies in his case.

►[76](11A) Where the change of circumstances is that the person moves to a new dwelling and immediately before the move that person is treated as occupying the new dwelling in accordance with regulation 7(8) then that change of circumstances shall take effect on the first day on which the person is treated as occupying the new dwelling as the home under that regulation.◄

(12) Paragraph (13) applies if—

►[660] ◄

(b) either—

(i) a non-dependant took up residence in the claimant's dwelling, or

(ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under regulation 53 increased.

(13) Where this paragraph applies, the change of circumstances referred to in paragraph (12)(b) shall take effect from the effective date.

(14) In paragraph (13) but subject to paragraph (15), "the effective date" means—

(a) where more than one change of a kind referred to in paragraph (12)(b) relating to the same non-dependant has occurred since—

(i) the date on which the claimant's entitlement to housing benefit first began, or

(ii) the date which was the last effective date in respect of such a change,

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where sub-paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in paragraph (12)(b) occurred.

(15) If in any particular case the date determined under paragraph (14) is not the first day of a benefit week, the effective date in that case shall be the first day of the next benefit week to commence after the date determined under that paragraph.

Change of circumstances where state pension credit payable

58.—(1) Paragraphs (2) to (4) apply where—

(a) the claimant is also on state pension credit;

(b) the amount of state pension credit awarded to him is changed in consequence of a change in the claimant's circumstances or the correction of an official error; and

(c) the change in the amount of state pension credit payable to the claimant results in a change in the rate of housing benefit payable to the claimant.

(2) Where the change of circumstances is that an increase in the amount of state pension credit payable to the claimant results in—

(a) an increase in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the increased rate; or

(b) a decrease in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week next following the date on which—

(i) the relevant authority receives notification from the Department of the increase in the amount of state pension credit, or

(ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstances is that the claimant's state pension credit is reduced and in consequence the rate of housing benefit payable to the claimant reduces—

(a) in a case where the claimant's state pension credit is reduced because the claimant failed to notify the Department timeously of the change of circumstances, the change shall take effect from the first day of the benefit week from which state pension credit was reduced; or

(b) in any other case the change shall take effect from the first day of the benefit week next following the date on which—

(i) the relevant authority receives notification from the Department of the reduction in the amount of state pension credit, or

(ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstances is that—

(a) state pension credit is reduced; and

(b) in consequence of the change, the rate of housing benefit payable to the claimant is increased,

the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstances is that an award of state pension credit has been made to the claimant or his partner and this would result in a decrease in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date on which—

(a) the relevant authority receives notification from the Department of the award; or

(b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of a claimant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

(a) a change of circumstances of a kind described in any of paragraphs (2) to (5) which results from a relevant calculation or estimate; and

(b) a change of circumstances which is a relevant determination,

each of which results in a change in the rate of housing benefit payable to the claimant, the change of circumstances referred to in sub-paragraph (b) shall take effect from the day specified in paragraph (2), (3), (4) or (5) as the case may be, in relation to the change referred to in sub-paragraph (a).

(7) Where a change of circumstances occurs in that a guarantee credit has been awarded to the claimant or his partner and this would result in an increase in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would but for this paragraph take effect under the preceding provisions of this regulation within the 4 week period specified in regulation 52, that change shall take effect on the first day of the first benefit week to commence after the expiry of the 4 week period.

(9) Where the change of circumstances is an amendment of these Regulations, that change, subject to regulation 59(6), shall take effect as follows—

(a) where the amendment is made by an order under section 132 of the Administration Act (annual up-rating of benefits)—

(i) in a case in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 59(2)(b) or (c), from 1st April;

(ii) in any other case, from the first Monday in April, in the year in which that order comes into operation;

(b) in respect of any other amendment, from the date on which the amendment of these Regulations comes into operation in the particular case.

(10) In this regulation—

"official error" has the meaning it has in the Decisions and Appeals Regulations by virtue of regulation 1(2) of those Regulations;

"relevant calculation or estimate" means the calculation or estimate made by the Department of the claimant's or, as the case may be, the claimant's partner's income and capital for the purposes of the award of state pension credit;

"relevant determination" means a change in the determination by the relevant authority of the claimant's income and capital using the relevant calculation or estimate, in accordance with regulation 25(1).

Calculation of weekly amounts

59.—(1) A person's entitlement to housing benefit in any benefit week shall be calculated in accordance with the following provisions of this regulation.

(2) The weekly amount of a claimant's eligible rent shall be—

(a) subject to paragraph (4), where rent is payable at intervals of one week or a multiple thereof, the amount of eligible rent payable weekly or, where it is payable at intervals of a multiple of a week, the amount determined by dividing the amount of eligible rent payable by the number equal to the number of weeks in respect of which it is payable;

(b) subject to paragraph (4), where the rent is payable at intervals of a calendar month or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of calendar months in respect of which it is payable, multiplying by 12 and dividing by 52;

(c) subject to paragraph (4), where the rent is payable at intervals of a day or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of days in respect of which it is payable and multiplying by 7.

(3) The weekly amount of a claimant's eligible rates shall be—

(a) where payments by way of rates are made together with payments of rent, the amount calculated as if those payments were rent under paragraph (2);

(b) subject to paragraph (4), where the rates are payable at intervals of a calendar month or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of calendar months in respect of which it is payable, multiplying by 12 and dividing by 52;

(c) subject to paragraph (4), where the rates are payable at intervals of a day or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of days in respect of which it is payable and multiplying by 7.

(4) In a case—

(a) to which regulation 55(2) applies, his eligible rent or rates for the benefit week in which he becomes liable to make payments in respect of a dwelling which he occupies as his home shall be calculated by multiplying his daily rent or rates by the number equal to the number of days in that benefit week for which he is liable to make such payments;

(b) where a change of circumstances takes effect in a benefit week under regulation 57(3), (but is not a change described in sub-paragraph (c)(ii) of this paragraph), (4), (10) or (11) other than on the Monday of a benefit week then the claimant's eligible rent or rates for that benefit week shall be calculated by multiplying his daily rent or rates by the appropriate number of days in that benefit week;

(c) where—

(i) the amounts of eligible rent or rates which the claimant is liable to pay in respect of a dwelling is altered and that change of circumstances takes effect under regulation 57(2), or

(ii) the claimant—

(aa) moves to a new dwelling occupied as the home;

(bb) is not entitled to be treated, immediately after that move, as occupying 2 dwellings as his home or as occupying his former dwelling as his home; and

(cc) that change of circumstances takes effect under regulation 57(3),

other than on the Monday of a benefit week, then the claimant's eligible rent or rates for that benefit week shall be calculated by multiplying his old and new daily rent or rates by the number equal to the number of days in that week which relate respectively to the old and new amounts which he is liable to pay.

(5) In the case of a claimant whose weekly eligible rent or rates falls to be calculated in accordance with paragraph (4)(a) or (b) by reference to the daily rent or rates in his case, his weekly applicable amount, weekly income, the weekly amount of any non-dependant deductions and the minimum amount payable in his case shall be calculated in the same manner as his weekly eligible rent or rates by reference to the amounts determined in his case in accordance with Parts V to VII.

(6) Where a change in the amount of a claimant's applicable amount, income or non-dependant deductions falls to be taken into account in the same benefit week as a change in his eligible rent or rates to which paragraph (4)(c) applies, it shall be taken into account in that week on a daily basis in the same manner and as if it had occurred on the same day as that change in his eligible rent or rates.

(7) Any amount determined under these Regulations may, if it is appropriate, be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.

▶[129]◀

(9) In this regulation "daily rent or rates" shall mean the amount determined by dividing by 7 the amount determined under whichever sub-paragraph of paragraph (2) or (3) is appropriate in each case.

(10) Where a claimant is entitled to benefit in respect of 2 (but not more than 2) dwellings in accordance with regulation 7(6) his eligible rent or rates shall be calculated in respect of each dwelling in accordance with this regulation.

Rent and rate-free periods

60.—(1) This regulation applies to a claimant for any period (referred to in this regulation as a rent-free period) in, or in respect of, which he is not liable to pay rent or to make a payment by way of rates made together with rent except for any period to which regulation 8(1)(d) applies.

(2) In the case of the beginning or ending of a claimant's rent-free period, his eligible rent for the benefit week in which the rent-free period begins and ends shall be calculated on a daily basis as if those benefit weeks were weeks to which regulation 59(4) applies.

(3) For the purpose of determining the weekly applicable amount and income of a claimant to whom this regulation applies, the weekly amount of any non-dependant deductions and the minimum amount payable in his case—

(a) in a case to which regulation 59(2)(a) applies, the amounts determined in his case in accordance with Parts V to VII shall be multiplied by 52 or 53, whichever is appropriate, and divided by the number equal to the number of weeks in that 52 or 53 week period in respect of which he is liable to pay rent;

(b) subject to paragraph (4), in a case to which regulation 59(2)(b) or (c) applies, the amounts determined in his case in accordance with Parts V to VII shall be multiplied by 365 or 366, whichever is appropriate and divided by the number of days in that 365 or 366 day period in respect of which he is liable to pay rent.

(4) In a case to which paragraph (3)(b) applies, where either regulation 59(5) or (6) also applies or it is the beginning or end of a rent-free period, the weekly amounts referred to in paragraph (3) shall first be calculated in accordance with sub-paragraph (b) of that paragraph and then determined on a daily basis in the same manner as the claimant's eligible rent or rates.

PART IX

Claims

Who may claim

61.—(1) In the case of a couple or members of a polygamous marriage a claim shall be made by whichever one of them they agree should so claim or, in default of agreement, by such one of them as the relevant authority shall determine.

(2) Where a person who is liable to make payments in respect of a dwelling is unable for the time being to act, and—

(a) a controller has been appointed by the High Court with power to claim, or as the case may be, receive benefit on his behalf; or

(b) an attorney with a general power or a power to claim or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act (Northern Ireland)1971(**a**) or the Enduring Powers of Attorney (Northern Ireland) Order 1987(**b**),

that controller or attorney, as the case may be, may make a claim on behalf of that person.

(3) Where a person who is liable to make payments in respect of a dwelling is unable for the time being to act and paragraph (2) does not apply to him, the relevant authority may, upon written application made to them by a person who, if an individual, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the Act and to receive and deal on his behalf with any sums payable to him.

(4) Where the relevant authority has made an appointment under paragraph (3) or treated a person as an appointee under paragraph (5)—

(a) it may at any time revoke the appointment;

(**a**) 1971 c. 33 (N.I.)
(**b**) S.I. 1987/1627 (N.I. 16)

(b) the person appointed may resign his office after having given 4 weeks notice in writing to the relevant authority of his intention to do so;

(c) any such appointment shall terminate when the relevant authority is notified that a controller or an attorney has been appointed.

(5) Where a person who is liable to make payments in respect of a dwelling is for the time being unable to act and the Department has appointed a person to act on his behalf for the purposes of the Act the relevant authority may if that person agrees treat him as if he had been appointed by them under paragraph (3).

(6) Anything required by these Regulations to be done by or to any person who is for the time being unable to act may be done by or to the controller or attorney, if any, or by or to the person appointed or treated as appointed under this regulation and the receipt of any such person so appointed shall be a good discharge to the relevant authority for any sum paid.

Time and manner in which claims are to be made

62.—(1) ►[331]Subject to paragraph (1A),◄ the prescribed time for claiming housing benefit is as regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to housing benefit, that day and the period of ►[181]3 months◄ immediately following it.

►[332](1A) In any case where paragraph (6)(a) applies, paragraph (1) does not entitle a claimant to claim housing benefit in respect of any day earlier than 3 months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**a**)).◄

(2) ►[1]Subject to ►[134]paragraphs (5A) to (5BD)◄,◄ every claim shall be in writing and made on a properly completed form approved for the purpose by the relevant authority or in such written form as the relevant authority may accept as sufficient in the circumstances of any particular case or class of cases having regard to the sufficiency of the written information and evidence.

(3) The forms approved for the purpose of claiming shall be provided free of charge by the relevant authority or such persons as they may authorise or appoint for the purpose.

(4) Each relevant authority shall notify the Department of the address to which claims delivered or sent to the appropriate office are to be forwarded.

(5) A claim►[2] in writing◄—

(a) may be sent or delivered to the appropriate office where the claimant or his partner is also claiming income support, state pension credit►[175], a jobseeker's allowance or an employment and support allowance◄;

(b) where it has not been sent or delivered to the appropriate office, shall be sent or delivered to the designated office;

(**a**) S.R. 1987 No. 465

(c) sent or delivered to the appropriate office shall be forwarded to the relevant authority within 2 working days of the date of the receipt of the claim at the appropriate office, or as soon as practicable thereafter;

(d) where the claimant has attained the qualifying age for entitlement to state pension credit , may be sent or delivered to an authorised office.

►[3](5A) Where the relevant authority has published a telephone number for the purpose of receiving claims for housing benefit a claim may be made by telephone to that telephone number.

►[135](5B) If the Department agrees, where—

(a) a person makes a claim for a benefit referred to in paragraph (5)(a); and

(b) the Department has made provision in the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 for that benefit to be claimed by telephone,

that person may claim housing benefit by telephone to the telephone number specified by the Department.

(5BA) A claim for housing benefit may be made in accordance with paragraph (5B) at any time before a decision has been made on the claim for the benefit referred to in paragraph (5)(a).

(5BB) If the Department agrees, where a person, in accordance with regulation 32 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (information to be given and changes to be notified)—

(a) furnishes the Department with such information or evidence as it may require; or

(b) notifies the Department of any change of circumstances,

that person may claim housing benefit in the same manner in which the information or evidence was furnished or the notification was given.

(5BC) If the Department agrees, where a person, in accordance with regulation 24 of the Jobseeker's Allowance Regulations (provision of information and evidence)—

(a) furnishes the Department with such certificates, documents and other evidence as it may require; or

(b) notifies the Department of any change of circumstances,

that person may claim housing benefit in the same manner as the certificate, document and other evidence was furnished or the notification was given.

(5BD) A claim for housing benefit may be made in accordance with paragraph (5BB) or (5BC) at any time before a decision has been made on the award of benefit to which the information, evidence, certificates, documents or notification relates.◄

(5C) The relevant authority may determine, in any particular case, that a claim made by telephone ►[136]in accordance with paragraph (5A)◄ is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority►[137]◄.

►[138](5CA) The relevant authority or the Department may determine that a claim made by telephone in accordance with paragraphs (5B) to (5BD) is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the Department.◄

►[139](5D) A claim made by telephone in accordance with paragraphs (5A) to (5BD) is defective unless the relevant authority or the Department is provided with all the information requested during that telephone call.◄

(5E) Where a claim made by telephone in accordance with paragraph (5A) ►[140]◄ is defective, the relevant authority ►[141]must◄ provide the person making it with an opportunity to correct the defect.

►[142](5EA) Where a claim made by telephone in accordance with paragraphs (5B) to (5BD) is defective—

(a) the Department may provide the person making it with an opportunity to correct the defect;

(b) the relevant authority must provide the person making it with an opportunity to correct the defect if the Department has not already done so, unless the relevant authority considers that it has sufficient information to determine the claim.◄

(5F) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, of the date the relevant authority ►[143]or the Department◄ last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.◄

►[144](5G) If the person does not correct the defect within one month, or such longer period as the relevant authority considers reasonable, of the date the relevant authority or the Department last drew attention to it, the relevant authority may treat the claim as if it had been duly made in the first instance where it considers that it has sufficient information to determine the claim.◄

(6) Subject to paragraph (11), the date on which a claim is made shall be—

(a) in a case where an award of state pension credit which comprises a guarantee credit has been made to the claimant or his partner and the claim for housing benefit is made within one month of the date on which the claim for state pension credit was received at the appropriate office, the first day of entitlement to state pension credit arising from that claim;

(b) in a case where a claimant or his partner is a person in receipt of a guarantee credit and he becomes liable for the first time to make payments in respect of the dwelling which he occupies as his home, where the claim is received at the designated office or appropriate office within one month of the claimant first becoming liable for such payments, the date he became liable for those payments;

(c) in a case where the claimant is the former partner of a person who was, at the date of his death or their separation, entitled to housing benefit and the claimant makes a claim within one month of the date of the death or the separation, that date;

►[145](d) except where sub-paragraph (a), (b) or (c) is satisfied, in a case where a properly completed claim is received in a designated office, an authorised office or an appropriate office within one month, or such longer period as the relevant authority considers reasonable, of the date on which—

(i) a claim form was issued to the claimant following the claimant first notifying, by whatever means, a designated office, an authorised office or an appropriate office of an intention to make a claim, or

(ii) a claimant notifies, by whatever means, a designated office, an authorised office or an appropriate office of an intention to make a claim by telephone in accordance with paragraphs (5A) to (5BD),

the date of first notification; and◄

(e) in any other case, the date on which the claim is received at the designated office, authorised office or appropriate office.

(7) Where a claim received at the designated office has not been made in the manner prescribed in paragraph (2), that claim is for the purposes of these Regulations defective.

(8) Where a claim is defective because—

(a) it was made on the form approved for the purpose but that form is not accepted by the relevant authority as being properly completed; or

(b) it was made in writing but not on the form approved for the purpose and the relevant authority does not accept the claim as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the relevant authority may, in a case to which sub-paragraph (a) applies, request the claimant to complete the defective claim or, in the case to which sub-paragraph (b) applies, supply the claimant with the approved form or request further information or evidence.

(9) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if—

(a) where paragraph (8)(a) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or

(b) where paragraph (8)(b) applies—

(i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the claimant supplies whatever information or evidence was requested under paragraph (8) within one month of the request,

or within such longer period as the relevant authority may consider reasonable.

(10) A claim which is made on an approved form for the time being is, for the purposes of this regulation, properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim.

(11) ►[40]Except in the case of a claim made by a person from abroad,◄ where the claimant is not entitled to housing benefit in the benefit week immediately following the date of his claim but the relevant authority is of the opinion that unless there is a change of circumstances he will be entitled to housing benefit for a period beginning

not later than the seventeenth benefit week following the date on which the claim is made, the relevant authority may treat the claim as made on a date in the benefit week immediately preceding the first benefit week of that period of entitlement and award benefit accordingly.

(12) Paragraph (11) applies in the case of a person who has attained, or whose partner has attained, ►[282]the age which is 17 weeks younger than the qualifying age for state pension credit◄.

►[208]◄

(14) In this regulation "authorised office" means an office which is nominated by the Department and authorised by the relevant authority for receiving claims for decision by the relevant authority.

►[8]Electronic claims for benefit

62A. A claim for housing benefit may be made by means of an electronic communication in accordance with Schedule 10.◄

Evidence and information

63.—(1) Subject to paragraph (2) and to paragraph 5 of Schedule A1(**a**) (treatment of claims for housing benefit by refugees), a person who makes a claim, or a person to whom housing benefit has been awarded, shall furnish such certificates, documents, information and evidence in connection with the claim or the award, or any question arising out of the claim or the award, as may reasonably be required by the relevant authority in order to determine that person's entitlement to, or continuing entitlement to, housing benefit and shall do so within one month of being required to do so or such longer period as the relevant authority may consider reasonable.

(2) Nothing in this regulation shall require a person to furnish any certificates, documents, information or evidence relating to a payment to which paragraph (4) applies.

(3) Where a request is made under paragraph (1), the relevant authority shall—

(a) inform the claimant or the person to whom housing benefit has been awarded of his duty under regulation 65 to notify the designated office of any change of circumstances; and

(b) without prejudice to the extent of the duty owed under regulation 65, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change of circumstances which is to be notified.

(4) This paragraph applies to any of the following payments—

(a) a payment which is—

(i) disregarded under paragraph 24 of Schedule 6 to the Housing Benefit Regulations (income in kind) or paragraph 35 of Schedule 7 to those Regulations (certain payments in kind), and

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(**a**) *See*, for Schedule A1, paragraph 2(2) and (3) of Schedule 4 to S.R. 2006 No. 407

(ii) made under ►[279]or by◄ the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust►[275], MFET Limited◄, the Skipton Fund►[353], the Caxton Foundation◄►[640], the London Emergencies Trust, the We Love Manchester Emergency Fund◄ or the London Bombings Relief Charitable Fund;

(b) a payment which is disregarded under paragraph 37 of Schedule 6 to the Housing Benefit Regulations or paragraph 25 of Schedule 7 to those Regulations (payments made under certain trusts and certain other payments), other than a payment made under the Independent Living ►[190]Fund (2006)◄;

(c) a payment which is disregarded under regulation 53(10)(b) or (c) other than a payment made under the Independent Living ►[190]Fund (2006)◄.

(5) Where a claimant or a person to whom housing benefit has been awarded or any partner ►[281]has attained the qualifying age for state pension credit◄ and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, ►[58]◄ he shall where the relevant authority so requires furnish the following information—

(a) the name and address of the pension fund holder;

(b) such other information including any reference or policy number as is needed to enable the personal pension scheme ►[59]◄ to be identified.

(6) Where the pension fund holder receives from a relevant authority a request for details concerning a personal pension scheme ►[59]◄ relating to a person or any partner to whom paragraph (5) refers, the pension fund holder shall provide the relevant authority with any information to which paragraph (7) refers.

(7) The information to which this paragraph refers is—

(a) where the purchase of an annuity under a personal pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme;

(b) in the case of—

(i) a personal pension scheme where income withdrawal is available, the►[645]rate of the annuity which may have been purchased with the funds held under the scheme◄, or

(ii) a personal pension scheme where income withdrawal is not available, ►[60]◄ the ►[646]rate of the annuity which might have been purchased with the fund◄if the fund were held under a personal pension scheme where income withdrawal was available,

calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.

Amendment and withdrawal of claim

►[146]**64.**—►[410](1) A person who has made a claim for benefit may amend it at any time before a ►[518]decision◄has been made on the claim by notice in writing received at the designated office, by telephone call to a telephone number specified by the relevant authority under regulation 62(5A)( ) (time and manner in which claims are to

be made) or by the Department under regulation 62(5B) or in such other manner as the Department may decide or accept. ◄

►[411]◄

(3) Any claim amended in accordance with paragraph (1) ►[412]◄shall be treated as if it had been amended in the first instance.

(4) A person who has made a claim may withdraw it at any time before a decision has been made on it by notice to the designated office.

(5) Where the claim was made by telephone in accordance with paragraphs (5B) to (5BD) of regulation 62, the withdrawal may also be made by telephone to the telephone number specified by the Department.

(6) Any notice of withdrawal given in accordance with paragraph (4) or (5) shall have effect when it is received.◄

Duty to notify changes of circumstances

65.—(1) Subject to paragraphs (2), (4) and (5), if at any time between the making of a claim and a decision being made on it, or during the award of housing benefit, there is a change of circumstances which the claimant, or any person by whom or on whose behalf sums payable by way of housing benefit are receivable, might reasonably be expected to know might affect the claimant's right to, the amount of or the receipt of housing benefit, that person shall be under a duty to notify that change of circumstances by giving notice ►[5]to the designated office—

►[333](a) in writing;

(b) by telephone—

(i) where the relevant authority has published a telephone number for that purpose or for the purposes of regulation 62 unless the authority determines that in any particular case or class of case notification may not be given by telephone, or

(ii) in any case or class of case where the relevant authority determines that notice may be given by telephone; or

(c) by any other means which the relevant authority agrees to accept in any particular case.◄◄

(2) The duty imposed on a person by paragraph (1) does not extend to changes in—

(a) the amount of rent and rates payable to the Executive;

(b) the amount of rates payable to the Department of Finance and Personnel;

(c) the age of the claimant or that of any member of his family or of any non-dependants;

(d) these Regulations.

(3) Notwithstanding paragraph (2)(c) a claimant shall be required by paragraph (1) to notify the designated office of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he ceases to be a child or young person.

(4) A person on housing benefit who is also on state pension credit must report—

(a) changes to his tenancy, but not changes in the amount of rent payable to the Executive;

(b) changes affecting the residence or income of any non-dependant normally residing with the claimant or with whom the claimant normally resides;

(c) any absence from the dwelling which exceeds or is likely to exceed 13 weeks ►[661]or where the absence is from Northern Ireland, which exceeds or is likely to exceed 4 weeks◄.

(5) In addition to the changes required to be reported under paragraph (4) a person whose state pension credit comprises only a savings credit must also report—

(a) changes affecting a child living with him which may result in a change in the amount of housing benefit payable in his case, but not changes in the age of the child;

(b) any change in the amount of the claimant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;

(c) any change in the income or capital of—

(i) a non-dependant whose income and capital are treated as belonging to the claimant in accordance with regulation 22, or

(ii) a person to whom regulation 25(4)(e) refers,

and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the claimant.

(6) A person who is on housing benefit and on state pension credit need only report to the designated office the changes specified in paragraphs (4) and (5).

►[9]Notice of change of circumstances given electronically

65A. A person may give notice of a change of circumstances required to be notified under regulation 65 by means of an electronic communication in accordance with Schedule 10.◄

PART X

Decisions on questions

Decisions by a relevant authority

66.—(1) Unless provided otherwise by these Regulations, any matter required to be determined under these Regulations shall be determined in the first instance by the relevant authority.

(2) The relevant authority shall make a decision on each claim within 14 days of the provisions of regulations 62 and 63 being satisfied or as soon as reasonably practicable thereafter.

►[130]◄

Notification of decision

67.—(1) An authority shall notify in writing any person affected by a decision made by it under these Regulations—

(a) in the case of a decision on a claim, forthwith or as soon as reasonably practicable thereafter;

(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter,

and every notification shall include a statement as to the matters set out in Schedule 9.

(2) A person affected to whom an authority sends or delivers a notification of decision may, by notice in writing signed by him, ►[334]within one month of the date of the notification of that decision (or, if the decision was notified before 1st May 2011, before 1st June 2011)◄ request the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

(3) For the purposes of paragraph (2), where a person affected who requests a written statement is not an individual, the notice in writing referred to in that paragraph shall be signed by a person over the age of 18 who is authorised to act on that person's behalf.

(4) The written statement referred to in paragraph (2) shall be sent to the person requesting it within 14 days or as soon as is reasonably practical thereafter.

PART XI

Payments

Time and manner of payment

68.—(1) Subject to paragraphs (2) and (3) and regulations 70 to 76 the relevant authority shall pay housing benefit to which a person is entitled under these Regulations at such time and in such manner as is appropriate, having regard to—

(a) the times at which and the frequency with which a person's liability to make payment of rent or rates arises; and

(b) the reasonable needs and convenience of the person entitled thereto.

(2) Where a person's entitlement to housing benefit is less than £1 weekly the relevant authority may pay that benefit at 6 monthly intervals.

(3) Subject to regulations 70 to 75, the relevant authority shall make the first payment of any housing benefit awarded by it within 14 days of the receipt of the claim at the designated office or, if that is not reasonably practical, as soon as possible thereafter.

Circumstances in which a rate rebate may be treated as if it fell to be paid as a rent allowance

69. The circumstances in which a rate rebate may be treated as if it fell to be paid as a rent allowance are that a person is liable to make payments by way of rates or an

amount treated as a payment of rates by virtue of regulation 12(2), other than to the Department of Finance and Personnel.

Frequency of payment of a rent allowance

70.—(1) Subject to the following provisions of this regulation, any rent allowance other than a payment made in accordance with regulation 68(2) or (3) or 71 shall be paid at intervals of 2 or 4 weeks or one month or, with the consent of the person entitled, at intervals greater than one month.

(2) Except in a case to which paragraph (3) applies, any payment of a rent allowance shall be made, in so far as it is practicable to do so, at the end of the period in respect of which it is made.

(3) Except in a case to which regulation 74(2) applies and subject to paragraph (4), this paragraph applies where payment of a rent allowance is being made to a landlord (which for these purposes has the same meaning as in regulations 73 and 74, when that payment shall be made—

(a) at intervals of 4 weeks; and

(b) at the end of the period in respect of which it is made.

(4) Where paragraph (3) applies—

(a) in a case where the liability in respect of which the rent allowance is paid is monthly, the Executive may make payment at intervals of one month;

(b) in a case where the Executive is paying a rent allowance to a landlord in respect of more than one claimant, then the first such payment in respect of any claimant may be made to that landlord at such lesser interval as the Executive considers is in the best interest of the efficient administration of housing benefit.

(5) Except in a case to which paragraph (3) applies, where a person's weekly entitlement to a rent allowance is more than £2 he may require payment at 2 weekly intervals and the Executive shall pay at 2 weekly intervals in such a case.

(6) Except in a case to which paragraph (3) applies, the Executive may pay a rent allowance at weekly intervals where either—

(a) it considers that unless the rent allowance is paid at weekly intervals an overpayment is likely to occur; or

(b) the person entitled is liable to pay his rent weekly and it considers that it is in his interest that his allowance be paid weekly.

(7) Subject to paragraphs (2), (3) and (5), the Executive may pay a rent allowance to a student once a term.

Payment on account of a rent allowance

71.—(1) Where it is impracticable for the Executive to make a decision on a claim for a rent allowance within 14 days of the claim for it having been made and that impracticability does not arise out of the failure of the claimant, without good cause, to furnish such information, certificates, documents or evidence as the Executive reasonably requires and has requested, the Executive shall make a payment on account of any entitlement to a rent allowance of such amount as it considers reasonable having regard to—

(a) such information which may at the time be available to it concerning the claimant's circumstances; and

(b) any relevant decision made by the Executive in accordance with Schedule 2 ►[113]or, as the case may be, relevant determination made by the Executive in accordance with the Executive Determinations Regulations◄.

(2) The notice of award of any payment on account of a rent allowance made under paragraph (1) shall contain a notice to the effect that if on the subsequent decision of the claim the person is not entitled to a rent allowance, or is entitled to an amount of rent allowance less than the amount of the payment on account, the whole of the amount paid on account or the excess of that amount over the entitlement to an allowance, as the case may be, will be recoverable from the person to whom the payment on account was made.

(3) Where on the basis of the subsequent decision the amount of rent allowance payable differs from the amount paid on account under paragraph (1), future payments of rent allowance shall be increased or reduced to take account of any underpayment or, as the case may be, overpayment.

Payment to be made to a person entitled

72.—(1) Subject to regulations 73 to 75 and the following provisions of this regulation, payment of any rent allowance to which a person is entitled shall be made to that person.

(2) Where a person other than a person who is entitled to a rent allowance or rate rebate made the claim and that first person is a person referred to in regulation 61(2), (3) or (5), payment may be made to that person.

(3) A person entitled to a rent allowance, although able to act on his own behalf, may request in writing that the Executive make payments to a person, who if an individual must be aged 18 or more, nominated by him, and the Executive may make payments to that person.

Circumstances in which payment is to be made to a landlord or the Department of Finance and Personnel

73.—(1) Subject to paragraph (2) and paragraph 8(4) of Schedule A1, a payment of rent allowance or rate rebate shall be made to a landlord (and in this regulation the "landlord" includes a person to whom rent or sums by way of rates are payable by the person entitled to that allowance or rebate)—

(a) where under regulations made under the Administration Act an amount of state pension credit payable to the claimant or his partner is being paid direct to the landlord; or

(b) where sub-paragraph (a) does not apply and the person is in arrears of an amount equivalent to 6 weeks or more of the amount he is liable to pay his landlord as rent or rates, except where it is in the overriding interest of the claimant not to make direct payments to the landlord.

(2) Any payment of rent allowance made to a landlord pursuant to this regulation or to regulation 74 shall be to discharge, in whole or in part, the liability of the claimant

to pay rent or rates or both to that landlord in respect of the dwelling concerned, except in so far as—

(a) the claimant had no entitlement to the whole or part of that rent allowance so paid to his landlord; and

(b) the overpayment of rent allowance resulting was recovered in whole or in part from that landlord.

►[114](2A) In a case where—

(a) the Executive has determined a maximum rent (LHA) in accordance with regulation 14D; and

(b) the rent allowance exceeds the amount which the claimant is liable to pay his landlord by way of rent,

any payment of rent allowance made to a landlord pursuant to this regulation or to regulation 74 may include all or part of any amount by which the rent allowance exceeds the amount which the claimant is liable to pay his landlord as rent but shall not include any amount by which the rent allowance exceeds the amount which the claimant is liable to pay his landlord as rent and arrears of rent.◄

(3) Where the person is liable to pay rates to the Department of Finance and Personnel and the circumstances in paragraph 1(a) or (b) applies the amount payable by way of rate rebate shall be paid direct to that Department.

(4) Where the Executive is not satisfied that the landlord is a fit and proper person to be the recipient of a payment of rent allowance or rate rebate no such payment shall be made direct to him under paragraph (1).

Circumstances in which payment may be made to a landlord or the Department of Finance and Personnel

74.—(1) Subject to paragraph 8(4) of Schedule A1, where regulation 73 does not apply but subject to paragraph (3) of this regulation, a payment of a rent allowance or rate rebate may nevertheless be made to a person's landlord where—

(a) the person has requested or consented to such payment;

(b) payment to the landlord is in the interest of the claimant and his family; or

(c) the person has ceased to reside in the dwelling in respect of which the allowance or rebate was payable and there are outstanding payments of rent or rates but any payment under this sub-paragraph shall be limited to an amount equal to the amount of rent outstanding.

(2) Without prejudice to the power in paragraph (1), in any case where in the opinion of the Executive—

(a) the claimant has not already discharged his liability to pay his landlord for the period in respect of which any payment is to be made; and

(b) it would be in the interests of the efficient administration of housing benefit,

a first payment of a rent allowance following the making of a decision on a claim, or a supersession under paragraph 4 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**a**) may be made, in whole or in part, ►[335]◄ to that landlord.

(**a**) 2000 c. 4 (N.I.)

(3) In a case where the Executive is not satisfied that the landlord is a fit and proper person to be the recipient of a claimant's rent allowance or rate rebate, the Executive may either—

(a) not make direct payments to the landlord in accordance with paragraph (1); or

(b) make such payments to the landlord where the Executive is satisfied that it is nonetheless in the best interests of the claimant and his family that the payments be made.

(4) Where the person is liable to pay rates to the Department of Finance and Personnel and the circumstances in paragraph (1)(a), (b) or (c) or (2) applies the amount payable by way of a rate rebate may be paid direct to that Department.

(5) In this regulation "landlord" has the same meaning as in regulation 73 and paragraph (2) of that regulation shall have effect for the purposes of this regulation.

Payment on death of the person entitled

75.—(1) Subject to paragraphs (3) and (5) where the person entitled to housing benefit has died the relevant authority shall make payment either to his personal representative or, where there is none, his next of kin if aged 16 or over.

(2) For the purposes of paragraph (1) "next of kin" means the persons who would take beneficially on an intestacy under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1955(**a**).

(3) A payment under paragraph (1) or (5) shall not be made unless the landlord, the personal representative or the next of kin, as the case may be, makes written application for the payment of any sum of benefit to which the deceased was entitled, and such written application is sent to or delivered to the relevant authority at its designated office within 12 months of the deceased's death or such longer period as the authority may allow in any particular case.

(4) The authority may dispense with strict proof of title of any person claiming under paragraph (3) and the receipt of such a person shall be a good discharge to the authority for any sum so paid.

(5) Subject to paragraph (3), where the relevant authority determines, before the death of the person first mentioned in paragraph (1), that a rent allowance or rate rebate was payable to his landlord in accordance with regulation 73 or 74, that authority shall pay to that landlord so much of that allowance or rebate as does not exceed the amount of rent or rates outstanding at the date of the person's death.

Offsetting

76.—(1) Where a person has been paid a sum of housing benefit under a decision which is subsequently revised or ►[385]superseded or further revised or superseded◄, any sum paid in respect of a period covered by a subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly paid on account of them.

(**a**) 1955 c. 24 (N.I.)

(2) Where an amount has been deducted under regulation 82(1) an equivalent sum shall be offset against any arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly paid on account of them.

(3) No amount may be offset under paragraph (1) which has been determined to be an overpayment within the meaning of regulation 77.

PART XII

Overpayments

Meaning of overpayment

77. In this Part, "overpayment" means any amount which has been paid by way of housing benefit and to which there was no entitlement under these Regulations including any excess of rebate (whether on the initial decision or as subsequently revised or superseded or further revised or superseded) and includes any amount paid on account under regulation 71 which is in excess of the entitlement to housing benefit as subsequently decided.

Recoverable overpayments

78.—(1) Any overpayment, except one to which paragraph (2) applies, shall be recoverable.

(2) Subject to paragraph (4) this paragraph applies to an overpayment which arose in consequence of an official error where the claimant or a person acting on his behalf or any other person to whom the payment is made could not, at the time of receipt of the payment or of any notice relating to that payment, reasonably have been expected to realise that it was an overpayment.

(3) In paragraph (2), "overpayment which arose in consequence of an official error" means an overpayment caused by a mistake made whether in the form of an act or omission by—

(a) the relevant authority;

(b) an officer or person acting for that authority;

(c) an officer of—

(i) the Department;

(ii) the Department for Employment and Learning;

(iii) Revenue and Customs,

acting as such; or

(d) a person providing services to either Department mentioned in sub-paragraph (c) or to the Commissioners for Her Majesty's Revenue and Customs,

where the claimant, a person acting on his behalf or any other person to whom the payment is made did not cause or materially contribute to that mistake, act or omission.

(4) Where in consequence of an official error, a person has been awarded rent rebate or rate rebate or both to which he was not entitled or which exceeded the benefit to which he was entitled, upon the award being revised or superseded any overpayment

of benefit, which remains credited to him by the relevant authority in respect of a period after the date on which the revision or supersession took place, shall be recoverable.

Person from whom recovery may be sought

79.—(1) For the purposes of section 73(3)(a) of the Administration Act(**a**) (prescribed circumstances in which an amount recoverable shall not be recovered from the person to whom it was paid), the prescribed circumstance is—

(a) housing benefit has been paid to a landlord in accordance with regulation 73 or 74;

(b) the landlord has notified the Executive or the Department in writing that he suspects that there has been an overpayment;

(c) the Executive is satisfied that the overpayment did not occur as a result of any change of dwelling occupied by the claimant as his home;

(d) it appears to the Executive that, on the assumption that there has been an overpayment—

(i) there are grounds for instituting proceedings against any person for an offence under section 105A(**b**) or 106(1)(**c**) of the Administration Act (dishonest or false representations for obtaining benefit), or

(ii) there has been a deliberate failure to report a relevant change of circumstances contrary to the requirement of regulation 65 and the overpayment occurred as a result of that deliberate failure; and

(e) the Executive is satisfied that the landlord—

(i) has not colluded with the claimant so as to cause the overpayment;

(ii) has not acted, or neglected to act, in such a way so as contribute to the period, or the amount, of the overpayment.

►[209](2) For the purposes of section 73(3)(b) of the Administration Act (recovery from such other person, as well as or instead of the person to whom the overpayment was made), where recovery of an overpayment is sought by the Executive—

(a) subject to paragraph (1) and where sub-paragraph (b) or (c) does not apply, the overpayment is recoverable from the claimant as well as the person to whom the payment was made, if different;

(**a**) Section 73(3) was substituted by section 62 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.))

(**b**) Section 105A was inserted by Article 12 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 (S.I. 1997/1182 (N.I. 11)) and amended by paragraph 5 of Schedule 6 and Part V of Schedule 9 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 and section 15(1) of the Social Security Fraud Act (Northern Ireland) 2001 (c. 17 (N.I.))

(**c**) Section 106(1) was amended by paragraph 3(2) of Schedule 1 to the Social Security Administration (Fraud) (Northern Ireland) Order 1997 and paragraph 6 of Schedule 6 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000

(b) in a case where an overpayment arose in consequence of a misrepresentation of or a failure to disclose a material fact (in either case, whether fraudulently or otherwise) by or on behalf of the claimant, or by or on behalf of any person to whom the payment was made, the overpayment is only recoverable from any person who misrepresented or failed to disclose that material fact instead of, if different, the person to whom the payment was made; or

(c) in a case where an overpayment arose in consequence of an official error where the claimant, or a person acting on the claimant's behalf, or any person to whom the payment was paid, or any person acting on their behalf, could reasonably have been expected, at the time of receipt of the payment or of any notice relating to that payment, to realise that it was an overpayment, the overpayment is only recoverable from any such person instead of, if different, the person to whom the payment was made.◄

►[115](2A) Where an overpayment is made in a case where the Executive has determined a maximum rent (LHA) in accordance with regulation 14D, and the housing benefit payable exceeds the amount which the claimant is liable to pay his landlord by way of rent, the Executive must not recover from the landlord more than the landlord has received.◄

(3) For the purposes of ►[116]paragraphs (1) and (2A)◄, "landlord" shall have the same meaning as it has for the purposes of regulation 73.

(4) For the purposes of ►[210]paragraph (2)(c)◄, "overpayment arose in consequence of an official error" shall have the same meaning as in regulation 78(3).

►[211]◄

Method of recovery

80.—(1) Without prejudice to any other method of recovery, a relevant authority may recover a recoverable overpayment from any person referred to in regulation 79 by deduction from any housing benefit to which that person is entitled (including arrears of entitlement after offsetting under regulation 76) or, where it is unable to do so, may request the Department to recover any recoverable overpayment from the benefits prescribed in ►[212]regulation 83(1)◄.

►[213](1A) Where an overpayment is recoverable from a claimant who has one or more partners, a relevant authority may recover the overpayment by deduction from any housing benefit payable to the claimant's partner, or where it is unable to do so, may request the Department to recover any recoverable overpayment from the benefits prescribed in regulation 83(2A), provided that the claimant and that partner were a couple both at the time of the overpayment and when the deduction is made.◄

►[265]◄

(3) Subject to paragraphs►[266]◄ (5) and (6), where the Executive makes deductions permitted by paragraph (1) ►[214]or (1A)◄ from the housing benefit in respect of rent it is paying to a claimant ►[215]or a claimant's partner◄ (other than deductions from arrears of entitlement), the deduction in respect of a benefit week shall be—

(a) in a case to which paragraph (4) applies, not more than the amount there specified; and

(b) in any other case, not more than 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25, that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple.

(4) Where the Executive makes deductions from housing benefit in respect of rent it is paying to a claimant ►[216]or a claimant's partner, where the claimant has◄, in respect of the whole or part of the recoverable overpayment—

(a) been found guilty of an offence whether under a statute or otherwise;

(b) made an admission after caution of deception or fraud for the purpose of obtaining relevant benefit; or

(c) agreed to pay a penalty under section 109A of the Administration Act(**a**) (penalty as alternative to prosecution) and the agreement has not been withdrawn,

the amount deducted under paragraph (3) shall be not more than ►[360]5 times◄ 5 per cent. of the personal allowance for a single claimant aged not less than 25, ►[361]that 5 per cent. being, where it is not a multiple of 5 pence, rounded to the next higher such multiple.◄

(5) Where, in the calculation of housing benefit in respect of rent, the amount of earnings or other income falling to be taken into account is reduced by reason of paragraphs 2 to 5 or 7 of Schedule 5►[267], or paragraph 5A of that Schedule in a case where the amount of earnings to be disregarded under that paragraph is the amount referred to in regulation 45(2) of the Employment and Support Allowance Regulations ►[610,] regulation 39(1)(a) of the Employment and Support Allowance Regulations (Northern Ireland) 2016◄ or regulation 17(2) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995,◄ or paragraph 1 or 2 of Schedule 6, the deduction under paragraph (3) may be increased by not more than half the amount of the reduction.

(6) No deduction made under this regulation►[268]◄ shall be applied so as to reduce the housing benefit in respect of a benefit week to less than 50 pence.

(7) In this regulation—

"admission after caution" means an admission after a caution has been administered in accordance with a Code issued under the Police and Criminal Evidence (Northern Ireland) Order 1989(**b**);

"personal allowance for a single claimant aged not less than 25" means the amount specified in paragraph 1(1)(b) of column (2) of Schedule 4 to the Housing Benefit Regulations.

(8) This regulation shall not apply in respect of an offence committed or an admission after caution or an agreement to pay a penalty made before 2nd October 2000.

(**a**) Section 109A was inserted by Article 14 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997 and amended by section 13 of the Social Security Fraud Act (Northern Ireland) 2001

(**b**) S.I. 1989/1341 (N.I. 12)

Diminution of capital

81.—(1) Where in the case of a recoverable overpayment, in consequence of a misrepresentation or failure to disclose a material fact (in either case whether fraudulent or otherwise) as to a person's capital, or an error, other than one to which regulation 78(2) refers, as to the amount of a person's capital, the overpayment was in respect of a period ("the overpayment period") of more than 13 benefit weeks, the relevant authority shall, for the purposes only of calculating the amount of that overpayment—

(a) at the end of the first 13 benefit weeks of the overpayment period, treat the amount of that capital as having been reduced by the amount of housing benefit overpaid during those 13 weeks;

(b) at the end of each subsequent period of 13 benefit weeks, if any, of the overpayment period, treat the amount of that capital as having been further reduced by the amount of housing benefit overpaid during the immediately preceding 13 benefit weeks.

(2) Capital shall not be treated as reduced over any period other than 13 benefit weeks or in any circumstances other than those for which paragraph (1) provides.

Sums to be deducted in calculating recoverable overpayments

82.—(1) Subject to paragraph (2), in calculating the amount of a recoverable overpayment, the relevant authority shall deduct any amount of housing benefit which should have been determined to be payable ►[362]to the person from whom the overpayment is recoverable or their partner◄ in respect of the whole or part of the overpayment period—

(a) on the basis of the claim as presented to the authority;

(b) on the basis of the claim as it would have appeared had any misrepresentation or non-disclosure been remedied before the decision; or

(c) on the basis of the claim as it would have appeared if any change of circumstances, except a change of the dwelling which the claimant occupies as his home, had been notified at the time that change occurred.

(2) In the case of rent or rate rebate only, in calculating the amount of a recoverable overpayment the relevant authority may deduct so much of any payment by way of rent or rates in respect of the overpayment period which exceeds the amount, if any, which the claimant was liable to pay for that period under the original erroneous decision.

►[269]Sums to be deducted in calculating recoverable overpayments where the claimant has changed dwelling

82A.—(1) This regulation applies where an overpayment has occurred in the following circumstances—

(a) a claimant has moved from the dwelling previously occupied as his home ("dwelling A") to another dwelling which he occupies as his home ("dwelling B");

(b) the claimant has been awarded housing benefit in the form of a rent allowance in respect of dwelling A to which he is not entitled because he is no longer occupying or treated as occupying dwelling A as his home; and

(c) housing benefit is paid to the same person in respect of the claimant's occupation of dwelling B as it was paid to in respect of dwelling A.

(2) Where this regulation applies, in calculating the amount of the overpayment which is recoverable the relevant authority may at its discretion deduct an amount equal to the claimant's weekly entitlement to housing benefit in respect of dwelling B for the number of benefit weeks equal to the number of weeks during which the claimant was overpaid housing benefit in respect of dwelling A.

(3) Where a sum has been deducted under paragraph (2), an equivalent sum shall be treated as having been paid in respect of the claimant's entitlement to housing benefit in respect of dwelling B for the number of benefit weeks equal to the number of weeks during which the claimant was overpaid housing benefit in respect of dwelling A.◄

Recovery of overpayments from prescribed benefits

83.—(1) ►[217]Subject to paragraph (2A),◄ for the purposes of section 73(4) of the Administration Act (recovery of overpaid housing benefit by deduction from other benefits), the benefits prescribed by this regulation are—

(a) any benefit except guardian's allowance;

(b) income support;

(c) any benefit payable 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(**a**)►[672] , as amended from time to time, ◄on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, ►[673]or in Article 3(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004, as amended from time to time, on the coordination of social security systems,◄ whether or not the benefit has been acquired by virtue of the provisions of ►[674]either Regulation, as amended from time to time◄;

(d) a jobseeker's allowance;

(e) state pension credit.

►[176](f) an employment and support allowance.◄

►[529] (g) personal independence payment;◄

►[753] (ga) adult disability payment;◄

(2) For the purposes of paragraph (1)(c) the term "member State" shall be understood to include Switzerland in accordance with and subject to the provisions of Annex II of the Agreement between the European Community and its member States

(**a**) O.J. No. L149, 5.7.71, p.2; Regulation No. 1408/71 was restated in amended form in Regulation No. 118/97 (O.J. No. L28, 30.1.97, p.1)

and the Swiss Confederation on the free movement of persons, signed at Brussels on 21st June 1999(**a**)►[675] (as amended from time to time) ◄.

►[218](2A) For the purposes of section 73(4) of the Administration Act, where recovery is sought from the claimant's partner under regulation 80(1A), the benefits prescribed by this regulation are—

(a) income support;

(b) income-based jobseeker's allowance;

(c) state pension credit; ►[530]

(d) income-related employment and support allowance.◄

(e) personal independence payment;◄

►[754](ea) adult disability payment;◄

►[219](3) The Department shall, if requested to do so by an authority under regulation 80, recover a recoverable overpayment by deduction from any of the benefits prescribed in paragraph (1) or (in the case of the claimant's partner) any of the benefits prescribed in paragraph (2A) provided that the Department is satisfied that—

(a) a recoverable overpayment has been made in consequence of a misrepresentation of or a failure to disclose a material fact (in either case whether fraudulently or otherwise), by a claimant or any other person to whom a payment of housing benefit has been made; and

(b) the person from whom it is sought to recover the overpayment is receiving sufficient amounts of any of the benefits prescribed in paragraph (1) or (2A) (as the case may be) to enable deductions to be made for the recovery of the overpayment.◄

(4) In paragraph (1)(a), "benefit" has the meaning it has in section 121(1) of the Act.

►[531] Recovery by deduction from earnings

3.83A—(1) Any overpayment which is recoverable by virtue of regulation 78 may be recovered by a relevant authority by deduction from the earnings of the person from whom it is recoverable.

(1) Part 6 of the Social Security (Overpayments and Recovery) Regulations (Northern Ireland) 2016 applies in relation to the recovery of overpayments by deduction from the earnings of a person specified in paragraph (1) by a relevant authority as it applies to the recovery of recoverable amounts by deduction from the earnings of persons under that Part by an appropriate authority.◄

Prescribed benefits

84.—(1) The benefits prescribed for the purposes of section 73(5) and (7) of the Administration Act(**b**) (recovery of overpayments) are those set out in the following paragraphs.

(2) Prescribed benefits within section 73(5)(a) of the Administration Act (benefits to which a landlord or agent is entitled) are—

(a) housing benefit; and

(**a**) Cm 4904

(**b**) Subsections (5) and (7) were added by Article 15 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997

(b) those benefits prescribed from time to time in regulation 83(1), but only in cases where—

(i) the Executive has, pursuant to regulation 80, requested the Department to recover an overpayment of housing benefit from such benefits, and

(ii) the Department is satisfied as to the matters prescribed in paragraph (3)(a) and (b) of regulation 83.

(3) Housing benefit is prescribed for the purposes of section 73(5)(b) or (c) of the Administration Act (benefits paid to a landlord or agent to discharge an obligation owed by another person).

(4) Prescribed benefits within section 73(7) of the Administration Act (benefits recoverable from the county court) are housing benefit and those benefits prescribed from time to time in regulation 83(1).

Restrictions on recovery of rent and consequent modifications

85.—(1) Where, pursuant to section 73(5)(b) of the Administration Act, an amount has been recovered by deduction from housing benefit paid to a person (referred to as "the landlord" in this regulation) to discharge (in whole or in part) an obligation owed to him by the person on whose behalf the recoverable amount was paid (referred to as "the tenant" in this regulation) that obligation shall, in a case to which paragraph (2) applies, be taken to be discharged by the amount of the deduction.

(2) This paragraph applies in a case where the amount recoverable from the landlord relates to an overpayment of housing benefit in relation to which the landlord has—

(a) agreed to pay a penalty pursuant to section 109A of the Administration Act; or

(b) been convicted of an offence arising under the Act or any other statutory provision.

(3) In any case to which paragraph (2) applies or will apply when recovery is made the Executive shall notify both the landlord and the tenant that—

(a) the overpayment that it has recovered or that it has determined to recover ("that sum") is or will be one to which paragraph (2) applies; and

(b) the landlord has no right in relation to that sum against the tenant, and that his obligation to the landlord shall be taken to be discharged by the amount so recovered.

PART XIII

Information

►[77]SECTION 1

Claims and information

Interpretation

85A. In this Section—

"administering authority" means an authority administering housing benefit;

"the Department" means the Department, the Department for Employment and Learning or a person providing services to either Department;

"relevant information" means information or evidence relating to the administration of claims for or awards of housing benefit.

Collection of information

85B.—(1) The Department may receive or obtain relevant information from—

(a) persons making, or who have made, claims for housing benefit; or

(b) other persons in connection with such claims.

(2) In paragraph (1) references to persons who have made claims for housing benefit include persons to whom awards of benefit have been made on those claims.

Verifying information

85C. The Department may verify relevant information supplied to, or obtained by, it in accordance with regulation 85B.

Recording and holding information

85D. Where the Department obtains relevant information or such information is supplied to it, it—

(a) shall make a record of such information; and

(b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering housing benefit.

Forwarding of information

85E. Where the Department holds relevant information it—

(a) shall forward it to the person or authority for the time being administering claims for or awards of housing benefit to which the relevant information relates, being either—

(i) an administering authority;

(ii) a person providing services to an administering authority, or

(iii) a person authorised to exercise any function of an administering authority relating to housing benefit; and

(b) may continue to hold a record of such information, whether as supplied or obtained or recorded, for such period as it considers appropriate.

Request for information

85F. Where the Department holds information or evidence relating to social security matters it shall forward such information or evidence as may be requested to the person or authority making that request, provided that—

(a) the request is made by—

(i) an administering authority;

(ii) a person providing services to an administering authority, or

(iii) a person authorised to exercise any function of an administering authority relating to housing benefit;

(b) the information or evidence requested includes relevant information;

(c) the Department is able to provide the information or evidence requested in the form in which it was originally supplied or obtained; and

(d) provision of the information or evidence requested is considered necessary by the Department to the proper performance by an administering authority of its functions relating to housing benefit.

SECTION 2

Information from landlords and agents◄

Interpretation

86. In this ►[78]Section◄—

"the notice" means the notice prescribed in regulation 88(1)(b);

"relevant information" means such information as is prescribed in regulation 89;

"the requirer" means a person within regulation 87, who requires information pursuant to that regulation;

"the supplier" means an appropriate person who is required, pursuant to regulations 87 and 88, to supply relevant information and any person who is not so required is not, for the purpose of supplying information pursuant to section 119A of the Administration Act(**a**) and these Regulations, an appropriate person.

Requiring information

87. Pursuant to section 119A of the Administration Act, where a claim is made to the Executive, on which a rent allowance may be awarded, then, in the circumstances prescribed in regulation 88, the Executive, or any person authorised to exercise any function of the Executive relating to housing benefit, may require an appropriate person to supply to the Executive or person relevant information, in the manner prescribed in regulation 90.

Circumstances for requiring information

88.—(1) A person is required to supply information in the following circumstances—

(a) he is an appropriate person in relation to any dwelling in respect of which—

(i) housing benefit is being paid to an appropriate person pursuant to regulation 73 or 74, or

(**a**) Section 119A was inserted by Article 10 of the Social Security Administration (Fraud) (Northern Ireland) Order 1997

(ii) a request has been made by an appropriate person or by the claimant for housing benefit to be so paid; and

(b) the requirer serves upon that appropriate person, whether by post or otherwise, a written notice stating that the requirer—

(i) suspects that there is or may be an impropriety in relation to a claim in respect of any dwelling wherever situate in relation to which he is an appropriate person, or

(ii) is already investigating an allegation of impropriety in relation to that person.

(2) Information required to be supplied under paragraph (1) shall be supplied to the requirer at the address specified in the notice.

Relevant information

89.—(1) The information the supplier is to supply to the requirer is that prescribed in paragraphs (2) and (3) (referred to in this ►[78]Section◄ as "the relevant information").

(2) For a supplier who falls within paragraph (4) or section 119A(2)(b) of the Administration Act ("the landlord"), the information is—

(a) where the landlord is an individual—

(i) his appropriate details;

(ii) the relevant particulars of any residential property in which he has an interest, and

(iii) the appropriate details of any body corporate, in which he is a major shareholder or of which he is a director and which has an interest in residential property;

(b) where the landlord is a trustee, except a trustee of a charity, in addition to any information that he is required to supply in accordance with sub-paragraph (a) or (c), as the case may be, the relevant particulars of any residential property held by the trust of which he is a trustee and the name and address of any beneficiary under the trust or the objects of that trust, as the case may be;

(c) where the landlord is a body corporate or otherwise not an individual, other than a charity—

(i) its appropriate details;

(ii) the relevant particulars of any residential property in which it has an interest;

(iii) the names and addresses of any directors of it;

(iv) the appropriate details of any person—

(aa) who owns 20 per cent. or more of it; or

(bb) of whom it owns 20 per cent. or more, and

(v) the names and addresses of its major shareholders;

(d) where the landlord is a charity the appropriate details relating to the landlord.

(3) For a supplier who falls within section 119A(2)(c) of the Administration Act or paragraph (5) ("the agent"), the information is—

(a) the name and address of any person ("his principal")—

(i) to whom the agent has agreed to make payments in consequence of being entitled to receive relevant payments, or

(ii) for whom the agent is acting on behalf of or in connection with any aspect of the management of a dwelling,

as the case may be;

(b) the relevant particulars of any residential property in respect of which the agent—

(i) has agreed to make payments in consequence of being entitled to receive relevant payments, or

(ii) is acting on behalf of his principal in connection with any aspect of its management;

(c) where the agent is an individual—

(i) the relevant particulars of any residential property in which he has an interest;

(ii) the appropriate details of any body corporate or any person otherwise not an individual, in which he is a major shareholder or of which he is a director and which has any interest in residential property; or

(d) where the agent is a body corporate or other than an individual—

(i) the relevant particulars of any residential property in which it has an interest;

(ii) the names and addresses of any directors of or major shareholders in the agent, and

(iii) the appropriate details of any person—

(aa) who owns 20 per cent. or more of the agent; or

(bb) of whom the agent owns 20 per cent. or more.

(4) A supplier falls within this paragraph (landlord receiving rent), if he falls within section 119A(2)(a) of the Administration Act, but does not fall within paragraph (5).

(5) A supplier falls within this paragraph (agent receiving the rent), if he falls within subsection (2)(a) of section 119A of the Administration Act and has agreed to make payments, in consequence of being entitled to receive relevant payments, to a person falling within subsection (2)(b) of that section.

(6) For the purposes of this regulation—

"appropriate details" means the name of the person and (in the case of a company) its registered office and, in any case, the full postal address, including post code, of the principal place of business of that person and the telephone and facsimile number (if any) of that place;

"charity" has the same meaning as in the Charities Act (Northern Ireland) 1964(**a**);

(**a**) 1964 c. 33 (N.I.)

"major shareholder" means, where a body corporate is a company limited by shares, any person holding one tenth or more of the issued shares in that company and, in any other case, all the owners of that body;

"relevant particulars" means the full postal address, including post code, and number of current lettings of or within that residential property and, if that property includes 2 or more dwellings, that address and the number of such lettings for each such dwelling;

"residential property" includes any premises, situate within the United Kingdom—

(i) used or which has, within the last 6 months, been used, or

(ii) which may be used or is adapted for use,

as residential accommodation,

and other expressions used in this regulation and also in the Companies (Northern Ireland) Order 1986(**a**) shall have the same meaning in this regulation as they have in that Order.

Manner of supply of information

90.—(1) Subject to paragraph (2), the relevant information shall be supplied—

(a) in typewritten or printed form; or

(b) with the written agreement of the requirer, in electronic or handwritten form,

within a period of 4 weeks commencing on the date on which the notice was sent or given.

(2) Where—

(a) within a period of 4 weeks commencing on the date on which the notice was sent or given, the supplier requests that the time for the supply of the relevant information be extended; and

(b) the requirer provides written agreement to that request,

the time for the supply of the relevant information shall be extended to a period of 8 weeks commencing on the date on which the notice was sent or given.

(**a**) S.I. 1986/1032 (N.I. 6)

Criminal offence

►[147]**91.** Any supplier who fails to supply relevant information to the requirer as, when and how required under this Section shall be guilty of an offence under section 107 of the Administration Act.◄

Sealed with the Official Seal of the Department for Social Development on 12th October 2006

L.S.

John O'Neill
A senior officer of the Department for Social Development

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 12th October 2006

L.S.

Fiona Hamill
A senior officer of the Department of Finance and Personnel

SCHEDULE 1 Regulation 13

Ineligible service charges

PART I

Service charges other than for fuel

Ineligible service charges

1. The following service charges shall not be eligible to be met by housing benefit—

(a) charges in respect of day-to-day living expenses including, in particular, all provision of—

(i) subject to paragraph 2 meals (including the preparation of meals or provision of unprepared food);

(ii) laundry (other than the provision of premises or equipment to enable a person to do his own laundry);

►[33](iii) leisure items such as either sports facilities (except a children's play area), or television rental, licence and subscription fees (except radio relay charges and charges made in respect of the conveyance and installation and maintenance of equipment for the conveyance of a television broadcasting service);◄

(iv) cleaning of rooms and windows except cleaning of—

(aa) communal areas; or

(bb) the exterior of any windows where neither the claimant nor any member of his household is able to clean them himself,

where a payment is not made in respect of such cleaning by the Executive to the claimant or his partner, or to another person on their behalf, and

(v) transport;

(b) charges in respect of—

(i) the acquisition of furniture or household equipment, and

(ii) the use of such furniture or equipment where that furniture or household equipment will become the property of the claimant by virtue of an agreement with the landlord;

(c) charges in respect of the provision of an emergency alarm system;

(d) charges in respect of medical expenses (including the cost of treatment or counselling related to mental disorder, mental handicap, physical disablement or past or present alcohol or drug dependence);

(e) charges in respect of the provision of nursing care or personal care (including assistance at meal-times or with personal appearance or hygiene);

(f) charges in respect of general counselling or of any other support services, whoever provides those services;

(g) charges in respect of any services not specified in sub-paragraphs (a) to (f) which are not connected with the provision of adequate accommodation.

Amount ineligible for meals

2.—(1) Where a charge for meals is ineligible to be met by housing benefit under paragraph 1, the amount ineligible in respect of each week shall be the amount specified in the following provisions of this paragraph.

(2) Subject to sub-paragraph (4), where the charge includes provision for at least 3 meals a day, the amount shall be—

(a) for a single claimant, ►[470]£37.30◄;

(b) if the claimant is a member of a family—

(i) for the claimant and for each member of his family aged 16 or over, ►[470]£37.30◄;

(ii) for each member of his family under age 16, ►[470]£18.95◄.

(3) Except where sub-paragraph (5) applies and subject to sub-paragraph (4), where the charge includes provision for less than 3 meals a day, the amount shall be—

(a) for a single claimant, ►[470]£24.90◄;

(b) if the claimant is a member of a family—

(i) for the claimant and for each member of his family aged 16 or over, ►[470]£24.90◄;

(ii) for each member of his family under age 16, ►[470]£12.45◄.

(4) For the purposes of sub-paragraphs (2)(b) and (3)(b), a person attains the age of 16 on the first Monday in September following his 16th birthday.

(5) Where the charge for meals includes the provision of breakfast only, the amount for the claimant and, if he is a member of a family, for the claimant and for each member of his family, shall be ►[470]£4.50◄.

(6) Where a charge for meals includes provision for meals for a person who is not a member of the claimant's family sub-paragraphs (2) to (5) shall apply as if that person were a member of the claimant's family.

(7) For the avoidance of doubt where the charge does not include provision for meals for a claimant or, as the case may be, a member of his family, sub-paragraphs (2) to (5) shall not apply in respect of that person.

Amount of ineligible charges

3.—(1) Subject to paragraph 2 where an ineligible service charge is not separated from or separately identified within other payments made by the occupier in respect of the dwelling, the Executive shall apportion such charge as is fairly attributable to the provision of that service, having regard to the cost of comparable services and such portion of those payments shall be ineligible to be met by housing benefit.

(2) Subject to paragraph 2, where the Executive considers that the amount of any ineligible service charge which is separately identified within other payments made by the occupier in respect of the dwelling is unreasonably low having regard to the service provided, it shall substitute a sum for the charge in question which it considers

represents the value of the services concerned and the amount so substituted shall be ineligible to be met by housing benefit.

(3) In sub-paragraph (2) "ineligible service charge" includes any service charge which does not qualify as a periodical payment under regulation 13(1)(e).

(4) In any other case, the whole amount of the ineligible service charge shall be ineligible to be met by housing benefit.

Excessive service costs

4. Subject to paragraph 2, where the Executive considers that the amount of a service charge to which regulation 13(1)(e) applies is excessive in relation to the service provided for the claimant or his family, having regard to the cost of comparable services, it shall make a deduction from that charge of the excess and the amount so deducted shall be ineligible to be met by housing benefit.

PART I

Payments in respect of fuel charges

5. A service charge for fuel except a charge in respect of services for communal areas shall be ineligible to be met by housing benefit.

6.—(1) Where a charge is ineligible to be met by housing benefit under paragraph 5—

(a) in the calculation of entitlement to a rent rebate; or

(b) in the calculation of entitlement to a rent allowance if the amount of the charge is specified or is otherwise readily identifiable (except where the amount of the charge is unrealistically low in relation to the fuel provided or the charge cannot readily be distinguished from a charge for a communal area),

the amount ineligible to be met by housing benefit shall be the full amount of the service charge.

(2) In any other case, subject to sub-paragraphs (3) and (4) and paragraph 7, the amount ineligible to be met by housing benefit shall be the following amounts in respect of each week—

(a) for heating (other than hot water) ►[471]£35.25◄;

(b) for hot water ►[471]£4.10◄;

(c) for lighting ►[471]£2.85◄;

(d) for cooking ►[471]£4.10◄.

(3) Where the accommodation occupied by the claimant or, if he is a member of a family, by the claimant and the members of his family, consists of one room only, the amount ineligible to be met by housing benefit in respect of each week where heating only is, or heating and either hot water or lighting (or both) are, provided, shall be one half of the aggregate of the amounts specified in sub-paragraph (2)(a), (b) and (c).

(4) In a case to which sub-paragraph (2) or (3) applies, if a claimant provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, the amount ineligible to be met by housing benefit under this paragraph shall be that estimated amount.

7.—(1) Where rent is payable other than weekly, any amount ineligible to be met by housing benefit which is specified in this Schedule as a weekly amount shall—

(a) where rent is payable in multiples of a week, be multiplied by the number equal to the number of weeks in respect of which it is payable; or

(b) in any other case, be divided by 7 and multiplied by the number of days in the period to be used by the Executive for the purpose of calculating the claimant's weekly eligible rent under regulation 59.

(2) In a case to which regulation 60 applies, any amount ineligible to be met by housing benefit which is specified in this Schedule as a weekly amount shall, where appropriate, be converted in accordance with sub-paragraph (1) and shall—

(a) where rent is payable weekly, or in multiples of a week, be multiplied by 52 or 53, whichever is appropriate, and divided by the number equal to the number of weeks in that 52 or 53 week period in respect of which he is liable to pay rent; or

(b) in any other case, be multiplied by 365 or 366, whichever is appropriate, and divided by the number of days in that 365 or 366 day period in respect of which he is liable to pay rent.

8. In this Schedule—

"communal area" means any area (other than rooms) of common access (including halls and passageways) and rooms of common use in sheltered accommodation;

"fuel" includes gas and electricity and a reference to a charge for fuel includes a charge for fuel which includes an amount in respect of the facility of providing it other than a specified amount for the provision of a heating system.

SCHEDULE 2 Regulation 15

Decisions of rent payable

PART I

Decisions

Significantly high rents

1.—(1) The Executive shall decide whether, in its opinion, the rent payable under the tenancy of the dwelling at the relevant time is significantly higher than the rent which the landlord might reasonably have been expected to obtain under the tenancy at that time.

(2) If the Executive decides under sub-paragraph (1) that the rent is significantly higher, the Executive shall also decide the rent which the landlord might reasonably have been expected to obtain under the tenancy at the relevant time.

(3) When making a decision under this paragraph, the Executive shall have regard to the level of rent under similar tenancies of similar dwellings in the locality (or as similar as regards tenancy, dwelling and locality as is reasonably practicable) and shall assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy.

Size and rent

2.—(1) The Executive shall decide whether the dwelling, at the relevant time, exceeds the size criteria for the occupiers.

(2) If the Executive decide that the dwelling exceeds the size criteria, the Executive shall also decide the rent which a landlord might reasonably have been expected to obtain, at the relevant time, for a tenancy which is—

(a) similar to the tenancy of the dwelling;

(b) on the same terms other than the term relating to the amount of rent; and

(c) of a dwelling which is in the same locality as the dwelling, but which—

(i) accords with the size criteria for the occupiers;

(ii) is in a reasonable state of repair, and

(iii) corresponds in other respects, in the Executive's opinion, as closely as is reasonably practicable to the dwelling.

(3) When making a decision under sub-paragraph (2), the Executive shall have regard to the same matter and make the same assumption as specified in paragraph 1(3), except that in judging the similarity of other tenancies and dwellings the comparison shall be with the tenancy of the second dwelling referred to in sub-paragraph (2) and shall assume that no one who would have been entitled to housing benefit had sought or is seeking that tenancy.

Exceptionally high rents

3.—(1) The Executive shall decide whether, in its opinion, the rent payable for the tenancy of the dwelling at the relevant time is exceptionally high.

(2) In sub-paragraph (1) "rent payable for the tenancy" means—

(a) where a decision is made under sub-paragraph (2) of paragraph 2 the rent decided under that sub-paragraph;

(b) where no decision is so made and a decision is made under sub-paragraph (2) of paragraph 1, the rent decided under that sub-paragraph; and

(c) in any other case, the rent payable under the tenancy at the relevant time.

(3) If the Executive decides under sub-paragraph (1) that the rent is exceptionally high, the Executive shall also decide the highest rent, which is not an exceptionally high rent and which a landlord might reasonably have been expected to obtain at the relevant time (on the assumption that no one who would have been entitled to housing benefit had sought or is seeking the tenancy) for an uncontrolled tenancy of a dwelling which—

(a) is in the same locality as the dwelling;

(b) has the same number of bedrooms and rooms suitable for living in as the dwelling (or, where the dwelling exceeds the size criteria for the occupiers, accords with the size criteria); and

(c) is in a reasonable state of repair.

(4) For the purpose of deciding whether a rent is an exceptionally high rent under this paragraph, the Executive shall have regard to the levels of rent under uncontrolled tenancies of dwellings which—

(a) are in the same locality as the dwelling (or in as similar a locality as is reasonably practicable); and

(b) have the same number of bedrooms and rooms suitable for living in as the dwelling (or, in a case where the dwelling exceeds the size criteria for the occupiers, accord with the size criteria).

Local reference rents

4.—(1) The Executive shall make a decision of a local reference rent in accordance with the formula—

$$R = \frac{H + L}{2}$$

where—

R is the local reference rent;

H is the highest rent, in the Executive's opinion—

(a) which a landlord might reasonably have been expected to obtain, at the relevant time, for an uncontrolled tenancy of a dwelling which meets the criteria in sub-paragraph (2); and

(b) which is not an exceptionally high rent; and

L is the lowest rent, in the Executive's opinion—

(a) which a landlord might reasonably have been expected to obtain, at the relevant time, for an uncontrolled tenancy of a dwelling which meets the criteria in sub-paragraph (2); and

(b) which is not an exceptionally low rent.

(2) The criteria are—

(a) that the dwelling under the uncontrolled tenancy—

(i) is in the same locality as the dwelling;

(ii) is in a reasonable state of repair, and

(iii) has the same number of bedrooms and rooms suitable for living in as the dwelling (or, in a case where the dwelling exceeds the size criteria for the occupiers, accords with the size criteria); and

(b) if the tenant does not have the use under the tenancy of the dwelling at the relevant time of more than one bedroom or room suitable for living in ►[307]and neither the tenant nor the tenant's partner is a person who requires overnight care◄—

(i) that under the uncontrolled tenancy the tenant does not have the use of more than one bedroom or room suitable for living in;

(ii) if the rent under the tenancy at the relevant time includes payments for board and attendance and the Executive considers the amount fairly attributable to board and attendance is a substantial part of the rent, that a substantial part of the rent under the uncontrolled tenancy is fairly attributable to board and attendance;

(iii) if sub-head (ii) does not apply and the tenant shares a kitchen, toilet, bathroom and room suitable for living in with a person other than a member of his household, a non-dependant or a person who pays rent to the tenant, that the uncontrolled tenancy provides for the tenant to share a kitchen, toilet, bathroom and room suitable for living in, and

(iv) if sub-heads (ii) and (iii) do not apply, that the circumstances described in sub-heads (ii) and (iii) do not apply in relation to the uncontrolled tenancy.

(3) When ascertaining H and L under sub-paragraph (1), the Executive—

(a) shall assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and

(b) shall exclude the amount of any rent which, in the Executive's opinion, is fairly attributable to the provision of services which are ineligible to be met by housing benefit.

(4) In sub-paragraph (2), "bedroom or room suitable for living in" does not include a room which the tenant shares with any person other than—

(a) a member of his household;

(b) a non-dependant; or

(c) a person who pays rent to the tenant.

(5) In sub-paragraph (3), "services" means services performed or facilities (including the use of furniture) provided for, or rights made available to, the tenant, but not, in the case of a tenancy where a substantial part of the rent under the tenancy

is fairly attributable to board and attendance, the provision of meals (including the preparation of meals or provision of unprepared food).

►[344]◄

Claim-related rent

6.—(1) In this paragraph, "claim-related rent" ►[117]means the claim-related rent decided by the Executive in accordance with paragraph (2A).◄

►[118]◄

►[119](2A) The Executive shall decide that the claim-related rent is—

(a) where it makes a decision under sub-paragraph (2) of paragraph 1, sub-paragraph (2) of paragraph 2 and sub-paragraph (3) of paragraph 3, the lowest of the 3 rents decided under those sub-paragraphs;

(b) where it makes a decision under only 2 of the sub-paragraphs referred to in head (a), the lower of the 2 rents decided under those sub-paragraphs;

(c) where it makes a decision under only one of the sub-paragraphs referred to in head (a), the rent decided under that sub-paragraph;

(d) where it does not make a decision under any of the sub-paragraphs referred to in head (a), the rent payable under the tenancy of the dwelling at the relevant time.◄

(3) ►[120]◄ the Executive shall also decide the total amount of ineligible charges, as defined in paragraph 7, which it has not included in the claim-related rent because of the assumptions made in accordance with that paragraph.

PART II

Assumptions, etc.

Ineligible charges and support charges

7.—(1) For the purposes of this paragraph, "ineligible charges" means service charges which are ineligible to be met by housing benefit by virtue of ►[121]regulation 13A(2)◄ and Schedule 1 except, in the case of a tenancy where the rent includes payments for board and attendance, and the Executive considers that a substantial part of the rent under the tenancy is fairly attributable to board and attendance, charges specified in paragraph 1(a)(i) of Schedule 1.

(2) When making a decision under paragraph 1, 2 or 3 of this Schedule, the Executive shall assume that the items to which the ineligible charges relate were not to be provided or made available.

Housing associations etc.

8.—(1) Where the landlord is a housing association or a charity, the Executive shall assume that the landlord is not such a body.

(2) The Executive shall not take into account the rent under any tenancy where the landlord is a housing association or where the landlord is a charity and the dwelling is provided by the landlord in the pursuit of its charitable purposes.

(3) In this paragraph "charity" has the same meaning as in the Charities Act (Northern Ireland) 1964.

PART III

Indicative rent levels

9.—(1) The Executive shall decide the indicative rent level for each category described in sub-paragraph (3) in accordance with the following formula—

$$I = \frac{H + 3L}{4}$$

where—

I is the indicative rent level;

H is the highest rent, in the Executive's opinion—

(a) which a landlord might reasonably be expected to obtain at the time the decision is being made for an uncontrolled tenancy of a dwelling meeting the criteria in sub-paragraph (2); and

(b) which is not an exceptionally high rent; and

L is the lowest rent, in the Executive's opinion—

(a) which a landlord might reasonably be expected to obtain at the time the decision is being made for an uncontrolled tenancy of a dwelling meeting the criteria in sub-paragraph (2); and

(b) which is not an exceptionally low rent.

(2) The criteria are that—

(a) the dwelling is in a reasonable state of repair; and

(b) the dwelling and tenancy accord with the category to which the decision relates.

(3) The categories for the purposes of this paragraph are—

(a) a dwelling where the tenant does not have use of more than one room and where a substantial part of the rent under the tenancy is fairly attributable to board and attendance;

(b) a dwelling where the tenant does not have use of more than one room, the tenancy provides for him to share a kitchen or toilet and head (a) does not apply;

(c) a dwelling where the tenant does not have use of more than one room and where heads (a) and (b) do not apply;

(d) a dwelling where the tenant does not have use of more than 2 rooms and where none of heads (a) to (c) applies;

(e) a dwelling where the tenant does not have use of more than 3 rooms and where none of heads (a) to (d) applies;

(f) a dwelling where the tenant does not have use of more than 4 rooms and where none of heads (a) to (e) applies;

(g) a dwelling where the tenant does not have use of more than 5 rooms and where none of heads (a) to (f) applies; and

(h) a dwelling where the tenant does not have use of more than 6 rooms and where none of heads (a) to (g) applies.

(4) When ascertaining H and L under sub-paragraph (1), the Executive—

(a) shall assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and

(b) shall exclude the amount of any rent which, in the Executive's opinion, is fairly attributable to the provision of services which are ineligible to be met by housing benefit.

(5) In this paragraph—

"room" means a bedroom or room suitable for living in and in heads (a), (b) and (c) of sub-paragraph (3) does not include a room which the tenant shares with any person other than—

(a) a member of his household;

(b) a non-dependant of the tenant; or

(c) a person who pays rent to the tenant;

"services" has the meaning given in paragraph 4(5).

PART IV

Size criteria

10. One bedroom or room suitable for living in shall be allowed for each of the following categories of occupier (and each occupier shall come within only the first category for which he is eligible)—

►[595] (za) a member of a couple who cannot share a bedroom;

(zb) a member of a couple who can share a bedroom;◄

(a) a couple;

(b) a person who is not a child;

►**[563]**(ba)a child who cannot share a bedroom►[596]; ◄◄

(c) 2 children of the same sex;

(d) 2 children who are less than 10 years old;

(e) a child.

►[597]but the claimant is only entitled to a bedroom in respect of a child who cannot share a bedroom or a member of a couple who cannot share a bedroom if there is a bedroom in the dwelling occupied as the home that is additional to those to which the claimant would be entitled if the child or the member of the couple were able to share a bedroom.◄

►[564]**10A.** One additional bedroom is allowed where on the application for the determination—

(a) ►[598] one or more of the following persons is stated as being a person who requires overnight care—

(i) the tenant;

(ii) the tenant's partner;

(iii) a person (other than the tenant or the tenant's partner) who occupies the dwelling as their home;

(iv) a child or young person in respect of whom the tenant or the tenant's partner is a qualifying parent or carer; or◄

(b) the tenant or tenant's partner is (or both of them are) stated as being a qualifying parent or carer.

10B. Two additional bedrooms are allowed where sub-paragraphs (a) and (b) of paragraph 10A both apply.◄

11. The number of rooms (excluding any allowed under paragraph 10) suitable for living in allowed are—

(a) if there are less than 4 occupiers, one;

(b) if there are more than 3 and less than 7 occupiers, 2; and

(c) in any other case, 3.

PART V

Special cases

Houseboats

12. Where a decision relates in whole or in part to mooring charges for a houseboat, this Schedule applies in relation to that decision (or, as the case may be, to that part which relates to those charges) with the following modifications—

(a) references to a tenancy, a tenancy of a dwelling or an uncontrolled tenancy are references to an agreement under which those charges are payable (and references to a landlord and a tenant shall be construed accordingly); and

(b) no decision shall be made under paragraph 2 and references to the dwelling exceeding the size criteria shall not apply.

Mobile homes

13. Where a decision relates in whole or in part to payments in respect of the site on which a caravan or a mobile home stands, this Schedule applies in relation to that decision (or, as the case may be, that part which relates to those payments) with the following modifications—

(a) references to a tenancy, a tenancy of a dwelling or an uncontrolled tenancy are references to an agreement under which those payments are payable (and references to a landlord and a tenant shall be construed accordingly); and

(b) no decision shall be made under paragraph 2 and references to the dwelling exceeding the size criteria shall not apply.

Rental purchase agreements

14. Where a decision relates to a rental purchase agreement, the agreement is to be treated as if it were a tenancy.

PART VI

Interpretation

15. In this Schedule—

"uncontrolled tenancy" means a tenancy which is not a ►[46]controlled tenancy within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006(**a**)◄ or a secure tenancy within the meaning of Article 25 of the Housing (Northern Ireland) Order 1983(**b**);

"decision" means a decision made in accordance with Part I or Part III;

"dwelling" means any residential accommodation whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;

"occupier" means a person (whether or not identified by name) who is stated to occupy the dwelling as his home;

"relevant time" means the time the application for the decision is made or, if earlier, the tenancy ends;

"size criteria" means the standards relating to bedrooms and rooms suitable for living in specified in this Schedule;

"tenancy" includes—

(a) a licence; and

(b) a prospective tenancy or licence, and

references to a tenant, a landlord or any other expression appropriate to a tenancy shall be construed accordingly.

(**a**) S.I. 2006/1459 (N.I. 10)
(**b**) S.I. 1983/1118 (N.I. 15)

SCHEDULE 3 Regulation 15(3)(b) and 16(2)(b)

Excluded tenancies

1. An excluded tenancy is any tenancy to which any of the following paragraphs apply.

2.—(1) Subject to the following sub-paragraphs, where the Executive has made a decision, which relates to the tenancy in question or any other tenancy of the same dwelling this paragraph applies to—

(a) the tenancy in respect of which that decision was made; and

(b) any other tenancy of the same dwelling on terms which are substantially the same, other than the term relating to the amount of rent, as those terms were at the time of that decision or, if earlier, at the end of the tenancy.

(2) For the purposes of any claim, notification or request ("the later application"), a tenancy shall not be an excluded tenancy by virtue of sub-paragraph (1) by reference to the Executive's decision made in consequence of an earlier claim, notification or request ("the earlier application") where—

(a) the earlier and later applications were made in respect of the same claimant or different claimants; and

(b) the earlier application was made more than 52 weeks before the later application was made.

(3) Sub-paragraph (1) shall not apply where subsequent to the making of the decision mentioned in that sub-paragraph—

(a) the number of occupiers of the dwelling has changed and that dwelling is not in a hostel;

(b) there has been a substantial change in the condition of the dwelling (including the making of improvements) or the terms of the tenancy other than a term relating to rent;

(c) there has been a rent increase under a term of the tenancy and the term under which that increase was made was either included in the tenancy at the time when the application for that decision was made (or was a term substantially the same as such a term) and that decision was not made under paragraph 1(2), 2(2) or 3(3) of Schedule 2;

(d) in a case where the Executive has made a decision under paragraph 2(2) of Schedule 2, but since the date of the application for that decision—

(i) a child, who is a member of the household occupying the dwelling, has attained the age of 10 years;

(ii) a young person, who is a member of the household occupying that dwelling, has attained the age of 16 years, or

(iii) there is a change in the composition of the household occupying the dwelling;

►[309](f) ►[599] any person mentioned in paragraph 10A of Schedule 2 becomes or ceases to be a person who requires overnight care where that affects the size criteria, as set out in Schedule 2, applicable in the claimant's case;◄◄

►[565](g) the claimant or the claimant's partner becomes, or ceases to be, a qualifying parent or carer where that affects the size criteria, as set out in Part IV of Schedule 2, applicable in the claimant's case; or

(h) an occupier becomes or ceases to be a child who cannot share a bedroom ►[600]or a member of a couple who can not share a bedroom ◄where that affects the size criteria, as set out in Part IV of Schedule 2, applicable in the claimant's case.◄

►[566](4) For the purposes of sub-paragraph (3)(d)(iii) it does not amount to a change in the composition of the household where a son, daughter, step-son or step-daughter of the claimant or the claimant's partner who is the claimant's non-dependant ceases to occupy the dwelling as their home because they become a member of the armed forces away on operations, or subsequently resumes occupying the dwelling as their home on ceasing to be a member of the armed forces away on operations.◄

3. This paragraph applies where the landlord is a registered housing association, except in a case where the Executive consider that—

(a) the claimant occupies a dwelling larger than is reasonably required by him and any others who occupy that dwelling (including any non-dependants of his and any person paying rent to him); or

(b) the rent payable for that dwelling is unreasonably high.

4. This paragraph applies to a tenancy which is a ►[47]controlled tenancy within the meaning of Article 40(4) of the Private Tenancies (Northern Ireland) Order 2006◄.

5. —(1) Subject to sub-paragraphs (2) and (3) this paragraph applies to a tenancy in respect of a dwelling comprised in land which has been disposed of under Article 88 of the Housing (Northern Ireland) Order 1981(**a**).

(2) This paragraph shall not apply to a tenancy to which sub-paragraph (1) refers if—

(a) there has been an increase in rent since the disposal occured; and

(b) the claimant occupies a dwelling larger than is reasonably required by him and any others who occupy that dwelling (including any non-dependant of his and any person paying rent to him); or

(c) the rent payable for that dwelling is unreasonably high.

(3) Where the disposal took place on or after 7th October 2002, sub-paragraph (2) shall apply to a tenancy to which sub-paragraph (1) refers as if head (b) were omitted.

6. In this Schedule expressions have the same meaning as in regulation 16(5) and, in the case of a decision under regulation 16(1), any reference to a "tenancy" shall be taken as a reference to a prospective tenancy and any reference to an "occupier" or any person "occupying" a dwelling shall, in the case of such a decision be taken to be a reference to a potential occupier or potential occupation of that dwelling.

(**a**) S.I. 1981/156 (N.I. 3)

SCHEDULE 4 Regulation 20

Applicable amounts

PART I

Personal allowances

1. The amount specified in column (2) in respect of each person or couple specified in column (1) shall be the amount specified for the purposes of regulation 20—

Column (1) *Person, couple or polygamous marriage*	*Column (2)* *Amount*
(1) Single claimant or lone parent►[662]	(1)
(u	(►◄
(b) ►[663]who has attained pensionable age►[696] before 1 April 2021◄◄	(b) ►[472]£256.00◄.
►[699] (c) who has attained pensionable age on or after 1st April 2021.	(c) ►[472]£238.00◄
(2) Couple—	(2)
(►[664]	(►◄
(b) one member or both members ►[665]who has attained pensionable age►[697] before 1 April 2021◄.◄	(b) ►[472]£383.35.◄
►[700] (c) both members who have attained pensionable age on or after 1st April 2021.	(c) ►[472]£363.25◄
►[666]	(
(a) f	(►
(b) f	(►◄
(4) If the claimant is a member of a polygamous marriage and one or more members of the marriage►[667] have attained pensionable age►[698] before 1 April 2021◄◄—	(4)
(a) for the claimant and the other party to the marriage;	(a) ►[472]£383.35◄;
(b) for each additional spouse who is a member of the same household as the claimant.	(b) ►[472]£127.35.◄
►[701](5) If the claimant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021—	— (5)
(a) for the claimant and the other party to the	(a) ►[472]£363.25◄

Column (1) *Person, couple or polygamous marriage*	*Column (2)* *Amount*
marriage; (b) for each additional spouse who is a member of the same household as the claimant.	(b) ►[472]£125.25◄

2.—(1) The amounts specified in column (2) in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of regulation 20—

Column (1) *Child or young person*	*Column (2)* *Amount*
Persons in respect of the period—	
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	(a) ►[682]£87.88◄;
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday.	(b) ►[682]£87.88◄.

(2) In column (1) of the Table, "the first Monday in September" means the Monday which first occurs in the month of September in any year.

PART II

Family premium

3.—(1) The amount for the purposes of regulations 20(1)(c) and (d) in respect of a family of which at least one member is a child or young person shall be ►[473]£20.22◄.

►[355]◄

PART III

Premiums

4. The premiums specified in Part IV shall, for the purposes of regulation 20(1)(e), be applicable to a claimant who satisfies the condition specified in this Part in respect of that premium.

5.—(1) Subject to sub-paragraph (2), for the purposes of this Part, once a premium is applicable to a claimant under this Part, a person shall be treated as being in receipt of any benefit for—

(a) in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(**a**) applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; ►[813]◄

(b) any period spent by a person in undertaking a course of training or instruction provided or arranged by the Department for Employment and Learning under sections 2 and 3 of the Disabled Persons (Employment) Act (Northern Ireland) 1945(**b**) or section 1(1) of the 1950 Act(**c**) or for any period during which he is in receipt of a training allowance ►[814]and◄

►[815] (c) in the case of carer support payment, any period during which, apart from regulation 16 of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023, he would be in receipt of that benefit.◄

(2) ►◄►[544] For the purposes of the carer premium under paragraph 9, a person shall be treated as being in receipt of a carer's allowance under section 70 of the Act by virtue of sub-paragraph (1)(a) ►[816]or carer support payment by virtue of sub-paragraph (1)(c)◄ only if and for so long as the person in respect of whose care the allowance ►[816]or payment◄ has been claimed remains in receipt of—

(a) armed forces independence payment;

(b) attendance allowance;

►[835] (ba) pension age disability payment;"◄

(c) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act►[734], the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations◄; ►[755]◄

►[854](cza) the care component of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025;◄

►[756] (ca) the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022; or◄

(d) the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order◄.

Severe Disability Premium

6.—(1) The condition is that the claimant is a severely disabled person.

(**a**) S.R. 1979 No. 242

(**b**) 1945 c. 6 (N.I.); sections 2 and 3 were amended by section 1 of the Disabled Persons (Employment) Act (Northern Ireland) 1960 (c. 4 (N.I.)) and Schedule 18 to the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3))

(**c**) Section 1 was amended by Article 3 of the Employment and Training (Amendment) (Northern Ireland) Order 1988 (S.I. 1988/1087 (N.I. 10)) and Article 5 of the Industrial Training (Northern Ireland) Order 1990 (S.I. 1990/1200 (N.I. 8))

(2) For the purposes of sub-paragraph (1), a claimant shall be treated as being a severely disabled person if, and only if—

(a) in the case of a single claimant, lone parent or a claimant who is treated as having no partner in consequence of sub-paragraph (3)—

(i) he is in receipt of ►[425]armed forces independence payment,◄ attendance allowance►[836], pension age disability payment◄, or ►[545]the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act►[856], the care component of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025◄ ►[757],◄the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order►[758], or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022◄◄;

(ii) subject to sub-paragraph (6), he has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and

(iii) no person is entitled to, and in receipt of, a carer's allowance►[611] under section 70 of the Act ►[817] or carer support payment◄ or has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016◄ in respect of caring for him;

(b) in the case of a claimant who has a partner—

(i) the claimant is in receipt of ►[426]armed forces independence payment,◄ attendance allowance►[836], pension age disability payment◄, or ►[546]the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act►[856], the care component of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025◄ ►[759],◄the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order ►[760]or the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022◄◄;

(ii) his partner is also in receipt of such an allowance ►[547]or payment◄or, if the claimant is a member of a polygamous marriage, each other member of that marriage is in receipt of such an allowance►[547]or payment◄, and

(iii) subject to sub-paragraph (6), the claimant has no non-dependants aged 18 or over normally residing with him or with whom he is normally residing, and either a person is entitled to and in receipt of a carer's allowance ►[818] or carer support payment◄ ►[612] or has an award of universal credit that includes the carer element◄ in respect of caring for only one of the couple or, if he is a member of a polygamous marriage, for one or more

but not all the members of the marriage, or as the case may be, no person is entitled to and in receipt of such an allowance ►818 or payment◄ ►613 or has such an award of universal credit◄in respect of caring for either member of a couple or any of the members of the marriage.

(3) Where a claimant has a partner who does not satisfy the condition in sub-paragraph (2)(b)(ii), and that partner is blind or is treated as blind within the meaning of sub-paragraph (4), that partner shall be treated for the purposes of sub-paragraph (2) as if he were not a partner of the claimant.

►457(4) For the purposes of sub-paragraph (3), a person is blind if he is certified as severely sight impaired or blind by a consultant ophthalmologist.◄

►458(5) For the purposes of sub-paragraph (4), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as blind and as satisfying the additional condition set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so certified.◄

(6) For the purposes of sub-paragraph (2)(a)(ii) and (b)(iii) no account shall be taken of—

(a) a person receiving ►427armed forces independence payment,◄ attendance allowance►836, pension age disability payment◄, ►548the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act►856, the care component of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025◄ ►761 ,◄ or the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83(3) of the 2015 Order,►762the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the ►781 Disability Assistance for Working Age People (Scotland) Regulations 2022►880, the care component of child disability payment at the highest or middle rate in accordance with regulation 11(5) of the DACYP Regulations ◄◄◄◄; or

(b) a person who is blind or is treated as blind within the meaning of sub-paragraphs (4) and (5).

(7) For the purposes of sub-paragraph (2)(b) a person shall be treated—

(a) as being in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act, if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;

(b) as being entitled to and in receipt of a carer's allowance ►819or carer support payment◄►614 or having an award of universal credit which includes the carer element◄ if he would, but for the person for whom he was caring being a patient in hospital for a period exceeding 28 days, be so entitled and in receipt ►615 or has such an award of universal credit◄.

►549(c) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with Article 83 of the 2015 Order, if he would, but for payment ceasing by virtue of regulations

made under Article 91(1) of the 2015 Order (hospital in-patients), be so in receipt.

►[763] (d) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the ►[782] Disability Assistance for Working Age People (Scotland) Regulations 2022◄, if they would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt►[837];

(e) as being in receipt of pension age disability payment if that person would, but for regulation 20 (effect of admission to hospital on ongoing entitlement to pension age disability payment) of the Disability Assistance for Older People (Scotland) Regulations 2024(39) be so in receipt;◄

►[855] (f) as being in receipt of Scottish adult disability living allowance at the highest or middle rate in accordance with regulation 6(4) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025, if that person would, but for regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish adult disability living allowance) of those Regulations, be so in receipt.◄

(8) For the purposes of sub-paragraph (2)(a)(iii) and (b)—

(a) no account shall be taken of an award of a carer's allowance ►[616] or an award of universal credit which includes the carer element◄ to the extent that payment of such an award is backdated for a period before ►[34]the date on which the award is first paid◄; and

(b) references to a person being in receipt of a carer's allowance ►[617] or as having award of universal credit which includes the carers element◄shall include references to a person who would have been in receipt of that allowance ►[618] or had such an award of universal credit◄ but for the application of a restriction under section ►[339]5B or◄ 6 of the Social Security Fraud Act (Northern Ireland) 2001(**a**) (loss of benefit provisions).

Enhanced disability premium

7.►[326]—(1)◄►[327]►[428] ◄►[550]Subject to sub-paragraph (2), the condition is that—

(a) in respect of a child or young person who is a member of the claimant's family—

(iv) the care component of disability living allowance is, or would be, but for a suspension of benefit in accordance with regulations under section 113(2) of the Act or but for an abatement as a consequence of hospitalisation, payable at the highest rate prescribed under section 72(3) of the Act, or

(v) the daily living component of personal independence payment is payable, or has ceased to be payable by virtue of regulations under Article 91(1) of the 2015 Order (hospital in-patients), at the enhanced rate under Article 83(2) of that Order; ►[764]◄

(**a**) 2001 c.17 (N.I.)

►[735](aa) the care component of child disability payment is payable at the highest rate in accordance with regulation 11(5) of the DACYP Regulations in respect of a member of the claimant's family; or ►[764]◄◄

►[857](ab) the care component of Scottish adult disability living allowance is payable, or has ceased to be payable by virtue of regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish adult disability living allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025, at the highest rate in accordance with regulation 6(4) of those Regulations; or◄

(b) armed forces independence payment is payable in respect of a young person who is a member of the claimant's family◄►[765] ; or

(c) the daily living component of adult disability payment is payable, or has ceased to be payable by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the ►[783]Disability Assistance for Working Age People (Scotland) Regulations 2022◄, at the enhanced rate in accordance with regulation 5 of those Regulations;◄

►[328](2) Where the condition in sub-paragraph (1) ceases to be satisfied because of the death of a child or young person, the condition is that the claimant ►[356]or the claimant's partner◄ is entitled to child benefit in respect of that person under section 141A of the Act (entitlement after death of child or qualifying young person). ◄

Disabled child premium

8. The condition is that a child or young person for whom the claimant or a partner of his is responsible and who is a member of the claimant's household—

►[429](za) is a young person who is in receipt of armed forces independence payment;◄

(a) is in receipt of disability living allowance or is no longer in receipt of such allowance because he is a patient, provided that the child or young person continues to be a member of the family;

►[736](aa) is in receipt of child disability payment;◄

►[858] (ab) is a young person who is in receipt of Scottish adult disability living allowance or who would, but for payment ceasing by virtue of regulation 23 (effect of admission to hospital on ongoing entitlement to Scottish adult disability living allowance) of the Disability Assistance (Scottish Adult Disability Living Allowance) Regulations 2025 be so in receipt, provided that the young person continues to be a member of the family; or◄

(b) is blind within the meaning of paragraph 6(4) or is treated as blind in accordance with paragraph 6(5); ►[766]◄

►[329](c) is a child or young person in respect of whom section 141A of the Act (entitlement after death of child or qualifying young person) applies for the purposes of entitlement to child benefit but only for the period prescribed under that section, and in respect of whom a disabled child premium was included in the claimant's applicable amount immediately before the death of that child or young person, or ceased to be included in the claimant's applicable amount because of that child or young person's death.◄►[551]►[766]◄

(d) is a young person who is in receipt of personal independence payment or who would, but for payment ceasing by virtue of regulations made under Article 91(1) of the 2015 Order (hospital in-patients) be so in receipt, provided that the young person continues to be a member of the family ◄► [767] or

(e) is a young person who is in receipt of adult disability payment or who would, but for payment ceasing by virtue of regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of the Disability Assistance for Working Age People (Scotland) Regulations 2022 be so in receipt, provided that the young person continues to be a member of the family.◄

Carer premium

9.—(1) The condition is that the claimant or his partner is, or both of them are, entitled to a carer's allowance ►[820] or carer support payment.◄

(2) ►[875]Subject to sub-paragraph (5), where◄ a carer premium has been awarded but—

(a) the person in respect of whose care the carer's allowance ►[820] or carer support payment◄ has been awarded dies; or

(b) the person in respect of whom the premium was awarded ceases to be entitled, or ceases to be treated as entitled, to a carer's allowance ►[820] or carer support payment◄,

this paragraph shall be treated as satisfied for a period of 8 weeks from the relevant date specified in sub-paragraph (3).

(3) The relevant date for the purposes of sub-paragraph (2) is—

(a) the Sunday following the death of the person in respect of whose care the carer's allowance ►[820] or carer support payment◄ has been awarded (or beginning with the date of death if the date occurred on a Sunday);

(b) where head (a) does not apply, the date on which that person who was entitled to a carer's allowance ►[820] or carer support payment◄ ceases to be entitled to it.

(4) For the purposes of this paragraph, a person shall be treated as being entitled to and in receipt of a carer's allowance ►[820] or carer support payment◄ for any period not covered by an award but in respect of which a payment is made in lieu of an award.

►[876](5) For the purposes of sub-paragraph (2)(a), where the relevant premium has been awarded as a result of the claimant or the claimant's partner being entitled to carer support payment, and the death occurred on or after 15th March 2026, the reference to "8 weeks" is to be read as "12 weeks".◄

Persons in receipt of concessionary payments

10. For the purpose of determining whether a premium is applicable to a person under paragraphs 6 to 9, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Person in receipt of benefit

11. For the purposes of this Part, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

PART IV

Amounts of premiums specified in Part III

Premium	*Amount*
12.—(1) Severe Disability Premium—	(1)
(a) where the claimant satisfies the condition in paragraph 6(2)(a);	(a) ►[474]£86.05◄;
(b) where the claimant satisfies the condition in paragraph 6(2)(b);	(b)
(i) in a case where there is someone in receipt of a carer's allowance ►[821]or carer support payment◄ ►[619] or who has an award of universal credit which includes the carer element under regulation 30 of the Universal Credit Regulations (Northern Ireland) 2016, ◄ or if he or any partner satisfies that condition only by virtue of paragraph 6(7);	(i) ►[474]£86.05◄;
(ii) in a case where there is no one in receipt of such an allowance►[822] or payment◄ ►[620] or such an award of universal credit.◄	(ii) ►[474]£172.10.◄
(2) Enhanced Disability Premium.	(2) ►[474]£33.99◄ in respect of each child or young person in respect of whom the conditions specified in paragraph 7 are satisfied.
(3) Disabled Child Premium.	(3) ►[474]£84.46◄ in respect of each child or young person in respect of whom the condition specified in paragraph 8 is satisfied.
(4) Carer premium.	(4) ►[474]£48.15◄ in respect of each person who satisfies the condition specified in paragraph 9.

SCHEDULE 5 Regulation 34(1)

Sums disregarded from claimant's earnings

1. Where 2 or more of paragraphs 2 to 5 apply in any particular case the overall maximum sum which falls to be disregarded in that case under those paragraphs is restricted to—

(a) £25 in the case of a lone parent;

(b) £20 in any other case.

2. In a case where a claimant is a lone parent, £25 of earnings.

3.—(1) In a case of earnings from any employment or employments to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—

(a) as a part-time fire and rescue officer employed by the Northern Ireland Fire and Rescue Service Board established under Article 3 of the Fire and Rescue Services (Northern Ireland) Order 2006(**a**);

(b) as an auxiliary coastguard in respect of coast rescue activities;

(c) in the manning or launching of a lifeboat if the employment is part-time;

(d) as a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001(**b**);

(e) as a person in the army whose service is restricted to part-time service in Northern Ireland pursuant to section 1 of the Army Act 1992(**c**), regulations made under section 2 of the Armed Forces Act 1966(**d**), or the terms of his commission;

(f) as a part-time member of the Police Service of Northern Ireland Reserve appointed under section 37 of the Police (Northern Ireland) Act 2000(**e**) or a part-time police reserve trainee appointed under section 40 of that Act.

(3) If—

(a) any of the earnings of the claimant or, if he has a partner, his partner, or both of them, are disregarded under sub-paragraph (1); and

(b) either of them has, or they both have, other earnings,

so much of those other earnings as would not, in aggregate with the earnings disregarded under that sub-paragraph, exceed £20.

4.—(1) If the claimant or, if he has a partner, his partner is a carer, or both are carers, £20 of any earnings received from his or their employment.

(2) Where the carer premium is awarded in respect of the claimant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated,

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(**a**) S.I. 2006/1254 (N.I. 9)
(**b**) S.I. 2001/1004
(**c**) 1992 c. 39
(**d**) 1966 c. 45; section 2 was amended by section 2 of the Army Act 1992
(**e**) 2000 c.32

but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.

(3) In this paragraph the claimant or his partner is a carer if paragraph 9 of Schedule 4 is satisfied in respect of him.

5.—(1) £20 is disregarded if the claimant or, if he has a partner, his partner—

(a) is in receipt of—

(i) long-term incapacity benefit under section 30A of the Act(**a**);

(ii) severe disablement allowance under section 68 of the Act(**b**);

(iii) attendance allowance;

►[838] (iiia) pension age disability payment;◄

(iv) disability living allowance under sections 71 to 76 of the Act(**c**);

►[430](iva) armed forces independence payment;◄

►[859](ivb) Scottish adult disability living allowance;◄

►[881] (ivc) adult disability payment;◄

(v) any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(**d**) (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme I983(**e**);

(vi) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit Regulations;

►[177](vii) main phase employment and support allowance;◄

►[552] (viii) personal independence payment;

►[459](b) is or are certified as severely sight impaired or blind by a consultant ophthalmologist; or◄

(c) is, or is treated as, incapable of work in accordance with the provisions of, and regulations made under, Part XIIA of the Act (incapacity for work), and has

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(**a**) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I.12)) and amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) and paragraph 68 of Schedule 24 to the Civil Partnership Act 2004

(**b**) Section 68 was amended by Article 11 of, and paragraph 18 of Schedule 1 to, the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 and regulation 2(2) of S.R. 1994 No. 370 and repealed by Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999, subject to savings in Article 4 of S.R. 2000 No. 332 (C. 14)

(**c**) Sections 71 to 73 were amended by Article 64 of the Welfare Reform and Pensions (Northern Ireland) Order 1999

(**d**) S.I. 2006/606

(**e**) S.I. 1983/686; article 25A was inserted by S.I. 1983/1164 and amended by S.I. 1983/1540, S.I. 1986/628, S.I. 1990/1300, S.I. 1991/708, S.I. 1992/702, S.I. 1995/445 and S.I. 2001/420

been incapable, or has been treated as incapable, of work for a continuous period of not less than—

(i) in the case of a claimant who is terminally ill within the meaning of section 30B(4) of the Act(**a**) (incapacity benefit: rate), 196 days;

(ii) in any other case, 364 days.►[246]or

(d) has, or is to be treated as having, limited capability for work within the meaning of section 1(4) of the Welfare Reform Act or limited capability for work-related activity within the meaning of section 2(5) of that Act and either—

(i) the assessment phase as defined in section 24(2) of the Welfare Reform Act has ended, or

(ii) regulation 7 of the Employment and Support Allowance Regulations .►[621] or regulation 7 of the Employment and Support Allowance Regulations (Northern Ireland) 2016◄ (circumstances where the condition that the assessment phase has ended before entitlement to the support component ►[632]◄arises does not apply) applies.◄

(2) Subject to sub-paragraph (3), £20 is disregarded if the claimant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the claimant or his partner attains the qualifying age for state pension credit, had an award of housing benefit and—

(a) £20 was disregarded in respect of earnings taken into account in that award;

(b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) The disregard of £20 specified in sub-paragraph (2) applies so long as there is no break, other than a break which does not exceed 8 weeks, in a person's entitlement to housing benefit or in employment following the first day in respect of which that benefit is awarded.

(4) £20 is the maximum amount which may be disregarded under this paragraph, notwithstanding that, where the claimant has a partner, both the claimant and his partner satisfy the requirements of this paragraph.

►[270]**5A.**—(1) Where—

(a) the claimant (or if the claimant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;

(b) the Department is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and

(c) regulation 24 does not apply,

the amount specified in sub-paragraph (7) ("the specified amount").

(2) Where this paragraph applies, paragraphs 1 to 5 and 7 do not apply; but in any case where the claimant is a lone parent, and the specified amount would be less than the amount specified in paragraph 2, then paragraph 2 applies instead of this paragraph.

(**a**) Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(3) Notwithstanding regulation 21, if sub-paragraph (1) applies to one member of a couple ("A") it shall not apply to the other member of that couple ("B") except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Department is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is—

(a) in receipt of a contributory employment and support allowance;

(b) in receipt of incapacity benefit;

(c) in receipt of severe disablement allowance; or

(d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations (Northern Ireland) 1975.

(6) "Exempt work" means, as the case may be, work of the kind described in—

(b) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations ►[622]or regulation 39(1)(a), (b) or (c) of the Employment and Support Allowance Regulations (Northern Ireland) 2016◄; or

(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995,

and, in determining for the purposes of this paragraph whether a claimant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).◄

6. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 6 had the claimant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

7. Except where the claimant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

(a) £5 shall be disregarded if a claimant who has no partner has earnings;

(b) £10 shall be disregarded if a claimant who has a partner has earnings.

8. Any earnings other than earnings referred to in regulation 31(8)(b), derived from employment which ended before the day in respect of which the claimant first satisfies the conditions for entitlement to housing benefit.

9.—(1) In a case where the claimant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under this Schedule shall be increased by ►[475]£17.10◄.

(2) The conditions of this sub-paragraph are that—

(a) the claimant, or if he has a partner, either the claimant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies;

(b) the claimant—

(i) is, or any partner of his is, aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week;

(ii) if he is a member of a couple—

(aa) at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week;

(bb) his applicable amount includes a family premium under paragraph 3 of Schedule 4;

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week, or

(iv) is, or if he has a partner, one of them is, engaged in remunerative work for on average not less than 16 hours per week, and paragraph 5(1) is satisfied in respect of that person; or

(c) the claimant is, or, if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.

(3) The following are the amounts referred to in sub-paragraph (1)—

(a) any amount disregarded under this Schedule;

(b) any amount of child care charges calculated as deductible under regulation 28(1)(c); and

(c) ►[475]£17.10◄.

(4) The provisions of regulation 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation were a reference to 30 hours.

10. Where a payment of earnings is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.

SCHEDULE 6 Regulation 31(9)

Amounts to be disregarded in the calculation of income other than earnings

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 2 to 7, any of the following, namely—

(a) a war disablement pension;

(b) a war widow's or war widower's pension;

►[271](ba) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under—

(i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865(**a**);

(ii) the Army Pensions Warrant 1977(**b**);

►[337](iia) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010;◄

(iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917(**c**);

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996(**d**), or

(v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);

(bb) any retired pay or pension payable, to a member of the armed forces of the Crown in respect of a disablement which is attributable to service, under any power of Her Majesty otherwise than under any statutory provision to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(bc) a pension payable, to a widow, widower or surviving civil partner of a member of the armed forces of the Crown in respect of death which is attributable to service, under—

(i) an Order in Council made under section 3 of the Naval and Marine Pay and Pensions Act 1865;

(ii) the Army Pensions Warrant 1977;

►[337](iia) the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010;◄

(**a**) 1865 c. 73; section 3 was amended by section 4 of the Armed Forces (Pension and Compensation) Act 2004 (c. 32) and paragraph 2 of Schedule 16 to the Armed Forces Act 2006 (c. 52)

(**b**) Army Code No. 13045 published by TSO

(**c**) 1917 c. 51; section 2 was amended by paragraph 13 of Schedule 16 to the Armed Forces Act 2006

(**d**) 1996 c. 14; section 4 was amended by paragraph 26 of Schedule 14 to the Armed Forces Act 2006

(iii) any order or regulations made under section 2 of the Air Force (Constitution) Act 1917;

(iv) any order or regulations made under section 4 of the Reserve Forces Act 1996, or

(v) any instrument amending or replacing any of the instruments referred to in paragraphs (i) to (iv);◄

(c) a pension payable to a person as a surviving spouse or surviving civil partner under ►**199**◄ any power of Her Majesty otherwise than under any statutory provision to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;

(d) a guaranteed income payment ►**200**and, if the amount of that payment has been abated by a ►**260**pension or payment falling within Article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005◄, an amount of ►**261**that pension or payment◄ equal to the amount of that abatement◄;

(e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;

(f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d).

2. ►584 £10 of a pension paid by a government to victims of national Socalist persecution.

◄**3.** The whole of any amount included in a pension to which paragraph 2 relates in respect of—

(a) the claimant's need for constant attendance;

(b) the claimant's exceptionally severe disablement.

4. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.

5. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) ►**201**and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.◄

6. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(**a**) (pensions to surviving spouses and

(**a**) S.I. 1983/686; Article 27(3) and paragraph 1(c) of Schedule 4 were added by, respectively, articles 2 and 3 of S.I. 1994/2021 and Schedule 4 was substituted by Schedule 3 to S.I. 2006/765

surviving civil partners), the sum specified in paragraph l(c) of Schedule 4 to that Scheme.

7.—(1) Any payment which is—

(a) made under any of the Dispensing Instruments to a widow, widower or surviving civil partner of a person—

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown, and

(ii) whose service in such capacity terminated before 31st March 1973; and

(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.

(2) In this paragraph "the Dispensing Instruments"(**a**) means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

8. £15 of any widowed parent's allowance to which the claimant is entitled under section 39A of the Act(**b**).

9. £15 of any widowed mother's allowance to which the claimant is entitled under section 37 of the Act.

10. Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

(a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20, 100 per cent. of such payments; or

(b) where the aggregate of any such payments exceeds £20, £20 and 50 per cent. of the excess over £20.

11. If the claimant—

(a) owns the freehold or leasehold interest in any property or is a tenant of any property;

(b) occupies a part of that property; and

(c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—

(i) the amount paid by that person is less than £20 per week, the whole of that amount, or

(ii) the amount paid is £20 or more per week, £20.

(**a**) Copies of the Dispensing Instruments are available from the Department for Social Development, Social Security Policy and Legislation Division, Level 1, James House, 2-4 Cromac Avenue, Gasworks Business Park, Ormeau Road, Belfast BT7 2JA

(**b**) Section 39A was inserted by Article 52(2) of the Welfare Reform and Pensions (Northern Ireland) Order 1999

12. Where a claimant receives income under an annuity purchased with a loan, which satisfies the following conditions—

(a) that the loan was made as part of a scheme under which not less than 90 per cent. of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of 2 or more persons (in this paragraph referred to as "the annuitants") who include the person to whom the loan was made;

(b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65►[668] or, if it was higher at that time, pensionable age◄;

(c) that the loan was secured on a dwelling in Northern Ireland and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;

(d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and

(e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

(i) where, or insofar as, section 369 of the Taxes Act (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act(**a**);

(ii) in any other case the interest which is payable on the loan without deduction of such a sum.

13.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the claimant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the claimant by Trustees in exercise of a discretion exercisable by them for the purpose of—

(a) obtaining food, ordinary clothing or footwear or household fuel;

(b) the payment of rent ►[39], rates or water charges◄ for which that claimant or his partner is liable;

(c) meeting housing costs of a kind specified in Schedule 2 to the State Pension Credit Regulations (Northern Ireland) 2003(**b**).

(3) In a case to which sub-paragraph (2) applies, £20 or—

(a) if the payment is less than £20, the whole payment;

(b) if, in the claimant's case, £10 is disregarded in accordance with paragraph 2, £10 or the whole payment if it is less than £10; or

(c) if, in the claimant's case, £15 is disregarded under paragraph 7 or 8 and—

(**a**) Subsection (1A) was inserted by section 81(3) of the Finance Act 1994 (c. 9)
(**b**) S.R. 2003 No. 28

(i) he has no disregard under paragraph l(a) to (f) or 2, £5 or the whole payment if it is less than £5;

(ii) he has a disregard under paragraph l(a) to (f) or 2, nil.

(4) For the purposes of this paragraph—

"ordinary clothing or footwear" means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

"rent or rates" means eligible rent or rates less any deductions in respect of non-dependants which fall to be made under regulation 53.

14. Any increase in ►[202]pension or allowance under Part 2 or 3◄of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 paid in respect of a dependant other than the pensioner's ►[202]◄ partner.

15. Any payment ordered by a court to be made to the claimant or the claimant's partner in consequence of any accident, injury or disease suffered by the person or a child of the person to or in respect of whom the payments are made.

16. Periodic payments made to the claimant or the claimant's partner under an agreement entered into in settlement of a claim made by the claimant or, as the case may be, the claimant's partner for an injury suffered by him.

17. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

18. Any banking charges or commission payable in converting to sterling payments of income made in a currency other than sterling.

19. Where the claimant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating—

(a) under regulations made in exercise of the powers conferred by Articles 50 and 51 of the Education and Libraries (Northern Ireland) Order 1986(**a**), that student's award; or

(b) the student's student loan,

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.—(1) Where the claimant is the parent of a student aged under 25 in advanced education who either—

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

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(**a**) S.I. 1986/594 (N.I. 3); Article 50 was amended by the Schedule to the Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760 (N.I. 14)) and Article 51 was substituted by Part II of Schedule 5 to the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))

(b) is in receipt of an award under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986 (awards made at the discretion of Boards),

and the claimant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.

(2) For the purposes of sub-paragraph (1), the amount shall be equal to—

(a) the weekly amount of the payments; or

(b) the amount by way of a personal allowance for a single claimant under 25 less the weekly amount of any award referred to in sub-paragraph (l)(b),

whichever is less.

21.—(1) Where a claimant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the claimant's spouse, civil partner, former spouse or former civil partner or the claimant's partner's spouse, civil partner, former spouse, or former civil partner.

(2) the purposes of sub-paragraph (1), where more than one maintenance payment falls to be taken into account in any week, all such payments shall be aggregated and treated as if they were a single payment.

22. Except in a case which falls under paragraph 9 of Schedule 5, where the claimant is a person who satisfies ►[203]any of◄ the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to ►[476]£17.10◄.

23. Except in the case of income from capital specified in Part II of Schedule 7, any actual income from capital.

►[204]◄

►[250]**25.** Where the total value of any capital specified in Part II of Schedule 7 does not exceed £10,000, any income actually derived from such capital.◄

►[823]**26.** Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer's allowance under section 70 of the Act.◄

SCHEDULE 7 Regulation 42(2)

Capital to be disregarded

PART I

Capital to be disregarded generally

1. Any premises or land acquired for occupation by the claimant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises or land.

2. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

3. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

4. Any premises occupied in whole or in part by—

(a) a person who is a relative of the claimant or of his partner as his home ►[283]where that person has attained the qualifying age for state pension credit or is incapacitated◄;

(b) the former partner of the claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.

5. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

6. Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner or the dissolution of a civil partnership with his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

7. Any premises or land where the claimant is taking reasonable steps to dispose of the whole of his interest in those premises or that land, for a period of 26 weeks from

the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises or that land.

8. All personal possessions.

9. The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.

10. The assets of any business owned in whole or in part by the claimant if—

(a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but

(b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business,

for a period of 26 weeks from the date on which the claim for housing benefit is made or, if it is unreasonable to expect him to become engaged or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

11. The surrender value of any policy of life insurance.

12. The value of any funeral plan contract; and for this purpose, "funeral plan contract" means a contract under which—

(a) the claimant makes one or more payments to another person ("the provider");

(b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom or in the Republic of Ireland for the claimant on his death; and

(c) the sole purpose of the plan is to provide or secure the provision of a funeral for the claimant on his death.

13. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or internment of—

(a) the claimant;

(b) the claimant's partner;

(c) the claimant's deceased spouse or deceased civil partner; or

(d) the claimant's partner's deceased spouse or deceased civil partner,

by the Japanese during the Second World War, an amount equal to that payment.

14.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a claimant's partner who is—

(a) a diagnosed person;

(b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or

(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where a trust payment is made to—

(a) a person referred to in sub-paragraph (1)(a) or (b), that sub paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending 2 years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to a claimant or a claimant's partner who is—

(a) the diagnosed person;

(b) a diagnosed person's partner or was a diagnosed person's partner at the date of the diagnosed person's death; or

(c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where a payment such as referred to in sub-paragraph (3) is made to—

(a) a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending on the date on which that person dies;

(b) a person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which the payment is made and ending 2 years after that date.

(5) In this paragraph, a reference to a person—

(a) being the diagnosed person's partner;

(b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a residential care home, a nursing home or an independent hospital.

(6) In this paragraph—

"diagnosed person" means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeldt-Jakob disease;

"relevant trust" means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeldt-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

"trust payment" means a payment under a relevant trust.

15. The amount of any payment, other than a ►[205]war pension◄, to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse or civil partner or the claimant's partner's deceased spouse or civil partner—

(a) was a slave labourer or a forced labourer;

(b) had suffered property loss or had suffered personal injury; or

(c) was a parent of a child who had died,

during the Second World War.

16.—(1) Any payment made under ►[280]or by◄—

(a) the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust►[276], MFET Limited◄, the Skipton Fund►[354], the Caxton Foundation◄►[652] , the Infected Blood Payment Scheme for Northern Ireland, the Scottish Infected Blood Support Scheme, an approved blood scheme◄►[641], the London Emergencies Trust, the We Love Manchester Emergency Fund◄►[710]the National Emergencies Trust◄►[810], the Victims of Overseas Terrorism Compensation Scheme◄ or the London Bombings Relief Charitable Fund (collectively referred to in this paragraph as "the Trusts"); or

(b) the Independent Living ►[191]Fund (2006)◄.

►[711] (1A) Any Grenfell Tower payment►[724], child abuse payment, Windrush payment►[802], Post Office compensation►[844], vaccine damage payment►[868], LGBT Financial Recognition Scheme payment or miscarriage of justice compensation payment◄◄◄◄ or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.◄

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under ►[280]or by◄ any of the Trusts►[712], or from a Grenfell Tower payment,►[725] a child abuse payment►[803], a Windrush payment, a Post Office compensation payment►[845], a vaccine damage payment ►[869], an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment◄◄◄◄◄ and which is made to or for the benefit of that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under ►[280]or by◄ any of the Trusts►[712] , or from a Grenfell Tower payment,►[725] a child abuse payment►[803], a Windrush payment, a Post Office compensation payment►[845], a vaccine damage payment ►[869], an LGBT Financial Recognition Scheme payment or a miscarriage of justice

compensation payment◄◄◄◄◄ and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under ►[280]or by◄ any of the Trusts ►[712] , or from a Grenfell Tower payment,►[725] a child abuse payment►[803], a Windrush payment, a Post Office compensation payment►[845], a vaccine damage payment►[869], an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment◄ ◄◄◄◄ where —

(a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved nor any child who is or had been a member of that person's household; and

(b) the payment is made either—

(i) to that person's parent or step-parent, or

(ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of 2 years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under ►[280]or by◄ any of the Trusts►[712] , or from a Grenfell Tower payment,►[725] a child abuse payment►[803], a Windrush payment, a Post Office compensation payment►[845], a vaccine damage payment ►[869], an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment◄ ◄◄◄◄ where—

(a) that person at the date of his death ("the relevant date") had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child who was or had been a member of his household; and

(b) the payment is made either—

(i) to that person's parent or step-parent, or

(ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place of his parent,

but only for a period of 2 years from the relevant date.

►[805](5A) Any payment out of the estate of a person, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022(**a**) made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person, where the payment is made to the person's son, daughter, step-son or step-daughter.◄

►[826] (5B) Any payment out of the estate of a person, which derives from a payment made under or by the Scottish Infected Blood Support Scheme or an approved blood

(**a**) see https://www.infectedbloodinquiry.org.uk/reports/first-interim-report. A hard copy may be obtained from the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA

scheme to the estate of the person as a result of that person having been infected from contaminated blood products.◄

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts►[713] or from a Grenfell Tower payment►[725] , a child abuse payment►[803], a Windrush payment, a Post Office compensation payment►[845], a vaccine damage payment ►[869], an LGBT Financial Recognition Scheme payment or a miscarriage of justice compensation payment◄ ◄◄◄◄.

17.—(1) An amount equal to the amount of any payment made in consequence of any personal injury to the claimant or, if the claimant has a partner, to the partner.

(2) Where the whole or part of the payment is administered—

(a) by the High Court under the provisions of Order 80 or 109 of the Rules of the Supreme Court (Northern Ireland) 1980(**a**), the County Court under Order 44 of the County Court Rules (Northern Ireland) 1981(**b**), or Article 21 of the County Courts (Northern Ireland) Order 1980(**c**), or on behalf of a person where the payment can only be disposed of by order or direction of any such court; or

(b) in accordance with the terms of a trust established for the benefit of the claimant or his partner,

the whole of the amount so administered.

18. Any amount specified in paragraph 19, 20 ►[206], 21 or 28A◄ for a period of one year beginning with the date of receipt.

19. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the claimant as his home and to his personal possessions.

20. So much of any amounts paid to the claimant or deposited in the claimant's name for the sole purpose of—

(a) purchasing premises which the claimant intends to occupy as his home; or

(b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the claimant as his home.

21.—(1) Subject to paragraph 22, any amount paid—

(a) by way of arrears of benefit;

(b) by way of compensation for the late payment of benefit;

(c) in lieu of the payment of benefit;

(d) to rectify, or compensate for, an official error, as defined for the purposes of paragraph 22, being an amount to which that paragraph does not apply;

(**a**) S.R. 1980 No. 346; Order 109 was added by S.R. 1986 No. 184
(**b**) S.R. 1981 No. 225
(**c**) S.I. 1980/397 (N.I. 3)

(e) by the Executive to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.

►[780] (ea) by way of local welfare provision including arrears and payments in lieu of local welfare provision;◄

►[714] (f) to rectify, or to compensate for, an error made by an officer of the Department which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance, being an amount to which paragraph 22(1A) does not apply.◄

(2) In sub-paragraph (1), "benefit" means—

►[431](za)armed forces independence payment;◄

(a) attendance allowance under section 64 of the Act;

(b) disability living allowance;

►[553](ba) personal independence payment◄

(c) income support;

(d) income-based jobseeker's allowance;

(e) state pension credit;

(f) housing benefit;

(g) child tax credit;

(h) an increase of a disablement pension under section 104 of the Act (increase where constant attendance needed), and any further increase of such a pension under section 105 of the Act (increase for exceptionally severe disablement);

(i) any amount included on account of the claimant's exceptionally severe disablement or need for constant attendance in a ►[205]war pension◄;

(j) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations (Northern Ireland) 2001(**a**);►[178]◄

(k) working tax credit.►[179]►[391]◄

►[586] **(**ka) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015. ◄

(l) income-related employment and support allowance.◄►[392]►[623]◄

(m) social fund payments►[624] or◄

►[625] (n) universal credit◄.

►[671](o) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.◄

►[683](p) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018;◄

►[737] (q) maternity allowance under section 35 of the Act (state maternity allowance for employed or self-employed earner).◄

(**a**) S.R. 2001 No. 216

►[739] (r) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018;◄

►[860] (s) any assistance given in accordance with the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019; ◄

►[861] (t) short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018; ◄

►[862] (u) winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018; ◄

►[877] (v) any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer's allowance under section 70 of the Contributions and Benefits Act;

(w) any Scottish carer supplement or carer additional person payment given in accordance with the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023.◄

►[715] (3) In sub-paragraph (1) "contributory employment and support allowance" means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 12, to the 2015 Order (that remove references to an income-related allowance).◄

22.—(1)Subject to sub-paragraph (3), any payment of £5,000 or more which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and has been received by the claimant in full on or after the day on which he became entitled to benefit under these Regulations or the Housing Benefit Regulations.

►[716](1A) Subject to sub-paragraph (3), any payment of £5,000 or more received by the claimant in full on or after the day on which the claimant became entitled to benefit under these Regulations or the Housing Benefit Regulations which has been made to rectify, or to compensate for, an error made by an officer of the Department which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance.

(1B) In sub-paragraph (1) "contributory employment and support allowance" has the meaning in paragraph 21(3) of this Schedule.◄

(2) Subject to sub-paragraph (3), the total amount of any payments disregarded under—

(a) paragraph 7(2) of Schedule 10 to the Income Support Regulations(**a**);

(b) paragraph 12(2) of Schedule 7 to the Jobseeker's Allowance Regulations(**b**);

(c) paragraph 9(2) ►[717]or 9A◄of Schedule 7 to the Housing Benefit Regulations;

(**a**) Paragraph 7(2) of Schedule 10 was added by regulation 2(b) of S.R. 2002 No. 295
(**b**) Paragraph 12(2) of Schedule 7 was added by regulation 4 of S.R. 2002 No. 295

(d) paragraph 20A of Schedule 5 to State Pension Credit Regulations (Northern Ireland) 2003(**a**),

►[180](e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations,◄

► (f) paragraph 18 of Schedule 10 to the Universal Credit Regulations (Northern Ireland) 2016,

►[718] (g) regulations 8A to 8C of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016;◄

where the award in respect of which the payments last fell to be disregarded under those Regulations either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph ►[719] (1), (1A) or (2)◄ shall have effect until the award comes to an end.

(4) In this paragraph—

"the award", except in sub-paragraph (2), means—

(a) the award of benefit under these Regulations during which the relevant sum or, where it is paid in more than one instalment, the first instalment of that sum is received; and

(b) where that award is followed by one or more further awards which, or each of which, begins immediately after the previous award ends, such further awards until the end of the last such award, provided that, for such further awards, the claimant—

(i) is the person who received the relevant sum;

(ii) is the partner of that person, or

(iii) was the partner of that person at the date of his death;

"official error"—

(a) where the error relates to housing benefit, has the meaning given by regulation 1(2) of the Decisions and Appeals Regulations; and

(b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**b**);

"the relevant date" means—

(a) in the case of an existing award of benefit under these Regulations or the Housing Benefit Regulations, 6th October 2003; and

(b) in any other case, the date on which the claim for benefit under these Regulations or the Housing Benefit Regulations was made;

"relevant benefit" means any benefit specified in paragraph 21(2);

(**a**) S.R. 2003 No. 28; paragraph 20A of Schedule 5 was substituted by regulation 2(11)(f) of S.R. 2003 No. 421

(**b**) S.R. 1999 No. 162

"the relevant sum" means the payment referred to in sub-paragraph (1) or the total amount referred to in sub-paragraph (2).

►[792] **22A.** Any payment of a widowed parent's allowance made pursuant to section 39A of the Act (widowed parent's allowance)—

(a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the Act) who is entitled to a widowed parent's allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and

(b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent's allowance,

but only for a period of 52 weeks from the date of receipt of the payment.◄

►[878] **22B.** A payment to the person made by the Department as a result of a recalculation of carer's allowance, carried out in consequence of the report of the Independent Review of Carer's Allowance Overpayments dated 21st July 2025.◄

23. Where a capital asset is held in a currency other than sterling, any banking charge or commission payable in converting that capital into sterling.

24. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

►[61]◄

26. The dwelling occupied as the home; but only one dwelling shall be disregarded under this paragraph.

27. Where an ex-gratia payment has been made by the Secretary of State to members of the families of the disappeared, but only for a period of 52 weeks from the date of receipt of that payment.

28. Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to the Act or under Schedule 1 to the Graduated Retirement Benefit Regulations, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;

(b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.

►[512]**28ZA.** Where a person chooses a lump sum under section 8(2) of the Pensions Act (Northern Ireland) 2015 or in accordance with regulations made under section 10 of that Act which include provision corresponding or similar to section 8(2) of that Act, or fails to make a choice, and a lump sum payment has been made, an amount equal to—

(a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;

(b) the amount of that lump sum,

but only for so long as that person does not alter that choice in favour of an increase of pension.◄

►[207]**28A.** Any arrears of supplementary pension which is disregarded under paragraph 5 of Schedule 6 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 6 or 7 of that Schedule.◄

►[247]**28B.** Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).◄

►[357]**28C.** Any payments made under regulations made under section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002 (direct payments)(**a**).◄

►[587]**28D.** ►[793] (1)◄A payment of bereavement Support payment in respect of the rate set out in regulation 3(2) or (5) (rate of bereavement support payment) of the Bereavement Support Payment Regulations (Northern Ireland) 2017, but only for a period of 52 weeks from the date of receipt of the payment.◄

►[794] (2) Where bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015 is paid to the survivor of a cohabiting partnership (within the meaning in section 29(6B) of the Pensions Act (Northern Ireland) 2015) in respect of a death which occurs before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

(a) (i) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019 (rate of bereavement support payment), and

(ii) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died;

(b) in respect of the rate set out in regulation 3(2) of the Bereavement Support Payment (No. 2) Regulations (Northern Ireland) 2019,

but only for a period of 52 weeks from the date of receipt of the payment.◄

►[654]**28E.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother's pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.◄

PART II

Capital disregarded only for the purposes of determining deemed income

29. The value of the right to receive any income under a life interest.

30. The value of the right to receive any rent except where the claimant has a reversionary interest in the property in respect of which rent is due.

31. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

(**a**) 2002 c. 6 (N.I.)

►[413]**31A.** Any ex-gratia payment made to a qualifying Equitable Life annuitant under regulation 2, or both regulations 2 and 3, of the Age-Related Payments Regulations 2013.◄

32. Where property is held under a trust, other than—

(a) a charitable trust within the meaning of the Charities Act (Northern Ireland) 1964(**a**); or

(b) a trust set up with any payment to which paragraph 16 of this Schedule applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the claimant or the claimant's partner, or both, that property.

(**a**) 1964 c. 33 (N.I.)

▶ 131 ◀

SCHEDULE 9 Regulation 67

Matters to be included in decision notice

PART I

General

1. The statement of matters to be included in any decision notice issued by a relevant authority to a person, and referred to in regulation 67 and in regulation 10 of the Decisions and Appeals Regulations are those matters set out in the following provisions of this Schedule.

2. Every decision notice shall include a statement as to the right of any person affected by that decision to request a written statement under regulation 67(2) and the manner and time in which to do so.

3. Every decision notice shall include a statement as to the right of any person affected by that decision to make an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations and, where appropriate, to appeal against that decision and the manner and time in which to do so.

4. Every decision notice following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations shall include a statement as to whether the original decision in respect of which the person made his representations has been confirmed or revised and where the relevant authority has not revised the decision the reasons why not.

5. Every decision notice following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations shall, if the original decision has been revised, include a statement as to the right of any person affected by that decision to apply for a revision in accordance with regulation 4(1)(a) of those Regulations and the manner and time in which to do so.

6. An authority may include in the decision notice any other matters not prescribed by this Schedule which it sees fit, whether expressly or by reference to some other document available without charge to the person.

7. Parts II, III and VI shall apply only to the decision notice given on a claim.

8. Where a decision notice is given following a revision of an earlier decision—

(a) made of the authority's own motion which results in a revision of that earlier decision; or

(b) made following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations, whether or not resulting in a revision of that earlier decision,

that notice shall, subject to paragraph 6, contain a statement only as to all the matters revised.

PART II

Awards where state pension credit ►[132]or an extended payment (qualifying contributory benefits)◄ is payable

9.—(1) Where a person on state pension credit is awarded housing benefit, the decision notice shall include a statement as to—

(a) his weekly eligible rates, if any;

(b) his weekly eligible rent, if any;

(c) the amount and an explanation of any deduction made under paragraph 6(2) or (3) of Schedule 1, if any, and that the deduction may be varied if he provides to the authority evidence on which it may estimate the actual or approximate amount of that service charge;

(d) the amount of, and the category of, non-dependant deductions made under regulation 53, if any;

(e) the normal weekly amount of rent allowance, or rent rebate or rate rebate, as the case may be, to which he is entitled;

(f) in the case of a rent allowance and a rate rebate paid as if it were a rent allowance, the day of payment, and the period in respect of which payment of that allowance is to be made;

(g) the first day of entitlement to an allowance or rebate; and

(h) his duty to notify any change of circumstances which might affect his entitlement to, or the amount of, housing benefit and (without prejudice to the extent of the duty owed under regulation 65 the kind of change of circumstances which is to be notified, either upon the notice or by reference to some other document available to him on application and without charge.

(2) In a case where a person on state pension credit has entitlement only to the savings credit, the following additional matters shall also be set out—

(a) the applicable amount and the basis of calculation;

(b) the amount of the savings credit taken into account;

(c) the amount of the person's income and capital as notified to the relevant authority by the Department and taken into account for the purposes of the housing benefit assessment;

(d) any modification of the claimant's income or capital made in accordance with regulation 25; and

(e) the amount of the claimant's capital if regulation 25(7) applies in his case.

►[133](3) Where a claimant is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 51, the decision notice shall include a statement as to the matters set out in paragraph 9(1).◄

PART III

Awards where no state pension credit is payable

10. Where a person is not on state pension credit but is awarded housing benefit, the decision notice shall include a statement as to—

(a) the matters set out in paragraph 9;

(b) his applicable amount and how it is calculated;

(c) his weekly earnings; and

(d) his weekly income other than earnings.

PART IV

Awards where direct payments made to landlords

11. Where a decision has been made under regulation 73 or 74, the decision notice shall include a statement—

(a) as to the amount of housing benefit which is to be paid direct to the landlord and the date from which it is to be paid;

(b) informing the landlord of the duty imposed upon him to notify the Executive of—

(i) any change in circumstances which might affect the claimant's entitlement to housing benefit, or the amount of housing benefit payable in his case, and

(ii) the kind of change of circumstances which is to be notified; and

(c) informing both landlords and claimants that where a payment of housing benefit is recoverable from a landlord and the recovery is made from housing benefit payable to the landlord to discharge (in whole or in part) an obligation owed to him by a claimant, then, in a case where that claimant is not the person on whose behalf the recoverable amount was paid, that obligation shall nonetheless be taken to be discharged by the amount so recovered,

and the notice shall be sent both to the claimant and to the landlord.

12. In this Schedule, "landlord" has the same meaning as in regulation 73.

PART V

Notice where income of non-dependant is treated as claimant's

13. Where an authority makes a decision under regulation 22 the decision notice shall contain a statement as to—

(a) the fact that a decision has been made by reference to the income and capital of the claimant's non-dependant; and

(b) the relevant authority's reasons for making that decision.

PART VI

Notice where no award is made

14. ►[48]◄ Where a person is not awarded housing benefit—

(a) either on grounds of income or because the amount of any housing benefit is less than the minimum housing benefit prescribed by regulation 54, the decision notice shall include a statement as to—

(i) the matters set out in paragraph 9(1)(a) to (d), and in a case where the amount of entitlement is less than the minimum amount of housing benefit prescribed, paragraph 9(1)(e) also;

(ii) the matters set out in paragraph 10(b) to (d) where the person is not on ►[192]state pension credit◄, and

(iii) where the amount of entitlement is less than the minimum amount of housing benefit prescribed, that fact and that such entitlement is not payable;

(b) for any reason other than one mentioned in sub-paragraph (a), the decision notice shall include a statement as to the reason why no award has been made.

PART VII

Notice where recoverable overpayment

15.—(1) Where the appropriate authority makes a decision that there is a recoverable overpayment within the meaning of regulation 78, the decision notice shall include a statement as to—

(a) the fact that there is a recoverable overpayment;

(b) the reason why there is a recoverable overpayment;

(c) the amount of the recoverable overpayment;

(d) how the amount of the recoverable overpayment was calculated;

(e) the benefit weeks to which the recoverable overpayment relates; and

(f) where recovery of the recoverable overpayment is to be made by deduction from a rent allowance or rebate or rate rebate, as the case may be, that fact and the amount of the deduction.

(2) In a case where it is—

(a) determined that there is a recoverable overpayment;

(b) determined that that overpayment is recoverable from a landlord; and

(c) decided that recovery of that overpayment is to be made by deduction from a rent allowance paid to that landlord to discharge (in whole or in part) an obligation owed to him by a claimant ("claimant A"), not being the claimant on whose behalf the recoverable amount was paid,

the decision notice sent to that landlord shall identify both—

(i) the person on whose behalf the recoverable amount was paid to that landlord, and

(ii) claimant A.

PART VIII

Notice following a decision on a work-focused interview

16.—(1) This Part applies in a case where a decision has been made in accordance with regulation 10 of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003(**a**) that a person has failed to take part in a work-focused interview.

(2) In a case where one of the consequences specified in sub-paragraphs (3) and (4) apply, the decision notice shall include a statement as to the person's right of appeal against the decision that he failed to take part in a work-focused interview.

(3) In a case where the consequence of the failure to take part is that the entitlement to housing benefit terminates, the decision notice shall include a statement as to—

(a) the last date of the entitlement to housing benefit;

(b) the reason entitlement terminated.

(4) In a case where the consequence of the failure to take part is that the amount of housing benefit payable is reduced, the decision notice shall include a statement as to—

(a) the amount by which the housing benefit is reduced;

(b) the date from which the reduction takes effect; and

(c) the reason for the reduction.

(5) In a case where a new decision is made reversing an earlier decision that a person failed to take part in a work-focused interview, the decision notice shall include a statement as to—

(a) the date from which the consequences of the failure cease to apply; and

(b) the reason for the new decision.

(**a**) S.R. 2003 No. 274

►[10]SCHEDULE 10 Regulations 62A and 65A

Electronic Communication

Interpretation

1. In this Schedule "official computer system" means a computer system maintained by or on behalf of the relevant authority or of the Department for sending, receiving, processing or storing of any claim, certificate, notice, information or evidence.

Conditions for the use of electronic communication

2.—(1) The relevant authority may use an electronic communication in connection with claims for, and awards of, housing benefit.

(2) A person other than the relevant authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the relevant authority.

(4) The second condition is that the person uses an approved method of—

(a) authenticating the identity of the sender of the communication;

(b) electronic communication;

(c) authenticating any claim or notice delivered by means of an electronic communication; and

(d) subject to sub-paragraph (7), submitting to the relevant authority any claim, certificate, notice, information or evidence.

(5) The third condition is that any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purposes of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the relevant authority.

(7) Where the person uses any method other than the method approved of submitting any claim, certificate, notice, information or evidence, that claim, certificate, notice, information or evidence shall be treated as not having been submitted.

(8) In this paragraph "approved" means approved by means of a direction given by the relevant authority for the purposes of this Schedule.

Use of intermediaries

3. The relevant authority may use intermediaries in connection with—

(a) the delivery of any claim, certificate, notice, information or evidence by means of an electronic communication; and

(b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

4.—(1) Any claim, certificate, notice, information or evidence which is delivered by means of an electronic communication shall be treated as having been delivered in the manner or form required by any provision of these Regulations, on the day the conditions imposed—

(a) by this Schedule; and

(b) by or under a statutory provision,

are satisfied.

(2) The relevant authority may, by a direction, determine that any claim, certificate, notice, information or evidence is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

5. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

(a) the sender of any claim, certificate, notice, information or evidence delivered by means of an electronic communication to an official computer system; or

(b) the recipient of any such claim, certificate, notice, information or evidence delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, shall be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

6.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any claim, certificate, notice, information or evidence this shall be presumed to have been the case where—

(a) any such claim, certificate, notice, information or evidence has been delivered to the relevant authority, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or

(b) any such certificate, notice, information or evidence has been delivered by the relevant authority, if the delivery of that certificate, notice, information or evidence has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such claim, certificate, notice, information or evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the relevant authority has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such claim, certificate, notice, information or evidence sent by means of an electronic communication has been received, the time and date of receipt shall be presumed to be that recorded on an official computer system.

Proof of content of information

7. If it is necessary to prove, for the purpose of any legal proceedings, the content of any claim, certificate, notice, information or evidence sent by means of an electronic communication, the content shall be presumed to be that recorded on an official computer system.◀

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate existing provisions relating to housing benefit for claimants who have attained the qualifying age for state pension credit. In the case of a woman that age is pensionable age and in the case of a man it is the age which is pensionable age in the case of a woman born on the same day as the man (section 1(6) of the State Pension Credit Act (Northern Ireland) 2002). These Regulations do not however apply if either the claimant or the claimant's partner is in receipt of income support or an income-based jobseeker's allowance, notwithstanding that the claimant has attained the qualifying age for state pension credit. Provisions relating to those claimants and others who have not attained the qualifying age for state pension credit are contained in the Housing Benefit Regulations (Northern Ireland) 2006.

Part I of the Regulations contains general provisions. These Regulations are to be read, where appropriate, with the Housing Benefit (Consequential Provisions) Regulations (Northern Ireland) 2006 ("the Consequential Provisions Regulations").

Part II makes provision in relation to the circumstances in which a person is or is not to be treated as occupying a dwelling as his home and is or is not to be treated as liable to make payments for a dwelling.

Part III specifies those payments by way of rent or rates which are to be eligible for the payment of housing benefit and for decisions by the Northern Ireland Housing Executive in rent allowance cases.

Part IV specifies the circumstances in which a person is or is not to be treated as responsible for another person and who is to be treated as a member of the same household as a claimant for housing benefit.

Part V and Schedule 4 provide for the calculation of the applicable amount in respect of a person's entitlement to housing benefit, by reference to which the amount of his benefit is calculated.

Part VI contains provisions enabling the income and capital of a person to whom these Regulations apply to be determined. They provide in particular—

that a person entitled to a guarantee credit in state pension credit is to be treated as having neither income nor capital;

that a person whose entitlement to state pension credit is restricted to the savings credit will have his income calculated by reference to the assessment made by the Department for the purpose of determining the award of state pension credit. This figure is subject to certain adjustments the determining authority is required to make under regulation 25;

that persons to whom the Regulations apply but who have no entitlement to state pension credit are to have their income and capital determined in accordance with regulations 27 to 47.

Part VII provides for the maximum amount of housing benefit payable and for the housing benefit taper, extended payments and non-dependant deductions.

Part VIII contains provisions as to when housing benefit is to begin, together with provisions relating to change of circumstances and the date those changes take effect.

Part IX provides for the making, amendment and withdrawal of claims, the evidence and information required in connection with claims and the duty to notify changes of circumstances.

Part X provides for the determination of questions arising on claims and the notification of decisions by authorities.

Part XI provides for the payment of housing benefit, including to whom payments are to be made and the withholding of benefit.

Part XII provides for the recovery of overpaid housing benefit, what constitutes a recoverable overpayment and the method of recovery.

Part XIII provides that the Northern Ireland Housing Executive may require certain landlords and their agents to supply relevant information.

These Regulations are to be read, where appropriate, with the Consequential Provisions Regulations, which revoke the Regulations consolidated by these Regulations. The Regulations are made for the purpose only of consolidating other regulations revoked by them and accordingly, by virtue of section 149(3) of, and paragraph 9 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) for prior reference to the Social Security Advisory Committee.

References

1. Words ins. by reg. 3(2)(a) of S.R. 2006 No. 462 as from 20.12.06
2. Words ins. by reg. 3(2)(b) of S.R. 2006 No. 462 as from 20.12.06
3. Paras. (5A) to (5F) ins. by reg. 3(2)(c) of S.R. 2006 No. 462 as from 20.12.06
4. Superseded
5. Subst. by reg. 3(4) of S.R. 2006 No. 462 as from 20.12.06
6. Def. of "the Electronic Communications Act" ins. by Art. 3(2)(a) of S.R. 2006 No. 463 as from 20.12.06
7. Def. of "electronic communication" ins. by Art. 3(2)(b) of S.R. 2006 No. 463 as from 20.12.06
8. Reg. 62A ins. by Art. 3(3) of S.R. 2006 No. 463 as from 20.12.06
9. Reg. 65A ins. by Art. 3(4) of S.R. 2006 No. 463 as from 20.12.06
10. Sch. 10 added by Art. 3(5) of S.R. 2006 No. 463 as from 20.12.06
11. Words ins. by reg. 6 of S.R. 2006 No. 510 as from 8.1.07
12. Supeseded
13. Sub-para. (b) susbt. by reg. 3(2)(a) of S.R. 2007 No. 121 as from 1.4.07
14. Paras. (3) and (4) added by reg. 3(2)(b) of S.R. 2007 No. 121 as from 1.4.07
15. Words omitted by reg. 3(3) of S.R. 2007 No. 121 as from 1.4.07
16.to **32.** Superseded
33. Head (iii) subst. by reg. 8(2) of S.R. 2007 No. 154 as from 2.4.07

34. Words subst. by reg. 8(3) of S.R. 2007 No. 154 as from 2.4.07
35. Def. of "water charges" ins. by reg. 8(2) of S.R. 2007 No. 196 as from 2.4.07
36. to **38.** Superseded
39. Words subst. by reg. 8(5) of S.R. 2007 No. 196 as from 2.4.07
40. Words ins. by reg. 4 of S.R. 2007 No. 263 as from 23.5.07
41. Words ins. by reg. 4(2) of S.R. 2007 No. 266 as from 1.6.07
42. Word omitted by reg. 4(3)(a) of S.R. 2007 No. 266 as from 1.10.07
43. Word and sub-para. (d) added by reg. 4(3)(b) of S.R. 2007 No. 266 as from 1.10.07
44. and **45.** Superseded
46. Words subst. by reg. 4(5) of S.R. 2007 No. 266 as from 1.6.07
47. Words subst. by reg. 4(6) of S.R. 2007 No. 266 as from 1.6.07
48. Words omitted by reg. 4(7) of S.R. 2007 No. 266 as from 1.6.07
49. Words subst. by reg. 6(2)(a)(i) of S.R. 2007 No. 306 as from 16.7.07
50. Words omitted by reg. 6(2)(a)(ii) of S.R. 2007 No. 306 as from 16.7.07
51. Def. subst. by reg. 6(2)(b) of S.R. 2007 No. 306 as from 16.7.07
52. Def. of "retirement annuity contract" omitted by reg. 6(2)(c) of S.R. 2007 No. 306 as from 16.7.07
53. Words omitted by reg. 6(3) of S.R. 2007 No. 306 as from 16.7.07
54. Paras. (4) and (4A) subst. for para. (4) by reg. 6(4)(a) of S.R. 2007 No. 306 as from 16.7.07
55. Words subst. by reg. 6(4)(b) of S.R. 2007 No. 306 as from 16.7.07
56. Words subst. by reg. 6(4)(c)(i) of S.R. 2007 No. 306 as from 16.7.07
57. Words omitted by reg. 6(4)(c)(ii) of S.R. 2007 No. 306 as from 16.7.07
58. Words omitted by reg. 6(5)(a) of S.R. 2007 No. 306 as from 16.7.07
59. Words omitted by reg. 6(5)(b) of S.R. 2007 No. 306 as from 16.7.07
60. Words omitted by reg. 6(5)(c) of S.R. 2007 No. 306 as from 16.7.07
61. Para. 25 omitted by reg. 6(6) of S.R. 2007 No. 306 as from 16.7.07
62. Superseded
63. Def. of "Independent Living Fund (2006)" ins. by Art 8(b) of S.R. 2007 No. 382 as from 1.10.07
64. Words subst. by reg. 5(a) of S.R. 2007 No. 392 as from 24.9.07
65. Words subst. by reg. 5(b) of S.R. 2007 No. 392 as from 24.9.07
66. Def. of "lower rate" omitted by reg. 10(2)(a) of S.R. 2007 No. 396 as from 1.10.07
67. Superseded
68. Words subst. by reg. 10(3)(a) of S.R. 2007 No. 396 as from 1.10.07
69. Words ins. by reg. 10(3)(b) of S.R. 2007 No. 396 as from 1.10.07
70. Sub-para. (b) subst. by reg. 10(3)(c) of S.R. 2007 No. 396 as from 1.10.07
71. Words subst. by reg. 10(3)(d) of S.R. 2007 No. 396 as from 1.10.07
72. and **73.** Superseded
74. Reg. 43 subst. by reg. 10(6) of S.R. 2007 No. 396 as from 1.10.07
75. Words subst. by reg. 10(7)(a) of S.R. 2007 No. 396 as from 1.10.07
76. Para. (11A) ins. by reg. 10(7)(b) of S.R. 2007 No. 396 as from 1.10.07
77. Words and regulations 85A to 85F inserted by regulation 8(2) of S.R. 2007 No. 467 as from 10.12.07
78. Word subst. by regulation 8(3) of S.R. 2007 No. 467 as from 10.12.07
79. to **93.** Superseded

94. Def. of "amended determination" ins. by reg. 2(2)(a) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

95. Defs. of "broad rental market area", "broad rental market area determination" and "change of dwelling" ins. by reg. 2(2)(b) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

96. Def. of "eligible rent" subst. by reg. 2(2)(c) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

97. Def. of "the Executive Determinations Regulations" ins. by reg. 2(2)(d) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid.*

98. Defs. of "linked person" and "local housing allowance" ins. by reg. 2(2)(e) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid.*

99. Def. of "maximum rent (LHA)" ins. by reg. 2(2)(f) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

100. Defs. of "reckonable rent" and "registered housing association" ins. by reg. 2(2)(g) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

101. Def. of "relevant information" ins. by reg. 2(2)(h) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

102. Words ins. by reg. 2(3) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

103. Sub-para. (b) subst. reg. 2(4)(a) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

104. Words subst. by reg. 2(4)(b) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

105. Paras. (3) to (7) omitted by reg. 2(5)(a) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

106. Words ins. by reg. 2(5)(b) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

107. Regs. 13A to 13C ins. by reg. 2(6) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

108. Regs. 14 to14F subst. for reg. 14 by reg. 2(7) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

109. Words ins. by reg. 2(8) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

110. Para. (1) subst. by reg. 2(9)(a) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

111. Def. of "registered housing association" omitted by reg. 2(9)(b)(i) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.

112. Def. of "specified matters" ins. by reg. 2(9)(b)(ii) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
113. Words added by reg. 2(10) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
114. Para. (2A) ins. by reg. 2(11) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
115. Para. (2A) ins. by reg. 2(12)(a) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
116. Words subst. by reg. 2(12)(b) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
117. Words subst. by reg. 2(13)(a)(i) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
118. Sub-para. (2) omitted by reg. 2(13)(a)(ii) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
119. Sub-para. (2A) ins. by reg. 2(13)(a)(iii) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
120. Words omitted by reg. 2(13)(a)(iv) of S.R. 2008 No. 102 as from 7.4.08, a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
121. Words subst. by reg. 2(13)(b) of S.R. 2008 No. 102 as from 7.4.08 , a day on or after 7.4.08 or from 6.4.09 (if not commenced by then), see reg. 1 *ibid*.
122. Def. of "sandwich course" subst. by reg. 4 of S.R. 2008 No. 179 as from 19.5.08
123. Defs. of "extended payment (qualifying contributory benefits)" and "extended payment period" subst. for def. of "extended payment (severe disablement allowance and incapacity benefit)" by reg. 3(2)(a) of S.R. 2008 No. 285 as from 6.10.08
124. Def. of "qualifying contributory benefit" ins. by reg. 3(2)(b) of S.R. 2008 No. 285 as from 6.10.08
125. Def. of "qualifying income-related benefit" ins by reg. 3(2)(c) of S.R. 2008 No. 285 as from 6.10.08
126. Reg. 50 subst. by reg. 3(3) of S.R. 2008 No. 285 as from 6.10.08
127. Regs. 51, 51A, 51B and 51C subst. for reg. 51 by by reg. 3(4) of S.R. 2008 No. 285 as from 6.10.08
128. Reg. 56 omitted by reg. 3(5)(a) of S.R. 2008 No. 285 as from 6.10.08
129. Para. (8) omitted by reg. 3(5)(b) of S.R. 2008 No. 285 as from 6.10.08
130. Para. (3) omitted by reg. 3(5)(c) of S.R. 2008 No. 285 as from 6.10.08
131. Sch. 8 omitted by reg. 3(5)(d) of S.R. 2008 No. 285 as from 6.10.08
132. Words ins. by reg. 3(6)(a) of S.R. 2008 No. 285 as from 6.10.08
133. Sub para. (3) added by reg. 3(6)(b) of S.R. 2008 No. 285 as from 6.10.08
134. Words subst. by reg. 3(2)(a) of S.R. 2008 No. 371 as from 1.10.08
135. Paras. (5B), (5BA), (5BB), (5BC) and (5BD) subst. for para. (5B) by reg. 3(2)(b) of S.R. 2008 No. 371 as from 1.10.08
136. Words ins. by reg. 3(2)(c)(i) of S.R. 2008 No. 371 as from 1.10.08
137. Words omitted. by reg. 3(2)(c)(ii) of S.R. 2008 No. 371 as from 1.10.08
138. Para. (5CA) ins. by reg. 3(2)(d) of S.R. 2008 No. 371 as from 1.10.08
139. Para. (5D) subst. by reg. 3(2)(e) of S.R. 2008 No. 371 as from 1.10.08

140. Words omitted by reg. 3(2)(f)(i) of S.R. 2008 No. 371 as from 1.10.08
141. Words subst. by reg. 3(2)(f)(ii) of S.R. 2008 No. 371 as from 1.10.08
142. Para. (5EA) ins. by reg. 3(2)(g) of S.R. 2008 No. 371 as from 1.10.08
143. Words ins. by reg. 3(2)(h) of S.R. 2008 No. 371 as from 1.10.08
144. Para. (5G) ins. by reg. 3(2)(i) of S.R. 2008 No. 371 as from 1.10.08
145. Sub-para. (d) subst. by reg. 3(2)(j) of S.R. 2008 No. 371 as from 1.10.08
146. Reg. 64 subst. by reg. 3(3) of S.R. 2008 No. 371 as from 1.10.08
147. Reg. 91 subst. by reg. 3(4) of S.R. 2008 No. 371 as from 1.10.08
148. Def. of "the Welfare Reform Act" ins. by reg. 4(2)(a)(i) of S.R. 2008 No. 378 as from 27.10.08
149. Words ins.by reg. 4(2)(a)(ii) of S.R. 2008 No. 378 as from 27.10.08
150. Words subst. by reg. 4(2)(a)(iii) of S.R. 2008 No. 378 as from 27.10.08
151. Def. of "contributory employment and support allowance" ins. by reg. 4(2)(a)(iv) of S.R. 2008 No. 378 as from 27.10.08
152. Def. of "the Employment and Support Allowance Regulations" ins. by reg. 4(2)(a)(v) of S.R. 2008 No. 378 as from 27.10.08
153. Def. of "income-related employment and support allowance" ins. by reg. 4(2)(a)(vi) of S.R. 2008 No. 378 as from 27.10.08
154. Def. of "main phase employment and support allowance" ins. by reg. 4(2)(a)(vii) of S.R. 2008 No. 378 as from 27.10.08
155. Para. (c) added by reg. 4(2)(a)(viii) of S.R. 2008 No. 378 as from 27.10.08
156. Para. (c) added by reg. 4(2)(a)(ix) of S.R. 2008 No. 378 as from 27.10.08
157. Para. (3A) ins. by reg. 4(2)(b) of S.R. 2008 No. 378 as from 27.10.08
158. Words subst. by reg. 4(3) of S.R. 2008 No. 378 as from 27.10.08
159. Words subst. by reg. 4(4) of S.R. 2008 No. 378 as from 27.10.08
160. Sub-para. (d) added by reg. 4(5) of S.R. 2008 No. 378 as from 27.10.08
161. Sub-para. (ba) ins. by reg. 4(6)(a)(i) of S.R. 2008 No. 378 as from 27.10.08
162. Words ins. by reg. 4(6)(a)(ii) of S.R. 2008 No. 378 as from 27.10.08
163. Words ins. by reg. 4(6)(b) of S.R. 2008 No. 378 as from 27.10.08
164. Sub-para. (ba) ins. by reg. 4(6)(c)(i) of S.R. 2008 No. 378 as from 27.10.08
165. Sub-para. (ca) ins. by reg. 4(6)(c)(ii) of S.R. 2008 No. 378 as from 27.10.08
166. Head (vii) added by reg. 4(6)(c)(iii) of S.R. 2008 No. 378 as from 27.10.08
167. Para. (12A) ins. by reg. 4(6)(d) of S.R. 2008 No. 378 as from 27.10.08
168. Word and sub-para. (d) added by reg. 4(7)(a) of S.R. 2008 No. 378 as from 27.10.08
169. Sub-para. (d) added by reg. 4(7)(b) of S.R. 2008 No. 378 as from 27.10.08
170. Words subst. by reg. 4(7)(c)(i) of S.R. 2008 No. 378 as from 27.10.08
171. Words ins. by reg. 4(7)(c)(ii) of S.R. 2008 No. 378 as from 27.10.08
172. Words ins. by reg. 4(8)(a) of S.R. 2008 No. 378 as from 27.10.08
173. Words ins. by reg. 4(8)(b) of S.R. 2008 No. 378 as from 27.10.08
174. Words subst. by reg. 4(9) of S.R. 2008 No. 378 as from 27.10.08
175. Words subst. by reg. 4(10) of S.R. 2008 No. 378 as from 27.10.08
176. Sub-para. (f) added by reg. 4(11) of S.R. 2008 No. 378 as from 27.10.08
177. Sub-head (vii) added by reg. 4(12) of S.R. 2008 No. 378 as from 27.10.08
178. Word omitted by reg. 4(13)(a)(i) of S.R. 2008 No. 378 as from 27.10.08
179. Word and head (l) added by reg. 4(13)(a)(ii) of S.R. 2008 No. 378 as from 27.10.08
180. Head (e) added by reg. 4(13)(b) of S.R. 2008 No. 378 as from 27.10.08

181. Words subst. by reg. 5(a) of S.R. 2008 No. 410 as from 6.10.08
182. Superseded
183. Words subst. by reg. 6 of S.R. 2008 No. 417 as from 30.10.08
184. Def. of "the Independent Living Fund" omitted by reg. 7(2)(a) of S.R. 2008 No. 428 as from 17.11.08
185. Def. of "the Independent Living Funds" omitted by reg. 7(2)(b) of S.R. 2008 No. 428 as from 17.11.08
186. Def. of "the Independent Living (Extension) Fund" omitted by reg. 7(2)(c) of S.R. 2008 No. 428 as from 17.11.08
187. Def. of "the Independent Living (1993) Fund" omitted by reg. 7(2)(d) of S.R. 2008 No. 428 as from 17.11.08
188. Sub-para. (b) subst. by reg. 7(3)(a) of S.R. 2008 No. 428 as from 17.11.08
189. Words subst. by reg. 7(3)(b) of S.R. 2008 No. 428 as from 17.11.08
190. Words subst. by reg. 7(4)(a) of S.R. 2008 No. 428 as from 17.11.08
191. Words subst. by reg. 7(4)(b) of S.R. 2008 No. 428 as from 17.11.08
192 Words subst. by reg. 7(5) of S.R. 2008 No. 428 as from 6.4.09
193. Def. of "concessionary payment" subst. by reg. 6(2)(a) of S.R. 2008 No. 498 as from 5.1.09
194. Defs. of "war disablement pension", "war pension", "war widow's pension" and "war widower's pension" subst. for def. of "war widower's pension" by reg. 6(2)(b) of S.R. 2008 No. 498 as from 5.1.09
195. Words subst. by reg. 6(3) of S.R. 2008 No. 498 as from 5.1.09
196. Words subst. by reg. 6(4)(a) of S.R. 2008 No. 498 as from 5.1.09
197. Sub-para. (j) subst. by reg. 6(4)(b) of S.R. 2008 No. 498 as from 5.1.09
198. Words subst. by reg. 6(5) of S.R. 2008 No. 498 as from 5.1.09
199. Words omitted by reg. 6(6)(a)(i) of S.R. 2008 No. 498 as from 5.1.09
200. Words added by reg. 6(6)(a)(ii) of S.R. 2008 No. 498 as from 5.1.09
201. Words added by reg. 6(6)(b) of S.R. 2008 No. 498 as from 5.1.09
202. Words subst. and omitted by reg. 6(6)(c) of S.R. 2008 No. 498 as from 5.1.09
203. Words ins. by reg. 6(6)(d) of S.R. 2008 No. 498 as from 5.1.09
204. Para. 24 omitted by reg. 6(6)(e) of S.R. 2008 No. 498 as from 5.1.09
205. Words subst. by reg. 6(7)(a) of S.R. 2008 No. 498 as from 5.1.09
206. Words subst. by reg. 6(7)(b) of S.R. 2008 No. 498 as from 5.1.09
207. Para. 28A ins. by reg. 6(7)(c) of S.R. 2008 No. 498 as from 5.1.09
208. Para. (13) omitted by reg. 3(2) of S.R. 2008 No. 504 as from 27.1.09
209. Para. (2) subst. by reg. 3(3)(a) of S.R. 2008 No. 504 as from 6.4.09
210. Words subst. by reg. 3(3)(b) of S.R. 2008 No. 504 as from 6.4.09
211. Para. (5) omitted by reg. 3(3)(c) of S.R. 2008 No. 504 as from 6.4.09
212. Words subst. by reg. 3(4)(a) of S.R. 2008 No. 504 as from 6.4.09
213. Para. (1A) ins. by reg. 3(4)(b) of S.R. 2008 No. 504 as from 6.4.09
214. Words. ins. by reg. 3(4)(c)(i) of S.R. 2008 No. 504 as from 6.4.09
215. Words. ins. by reg. 3(4)(c)(ii) of S.R. 2008 No. 504 as from 6.4.09
216. Words subst. by reg. 3(4)(d) of S.R. 2008 No. 504 as from 6.4.09
217. Words ins. by reg. 3(5)(a) of S.R. 2008 No. 504 as from 6.4.09
218. Para. (2A) ins. by reg. 3(5)(b) of S.R. 2008 No. 504 as from 6.4.09
219. Para. (3) subst. by reg. 3(5)(c) of S.R. 2008 No. 504 as from 6.4.09
220. to **235.** Superseded
236. Word omitted by reg. 10(a) of S.R. 2009 No. 90 as from 6.4.09

237. Word and para. (c) added by reg 10(b) of S.R. 2009 No. 90 as from 6.4.09
238. Def. of "basic rate" ins. by reg. 7(2)(a) of S.R. 2009 No. 92 as from 6.4.09
239. Def. of "starting rate" omitted by reg. 7(2)(b) of S.R. 2009 No. 92 as from 6.4.09
240. Sub-paras. (o) and (p) subst. by reg. 7(3) of S.R. 2009 No. 92 as from the first day of the first benefit week to commence for that beneficiary on or after 6.4.09
241. Sub-paras. (a) and (b) subst. by reg. 7(4)(a) of S.R. 2009 No. 92 as from the first day of the first benefit week to commence for that beneficiary on or after 6.4.09
242. Sub-para. (b) subst. by reg. 7(4)(b) of S.R. 2009 No. 92 as from the first day of the first benefit week to commence for that beneficiary on or after 6.4.09
243. Para. (8A) ins. by reg. 7(4)(c) of S.R. 2009 No. 92 as from the first day of the first benefit week to commence for that beneficiary on or after 6.4.09
244. Words omitted by reg. 7(5)(a) of S.R. 2009 No. 92 as from 6.4.09
245. Words subst. by reg. 7(5)(b) of S.R. 2009 No. 92 as from 6.4.09
246. Word and head (d) added by reg. 7(6) of S.R. 2009 No. 92 as from 6.4.09 where rent is payable at intervals of a week or any multiple thereof and 1.4.09 otherwise
247. Para. 28B ins. by reg. 7(7) of S.R. 2009 No. 92 as from the first day of the first benefit week to commence for that beneficiary on or after 6.4.09
248. Para. (2) subst. by reg. 3(2)(a) of S.R. 2009 No. 262 as from 2.11.09
249. Paras. (6) and (7) omitted by reg. 3(2)(b) of S.R. 2009 No. 262 as from 2.11.09
250. Para. 25 subst. by reg. 3(3) of S.R. 2009 No. 262 as from 2.11.09
251. Word omitted by reg. 2(a) of S.R. 2009 No. 276 as from 5.8.09
252. Sub-paras. (d) to (f) added by reg. 2(b) of S.R. 2009 No. 276 as from 5.8.09
253. Words subst. by reg. 7(2)(a)(i) of S.R. 2009 No. 338 as from 2.11.09
254. Words ins. by reg. 7(2)(a)(ii) of S.R. 2009 No. 338 as from 2.11.09
255. Def. of "public authority" ins. by reg. 7(2)(b) of S.R. 2009 No. 338 as from 2.11.09
256. Superseded
257. Sub-para. (e) added by reg. 7(3) of S.R. 2009 No. 338 as from 2.11.09
258. Words ins. by reg. 7(4)(a) of S.R. 2009 No. 338 as from 2.11.09
259. Para. (10A) added by reg. 7(4)(b) of S.R. 2009 No. 338 as from 2.11.09
260. Words subst. by reg. 7(5)(a) of S.R. 2009 No. 338 as from 2.11.09
261. Words subst. by reg. 7(5)(b) of S.R. 2009 No. 338 as from 2.11.09
262. Def. of "equity-sharing lease" inserted by reg. 3(2) of S.R. 2009 No. 382 as from 21.12.09
263. Words ins. by reg. 3(3) of S.R. 2009 No. 382 as from 21.12.09
264. Words ins. by reg. 3(4) of S.R. 2009 No. 382 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
265. Para. (2) omitted by reg. 3(5)(a) of S.R. 2009 No. 382 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
266. Ref. omitted by reg. 3(5)(b) of S.R. 2009 No. 382 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
267. Words ins. by reg. 3(5)(c) of S.R. 2009 No. 382 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
268. Words omitted by reg. 3(5)(d) of S.R. 2009 No. 382 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise

269. Reg. 82A ins by reg. 3(6) of S.R. 2009 No. 382 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
270. Para. 5A ins. by reg. 3(7) of S.R. 2009 No. 382 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
271. Sub-paras. (ba), (bb) and (bc) ins. by reg. 3 of S.R. 2010 No. 8 as from 26.1.10
272. Def. of "MFET Limited" ins. by reg. 9(2) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
273. Words ins. by reg. 9(3)(a) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
274. Words ins. by reg. 9(3)(b) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
275. Words ins. by reg. 9(3)(c) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
276. Words ins. by reg. 9(3)(d) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
277. Words subst. by reg. 9(4) of S.R. 2010 No. 69 as from 6.4.10
278. Words ins. by reg. 9(5)(a) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
279. Words ins. by reg. 9(5)(b) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
280. Words ins. by reg. 9(5)(c) of S.R. 2010 No. 69 as from 5.4.10 where rent is payable at intervals of a week or any multiple thereof and 1.4.10 otherwise
281. Words subst. by reg. 9(6) of S.R. 2010 No. 69 as from 6.4.10
282. Words subst. by reg. 9(2) of S.R. 2010 No. 103 as from 6.4.10
283. Words subst. by reg. 9(3) of S.R. 2010 No. 103 as from 6.4.10
284. to **298.** Superseded
299. Def. of "person who requires overnight care" ins. by reg. 3(2) of S.R. 2011 No. 51 as from 1.4.11
300. Words ins. by reg. 3(3) of S.R. 2011 No. 51 as from 1.4.11
301. Reg. 13D. ins. by reg. 3(4) of S.R. 2011 No. 51 as from 1.4.11
302. Words ins by reg. 3(5)(a) of S.R. 2011 No. 51 as from 1.4.11
303. Superseded
304. Para. (5) subst. by reg. 3(5)(c) of S.R. 2011 No. 51 as from 1.4.11
305. Paras. (6) to (9) omitted by reg. 3(5)(d) of S.R. 2011 No. 51 as from 1.4.11
306. Words subst. by reg. 3(6) of S.R. 2011 No. 51 as from 1.4.11
307. Words ins. by reg. 3(7)(a) of S.R. 2011 No. 51 as from 1.4.11
308. Superseded
309. Head (f) added by reg. 3(8) of S.R. 2011 No. 51 as from 1.4.11
310. to **325.** Superseded
326. Reg. renumbered by reg. 13(a)(i) of S.R. 2011 No. 135 as from 4.4.11 where rent is payable at intervals of a week or any multiple thereof and 1.4.11 otherwise
327. Words ins. by reg. 13(a)(ii) of S.R. 2011 No. 135 as from 4.4.11 where rent is payable at intervals of a week or any multiple thereof and 1.4.11 otherwise
328. Sub-para. (2) added by reg. 13(a)(iii) of S.R. 2011 No. 135 as from 4.4.11 where rent is payable at intervals of a week or any multiple thereof and 1.4.11 otherwise

329. Sub-para. (c) subst. by reg. 13(b) of S.R. 2011 No. 135 as from 4.4.11 where rent is payable at intervals of a week or any multiple thereof and 1.4.11 otherwise
330. Words ins. by reg. 5(2) of S.R. 2011 No. 136 as from 1.5.11
331. Words ins. by reg. 5(3)(a) of S.R. 2011 No. 136 as from 1.5.11
332. Para. (1A) ins. by reg. 5(3)(b) of S.R. 2011 No. 136 as from 1.5.11
333. Sub-paras. (a), (b) and (c) substituted for sub-paras (a) and (b) by reg. 5(4) of S.R. 2011 No. 136 as from 1.5.11
334. Words ins. by reg. 5(5) of S.R. 2011 No. 136 as from 1.5.11
335. Words omitted by reg. 5(6) of S.R. 2011 No. 136 as from 1.5.11
336. Superseded
337. Head (iia) ins. by reg. 5(8) of S.R. 2011 No. 136 as from 1.5.11
338. Word ins. by reg. 10(2) of S.R. 2011 No. 291 as from 1.9.11
339. Words ins. by reg. 10(3) of S.R. 2011 No. 291 as from 1.9.11
340. Def. of "young individual" omitted by reg. 3(2) of S.R. 2011 No. 293 as from 1.1.12
341. Words subst. and added by reg. 3(3)(a) of S.R. 2011 No. 293 as from 1.1.12
342. Word omitted by reg. 3(3)(b) of S.R. 2011 No. 293 as from 1.1.12
343. Sub-para. (c) omitted by reg. 3(3)(c) of S.R. 2011 No. 293 as from 1.1.12
344. Para. 5 omitted by reg. 3(4) of S.R. 2011 No. 293 as from 1.1.12
345. Head (e) omitted by reg. 3(5) of S.R. 2011 No. 293 as from 1.1.12
346. Def. of "the Caxton Foundation" ins. by reg. 20(2)(a) of S.R. 2011 No. 357 as from 31.10.11
347. Words ins. by reg. 20(2)(b) of S.R. 2011 No. 357 as from 31.10.11
348. Superseded
349. Words omitted by reg. 20(4) of S.R. 2011 No. 357 as from 31.10.11
350. Words subst. by reg. 20(5)(a) of S.R. 2011 No. 357 as from 31.10.11
351. Para. (3) added by reg. 20(5)(b) of S.R. 2011 No. 357 as from 31.10.11
352. Words ins. by reg. 20(6) of S.R. 2011 No. 357 as from 31.10.11
353. Words ins. by reg. 20(7)(a) of S.R. 2011 No. 357 as from 31.10.11
354. Words ins. by reg. 20(7)(b) of S.R. 2011 No. 357 as from 31.10.11
355. Sub-para. (2) omitted reg. 20(8)(a) of S.R. 2011 No. 357 as from 31.10.11
356. Words ins. by reg. 20(8)(b) of S.R. 2011 No. 357 as from 31.10.11
357. Para. 28C inserted by reg. 20(9)(a) of S.R. 2011 No. 357 as from 31.10.11
358. Words added by reg. 3(5)(a) of S.R. 2012 No. 44 as from 6.3.12
359. Words added by reg. 3(5)(b) of S.R. 2012 No. 44 as from 6.3.12
360. Words subst. by reg. 4(2)(a) of S.R. 2012 No. 108 as from 1.4.12
361. Words subst. by reg. 4(2)(b) of S.R. 2012 No. 108 as from 1.4.12
362. Words ins. by reg. 4(3) of S.R. 2012 No. 108 as from 1.4.12
363. Sums subst. by Art. 21(3)(a) of S.R. 2012 No. 116 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
364. to 368. Superseded
369. Sum subst. by Art. 21(3)(b)(vi) of S.R. 2012 No. 116 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
370. Sums subst. by Art. 21(3)(b)(vii) of S.R. 2012 No. 116 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise

371. Sums subst. by Art. 21(3)(b)(viii) of S.R. 2012 No. 116 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
372. to 378. Superseded
379. Def. of "paternity leave" subst. by reg. 7(2) of S.R. 2012 No. 121 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
380. Heads (xiv) and (xiva) subst. for head (xiv) by reg. 7(3) of S.R. 2012 No. 121 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
381. Words subst. by reg. 7(4)(a) of S.R. 2012 No. 121 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
382. Words subst. by reg. 7(4)(b) of S.R. 2012 No. 121 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
383. Sub-paras. (i) and (ia) subst. for sub-para. (i) by reg. 7(5) of S.R. 2012 No. 121 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
384. Words subst. by reg. 7(6) of S.R. 2012 No. 121 as from 2.4.12 where rent is payable at intervals of a week or any multiple thereof and 1.4.12 otherwise
385. Words subst. by reg. 5 of S.R 2012 No.140 as from 17.4.12
386. Sub-para. (bb) ins. by reg. 6(a) of S.R. 2012 No. 380 as from 8.11.12
387. Word omitted by reg. 6(b) of S.R. 2012 No. 380 as from 8.11.12
388. Word and sub-para. (e) added by reg. 6(c) of S.R. 2012 No. 380 as from 8.11.12
389. Head (i) subst. by reg. 7(2)(a) of S.R. 2013 No. 67 as from 2.4.13
390. Para. (16A) ins. by reg. 7(2)(b) of S.R. 2013 No. 67 as from 2.4.13
391. Word omitted by reg. 7(3)(a) of S.R. 2013 No. 67 as from 2.4.13
392. Head (m) added by reg. 7(3)(b) of S.R. 2013 No. 67 as from 2.4.13
393. Sums subst. by Art. 20(3)(a) of S.R. 2013 No. 69 as from 1.4.13
394. Sum subst. by Art. 20(3)(b)(i) of S.R. 2013 No. 69 as from 1.4.13
395. Sums subst. by Art. 20(3)(b)(ii) of S.R. 2013 No. 69 as from 1.4.13
396. Sums subst. by Art. 20(3)(b)(iii) of S.R. 2013 No. 69 as from 1.4.13
397.` Sums subst. by Art. 20(3)(b)(iv) of S.R. 2013 No. 69 as from 1.4.13
398. Sums subst. by Art. 20(3)(b)(v) of S.R. 2013 No. 69 as from 1.4.13
399. Sums subst. by Art. 20(4)(a) of S.R. 2013 No. 69 as from 1.4.13
400. Sums subst. or maintained by Art. 20(4)(b) of S.R. 2013 No. 69 as from 1.4.13
401. Sums subst. by Art. 20(5) of S.R. 2013 No. 69 as from 1.4.13
402. Sum maintained by Art. 20(6) of S.R. 2013 No. 69 as from 1.4.13
403. Sums subst. by Art. 20(7) of S.R. 2013 No. 69 as from 1.4.13
404. Sum maintained by Art. 20(8) of S.R. 2013 No. 69 as from 1.4.13
405. Sum maintained by Art. 20(9) of S.R. 2013 No. 69 as from 1.4.13
406. Superseded
407. Sub-para. (h) subst. by reg. 10(2)(a) of S.R. 2013 No. 406 as from 29.10.13
408. Word added by reg. 10(2)(b) of S.R. 2013 No. 406 as from 29.10.13
409. Paras. 5(k), (kk) and (6) omitted by reg. 10(2)(c) of S.R. 2013 No. 406 as from 29.10.13
410. Para. (1) subst. by reg. 10(3)(a) of S.R. 2013 No. 406 as from 29.10.13
411. Para. (2) omitted by reg. 10(3)(b) of S.R. 2013 No. 406 as from 29.10.13
412. Words omitted by reg. 10(3)(c) of S.R. 2013 No. 406 as from 29.10.13

413. Para. 31A ins. by reg. 6 of S.R. 2013 No. 277 as from 12.12.13
414. Def. of "armed forces independence payment" ins. by Art. 27(2)(a) of S.I. 2013/3021 as from 24.12.13
415. Words subst. by Art.27(2)(b) of S.I. 2013/3021 as from 24.12.13
416. Sub para. (zi) inserted by Art. 27(2)(c)(i) of S.I. 2013/3021 as from 24.12.13
417. Words subst. by Art. 27(2)(c)(ii) of S.I. 2013/3021 as from 24.12.13
418. Head (ia) ins. by Art. 27(3) of S.I. 2013/3021 as from 24.12.13
419. Head (ia) ins. by Art. 27(4)(a) of S.I. 2013/3021 as from 24.12.13
420. Head(za) ins. by Art. 27(4)(b) of S.I. 2013/3021 as from 24.12.13
421. Head (zi) ins. by Art. 27(5)(a) of S.I. 2013/3021 as from 24.12.13
422. Words ins. by Art. 27(5)(b) of S.I. 2013/3021 as from 24.12.13
423. Words ins. by Art. 27(6) of S.I. 2013/3021 as from 24.12.13
424. Words ins. by Art. 27(7)(a) of S.I. 2013/3021 as from 24.12.13
425. Words ins. by Art.. 27(7)(b)(i) of S.I. 2013/3021 as from 24.12.13
426. Words ins. by Art. 27(7)(b)(ii) of S.I. 2013/3021 as from 24.12.13
427. Words ins. by Art. 27(7)(b)(iii) of S.I. 2013/3021 as from 24.12.13
428. Words ins. by Art. 27(7)(c) of S.I. 2013/3021 as from 24.12.13
429. Words ins. by Art. 27(7)(d) of S.I. 2013/3021 as from 24.12.13
430. Para. (iva) ins. Art. 27(8) of S.I. 2013/3021 as from 24.12.13
431. Head (za) ins. by Art. 27(9) of S.I. 2013/3021 as from 24.12.13
432 Word omitted by reg. 4(a)(i) of S.R. 2013 No. 282 as from 1.1.14
433. Para. (iv) added by reg. 4(a)(ii) of S.R. 2013 No. 282 as from 1.1.14
434. Para (3) subst by reg. 4(b) of S.R. 2013 No. 282 as from 1.1.14
435. Paras. (4) and (6) omitted by reg. 4(c) of S.R. 2013 No. 282 as from 1.1.14
436. Def. of "service user group" omitted by reg. 7(2)(a) of S.R. 2014 No. 105 as from 28/4/14
437. Para. (5A) ins. by reg. 7(2)(b) of S.R. 2014 No. 105 as from 28.4.14
438. Words subst. by reg. 7(3) of S.R. 2014 No. 105 as from 28.4.14
439. Words subst. by reg. 7(4) of S.R. 2014 No. 105 as from 28.4.14
440. Words subst. by reg. 7(5) of S.R. 2014 No. 105 as from 28.4.14
441. Sub-paras. (a) to (f) subst. by sub-paras. (za), (zb) and (zc) by reg. 6 of S.R. 2014 no. 133 as from 31.5.14
442. Sums subst. by Art. 20(3)(a) of S.R. 20014 No. 78 as from 1.4.14
443. Suns subst. by Art. 20(3)(b)(i) of S.R. 2014 No. 78 as from 1.4.14
444. Sums subst. by Art. 20(3)(b)(ii) of S.R. No. 78 as from 1.4.14
445. Sums subst. by Art. 20(3)(b)(iii) of S.R. No. 78 as from 1.4.14
446. Sums subst. by Art. 20(3)(b)(iv) of S.R. No. 78 as from 1.4.14
447. Sums subst. by Art 20(3)(b)(v) of S.R. No. 78 as from 1.4.14
448. Sums subst. by Art 20(4)(a) of S.R. No. 78 as from 1.4.14
449. Sums subst. by Art 20(4)(b) of S.R. No. 78 as from 1.4.14
450. Sums subst. by Art 20(5) of S.R. No. 78 as from 1.4.14
451. Sums subst. by Art 20(6) of S.R. No. 78 as from 1.4.14
452. Sums subst. by Art 20(7) of S.R. No. 78 as from 1.4.14
453. Sums maintained by Art. 20(8) of S.R. No. 78 as from 1.4.14
454. Sums maintained by Art. 20(9) of S.R. No 78 as from 1.4.14
455. Sub-para. (b) subst. by reg. 6(2)(a) of S.R. 2014 No. 275 as from 26.11.14
456. Words subst. by reg. 6(2)(b) of S.R. 2014 No. 275 as from 26.11.14
457. Sub-para. (4) subst. by reg. 6(3)(a) of S.R. 2014 No. 275 as from 26.11.14

458. Sub-para. (5) subst. by reg. 6(3)(b) of S.R. 2014 No. 275 as from 26.11.14
459. Head (b) subst. by reg. 6(4) of S.R. 2014 No. 275 as from 26.11.14
460. Words inserted by regulation (3)(2) of S.R. 2015 No. 19 as from 18.2.15
461. Para (2A) inserted by regulation (3)(3) of S.R. 2015 No. 19 as from 18.2.15
462. Para (3A) inserted by regulation (3)(4) of S.R. 2015 No. 19 as from 18.2.15
463. Sums maintained by Article 24(2) of S.R 2026 No. 59 as from 06.04.2026
464. Sums substituted by Art 24(3)(a) of S.R. 2026 No. 59 as from 06.04.2026
465. Sum substituted by Art 24(3)(b)(i) of S.R. 2026 No. 59 as from 06.04.2026
466. Sums substituted by Art 24(3)(b)(ii) of S.R 2026 No. 59 as from 06.04.2026
467. Sums substituted by Art 24(3)(b)(iii) of S.R. 2026 No. 59 as from 06.04.2026
468. Sums substituted by Art 24(3)(b)(iv) of S.R. 2026 No. 59 as from 06.04.2026
469. Sums substituted by Art 24(3)(b)(v) of S.R. 2026 No. 59 as from 06.04.2026
470. Sums substituted by Art 24(4)(a) of S.R. 2026 No. 59 as from 06.04.2026
471. Sums maintained by Art 24(4)(b) of S.R. 2023 No. 150 as from 26.09.2023
472. Sums substituted by Art 24(5)(a) of S.R. 2026 No. 59 as from 06.04.2026
473. Sum substituted by Art 24(6) of S.R. 2026 No. 59 as from 06.04.2026
474. Sums substituted by Art 24(7) of S.R. 2026 No. 59 as from 06.04.2026
475. Sums maintained by Art 24(8) of S.R. 2026 No. 59 as from 06.04.2026
476. Sum maintained by Art 24(9) of S.R. 2025 No. 64 as from 01.04.2025
477. Word omitted by Art 16(2)(a)(i) of S.R. 2015 No. 146 as from 15.3.15
478. Words omitted by Art 16(2)(a)(ii) of S.R. 2015 No. 146 as from 15.3.15
479. Words inserted by Art 16(2)(b) of S.R. 2015 No. 146 as from 15.3.15
480. Words substituted by Art 16(3) of S.R. 2015 No. 146 as from 15.3.15
481. Word omitted by Art 16(4)(a) of S.R. 2015 No. 146 as from 15.3.15
482. Sub-para (xiva) omitted by Art 16(4)(b) of S.R. 2015 No. 146 as from 15.3.15
483. Sub-para (xva) inserted by Art 16(4)(c) of S.R. 2015 No. 146 as from 15.3.15
484. Words substituted by Art 16(5)(a) of S.R. 2015 No. 146 as from 15.3.15
485. Words substituted by Art 16(5)(b) of S.R. 2015 No. 146 as from 15.3.15
486. Word omitted by Art 16(5)(c)(i) of S.R. 2015 No. 146 as from 15.3.15
487. Words omitted by Art 16(5)(c)(ii) of S.R. 2015 No. 146 as from 15.3.15
488. Words inserted by Art 16(5)(c)(iii) of S.R. 2015 No. 146 as from 15.3.15
489. Word omitted by Art 16(5)(d)(i) of S.R. 2015 No. 146 as from 15.3.15
490. Words substituted by Art 16 (5)(d)(ii) of S.R. 2015 No. 146 as from 15.3.15
491. Words omitted by Art 16(5)(e)(i) of S.R. 2015 No. 146 as from 15.3.15
492. Words substituted by Art 16(5)(e)(ii) of S.R. 2015 No. 146 as from 15.3.15
493. Word omitted by Art 16(6)(a) of S.R. 2015 No. 146 as from 15.3.15
494. Head omitted by Art 16(6)(b) of S.R. 2015 No. 146 as from 15.3.15
495. Head inserted by Art 16(6)(c) of S.R. 2015 No. 146 as from 15.3.15
496. Words omitted by Art 16(7)(a) of S.R. 2015 No. 146 as from 15.3.15
497. Words substituted by Art 16(7)(b) of S.R. 2015 No. 146 as from 15.3.15
498. Words substituted by regulation 7(2) of S.R. 2015 No. 163 as from 6.4.15
499. Words substituted by regulation 7(3)(a) of S.R. 2015 No. 163 as from 6.4.15
500. Words substituted by regulation 7(3)(b) of S.R. 2015 No. 163 as from 6.4.15
501. Words substituted by regulation 7(3)(c) of S.R. 2015 No. 163 as from 6.4.15
502. Sub-para inserted by regulatin 2(2)(a) of S.R. 2015 No.34 as from 23.2.15
503. Words substituted by regulation 2(2)(b) of S.R. 2015 No. 34 as from 23.2.15
504. Words inserted by Art. 24(2) of S.R. 2015 No. 411 as from 6.4.16
505. Words inserted by Art. 24(3) of S.R. 2015 No. 411 as from 6.4.16**506**. Words inserted by Art. 24(4)(a) of S.R. 2015 No. 411 as from 6.4.16

507. Word omitted by Art. 24(4)(b) of S.R. 2015 No. 411 as from 6.4.16
508. Sub-paragraph (d) inserted by Art. 24(4)(c) of S.R. 2015 No. 411 as from 6.4.16
509. Sub-paragraph (d) inserted by Art. 24(4)(d) of S.R. 2015 No. 411 as from 6.4.16
510. Words substituted by Art. 24(4)(e) of S.R. 2015 No. 411 as from 6.4.16
511. Paras (10ZA) to (10ZD) inserted by Art. 24(4)(f) of S.R. 2015 No. 411 as from 6.4.16
512. Paragraph 28ZA inserted by Art. 24(5) of S.R. 2015 No. 411 as from 6.4.16
513. Words subst. by reg. 4(2)(a) of S.R 2016 No. 230 as from 20.6.16
514. Words subst. by reg. 4(2)(b)(i) of S.R. 2016 No. 230 as from 20.6.16
515. Words subst. reg. 4(2)(b)(ii) of S.R 2016 No. 230 as from 20.6.16
516. Words subst. by reg. 4(2)(b)(iii) of S.R. 2016 No. 230 as from 20.6.16
517. Words subst. by reg. 4(2)(c) of S.R. 2016 No. 230 as from 20.6.16
518. Word susbt. by reg. 4(3) of S.R. 2016 No. 230 as from 20.6.16
519. Defns of "Scottish basic rate" and "Scottish taxpayer" inserted by reg 5(2) of S.R. 2016 No. 147 as from 6.4.16
520. Sub-para (aa) inserted by reg 5(3)(a) of S.R. 2016 No. 147 as from 6.4.16
521. Word susbtituted by reg 5(3)(b) of S.R. 2016 No. 147 as from 6.4.16
522. Words inserted by reg 5(4)(a) of S.R. 2016 No. 147 as from 6.4.16
523. ords inserted by reg 5(4)(b) of S.R. 2016 No. 147 as from 6.4.16
524. Words inserted by reg 5(4)(c) of S.R. 2016 No. 147 as from 6.4.16
525. Words substituted by reg 5(4)(d) of S.R. 2016 No. 147 as from 6.4.16
526. Words inserted by reg 5(5)(a) of S.R. 2016 No. 147 as from 6.4.16
527. Words substituted by reg 5(5)(b) of S.R. 2016 No. 147 as from 6.4.16
528. Words inserted by reg 5(5)(c) of S.R. 2016 No. 147 as from 6.4.16
529. Sub-para (g) inserted by reg 33(2)(a) of S.R. 2016 No. 147 as from 6.4.16
530. Word omitted and sub-para (e) inserted by reg 33(2)(i) and (ii) of S.R. 2016 No. 224 as from 20.6.16
531. Reg 83A inserted by reg 33(3) of S.R. 2016 No. 224 as from 20.6.16
532. Defn inserted by reg 31(2)(a) of S.R. 2016 No. 228 as from 20.6.16
533. Defn susbt. by reg 31(2)(b) of S.R. 2016 No. 228 as from 20.6.16
534. Sub-head (iia) inserted by reg 31(2)(c)(ii) of S.R. 2016 No. 228 as from 20.6.16
535. Words substituted by reg 31(2)(c)(iii) of S.R. 2016 No. 228 as from 20.6.16
536. Defn inserted by reg 31(2)(d) of S.R. 2016 No. 228 as from 20.6.16
537. Head (ib) inserted by reg 31(3) of S.R. 2016 No. 228 as from 20.6.16
538. Head (viii) inserted by reg 31(4)(a) of S.R. 2016 No. 228 as from 20.6.16
539. Words subst. by reg 33(4)(b) of S.R. 2016 No. 228 as from 20.6.16
540. Sub-para (d) inserted by reg 31(4)(d) of S.R. 2016 No. 228 as from 20.6.16
541. Head (iii) inserted by reg 31(5)(b) of S.R. 2016 No. 228 as from 20.6.16
542. Words subst. by reg 31(5)(c) of S.R. 2016 No. 228 as from 20.6.16
543. Words susbt. by reg 31(6) of S.R. 2016 No. 228 as from 20.6.16
544. Para 5(2) subst. by reg 31(7)(a) of S.R. 2016 No. 228 as from 20.6.16
545. Words subst. by reg 31(7)(b)(i) of S.R. 2016 No. 228 as from 20.6.16
546. Words subst. by reg 31(7)(b)(ii) of S.R. 2016 No. 228 as from 20.6.16
547. Words inserted by reg 31(7)(b)(iii) of S.R. 2016 No. 228 as from 20.6.16
548. Words subst. by reg 31(7)(b)(iv) of S.R. 2016 No. 228 as from 20.6.16
549. Head (c) inserted by reg 31(7)(b)(v) of S.R. 2016 No. 228 as from 20.6.16
550. Sub-para (1) subst. by reg 31(7)(c) of S.R. 2016 No. 228 as from 20.6.16
551. Sub-para (d) inserted by reg 31(7)(d) of S.R. 2016 No. 228 as from 20.6.16
552. Sub-head (vii) inserted by reg 31(8) of S.R. 2016 No. 228 as from 20.6.16
553. Head (ba) inserted by reg 31(9) of S.R. 2016 No. 228 as from 20.6.16
554. Defn. inserted by reg 4(2)(a) of S.R. 2016 No. 326 as from 20.02.17
555. Defn. inserted by reg 4(2)(b) of S.R. 2016 No. 326 as from 20.02.17
556. Defn. inserted by reg 4(2)(c) of S.R. 2016 No. 326 as from 20.02.17
557. Words subst. by reg 4(3)(a) of S.R. 2016 No. 326 as from 20.02.17
558. Para.(ba) inserted by reg 4(3)(b)(i) of S.R. 2016 No. 326 as from 20.02.17

559. Words omitted by reg 4(3)(b)(ii) of S.R. 2016 No. 326 as from 20.02.17
560. Para.(3A) and (3B) added by reg 4(3)(c) of S.R. 2016 No. 326 as from 20.02.17
561. Defn. for "occupiers" substituted by reg 4(3)(d) of S.R. 2016 No. 326 as from 20.02.17
562. Para.(g) added by reg 4(4) of S.R. 2016 No. 326 as from 20.02.17
563. Para.(ba) inserted by reg 4(5)(a) of S.R. 2016 No. 326 as from 20.02.17
564. Para.(10A) and (10B) substituted by reg 4(5)(b) of S.R. 2016 No. 326 as from 20.02.17
565. Para.(g) and (h) added by reg 4(6)(a) of S.R. 2016 No. 326 as from 20.02.17
566. Sub-para (4) added by reg 4(6)(b) of S.R. 2016 No. 326 as from 20.02.17
567. Words removed from defn. for "attendance allowance" by reg 4 of S.R. 2016 No. 432 as from 16.01.17
568. Words inserted by reg 3(2)(a) of S.R. 2017 No.1 as from 30.01.17
569. Words inserted by reg 3(2)(b) of S.R. 2017 No.1 as from 30.01.17
570. Sub-para inserted by reg 3(2)(d) of S.R. 2017 No.1 as from 30.01.17
571. Sub-para inserted by reg 3(2)(d) of S.R. 2017 No.1 as from 30.01.17
572. Words substituted by reg 3(2)(e)(i) of S.R. 2017 No.1 as from 30.01.17
573. Words substituted by reg 3(2)(e)(ii) of S.R. 2017 No.1 as from 30.01.17
574. Words omitted by reg 3(2)(e)(iii) of S.R. 2017 No.1 as from 30.01.17
575. Sub-para substituted by reg 3(2)(e)(iv) of S.R. 2017 No.1 as from 30.01.17
576. Sub-para inserted by reg 3(2)(f) of S.R. 2017 No.1 as from 30.01.17
577. Para inserted by reg 3(2)(g) of S.R. 2017 No.1 as from 30.01.17
578. Words inserted by reg 3(2)(h)(i) of S.R. 2017 No.1 as from 30.01.17
579. Words inserted by reg 3(2)(h)(ii) of S.R. 2017 No.1 as from 30.01.17
580. Words inserted by reg 3(2)(h)(iii) of S.R. 2017 No.1 as from 30.01.17
581. Para substituted by reg 3(3) of S.R. 2017 No.1 as from 30.01.17
582. Para substituted by reg 3(4) of S.R. 2017 No.1 as from 30.01.17
583. Para substituted by Reg 6(2) of S.R. 2017 No. 62 from 10.04.17
584. Para substituted by Reg 6(3) of S.R. 2017 No. 62 from 10.04.17
585. Head substituted by Reg 22(2) of S.R. 2017 No. 66 from 06.04.17
586. Sub-para inserted by Reg 22(3) of S.R. 2017 No. 66 from 06.04.17
587. Para inserted by Reg 22(4) of S.R. 2017 No. 66 from 06.04.17
588. Definition inserted by Reg 3(2)(a) of S.R. 2017 No. 70 as from 20.04.17
589. Words inserted by Reg 3(2)(b) of S.R. 2017 No. 70 as from 20.04.17
590. Sub-para inserted by Reg 3(2)(c) of S.R. 2017 No. 70 as from 20.04.17
591. Words inserted by Reg 3(3)(a)(i) of S.R. 2017 No. 70 as from 20.04.17
592. Words inserted by Reg 3(3)(a)(ii) of S.R. 2017 No. 70 as from 20.04.17
593. Words inserted by Reg 3(3)(a)(iii) of S.R. 2017 No. 70 as from 20.04.17
594. Sub-para substituted by Reg 3(3)(b) of S.R. 2017 No. 70 as from 20.04.17
595. Words inserted by Reg 3(4)(a) of S.R. 2017 No. 70 as from 20.04.17
596. Words omitted by Reg 3(4)(b) of S.R. 2017 No. 70 as from 20.04.17
597. Words inserted by Reg 3(4)(c) of S.R. 2017 No. 70 as from 20.04.17
598. Sub-para substituted by Reg 3(4)(d) of S.R. 2017 No. 70 as from 20.04.17
599. Para substituted by Reg 3(5)(a) of S.R. 2017 No. 70 as from 20.04.17
600. Words inserted by Reg 3(5)(b) of S.R. 2017 No. 70 as from 20.04.17
601. Words inserted by Reg 35(2)(a) of S.R. 2016 No. 236 as from 27.09.17
602. Words inserted by Reg 35(2)(b) of S.R. 2016 No. 236 as from 27.09.17
603. Words inserted by Reg 35(3)(a) of S.R. 2016 No. 236 as from 27.09.17

604. Words inserted by Reg 35(3)(b) of S.R. 2016 No. 236 as from 27.09.17
605. Words inserted by Reg 35(3)(c) of S.R. 2016 No. 236 as from 27.09.17
606. Words inserted by Reg 35(4) of S.R. 2016 No. 236 as from 27.09.17
607. Words inserted by Reg 35(5)(a) of S.R. 2016 No. 236 as from 27.09.17
608. Words inserted by Reg 35(5)(a) of S.R. 2016 No. 236 as from 27.09.17
609. Words inserted by Reg 35(3)(b) of S.R. 2016 No. 236 as from 27.09.17
610. Words inserted by Reg 35(6) of S.R. 2016 No. 236 as from 27.09.17
611. Words inserted by Reg 35(7)(a)(i) of S.R. 2016 No. 236 as from 27.09.17
612. Words inserted by Reg 35(7)(a)(ii) of S.R. 2016 No. 236 as from 27.09.17
613. Words inserted by Reg 35(7)(a)(ii) of S.R. 2016 No. 236 as from 27.09.17
614. Words inserted by Reg 35(7)(a)(iii) of S.R. 2016 No. 236 as from 27.09.17
615. Words inserted by Reg 35(7)(a)(iii) of S.R. 2016 No. 236 as from 27.09.17
616. Words inserted by Reg 35(7)(a)(iv) of S.R. 2016 No. 236 as from 27.09.17
617. Words inserted by Reg 35(7)(a)(v) of S.R. 2016 No. 236 as from 27.09.17
618. Words inserted by Reg 35(7)(a)(v) of S.R. 2016 No. 236 as from 27.09.17
619. Words inserted by Reg 35(7)(b)(i) of S.R. 2016 No. 236 as from 27.09.17
620. Words inserted by Reg 35(7)(b)(ii) of S.R. 2016 No. 236 as from 27.09.17
621. Words inserted by Reg 35(8)(a) of S.R. 2016 No. 236 as from 27.09.17
622. Words inserted by Reg 35(8)(b) of S.R. 2016 No. 236 as from 27.09.17
623. Sub-para (b) substituted by reg. 7(2)(a) of S.R. 2017 No. 79 as from 11.5.17 (see reg. 8 of that Reg for transitional provision)
624. Paras (3) to (6) inserted by reg. 7(2)(b) of S.R. 2017 No. 79 as from 11.5.17 (see reg. 8 of that Reg for transitional provision)
625. Definition inserted by para 7(2) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
626. Words omitted by para 7(3)(a) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
627. Words inserted by para 7(3)(b) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
628. Words omitted by para 7(4)(a)(i) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
629. Words inserted by para 7(4)(a)(ii) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
6**30.** Words omitted by para 7(4)(b)(i) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
631. Words inserted by para 7(4)(b)(ii) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
632. Words omitted by para 7(5) of Sch. 1 to S.R. 2017 No. 51 as from 3.4.17
633. Words inserted by reg. 5(2)(a) of S.R. 2017 No. 148 as from 31.07.17
634. Word substituted by reg. 5(2)(b) of S.R. 2017 No. 148 as from 31.07.17
635 Two entries, words substituted by reg. 5(3) of S.R. 2017 No. 148 as from 31.07.17
636. Definition inserted by reg. 7(2)(a) of S.R. 2017 No. 205 as from 27.9.17
637. Words inserted by reg. 7(2)(b) of S.R. 2017 No. 205 as from 27.9.17
638. Definition inserted by reg. 7(2)(c) of S.R. 2017 No. 205 as from 27.9.17
639. Words inserted by reg. 7(3)(a) of S.R. 2017 No. 205 as from 27.9.17
640. Words inserted by reg. 7(3)(b) of S.R. 2017 No. 205 as from 27.9.17
641. Words inserted by reg. 7(3)(c) of S.R. 2017 No. 205 as from 27.9.17
642. Words inserted by reg. 12(2)(a) of S.R. 2017 No. 218 as from 16.11.17
643. Sub-paras (e) and (f) added by reg. 12(2)(b) of S.R. 2017 No. 218 as from 16.11.17
644. Words substituted by reg. 12(3) of S.R. 2017 No. 218 as from 16.11.17
645. Words substituted by reg. 12(4)(a) of S.R. 2017 No. 218 as from 16.11.17
646. Words substituted by reg. 12(4)(b) of S.R. 2017 No. 218 as from 16.11.17
647. Definition inserted by reg. 7(2)(a) of S.R. 2017 No. 219 as from 30.10.2017
648. Definition inserted by reg. 7(2)(b) of S.R. 2017 No. 219 as from 30.10.2017
649. Words inserted by reg. 7(2)(c) of S.R. 2017 No. 219 as from 30.10.2017
650. Definition inserted by reg. 7(2)(d) of S.R. 2017 No. 219 as from 30.10.2017
651. Words inserted by reg. 7(3)(a) of S.R. 2017 No. 219 as from 30.10.2017

652. Words inserted by reg. 7(3)(b) of S.R. 2017 No. 219 as from 30.10.2017
653. Sub-para (d) added by reg. 7(4) of S.R. 2017 No. 219 as from 30.10.2017
654. Paragraph 28E. added by reg. 7(5) of S.R. 2017 No. 219 as from 30.10.2017
655. Words substituted by reg. 7(2) of S.R. 2017 No. 242 as from 6.12.2018
656. Words omitted by reg. 7(3)(a) of S.R. 2017 No. 242 as from 6.12.2018
657. Words omitted by reg. 7(3)(b) of S.R. 2017 No. 242 as from 6.12.2018
658. Sub-paras (c) and (d) omitted by reg. 7(4)(a) of S.R. 2017 No. 242 as from 6.12.2018
659. Words omitted by reg. 7(4)(b) of S.R. 2017 No. 242 as from 6.12.2018
660. Sub-para (a) omitted by reg. 7(5) of S.R. 2017 No. 242 as from 6.12.2018
661. Words inserted by reg. 7(6) of S.R. 2017 No. 242 as from 6.12.2018
662. Word and paragraph (a) omitted by reg. 7(7)(a)(i) and (ii) of S.R. 2017 No. 242 as from 6.12.2018
663. Words subsitituted by reg. 7(7)(a)(iii) of S.R. 2017 No. 242 as from 6.12.2018
664. Paragraph (a) omitted by reg. 7(7)(b)(i) of S.R. 2017 No. 242 as from 6.12.2018
665. Words substituted by reg. 7(7)(b)(ii) of S.R. 2017 No. 242 as from 6.12.2018
666. Entry (3) omitted by reg. 7(7)(c) of S.R. 2017 No. 242 as from 6.12.2018
667. Words substituted by reg. 7(7)(d) of S.R. 2017 No. 242 as from 6.12.2018
668. Words inserted by reg. 7(8) of S.R. 2017 No. 242 as from 6.12.2018
669. Words inserted by reg. 5 of S.R. 2018 No. 92 as from 8.05.2018
670. Head (xvb) inserted by reg. 8(2) of S.R. 2018 No. 192 as from 10.12.2018
671. Head (o) inserted by reg. 8(3) of S.R. 2018 No. 192 as from 10.12.2018
672. Words inserted by reg.11(a)(i) of S.R. 2018 No. 1085 as from 15.11.2018
673. Words inserted by reg.11(a)(ii) of S.R. 2018 No. 1085 as from 15.11.2018
674. Words substituted by reg.11(a)(iii) of S.R. 2018 No. 1085 as from 15.11.2018
675. Words inserted by reg.11(b) of S.R. 2018 No. 1085 as from 15.11.2018
676. Words inserted by reg. 6(a) of S.R. 2019 No. 90 as from 7.5.2019
677. Words substituted by reg 6(b)(i) of S.R. 2019 No. 90 as from 7.5.2019
678. Sub-paragraph (bb) substituted by reg. 6(b)(ii) of S.R. 2019 No. 90 as from 7.5.2019
679. Paragraph (4A) inserted by reg. 6(c) of S.R. 2019 No. 90 as from 7.5.2019
680. Words substituted by reg. 6(d) of S.R. 2019 No. 90 as from 7.5.2019
681. Paragraph (xvc) insertd by reg 6. of S.R. 2019 No. 90 as from 7.5.2019
682. Sums substituted by Art 24(5)(b) of S.R. 2026 No. 59 as from 06.04.2026
683. Head (p) inserted by Art. 16(3) of S.I. 2019/1060 as from 11.09.19
684. Paragraph (xvd) inserted Art. 16(2) of S.I. 2019/1060 as from 11.09.19
685. Sub-paragraph 7(14)(b) was to be read as if omitted, by reg. 5(b) of S.R. 2020 No. 63, as from 08.04.2020 and ceased to have effect on 31.08.2021 as per reg. 6(2) of those Regulations.
686. Added by reg. 6(a) of S.R. 2020 No. 149 as from 24.08.2020.
687. Omitted by reg. 6(b) of S.R. 2020 No. 149 as from 24.08.2020.
688. Inserted by reg. 6(c) of S.R. 2020 No. 149 as from 24.08.2020.
689. Substituted by reg. 6(d) of S.R. 2020 No. 149 as from 24.08.2020.
690. Inserted by reg. 69(2)(a)(i) of S.I. 2020/1309 as from 31.12.2020 by S.I. 2020/1279.
691. Omitted by reg. 69(2)(a)(ii) of S.I. 2020/1309 as from 31.12.2020 by S.I. 2020/1279.
692. Inserted by reg. 69(2)(b) of S.I. 2020/1309 as from 31.12.2020 by S.I. 2020/1279.
693. Inserted by reg. 69(2)(c) of S.I. 2020/1309 as from 31.12.2020 by S.I. 2020/1279.
694. Omitted by reg. 19(2)(a) of S.I. 2020/1372 as from 11pm on 31.12.2020.
695. Inserted by reg. 19(2)(b) of S.I. 2020/1372 as from 11pm on 31.12.2020.

696. Inserted by reg. 2(2)(a) of S.R. 2021 No. 70 as from 01.04.2021.
697. Inserted by reg. 2(2)(b) of S.R. 2021 No. 70 as from 01.04.2021.
698. Inserted by reg. 2(2)(c) of S.R. 2021 No. 70 as from 01.04.2021.
699. Inserted by reg. 2(3)(a) of S.R. 2021 No. 70 as from 01.04.2021.
700. Inserted by reg. 2(3)(b) of S.R. 2021 No. 70 as from 01.04.2021.
701. Inserted by reg. 2(3)(c) of S.R. 2021 No. 70 as from 01.04.2021.
702. Inserted by reg. 2(2) of S.R. 2021 No. 269 as from 25.09.2021.
703. Omitted by reg. 2(3) of S.R. 2021 No. 269 as from 25.09.2021. This wingding was deleted as part of the omitted text recorded at wingding 786.
704. Added by reg. 2(4) of S.R. 2021 No. 269 as from 25.09.2021. This wingding was deleted as part of the omitted text recorded at wingding 786.
705. Two definitions inserted by reg. 6(2)(a) of S.R. 2020 No. 108 as from 15.07.2020.
706. Inserted by reg. 6(2)(b)(i) of S.R. 2020 No. 108 as from 15.07.2020.
707. Inserted by reg. 6(2)(b)(ii) of S.R. 2020 No. 108 as from 15.07.2020.
708. Inserted by reg. 6(3)(a) of S.R. 2020 No. 108 as from 15.07.2020.
709. Inserted by reg. 6(3)(b) of S.R. 2020 No. 108 as from 15.07.2020.
710. Inserted by reg. 6(4)(a)(i) of S.R. 2020 No. 108 as from 15.07.2020.
711. Inserted by reg. 6(4)(a)(ii) of S.R. 2020 No. 108 as from 15.07.2020.
712. Four entries inserted by reg. 6(4)(a)(iii) of S.R. 2020 No. 108 as from 15.07.2020.
713. Inserted by reg. 6(4)(a)(iv) of S.R. 2020 No. 108 as from 15.07.2020.
714. Inserted by reg. 6(4)(b)(i) of S.R. 2020 No. 108 as from 15.07.2020.
715. Inserted by reg. 6(4)(b)(ii) of S.R. 2020 No. 108 as from 15.07.2020.
716. Inserted by reg. 6(4)(c)(i) of S.R. 2020 No. 108 as from 15.07.2020.
717. Inserted by reg. 6(4)(c)(ii)(aa) of S.R. 2020 No. 108 as from 15.07.2020.
718. Inserted by reg. 6(4)(c)(ii)(bb) of S.R. 2020 No.108 as from 15.07.2020.
719. Substituted by reg. 6(4)(c)(iii) of S.R. 2020 No. 108 as from 15.07.2020.
720. Definition inserted by reg. 6(2)(a) of S.R. 2021 No. 345 as from 05.01.2022.
721. Definition inserted by reg. 6(2)(a) of S.R. 2021 No. 345 as from 05.01.2022.
722. Inserted by reg. 6(2)(b) of S.R. 2021 No. 345 as from 05.01.2022.
723. Inserted by reg. 6(3) of S.R. 2021 No. 345 as from 05.01.2022.
724. Inserted by reg. 6(4)(a) of S.R. 2021 No. 345 as from 05.01.2022.
725. Five entries inserted by reg. 6(4)(b) of S.R. 2021 No. 345 as from 05.01.2022.
726. Definition inserted by Sch. 8, para. 2(a) of S.I. 2021/786 as from 26.07.2021.
727. Substituted by Sch. 8, para. 2(b) of S.I. 2021/786 as from 26.07.2021.
728. Definition inserted by Sch. 8, para. 2(c) of S.I. 2021/786 as from 26.07.2021.
729. Inserted by Sch. 8, para. 2(d) of S.I. 2021/786 as from 26.07.2021.
730. Inserted by Sch. 8, para. 2(e)(i) of S.I. 2021/786 as from 26.07.2021.
731. Inserted by Sch. 8, para. 2(e)(ii) of S.I. 2021/786 as from 26.07.2021.
732. Inserted by Sch. 8, para. 3 of S.I. 2021/786 as from 26.07.2021.
733. Inserted by Sch. 8. para. 4 of S.I. 2021/786 as from 26.07.2021.
734. Inserted by Sch. 8, para 5(2) of S.I. 2021/786 as from 26.07.2021.
735. Inserted by Sch. 8, para. 5(3) of S.I. 2021/786 as from 26.07.2021.
736. Inserted by Sch. 8. para. 5(4) of S.I. 2021/786 as from 26.07.2021.
737. Inserted by reg. 6(2) of S.R. 2019 No. 195 as from 31.10.2019.
738. Inserted by Article 21(2) of S.I. 2021/886 as from 26.07.2021.
739. Inserted by Article 21(3) of S.I. 2021/886 as from 26.07.2021.

740. Inserted by Article 25(2)(a) of S.I. 2022/177 as from 21.03.2022.
741. Omitted by Article 25(2)(b)(i) of S.I. 2022/177 as from 21.03.2022.
742. Inserted by Article 25(2)(b)(ii) of S.I. 2022/177 as from 21.03.2022.
743. Inserted by Article 25(2)(c)(i) of S.I. 2022/177 as from 21.03.2022.
744. Substituted by Article 25(2)(c)(ii) of S.I. 2022/177 as from 21.03.2022.
745. Inserted by Article 25(3) of S.I. 2022/177 as from 21.03.2022.
746. Inserted by Article 25(4)(a) of S.I. 2022/177 as from 21.03.2022.
747. Omitted by Article 25(4)(b) of S.I. 2022/177 as from 21.03.2022.
748. Inserted by Article 25(4)(c) of S.I. 2022/177 as from 21.03.2022.
749. Omitted by Article 25(5)(a)(i) of S.I. 2022/177 as from 21.03.2022.
750. Inserted by Article 25(5)(a)(ii) of S.I. 2022/177 as from 21.03.2022.
751. Substituted by Article 25(5)(b)(i) of S.I. 2022/177 as from 21.03.2022.
752. Inserted by Article 25(5)(b)(ii) of S.I. 2022/177 as from 21.03.2022.
753. Inserted by Article 25(6)(a) of S.I. 2022/177 as from 21.03.2022.
754. Inserted by Article 25(6)(b) of S.I. 2022/177 as from 21.03.2022.
755. Omitted by Article 25(7)(a) of S.I. 2022/177 as from 21.03.2022.
756. Inserted by Article 25(7)(b) of S.I. 2022/177 as from 21.03.2022.
757. Substituted by Article 25(7)(c)(i) of S.I. 2022/177 as from 21.03.2022.
758. Inserted by Article 25(7)(c)(ii) of S.I. 2022/177 as from 21.03.2022.
759. Substituted by Article 25(7)(d)(i) of S.I. 2022/177 as from 21.03.2022.
760. Inserted by Article 25(7)(d)(ii) of S.I. 2022/177 as from 21.03.2022.
761. Substituted by Article 25(7)(e)(i) of S.I. 2022/177 as from 21.03.2022.
762. Inserted by Article 25(7)(e)(ii) of S.I. 2022/177 as from 21.03.2022.
763. Inserted by Article 25(7)(f) of S.I. 2022/177 as from 21.03.2022.
764. Two entries omitted by Article 25(7)(g)(i) of S.I. 2022/177 as from 21.03.2022.
765. Inserted by Article 25(7)(g)(ii) of S.I. 2022/177 as from 21.03.2022.
766. Two entries omitted by Article 25(7)(h)(i) of S.I. 2022/177 as from 21.03.2022.
767. Inserted by Article 25(7)(h)(ii) of S.I. 2022/177 as from 21.03.2022.
768. Definition inserted by reg. 12(2) of S.R. 2022 No. 236 as from 03.10.2022
769. Words substituted by reg. 12(3) of S.R. 2022 No. 236 as from 03.10.2022
770. Head (xvaa) inserted by reg. 12(4) of S.R. 2022 No. 236 as from 03.10.2022
771. Words substituted by reg. 12(5)(a) of S.R. 2022 No. 236 as from 03.10.2022
772. Words substituted by reg. 12(5)(b) of S.R. 2022 No.236 as from 03.10.2022
773. Words inserted by reg. 12(5)(c) of S.R. 2022 No. 236 as from 03.10.2022
774. Words inserted by reg. 12(5)(d) of S.R. 2022 No. 236 as from 03.10.2022
775. Words substituted by reg. 12(5)(e) of S.R. 2022 No. 236 as from 03.10.2022
776. Words substituted by reg. 12(5)(f) of S.R. 2022 No. 236 as from 03.10.2022
777. Sub-para. (jb) inserted by reg. 12(6) of S.R. 2022 No. 236 as from 03.10.2022
778. Words substituted by reg. 12(7) of S.R. 2022 No. 236 as from 03.10.2022
779. Definition inserted by 6(2) of S.R. 2022 No. 172 as from 04.05.2022
780. Head (ea) inserted by 6(3) of S.R. 2022 No. 172 as from 04.05.2022
781. Words substituted by 10(2)(a)(i) of S.I. 2022/530 as from 06.06.2022
782. Words substituted by 10(2)(a)(ii) of S.I. 2022/530 as from 06.06.2022
783. Words substituted by 10(2)(b) of S.I. 2022/530 as from 06.06.2022
784. Words substituted by reg. 2(2) of S.R. 2022 No. 149 as from 24.03.2022
785. Sub-paragraph (zzc) inserted by reg. 2(3) of S.R. 2022 No. 149 as from 24.03.2022

786. Words omitted by reg. 2(4) of S.R. 2022 No. 149 as from 24.03.2022. Wingdings 703 and 704 were deleted as part of the omitted text.
787. Words substituted by reg. 5(1)(i)(i) of S.I. 2022/1329 as from 14.12.2022
788. Words substituted by reg. 5(1)(i)(ii) of S.I. 2022/1329 as from 14.12.2022
789. Words omitted by reg. 2(2)(e) of S.I. 2022/230 as from 18.10.2022
790. Words inserted by reg. 2(2)(e) of S.I. 2022/230 as from 18.10.2022
791. Head (iii) inserted by reg. 2(2)(e) of S.I. 2022/230 as from 18.10.2022
792. Paragraph 22A. inserted in Schedule 7 by sub-parapgraph 10(a) of the Schedule to S.I. 2023/134 as from 09.02.2023
793. Paragraph 28D of Schedule 7 renumbered as sub-paragraph 28D(1) by head 10(b)(i) of the Schedule to S.I. 2023/134 as from 09.02.2023
794. Sub-paragraph 28D(2) of Schedule 7 inserted by head 10(b)(ii) of the Schedule to S.I. 2023/134 as from 09.02.2023
795. Definition substituted by reg. 6(2)(a) of S.R. 2023 No. 97 as from 09.07.2023
796. Definition inserted by reg. 6(2)(b) of S.R. 2023 No. 97 as from 09.07.2023
797. Definition inserted by reg. 6(2)(b) of S.R. 2023 No. 97 as from 09.07.2023
798. Definition inserted by reg. 6(2)(b) of S.R. 2023 No. 97 as from 09.07.2023
799. Definition inserted by reg. 6(2)(b) of S.R. 2023 No. 97 as from 09.07.2023
800. Words substituted by reg. 6(2)(c) of S.R. 2023 No. 97 as from 09.07.2023
801. Sub-paragraph 53(10)(bd) inserted by reg. 6(3) of S.R. 2023 No. 97 as from 09.07.2023
802. Words inserted by reg. 6(4)(a) of S.R. 2023 No. 97 as from 09.07.2023
803. Words substituted by reg. 6(4)(b) of S.R. 2023 No. 97 as from 09.07.2023
804. Paragraph inserted by reg. 2(2)(e) of S.R. 2023 No. 80 as from 18.05.2023
805. Paragraph inserted by reg. 2(1)(e) of S.R. 2023 No. 118 as from 30.08.2023
806. Paragraph inserted by reg. 2(2)(e) of S.R. 2023 No. 184 as from 28.10.2023
807. Definition inserted by reg. 7(2)(a) of S.R. 2023 No. 184 as from 28.10.2023
808. Definition inserted by reg. 7(2)(b) of S.R. 2023 No. 184 as from 28.10.2023
809. Words inserted by reg. 7(3)(a) of S.R. 2023 No. 184 as from 28.10.2023
810. Words inserted by reg. 7(3)(b) of S.R. 2023 No. 184 as from 28.10.2023
811. Definition inserted by reg. 43(2) of S.I. 2023 No. 1218 as from 19.11.2023
812. Paragraph inserted by reg. 43(3) of S.I. 2023 No. 1218 as from 19.11.2023
813. Word omitted by reg. 43(4)(a)(i) of S.I. 2023 No. 1218 as from 19.11.2023
814. Word inserted by reg. 43(4)(a)(ii) of S.I. 2023 No. 1218 as from 19.11.2023
815. Sub-paragraph inserted by reg. 43(4)(a)(iii) of S.I. 2023 No. 1218 as from 19.11.2023
816. Words inserted by reg. 43(4)(a)(iv)(aa) & (bb) of S.I. 2023 No. 1218 as from 19.11.2023
817. Words inserted by reg. 43(4)(b)(i) of S.I. 2023 No. 1218 as from 19.11.2023
818. Words inserted by reg. 43(4)(b)(ii)(aa) & (bb) of S.I. 2023 No. 1218 as from 19.11.2023
819. Words inserted by reg. 43(4)(b)(iii) of S.I. 2023 No. 1218 as from 19.11.2023
820. Words inserted in six places by reg. 43(4)(c) of S.I. 2023 No. 1218 as from 19.11.2023
821. Words inserted by reg. 43(4)(d)(i) of S.I. 2023 No. 1218 as from 19.11.2023
822. Words inserted by reg. 43(4)(d)(ii) of S.I. 2023 No. 1218 as from 19.11.2023
823. Paragraph inserted by reg. 43(5) of S.I. 2023 No. 1218 as from 19.11.2023
824. Words omitted by reg. 5(a)(i) & (ii) of S.R. 2024 No. 119 as from 08.06.2024

825. Paragraphs omitted by reg. 5(b) of S.R. 2024 No. 119 as from 08.06.2024
826. Paragraph inserted by reg 2(e) of S.R. 2024 No. 174 as from 10.10.2024
827. Sub-paragraph inserted by reg 28(2)(a) of S.I. 2024 No. 919 as from 21.10.2024
828. Definition inserted by reg 28(2)(b) of S.I. 2024 No. 919 as from 21.10.2024
829. Sub-paragraph inserted by reg 28(2)(c)(i) of S.I. 2024 No. 919 as from 21.10.2024
830. Words inserted by reg 28(2)(c)(ii) of S.I. 2024 No. 919 as from 21.10.2024
831. Sub-paragraph inserted by reg 28(3)(a) of S.I. 2024 No. 919 as from 21.10.2024
832. Sub-paragraph inserted by reg 28(3)(b) of S.I. 2024 No. 919 as from 21.10.2024
833. Paragraph inserted by reg 28(4)(a) of S.I. 2024 No. 919 as from 21.10.2024
834. Words inserted by reg 28(4)(b) of S.I. 2024 No. 919 as from 21.10.2024
835. Paragraph inserted by reg 28(5)(a) of S.I. 2024 No. 919 as from 21.10.2024
836. Words inserted by reg 28(5)(b)(i) of S.I. 2024 No. 919 as from 21.10.2024
837. Sub-paragraph inserted by reg 28(5)(b)(ii) of S.I. 2024 No. 919 as from 21.10.2024
838. Paragraph inserted by reg 28(6) of S.I. 2024 No. 919 as from 21.10.2024
839. Words omitted by reg 4(2)(a) of S.R. 2025 No. 3 as from 27.01.2025
840. Words omitted by reg 4(2)(b) of S.R. 2025 No. 3 as from 27.01.2025
841. Definition inserted by reg. 7(2)(a) of S.R. 2025 No. 24 as from 28.02.2025
842. Words substituted by reg. 7(2)(b) of S.R. 2025 No. 24 as from 28.02.2025
843. Sub-paragraph inserted by reg. 7(3) of S.R. 2025 No. 24 as from 28.02.2025
844. Words substituted by reg. 7(4)(a) of S.R. 2025 No. 24 as from 28.02.2025
845. Words substituted by reg. 7(4)(b) of S.R. 2025 No. 24 as from 28.02.2025
846. Head inserted by reg. 28(2)(a) of S.R. 2025 No. 227 as from 21.03.2025
847. Head inserted by reg. 28(2)(b)(i) of S.R. 2025 No. 227 as from 21.03.2025
848. Words inserted by reg. 28(2)(b)(ii) of S.R. 2025 No. 227 as from 21.03.2025
849. Definition inserted by reg. 28(2)(c) of S.R. 2025 No. 227 as from 21.03.2025
850. Sub-para inserted by reg. 28(3)(a) of S.R. 2025 No. 227 as from 21.03.2025
851. Sub-para inserted by reg. 28(3)(b) of S.R. 2025 No. 227 as from 21.03.2025
852. Sub-para inserted by reg. 28(4)(a) of S.R. 2025 No. 227 as from 21.03.2025
853. Words inserted by reg. 28(4)(b) of S.R. 2025 No. 227 as from 21.03.2025
854. Sub-para inserted by reg. 28(5)(a) of S.R. 2025 No. 227 as from 21.03.2025
855. Sub-para inserted by reg. 28(5)(b)(ii) of S.R. 2025 No. 227 as from 21.03.2025
856. Sub-para inserted by reg. 28(5)(b)(i) of S.R. 2025 No. 227 as from 21.03.2025
857. Sub-para inserted by reg. 28(5)(c) of S.R. 2025 No. 227 as from 21.03.2025
858. Sub-para inserted by reg. 28(5)(d) of S.R. 2025 No. 227 as from 21.03.2025
859. Sub-head inserted by reg. 28(6) of S.R. 2025 No. 227 as from 21.03.2025
860. Inserted by Article 27(3)(a) of S.I. 2021/886 as from 26.07.2021.
861. Inserted by Article 34(3) of S.I. 2021/886 as from 26.07.2021.
862. Inserted by Article 40(3)(a) of S.I. 2021/886 as from 26.07.2021.
863. Words inserted by reg. 8(a) of S.R. 2025 No. 136 as from 19.07.2025
864. Sub-paras inserted by reg. 8(b) of S.R. 2025 No. 136 as from 19.07.2025
865. Definition inserted by reg 6(2)(a) of S.R. 2025 No. 122 as from 22.07.2025
866. Words substituted by reg 6(2)(b) of S.R. 2025 No. 122 as from 22.07.2025
867. Sub-para inserted by reg 6(3) of S.R. 2025 No. 122 as from 22.07.2025
868. Words substituted by reg 6(4)(a) of S.R. 2025 No. 122 as from 22.07.2025
869. Words substituted by reg 6(4)(b) of S.R. 2025 No. 122 as from 22.07.2025
870. Word inserted by reg 8(14)(a)(i) of S.R. 2024 No. 377 as from 6.07.2024

871. Words omitted by reg 8(14)(a)(ii) of S.I. 2024 No. 377 as from 6.07.2024
872. Words omitted by reg 8(14)(b) of S.I. 2024 No. 377 as from 6.07.2024
873. Words substituted by reg 47(2) of S.I. 2026 No. 246 as from 15.03.2026
874. Paragraph inserted by reg 47(3) of S.I. 2026 No. 246 as from 15.03.2026
875. Words substituted by reg 47(4)(a) of S.I. 2026 No. 246 as from 15.03.2026
876. Sub-paragraph inserted by reg 47(4)(b) of S.I. 2026 No. 246 as from 15.03.2026
877. Paragraphs inserted by reg 47(5) of S.I. 2026 No. 246 as from 15.03.2026
878. Paragraph inserted by reg. 4 of S.R. 2026 No. 146 as from 16.07.2026
879. Paragraph inserted by reg.14(2) of S.I. 2026 No. 679 as from 16.07.2026
880. Words inserted by reg.14(3) of S.I. 2026 No. 679 as from 16.07.2026
881. Paragraph inserted by reg.14(4) of S.I. 2026 No. 679 as from 16.07.2026