

BERMUDA STATUTORY INSTRUMENT

BR 62/1988

HOUSING ALLOWANCE REGULATIONS 1988

*[made under section 18 of the Housing Allowance Act 1988 [title 29 item 6]
and brought into operation on 10 November 1988]*

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Citation

1 These Regulations may be cited as the Housing Allowance Regulations 1988.

Application for allowance

2 (1) Every application shall be made in writing on a form approved by the competent authority, or in such other manner, being in writing, as the competent authority may accept as sufficient in the circumstances of any particular case and shall be delivered or sent to the office of the competent authority.

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(2) An application shall be accompanied by a consent to authorize the competent authority to approach the landlord, bank, employer or other person in order to verify any documents, statements or information.

(3) Where the applicant is a disabled person so that he is unable to make the application in person, the application may be made by a responsible person acting on behalf of the applicant.

(4) Forms of application shall be supplied without charge by the competent authority.

(5) If an application is defective when it is received at the office of the competent authority, or has been made otherwise than on the form approved for the time being, the competent authority may refer the application to the person making it, or as the case may be, supply the person with the approved form.

(6) A person who has made an application may withdraw it at any time before a determination has been made on it by notifying in writing the competent authority.

Death of applicant

3 (1) An application shall be treated as having lapsed if an applicant has died before any determination awarding an allowance has been made.

(2) On the death of a recipient the right to an allowance is extinguished.

Information to be given

4 Every person who makes an application shall furnish such information, evidence and supporting documents, in connection with the application as may be required by the competent authority and, shall for that purpose attend at the office of the competent authority as the competent authority may direct.

Payment of allowance

5 (1) Payment of allowance shall be made in such manner and shall commence at such dates as the competent authority in any particular case may determine.

(2) Where a recipient ceases to be eligible for an allowance or the right to an allowance is extinguished and on a new application another person residing at the premises is eligible for an allowance, the allowance to that person commences from the first day following the day in which the recipient ceases to be eligible or the right to an allowance is extinguished.

[Regulation 5 amended by BR 52/1993 effective 26 November 1993]

Person unable to act

6 (1) Where an applicant or a recipient is or becomes unable for the time being to act the competent authority may, upon written application being made to the applicant or recipient, accept any responsible person nominated by the applicant or the recipient to act on behalf of the applicant or the recipient.

(2) An applicant or a recipient may at any time revoke any nomination made under paragraph (1) and the person nominated under paragraph (1) may, on giving the applicant or the recipient notice in writing of his intention so to do, terminate his nomination.

Cancellation or suspension of allowance

7 (1) The competent authority may determine that an applicant or a recipient is not eligible to be awarded an allowance or may cancel or suspend an award of an allowance where—

- (a) the recipient ceases to be eligible under the Act or these Regulations;
- (b) the recipient fails to provide to the competent authority the information required to determine initial or continuing eligibility for the allowance or such amount of an allowance;
- (c) the recipient does not reside at the premises;
- (d) the recipient fails to attend at the office of the competent authority in the manner directed and the competent authority is satisfied that the failure was not reasonable in all the circumstances; or
- (e) the premises that are the subject of a separate letting are in the opinion of the competent authority not fit for human habitation.

(2) Where it appears to the competent authority that a question has arisen in relation to a recipient's entitlement to an allowance or to whether a determination by the competent authority in awarding an allowance ought to be revised, the competent authority may direct that the allowance be suspended in whole or in part until that question has been decided.

[Regulation 7 amended by BR 52/1993 effective 26 November 1993]

Change of circumstances to be notified

8 Every applicant or recipient shall notify the competent authority in writing of any change of circumstances which that applicant or recipient might reasonably be expected to know might affect the right to

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an allowance or the payment of an allowance as soon as reasonably practicable after the occurrence of the change.

Investigation

9 The competent authority shall—

- (a) investigate and verify any statements in an application;
or
- (b) investigate and examine the circumstances of an applicant or a recipient that might affect his eligibility for the award of an allowance or for such amount of or continuance of an allowance.

Recovery of payments

10 The competent authority may recover from a recipient any sum improperly paid under this Act as a result of non-disclosure of facts, misrepresentation or any other cause by reducing or suspending the payment of the amount of the allowance or by such other means as the competent authority considers appropriate.

Offences

11 Any person who contravenes regulation 8 commits an offence against these Regulations.

[Amended by
BR 52/1993]