

1997 No. 1841

SOCIAL SECURITY

The Council Tax Benefit (General) Amendment Regulations 1997

<i>Made</i> - - - -	<i>28th July 1997</i>
<i>Laid before Parliament</i>	<i>30th July 1997</i>
<i>Coming into force</i>	<i>1st April 1998</i>

The Secretary of State for Social Security, in exercise of the powers conferred on her by sections 131(10), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling her in that behalf, after consultation with organisations appearing to her to be representative of the authorities concerned(b) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Council Tax Benefit (General) Amendment Regulations 1997 and shall come into force on 1st April 1998.

[Regulation 2 amends regulations 2, 51 and Sch. 2 to S.I. 1992/1814.]

► Saving

3.—(1) Subject to ►paragraphs (2) to (8)◄, regulation 2(3) and (4) above shall not have effect in the case of a person entitled to council tax benefit in respect of 31st March 1998, for so long as that person is continuously so entitled by virtue of his residence in the dwelling in which he was residing on that date.

Regulation 3 inserted by reg. 2(2) of S.I. 1998/911 as from 31.3.98. Words substituted in reg. 3(1) by reg. 9(a) of S.I. 1998/2231 as from 5.10.98.

(2) Where a person to whom paragraph (1) refers ceases to be entitled to council tax benefit in respect of his residence in the relevant dwelling, that paragraph shall have effect for a partner who -

- (a) was resident in that dwelling on 31st March ►1998◄;
- (b) has remained continuously resident in that dwelling since that date; and
- (c) becomes personally entitled to council tax benefit on account of being resident in that dwelling within a period of not more than 12 weeks from the time the original person's entitlement ceased.

Date added to paragraph 2(a) by reg. 9(b) of S.I. 1998/2231 as from 5.10.98.

(3) Where a person who is entitled to council tax benefit in the circumstances to which paragraph (1) or (2) refers -

(a) 1992 c.4; section 131 was substituted and section 137 was amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c.14); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".

(b) See section 176(1) of the Social Security Administration Act 1992 (c.5).

(c) See section 173(1)(b) of the Social Security Administration Act 1992 (c.5).

Reg. 3

- (a) whether on one or more occasions, ceases to be entitled to council tax benefit on or after 1st April 1998 but subsequently becomes re-entitled to that benefit within a period of not more than 12 weeks from the date he ceases to be so entitled; and
- (b) the dwelling in respect of which his further entitlement arises is the dwelling to which paragraph (1) refers,

paragraph (1) shall continue to apply in his case. ◀

Paras. (4) to (8) inserted by reg. 9(c) of S.I. 1998/2231 as from 5.10.98.

▶(4) Subject to paragraphs (5) to (7) below, where a person to whom paragraph (1) applies (“the claimant”) becomes, or whose partner becomes, a welfare to work beneficiary and

- (a) the claimant ceases to be entitled to council tax benefit in respect of his residence in the relevant dwelling but subsequently becomes re-entitled to council tax benefit in respect of the same residence; and
- (b) the first day of that entitlement is within 52 weeks of the claimant or his partner becoming a welfare to work beneficiary,

paragraphs (1) to (3) above shall again have effect in his case as if his entitlement to council tax benefit had been continuous.

(5) Where the claimant ceases to be entitled to council tax benefit within the last 12 weeks of the 52 weeks following the date he or his partner becomes a welfare to work beneficiary, the period of 52 weeks to which paragraph (4)(b) refers shall be extended by an additional period of weeks equal to the difference between 12 weeks and the number of weeks remaining in the 52 week period when he ceased to be entitled to council tax benefit.

(6) Paragraphs (1) to (3) above shall continue to have effect in the case of a claimant who—

- (a) has ceased to be a welfare to work beneficiary or whose partner has ceased to be such a beneficiary; and
- (b) is entitled to council tax benefit at the end of the 52 week period to which paragraph (4)(b) refers.

(7) Where—

- (a) a claimant dies or ceases to reside in the relevant dwelling within 52 weeks of becoming a welfare to work beneficiary;
- (b) more than 12 weeks have elapsed since the claimant’s entitlement to benefit ended;
- (c) the claimant’s partner was resident in the dwelling concerned on 31st March 1998;
- (d) the partner has remained continuously resident in that dwelling since that date; and
- (e) the partner claims council tax benefit within 12 weeks of the date the claimant died or ceased to reside in the relevant dwelling,

paragraph (1) above shall apply to the partner as if it was the partner whose entitlement to council tax benefit has been continuous.

(8) For the purposes of this regulation “welfare to work beneficiary” means a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies. ◀

Signed by authority of the Secretary of State for Social Security.

28th July 1997

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) to limit the maximum amount of council tax benefit or alternative maximum council tax benefit to which a claimant may be entitled where the dwelling in which he resides falls within any of the valuation bands F to H to which section 5 or 74 of the Local Government Finance Act 1992 (c. 14) refers.

These Regulations do not impose a charge upon businesses.

