

1993 No. 317

HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND

SOCIAL SECURITY

The Housing Benefit (General) Amendment  
Regulations 1993

Made - - - - 22nd February 1993

Laid before Parliament 26th February 1993

Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security, in exercise of powers conferred on him by sections 123(1)(d), 130(4), 135(1), 136(1), (3) and (5), 137(1) and (2)(h) and 175(1) to (5) of the Social Security Contributions and Benefits Act 1992(a) and sections 63(3), 136(2), 189(1), (3), (4) and (5) and 191 of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(c), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 1993 and shall come into force—

- (a) for the purposes of this regulation and regulation 15 in so far as it relates to paragraph 4 of the Schedule on 29th March 1993;
- (b) for the purposes of regulation 15 in so far as it relates to paragraph 5 of the Schedule on 1st April 1993;
- (c) for all other purposes—
  - (i) in any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, on 1st April 1993;
  - (ii) in any other case, on 5th April 1993.
- (2) In these Regulations “the 1987 Regulations” means the Housing Benefit (General) Regulations 1987(e).

---

(a) 1992 c.4; section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”. The power conferred by section 130(5).

(b) 1992 c.5; section 191 is an interpretation provision and is cited because of the meaning assigned to the word “prescribe”.

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

(d) See the Social Security Administration Act 1992, section 173(1)(b) and (7); section 173(7) defines “regulations”.

(e) S.I. 1987/1971; the relevant amending instruments are S.I. 1988/1971, 1989/416, 1990/127, 546, 1773 and 1775, 1991/235, 387, 1175, 1599 and 2695 and 1992/50, 432, 1101 and 2148.

[Regulation 2 amends regulation 2(1) of S.I. 1987/1971.]

[Regulation 3 amends regulation 5 of S.I. 1987/1971.]

[Regulation 4 amends regulation 10 of S.I. 1987/1971.]

[Regulation 5 amends regulation 12A of S.I. 1987/1971.]

[Regulation 6 amends regulation 30 of S.I. 1987/1971.]

[Regulation 7 amends regulation 35 of S.I. 1987/1971.]

[Regulation 8 amends regulation 36 of S.I. 1987/1971.]

[Regulation 9 amends regulation 43 of S.I. 1987/1971.]

[Regulation 10 amends regulation 63 of S.I. 1987/1971.]

[Regulation 11 amends para. 2 of Schedule 1 to S.I. 1987/1971.]

[Regulation 12 amends para. 2 of Schedule 1A to S.I. 1987/1971.]

[Regulation 13 amends Schedule 3 to S.I. 1987/1971.]

[Regulation 14 amends Schedule 4 to S.I. 1987/1971.]

**Amendments consequential on the introduction of council tax benefit**

**15.** The Schedule to these Regulations, which contains amendments to the 1987 Regulations consequential on the abolition of community charges, the introduction of council tax and the introduction of council tax benefit in succession to community charge benefits, shall have effect.

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

22nd February 1993

*Alistair Burt*  
Parliamentary Under-Secretary of State,  
Department of Social Security

[Schedule specifies amendments to be made to S.I. 1987/1971.]

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make further amendments to the Housing Benefit (General)

Regulations 1987 (S.I. 1987/1971) in the following respects:

- (a) they provide definitions in respect of community charge benefit and the Social Security Contributions and Benefits Act 1992, and amend the definition of “water charges” (regulations 2 and 14);
- (b) they further specify the circumstances in which a person is to be treated as occupying a dwelling as his home, in cases of domestic violence and where a dwelling is adapted in respect of a person’s disablement needs (regulation 3);
- (c) they enable authorities to substitute a higher figure for unreasonably low ineligible service charges, whether or not payment of the charges is a condition of the right to occupy the dwelling (regulations 4 and 11);
- (d) with respect to applications to rent officers for a determination in relation to rent, they update the definition of “change relating to a rent allowance”, and provide for a further determination of rent in certain circumstances where a claimant does not have a personal council tax liability (regulations 5 and 12);
- (e) they provide that certain payments in respect of children accommodated with a claimant are not to be treated as the earnings of a self-employed earner (regulation 6);
- (f) they provide that when certain payments, including payments made by a third party, are used to pay the claimant’s rent, the rent to be taken into account is the claimant’s eligible rent less certain deductions in respect of non-dependants (regulations 7 and 9);
- (g) they provide that where a child or young person has capital in excess of £3,000, any income of that child or young person consisting of maintenance is to be treated as income of the claimant (regulation 8);
- (h) in relation to the calculation of a person’s maximum housing benefit, they specify the deduction to be made in the case of non-dependants and their partners (regulation 10);
- (i) with respect to the calculation of income, they provide a disregard of guardian’s allowance and a disregard in respect of the earnings of a claimant or partner who is entitled to the carer premium, and remove the disregard of maintenance payments made by a claimant. They specify further the amount to be disregarded in relation to certain claimants entitled to the higher pensioner [premium and amend the disregards in respect of charitable and voluntary payments and income arising from disregarded capital (regulations 13 and 14);
- (j) they make changes consequential on the abolition of community charges, the introduction of council tax and the introduction of council tax benefit in succession to community charge benefits (regulations 14 and 15, and the Schedule).

