

1994 No. 470

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit
(Amendment) Regulations 1994

<i>Made</i> - - - -	<i>1st March 1994</i>
<i>Laid before Parliament</i>	<i>3rd March 1994</i>
<i>Coming into force</i>	
<i>–for the purposes of regulations</i> <i>1 and 2, and 3 in part</i>	<i>1st April 1994</i>
<i>–for the remaining purposes of</i> <i>regulation 3</i>	<i>4th April 1994</i>

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 131(3)(b), 137(1) and (2)(i) and 175(1) to (4) of the Social Security Contributions and Benefits Act 1992^(a), and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned^(b), and after reference to the Social Security Advisory Committee^(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Amendment) Regulations 1994 and shall come into force—

- (a) for the purposes of regulations 1 and 2, on 1st April 1994; and
- (b) for the purposes of regulation 3—
 - (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 1994; and
 - (ii) in any other case, on 4th April 1994.

Amendment of the Council Tax Benefit (General) Regulations 1992

2.—(1) The Council Tax Benefit (General) Regulations 1992^(d) shall be amended in accordance with the following provisions of this regulation.

[Regulation 2(2) inserts regulation 4A into S.I. 1992/1814.]

(3) Regulation 41 (further provision with respect to students entering the United Kingdom from abroad) is hereby revoked.

(a) 1992 c.4; section 131(3)(b) was substituted by the Local Government Finance Act 1992 (c.14), Schedule 9, paragraph 4; 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 172(1) of the Social Security Administration Act 1992.

(d) S.I. 1992/1814.

**HOUSING BENEFIT AND COUNCIL TAX BENEFIT (AMENDMENT)
REGULATIONS 1994**

(4) In the case of a person who was entitled to council tax benefit in respect of 31st March 1994 the preceding provisions of this regulation shall only apply to him—

- (a) on the day immediately following the day on which the person's benefit period which includes 31st March 1994 ends; and
- (b) on any day thereafter.

Amendment of the Housing Benefit (General) Regulations 1987

3.—(1) The Housing Benefit (General) Regulations 1987~~(a)~~ shall be further amended in accordance with the following provisions of this regulation.

[Regulation 3(2) inserts regulation 7A into S.I. 1987/1971.]

(3) Regulation 49 (circumstances in which certain students are to be treated as not liable to make payments in respect of a dwelling) is hereby revoked.

(4) In the case of a person who was entitled to housing benefit in respect of 31st March 1994 or in a case to which regulation 1(b)(ii) applies, 3rd April 1994, the preceding provisions of this regulation shall only apply to him—

- (a) on the day immediately following the day on which the person's benefit period, which includes 31st March 1994 or, as the case may be, 3rd April 1994, ends; and
- (b) on any day thereafter.

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

1st March 1994

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Council Tax Benefit (General) Regulations 1992 and the Housing Benefit (General) Regulations 1987.

Regulation 2 removes entitlement to council tax benefit from certain persons from abroad, in particular those persons (other than asylum seekers) who enter the United Kingdom on the basis that they will have no recourse to public funds.

Regulation 3 makes similar provision in relating to housing benefit.

These Regulations do not impose a charge on businesses.

The Report of the Social Security Advisory Committee dated 12th January 1994 on the proposals referred to them, together with the statement showing the extent to which these Regulations give effect to the Report and in so far as they do not give effect to it, the reasons why not, are contained in Command Paper Cm. 2483, published by Her Majesty's Stationery Office.

(a) S.I. 1987/1971.