

1995 No. 625

SOCIAL SECURITY

The Housing Benefit, Council Tax Benefit and
Income Support (Amendments) Regulations 1995

Made - - - - 8th March 1995

Laid before Parliament 10th March 1995

Coming into force in accordance
with regulation 1(1)

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 123(1)(d) and (e), 131(11), 135(1), 137(1) and (2)(h) and (i) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992(a) and sections 5(1)(k) and 6(1)(1) 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 reference to the Social Security Advisory Committee(d) hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit, Council Tax Benefit and Income Support (Amendments) Regulations 1995 and shall come into force—

- (a) for the purposes of regulations 1, 3, 4, 6 and 7, on 1st April 1995; and
- (b) for the purposes of regulation 2—
 - (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 1995, and
 - (ii) in any case, on 3rd April 1995;
- (c) for the purposes of regulation 5, on 10th April 1995.

(2) In these Regulations, unless the context otherwise requires—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(e);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(f);

“the Income Support Regulations” means the Income Support (General) Regulations 1987(g).

(a) 1992 c.4; sections 123(e) and 131 of Social Security Contributions and Benefits Act 1992 were substituted by the Local Government and Finance Act 1992 (c.14), section 103 and Schedule 9, paragraphs 1(1) and 4, Section 137(1) which is an interpretation provision is cited because of the meaning assigned to the word “prescribed”.

(b) 1992 c.5.

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

(d) See the Social Security Administration Act 1992 (c.5), section 172(1).

(e) S.I. 1992/1814, to which there are amendments not relevant to this regulation.

(f) S.I. 1987/1971, to which there are amendments not relevant to this regulation.

(g) S.I. 1987/1967, to which there are amendments not relevant to this regulation.

[Regulation 2(1) introduces amendments to regulation 5 of S.I. 1987/1971.]

[Regulation 2(2) inserts regulation 5(7B) and (7C) into S.I. 1987/1971.]

[Regulation 2(3) amends regulation 5(8) of S.I. 1987/1971.]

[Regulation 2(4) inserts regulation 5(8B) and (8C) into S.I. 1987/1971.]

[Regulation 2(5) amends regulation 5(9) of S.I. 1987/1971.]

Regulation 3 amends regulation 2(2) of S.I. 1992/1814.]

[Regulation 4 adds regulation 4C to S.I. 1992/1814.]

[Regulation 5 revoked by Sch. 4 to S.I. 1995/1613 as from 2.10.95.]

Transitional

6. Where, before the coming into force of these Regulations, a claimant for council tax benefit is absent from the dwelling he normally occupies as his home, he shall, for the purposes of regulation 4C of the Council Tax Benefit Regulations, be treated, while that absence continues, as if he is absent from the dwelling for a period not exceeding 52 weeks from the first day of that absence.

Saving

7. In the case of a claimant who is absent from the dwelling he normally occupies as his home before the coming into force of these Regulations, regulation 5 of the Housing Benefit Regulations shall have effect, while that absence continues, as if regulation 2, as the case may be, of these Regulations had not been made.

Words deleted from reg. 7
by Sch. 4 to S.I.
1995/1613 as from
2.10.95.

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

8th March 1995

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) and the Income Support (General) Regulations 1987 (S.I. 1987/1967).

These Regulations make and further amend provisions relating to a person's temporary absence from a dwelling which he normally occupies as his home (regulations 2, 4 and 5).

These Regulations also make saving provision in relation to housing benefit and income support claimants whose temporary absence from a dwelling commenced before these Regulations come into force (regulation 7); making transitional provision in respect of council tax benefit recipients who were absent from their dwelling before these Regulations come into force (regulation 6); and consequential provision (regulation 3).

These Regulations do not impose a charge on business.

The Report of the Social Security Advisory Committee dated 22nd February 1995 on the proposals referred to them, together with a 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 reason why not, are contained in Command Paper Cm. 2783, published by Her Majesty's Stationery Office.

