1997 No. 852

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997

Made - - - -	*17th March 1997*
Laid before Parliament	*19th March 1997*
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), 130(2), (4) and (5), 137(1) and (2)(i) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992**(a)**, sections 136(2), 189(1) and (4) to (6) 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 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 and Council Tax Benefit (General) Amendment Regulations 1997 and shall come into force–

(a) for the purposes of regulations 1, 2, 3(2)(e), (5) and (6), on 7th April 1997;

(b) for all other purposes, on 6th October 1997.

(2) In these Regulations–

"the principal Regulations" means the Housing Benefit (General) Regulations 1987**(e)**;

"young individual" has the meaning specified in regulation 2 of the principal Regulations**(f)**.

[Regulation 2 amends Schedule A1 to S.I. 1992/1814.]

[Regulation 3 amends regulations 11 and 12A and deletes regulation 12 of, and amends para 10, of Schedule A1 and paras, 1 and 11A of Schedule 1A to S.I. 1987/1971.]

(a) 1992 c. 4; section 123(1)(e) and 131 were substituted and section 130 was amended to have effect with respect to council tax benefit by Schedule 9 of the Local Government Finance Act 1992 (c. 14); section 137(1) is cited because of the meaning ascribed to the word "prescribed".

(b) 1992 c. 5; section 191 is cited because of the meaning ascribed 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 (c. 5), section 172(1).

(e) S.I. 1987/1971; relevant amending instruments S.I. 1990/546, 1992/432, 1995/644, 2868, 1996/965 and 1944.

(f) The definition of "young individual" was substituted by S.I. 1996/1944.

Savings

4.—(1) Regulation 3(2)(c) and (d) of these Regulations shall not have effect in the case of a claimant for housing benefit to whom paragraph E(2), (2A) or (2AB)F applies.

Words substituted in reg. 4(1) by reg. 12(a) of S.I. 1998/2231 as from 5.10.98.

Paras. (2), (2A) & (2B) added by reg. 2(3) of S.I. 1997/1975 as from 5.10.97.

E(2) This paragraph applies to a claimant who was entitled to and in receipt of housing benefit on 5th October 1997, until–

(a) the date on which the benefit period, which was current for that claimant on 5th October 1997, ends; or

(b) the date on which the claimant occupies a new dwelling as his home on moving from the dwelling he so occupied on 5th October 1997,

whichever is the earlier.

Words omited in reg. 4(2A) by reg. 31(a) of S.I. 2004/14 as from 5.4.04.

(2A) This paragraph applies to a claimant who EF has been continuously entitled to and in receipt of housing benefit, in respect of the same dwelling for a period which includes 5th October 1997, which included an addition by virtue of paragraph (4) or (5) of regulation 11 of the principal Regulations as they had effect on 5th October 1997.

Paras. (2AB) and (2AC) inserted by reg. 12(b) of S.I. 1998/2231 as from 5.10.98.

E(2AB) This paragraph applies in the case of a person–

(a) who was entitled to housing benefit in respect of the dwelling he occupied as his home on or before 5th October 1997;

(b) whose entitlement to housing benefit in respect of that dwelling was continuous from that date until it ceased because either the person or his partner became a welfare to work beneficiary;

(c) who on the day before entitlement to housing benefit ceased, was in receipt of an addition to benefit by virtue of paragraph (4) or (5) of regulation 11 of the principal Regulations as they had effect on 5th October 1997; and

(d) who subsequently becomes re-entitled to housing benefit in respect of that dwelling within 52 weeks of him or his partner becoming a welfare to work beneficiary.

(2AC) Paragraph (2A) above shall continue to have effect in the case of a person who has ceased to be a welfare to work beneficiary or whose partner has ceased to be such a beneficiary where the person is entitled to housing benefit at the end of the 52 week period to which paragraph (2AB) refers.F

Paras. (2AD) to (2AF) inserted in reg. 4 by reg. 23 of S.I. 2003/1338 as from 6.10.03.

E(2AD) Paragraph (2A) shall have effect where a claimant has attained the qualifying age for state pension credit as if the words "makes a further claim for housing benefit under regulation 72(12) to (14) of the principal Regulations, where he" were omitted;

(2AE) Paragraph (2AD) shall not apply if the claimant, or if the claimant has a partner, his partner, is a person on income support or on an income-based jobseeker's allowance within the meaning of the Principal Regulations**(a)**.

(2AF) In this Regulation–

"the qualifying age for state pension credit" means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002**(b)**)–

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

"state pension credit" means state pension credit under the State Pension Credit Act 2002.F

Words inserted in reg. 4(2B) by reg. 31(b) of S.I. 2004/14 as from 5.4.04.

(2B) "Benefit period" for the purposes of paragraph (2) has the same meaning as in regulation 66 of the principal Regulations E as in force immediately before 5th April 2004F.

(a) *See* regulation 2(1) and (3A); paragraph (3A) was inserted by S.I. 1996/1510.
(b) 2002 c. 16.

E"welfare to work beneficiary" means a person to whom regulation 13A(1) of the Social Security (Incapacity for Work) (General) Regulations 1995 applies.F

Defn. of "welfare to work beneficiary" inserted by reg. 12(c) of S.I. 1998/2231 as from 5.10.98.

(3) Regulation 3(3) of these Regulations shall not have effect in the case of a claimant to whom regulation 10 of the Housing Benefit (General) Amendment Regulations 1995 (saving provision) applies.

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

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

17th March 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) ("the Council Tax Benefit Regulations") and the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) ("the Housing Benefit Regulations").

The Regulations make a minor correction to Schedule A1 of the Council Tax Benefit Regulations and the Housing Benefit Regulations (treatment of claims for council tax benefit and housing benefit by refugees) and amend the Housing Benefit Regulations with respect to rent officer determinations and the calculation of the maximum rent on which housing benefit may be paid in the case of, subject to exceptions, single claimants aged 25 or more but less than 60 and further restricts the maximum rent for other claimants. A saving provision excepts specified claimants from the effect of these Regulations.

The Report of the Social Security Advisory Committee dated 27 February 1997 on the proposals referred to them in these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee and, in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm 3598, published by the Stationery Office Ltd.

These Regulations do not impose a charge on businesses.