

1996 No. 965

SOCIAL SECURITY

The Housing Benefit (General) Amendment Regulations
1996

<i>Made</i> - - - -	28th March 1996
<i>Laid before Parliament</i>	2nd April 1996
<i>Coming into force</i> -	7th October 1996

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 123(1)(d), 130(2), (4) and (5), 137(1) and 175(1) and (3) to (6) to the Social Security Contributions and Benefits Act 1992(a) sections 5(1)(h), (i) and (p) and (3), 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 reference to the Social Security Advisory Committee(c) and after consultation with organisations appearing to him to be representative of the authorities concerned(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 1996 and shall come into force on 7th October 1996.

(2) In these Regulations—

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

“the Amendment Regulations” means the Housing Benefit (General) Amendment Regulations 1995(f);

“the relevant date” means the 6th October 1996.

(3) In ►regulations 10 and 11◀ of these Regulations expressions used shall, unless the context otherwise requires, have the same meaning as they have in the principal Regulations.

Words substituted in reg.
1(3) by reg. 11 of S.I.
1996/1944 as from
7.10.96.

[Reg. 2 inserts defn. of “young individual” in reg. 2(1) of S.I. 1987/1971.]

[Reg. 3 amends reg. 10(6AB) of S.I. 1987/1971.]

[Reg. 4(1) introduces amendments to reg. 11 of S.I. 1987/1971.]

[Reg. 4(2) amends reg. 11(2) of S.I. 1987/1971.]

[Reg. 4(3) inserts reg. 11(3A) in S.I. 1987/1971.]

[Reg. 4(4) amends reg. 11(4) of S.I. 1987/1971.]

[Reg. 4(5) amends reg. 11(5) of S.I. 1987/1971.]

[Reg. 4(6) amends reg. 11(8A) of S.I. 1987/1971.]

[Reg. 4(7) inserts defn. of “single room rent” in reg. 11(13) of S.I. 1987/1971.]

(a) 1992 c.4; section 137(1) is cited because of the meaning there ascribed to “prescribed”.

(b) 1992 c.5; section 191 is cited because of the meaning there ascribed to “prescribe”.

(c) See section 172(1) of the Social Security Administration Act 1992.

(d) See section 176(1) of the Social Security Administration Act 1992.

(e) S.I. 1987/1971; relevant amendments are S.I. 1990/546, 1993/317, 1995/560, 1644 and 2868.

(f) S.I. 1995/1644.

[Reg. 5 inserts reg. 12A(1B) in S.I. 1987/1971.]

[Reg. 6 amends reg. 88(3) of S.I. 1987/1971.]

[Reg. 7(1) introduces amendments to reg. 90 of S.I. 1987/1971.]

[Reg. 7(2) amends reg. 90(1) of S.I. 1987/1971.]

[Reg. 7(3) substitutes reg. 90(2)-(2B) for reg. 90(2) of S.I. 1987/1971.]

[Reg. 7(4) amends reg. 90(3) and (4) of S.I. 1987/1971.]

[Reg. 7(5) amends reg. 90(5) of S.I. 1987/1971.]

[Reg. 8 inserts reg. 94(1A) in S.I. 1987/1971.]

[Reg. 9 amends para. 2(3) of Sch. 1A to S.I. 1987/1971.]

Transitional and saving provisions for young individuals

10.—(1) Regulations 3, 4 and 9 of these Regulations shall not apply in the case of a young individual to whom regulation 10 (saving provision) of the Amendment Regulations applies and the eligible rent of such a person shall be determined in accordance with regulation 10 of those Regulations.

(2) In the case of a young individual to whom regulation 10 of the Amendment Regulations does not apply, but who was entitled to and in receipt of housing benefit in respect of the relevant date, regulations 3 and 4 of these Regulations shall not apply to him until the earlier of such time as, either -

- (a) the benefit period within which the relevant date falls comes to an end; or
- (b) he occupies as his home a dwelling other than that so occupied by him on the relevant date,

and until that time his eligible rent shall be that determined in accordance with regulations 10 and 11 of the principal Regulations as in force on the relevant date.

Saving provision for payment of benefit

11.—(1) Regulations 6 and 7 of these Regulations shall not apply to a claimant who-

- (a) was entitled to and in receipt of housing benefit on account of his liability to make payments in respect of a dwelling, which he occupied or was treated as occupying as his home, on the relevant date; and
- (b) continues to be entitled and in receipt of housing benefit on account of his liability in respect of such occupation of that dwelling.

(2) In a case to which paragraph (1) above applies, payment of housing benefit shall continue to be made to such a claimant in accordance with regulations 88 and 90 of the principal Regulations, as in force on the relevant date.

(3) In this regulation “claimant” shall be taken to include the deceased partner of a claimant in any case where a claim is made by the surviving partner within 4 weeks of the death, provided-

- (a) this regulation applied to that deceased partner on the day of his death; or
- (b) that death occurred on or after 30th September 1996 and this regulation would have applied to the deceased partner had he died after the relevant date.

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

28th March 1996

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). Regulations 3 and 4 create a new maximum rent in the case of certain single claimants who are under 25 (“young individuals”), in respect of whom a rent officer has determined and notified a single room rent. Regulations 5 and 9 make provision for local authorities to refer applications for a rent allowance by young individuals to rent officers and to inform them that the application is from a young individual. Regulation 10(1) provides that these changes shall not apply to those young individuals to whom the savings provision in the Housing Benefit (General) Amendment Regulations 1995 (S.I.1995/1644) (providing exemption from the changes introduced by those Regulations) apply and regulation 10(2) provides that, when young individuals do not enjoy that savings protection, the changes introduced by regulations 3, 4, 5 and 9 shall not apply to those in receipt of benefit on 6th October 1996 until they move home or their current benefit period comes to an end.

Regulations 6 and 7 create a new rule for the period within which payment of housing benefit by way of rent allowance is made. It will now be paid at the end of the period to which it relates. However, in cases where direct payments are being made to a landlord payment is to be made at intervals of 4 weeks and at the end of that period, subject to certain exceptions. Regulation 8 enables local authorities to make first payments of benefit to the claimant by way of an instrument of payment in favour of the landlord. Regulation 11 provides that regulations 6 and 7 will not affect anyone on housing benefit on 6th October 1996 (or the partner of a deceased recipient) as long as he continues to be entitled to it and to occupy the same dwelling as his home.

These Regulations do not impose a charge on business.

The Report of the Social Security Advisory Committee dated 29th February 1996 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 reasons why not, are contained in Command Paper Cm. 3225, published by Her Majesty’s Stationery Office.

