

1997 No.2434

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (General)
Amendment (No.2) Regulations 1997

<i>Made</i> - - - -	<i>8th October 1997</i>
<i>Laid before Parliament</i>	<i>13th October 1997</i>
<i>Coming into force</i>	<i>3rd November 1997</i>

The Secretary of State for Social Security, in exercise of powers conferred by sections 5(1)(h), (n), (o) and (p) and (6), 6(1)(n), 63(2) and (3), 189(1) and (3) to (6) and 191 of the Social Security Administration Act 1992(a), and of all other powers enabling her in that behalf, after consultation with organisations appearing to her to be representative of the authorities concerned(b) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), 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 (No. 2) Regulations 1997 and shall come into force on 3rd November 1997.

(2) In these Regulations -

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

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

[Regulation 2 amends regulation 93, 94 and 95 of S.I. 1987/1971.]

[Regulation 3 adds regulation 96A to S.I. 1987/1971.]

[Regulation 4 amends Schedule 6 to S.I. 1987/1971.]

[Regulation 5 adds regulation 81A to S.I. 1992/1814.]

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

John Y. Denham
Parliamentary Under-Secretary of State,
Department of Social Security

8th October 1997

(a) 1992 c. 5; section 5(1)(n) has effect in relation to housing benefit in accordance with section 5(4) of the Social Security Administration Act 1992; section 5(6) was inserted by the Housing Act 1996 (c. 52) section 120(1); section 6(1)(n) was amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 12(1)(c) and Schedule 14; sections 63(2) and (3) were also amended by the Act of 1992, Schedule 9, paragraph 14(2); section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.

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

(c) See the Social Security Administration Act 1992, section 173(1)(b).

(d) S.I. 1992/1814 to which there are amendments not relevant to these Regulations.

(e) S.I. 1987/1971 to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (No. 1971) and the Council Tax Benefit (General) Regulations 1992 (No. 1814).

In the case of housing benefit, they -

- require local authorities to inform landlords to whom direct payments of benefit are made of their duty to report changes of circumstances which might affect the claimant's entitlement to benefit (regulation 4);
- introduce a requirement that direct payments may be made to landlords only where the landlord is a fit and proper person to be the recipient of such payments or a local authority is nonetheless satisfied that it is in the claimant's interest to do so, (regulation 2).

The Regulations also introduce provisions enabling local authorities to suspend housing benefit and council tax benefit where a question arises as to whether the conditions of entitlement are or were satisfied and further enable local authorities to require the claimant to provide them with information or evidence in connection with that question. A failure to provide the information or evidence within a period of 4 weeks is a ground for review of the award (regulations 3 and 5).

These Regulations do not impose a charge on businesses.