

1999 No. 2734

SOCIAL SECURITY

**The Housing Benefit (General) Amendment (No. 3)
Regulations 1999**

Made - - - - - 30th September 1999

Laid before Parliament 5th October 1999

Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security in exercise of powers conferred by sections 123(1)(d), 130(2) and (4), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a) and section 63(3) of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, after consultation with the organisations appearing to him to be representative of the authorities concerned(c) and after reference to the Social Security Advisory Committee of proposals in respect of regulations 1 to 11 and 13 of this Instrument(d), and after agreement by the Social Security Advisory Committee that proposals in respect of regulation 12 of this Instrument should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment (No. 3) Regulations 1999 and shall come into force—

- (a) for the purposes of this regulation and regulations 12 and 13, on 1st November 1999;
- (b) for the purposes of regulation 6, on 3rd April 2000; and
- (c) for the purposes of regulations 2 to 5 and 7 to 11,
 - (i) in any case where rent is payable at intervals of a whole number of weeks, on 3rd April 2000; and
 - (ii) in any other case, on 1st April 2000.

(2) In these Regulations “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(f).

[Regulations 2 - 7 amend regulations 2, 8, 10, 11, 12A and 68 of S.I. 1987/1971.]

[Regulations 8 & 9 amend Schedule 1 of S.I. 1987/1971.]

[Regulation 10 amends regulation 10 of S.I. 1995/1644.]

Savings

11.—(1) In paragraph (1) of regulation 12 of the Housing Benefit Regulations as saved by paragraph (3) of regulation 4 of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 (g) (“the 1997 Regulations”) for the word “may” where it first appears there shall be substituted the word “shall”.

(a) 1992 c.4; s.137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) 1992 c.5.

(c) See s.176(1)(b) of the Social Security Administration Act 1992 (c.5).

(d) See s.172(1) of the Social Security Administration Act 1992.

(e) See s.173(1)(b) of the Social Security Administration Act 1992.

(f) S.I. 1987/1971.

(g) S.I. 1997/852 as amended by S.I. 1997/1975.

HOUSING BENEFIT (GENERAL) AMENDMENT (NO. 3) REGULATIONS 1999

(2) In a case where the claimant is a person who meets the conditions specified in paragraph (3) the appropriate authority shall, when calculating 50 per cent. of the amount by which the relevant rent exceeds the local reference rent, deduct from the relevant rent the following charges determined by the rent officer as eligible to be met by housing benefit—

- (a) charges in respect of the cleaning of rooms and windows other than those eligible by virtue of sub-paragraphs (a)(iv)(aa) or (bb) of paragraph 1 of Schedule 1;
- (b) charges in respect of the provision of an emergency alarm system; or
- (c) charges in respect of general counselling or any other support.

(3) The conditions of this paragraph are that the claimant is a person—

- (a) in respect of whom sub-paragraph (c) of paragraph (2) of regulation 3 of the 1997 Regulations does not have effect, by virtue of paragraph (1) of regulation 4 (savings) of those Regulations; and
- (b) whose maximum rent falls to be adjusted in accordance with paragraph (5A) of regulation 11 of the Housing Benefit Regulations.

(4) In a case where the claimant is a person to whom paragraph (3) of regulation 4 (savings) of the 1997 Regulations applies the appropriate authority shall apply regulation 12 as if—

- (i) in paragraph (1) after the words “paragraph (2)” there were inserted the words “and paragraph (2A)”;
- (ii) after paragraph (2) there were inserted the following paragraph—
“(2A) This regulation shall not apply to any increase in a claimant’s eligible rent in respect of those service charges specified in the exceptions provided in sub-paragraphs (a)(iv)(cc), (c) or (f) of paragraph 1 of Schedule 1 (ineligible service charges) and Schedule 1B (service charges for claimants in supported accommodation).”.

[Regulation 12 amends regulation 3 of S.I. 1997/1974.]

Cessation in operation of these Regulations

Words substituted in reg. 13(a) & (b) by reg. 5 of S.I. 2003/363 as from 7.4.03.

13. ►Regulations 1 to 12 of these Regulations◄ shall cease to have effect—

- (a) in any case where rent is payable at intervals of a whole number of weeks, on ►7th April 2003◄; and
- (b) in any other case, on ►1st April 2003◄,

and the Housing Benefit Regulations, the Housing Benefit (General) Amendment Regulations 1995(a) and the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997(b) shall apply thereafter as if the amendments made to them by these Regulations had not been made.

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

30th September 1999

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 1995/1644.

(b) S.I. 1997/852.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (“the Housing Benefit Regulations”).

Regulation 5 inserts new paragraphs into regulation 11 of the Housing Benefit Regulations, so as to adjust the maximum rent of a claimant in supported accommodation (as defined).

Regulation 6 amends regulation 12A of the Housing Benefit Regulations, and specifies certain service charges which the appropriate authority is required to identify to the rent officer as eligible or ineligible to be met by housing benefit.

Regulation 7 amends regulation 68 of the Housing Benefit Regulations which is concerned with changes of circumstances, so as to make provision for the date on which receipt of a community care assessment by a person in supported accommodation is to take effect.

Regulation 8 amends Schedule 1 to the Housing Benefit Regulations. In particular, it amends provisions in paragraph 1 of that Schedule concerning service charges in respect of the cleaning of rooms and windows, emergency alarm systems, and general counselling and support. The definition of “supported accommodation” in paragraph 7 of Schedule 1 is amended with new provision made for claimants in respect of whom the local authority has made a community care assessment.

Regulation 9 inserts a new Schedule 1B, which specifies certain service charges which are eligible for housing benefit where the claimant is in supported accommodation (as defined).

Regulation 10 makes consequential amendments to the Housing Benefit (General) Amendment Regulations 1995 (S.I. 1995/1644), in particular amending the definition of “exempt accommodation” so that it follows where appropriate that of “supported accommodation”.

Regulation 11 amends the savings provision provided in the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 (S.I. 1997/852). The appropriate authority is required to deduct certain specified charges from the relevant rent in its calculation of the maximum rent. In addition, the appropriate authority must restrict certain increases in rent (excluding any increases in support charges which fall under Schedule 1B) which it considers unreasonable to be met by housing benefit.

Regulation 12 amends the Housing Benefit (General) Amendment (No. 2) Regulations 1997 (S.I. 1997/1974) (“the 1997 Regulations”) which themselves amend the Housing Benefit Regulations. The 1997 Regulations amend the Housing Benefit Regulations so as to make service charges for general counselling and support eligible for housing benefit where the claimant occupies supported accommodation (as defined). Regulation 3 of the 1997 Regulations provides that those Regulations shall cease to have effect on 31st October 1999. (This date was substituted for the earlier date of 31st October 1998 by S.I. 1998/1732). These Regulations amend regulation 3 of the 1997 Regulations so as to further extend the period during which they have effect until 31st March or 2nd April 2000.

Regulation 13 provides for these Regulations to cease to have effect on either 31st March or 6th April 2003.

Regulation 2 inserts the definition of “supported accommodation” into regulation 2 of the Housing Benefit Regulations.

Regulation 3 amends regulation 8 of the Housing Benefit Regulations and is a minor consequential amendment.

Regulation 4 amends regulation 10 of the Housing Benefit Regulations and is a minor consequential amendment.

The costs to business of these Regulations have been assessed in a Regulatory Impact Assessment (“RIA”), a copy of which has been placed in the libraries of both Houses of Parliament. Further copies may be obtained from the Department of Social Security, Regulatory Impact Unit, The Adelphi, 1-11 John Adam Street, London WC2N 6HT.

