

2000 No. 4

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(General) Amendment Regulations 2000**

Made - - - 6th January 2000

Laid before Parliament 7th January 2000

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 1(1C)(c), 5(1)(d), 126A, 189(3) and (5) and 191 of the Social Security Administration Act 1992(a), sections 123(1)(d), 130(4), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992(b), section 122(3) of the Housing Act 1996(c) and section 34(4) and (5) of the Social Security Act 1998(d), after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e) and after consultation with organisations appearing to him to be representative of the authorities concerned(f), 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 2000 and shall come into force—

- (a) for the purposes of this regulation and regulations 2 to 4 and 11 on 3rd February 2000;
- (b) for the purposes of regulation 5—
 - (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;
- (c) for the purposes of regulation 6 to 10 on 3rd April 2000; and
- (d) for the purposes of regulation 12 on 1st April 2000.

(2) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations (g);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(h).

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- (a) 1992 c. 5; subsections (1A) to (1C) of section 1, and section 126A were inserted by sections 19 and 11 of the Social Security Administration (Fraud) Act 1997 (c. 47) respectively. Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
 - (b) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
 - (c) 1996 c. 52.
 - (d) 1998 c. 14.
 - (e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992.
 - (f) See section 176(1) of the Social Security Administration Act 1992.
 - (g) S.I. 1987/1971.
 - (h) S.I. 1992/1814.

**HOUSING BENEFIT AND COUNCIL TAX BENEFIT (GENERAL)
AMENDMENT REGULATIONS 2000**

[Regulation 2 substitutes regulation 5 of S.I. 1997/2436.]

[Regulations 3 - 10 amend S.I. 1987/1971.]

[Regulation 11 amends S.I. 1992/1814.]

Transitional

12. Where an appropriate authority has applied for a determination of the rent officer in accordance with regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers) before 3rd April 2000, regulation 11 of the Housing Benefit Regulations (maximum rent) shall apply to the relevant claim or award as if regulation 5 of these Regulations had not been made.

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

6th January 2000

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (Information from Landlords and Agents) Regulations 1997 (S.I. 1997/2436) and further amend the Housing Benefit (General) Regulations (S.I. 1987/1971) (“the Housing Benefit Regulations”) and the Council Tax Benefit (General) Regulations (S.I. 1992/1814) (“the Council Tax Benefit Regulations”).

Regulation 2 amends the Housing Benefit (Information from Landlords and Agents) Regulations 1997 and provides that a request for an extension of time in which to supply information must be made within 4 weeks from the date on which the notice requesting the information was sent or given.

Regulation 3 defines “the Rent Officers Order” for the purposes of the Housing Benefit Regulations.

Regulation 4 amends regulation 2B of the Housing Benefit Regulations (cases in which section 1(1A) of the Administration Act is disapplied) to disapply section 1(1A) of the Social Security Administration Act so that children and young persons are not required to supply a national insurance number in connection with a claim for housing benefit.

Regulation 5 further amends regulation 11 (maximum rent) of the Housing Benefit Regulations. There is a new definition of “claim-related rent” which replaces the existing definitions of “relevant rent” and “property-specific rent”. There are other consequential amendments which reflect amendments to the Rent Officers (Housing Benefit Functions) Order 1997 (S.I. 1997/1984) and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (S.I. 1997/1995 (S.144)).

Regulation 6 amends regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers). It inserts a new paragraph which requires the authority to deduct certain specified charges from the total sum notified to the rent officer in its application for a determination, and makes other minor consequential amendments.

Regulation 7 inserts new regulations 12B to 12D into the Housing Benefit Regulations. Regulation 12B enables an appropriate authority to request a determination or redetermination of a rent officer to be redetermined while limiting the number of requests that may be made. Regulation 12C makes provision for an appropriate authority to apply for a substitute determination or redetermination where certain errors have arisen, either in the referral to the rent officer by the authority or on the part of the rent officer.

Regulation 12D provides that where the authority has obtained a substitute determination or redetermination, it may apply for a redetermination or further substitute determination or redetermination.

Regulation 8 amends regulation 66 of the Housing Benefit Regulations (benefit period), and provides for the appropriate authority to extend the current benefit period by not more than 60 benefit weeks where it has received a rent officer determination following notification by the claimant of a prescribed change of circumstances.

Regulation 9 amends regulation 79 of the Housing Benefit Regulations (review of determinations) to limit the number of times an appropriate authority shall request a rent officer redetermination or further redetermination following receipt of written representations from the claimant in respect of a determination the rent officer has made.

Regulation 10 amends the definition of an “excluded tenancy” in Schedule 1A to the Housing Benefit Regulations (excluded tenancies).

Regulation 11 inserts regulation 2B into the Council Tax Benefit Regulations, to disapply section 1(1A) of the Social Security Administration Act so that children and young persons are not required to supply a national insurance number in connection with a claim for council tax benefit.

These Regulations do not impose a charge on business.

