

2001 No. 487

SOCIAL SECURITY

The Housing Benefit (General) Amendment Regulations 2001

Made - - - - - 19th February 2001
Laid before Parliament 27th February 2001
Coming into force - - - 21st May 2001

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(d), 130(2) to (5), 137(1) and (2)(i) and 175(1), (3) to (5) of the Social Security Contributions and Benefits Act 1992(a) and section 122(3) of the Housing Act 1996(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 agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 2001 and shall come into force on 21st May 2001.

[Regulation 2 amends regulations 7(1)(h), 10, 11 and 61(3) of, and para. 2(2) of Sch. 1A to S.I. 1987/1971.]

Transitional provision

3. In a case to which regulation 4(3) (savings) of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997(e) applies, regulation 10(3) of the 1987 Regulations shall have effect as though the words "and regulation 12(f)" were inserted after the words "(5) and (6B)".

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

19th February 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

(a) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".
(b) 1996 c. 52.
(c) See section 176(1)(b) of the Social Security Administration Act 1992 (c. 5).
(d) See section 173(1)(b) of the Social Security Administration Act 1992.
(e) S.I. 1997/852.
(f) Regulation 12 of the 1987 Regulations was revoked subject to a saving in S.I. 1997/852, regulation 4(3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) in the following respects.

Regulation 2(a) amends regulation 7(1)(h). A person who is liable to make payments in respect of a dwelling shall be treated as not being so liable for housing benefit purposes where the claimant or his partner owned that dwelling before they rented it unless, where the claimant demonstrates that he could not have continued to live there without selling the property, more than five years elapses between the date on which the claimant or his partner relinquished ownership of the property and the date on which housing benefit is claimed.

Regulation 2(b) substitutes regulation 10(3) which specifies how a claimant's eligible rent is established for housing benefit purposes.

Regulation 2(c) substitutes paragraphs in regulation 11 which specify how a claimant's maximum rent is established for housing benefit purposes.

Regulation 2(d) substitutes regulation 61(3). A claimant's maximum housing benefit may be increased if a maximum rent has been determined in respect of him and he, or a member of his family, would suffer exceptional hardship. In determining such an increase an authority is bound by any determination made by a rent officer as to the amount of any service charges which remain, in any event, ineligible.

Regulation 2(e) substitutes paragraph 2(2) of Schedule 1A. An authority must apply for a fresh rent officer determination in respect of a continuous claim which has lasted 52 weeks or more when the previous determination has ceased to be applicable.

Regulation 3 makes transitional provision for those cases in respect of which the revocation of regulation 12 (restriction on rent increases) of the Housing Benefit (General) Regulations 1987 did not have effect.

These Regulations do not impose a charge on business.