

1995 No. 531

LOCAL GOVERNMENT, ENGLAND AND
WALES
SOCIAL SECURITY

The Local Government Changes for England
(Housing Benefit and Council Tax Benefit)
Regulations 1995

<i>Made</i> - - - -	<i>2nd March 1995</i>
<i>Laid before Parliament</i>	<i>9th March 1995</i>
<i>Coming into force</i>	<i>1st April 1995</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 19 and 26 of the Local Government Act 1992^(a), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Local Government Changes for England (Housing Benefit and Council Tax Benefit) Regulations 1995 and shall come into force on 1st April 1995.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Local Government Act 1992;

“the Administration Act” means the Social Security Administration Act 1992^(b);

“the 1987 Regulations” means the Housing Benefit (General) Regulations 1987^(c);

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

“abolished authority” means a principal council which is or is to be wound up and dissolved by a section 17 order;

▶ “designated authority” means—

(a) in a case where there are two or more successor authorities in relation to an abolished authority which are principal councils, the successor authority which is specified in a section 17 Order as the

Defn. of “designated authority” inserted in reg. 2(1) by reg. 2(2) of S.I. 1996/547 as from 1.4.96.

(a) 1992 c.19.

(b) 1992 c.5.

(c) S.I. 1987/1971; amended by S.I. 1988/661, 909, 1444, 1843, 1971, 1989/43, 416, 566, 1017, 1322, 1990/546, 671, 1549, 1657, 1775, 2564, 1991/235, 1599, 2910, 1992/50, 201, 432, 1026, 1101, 1326, 1585, 2148, 3147, 1993/317, 518, 963, 1150, 1249, 1540, 2118, 1994/470, 578, 1003, 2137 and 3061.

(d) S.I. 1992/1814; amended by S.I. 1993/349, 688, 963, 1150, 1249, 1540, 2118, 1994/470, 578, 1925, 2137 and 3061.

designated authority in relation to regulation 6(8) and Part III of the Local Government Changes for England (Property Transfer and Transitional Payments) Regulations 1995^(a); and

- (b) in the case of the relinquishing authority and the acquiring authority in relation to a transferred area, the relinquishing authority;[◀]

“the reorganisation date”, in relation to an authority, means the date (being 1st April in any year) which is specified as such in a section 17 order; “section 17 order” means an order under section 17 of the Act; and “successor authority”, in relation to an abolished authority, means—

- (i) where a section 17 order gives effect to a structural change, an authority to which any functions of the abolished authority are or are to be transferred on the reorganisation date; and
- (ii) where such an order gives effect to a boundary change, an authority whose area, on and after that date, includes, or is to include, an area which, before that date, is the whole or any part of the area of the abolished authority.

(2) In these Regulations—

- (a) any reference to a transferred area is a reference to an area in relation to which, immediately before the reorganisation date, a principal council (other than an abolished authority) (“the relinquishing authority”) exercises functions which, by virtue of a structural or boundary change effected by a section 17 order, it ceases to exercise on that date; and
- (b) any reference to the acquiring authority in relation to such an area is a reference to the authority which, by virtue of such a change, exercises or is to exercise those functions in relation to the area on and after that date.

(3) These Regulations are to be read, where appropriate, with the Local Government Changes for England Regulations 1994^(b).

Modification of the Administration Act

3. ▶Subject to regulation 5 below,[◀] the Administration Act shall be modified so that any reference in sections 75, 76^(c), 127, 128^(d), 135 and 140^(e) of that Act to “authority” or “authorities”, shall be taken, in the case of an abolished authority or, as the case may be, a relinquishing authority for a transferred area, to be a reference also to the successor or, as the case may be, acquiring authority.

Termination of benefit periods

4.—(1) Without prejudice to any right or power of an authority under the 1987 or 1992 Regulations, but subject to paragraphs (2) and (4) below, in any case where an abolished authority or, as the case may be, a relinquishing authority for a transferred area had made an award of benefit under either of those Regulations, the successor or, as the case may be, acquiring authority, may determine that the benefit period for any such award shall be brought to an end on such date as that authority may determine.

(a) S.I. 1995/402; amended by S.I. 1995/2796.

(b) S.I. 1994/867.

(c) Section 76 was amended by the Local Government Finance Act 1992 (c.14), section 103 and Schedule 9, paragraph 15.

(d) Section 128 was amended by the Local Government Finance Act 1992, section 103 and Schedule 9, paragraph 18.

(e) Section 140 was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 21, but the section as originally enacted continues in force by virtue of the Local Government Finance Act 1992 (Community Charge Benefits) Savings and Transitional Order 1993 (S.I. 1993/232).

Words inserted in reg.3
by reg. 2(3) of S.I.
1996/547 as from
1.4.96.

- (2) Any determination to end a benefit period under paragraph (1) above—
- (a) shall be made within the period of six months beginning with the reorganisation date for that authority;
 - (b) shall be of no effect unless—
 - (i) that determination has been notified to the claimant as though that determination were a determination made under the 1987 or 1992 Regulations, as the case may be; and
 - (ii) the authority has invited the person whose benefit period has been brought to an end to make a claim for a further grant of housing benefit or council tax benefit, as the case may be.

(3) Any claim received within 4 weeks of the end of the benefit period terminated under paragraph (1), following an invitation issued in accordance with (2)(b)(ii), shall have effect as if made on the date following the day on which the benefit period ended.

(4) Notwithstanding the provisions of section 63(3) of the Administration Act, there shall be no review or further review under regulation 79(a) or 81(b) of the 1987 Regulations or regulation 69(c) or 70(d) of the 1992 Regulations (reviews and further reviews of determinations) of any determination made under this regulation.

(5) Expressions used in this regulation shall have, unless the context otherwise requires, the same meaning as they have in the 1987, or as the case may be, 1992 Regulations.

► Designation of authorities for subsidy purposes

Reg. 5 added by reg. 2(4) of S.I. 1996/547 as from 1.4.96.

5. In relation to any benefit granted or allowed before the reorganisation date, for the purposes of—

- (a) payment of any subsidy under section 135 (housing benefit finance) or 140 (council tax benefit subsidy) of the Administration Act(e);
- (b) any claims or other matters associated with such subsidy under sections 137 and 140(7) (claims etc.) of that Act; and
- (c) any Regulations or Orders made under those sections,

in any case where there is a designated authority that authority shall be deemed to be the authority referred to in those sections or in any Regulations or Orders made thereunder.◀

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

2nd March 1995

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

(a) Regulation 79 was amended by S.I. 1990/1549, 1992/432, 1993/1150 and 1994/2137.

(b) Regulation 81 was amended by S.I. 1990/546, 1993/317 and 1994/2137.

(c) Regulation 69 was amended by S.I. 1993/688 and 1994/2137.

(d) Regulation 70 was amended by S.I. 1993/688 and 1994/2137.

(e) 1992 c.5; section 140 was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 21.

**LOCAL GOVERNMENT CHANGES FOR ENGLAND (HOUSING
BENEFIT AND COUNCIL TAX BENEFIT) REGULATIONS 1995****EXPLANATORY NOTE**

(This note is not part of the Regulations)

Part II of the Local Government Act 1992 makes provision for local government changes in England. The Local Government Commission for England conducts a review of a local government area and decides whether to make recommendations to the Secretary of State for the Environment about such changes. Where recommendations for change are made, the Secretary of State may make an order, under section 17 of that Act, giving effect to those recommendations with or without modifications.

These Regulations make incidental, consequential, transitional and supplementary provision for Housing Benefit and Council Tax Benefit for the purposes of, and in consequence of, such orders.

They supplement the Local Government Changes for England Regulations 1994 by providing that in relation to various provision of the Social Security Administration Act 1992 reference to an authority which has been abolished or relinquished part of its area (“an old authority”) is also a reference to the authority acquiring that area (“a new authority”).

In addition they provide for a new authority to terminate any benefit period granted by an old authority.

These Regulations do not impose a charge on businesses.