

2005 No. 2894

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefits (Miscellaneous Amendments) (No. 4) Regulations 2005

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| <i>Made</i> | - - - | <i>13th October 2005</i> |
| <i>Laid before Parliament</i> | | <i>20th October 2005</i> |
| <i>Coming into force</i> | | <i>10th November 2005</i> |

The Secretary of State for Work and Pensions, makes the following Regulations in exercise of the powers conferred upon him by sections 130(2), 135(5) and (6), 136(4), (5)(a) and (b), 136A(3), 137(c) and (d), 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 5(1)(a), (b), (hh), (i) and (k), 6(1)(a), (b), (hh) and (l), 7A(1)(a) and (2)(b), 189(1) and (4) and 191 of the Social Security Administration Act 1992(b), section 79(1) and (8) of the Social Security Act 1998(c) and paragraphs 1, 13, 14, 15, 20 and 23 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(d).

In accordance with section 176(1)(b) of that Social Security Administration Act 1992 he has consulted with organisations appearing to him to be representative of the authorities concerned. In accordance with section 173(1)(b) of that Act he has sought the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.4) Regulations 2005 and shall come into force on 10th November 2005.

(2) In these Regulations—

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

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

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- (a) 1992 (c. 4). Section 136A was inserted by Schedule 2, paragraph 3 of the State Pension Credit Act 2002 (c. 16).
- (b) 1992 (c. 5). Paragraph (hh) was inserted into s. 5(1) by s. 74 of the Social Security Act 1998 (c. 14). Paragraph (hh) was inserted into s. 6(1) by paragraph 21(2) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (c. 19). Section 7A was inserted by Schedule 8 to the Welfare Reform and Pensions Act 1999 (c. 30). Section 191 is cited for the meaning given to the word “prescribe”.
- (c) 1998 (c. 14). Section 79(1) was amended by paragraph 31, Schedule 4 to the Tax Credits Act 2002 (c. 21).
- (d) 2000 (c. 19).
- (e) S.I. 1992/1814.
- (f) S.I. 1987/1971.

“the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations” means the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(a).

[Regulation 2 makes various amendments to S.I. 1987/1971.]

[Regulation 3 makes various amendments to S.I. 1992/1814.]

[Regulation 4 amends regulation 14(2) of S.I. 2001/1002.]

Signed by authority of the Secretary of State for Work and Pensions.

13th October 2005

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make various amendments to the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (“the Housing Benefit Regulations”), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) (“the Council Tax Benefit Regulations”) and the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (S.I. 2001/1002) (“the Decisions and Appeals Regulations”).

The Housing Benefit Regulations and the Council Tax Benefit Regulations were modified by the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325) for persons who have attained the qualifying age for state pension credit. These Regulations apply to the Housing Benefit Regulations and the Council Tax Benefit Regulations as so modified and as not so modified, as set out in regulations 2(2) and 3(2).

Regulation 2 amends the Housing Benefit Regulations. Paragraph (3) amends regulation 2 by expanding the definition of “appropriate DWP office”. Paragraphs (4) and (5) provide that a person is considered to be disabled for the purpose of determining child care charge deductions if they cease to be registered as blind within the period that begins 28 weeks before the first Monday in September following their fifteenth birthday and ends on the day preceding the first Monday in September following the person’s sixteenth birthday. Paragraphs (6), (7), (8), (9) and (11) provide that the tax rates to be used to determine the amount of tax and contributions that should be deducted to find the net amount of profit or earnings shall be the rate applicable to the assessment period. Paragraphs (10), (12) and (13) substitute the term “revision and supersession” for the term “review”. Paragraph (14) is a change consequential on the amendment made by paragraph (20). It inserts two definitions which apply to this regulation but were previously found in paragraph 13 of Schedule 4. Paragraph (15) extends certain time limits from four weeks to one month. Paragraph (16) revokes rules linking a claim for housing benefit to certain social security benefits. Paragraph (16) also introduces two new rules for determining the date of claim. The first relates

(a) S.I. 2001/1002.

to bereaved or separated persons and the second provides that the date of claim is the date a claimant notifies his intention of making a claim provided he makes that claim within one month of being issued with a claim form. Paragraph (17) amends the power of the relevant authority to make an interim payment. Paragraph (18) enables payment to be made to a landlord following a supersession. Paragraph (19) includes lone parents in the list of those who have attained the qualifying age for state pension credit and who may be treated as severely disabled in the stipulated circumstances. Paragraph (20) extends the number of payments that should be fully disregarded in the calculation of income other than earnings and (20)(b) makes an amendment consequential to that change.

Regulation 3 amends the Council Tax Benefit Regulations. The amendments made mirror those made by regulation 2. Paragraph (19) makes a technical amendment to paragraph 13 of Schedule 6, which reflects the analogous provision on the Housing Benefit Regulations.

Regulation 4 amends the Decisions and Appeals Regulations to shorten the time before a relevant authority can terminate an award of housing benefit or council tax benefit following suspension of payment.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business.

