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 STATUTORY INSTRUMENTS
 

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**1986 No. 2183**

**HOUSING, ENGLAND AND WALES**

**HOUSING, SCOTLAND**

**RATING AND VALUATION**

**The Housing Benefits Amendment (No. 5) Regulations 1986**

<i>Made</i>	- - -	11th December 1986
<i>Laid before Parliament</i>		11th December 1986
<i>Coming into Operation</i>		30th March 1987

The Secretary of State for Social Services, with the consent of the Treasury, in exercise of the powers conferred on him by section 28(1) of the Social Security and Housing Benefits Act 1982(a) and of all other powers enabling him in that behalf and, so far as is required(b), after consultation with organisations appearing to him to be representative of authorities concerned(c) and after agreement by the Social Security Advisory Committee that the proposals to make 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 Benefits Amendment (No. 5) Regulations 1986 and shall come into operation on 30th March 1987.

*Amendment of the Housing Benefits Regulations 1985*

2.— (1) The Housing Benefits Regulations 1985(e) shall be amended in accordance with the following provisions of these regulations.

(2) In each provision of those regulations specified in column 1 of the Schedule to these regulations, for the amount specified in relation to it in column 2 of that Schedule there shall be substituted the amount specified in relation to it in column 3 of that Schedule.

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- (a) 1982 c.24.  
 (b) These requirements do not apply in the case of regulation 2(2) and the Schedule.  
 (c) See section 36(1) of the Social Security and Housing Benefits Act 1982.  
 (d) See sections 9(7) and 10(1) of the Social Security Act 1980 (c.30) (as amended by section 48(5) of, and paragraph 30 of Schedule 4 to, the Social Security and Housing Benefits Act 1982) and section 61(1)(b) of the Social Security Act 1986 (c.50).  
 (e) S.I. 1985/677, as amended by S.I. 1985/1100, 1244, 1445, 1986/84, 852, 1009 and 1156.

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(3) In regulation 22(5)(b) (calculation of benefit), for “29%” there shall be substituted “33%”.

(4) In regulation 37 (alteration in amount of benefit following changes in regulations)—

- (a) the existing provision shall be numbered as paragraph (1);
- (b) the words “Subject to paragraph (2)” shall be inserted before the words “If an amendment”; and
- (c) the following paragraph shall be added—

“(2) If the amendments to these regulations made by the Housing Benefits Amendment (No. 5) Regulations 1986(a) affect the amount of housing benefit to which a person is entitled, the appropriate authority shall make such alteration to the amount of that benefit as is necessary to take account of those amendments so as to take effect from the first benefit day occurring on or after 30th March 1987 which, taking into account any other alterations to the amount of benefit to which that person is entitled on account of changes in the amount of his eligible rent or rates or his income occurring between that 30th March and 12th April 1987, is most administratively convenient.”.

(5) In Schedule 2 (income disregards), the following paragraph shall be inserted after paragraph 19:

“19A. Any payment made in pursuance of section 34(6) or, as the case may be, section 50 of the Children Act 1975(b) (contributions to a custodian towards the cost of the accommodation and maintenance of a child) by a local authority to the eligible person or his partner in respect of a dependent child to the extent, if any, that its weekly amount exceeds the amount by which the eligible person’s needs allowance is increased under regulation 15(3)(b) in respect of that child.”.

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

*Nicholas Lyell,*  
Parliamentary Under-Secretary of State,  
Department of Health and Social Security.

10th December 1986.

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(a) S.I. 1986/2183.  
(b) 1975 c.72, as amended by section 64 of the Domestic Proceedings and Magistrates’ Courts Act 1978 (c.22).

We consent,

*Peter Lloyd,*  
*Tim Sainsbury,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

11th December 1986.

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## Regulation 2(2)

## SCHEDULE

## AMOUNTS INCREASED IN THE HOUSING BENEFITS REGULATIONS 1985

COLUMN 1	COLUMN 2	COLUMN 3
Provision of the Housing Benefits Regulations 1985	Old Amount	New Amount
Regulation 15 (needs allowances)—		
paragraph (1)(a)	£48.10	£48.90
paragraph (1)(b)	£70.85	£72.15
paragraph (1)(c)	£70.85	£72.15
paragraph (2)(a)	£53.65	£54.50
paragraph (2)(b)	£76.40	£77.75
paragraph (2)(c)	£76.40	£77.75
paragraph (2)(d)	£79.00	£80.45
paragraph (3)(b)	£14.60	£14.75
Regulation 20 (non-dependants' deductions)		
paragraph (1)(a)(i)	£1.10	£1.15
paragraph (1)(a)(ii)	£2.60	£2.70
paragraph (1)(a)(iii)	£1.10	£1.15
paragraph (1)(b)	£1.10	£1.15
paragraph (1)(c)	£1.10	£1.15
paragraph (2)(a)(i)	£2.80	£2.90
paragraph (2)(a)(ii)	£7.80	£8.05
paragraph (2)(a)(iii)	£2.80	£2.90
paragraph (2)(b)	£2.80	£2.90
paragraph (2)(c)	£2.80	£2.90
Schedule 2 (amounts to be disregarded when ascertaining weekly income)—		
paragraph 17(ab)	£23.85	£24.35

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Housing Benefits Regulations 1985 which contain the statutory schemes for the grant by local authorities of rate rebates, rent rebates and rent allowances by—

— increasing amounts specified in those regulations used to calculate a person's entitlement to rebate or allowance (regulation 2(2) and the Schedule);

— increasing from 29% to 33% the percentage by which a rent rebate or allowance is reduced for each pound of income above a person's needs allowance (regulation 2(3));

— providing that any change, by virtue of these regulations, in the amount of housing benefit to which a person is entitled may be brought into effect from 30th March 1987 (regulation 2(4));

— providing for the disregard, when calculating entitlement to benefit, of the excess of any custodianship allowance paid by a local authority over the amount of the needs allowance in respect of the child for whom the allowance is paid (custodianship allowances are payable under sections 34(6) or 50 of the Children Act 1975 as amended by section 64 of the Domestic Proceedings and Magistrates' Courts Act 1978 (regulation 2(5)).

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