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STATUTORY INSTRUMENTS

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**1988 No. 1444**

**HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND AND SOCIAL SECURITY**

**The Housing Benefit (General)  
Amendment No. 3 Regulations 1988**

<i>Made</i>	- - - -	<i>12th August 1988</i>
<i>Laid before parliament</i>		<i>15th August 1988</i>
<i>Coming into force</i>		
<i>for the purposes of regulations 1, 5 and 6</i>		<i>5th September 1988</i>
<i>for the purposes of regulations 2, 4 and 8</i>		<i>12th September 1988</i>
<i>for the purposes of regulation 7 to the extent that it relates to cases referred to in regulation 1(1)(c) and (2)</i>		<i>1st April 1989</i>
<i>for the purposes of regulation 7 to the extent that it relates to any other case</i>		<i>3rd April 1989</i>
<i>for the purposes of regulation 3</i>		<i>10th April 1989</i>

The Secretary of State for Social Security in exercise of the powers conferred by sections 20(8), 22(8) and (9) and 84(1) of the Social Security Act 1986(1) and section 166(1) to (3A) of the Social Security Act 1975(2) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of authorities concerned, by this instrument which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations:—

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- (1) 1986 c. 50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.
- (2) 1975 c. 14; section 166(3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) was applied by section 83(1) of that Act.

### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment No. 3 Regulations 1988 and shall come into force as follows—

- (a) for the purposes of this regulation and regulations 5 and 6, 5th September 1988;
- (b) for the purposes of regulations 2, 4 and 8, 12th September 1988;
- (c) for the purposes of regulation 7 in any case to which paragraph (2)(a) or (b) of this regulation applies, 1st April 1989;
- (d) for the purposes of regulation 7 in any other case, 3rd April 1989; and
- (e) for the purposes of regulation 3, 10th April 1989.

(2) This paragraph applies in any case where—

- (a) rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof; or
- (b) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

(3) In these Regulations “the General Regulations” means the Housing Benefit (General) Regulations 1987(3).

### **Amendment of regulation 2 of the General Regulations**

2. In regulation 2(1) of the General Regulations (interpretation) there shall be inserted after the definition of “student” the following definition—

““the Independent Living Fund” means the charitable trust established out of funds provided by the Secretary of State for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;”.

### **Amendment of regulation 8 of the General Regulations**

3. In regulation 8 of the General Regulations (eligible housing costs)—

- (a) in paragraph (2), sub-paragraph (c) shall be omitted;
- (b) in paragraph (3) for the words “for board and lodging at” there shall be substituted the words “in respect of a payment made by him in respect of”.

### **Amendment of regulations 27, 35, and 43 of, paragraph 34 of Schedule 4 to, and paragraph 23 of Schedule 5 to, the General Regulations**

4. In the following provisions of the General Regulations there shall be inserted after the words “the Macfarlane Trust” the words “or the Independent Living Fund”—

- (a) regulation 27(1) (treatment of charitable or voluntary payments);
- (b) regulation 35(3) (notional income);
- (c) regulation 43(3) (notional capital);
- (d) paragraph 34 of Schedule 4 (income other than earnings to be disregarded);
- (e) paragraph 23 of Schedule 5 (capital to be disregarded).

### **Amendment of regulation 51 of the General Regulations**

5. In regulation 51(1) of the General Regulations (eligible rent) for “£17.80” and “£13.60” there shall be substituted “£18.50” and “£14.00” respectively.

### **Amendment of regulation 53 of the General Regulations**

6. In regulation 53(2)(g) of the General Regulations (calculation of grant income) for the sum of “£210” there shall be substituted the sum of “£220”.

### **Amendment of Schedule 1 to the General Regulations**

7. In Schedule 1 to the General Regulations (ineligible service charges)—

- (a) in paragraph 1(a), at the beginning of head (i) there shall be inserted the words “subject to paragraph 1A”;
- (b) after paragraph 1 there shall be added the following paragraph—

#### **“Amount ineligible for meals**

**1A.—**(1) Where a charge for meals is ineligible to be met by housing benefit under paragraph 1, the amount ineligible in respect of each week shall be the amount specified in the following provisions of this paragraph.

(2) Where the charge includes provision for at least three meals a day, the amount shall be—

- (a) for a single claimant, £12.50;
- (b) if the claimant is a member of a family—
  - (i) for the claimant and for each member of his family aged 16 or over, £12.50;
  - (ii) for each member of his family under age 16, £6.25.

(3) Except where sub-paragraph (4) applies, where the charge includes provision for less than three meals a day, the amount shall be—

- (a) for a single claimant, £8.30;
- (b) if the claimant is a member of a family—
  - (i) for the claimant and for each member of his family aged 16 or over, £8.30;
  - (ii) for each member of his family under age 16 £4.15.

(4) Where the charge for meals includes the provision of breakfast only, the amount for the claimant and, if he is a member of a family, for the claimant and for each member of his family, shall be £1.50.”;

- (c) in paragraphs 2(1) and 3, at the beginning of each of those paragraphs there shall be inserted the words “Subject to paragraph 1A,”;
- (d) in paragraph 5—
  - (i) in sub-paragraph (2) for the words “sub-paragraph (3)” there shall be substituted the words “sub-paragraphs (2A) and (3)”;
  - (ii) after sub-paragraph (2) there shall be inserted the following sub-paragraph —

“(2A) Where the accommodation occupied by the claimant or, if he is a member of a family, by the claimant and the members of his family, consists of one room only, the amount ineligible to be met by housing benefit in respect of each week where heating only is, or heating and either hot water or lighting (or both) are, provided,

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shall be one-half of the aggregate of the amounts specified in sub-paragraph (2)(a), (b) and (c).”

(iii) in sub-paragraph (3) after the words “sub-paragraph (2)” there shall be inserted the words “or (2A)”.

#### **Amendment of Schedule 5 to the General Regulations**

**8.** In paragraph 24 of Schedule 5 (capital to be disregarded) at the end there shall be added the following sub-paragraph—

“(2) In this paragraph “dwelling” includes any garage, garden and outbuildings, which were formerly occupied by the claimant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.”.

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

12th August 1988

*Nicholas Scott*  
Minister of State,  
Department of Social Security

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Housing Benefit (General) Regulations 1987 to provide, in the calculation of income and capital, for the disregard of payments made to the incapacitated and very severely disabled out of the Independent Living Fund (regulations 2 and 4); in the calculation of a student's grant income, for an increase in the disregard for books and equipment (regulation 6); and, in the calculation of capital, for the disregard of a claimant's interest in his former dwelling to include any garage, garden or other outbuildings (regulation 8).

They also provide for housing benefit to be payable to persons in board and lodging accommodation (regulation 3); increase the deductions in a student's eligible rent (regulation 5); and provide for deductions to be made from eligible rent in respect of meals or where the accommodation consists of one room, in respect of fuel charges for heating, hot water and lighting (regulation 7).

The Regulations are made before the expiry of 12 months from the commencement of the enactments under which they are made; they are accordingly exempt by section 61(5) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.