

1988 No. 909

HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND  
RATING AND VALUATION

The Housing Benefit (General) Amendment No. 2  
Regulations 1988

<i>Made - - - -</i>	<i>19th May 1988</i>
<i>Laid before Parliament</i>	<i>19th May 1988</i>
<i>Coming into force</i>	
<i>For the purpose of</i>	
<i>regulations 1 and 3(a)</i>	<i>23rd May 1988</i>
<i>For all other purposes</i>	<i>30th May 1988</i>

The Secretary of State for Social Services in exercise of the powers conferred upon him by sections 22(6), (7) and (9) and 84(1) of the Social Security Act 1986<sup>(a)</sup> and section 166(1) to (3A) of the Social Security Act 1975<sup>(b)</sup> 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 enactment under which it is made, hereby makes the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment No. 2 Regulations 1988 and shall come into force for the purposes of this regulation and regulation 3(a) on 23rd May 1988 and for all other purposes on 30th May 1988.

(2) In these Regulations “the General Regulations” means the Housing Benefit (General) Regulations 1987<sup>(c)</sup>.

**Amendment of regulations 34(1), 37 and 45(1) of the General Regulations**

2. In regulations 34(1), 37 and 45(1) of the General Regulations (capital treated as income, capital limit and calculation of tariff income from capital) for “£6,000” there shall be substituted “£8,000”.

**Amendment of Schedule 4 to the General Regulations**

3. In Schedule 4 to the General Regulations (sums to be disregarded in the calculation of income other than earnings)—

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<sup>(a)</sup> 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

<sup>(b)</sup> 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.

<sup>(c)</sup> S.I. 1987/1971; the relevant amending instrument is S.I. 1988/661.

(a) for paragraph 11 there shall be substituted the following paragraph—

“ 11. In the case of a claimant participating in arrangements for training made under section 2 of the Employment and Training Act 1973(a) or attending a course at an employment rehabilitation centre established under that section—

(a) any travelling expenses reimbursed to the claimant;

(b) if he is a person to whom regulation 5(5)(b) applies (circumstances in which a person is to be treated as occupying a dwelling as his home), any living away from home allowance under section 2(2)(d) of that Act but only for the purposes of assessing entitlement to housing benefit in respect of the dwelling which he normally occupies as his home;

(c) any training premium,

but this paragraph, except insofar as it relates to a payment under subparagraph (a), (b) or (c), does not apply to any part of any allowance under section 2(2)(d) of that Act.”;

(b) after paragraph 34 there shall be added the following paragraph—

“ 35. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.”.

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

4. In Schedule 5 to the General Regulations (capital to be disregarded) after paragraph 23 there shall be added the following paragraphs—

“ 24. Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from his former partner, that dwelling for a period of 26 weeks from the date on which he left that dwelling.

25. Any premises where the claimant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

26. Any premises where the claimant has commenced legal proceedings to obtain possession of those premises in order to occupy them as his home, for a period of 26 weeks from the date on which he commenced such proceedings, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

27. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

28. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.”.

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

19th May 1988

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

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(a) 1973 c.57; section 2 was amended by sections 9 and 11 of, Schedule 2 Part II paragraph 9 and Schedule 3 to, the Employment and Training Act 1981 (c.57).

## EXPLANATORY NOTE

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

These Regulations further amend the Housing Benefit (General) Regulations 1987. They raise the capital limit over which a person is not to be entitled to housing benefit, the limit for treating outstanding capital as income and the limit for calculating weekly tariff income, to £8,000 (regulation 2). They also disregard, in the calculation of income, any training premium paid to a person participating in arrangements for training under the Employment and Training Act 1973 and, in the calculation of income and capital, any payment made to compensate for the loss of housing benefit on the introduction of the scheme on 1st April 1988 (regulations 3 and 4). In addition, in the calculation of capital, they disregard the claimant's interest in his former home where he has left that home following his estrangement or divorce from his former partner or in premises where he is seeking possession of it or essential repairs are required before occupation, for a period of 26 weeks or longer if reasonable (regulation 4).

The Regulations are made before the expiry of 12 months from the commencement of the enactment 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.