

1989 No. 1017

HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND

The Housing Benefit (General) Amendment No. 3
Regulations 1989

<i>Made</i> - - - -	<i>15th June 1989</i>
<i>Laid before Parliament</i>	<i>16th June 1989</i>
<i>Coming into force</i>	
<i>for the purposes of regulations</i> <i>1 and 5 to 7</i>	<i>10th July 1989</i>
<i>for the purposes of regulations</i> <i>3 and 4 to the extent that they</i> <i>relate to a case where a</i> <i>student's period of study begins</i> <i>on or after 1st August 1989 but</i> <i>before 4th September 1989, the</i> <i>first Monday of that period</i> <i>to the extent that they relate</i> <i>to any other case</i>	<i>4th September 1989</i>
<i>for the purposes of</i> <i>regulation 2</i>	<i>9th October 1989</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 20(1)(c) and (12)(g), 22(1), (8) and (9) and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf after consultation with organisations appearing to him to be representative of authorities concerned(c) and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should in so far as they are required to be referred to it should not be so referred(d), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment No. 3 Regulations 1989 and shall come into force as follows—

- (a) regulations 1 and 5 to 7, on 10th July 1989;
- (b) regulations 3 and 4—
 - (i) in a case where the student's period of study begins on or after 1st August 1989 but before 4th September 1989, on the first Monday of that period;
 - (ii) in any other case, on 4th September 1989;
- (c) regulation 2, on 9th October 1989.

(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words "prescribed" and "regulations".

(b) 1975 c.14; section 166(1) to (3) is applied by section 83(1) of the Social Security Act 1986.

(c) See section 61(7) of the Social Security Act 1986.

(d) See section 10(2)(b) of the Social Security Act 1980 (c.30); section 10 was amended by paragraph 98 of Schedule 10 to the Social Security Act 1986.

(2) In paragraph (1)(b) of this regulation the expressions "period of study" and "student" have the same meanings as in regulation 46 of the General Regulations and in these Regulations "the General Regulations" means the Housing Benefit (General) Regulations 1987(a).

Amendment of regulation 5 of the General Regulations

2. In regulation 5(6)(c)(ii) of the General Regulations (circumstances in which a person is to be treated as occupying a dwelling as his home) after the reference "paragraph 9," there shall be inserted the reference "9A,".

Amendment of regulation 51 of the General Regulations

3. In regulation 51(1) of the General Regulations (eligible rent) for the sums "£18.50" and "£14.00" there shall be substituted the sums "£20.65" and "£14.80" respectively.

Amendment of regulation 53 of the General Regulations

4. In regulation 53(2)(g) of the General Regulations (calculation of grant income) for the sum "£220" there shall be substituted the sum "£234".

Amendment of Schedule 2 to the General Regulations

5. In paragraph 1 of Schedule 2 to the General Regulations (applicable amounts)—
- (a) in sub-paragraph (1) head (a) shall be omitted; and in head (b), in column (1), the words "not less than 18 but" shall be omitted;
 - (b) in sub-paragraph (2)(a), in column (2), for the sum "£20.80" there shall be substituted the sum "£27.40".

Amendment of Schedule 4 to the General Regulations

6. In Schedule 4 to the General Regulations (sums to be disregarded in the calculation of income other than earnings) for paragraph 26 there shall be substituted the following paragraph—

"26. Any payment made by a local authority under section 1, 27 or 29 of the Child Care Act 1980(b) or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968(c) (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons under 21 in, or formerly in, their care)."

Amendment of Schedule 5 to the General Regulations

7. In Schedule 5 to the General Regulations (capital to be disregarded) for paragraph 18 there shall be substituted the following paragraph—

"18. Any payment made by a local authority under section 1, 27 or 29 of the Child Care Act 1980 or, as the case may be, section 12, 24 or 26 of the Social Work (Scotland) Act 1968 (local authorities' duty to promote welfare of children and powers to grant financial assistance to persons under 21 in, or formerly in, their care)."

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

Nicholas Scott
Minister of State,
Department of Social Security

15th June 1989

(a) S.I. 1987/1971; relevant amending instruments are S.I. 1988/661, 909, 1444, 1971 and 1989/43.

(b) 1980 c.5.

(c) 1968 c.49.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 in the following respects—

- (a) they increase the deduction to be made from a student's eligible rent to £20.65, in London, and £14.80 elsewhere (regulation 3); and the amount of the personal allowance for single claimants and lone parents under 18 to £27.40 (regulation 5);
- (b) they provide, in the calculation of income and capital, for the disregard of payments made by a local authority towards maintenance, education and training of persons under 21 (regulations 6 and 7); and in the calculation of a student's grant income, for an increase in the disregard for books and equipment (regulation 4); and
- (c) they make a minor amendment consequential on the introduction of the new pensioner premium for persons aged 75 (regulation 2).