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STATUTORY INSTRUMENTS

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**1995 No. 511**

**SOCIAL SECURITY**

**The Housing Benefit and Council Tax  
Benefit (Amendment) Regulations 1995**

<i>Made</i>	- - - -	<i>1st March 1995</i>
<i>Laid before Parliament</i>		<i>2nd March 1995</i>
<i>Coming into force</i>	- -	<i>6th March 1995</i>

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 123(1)(d) and (e), 136(1) and (3) to (5), 137(1), 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992(1) and sections 5(1)(e), 6(1)(e), 63(3), 75(1) and 76(1) of the Social Security Administration Act 1992(2) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(3), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Amendment) Regulations 1995 and shall come into force on 6th March 1995.

(2) In these Regulations, unless the context otherwise requires—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(5);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(6).

**Amendment of regulation 68 of the Housing Benefit Regulations**

2. Regulation 68 of the Housing Benefit Regulations (date on which change of circumstances is to take effect) shall be amended as follows—

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- (1) 1992 c. 4; sections 123(e) and 131 of the Social Security Contributions and Benefits Act 1992 were substituted by the Local Government and Finance Act 1992 (c. 14), section 103 and Schedule 9, paragraphs 1(1) and 4. Section 137(1) which is an interpretation provision is cited because of the meaning assigned to the word “prescribed”.
- (2) 1992 c. 5.
- (3) See the Social Security Administration Act 1992 (c. 5), section 176(1).
- (4) See the Social Security Administration Act 1992 (c. 5), section 172(1).
- (5) S.I. 1992/1814, to which there are amendments not relevant to this regulation.
- (6) S.I. 1987/1971, to which there are amendments not relevant to this regulation.

- (a) in paragraph (1), for the words “to (6)” there shall be substituted the words “to (7)”, and
- (b) after paragraph (6)(7) there shall be inserted the following new paragraph–

“(7) Without prejudice to paragraph (6), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances shall take effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.”.

### **Amendment of regulation 59 of the Council Tax Benefit Regulations**

3. Regulation 59 of the Council Tax Benefit Regulations (date on which change of circumstances is to take effect) shall be amended as follows–

- (a) in paragraph (1), for the words “to (8)” there shall be substituted the words “to (9)”, and
- (b) after paragraph (8)(8) there shall be inserted the following new paragraph–

“(9) Without prejudice to paragraph (8), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances shall take effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.”.

### **Transitional**

4. Where a change of circumstances occurs as a result of the payment of arrears of any income (and for the avoidance of doubt income includes any benefit within the meaning of the Social Security Contributions and Benefits Act 1992(9)) which affects a determination or decision in respect of entitlement to, or the amount of, housing benefit or council tax benefit before 6th March 1995, regulations 2 and 3 shall, in so far as they relate to arrears of income paid in respect of a period before that date, be treated as if they had not been made.

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

*Roger Evans*  
Parliamentary Under-Secretary of State,  
Department of Social Security

1st March 1995

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(7) Paragraph (6) was inserted by S.I. 1994/578.  
(8) Paragraph (8) was inserted by S.I. 1994/578.  
(9) 1992 c. 4.

## EXPLANATORY NOTE

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

These Regulations further amend the Housing Benefit (General) Regulations 1987 (S.I. [1987/1971](#)) and the Council Tax Benefit (General) Regulations 1992 (S.I. [1992/1814](#)).

These Regulations further amend the provisions relating to the date on which change of circumstances is to take effect in respect of income received in arrears; and make transitional provision (regulations 2 to 4).

These Regulations do not impose a charge on business.