
STATUTORY INSTRUMENTS

1996 No. 194

SOCIAL SECURITY

**The Housing Benefit, Supply of Information and
Council Tax Benefit (Amendment) Regulations 1996**

Made - - - - *1st February 1996*
Coming into force - - *1st April 1996*

Whereas a draft of this instrument was laid before Parliament in accordance with the Jobseekers Act 1995, section 37(2) and approved by resolution of each House of Parliament—

Now, therefore, the Secretary of State for Social Security, in exercise of powers conferred upon him by sections 123(1)(d) and (e), 130(2) to (5), 131(10), 135(1), 136(2) to (5), 137(1) and (2) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992(1), sections 5(1), 6(1), 63(1) to (2A)(2), 127(1), 128(1), 128A(3), 138(1) and (2), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992(4) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations need not be referred to it(5) and after consultation with organisations appearing to him to be representative of the authorities concerned(6), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit, Supply of Information and Council Tax Benefit (Amendment) Regulations 1996 and shall come into force on 1st April 1996.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(7);

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- (1) 1992 c. 4; sections 123(e), 131, 137 and 175 were amended by section 103 of and paragraphs 1 to 10 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and sections 130 and 137 are prospectively amended by the Local Government etc (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 174; section 137(1) is cited because of the meaning there ascribed to “prescribed”.
- (2) Section 63(2A) was inserted by section 28(3) of the Jobseekers Act 1995 (c. 18).
- (3) Section 128A was inserted by section 28(2) of the Jobseekers Act 1995 (c. 18).
- (4) 1992 c. 5; sections 6, 63, 138, 189 and 191 were amended by section 103 of and paragraphs 1 to 10 of Schedule 9 to the Local Government Finance Act 1992 (c. 14); sections 138 and 191 are prospectively amended by the Local Government etc (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 175; section 191 is cited because of the meaning there ascribed to “prescribe”.
- (5) See section 173(1)(b) of the Social Security Administration Act 1992.
- (6) See section 176(1) of the Social Security Administration Act 1992.
- (7) S.I. 1992/1814; relevant amendments are S.I. 1993/1249, 1994/578, 2137 and 1995/626.

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(8); and

“the State Pension Credit Regulations” means the Housing Benefit (Supply of Information) Regulations 1988(9).

Amendment of regulation 2 of the Housing Benefit Regulations

2. In regulation 2(1) of the Housing Benefit Regulations (interpretation) there shall be inserted, after the definition of “employed earner”(10), a new definition—

““extended payment” means a payment of housing benefit pursuant to regulation 62A;”.

Insertion of regulation 62A into the Housing Benefit Regulations

3. After regulation 62 of the Housing Benefit Regulations there shall be inserted a new regulation 62A—

“Extended payments

62A.—(1) Subject to paragraph (2), in a case where—

- (a) a person was entitled to housing benefit and the benefit period comes to an end either—
 - (i) in accordance with regulation 67(a); or
 - (ii) in a case where the conditions specified in paragraph (3) are satisfied, in accordance with regulation 67(c) on the ground that the claimant has vacated the dwelling which he occupied as his home;
- (b) that person claims benefit under this regulation and the claim is in writing—
 - (i) on a properly completed form approved for the purpose by the appropriate authority; and
 - (ii) signed by him; and
- (c) the additional conditions specified in Part I of Schedule 5A are satisfied in his case,

then that person’s housing benefit shall be determined in accordance with Part II of that Schedule and any award so determined shall be referred to in these Regulations as an “extended payment”.

(2) For the purposes of any payment pursuant to this regulation—

- (a) except in a case to which sub-paragraph 8(b) of Schedule 5A applies, the maximum housing benefit of any person mentioned in paragraph (1) shall be that which was applicable to the award of housing benefit to him referred to in sub-paragraph (1)(a);
- (b) the maximum housing benefit of a person to whom sub-paragraph 8(b) of Schedule 5A applies shall be determined in accordance with paragraph 9 of that Schedule; and
- (c) any person who meets the requirements of paragraph (1) shall be treated as possessing no income and no capital.

(8) S.I. 1987/1971; relevant amendments are S.I. 1990/546, 1549, 1993/317, 1994/578 and 1995/1644.

(9) S.I. 1988/662; relevant amendments are S.I. 1994/578, 2137 and 1995/626.

(10) The definition of employed earner was amended by S.I. 1994/2137.

(3) The conditions specified in this paragraph are that the claimant vacated the dwelling and that the day on which he did so was either in the week in which he or his partner took up employment as an employed or self employed earner or in the preceding week.

(4) Regulations 71, 72 and 73 (claims, evidence and information) shall not apply to a claim pursuant to this regulation and, subject to regulation 69(8), Part IX (calculation of weekly amounts and changes of circumstances) shall not apply to any payment under it.

(5) In a case where a payment has been made under this regulation—

- (a) the beneficiary shall be treated, for the purposes of these Regulations and of the Housing Benefit (General) Amendment Regulations 1995(11), as though he were entitled to and in receipt of housing benefit during the 4 weeks immediately following the end of the relevant benefit period; and
- (b) any claim for housing benefit made within that 4 week period or the 4 weeks thereafter shall be deemed to be within the period of 4 weeks specified in regulation 72(14) (claim following the end of a benefit period)."

Amendment of regulation 69 of the Housing Benefit Regulations

4. In regulation 69 of the Housing Benefit Regulations (calculation of weekly amounts) there shall be inserted, after paragraph (7), a new paragraph (8)(12)—

“(8) In any case where a claimant has received an extended payment, his entitlement shall be adjusted in such circumstances and by such amount as are prescribed in Part III of Schedule 5A.”.

Amendment of regulation 76 of the Housing Benefit Regulations

5. In regulation 76 of the Housing Benefit Regulations (who is to make a determination) there shall be added, after paragraph (3), a new paragraph (4)—

“(4) Without prejudice to the generality of the foregoing provisions of this regulation, in a case where a person—

- (a) has claimed an extended payment within 7 days from the day immediately after the day on which his entitlement to income support ceased (“the appropriate day”); and
- (b) has made a claim, which meets the requirements of regulation 72(1), (6) and (9), within 14 days of the appropriate day,

the appropriate authority shall give priority to that claim over other claims which do not fall within the provisions of this paragraph.”.

Insertion of Schedule 5A into the Housing Benefit Regulations

6. After Schedule 5 there shall be inserted a new Schedule 5A—

(11) S.I. 1995/1644.

(12) The previous paragraph (8) was deleted by S.I. 1994/578 from April 1994.

“SCHEDULE 5A

Regulations 62A & 69(8)

EXTENDED PAYMENTS OF HOUSING BENEFIT

PART I

Conditions for an extended payment

1. The conditions referred to in regulation 62A(1)(c) are those prescribed in paragraphs 2 and 3.
2. The conditions prescribed in this paragraph are that the Secretary of State has certified to the appropriate authority—
 - (a) that the claimant was entitled to and in receipt of income support and that entitlement has ceased;
 - (b) the relevant day in his case;
 - (c) that before his entitlement to income support ceased—
 - (i) the claimant was available for and actively seeking employment; or
 - (ii) the amount applicable to the claimant in income support included an amount by way of a premium pursuant to paragraph 8 (lone parent premium) or, in a case where the claimant was the carer or one of the carers, paragraph 14ZA (carer premium) of Schedule 2 (applicable amounts) to the Income Support (General) Regulations 1987(13); or
 - (iii) the claimant was a relevant trainee;
 - (d) that entitlement to income support had ceased by reason of the claimant or his partner—
 - (i) commencing employment as an employed or self employed earner; or
 - (ii) increasing their earnings from such employment; or
 - (iii) increasing the number of hours worked in such employment; and
 - (e) that the claimant had been entitled to and in receipt of income support for a continuous period of at least 26 weeks until the relevant day in any of, or any combination of, the circumstances set out at sub-paragraph (c) and for the purpose of this sub-paragraph entitlement to and receipt of unemployment benefit shall be taken to be entitlement to and receipt of income support.
- 3.—(1) The conditions prescribed in this paragraph are that the claimant certifies the matters specified in sub-paragraph (2) and meets the requirements specified in sub-paragraph (3).
 - (2) The matters that the claimant has to certify are—
 - (a) that—
 - (i) except in a case to which the next sub-head applies, the liability to pay in respect of the dwelling which he occupies as his home will be continuing for a period of not less than 4 weeks after the last day; or
 - (ii) he has moved or is about to move to another dwelling (“the new dwelling”) which he is or will be occupying as his home, and the liability to make payments of rent in respect of the new dwelling, follows on immediately from the liability to make payments in respect of his previous dwelling and the liability to make

such payments is for a period of not less than 4 weeks commencing on the day following the last day;

- (b) in a case where sub-head (a)(ii) above applies, the address of that second dwelling and the date upon which he expects to or did go into occupation of it; and
 - (c) that he or his partner has or is about to—
 - (i) commence remunerative work; or
 - (ii) commence or increase the amount of work or the rate of remuneration for work, so that he ceases to be entitled to income support, and that work or, as the case may be, increase is expected to last for 5 weeks or more.
- (3) The specified requirements are that—
- (a) the claimant is less than 60 years of age on the day following the relevant day;
 - (b) the claimant makes the claim referred to in regulation 62A(1)(b) at either the appropriate DSS office or the designated office of an appropriate authority within 8 days of the relevant day; and
 - (c) it was the cessation of the entitlement certified under paragraph 2(a) or the occurrence of the condition specified in regulation 62A(3) that led to the termination of the relevant benefit period.

PART II

Calculation and payment of an extended payment

4.—(1) Subject to the following provisions of this paragraph and except in the case of a mover, the amount of the extended payment shall be equal to the amount of housing benefit which was payable to the claimant for the last benefit week before the termination of the relevant benefit period.

(2) In a case where the last benefit week referred to in sub-paragraph (1) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that sub-paragraph shall be taken to be the last benefit week in the relevant benefit period that did not fall within a rent free period.

(3) Where the last benefit week before the termination of the relevant benefit period was a week in which the claimant's eligible rent was calculated in accordance with regulation 69(5) (c) (claimant ceases to occupy the dwelling as his home), paragraph (1) shall have effect as if the reference to the last benefit week before the termination of the relevant benefit period was a reference to the week before that week.

(4) The extended payment shall be payable for each of the 4 weeks following the last day, and shall be paid at such time and in such manner as is appropriate, having regard to —

- (a) the times at which and the frequency with which a person's liability to make payment of rent arises; and
- (b) the reasonable needs and convenience of the person entitled thereto.

Movers

5. Paragraphs 6 to 8 below apply to movers from—

- (a) the day the move takes place where that day is a Monday; or

- (b) from the Monday following the day the move takes place where that day is not a Monday.

Movers and rent allowances

6.—(1) Subject to sub-paragraph (2), in the case of a mover whose housing benefit was in the form of a rent allowance, the authority which, prior to the ending of the relevant benefit period, was paying that allowance, shall make an extended payment to that mover calculated on the same basis as in paragraph 4 and, for these purposes, the mover shall be treated as continuing to occupy and be liable to make payments in respect of the dwelling he was occupying as his home immediately before the termination of the relevant benefit period.

(2) Notwithstanding sub-paragraph (1), in a case where that mover's liability to make payments in respect of the second dwelling would be to a housing authority, any extended payment shall be made by that housing authority and shall be determined as provided in paragraph 8(b).

Movers and rent rebates

7. Where, in a case of a mover—
- (a) his housing benefit was in the form of a rent rebate; and
 - (b) he claims an extended payment,

the authority in which the second dwelling is situated or, as the case may be, where the mover's liability to make payments in respect of the second dwelling is to a housing authority, that housing authority, shall upon receiving the mover's claim for an extended payment, which meets the requirements of regulation 62A(1), make an extended payment, calculated in accordance with paragraph 8, to that mover.

Movers and extended payments

8. In a case to which paragraph 6(2) or 7 applies and a mover's liability referred to in that paragraph is—
- (a) other than to a housing authority, the extended payment shall be a payment by way of rent allowance calculated in accordance with paragraph 4;
 - (b) to a housing authority, the extended payment shall be by way of a rent rebate to the value of such part of 4 weeks rent as is eligible for housing benefit, calculated in accordance with regulations 8 to 11, less, in a case where the rebate to which paragraph 7 refers, or the rent allowance to which paragraph 6 refers, as the case may be, was subject to any deductions in respect of non-dependants pursuant to regulations 61(1) and 63, the amount of those deductions.

Maximum Housing Benefit

9. In a case to which sub-paragraph 8(b) applies the maximum housing benefit of a mover shall be calculated in accordance with regulation 61(1), save that no deduction shall be made in respect of non-dependants, other than any that fall to be taken into account pursuant to that sub-paragraph.

Movers with two homes

10. Subject to Part III of this Schedule, any extended payment under this Part shall be without prejudice to any entitlement the claimant may have pursuant to regulation 5(5) (liability to make payments in respect of two homes)(14).

PART III

Adjustment of entitlement in respect of an extended payment

11. Where for any week—

- (a) a person is entitled to an extended payment, and
- (b) he also claims and is awarded housing benefit,

then the amount of the housing benefit payable in respect of that week shall be reduced by a sum equal to the amount of the extended payment and only the balance (if any) shall be payable to him for that week.

PART IV

Interpretation

12. In this Schedule, except where the context otherwise requires—

“claimant” means a person claiming an extended payment;

“relevant trainee” means a person who is receiving both training and an allowance under arrangements made pursuant to section 2 of the Employment and Training Act 1973(15) or section 2 of the Enterprise and New Towns (Scotland) Act 1990(16);

“the last day” means the last day of the relevant benefit period;

“mover” means a claimant who changes the dwelling which he occupies as his home in respect of which he is liable or treated as liable to make payments;

“the relevant benefit period” means the benefit period referred to in regulation 62A(1)(a);

“the relevant day” means the day on which the claimant’s entitlement to income support ceased; and

“second dwelling” means the dwelling to which a mover has certified he will be or is occupying pursuant to paragraph 3(2)(a)(ii).”.

Amendment of the State Pension Credit Regulations

7.—(1) The State Pension Credit Regulations shall be amended in accordance with the following provisions of this regulation.

(2) To regulation 2(1) (information to be supplied by the Secretary of State to an authority) there shall be added, after sub-paragraph (r)(17), a new sub-paragraph (s)—

(14) Regulation 5(5) was amended by S.I. 1990/1549 and 1993/317.

(15) 1973 c. 50; section 2 was amended by the Employment Act 1988 (c. 19), section 25(1), the Employment Act 1989

(16) 1990 c. 35; section 2 was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(2).

(17) Sub-paragraph (r) was added by S.I. 1995/626.

“(s) any information needed for, incidental to or consequential upon the Secretary of State’s certification to an authority pursuant to paragraph 2 of Schedule 5A to the Housing Benefit Regulations (extended payments of housing benefit).”.

(3) After regulation 4(18), there shall be added a new regulation 5—

“Information to be supplied by an authority to another authority

5.—(1) For the purposes of section 128A(19) of the Social Security Administration Act 1992 (duty of an authority to disclose information to another authority) the circumstances in which information is to be disclosed are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where—

- (a) there is a mover who is or was in receipt of housing benefit from a local authority “A”;
- (b) either his second dwelling is within the area of another local authority “B” or he is liable or treated as liable to make payments in respect of his second dwelling to housing authority B; and

(c) either—

- (i) the extended payment is claimed from authority A; or
- (ii) the extended payment is claimed from authority B, who then requests the prescribed information from authority A,

authority A shall disclose to authority B the information prescribed in paragraph (3).

(3) The information to be disclosed is—

- (a) in a case where that extended payment was claimed from authority A, details of—
 - (i) the matters certified pursuant to regulation 62A of and Part I of Schedule 5A to the Housing Benefit Regulations;
 - (ii) the requirements specified at paragraph 3(3) of that Schedule; and
 - (iii) the date it was so claimed; and

(b) in any case—

- (i) the weekly rate of housing benefit awarded to the mover by authority A;
- (ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulations 61(1) and 63 of the Housing Benefit Regulations, the amount of those deductions;
- (iii) if any deduction was being made from that benefit in respect of a recoverable overpayment pursuant to regulation 102 of the Housing Benefit Regulations, the amount of those deductions;
- (iv) the date on which the relevant benefit period came to an end;
- (v) if an extended payment was made to the mover, the amount and date of any such payment; and
- (vi) if no extended payment was made, why none was made.

(4) In this regulation “extended payment” has the meaning assigned to it in regulation 2(1) of the Housing Benefit Regulations and “mover”, “the relevant benefit period”, “the relevant

(18) Regulation 4 was added by S.I. 1994/578.

(19) Section 128A was inserted by section 28(2) of the Jobseekers Act 1995 (c. 18).

day” and “second dwelling” have the meanings assigned to them in paragraph 12 of Schedule 5A to those Regulations.”.

Amendment of regulation 2 of the Council Tax Benefit Regulations

8. In regulation 2(1) of the Council Tax Benefit Regulations (interpretation) there shall be inserted, after the definition of “employed earner”(20), a new definition—

““extended payment” means council tax benefit allowed pursuant to regulation 53A;”.

Amendment of regulation 51 of the Council Tax Benefit Regulations

9.—(1) Regulation 51 of the Council Tax Benefit Regulations (maximum council tax benefit) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1)(21), at the beginning, for “Subject to paragraphs (2) to (5)” there shall be substituted the words “Subject to paragraphs (2) to (6)”.

(3) After paragraph (5)(22) there shall be added a new paragraph (6)—

“(6) In any case where an extended payment has been allowed to a claimant, his entitlement shall be adjusted in such circumstances and by such amount as are prescribed in Part III of Schedule 5A.”.

Insertion of regulation 53A of the Council Tax Benefit Regulations

10. After regulation 53 of the Council Tax Benefit Regulations there shall be inserted a new regulation 53A—

“Extended payments

53A.—(1) Subject to paragraph (2), in a case where—

- (a) a person was entitled to council tax benefit and the benefit period comes to an end either—
 - (i) in accordance with regulation 58(a), or
 - (ii) in accordance with regulation 58(c) on the ground that the claimant has vacated the dwelling of which he was a resident, in a case where the conditions specified in paragraph (3) are satisfied; and
- (b) the person claims benefit under this regulation and the claim is in writing—
 - (i) on a properly completed form approved for the purpose by the appropriate authority; and
 - (ii) signed by him; and
- (c) the additional conditions specified in Part I of Schedule 5A are satisfied in his case,

then that person’s council tax benefit shall be determined in accordance with Part II of that Schedule and any award so determined shall be referred to in these Regulations as an “extended payment”.

(2) For the purposes of any payment pursuant to this regulation—

(20) The definition of employed earner was amended by S.I. [1994/2137](#).

(21) Paragraph (1) was amended by S.I. [1994/2137](#).

(22) Paragraph (5) was inserted by S.I. [1994/2137](#).

- (a) except in the case of a mover, the maximum council tax benefit of any person mentioned in paragraph (1) shall be that which was applicable to the award of council tax benefit to him referred to in sub-paragraph (1)(a);
- (b) the maximum council tax benefit of a mover shall be determined in accordance with sub-paragraph 6(a) of Schedule 5A; and
- (c) any person who meets the requirements of paragraph (1) shall be treated as possessing no income and no capital,

and in this paragraph “mover” has the meaning assigned to it in paragraph 8 of Schedule 5A.

(3) The conditions specified in this paragraph are that the claimant vacated the dwelling and that the day on which he did so was in the week in which he or his partner took up employment as an employed or self-employed earner or in the preceding week.

(4) Regulations 61, 62 and 63 (claims, evidence and information) shall not apply to a claim pursuant to this regulation and, subject to regulation 51(6), Part VII (benefit periods, changes of circumstances and increases for exceptional circumstances) shall not apply to any payment under it.

(5) In a case where benefit has been allowed under this regulation—

- (a) the beneficiary shall be treated, for the purposes of these Regulations, as though he were entitled to and in receipt of council tax benefit during the 4 weeks immediately following the end of the relevant benefit period; and
- (b) any claim for council tax benefit made within that 4 week period or the 4 weeks thereafter, shall be deemed to be within the period of 4 weeks specified in regulation 62(14) (claim following the end of a benefit period).”

Amendment of regulation 66 of the Council Tax Benefit Regulations

11. In regulation 66 of the Council Tax Benefit Regulations (who is to make a determination) there shall be added, after paragraph (3), a new paragraph (4)—

“(4) Without prejudice to the generality of the foregoing provisions of this regulation, in a case where a person—

- (a) has claimed an extended payment within 7 days from the day immediately after the day on which his entitlement to income support ceased (“the appropriate day”); and
- (b) has made a claim, which meets the requirements of regulation 62(1), (6) and (9) (manner in which claims are to be made), within 14 days of the appropriate day,

the appropriate authority shall give priority to that claim over other claims which do not fall within the provisions of this paragraph.”.

Amendment of regulation 92 of the Council Tax Benefit Regulations

12. To regulation 92(1) of the Council Tax Benefit Regulations (information to be supplied by the Secretary of State to an appropriate authority) there shall be added, after sub-paragraph (r)(23) a new sub-paragraph (s)—

“(s) any information needed for, incidental to or consequential upon the Secretary of State’s certification to an authority pursuant to paragraph 2 of Schedule 5A (extended payments).”.

Addition of regulation 95 to the Council Tax Benefit Regulations

13. The Council Tax Benefit Regulations shall be amended by adding, after regulation 94(24), a new regulation 95—

“Information to be supplied by an authority to another authority

95.—(1) For the purposes of section 128A of the Administration Act (duty of an authority to disclose information to another authority) the circumstances in which information is to be disclosed are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where—

- (a) there is a mover who is or was allowed council tax benefit by appropriate authority “A”;
- (b) who is liable to pay council tax in respect of his second dwelling to authority “B”; and
- (c) either—
 - (i) the extended payment is claimed from authority A; or
 - (ii) the extended payment is claimed from authority B, who then requests the prescribed information from authority A,

authority A shall disclose to authority B the information prescribed in paragraph (3).

(3) The information to be disclosed is—

- (a) in a case where that extended payment was claimed from authority A, details of—
 - (i) the matters certified pursuant to regulation 53A and Part I of Schedule 5A; and
 - (ii) the requirements specified at paragraph 3(3) of that Schedule; and
 - (iii) the date it was so claimed; and
- (b) in any case—
 - (i) the weekly rate of council tax benefit allowed to the mover by authority A;
 - (ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulations 51(1) and 52, the amount of those deductions;
 - (iii) if any addition was being made to any amount payable in respect of council tax to recover recoverable excess benefit pursuant to regulation 87(2)(b), the amount of those additions;
 - (iv) the date on which the relevant benefit period came to an end;
 - (v) if an extended payment was allowed to the mover, the amount and date of any such payment;
 - (vi) if no extended payment was allowed, why none was allowed.

(4) In this regulation “mover”, “the relevant benefit period”, “the relevant day” and “second dwelling” have the meanings assigned to them in paragraph 8 of Schedule 5A.”.

Insertion of Schedule 5A to the Council Tax Benefit Regulations

14. After Schedule 5 to the Council Tax Benefit Regulations there shall be inserted a new Schedule 5A—

“SCHEDULE 5A

Regulations 51(6) & 53A

EXTENDED PAYMENTS OF COUNCIL TAX BENEFIT

PART I

Conditions for an extended payment

1. The conditions referred to in regulation 53A(1)(c) are those prescribed in paragraphs 2 and 3.
2. The conditions prescribed in this paragraph are that the Secretary of State has certified to the appropriate authority—
 - (a) that the claimant was entitled to and in receipt of income support and that entitlement has ceased;
 - (b) the relevant day in his case;
 - (c) that before his entitlement to income support ceased—
 - (i) the claimant was available for and actively seeking employment; or
 - (ii) the amount applicable to the claimant in income support included an amount by way of a premium pursuant to paragraph 8 (lone parent premium) or, in a case where the claimant was one of the carers, 14ZA (carer premium) of Schedule 2 (applicable amounts) to the Income Support (General) Regulations 1987(25); or
 - (iii) the claimant was a relevant trainee;
 - (d) that entitlement to income support had ceased by reason of the claimant or his partner—
 - (i) commencing employment as an employed or self-employed earner; or
 - (ii) increasing his earnings from such employment; or
 - (iii) increasing the number of hours worked in such employment; and
 - (e) that the claimant had been entitled to and in receipt of income support for a continuous period of at least 26 weeks until the relevant day in any of, or any combination of, the circumstances set out at sub-paragraph (c) and for the purpose of this sub-paragraph entitlement to and receipt of unemployment benefit shall be taken to be entitlement to and receipt of income support.
- 3.—(1) The conditions prescribed in this paragraph are that the claimant certifies the matters specified in sub-paragraph (2) and meets the requirements specified in sub-paragraph (3).
 - (2) The matters that the claimant has to certify are—
 - (a) that
 - (i) except in a case to which the next sub-head applies, his liability to pay in respect of the dwelling of which he is a resident will be continuing for a period of not less than 4 weeks after the last day; or
 - (ii) he has moved or is about to move to another dwelling (“the new dwelling”) of which he is or will be a resident, and the liability to pay in respect of the new

- dwelling, follows on immediately from his liability to make payments in respect of the previous dwelling and the liability to make such payments is for a period of not less than 4 weeks commencing on the day following the last day; and
- (b) in a case where sub-head (a)(ii) above applies, the address of that second dwelling and the date upon which he expects to or did become a resident in it; and
 - (c) that he has or is about to—
 - (i) commence remunerative work; or
 - (ii) commence or increase the amount of work or the rate of remuneration for work, so that he ceases to be entitled to income support, and that work or, as the case may be, increase is expected to last for 5 weeks or more.
- (3) The specified requirements are that—
- (a) the claimant is less than 60 years of age on the day following the relevant day;
 - (b) the claimant makes the claim referred to in regulation 53A(1)(b) at either the appropriate social security office or the designated office of an appropriate authority within 8 days of the relevant day; and
 - (c) it was the cessation of the entitlement certified under paragraph 2(a) or the occurrence of the condition specified in regulation 53A(3) that led to the termination of the relevant benefit period.

PART II

Calculation and payment of an extended payment

4. Except in the case of a mover, the amount of the extended payment shall be equal to the amount of council tax benefit allowed to the claimant for the last benefit week before the termination of the relevant benefit period.

Movers

5. In the case of a mover who claims an extended payment, the appropriate authority to whom the mover is liable to pay council tax in respect of the second dwelling shall, upon receiving the mover's claim for an extended payment which meets the requirements of regulation 53A(1), allow an extended payment calculated in accordance with paragraph 6 to the mover.

6. In a case to which paragraph 5 applies—
- (a) the maximum council tax benefit of a mover shall be the amount of the council tax calculated in accordance with regulation 51, save that no deduction shall be made in respect of non-dependants, other than any that fall to be taken into account pursuant to sub-paragraph (b); and
 - (b) the extended payment shall be by way of a discharge to the value of such part of 4 weeks liability to council tax, less, in a case where the rebate to which paragraph 4 refers was subject to any deductions in respect of non-dependants pursuant to regulations 51(1) and 52, the amount of those deductions.

PART III

Adjustment of entitlement in respect of an extended payment

7. Where an extended payment has been allowed and the person to whom it was made has also claimed council tax benefit for a period that includes any part of the 4 weeks immediately following the end of the relevant benefit period, the entitlement to council tax benefit, if any, of that claimant for council tax benefit, in respect of any or each of those weeks, shall be reduced by the amount that that extended payment has discharged his council tax liability, in respect of any such week.

PART IV

Interpretation

8. In this Schedule, except where the context otherwise requires—

“claimant” means a person claiming an extended payment;

“relevant trainee” means a person who is receiving both training and an allowance under arrangements made pursuant to section 2 of the Employment and Training Act 1973⁽²⁶⁾ or section 2 of the Enterprise and New Towns (Scotland) Act 1990⁽²⁷⁾;

“the last day” means the last day of the relevant benefit period;

“mover” means a claimant who changes the dwelling in which he is resident and in respect of which he is liable to pay council tax;

“the relevant benefit period” means the benefit period referred to in regulation 53A(1)(a);

“the relevant day” means the day on which the claimant’s entitlement to income support ceased; and

“second dwelling” means the dwelling in which a mover has certified he will be or is a resident pursuant to paragraph 3(2)(a)(ii).”.

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

1st February 1996

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

⁽²⁶⁾ 1973 c. 50; section 2 was amended by the Employment Act 1988 (c. 19), section 25(1), the Employment Act 1989

⁽²⁷⁾ 1990 c. 35; section 2 was amended by the Trade Union Reform and Employment Rights Act 1993 (c. 19), section 47(2).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 (S.I. [1987/1971](#)), the Housing Benefit (Supply of Information) Regulations 1988 (S.I. [1988/662](#)) and the Council Tax Benefit (General) Regulations 1992 (S.I. [1992/1814](#)). These Regulations make and further amend provisions relating to maximum benefit in cases where housing benefit or council tax benefit was payable, by providing for a further, extended, payment of benefit in prescribed circumstances and make provision for the effect of such payments on any further grant of benefit.

They also provide for further claims for housing benefit or council tax benefit to be given priority over other claims in prescribed circumstances and for the Secretary of State to pass information about the matters in these Regulations to local authorities and for authorities to pass such information to each other.

These Regulations do not impose a charge on business.