
STATUTORY INSTRUMENTS

1996 No. 2432

**The Council Tax Benefit and Housing Benefit
(Miscellaneous Amendments) Regulations 1996**

PART 2

COUNCIL TAX BENEFIT

Amendment of regulation 4A of the Council Tax Benefit Regulations

2.—(1) Regulation 4A of the Council Tax Benefit Regulations (persons from abroad)(1) shall be amended in accordance with the following paragraphs —

- (a) in paragraph (1) at the end there shall be added the words, “but this paragraph shall not have effect in respect of a person to whom and for a period to which regulation 4D and Schedule A1 apply.”;
- (b) for head (ii) in paragraph (4)(e) there shall be substituted the following head —
“**(ii) a refugee;**”;
- (c) in paragraph (7) the following definition shall be added at the end —
““**refugee**” in this regulation, regulation 4D (entitlement of a refugee to council tax benefit) and Schedule A1 (treatment of claims for council tax benefit by refugees) means a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees(2).”.

Insertion of regulation 4D in the Council Tax Benefit Regulations

3. After regulation 4C of the Council Tax Benefit Regulations (persons from abroad)(3) there shall be inserted the following regulation —

“Entitlement of a refugee to council tax benefit

4D. Where a person, who has made a claim for asylum, is notified that he has been recorded by the Secretary of State as a refugee, these Regulations shall have effect with respect to his entitlement to council tax benefit for the relevant period which applies in his case in accordance with Schedule A1 (treatment of claims for council tax benefit by refugees) but subject to the provisions of that Schedule.”.

Amendment of Schedule 4 to the Council Tax Benefit Regulations

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

(1) Regulation 4A was inserted by [S.I. 1994/470](#), amended by [S.I. 1994/1807](#) and [1996/30](#) and saved by section 11 of the Asylum and Immigration Act 1996 (c. 49).
(2) Cmd. 9171.
(3) Regulation 4C was inserted by [S.I. 1995/625](#).

- (a) in paragraph 36 the following words shall be added at the end —
“, including any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations 1987 (entitlement of a refugee to housing benefit).”; and
- (b) the following paragraphs shall be added at the end —
 - “**60.** Any amount of council tax benefit to which a person is entitled by virtue of regulation 4D above (entitlement of a refugee to council tax benefit).
 - 61.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 (treatment of refugees)(4).”.

Amendment of Schedule 5 to the Council Tax Benefit Regulations

- 5. In Schedule 5 to the Council Tax Benefit Regulations (capital to be disregarded)—(5);
 - (a) in paragraph 34 the following words shall be added at the end —
“, including any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations 1987 (entitlement of a refugee to housing benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”;
 - (b) the following paragraphs shall be added at the end —
 - “**50.** Any amount of council tax benefit to which a person is entitled by virtue of regulation 4D above (entitlement of a refugee to council tax benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.
 - 51.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 (treatment of refugees) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”.

Insertion of Schedule A1 to the Council Tax Benefit Regulations

6. There shall be inserted before Schedule 1 to the Council Tax Benefit Regulations a new Schedule A1 (treatment of claims for council tax benefit by refugees) which is specified in Schedule 1 to these Regulations.

Consequential amendments to the Council Tax Benefit Regulations

- 7. The Council Tax Benefit Regulations shall be further amended in accordance with the following paragraphs —
 - (a) in regulation 8 (applicable amounts) for the words “and 10” to “patients)” there shall be substituted the words “, 10 and Schedule A1 (polygamous marriages, patients, and treatment of claims for council tax benefit by refugees)”;
 - (b) in regulation 9 (polygamous marriages) for the words “regulation 10 (patients)” there shall be substituted the words “regulation 10 and Schedule A1 (patients and treatment of claims for council tax benefit by refugees)”;
 - (c) in paragraph (1) of regulation 10 (patients) at the beginning there shall be inserted the words “Subject to Schedule A1 (treatment of claims for council tax benefit by refugees),”;

(4) S.I. 1987/1967; regulation 21ZA was inserted by S.I. 1996/2431.

(5) Paragraph 49 was added by S.I. 1996/1510.

- (d) in regulation 62(1) (time and manner in which claims are to be made) at the end there shall be added the words “or paragraph 4 of Schedule A1 (treatment of claims for council tax benefit by refugees)”;
- (e) in regulation 63(1) (evidence and information) at the beginning there shall be inserted the words “Subject to paragraph 4 of Schedule A1 (treatment of claims for council tax benefit by refugees),”;
- (f) in regulation 66(2) (who is to make a determination) —
 - (i) in sub-paragraph (a) at the end there shall be added the words “or paragraph 1 of Schedule A1 (treatment of claims for council tax benefit by refugees)”;
 - (ii) in sub-paragraph (b) after the words “regulation 63” there shall be inserted the words “or paragraph 4 of Schedule A1”.