
STATUTORY INSTRUMENTS

1996 No. 965

SOCIAL SECURITY

The Housing Benefit (General) Amendment Regulations 1996

Made - - - - *28th March 1996*
Laid before Parliament *2nd April 1996*
Coming into force - - *7th October 1996*

The Secretary of State for Social Security, in exercise of powers conferred upon him by sections 123(1)(d), 130(2), (4) and (5), 137(1) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992(1), sections 5(1)(h), (i) and (p) and (3), 136(2), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992(2) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee(3) and after consultation with organisations appearing to him to be representative of the authorities concerned(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 1996 and shall come into force on 7th October 1996.

(2) In these Regulations—

“the principal Regulations” means the Housing Benefit (General) Regulations 1987(5);

“the Amendment Regulations” means the Housing Benefit (General) Amendment Regulations 1995(6);

“the relevant date” means the 6th October 1996.

(3) In regulations 9 and 10 of these Regulations expressions used shall, unless the context otherwise requires, have the same meaning as they have in the principal Regulations.

(1) 1992 c. 4; section 137(1) is cited because of the meaning there ascribed to “prescribed”.

(2) 1992 c. 5; section 191 is cited because of the meaning there ascribed to “prescribe”.

(3) See section 172(1) of the Social Security Administration Act 1992.

(4) See section 176(1) of the Social Security Administration Act 1992.

(5) S.I. 1987/1971; relevant amendments are S.I. 1990/546, 1993/317, 1995/560, 1644 and 2868.

(6) S.I. 1995/1644.

Amendment of regulation 2 of the principal Regulations

2. In paragraph (1) of regulation 2 of the principal Regulations (interpretation), after the definition of “year of assessment”, there shall be inserted a new definition—

““young individual” means a single claimant who has not attained the age of 25 years, but does not include such a claimant—

- (a) whose landlord is a registered housing association; or
- (b) who has ceased to be the subject of a care order pursuant to section 31(1)(a) of the Children Act 1989⁽⁷⁾, which had previously been made in respect to him either—
 - (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued after he attained that age,

and who has not attained the age of 22 years; and”.

Amendment of regulation 10 of the principal Regulations

3.—(1) In paragraph (6AB) of regulation 10 of the principal Regulations (rent)⁽⁸⁾ there shall be inserted, at the beginning, the words “Except in a case where a maximum rent has been determined in accordance with regulation 11(3A) (limit on maximum rent in the case of a single room rent determination),”.

Amendment of regulation 11 of the principal Regulations

4.—(1) Regulation 11 of the principal Regulations (maximum rent)⁽⁹⁾ shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (2), after the words “local reference rent” there shall be inserted the words “or a single room rent”.

(3) After paragraph (3) there shall be inserted a new paragraph (3A)—

“(3A) In the case of a young individual, where the rent officer has determined a single room rent and is required to notify the authority of it, the maximum rent shall not exceed that single room rent.”.

(4) In paragraph (4), for the words “limit specified in paragraph (3)” there shall be substituted the words “limits specified in paragraphs (3) and (3A)”.

(5) In paragraph (5), for the words “limit specified in paragraph (3)” there shall be substituted the words “limits specified in paragraphs (3) and (3A)”.

(6) In paragraph (8A)⁽¹⁰⁾, at the end, there shall be added the words “except in a case where the maximum rent has been determined in accordance with paragraph (3A).”.

(7) In paragraph (13), after the definition of “relevant rent”, there shall be inserted a new definition—

““single room rent” means the rent determined by a rent officer under paragraph 4A of Schedule 1 to the Rent Officers Order⁽¹¹⁾.”.

(7) 1989 c. 41.

(8) Paragraph (6AB) was inserted by S.I. 1995/2868.

(9) Regulation 11 was substituted by S.I. 1995/1644 and amended by S.I. 1995/2868.

(10) Paragraph (8A) was added by S.I. 1995/2868.

(11) Paragraph 4A was added by S.I. 1996/959 in the case of England and Wales and S.I. 1996/975 (S. 106) in the case of Scotland.

Amendment of regulation 12A of the principal Regulations

5. After paragraph (1A)(12) of regulation 12A of the principal Regulations (requirement to refer to rent officers)(13) there shall be inserted the following paragraph—

“(1B) When applying to the rent officer pursuant to paragraph (1), the appropriate authority shall state whether, in their opinion, the claimant is or may be a young individual.”.

Amendment of regulation 88 of the principal Regulations

6. In regulation 88(3) of the principal Regulations (time and manner of payment) for the words “Subject to regulations 91 to 96 (payment on account of rent allowance, payment provisions)” there shall be substituted the words “Subject to regulations 90 to 96 (frequency of payment of and payment on account of rent allowance, payment provisions),”.

Amendment of regulation 90 of the principal Regulations

7.—(1) Regulation 90 of the principal Regulations (frequency of payment of a rent allowance) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) for the words “Subject to paragraphs (3) to (5)” there shall be substituted the words “Subject to the following provisions of this regulation”.

(3) For paragraph (2) there shall be substituted the following paragraphs—

“(2) Except in a case to which paragraph (2A) applies, any payment of a rent allowance shall be made, in so far as it is practicable to do so, at the end of the period in respect of which it is made.

(2A) Except in a case to which regulation 94(1A) applies and subject to paragraph (2B), this paragraph applies where payment of a rent allowance is being made to a landlord (which for these purposes has the same meaning as in regulations 93 and 94 (payments to a landlord)(14)), when that payment shall be made—

- (a) at intervals of 4 weeks; and
- (b) at the end of the period in respect of which it is made.

(2B) Where paragraph (2A) applies,

- (a) in a case where the liability in respect of which the rent allowance is paid is monthly, the authority may make payment at intervals of 1 month;
- (b) in a case where the authority is paying a rent allowance to a landlord in respect of more than one claimant, then the first such payment in respect of any claimant may be made to that landlord at such lesser interval as that authority considers is in the best interest of the efficient administration of housing benefit.”.

(4) In paragraphs (3) and (4), at the beginning of each paragraph, there shall be inserted the words “Except in a case to which paragraph (2A) applies,”.

(5) In paragraph (5), at the beginning, for the words “Subject to paragraphs (2) and (3)” there shall be substituted the words “Subject to paragraphs (2), (2A) and (3)”.

Amendment of regulation 94 of the principal Regulations

8. In regulation 94 of the principal Regulations (circumstances in which payment may be made to a landlord), there shall be inserted, after paragraph (1), the following paragraph—

(12) Paragraph (1A) was inserted by S.I. 1995/2868.

(13) Regulation 12A was added by S.I. 1990/546 and amended by S.I. 1993/317, 1995/560, 1644 and 2868.

(14) Regulation 94 was amended by S.I. 1994/2137.

“(1A) Without prejudice to the power in paragraph (1), in any case where in the opinion of the authority—

- (a) the claimant has not already discharged his liability to pay his landlord for the period in respect of which any payment is to be made; and
- (b) it would be in the interests of the efficient administration of housing benefit,

a first payment of a rent allowance following the determination of a claim may be made, in whole or in part, by sending to the claimant an instrument of payment payable to that landlord.”.

Amendment of Schedule 1A to the principal Regulations

9. In paragraph 2(3) of Schedule 1A to the principal Regulations (excluded tenancies)**(15)** there shall be added at the end—

- “(f) the claimant is a young individual, except in a case where the determination mentioned in sub-paragraph (1) was, or was made in conjunction with, a determination of a single room rent pursuant to paragraph 4A of Schedule 1 to the Rent Officers Order**(16)**.”.

Transitional and saving provisions for young individuals

10.—(1) Regulations 3, 4 and 9 of these Regulations shall not apply in the case of a young individual to whom regulation 10 (saving provision) of the Amendment Regulations applies and the eligible rent of such a person shall be determined in accordance with regulation 10 of those Regulations.

(2) In the case of a young individual to whom regulation 10 of the Amendment Regulations does not apply, but who was entitled to and in receipt of housing benefit in respect of the relevant date, regulations 3 and 4 of these Regulations shall not apply to him until the earlier of such time as, either—

- (a) the benefit period within which the relevant date falls comes to an end; or
- (b) he occupies as his home a dwelling other than that so occupied by him on the relevant date,

and until that time his eligible rent shall be that determined in accordance with regulations 10 and 11 of the principal Regulations as in force on the relevant date.

Saving provision for payment of benefit

11.—(1) Regulations 6 and 7 of these Regulations shall not apply to a claimant who—

- (a) was entitled to and in receipt of housing benefit on account of his liability to make payments in respect of a dwelling, which he occupied or was treated as occupying as his home, on the relevant date; and
- (b) continues to be entitled and in receipt of housing benefit on account of his liability in respect of such occupation of that dwelling.

(2) In a case to which paragraph (1) above applies, payment of housing benefit shall continue to be made to such a claimant in accordance with regulations 88 and 90 of the principal Regulations, as in force on the relevant date.

(3) In this regulation “claimant” shall be taken to include the deceased partner of a claimant in any case where a claim is made by the surviving partner within 4 weeks of the death, provided—

(15) Schedule 1A was inserted by S.I. 1990/546 and paragraph 2(3) was amended by S.I. 1991/235 and 1995/560.

(16) Paragraph 4A was added by S.I. 1996/959 in the case of England and Wales and S.I. 1996/975 (S.106) in the case of Scotland.

- (a) this regulation applied to that deceased partner on the day of his death; or
- (b) that death occurred on or after 30th September 1996 and this regulation would have applied to the deceased partner had he died after the relevant date.

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

Department of Social Security
28th March 1996

Roger Evans
Parliamentary Under-Secretary of State,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 (S.I. [1987/1971](#)). Regulations 3 and 4 create a new maximum rent in the case of certain single claimants who are under 25 (“young individuals”), in respect of whom a rent officer has determined and notified a single room rent. Regulations 5 and 9 make provision for local authorities to refer applications for a rent allowance by young individuals to rent officers and to inform them that the application is from a young individual. Regulation 10(1) provides that these changes shall not apply to those young individuals to whom the savings provision in the Housing Benefit (General) Amendment Regulations 1995 (S.I. [1995/1644](#)) (providing exemption from the changes introduced by those Regulations) apply and regulation 10(2) provides that, when young individuals do not enjoy that savings protection, the changes introduced by regulations 3, 4, 5 and 9 shall not apply to those in receipt of benefit on 6th October 1996 until they move home or their current benefit period comes to an end.

Regulations 6 and 7 create a new rule for the period within which payment of housing benefit by way of rent allowance is made. It will now be paid at the end of the period to which it relates. However, in cases where direct payments are being made to a landlord payment is to be made at intervals of 4 weeks and at the end of that period, subject to certain exceptions. Regulation 8 enables local authorities to make first payments of benefit to the claimant by way of an instrument of payment in favour of the landlord. Regulation 11 provides that regulations 6 and 7 will not affect anyone on housing benefit on 6th October 1996 (or the partner of a deceased recipient) as long as he continues to be entitled to it and to occupy the same dwelling as his home.

These Regulations do not impose a charge on business.

The Report of the Social Security Advisory Committee dated 29th February 1996 on the proposals referred to them, together with a statement showing the extent to which these Regulations give effect to the Report and, in so far as they do not give effect to it, the reasons why not, are contained in Command Paper Cm. 3225, published by Her Majesty’s Stationery Office.