
STATUTORY INSTRUMENTS

1997 No. 852

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(General) Amendment Regulations 1997**

Made - - - - 17th March 1997
Laid before Parliament 19th March 1997
Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security in exercise of powers conferred upon him by sections 123(1)(d) and (e), 130(2), (4) and (5), 137(1) and (2)(i) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(1), sections 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 consultation with organisations appearing to him to be representative of the authorities concerned(3) and after reference to the Social Security Advisory Committee(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 (General) Amendment Regulations 1997 and shall come into force—

(a) for the purposes of regulations 1, 2, 3(2)(e), (5) and (6), on 7th April 1997;

(b) for all other purposes, on 6th October 1997.

(2) In these Regulations—

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

“young individual” has the meaning specified in regulation 2 of the principal Regulations(6).

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- (1) 1992 c. 4; section 123(1)(e) and 131 were substituted and section 130 was amended to have effect with respect to council tax benefit by Schedule 9 of the Local Government Finance Act 1992 (c. 14); section 137(1) is cited because of the meaning ascribed to the word “prescribed”.
- (2) 1992 c. 5; section 191 is cited because of the meaning ascribed to the word “prescribe”.
- (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. 1987/1971; relevant amending instruments S.I. 1990/546, 1992/432, 1995/1644, 2868, 1996/965 and 1944.
- (6) The definition of “young individual” was substituted by S.I. 1996/1944.

Amendment of the Council Tax Benefit (General) Regulations 1992

2. In Schedule A1 to the Council Tax Benefit (General) Regulations 1992 (treatment of claims for council tax benefit by refugees)(7) in paragraph 9 for the word “principal” there shall be substituted the word “these”.

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the following paragraphs.

(2) Regulation 11 (maximum rent) shall be amended in the following manner—

- (a) in paragraph (3A)(8) at the beginning there shall be inserted the words “Subject to paragraph (3D),”;
- (b) after paragraph (3A) the following paragraphs shall be inserted—

“(3B) In the case of a single claimant to whom paragraph (3C) applies, 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.

(3C) Subject to paragraph (3D), this paragraph applies to a person who is aged not less than 25 but less than 60 and who—

- (a) makes a claim for housing benefit on or after 6th October 1997; or
- (b) having been continuously entitled to and in receipt of housing benefit in respect of the same dwelling for a benefit period beginning before 6th October 1997, makes a further claim for that benefit either—
 - (i) in accordance with regulation 72(12), (13) or (14) (further claims), or
 - (ii) upon a change of dwelling.

(3D) Paragraphs (3A) and (3C) shall not apply in the case of a claimant—

- (a) who is a tenant of a registered housing association or a person to whom regulation 10 of the Housing Benefit (General) Amendment Regulations 1995(9) (saving provision) applies;
- (b) to whom paragraph 13 of Schedule 2 (severe disability premium) applies; or
- (c) who has a non-dependant residing with him.”;
- (c) in paragraph (4)—
 - (i) for the words “limits specified in paragraphs (3) and (3A)” there shall be substituted the words “limits specified in paragraphs (3), (3A) and (3B)”;
 - (ii) in sub-paragraph (a) the words from “plus 50 per cent.” to the end of the sub-paragraph shall be omitted;
- (d) in paragraph (5) for the words “limits specified in paragraphs (3) and (3A)” there shall be substituted the words “limits specified in paragraphs (3), (3A) and (3B)” and the words from “plus 50 per cent.” to the end of the paragraph shall be omitted;
- (e) in paragraph (8C)(10) for the words “paragraph 2A” there shall be substituted the words “paragraph 8(2A)”(11).

(3) Subject to regulation 4 (savings) of these Regulations, regulation 12 (restrictions on rent increases) shall be omitted.

(7) S.I. 1992/1814; Schedule A1 was inserted by S.I. 1996/2432.

(8) Schedule 1A was inserted by S.I. 1990/546, relevant amending instruments S.I. 1991/235, 1995/560 and 1996/965.

(9) Paragraph (3A) was inserted by S.I. 1996/965.

(10) S.I. 1995/1644.

(11) Paragraph (8C) was inserted by S.I. 1995/2868.

(4) In regulation 12A(1B) (requirement to refer to rent officers)(12) at the end there shall be added the words “or a person to whom regulation 11(3B) applies”.

(5) In paragraph 10 Schedule A1 (treatment of claims for housing benefit by refugees)(13) for the word “principal” there shall be substituted the word “these”.

(6) In paragraph 11A(2)(b) of Schedule 1A (excluded tenancies)(14) for the words from “the circumstances” to the end of the paragraph, there shall be substituted the following words—

“(i) the claimant occupies a dwelling larger than is reasonably required by him and any others who occupy that dwelling (including any non-dependant of his and any person paying rent to him); or

(ii) the rent payable for that dwelling is unreasonably high.”.

(7) In paragraph 2(3)(f) of Schedule 1A (excluded tenancies)(15) after the words “young individual” there shall be inserted the words “or person to whom regulation 11(3B) applies”.

Savings

4.—(1) Regulation 3(2)(c) and (d) of these Regulations shall not have effect in the case of a claimant for housing benefit to whom paragraph (2) applies.

(2) This paragraph applies to a claimant—

- (a) who is not a single claimant;
- (b) who is aged less than 25 and is not a young individual; or
- (c) who is aged 60 or over,

who makes a further claim for housing benefit under regulation 72(12) to (14) of the principal Regulations, where he has been continuously entitled to and in receipt of housing benefit in respect of the same dwelling for a benefit period beginning before 6th October 1997, which included an addition by virtue of paragraph (4) or (5) of regulation 11 of the principal Regulations as they had effect on 5th October 1997 and for this purpose “benefit period” has the same meaning as in regulation 66 of the principal Regulations.

(3) Regulation 3(3) of these Regulations shall not have effect in the case of a claimant to whom regulation 10 of the Housing Benefit (General) Amendment Regulations 1995 (saving provision) applies.

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

Department of Social Security
17th March 1997

Roger Evans
Parliamentary Under-Secretary of State,

(12) Paragraph 8(2A) was inserted in the Rent Officers (Additional Functions) Order 1995 (S.I. 1995/1642) by S.I. 1995/2365.

(13) Regulation 12A was inserted by S.I. 1990/546 and paragraph (1B) was inserted by S.I. 1996/965.

(14) Schedule A1 was inserted by S.I. 1996/2432.

(15) Schedule 1A was inserted by S.I. 1990/546 and paragraph 11A was inserted by S.I. 1992/432.

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 amend the Council Tax Benefit (General) Regulations 1992 (S.I.1992/1814) (“the Council Tax Benefit Regulations”) and the Housing Benefit (General) Regulations 1987 (S.I.1987/1971) (“the Housing Benefit Regulations”).

The Regulations make a minor correction to Schedule A1 of the Council Tax Benefit Regulations and the Housing Benefit Regulations (treatment of claims for council tax benefit and housing benefit by refugees) and amend the Housing Benefit Regulations with respect to rent officer determinations and the calculation of the maximum rent on which housing benefit may be paid in the case of, subject to exceptions, single claimants aged 25 or more but less than 60 and further restricts the maximum rent for other claimants. A saving provision excepts specified claimants from the effect of these Regulations.

The Report of the Social Security Advisory Committee dated 27 February 1997 on the proposals referred to them in these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee and, in so far as they do not give effect to them, the reasons why not, are contained in Command Paper Cm 3598, published by the Stationery Office Ltd.

These Regulations do not impose a charge on businesses.