
STATUTORY INSTRUMENTS

1999 No. 2734

**The Housing Benefit (General)
Amendment (No. 3) Regulations 1999**

Amendment of Schedule 1 to the Housing Benefit Regulations

8.—(1) Schedule 1 to the Housing Benefit Regulations (ineligible service charges) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1—

(a) in head (iv) of sub-paragraph (a) for the words “(other than communal areas)” to the end of the head there shall be substituted the words—

“except—

(aa) the exterior of any windows in accommodation (other than supported accommodation) where neither the claimant nor any member of his household is able to clean those windows himself;

(bb) in communal areas; or

(cc) where the claimant is in supported accommodation and those charges fall under paragraph 3 of Schedule 1B (service charges for claimants in supported accommodation); and”;

(b) in sub-paragraph (c) for the words “such a system” to the end of that sub-paragraph there shall be substituted the words “the claimant is in supported accommodation and those charges fall under paragraph 4 of Schedule 1B (service charges for claimants in supported accommodation);”; and

(c) in sub-paragraph (f)(1) for heads (i) to (iii) there shall be substituted the following heads—

“(i) are provided to a claimant in supported accommodation by his landlord in person or someone on his behalf; and

(ii) fall under paragraph 2 of Schedule 1B (service charges for claimants in supported accommodation); and”.

(3) In paragraph 7—

(a) after the words “In this Schedule” there shall be inserted the words “and Schedule 1B (service charges for claimants in supported accommodation);”; and

(b) in the definition of “supported accommodation”(2)—

(i) for the words “was either occupied or available for occupation on 18th August 1997 and which was at that date and continues to be” there shall be substituted the word “is”;

(ii) in head (b) the word “accommodation” shall be omitted where it first appears;

(1) Relevant amending instruments are [S.I. 1997/1974](#) and [1998/1732](#).

(2) The definition of supported accommodation was inserted by [S.I. 1997/1974](#).

- (iii) in head (b) for the words “where care, support or supervision is provided by, or on behalf of, that body to the occupants of that accommodation” there shall be substituted the words—

“where that body or a person acting on its behalf also provides the claimant with care, support or supervision”;

- (iv) for head (c) there shall be substituted the following head—

“(c) occupied by a person whom a local authority has assessed in accordance with section 47 of the National Health Service and Community Care Act 1990⁽³⁾ or section 12A of the Social Work (Scotland) Act 1968⁽⁴⁾ as having needs which call for the provision of services—

(i) specified in any of the exceptions provided in sub-paragraphs (a)(iv)(cc), (c) and (f) of paragraph (1) of this Schedule and Schedule 1B (service charges for claimants in supported accommodation); and

(ii) which that authority has confirmed the landlord as either capable of providing or ensuring their provision by others,”; and

- (v) for the words “accommodation which would fall” to the end of the definition there shall be substituted the words—

“where a community care assessment to which head (c) refers is made following a period in which the claimant has incurred liability in respect of any of the services specified in the exceptions provided in sub-paragraphs (a)(iv)(cc), (c) and (f) of paragraph 1 of this Schedule and Schedule 1B (service charges for claimants in supported accommodation) and that liability is continuous up to the date of that community care assessment, the appropriate authority shall treat the assessment as if it were made on—

- (i) in the case of a claimant who claims housing benefit (other than by way of a claim for a further grant of that benefit) on or after—

(aa) 3rd April 2000 in a case where rent is payable at intervals of a whole number of weeks; or

(bb) 1st April 2000 in any other case,

the date on which that claim is made or treated as made;

- (ii) in the case of a claimant who was entitled to housing benefit on—

(aa) 3rd April 2000 in a case where rent is payable at intervals of a whole number of weeks; or

(bb) 1st April 2000 in any other case,

but whose award would have been for a higher amount had the community care assessment been made earlier, the 3rd or 1st April as the case may be; or

- (iii) in the case of a claimant who claims housing benefit on or after 1st April 2000 but is not entitled to that benefit, but who would have been so entitled had the community care assessment been made on or before that date, the date on which his entitlement would have commenced under regulation 65 (date on which entitlement is to commence had that community care assessment been made on the date on which he made that claim.”.

(3) 1990 c. 19.

(4) 1968 c. 49.

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