

2003 No. 2634

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(Miscellaneous Amendments) Regulations 2003**

Made - - - - - *9th October 2003*

Laid before Parliament *15th October 2003*

Coming into force - - *12th April 2004*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(d) and (e), 136A, 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(b) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2003 and shall come into force on 12th April 2004.

(2) In these Regulations—

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

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

“the State Pension Credit Regulations” means the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(f).

Amendment of the Council Tax Benefit Regulations

2.—(1) In paragraph 16(2) of Schedule 3 to the Council Tax Benefit Regulations (sums to be disregarded in the calculation of earnings—recipients of tax credits)—

(a) in paragraph (b)—

(i) omit sub-head (bb) in head (ii);

(ii) in heads (iii) and (iv), for “30 hours” substitute “16 hours”; and

(iii) in head (iv) omit the words “or both members are”; and

(b) after paragraph (b), insert the following—

(a) 1992 c. 4. Sections 123 and 137 were amended to have effect in relation to council tax benefit by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraphs 1 and 9; section 136A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002 (c. 16); section 137(1) is cited for the definition of “prescribed”.

(b) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(c) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992.

(d) S.I.1992/1814; relevant amending instruments are S.I.1999/920, 2002/2402 and 2003/770.

(e) S.I.1987/1971; relevant amending instruments are S.I.1999/920, 2002/2402 and 2003/770.

(f) S.I.2003/325; the relevant amending instrument is S.I.2003/2275.

“or

- (c) the claimant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations^(a) (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.”.

(2) In paragraph 57 of Schedule 4 to those Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) before “paragraph 16” insert “sub-paragraph (1) of”; and
- (b) for the words from “entitled” to “2002” substitute “a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph”.

Amendment of the Housing Benefit Regulations

3.—(1) In paragraph 16(2) of Schedule 3 to the Housing Benefit Regulations (sums to be disregarded in the calculation of earnings—recipients of tax credits)—

- (a) in paragraph (b)—
 - (i) omit sub-head (bb) in head (ii);
 - (ii) in heads (iii) and (iv), for “30 hours” substitute “16 hours”; and
 - (iii) in head (iv) omit the words “or both members are”; and
- (b) after paragraph (b), insert the following—

“or

- (c) the claimant is, or if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.”.

(2) In paragraph 58 of Schedule 4 to those Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) before “paragraph 16” insert “sub-paragraph (1) of”; and
- (b) for the words from “entitled” to “2002” substitute “a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph”.

Amendment of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003

4.—(1) In regulation 8 of the State Pension Credit Regulations (housing benefit—income and capital), in paragraph (4) of the substituted regulation 23 (calculation of claimant’s income in savings credit only cases)—

- (a) in sub-paragraph (c)—
 - (i) after head (iii) insert “or”; and
 - (ii) omit head (v) and the word “or” which precedes it; and
- (b) after sub-paragraph (c) insert—

“(cc) any amount to be disregarded by virtue of paragraph 9(1) of Schedule 3A;”.

(2) In regulation 17 of those Regulations (council tax benefit—income and capital), in paragraph (4) of the substituted regulation 15 (calculation of claimant’s income in savings credit only cases)—

- (a) in sub-paragraph (c)—
 - (i) after head (iii) insert “or”; and
 - (ii) omit head (v) and the word “or” which precedes it; and
- (b) after sub-paragraph (c) insert—

“(cc) any amount to be disregarded by virtue of paragraph 9(1) of Schedule 3A;”.

(3) In Schedule 2 to those Regulations (disregards), in the First Schedule (which is to have effect as Schedule 3A to the Council Tax Benefit Regulations and Schedule 3A to the Housing Benefit Regulations)—

- (a) in paragraph 5(1)(a), after head (v) insert—

(a) See the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I.2002/2005).

- “(vi) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or”; and
- (b) in paragraph 9(2)—
 - (i) in paragraph (b)(ii), omit sub-head (bb);
 - (ii) in paragraph (b)(iii) and (iv), for “30 hours” substitute “16 hours”;
 - (iii) in paragraph (b)(iv) omit the words “or both are”, and for the words from “week and” to the end, substitute “week, and paragraph 5(1) above is satisfied in respect of that person.”; and
 - (iv) after paragraph (b) insert the following—
 - “or
 - (c) the claimant is, or, if he has a partner, one of them is, a person to whom regulation 18(3) of the Working Tax Credit Regulations (eligibility for 50 plus element) applies, or would apply if an application for working tax credit were to be made in his case.”.

(4) In that Schedule 2, in the Second Schedule (which is to have effect as Schedule 4A to the Council Tax Benefit Regulations and Schedule 4A to the Housing Benefit Regulations), in paragraph 21, for the words from “entitled” to “2002” substitute “a person who satisfies the conditions of sub-paragraph (2) of that paragraph”.

Signed by authority of the Secretary of State for Work and Pensions.

Chris Pond
Parliamentary Under-Secretary of State,
Department for Work and Pensions

9th October 2003

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend instruments which govern entitlement to housing benefit and council tax benefit, in so far as they provide for an additional amount to be disregarded when calculating how much of a claimant's income is to be taken into account for the purpose of determining his right to benefit.

Regulations 2 and 3 amend paragraph 16 of Schedule 3 to, respectively, the Council Tax Benefit (General) Regulations 1992 and the Housing Benefit (General) Regulations 1987 which provides for the amount which would otherwise be disregarded from earnings under that Schedule to be increased where certain conditions are satisfied as to the minimum number of hours each week in which the claimant or any partner of his is engaged in remunerative work. Those conditions are amended to reduce the minimum limit from 30 to 16 hours per week where the claimant is a lone parent, or where he and his partner are responsible for one or more children, or where the person engaged in the remunerative work is over the age of 50 and has recently started work, or that person satisfies the condition for a disability premium. A consequential change is made in Schedule 4 to each of those Regulations as respects the amount of working tax credit to be disregarded when calculating income other than earnings.

Regulation 4 makes equivalent changes in Schedule 2 to the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003, which modify the provisions referred to above in the case of persons who have attained the qualifying age for state pension credit and who are not in receipt of income support or an income-based jobseeker's allowance. An amendment is also made in regulations 8 and 17 of those Regulations to secure that the amount of income used for calculating the claimant's state pension credit (which must usually also be used for the purpose of calculating his housing benefit and council tax benefit) may continue to be adjusted to take account of the additional amount to be disregarded where the conditions as to remunerative work are satisfied.

These Regulations do not impose additional costs on business.

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