

2003 No. 308

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit (General)
Amendment (No.2) Regulations 2003**

<i>Made</i> - - - -	<i>16th February 2003</i>
<i>Laid before Parliament</i>	<i>20th February 2003</i>
<i>Coming into force</i> - -	<i>1st April 2003</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 123(1)(d) and (e), 136(3) and (4), 137(1) and 175(1) and (4) of the Social Security Contributions and Benefits Act 1992(a) and paragraphs 4(4) and (6), 20(1)(b) and 23(1) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(b) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(c), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(d), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (General) Amendment (No.2) Regulations 2003 and shall come into force on 1st April 2003.

Amendment of the Housing Benefit (General) Regulations 1987

2.—(1) Regulation 68 of the Housing Benefit (General) Regulations 1987 (date on which change of circumstances is to take effect)(e) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) for “paragraphs (2) to (8)” there shall be substituted “paragraphs (1A) to (8).

(3) After paragraph (1) there shall be inserted the following paragraph:-

“(1A) Where —

(a) the change of circumstances in question is —

(a) 1992 c.4; paragraph (e) was substituted in section 123(1) by paragraph 1(1) of schedule 9 to the Local Government Finance Act 1992 (c.14); section 137(1) is cited for the definition of “prescribed”; section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2).

(b) 2000 c.19; paragraph 23(1) of Schedule 7 is cited for the definition of “prescribed”.

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

(d) See sections 172(1) and 173(1)(b) of that Act.

(e) S.I.1987/1971; regulation 68 was amended by S.I.1990/546, 1992/432, 1994/578, 1995/511, 1999/2734, 2000/897 and 2001/1264 and 1605.

- (i) the commencement of entitlement to a working tax credit or a child tax credit under the Tax Credits Act 2002^(a) on 6th April 2003, or
 - (ii) the end, on 7th April 2003, of a period for which an award of a working families' tax credit or a disabled person's tax credit is payable; and
- (b) that change of circumstances would not, but for this paragraph, take effect on 7th April 2003,
that change of circumstances shall take effect on 7th April 2003.”

Amendment of the Council Tax Benefit (General) Regulations 1992

3.—(1) Regulation 59 of the Council Tax Benefit (General) Regulations 1992 (date on which change of circumstances is to take effect)^(b) shall be amended in accordance with the following paragraphs.

(2) In paragraph (1) for “paragraphs (2) to (9)” there shall be substituted “paragraphs (1A) to (9)”.

(3) After paragraph (1) there shall be inserted the following paragraph:—

“(1A) Where the change of circumstances in question is —

- (a) the commencement of entitlement to a working tax credit or a child tax credit under the Tax Credits Act 2002 on 6th April 2003, or
- (b) the end, on 7th April 2003, of a period for which an award of a working families' tax credit or a disabled person's tax credit is payable,

that change of circumstances shall take effect on 7th April 2003.”

(4) In paragraph (7) for “paragraphs (1) to (6)” there shall be substituted “paragraphs (1) and (2) to (6)”.

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

16th February 2003

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

^(a) 2002 c.21.

^(b) S.I.1992/1814; regulation 59 was amended by S.I.1993/688, 1994/578, 1995/511, 1996/1510, 2000/897 and 2001/1264 and 1605.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 to provide for the date on which the changes of circumstances occasioned by the abolition of working families' tax credit and disabled person's tax credit and the introduction of working tax credit and child tax credit are to take effect for the purposes of determining entitlement to housing benefit or council tax benefit.

These Regulations do not impose any charge on business.

STATUTORY INSTRUMENTS

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£1.75

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0196 02/2003 130308 19585

ISBN 0-11-044880-4



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