

EXPLANATORY MEMORANDUM TO
THE HOUSING BENEFIT REGULATIONS 2006

2006 No. 213

**THE HOUSING BENEFIT (PERSONS WHO HAVE ATTAINED THE QUALIFYING
AGE FOR STATE PENSION CREDIT) REGULATIONS 2006**

2006 No. 214

THE COUNCIL TAX BENEFIT REGULATIONS 2006

2006 No. 215

**THE COUNCIL TAX BENEFIT (PERSONS WHO HAVE ATTAINED THE
QUALIFYING AGE FOR STATE PENSION CREDIT) REGULATIONS 2006**

2006 No. 216

**THE HOUSING BENEFIT AND COUNCIL TAX BENEFIT (CONSEQUENTIAL
PROVISIONS) REGULATIONS 2006**

2006 No. 217

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. **Description**

- 2.1 These sets of regulations consolidate the Housing Benefit (General) Regulations 1987 (SI 1987/1971) and the Council Tax Benefit (General) Regulations 1992 (SI 1992/1814) and all subsequent amending regulations since the coming into force of those Regulations. In particular they include: the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (SI 2003/325), the Housing Benefit (Recovery of Overpayments) Regulations 1997 (SI 1997/2435), the Housing Benefit (Information from Landlords and Agents) Regulations 1997 (SI 1997/2436), the Supply of Information Regulations 1998 (SI 1998/662), the Social Security (Claims and Information) (Housing Benefit and Council Tax Benefit) Regulations 2002 (SI 2002/1132) and regulations 7 and 8 of The Income-related Benefits Schemes Amendment (No.2) regulations 1995 (SI 1995/2792) (Please note that all the regulations referred to in this paragraph will be referred to in this paper as the “former regulations”)

- 2.2 The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 revoke those Housing Benefit and Council Tax Benefit Regulations that, as a result of the consolidation exercise, are now obsolete (Schedule 1); amend references to the former regulations in other legislation eg: the Jobseeker's Allowance Regulations 1996 (1996/207) (Schedule 2); retain various Housing Benefit and Council Tax Benefit provisions that continue to provide protection against a reduction in benefit for those people who were in receipt of benefit at a more advantageous rate prior to a former regulation being amended (Schedule 3); and provides for certain provisions to remain in force until subsequently revoked by the appointment of an appropriate date (Schedule 4).

3. Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None

4. Legislative Background

- 4.1 Since the Housing Benefit (General) Regulations 1987 were made on 20th November 1987 they have been amended by over 200 statutory instruments. The Council Tax Benefit (General) Regulations made in July 1992 have similarly been amended. Over time this has made the Regulations difficult to follow and so to rectify this, and in response to requests from the Local Authorities and concerns expressed by the Social Security Advisory Committee the Department has undertaken this significant exercise.

5. Extent

- 5.1 These instruments apply to Great Britain.

6. European Convention on Human Rights

As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Housing Benefit (HB) and Council Tax Benefit (CTB) are income-related benefits intended to help people, respectively, meet their rental costs or council tax liability. The benefits are payable to people who are on a low income ("low" being determined by their personal and family circumstances) and can be paid to people whether or not they are in remunerative work.
- 7.2 Although HB and CTB are social security benefits they are administered on behalf of the Department for Work and Pensions by local authorities.

- 7.3 There were, originally two main sets of regulations - the Housing Benefit (General) Regulations 1987 (the HB regulations) and the Council Tax Benefit (General) Regulations 1992 (the CTB regulations). However in February 2003 the Council Tax Benefit (State Pension Credit) Regulations 2003 (2003/325) were made.
- 7.4 This made significant changes to the main HB and CTB regulations by substituting, in those Regulations, various regulations that applied in respect of people who had, or whose partner had, attained the qualifying age for state pension credit (unless they were on income support or an income-based jobseeker's allowance).
- 7.5 It was therefore decided that, rather than consolidate the former and the amending regulations into two new main sets of regulations plus a set of substituting regulations for people who had attained state pension credit age, it would aid understanding and so ease administration if the consolidation exercise produced four new sets of Regulations. Thus there will now be two sets of HB regulations - one in respect of people who have attained the qualifying age for state pension credit and the other for those who have not (or who have attained that age but are on income support or an income-based jobseeker's allowance) and two similar sets of CTB regulations.
- 7.6 Although split in this manner, the regulations do not amend the policy intent in any way nor do they change the way the regulations are intended to work. They do, however, make it easier to identify which regulations will apply to particular claimants and to apply them correctly.

Consultation

- 7.7 Local Authority Associations have been consulted about the exercise and kept in touch with progress. As the regulations are not a change in policy they do not need to be considered by the Social Security Advisory Committee, although the Committee is fully aware of this exercise.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for these instruments as they have no impact on business, charities or voluntary bodies.
- 8.2 In connection with the impact on the public sector: there are no significant benefit costs. Changes to publications etc can be made as those items are updated in the usual course of events.

9. Contact

Gail Knowles at the Department for Work and Pensions can answer any questions regarding this instrument. Contact details are: telephone number 020 7962 8295; email: Gail.Knowles@dwp.gsi.gov.uk