
STATUTORY INSTRUMENTS

2007 No. 1331

SOCIAL SECURITY

The Social Security, Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2007

<i>Made</i>	- - - -	<i>25th April 2007</i>
<i>Laid before Parliament</i>		<i>2nd May 2007</i>
<i>Coming into force</i>	- -	<i>23rd May 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(a), (c), (d) and (e), 6(1)(a), (c), (d) and (e), 189(1) and (4)(a) and 191 of the Social Security Administration Act 1992(1) after consultation with the Social Security Advisory Committee(2).

In accordance with section 176(1) of that Act the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Social Security, Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2007 and shall come into force on 23rd May 2007.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) The Social Security (Claims and Payments) Regulations 1987(3) are amended as follows.

(2) In regulation 13 (advance claims and awards)—

(a) in paragraph (3)(4) omit—

- (i) “Subject to paragraph (4),”;
- (ii) “disabled person’s tax credit,”; and
- (iii) “working families’ tax credit,”;

(b) omit paragraphs (4), (5), (6), (7) and (8); and

(1) 1992 c. 5. Section 5(1)(e) was substituted by the Social Security Act 1998 (c.14), Schedule 7. Section 6(1)(d) was amended by the Local Government Finance Act 1992 (c.14), Schedule 9. Section 191 is cited for the meaning given to “prescribe”.
(2) See section 172(1).
(3) S.I. 1987/1968.
(4) The relevant amending instruments are S.I. 1991/2284, 1992/247, 1994/2319, 1999/2572 and 3178, 2002/3109 and 2005/1551.

(c) at the end add—

“(9) Paragraphs (1) and (2) do not apply to—

- (a) a claim for income support made by a person from abroad as defined in regulation 21AA of the Income Support (General) Regulations 1987⁽⁵⁾ (special cases: supplemental-persons from abroad); or
- (b) a claim for a jobseeker’s allowance made by a person from abroad as defined in regulation 85A of the Jobseeker’s Allowance Regulations⁽⁶⁾ (special cases: supplemental-persons from abroad).”.

(3) In regulation 13D⁽⁷⁾ (advance claims for and awards of state pension credit), after paragraph (3) add—

“(4) This regulation does not apply to a claim made by a person not in Great Britain as defined in regulation 2 of the State Pension Credit Regulations⁽⁸⁾ (persons not in Great Britain).”.

Amendment of the Housing Benefit Regulations 2006

3. In regulation 83 of the Housing Benefit Regulations 2006⁽⁹⁾ (time and manner in which claims are to be made) for paragraph (10) substitute—

“(10) Except in the case of a claim made by a person from abroad, where the claimant is not entitled to housing benefit in the benefit week immediately following the date of his claim but the relevant authority is of the opinion that unless there is a change of circumstances he will be entitled to housing benefit for a period beginning not later than the thirteenth benefit week following the date on which the claim is made, the relevant authority may treat the claim as made on a date in the benefit week immediately preceding the first benefit week of that period of entitlement and award benefit accordingly.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

4. In regulation 64 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽¹⁰⁾ (time and manner in which claims are to be made) for paragraph (11) substitute—

“(11) Except in the case of a claim made by a person from abroad, where the claimant is not entitled to housing benefit in the benefit week immediately following the date of his claim but the relevant authority is of the opinion that unless there is a change of circumstances he will be entitled to housing benefit for a period beginning not later than the seventeenth benefit week following the date on which the claim is made, the relevant authority may treat the claim as made on a date in the benefit week immediately preceding the first benefit week of that period of entitlement and award benefit accordingly.”.

Amendment of the Council Tax Benefit Regulations 2006

5. In regulation 69 of the Council Tax Benefit Regulations 2006⁽¹¹⁾ (time and manner in which claims are to be made)—

⁽⁵⁾ S.I. 1987/1967. Regulation 21AA was inserted by S.I. 2006/1026.

⁽⁶⁾ S.I. 1996/207. Regulation 85A was inserted by S.I. 2006/1026 and amended by S.I. 2006/2528 and 3341.

⁽⁷⁾ Regulation 13D was inserted by S.I. 2002/3019.

⁽⁸⁾ S.I. 2002/1792. Regulation 2 was substituted by S.I. 2006/1026 and amended by S.I. 2006/2528 and 3341.

⁽⁹⁾ S.I. 2006/213. Regulation 83 was amended by S.I. 2006/2967.

⁽¹⁰⁾ S.I. 2006/214. Regulation 64 was amended by S.I. 2006/2967.

⁽¹¹⁾ S.I. 2006/215. Regulation 69 was amended by S.I. 2006/2967.

- (a) for paragraph (10) substitute—

“(10) Except in the case of a claim made by a person from abroad, where a person has not become liable for council tax to a relevant authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may claim council tax benefit at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority shall treat the claim as having been made on the day on which the liability for the tax arises.”; and

- (b) for paragraph (12) substitute—

“(12) Except in the case of a claim made by a person from abroad, where the claimant is not entitled to council tax benefit in the benefit week immediately following the date of his claim but the relevant authority is of the opinion that unless there is a change of circumstances he will be entitled to council tax benefit for a period beginning not later than the thirteenth benefit week following the date on which the claim is made, the relevant authority may treat the claim as made on a date in the benefit week immediately preceding the first benefit week of that period of entitlement and award benefit accordingly.”.

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

6. In regulation 53 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**(12)** (time and manner in which claims are to be made)—

- (a) for paragraph (10) substitute—

“(10) Except in the case of a claim made by a person from abroad, where a person has not become liable for council tax to a relevant authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may claim council tax benefit at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority shall treat the claim as having been made on the day on which the liability for the tax arises.”; and

- (b) for paragraph (12) substitute—

“(12) Except in the case of a claim made by a person from abroad, where the claimant is not entitled to council tax benefit in the benefit week immediately following the date of his claim but the relevant authority is of the opinion that unless there is a change of circumstances he will be entitled to council tax benefit for a period beginning not later than the seventeenth benefit week following the date on which the claim is made, the relevant authority may treat the claim as made on a date in the benefit week immediately preceding the first benefit week of that period of entitlement and award benefit accordingly.”.

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

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

25th April 2007

James Plaskitt
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987, the Council Tax Benefit Regulations 2006, the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

Regulation 2 amends the Social Security (Claims and Payments) Regulations 1987. Paragraph (2) (a) and (b) amend regulation 13 to remove references to obsolete benefits. Paragraph (2)(c) amends regulation 13 to exclude persons from abroad from making advance claims for income support and jobseeker's allowance. Paragraph (3) amends regulation 13D to exclude persons not in Great Britain from making advance claims for state pension credit.

Regulations 3, 4, 5 and 6 make amendments to exclude persons from abroad from making advance claims for housing benefit and council tax benefit.

The Report of the Social Security Advisory Committee dated 6th October 2006 on the proposals referred to them in respect of 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 and the reasons why not, are contained in Command Paper Cm. 7073 published by the Stationery Office Ltd.

A full regulatory impact assessment has not been carried out in respect of the Regulations as they do not impose a cost on business, charities or the voluntary sector.