
STATUTORY INSTRUMENTS

2007 No. 2872

**The Welfare Reform Act 2007 (Commencement No.4,
and Savings and Transitional Provisions) Order 2007**

Transitional provisions and savings in relation to section 130(4) of the Contributions and Benefits Act and section 122(3) and (5) of the Housing Act

3.—(1) Notwithstanding article 2 and subject to article 4—

- (a) section 130(4) of the Contributions and Benefits Act and section 122(3) and (5) of the Housing Act shall continue to have effect as they were in force immediately before 7th April 2008 so far as is required for the purpose of conferring power to amend or revoke the regulations referred to in paragraph (2), until 7th April 2009; and
- (b) any regulations made under any of the provisions referred to in sub-paragraph (a) shall continue to have effect in relation to the period ending on the date specified in paragraph (3), (4), (5) or (6) except for paragraphs 11 and 12 of Schedule 2 to the Consequential Provisions Regulations.

(2) The regulations are—

- (a) the Regulations;
- (b) the Housing Benefit (State Pension Credit) Regulations; and
- (c) the Consequential Provisions Regulations.

(3) In relation to a case in which reference was made to a maximum rent (standard local rate) in determining the eligible rent which applied immediately before 7th April 2008, the date is 7th April 2008.

(4) In relation to a case where—

- (a) either—
 - (i) a claim for housing benefit is made, delivered or received on or after 7th April 2008 but the date the claim is made or is treated as being made is a date before 7th April 2008 by virtue of regulations 83, 83A, 84 or 85 of the Regulations or regulations 64, 64A, 65 or 66 of the Housing Benefit (State Pension Credit) Regulations; or
 - (ii) a claim was made or was treated as made before 7th April 2008 but the decision on the claim was not made by that date; and
- (b) reference to a maximum rent (standard local rate) would have been made in determining the eligible rent which applied immediately before 7th April 2008 had the decision on the claim been made before that date,

the date is 7th April 2008.

(5) In relation to a non-local housing allowance case the date is the relevant date for that case.

(6) In relation to a case where—

- (a) either—
 - (i) a claim for housing benefit is made, delivered or received on or after the 7th April 2008 but the date the claim is made or is treated as being made is a date before that

date by virtue of regulations 83, 83A, 84 or 85 of the Regulations or regulations 64, 64A, 65 or 66 of the Housing Benefit (State Pension Credit) Regulations; or

(ii) a claim was made or was treated as made before 7th April 2008 but the decision on the claim was not made by that date; and

(b) the case would have been a non-local housing allowance case had the decision on the claim been made before 7th April 2008,

the date is the relevant date for that case.

(7) In this article—

“eligible rent” shall be construed, except in the definition of “the relevant date”, in accordance with—

(a) regulations 12 or 12A of the Regulations or the Housing Benefit (State Pension Credit) Regulations as in force immediately before the 7th April 2008; or

(b) in a case to which paragraph 4 of Schedule 3 to the Consequential Provisions Regulations applies, regulations 12 and 13 of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as set out in paragraph 5 of that Schedule as in force immediately before the 7th April 2008;

“maximum rent (standard local rate)” means a maximum rent (standard local rate) determined in accordance with regulation 13A of the Regulations or the Housing Benefit (State Pension Credit) Regulations as in force immediately before 7th April 2008;

“non-local housing allowance case” means a case where no reference was made to a maximum rent (standard local rate) in determining the amount of the eligible rent which applied immediately before 7th April 2008;

“the relevant date” means, in relation to a non-local housing allowance case—

(a) the day on or after 7th April 2008 when any of the following sub-paragraphs first applies—

(i) a relevant authority is required to apply to a rent officer by virtue of regulation 14 of the Regulations or the Housing Benefit (State Pension Credit) Regulations as in force immediately before that day;

(ii) sub-paragraph (i) would apply but for the case falling within regulation 14(4)(a) of, or 14(4)(b) of and paragraph 2 of Schedule 2 to, the Regulations or the Housing Benefit (State Pension Credit) Regulations as in force immediately before that day;

(iii) a relevant authority is required to determine an eligible rent in accordance with regulation 12(3)(b) of the Regulations or the Housing Benefit (State Pension Credit) Regulations as in force immediately before that day;

(iv) a relevant authority is required to determine an eligible rent in accordance with regulation 12(3) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations as in force immediately before that day; or

(b) 6th April 2009 in any case where paragraph (a) does not apply before that date;

“relevant authority” means an authority administering housing benefit.