
STATUTORY INSTRUMENTS

2008 No. 637

**The Discretionary Financial Assistance
(Amendment) Regulations 2008**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Discretionary Financial Assistance (Amendment) Regulations 2008 and shall come into force on 7th April 2008.

(2) In these Regulations, “the Regulations” means the Discretionary Financial Assistance Regulations 2001(1).

Amendment of regulation 3

2. Regulation 3 of the Regulations (circumstances in which discretionary housing payments may be made) shall be amended as follows—

- (a) in paragraph (d) for “regulation 10 of the Housing Benefit Regulations” substitute “regulation 12 of the Housing Benefit Regulations or regulation 12 of the Housing Benefit (State Pension Credit) Regulations”;
- (b) in paragraph (f) for “regulation 8(2A) of the Housing Benefit Regulations” substitute “regulation 11(3) of the Housing Benefit Regulations or regulation 11(2) of the Housing Benefit (State Pension Credit) Regulations”;
- (c) in paragraph (g) for “section 46(11) substitute “section 46(5)”;
- (d) after paragraph (m) add—
 - “(n) a reduction in the amount of benefit due to recovery of an overpayment under Part 13 of the Housing Benefit Regulations or Part 12 of the Housing Benefit (State Pension Credit) Regulations, or recovery of excess benefit under Part 11 of the Council Tax Benefit Regulations 2006 or Part 10 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.”.

Substitution of regulation 5

3. For regulation 5 of the Regulations (period for, or in respect of which, discretionary housing payments may be made) substitute—

“Period for, or in respect of which, discretionary housing payments may be made

5.—(1) Subject to paragraph (2), a relevant authority may restrict the period for or in respect of which discretionary housing payments may be made to such period as it considers appropriate in the particular circumstances of a case.

Status: This is the original version (as it was originally made).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

(2) A relevant authority may make discretionary housing payments to a person only in respect of a period during which that person is or was entitled to housing benefit or council tax benefit or to both.”.

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

6th March 2008

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