
STATUTORY INSTRUMENTS

2008 No. 959

**The Housing Benefit and Council Tax Benefit
(Extended Payments) Amendment Regulations 2008**

Amendments to the Council Tax Benefit Regulations relating to extended payments

7.—(1) The Council Tax Benefit Regulations 2006(1) shall be amended as follows.

(2) For regulation 60 (extended payments) substitute—

“Extended Payments

60.—(1) A claimant who is entitled to council tax benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the claimant or the claimant’s partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the claimant or the claimant’s partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker’s allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of paragraph (1)(c), a claimant or a claimant’s partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker’s allowance during any period of less than five weeks in respect of which the claimant or the claimant’s partner was not entitled to any of those benefits because the claimant or the claimant’s partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this regulation, where a claimant or a claimant’s partner is entitled to and in receipt of joint-claim jobseeker’s allowance they shall be treated as being entitled to and in receipt of jobseeker’s allowance.

(4) A claimant must be treated as entitled to council tax benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to council tax benefit because the claimant vacated the dwelling in which the claimant was resident;

- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph (1)(b).

(5) This regulation shall not apply where, on the day before a claimant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations⁽²⁾ (remunerative work: housing costs) applied to that claimant.

Duration of extended payment period

60A.—(1) Where a claimant is entitled to an extended payment, the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended payment is payable has no liability for council tax, if that occurs first.

Amount of extended payment

60B.—(1) For any week during the extended payment period the amount of the extended payment payable to a claimant shall be the higher of—

- (a) the amount of council tax benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 60 (extended payments) did not apply to the claimant; or
- (c) the amount of council tax benefit to which the claimant's partner would be entitled under the general conditions of entitlement, if regulation 60 did not apply to the claimant.

(2) Paragraph (1) does not apply in the case of a mover.

(3) Where a claimant is in receipt of an extended payment under this regulation and the claimant's partner makes a claim for council tax benefit, no amount of council tax benefit shall be payable by the appropriate authority during the extended payment period.

Extended payments – movers

60C.—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) A relevant amending instrument is [S.I. 2001/488](#).

(2) The amount of the extended payment payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of council tax benefit which was payable to the mover for the last benefit week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended payment may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover's partner, makes a claim for council tax benefit to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended payment from the appropriate authority,

the second authority shall reduce the weekly amount of council tax benefit that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended payment until the end of the extended payment period.

Relationship between extended payment and entitlement to council tax benefit under the general conditions of entitlement

60D.—(1) Where a claimant's council tax benefit award would have ended when the claimant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in regulation 60(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 7 (changes of circumstances and increases for exceptional circumstances) shall not apply to any extended payment payable in accordance with regulation 60B(1)(a) or 60C(2) (amount of extended payment – movers).”.

(3) For regulation 96 (information to be supplied by an authority to another authority) substitute—

“Information to be supplied by an authority to another authority

96.—(1) This regulation applies for the purposes of section 128A of the Administration Act (duty of an authority to disclose information to another authority).

(2) Information is to be disclosed by one authority to another where—

- (a) there is a mover who is or was allowed council tax benefit by appropriate Authority “A”;
- (b) the mover is liable to pay council tax in respect of the new dwelling to Authority “B”; and
- (c) the mover is entitled to an extended payment in accordance with regulation 60.

(3) Authority A shall disclose to Authority B—

- (a) the amount of the extended payment calculated in accordance with regulation 60C(2) (amount of extended payment – movers);
- (b) the date that entitlement to the extended payment will commence or has commenced;
- (c) the date that entitlement to the extended payment ceased or will cease;
- (d) the date of the move from Authority A to Authority B;

- (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a) (payment of the extended payment to the second authority)—
 - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
 - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
- (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
 - (a) if a mover's liability to pay council tax for the new dwelling is to Authority B; and
 - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a)—
 - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
 - (ii) the date on which Authority B receives any such payment.”.