
 STATUTORY INSTRUMENTS

1982 No. 914

SOCIAL SECURITY

**The Supplementary Benefit (Housing Benefits)
 (Miscellaneous Consequential Amendments)
 Regulations 1982**

<i>Made</i>	- - -	6th July 1982
<i>Laid before Parliament</i>		8th July 1982
<i>Coming into operation in accordance with regulation 1</i>		
<i>for certain purposes</i>		22nd November 1982
<i>for certain other purposes</i>		1st April 1983
<i>for all other purposes</i>		4th April 1983

The Secretary of State for Social Services, in exercise of the powers conferred by sections 2(1) and (1A), 3(1), 4, 9(2), 14(2)(d) and (i) of the Supplementary Benefits Act 1976(a) and section 36(2) of the Social Security and Housing Benefits Act 1982(b) and of all other powers enabling him in that behalf, hereby makes the following regulations.

This instrument satisfies the requirements of paragraph 38 of Schedule 4 to the Social Security and Housing Benefits Act 1982 and the Secretary of State has not referred proposals to make any of the regulations contained in it to the Industrial Injuries Advisory Council or the Social Security Advisory Committee.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Housing Benefits) (Miscellaneous Consequential Amendments) Regulations 1982 and shall come into operation in accordance with paragraphs (2) to (4) of this regulation.

(2) Regulations 1, 3, 4(1), (2) and (4) to (8) and 5(1) to (5) and (7) to (8) shall come into operation:—

(a) 1976 c.71; sections 2, 3, 4, 9 and 14 were amended by the Social Security Act 1980 (c.30), section 6(1) and Schedule 2, Part 1, paragraphs 2, 3, 4, 8 and 12 (*see also* Part II of that Schedule 2); section 9(2) was amended by the Social Security Act 1981 (c.33), section 4; the Act is amended by the Social Security and Housing Benefits Act 1982 (c.24), sections 38 and 48(5) and Schedule 4, paragraphs 22 to 26.

(b) 1982 c.24.

- (a) in relation to a person to whom regulation 3(1)(a) of the Housing Benefits Regulations 1982 (certain housing authority tenants on supplementary benefit) applies, on 22nd November 1982;
 - (b) in relation to a person to whom regulation 3(1)(b) of the Housing Benefits Regulations 1982 (certain other persons eligible for rate rebates) applies, on 1st April 1983;
 - (c) for all other purposes, on 4th April 1983.
- (3) Regulations 2, 4(3) and (9) shall come into operation—
- (a) in relation to a person to whom regulation 3(1)(b) of the Housing Benefits Regulations 1982 (certain other persons eligible for rate rebate) applies, on 1st April 1983;
 - (b) for all other purposes, on 4th April 1983.
- (4) The remaining regulations shall come into operation on 4th April 1983.
- (5) In these regulations—
- “Claims and Payments Regulations” means the Supplementary Benefit (Claims and Payments) Regulations 1981(a);
 - “Determination of Questions Regulations” means the Supplementary Benefit (Determination of Questions) Regulations 1980(b);
 - “Single Payments Regulations” means the Supplementary Benefit (Single Payments) Regulations 1981(c);
 - “Trade Disputes Regulations” means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980(d);
 - “Urgent Cases Regulations” means the Supplementary Benefit (Urgent Cases) Regulations 1981(e).

Amendment of the Trade Disputes Regulations

2. In regulation 14 of the Trade Disputes Regulations (notification of award to person returning to full-time employment following a trade dispute)—

- (a) in paragraph (2)—
 - (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph:—
 - “(a) the aggregate of the weekly amount of his normal requirements determined pursuant to Schedule 1 to the Act and the weekly amount—
 - (i) where he, or his partner, is liable to pay rent, of that rent,
 - (ii) in any other case, of any housing requirements to which regulation 14 of the Requirements Regulations applies which are applicable to him,”;
 - (ii) there shall be added at the end the words “, and in sub-paragraph (a)(i) rent has the meaning assigned to it in the Housing Benefits

(a) S.I. 1981/1525; the relevant amending instrument is S.I. 1982/907.

(b) S.I. 1980/1643; the relevant amending instrument is S.I. 1981/815.

(c) S.I. 1981/1528.

(d) S.I. 1980/1641.

(e) S.I. 1981/1529.

Regulations 1982 except that, where in a particular case the rent includes elements which would not, accordingly, be treated as rent, references to rent shall include those elements”;

(b) after paragraph (2) there shall be added the following paragraph:—

“(3) Where the period to which section 9(1) applies begins before and ends after 4th April 1983 the protected earnings shall be determined as if the whole period fell before that date.”.

Amendment of the Determination of Questions Regulations

3.—(1) This regulation shall amend the Determination of Questions Regulations.

(2) In regulation 3 (notice of determinations and assessments by benefit officers)—

(a) in paragraph (4) (written notice of assessment), after the words “normal, additional and” there shall be inserted the words “, except in so far as regulation 5B(2) provides otherwise”;

(b) in paragraph (5) (written notice of assessment not required for certain determinations), in sub-paragraph (c), for the words in parenthesis from “for example” to “rent increase” there shall be substituted the words “(for example, where an additional requirement for laundry becomes applicable)”.

(3) In regulation 4 (review of determinations), after paragraph (4) there shall be inserted the following paragraph:—

“(4A) In a case to which regulation 5B applies any determination of the Secretary of State which relates to an increase or reduction in the amount applicable in respect of water charges shall be deemed not a change of circumstances to which this regulation applies.”.

(4) After regulation 5A there shall be inserted the following regulation:—

“Determination of amount of water charges

5B.—(1) Where a housing requirement in respect of water charges is applicable to the claimant, and—

(a) the amount of his other requirements, as determined under the Requirements Regulations, exceeds the amount of his resources, as calculated in accordance with the Resources Regulations, by not less than the minimum amount of supplementary benefit payable in accordance with regulation 10(1) or, as the case may be, (2) of the Supplementary Benefit (Claims and Payments) Regulations 1981(a);

(b) he is, apart from this regulation, entitled to supplementary benefit, and regulation 9 of the Housing Benefits Regulations 1982 (certificated cases) will apply to him;

- (c) a local authority (being, in relation to England and Wales, a housing authority within the meaning of section 35(1) of the Social Security and Housing Benefits Act 1982(a) and, in relation to Scotland, a housing or rating authority within the meaning of that section 35(1)) collects the water charges on behalf of the water authority or water company or, in Scotland, on behalf of a regional or islands council which is a water authority,

the benefit officer shall determine that the amount of pension or allowance payable shall be the amount of the excess plus the amount which the Secretary of State shall determine to be applicable in respect of water charges.

(2) Written notice of a determination made by the Secretary of State under paragraph (1) shall not be required except at the request of the claimant.

(3) In this regulation ‘water charges’ means any charge or rate mentioned in regulation 19(1)(a) of the Requirements Regulations (water and, except in Scotland, sewerage and allied environmental services).”.

Amendment of the Claims and Payments Regulations

4.—(1) This regulation shall amend the Claims and Payments Regulations.

(2) In regulation 2 (interpretation), after the definition of “Determination of Questions Regulations” there shall be inserted the following definition:—

“‘Housing Benefits Regulations’ means the Housing Benefits Regulations 1982;”.

(3) In regulation 10 (minimum amount of benefit payable) there shall be added the following paragraph:—

“(3) Where an amount is applicable to the beneficiary under regulation 19A of the Requirements Regulations (housing benefit supplement) and—

- (a) the amount of pension or allowance payable to the beneficiary is less than the appropriate minimum amount determined in accordance with paragraph (1); and
- (b) the beneficiary is entitled to a housing benefit under the Housing Benefits Regulations and regulation 20 of those regulations (minimum benefit) does not apply,

the amount of pension or allowance mentioned in sub-paragraph (a) shall, notwithstanding paragraph (1), be payable.”.

(4) In regulation 14(1) (interpretation of regulations 14 to 25)—

(a) after the definition of “mortgage payment” there shall be inserted the following definition:—

“‘net award’ means the weekly amount of the award of the pension or allowance less, in a case to which regulation 15A applies, the weekly amount of the payment under that regulation;”;

(a) 1982 c.24.

- (b) in the definition of “rent” for the reference to the “Requirements Regulations” there shall be substituted a reference to the “Housing Benefits Regulations”, and there shall be added at the end the words “; and references to ‘rent’ include references to part only of the rent”;
- (c) in the definition of “single householder rate” there shall be inserted at the end the words “and references to 5 per cent. of that rate are to that percentage rounded, where it is not a multiple of 5 pence, to the next higher such multiple”.
- (5) After regulation 15 there shall be inserted the following regulations:—

“Regular payments to third parties for water charges

15A. Where a housing requirement in respect of water charges is applicable to the beneficiary and regulation 5B of the Determination of Questions Regulations (determination of amount of water charges) applies an amount of the pension or allowance awarded to the beneficiary equal to the weekly amount applicable shall be paid, at such intervals as the Secretary of State may direct, to the authority to whom that regulation applies on behalf, and in discharge of the obligation, of the beneficiary or, as the case may be, his partner.

Regular payments to landlords for rent arrears

15B.—(1) Where the conditions of paragraph (2) are satisfied the benefit officer shall determine that a weekly amount of the pension or allowance awarded to the beneficiary equal to 5 per cent. of the single householder rate shall be paid, at such intervals as the Secretary of State may direct, to the landlord on behalf, and in discharge of the obligation, of the beneficiary or, as the case may be, his partner.

(2) The conditions mentioned in paragraph (1) are that—

- (a) the beneficiary has been awarded a pension or allowance and he or his partner is—
- (i) at least 13 weeks in arrears with his rent and the landlord has requested the Secretary of State to make payments to him under this regulation in respect of the arrears, or
 - (ii) less than 13 weeks in arrears with his rent and in the opinion of the benefit officer it is in the overriding interest of the assessment unit that this regulation should apply;
- (b) a member of the assessment unit is entitled to a rent rebate or a rent allowance determined in accordance with the Housing Benefits Regulations and regulation 9 of those regulations (certificated cases) applies to the beneficiary; and
- (c) the amount of the net award is not less than 5 per cent. of the single householder rate plus, where the beneficiary is currently entitled to another benefit, 5 pence, or, in any other case, 10 pence.

(3) A determination made under paragraph (1) shall remain in force until all rent arrears have been paid off.”.

- (6) In regulation 16 (regular payments to third parties for housing items)—
- (a) in paragraph (2)(b) after the words “each such debt” there shall be inserted the words “, other than a debt for water charges, as mentioned in regulation 15A, in a case to which that regulation applies,”;
 - (b) in paragraph (3)(a) and (b) for the word “award” there shall be substituted the words “net award”;
 - (c) in paragraph (4) the words “rent or” shall be omitted;
 - (d) in paragraph (5)—
 - (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph:—

“(a) in respect of mortgage payments and the beneficiary or his partner has in the preceding 12 weeks paid sums equal to 2 mortgage payments due in that period;”
 - (ii) in sub-paragraph (b) after the word “beneficiary” there shall be inserted the words “or his partner”; and
 - (e) after paragraph (5) there shall be added the following paragraph:—

“(6) Where any determination is made in respect of a beneficiary under paragraph (1) before the date of coming into operation in relation to him of regulation 4(6)(a) to (d) of the Supplementary Benefit (Housing Benefits) (Miscellaneous Consequential Amendments) Regulations 1982(a) and—

 - (a) in consequence of that determination an amount is, in the benefit week immediately preceding that date, deductible under the preceding paragraphs;
 - (b) any debt mentioned in paragraph (1)(a) in respect of which that determination was made has not been discharged on or before that date;
 - (c) on or after that date the net award of pension or allowance to the beneficiary exceeds the amount deductible in respect of any such debt (calculated in accordance with paragraph (2)(a))—
 - (i) where the beneficiary is concurrently entitled to another benefit, by 5 pence or more,
 - (ii) in any other case, by 10 pence or more; and
 - (d) on that date regulation 9 of the Housing Benefits Regulations (certificated cases) applies to him,

the determination shall continue to apply until any such debt is discharged, except that the amount deductible shall be the amount calculated under paragraph (2)(a), and in any other case the determination shall cease to have effect.”
- (7) In regulation 17(2A) and (6) (regular payments to third parties for fuel items) for the word “award” wherever it occurs there shall be substituted the words “net award”.

- (8) In regulation 18 (priority as to payments and deductions)—
- (a) in paragraph (1)—
- (i) for the words “both regulation 16 and regulation” there shall be substituted the words “more than one of regulations 15B to”, and
- (ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph:—
- “(a) the total weekly amount deductible under regulation 15B and under regulations 16(2)(a) and 17(2)(a) shall not exceed an amount equal to 3 times 5 per cent. of the single householder rate;”;
- (b) in paragraph (2)—
- (i) for sub-paragraph (a) there shall be substituted the following sub-paragraph:—
- “(a) an amount is deductible from the award of pension or allowance to a beneficiary by virtue of one or more of the provisions mentioned in paragraph (1)(a);”;
- (ii) in the full-out words at the end, for the words “the said paragraphs (2)(a)” there shall be substituted a reference to “paragraph (1)(a)”;
- (c) in paragraph (3)(a) after the word “rent” there shall be inserted the word “arrears”.
- (9) After regulation 23 there shall be inserted the following regulation:—
- “Payment of housing benefit supplement to housing authorities*
- 23A.**—(1) Where a beneficiary has been awarded a pension or allowance and—
- (a) he, or some other member of the assessment unit, is entitled to—
- (i) a rent rebate or a rate rebate or both, or
- (ii) a rent allowance or a rate rebate or both; and
- (b) an amount is applicable to him under regulation 19A of the Requirements Regulations (housing benefit supplement),
- the pension or allowance shall be paid to the housing authority at such intervals as the Secretary of State may direct.
- (2) Where paragraph (1) applies the preceding provisions of this Part of these regulations as to postponement and payment to third parties shall not apply.
- (3) In this regulation “housing authority” has the meaning assigned to it in section 35(1) of the Social Security and Housing Benefits Act 1982(a).”

Amendment of the Single Payments Regulations

5.—(1) This regulation shall amend the Single Payments Regulations.

(2) In regulation 2 (interpretation), in paragraph (1)—

(a) after the entry for “home” there shall be inserted the following definitions:—

“ ‘housing benefit’ has the meaning assigned to it in regulation 2(3) of the Housing Benefits Regulations;

‘Housing Benefits Regulations’ means the Housing Benefits Regulations 1982;”;

(b) after the entry for “prisoner” there shall be inserted the following definition:—

“ ‘rent’ has the meaning assigned to it in the Housing Benefits Regulations and, for the purposes of these regulations, where in a particular case a claimant’s rent includes elements which would not otherwise fall to be treated as rent, references to rent shall include those elements;”.

(3) In regulation 4 (meaning of claimant)—

(a) after the reference to “the Supplementary Benefit (Urgent Cases) Regulations 1981(a)” there shall be inserted the word “either”;

(b) there shall be added at the end the words “or during the first 14 days to which regulation 19(5) of those regulations (payment of a fixed amount of pension or allowance in certain cases where income from sub-letting not immediately ascertainable) applies to him”.

(4) In regulation 13 (removal expenses) in paragraph (1) there shall be added at the end the following sub-paragraph:—

“or (g) the amount of his housing benefit is restricted under regulation 17 of the Housing Benefits Regulations (unsuitable accommodation) and as a consequence of the change of home that regulation will no longer apply.”.

(5) In regulation 14 (deposits), for the words from “the amount of housing requirements” to the end there shall be substituted the words “an amount equal to the rent, calculated on a weekly basis, for the accommodation in respect of which the deposit is required, whichever is the lower,”.

(6) In regulation 16 (housing requirements of discharged prisoners), in paragraph (1)(a)(i) for the words “housing requirements for” there shall be substituted the words “an item to which regulation 14(1) of the Requirements Regulations (items to which housing requirements relate) applies in respect of”.

(7) After regulation 21 there shall be inserted the following regulation:—

“Rent in advance

21A. Where the assessment unit moves into accommodation and—

(a) there were reasonable grounds for the assessment unit to move (for example because its previous accommodation was unsuited to its needs or because the move was made for the purposes of improving employment prospects);

(b) rent is payable to the landlord of the new accommodation for a period in advance; and

(c) that landlord is not a local authority,

a single payment shall be made of an amount equal to the rent, for a single week, up to a maximum of 4 times that amount.”.

(8) In regulation 28 (costs where supplementary benefit not paid or not claimed), in paragraph (1)(b) for the words from “any item to which” to the end of that sub-paragraph there shall be substituted the words “any item—

(i) to which the category of normal or additional requirements applies; or

(ii) to which regulation 14(1) of the Requirements Regulations (items to which housing requirements relate) applies; or

(iii) of expenditure of a kind for which housing benefit may be granted.”.

Amendment of the Urgent Cases Regulations

6.—(1) This regulation shall amend the Urgent Cases Regulations.

(2) In regulation 3 (urgent cases)—

(a) in paragraph (1) after the words “circumstances to which regulation” there shall be inserted a reference to “19(3) or”;

(b) in paragraph (2)—

(i) in sub-paragraph (e) the words from “and in a case” to the end shall be omitted,

(ii) after sub-paragraph (e), as amended, there shall be added at the end the words “except that in a case to which regulation 19(2) applies, sub-paragraphs (b), (c), (d) and (e) shall not apply and in a case to which regulation 19(3) or 23 applies Schedule 1 to the Act shall be modified in accordance with regulation 19(4) and (5) or, as the case may be, 23(2)”.

(3) In regulation 19 (requirements or resources not immediately ascertainable)—

(a) in paragraph (1) there shall be inserted at the beginning the words “Subject to paragraph (3),”;

(b) in paragraph (2) there shall be inserted at the beginning the words “Except where paragraph (3) applies,”;

(c) there shall be added at the end the following paragraphs:—

“(3) Where paragraph (1)(a) applies because the amount of any income falling to be taken into account under regulation 11(5)(d) of the Resources Regulations (income from sub-letting) is not immediately ascertainable, there shall be payable to the claimant for a period beginning on the first day of the first benefit week falling after the date of the claim an amount of pension or allowance calculated in accordance with the following paragraphs.

(4) In a case to which paragraph (3) applies, the requirements and resources of the claimant shall be assessed pursuant to Schedule 1 to the Act (so that regulation 5 of these regulations, and in particular the restrictions imposed by regulation 5(3), shall not apply) save that

the amount falling to be taken into account under regulation 11(5)(d) of the Resources Regulations shall be—

- (a) where the claimant is a person who is eligible for a rent rebate or a rent allowance in accordance with regulation 7 or 8 of the Housing Benefits Regulations 1982 respectively, £8.00 per sub-tenant;
- (b) in any other case, £12.00 per sub-tenant.

(5) where, after the application of paragraph (4), the claimant is not entitled to an amount of pension or allowance, his requirements shall be deemed to exceed his resources such that there shall be payable to him an amount of pension or allowance of 10 pence.”

(4) In regulation 25 (sums not to be recovered), in paragraph (2) after the words “conditions of section 5 or 10)” there shall be inserted the words “, 19(3) (income from sub-letting not immediately ascertainable)”.

Signed by Authority of the Secretary of State for Social Services.

Hugh Rossi,
Minister of State for Social Security,
Department of Health and Social Security.

6th July 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend regulations made under the Supplementary Benefits Act 1976 (“the 1976 Act”) (as extensively amended by the Social Security Act 1980) in consequence of the coming into operation of the Housing Benefits Regulations 1982 (S.I. 1982/1124), made under section 28 of the Social Security and Housing Benefits Act 1982. They substitute references to provisions of those regulations and that Act for references to provisions replaced thereby, and substitute or extend references to items for which provision is now made in those regulations for references to items formerly within the category of housing requirements.

Regulation 2 amends the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations 1980 in so far as they provide for the calculation of the earnings from which recovery of supplementary benefit paid to a person returning to work after a trade dispute cannot be made (“protected earnings”); amendment is made so that protected earnings are calculated by reference to the claimant’s normal requirements (as now) and, instead of housing requirements in all cases, to his rent where he is liable to pay it, and otherwise to housing requirements. Also included is a transitional provision to allow for calculation of protected earnings where the period in respect of which recovery is made straddles the date of coming into operation of the amendment.

Regulation 3 amends the Supplementary Benefit (Determination of Questions) Regulations 1980. In particular provision is made so as to enable, in certain cases, the determination of the amount applicable for water charges (for which provision is made in housing requirements and not in housing benefits) to be made by the Secretary of State. By amendment in regulation 4 that amount for water charges is to be paid direct to the collecting authority.

Regulation 4 amends the Supplementary Benefit (Claims and Payments) Regulations 1981. In cases where an amount of "housing benefit supplement" has been applicable in the determination of requirements (it applies where resources are sufficient to meet requirements under the 1976 Act but there is entitlement to housing benefit) the exclusion of payments of minimum amounts of benefit is not to apply; provision is also made for the payment of housing benefit supplement in some cases to be paid to housing authorities. Provision is made for payments of supplementary benefit to be made directly to landlords to pay off arrears of rent, but otherwise no such direct payments of benefit are to be made in respect of debts for expenditure covered by housing benefit; a transitional provision is however made so as to enable any existing arrangements for direct payment to continue for such debts (but not to meet any current needs).

Regulation 5 amends the Supplementary Benefit (Single Payments) Regulations 1981. The circumstances in which a single payment is awarded for removal expenses are extended so as to include a claimant whose housing benefit in respect of his old home is restricted for the purposes of housing benefit because the accommodation is unsuitable. The provisions under which a single payment is payable in respect of housing requirements for discharged prisoners are amended so that they apply only to housing requirements under the 1976 Act. Provision is also made so that a single payment is payable where a family moves into accommodation and rent is payable in advance (comparable provision was formerly made by way of housing requirements). The circumstances in which a single payment is payable for an item for which provision is made in weekly supplementary benefit where money set aside for that item has been spent on an item for which a single payment would have been granted is extended to items covered by housing benefit.

Regulation 6 amends the Supplementary Benefit (Urgent Cases) Regulations 1981 in relation to a person whose home is sub-let and it is not possible to ascertain his resources in respect of that activity until his housing benefit has been assessed. Provision is made for the assessment of entitlement in the usual way (so that the modifications made for urgent cases in those regulations do not apply) but taking into account specified sums in relation to each sub-tenant; if after that assessment the claimant's requirements do not exceed his resources provision is made for a nominal amount of supplementary benefit to be payable. The claimant will be entitled to housing benefit as a certificated case, but where only the nominal amount is payable by amendment in regulation 5 the claimant will not be entitled to single payments for the first 14 days of entitlement to the nominal amount.

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