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STATUTORY INSTRUMENTS

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**1996 No. 2432**

**SOCIAL SECURITY**

**The Council Tax Benefit and Housing Benefit  
(Miscellaneous Amendments) Regulations 1996**

*Made* - - - - *19th September 1996*  
*Laid before Parliament* *24th September 1996*  
*Coming into force* - - *15th October 1996*

The Secretary of State for Social Security in exercise of powers conferred upon him by sections 123(1)(d) and (e), 130(2) to (5), 131, 135, 136(5)(b), 137(1) and (2)(a) and (i) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(1), section 5(1)(a), (b), (h) to (j) and (p), 6(1)(a), (b), (h), (i), (k) and (q), 63(1), 134(1)(b), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992(2), and section 11 of the Asylum and Immigration Act 1996(3) and of all other powers enabling him in that behalf, by this instrument which contains only regulations made by virtue of or consequential upon the aforesaid section 11 and which are made before the end of the period of 6 months beginning with the coming into force of that enactment(4) and after consultation with organisations appearing to him to be representative of the organisations concerned(5), hereby makes the following Regulations:

**PART 1**

**GENERAL**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Council Tax Benefit and Housing Benefit (Miscellaneous Amendments) Regulations 1996 and shall come into force on 15th October 1996.

(2) In these Regulations —

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- (1) 1992 c. 4; sections 123, 131, 135 and 137 of the Contributions and Benefits Act 1992 (c. 4) were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.
- (2) 1992 c. 5; sections 6, 63, 189 and 191 of the Administration Act 1992 (c. 5) were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14); section 191 is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.
- (3) 1996 c. 49.
- (4) See the Social Security Administration Act 1992 (c. 5) section 173(5)(b).
- (5) See section 176(1) of the Social Security Administration Act 1992.

- (a) “the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(6);
- (b) “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(7).

## PART 2

### COUNCIL TAX BENEFIT

#### **Amendment of regulation 4A of the Council Tax Benefit Regulations**

2.—(1) Regulation 4A of the Council Tax Benefit Regulations (persons from abroad)(8) shall be amended in accordance with the following paragraphs —

- (a) in paragraph (1) at the end there shall be added the words, “but this paragraph shall not have effect in respect of a person to whom and for a period to which regulation 4D and Schedule A1 apply.”;
- (b) for head (ii) in paragraph (4)(e) there shall be substituted the following head —  
“*(ii) a refugee;*”;
- (c) in paragraph (7) the following definition shall be added at the end —  
““*refugee*” in this regulation, regulation 4D (entitlement of a refugee to council tax benefit) and Schedule A1 (treatment of claims for council tax benefit by refugees) means a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees(9).”.

#### **Insertion of regulation 4D in the Council Tax Benefit Regulations**

3. After regulation 4C of the Council Tax Benefit Regulations (persons from abroad)(10) there shall be inserted the following regulation —

**“Entitlement of a refugee to council tax benefit**

**4D.** Where a person, who has made a claim for asylum, is notified that he has been recorded by the Secretary of State as a refugee, these Regulations shall have effect with respect to his entitlement to council tax benefit for the relevant period which applies in his case in accordance with Schedule A1 (treatment of claims for council tax benefit by refugees) but subject to the provisions of that Schedule.”.

#### **Amendment of Schedule 4 to the Council Tax Benefit Regulations**

4. In Schedule 4 to the Council Tax Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) —

- (a) in paragraph 36 the following words shall be added at the end —

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(6) [S.I. 1992/1814](#) relevant amending instruments [S.I. 1993/688](#), [2118](#), [1994/470](#), [1807](#), [1995/559](#), [1996/30](#) and [462](#).  
(7) [S.I. 1987/1971](#); relevant amending instruments [S.I. 1990/546](#), [1993/2118](#), [1994/470](#), [1807](#), [1995/559](#), [1644](#), [1996/30](#), [1510](#) and [1944](#).  
(8) Regulation 4A was inserted by [S.I. 1994/470](#), amended by [S.I. 1994/1807](#) and [1996/30](#) and saved by section 11 of the Asylum and Immigration Act 1996 (c. 49).  
(9) [Cmd. 9171](#).  
(10) Regulation 4C was inserted by [S.I. 1995/625](#).

“, including any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations 1987 (entitlement of a refugee to housing benefit).”; and

(b) the following paragraphs shall be added at the end —

“**60.** Any amount of council tax benefit to which a person is entitled by virtue of regulation 4D above (entitlement of a refugee to council tax benefit).

**61.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 (treatment of refugees)(**11**).”.

#### **Amendment of Schedule 5 to the Council Tax Benefit Regulations**

**5.** In Schedule 5 to the Council Tax Benefit Regulations (capital to be disregarded)—(**12**);

(a) in paragraph 34 the following words shall be added at the end —

“, including any amount of housing benefit to which a person is entitled by virtue of regulation 7B of the Housing Benefit (General) Regulations 1987 (entitlement of a refugee to housing benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”;

(b) the following paragraphs shall be added at the end —

“**50.** Any amount of council tax benefit to which a person is entitled by virtue of regulation 4D above (entitlement of a refugee to council tax benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.

**51.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 (treatment of refugees) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”.

#### **Insertion of Schedule A1 to the Council Tax Benefit Regulations**

**6.** There shall be inserted before Schedule 1 to the Council Tax Benefit Regulations a new Schedule A1 (treatment of claims for council tax benefit by refugees) which is specified in Schedule 1 to these Regulations.

#### **Consequential amendments to the Council Tax Benefit Regulations**

**7.** The Council Tax Benefit Regulations shall be further amended in accordance with the following paragraphs —

(a) in regulation 8 (applicable amounts) for the words “and 10” to “patients” there shall be substituted the words “, 10 and Schedule A1 (polygamous marriages, patients, and treatment of claims for council tax benefit by refugees)”;

(b) in regulation 9 (polygamous marriages) for the words “regulation 10 (patients)” there shall be substituted the words “regulation 10 and Schedule A1 (patients and treatment of claims for council tax benefit by refugees)”;

(c) in paragraph (1) of regulation 10 (patients) at the beginning there shall be inserted the words “Subject to Schedule A1 (treatment of claims for council tax benefit by refugees),”;

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(11) S.I. 1987/1967; regulation 21ZA was inserted by S.I. 1996/2431.

(12) Paragraph 49 was added by S.I. 1996/1510.

- (d) in regulation 62(1) (time and manner in which claims are to be made) at the end there shall be added the words “or paragraph 4 of Schedule A1 (treatment of claims for council tax benefit by refugees)”;
- (e) in regulation 63(1) (evidence and information) at the beginning there shall be inserted the words “Subject to paragraph 4 of Schedule A1 (treatment of claims for council tax benefit by refugees),”;
- (f) in regulation 66(2) (who is to make a determination) —
  - (i) in sub-paragraph (a) at the end there shall be added the words “or paragraph 1 of Schedule A1 (treatment of claims for council tax benefit by refugees)”;
  - (ii) in sub-paragraph (b) after the words “regulation 63” there shall be inserted the words “or paragraph 4 of Schedule A1”.

## PART 3

### HOUSING BENEFIT

#### **Amendment of regulation 7A of the Housing Benefit Regulations**

**8.**—(1) Regulation 7A of the Housing Benefit Regulations (persons from abroad)(**13**) shall be amended in accordance with the following paragraphs —

- (a) in paragraph (1) at the end there shall be added the words, “but this paragraph shall not have effect in respect of a person to whom and for a period to which regulation 7B and Schedule A1 apply.”;
- (b) for head (ii) in paragraph (4)(e) there shall be substituted the following head —
  - “(ii) a refugee;”;
- (c) in paragraph (7) the following definition shall be added at the end —
  - ““refugee” in this regulation, regulation 7B (entitlement of a refugee to housing benefit) and Schedule A1 (treatment of claims for housing benefit by refugees), means a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees(**14**).”.

#### **Insertion of regulation 7B in the Housing Benefit Regulations**

**9.** After regulation 7A of the Housing Benefit Regulations (persons from abroad) there shall be inserted the following regulation —

##### **“Entitlement of a refugee to housing benefit**

**7B.**—(1) Where a person, who has made a claim for asylum, is notified that he has been recorded by the Secretary of State as a refugee, these Regulations shall have effect with respect to his entitlement to housing benefit for the relevant period which applies in his case in accordance with Schedule A1 (treatment of claims for housing benefit by refugees), but that entitlement is —

- (a) subject to the provisions of Schedule A1; and

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(13) Regulation 7A was inserted by S.I. 1994/470, amended by S.I. 1994/1807, 1996/30 and 1510 and saved by section 11 of the Asylum and Immigration Act 1996 (c. 49).

(14) Cmd. 9171.

(b) with respect to regulations 10 (rent) and 11 (maximum rent), subject to regulation 10(5A) of the Housing Benefit (General) Amendment Regulations 1995 (saving)(15).

(2) Any housing benefit which is payable in consequence of this regulation shall be in the form of a rent allowance.”.

#### **Amendment of Schedule 4 to the Housing Benefit Regulations**

**10.** In Schedule 4 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings) —

(a) in paragraph 51(16) the following words shall be added at the end —

“including any amount of council tax benefit to which a person is entitled by virtue of regulation 4D of the Council Tax Benefit (General) Regulations 1992 (entitlement of a refugee to council tax benefit).”;

(b) the following paragraphs shall be added at the end —

“**61.** Any amount of housing benefit to which a person is entitled by virtue of regulation 7B above (entitlement of a refugee to housing benefit).

**62.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 (treatment of refugees)(17).”.

#### **Amendment of Schedule 5 to the Housing Benefit Regulations**

**11.** In Schedule 5 to the Housing Benefit Regulations (capital to be disregarded) —

(a) in paragraph 45(18) the following words shall be added at the end —

“, including any amount of council tax benefit to which a person is entitled by virtue of regulation 4D of the Council Tax Benefit (General) Regulations 1992 (entitlement of a refugee to council tax benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”;

(b) after paragraph 49(19) the following paragraphs shall be added —

“**50.** Any amount of housing benefit to which a person is entitled by virtue of regulation 7B above (entitlement of a refugee to housing benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.

**51.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 (treatment of refugees) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”.

#### **Insertion of Schedule A1 to the Housing Benefit Regulations**

**12.** There shall be inserted before Schedule 1 to the Housing Benefit Regulations a new Schedule A1 (treatment of claims for housing benefit by refugees) which is specified in Schedule 2 to these Regulations.

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(15) S.I. 1995/1644; paragraph (5A) is inserted by regulation 14 of these Regulations.

(16) Paragraph 51 was inserted by S.I. 1993/317.

(17) S.I. 1987/1967; regulation 21ZA was inserted by S.I. 1996/2431.

(18) Paragraph 45 was added by S.I. 1993/317.

(19) Paragraph 49 was inserted by S.I. 1996/1510.

### Consequential amendments to the Housing Benefit Regulations

13. The Housing Benefit Regulations shall be further amended in accordance with the following paragraphs —

- (a) in regulation 16 (applicable amounts) for the words “and 70” to “periods” there shall be substituted the words “, 70 and Schedule A1 (polygamous marriages, patients, calculation of weekly amounts, rent free periods and treatment of claims for housing benefit by refugees)”;
- (b) in regulation 17 (polygamous marriages) for the words “and 70” to “periods” there shall be substituted the words “, 70 and Schedule A1 (patients, calculation of weekly amounts, rent free periods and treatment of claims for housing benefit by refugees)”;
- (c) in paragraph (1) of regulation 18 (patients) for the words “and 70” to “periods” there shall be substituted the words “, 70 and Schedule A1 (calculation of weekly amounts, rent free periods and treatment of claims for housing benefit by refugees)”;
- (d) in regulation 72(1) (time and manner in which claims are to be made) at the end there shall be added the words “or paragraph 5 of Schedule A1 (treatment of claims for housing benefit by refugees)”;
- (e) in regulation 73(1) (evidence and information) at the beginning there shall be inserted the words “Subject to paragraph 5 of Schedule A1 (treatment of claims for housing benefit by refugees),”;
- (f) in regulation 76(2) (who is to make a determination) —
  - (i) in sub-paragraph (a) at the end there shall be added the words “or paragraph 1 of Schedule A1 (treatment of claims for housing benefit by refugees)”;
  - (ii) in sub-paragraph (b) after the words “regulation 73” there shall be inserted the words “or paragraph 5 of Schedule A1”;
- (g) in regulations 93 and 94 (circumstances in which payment is to be made to a landlord) at the beginning there shall be inserted the words “Subject to paragraph 8(4) of Schedule A1 (treatment of claims for housing benefit by refugees),”.

### Amendment of the Housing Benefit (General) Amendment Regulations 1995

14. In regulation 10 of the Housing Benefit (General) Amendment Regulations 1995(20) (saving provision) after paragraph (5) there shall be inserted the following new paragraph —

“(5A) The eligible rent of a person to whom regulation 7B of and Schedule A1 to the principal Regulations (entitlement to housing benefit by refugees) apply, shall be determined in accordance with regulations 10 and 11 of the principal Regulations as in force on 1st January 1996.”.

19th September 1996

*Peter Lilley*  
Secretary of State,  
Department of Social Security

SCHEDULE 1

Regulation 6

“SCHEDULE A1

Regulation 4D

Treatment of claims for council tax benefit by refugees

**Claim for council tax benefit by a refugee**

1.—(1) Where a person (in this Schedule called “the claimant”), who has made a claim for asylum —

- (a) is subsequently notified by the Secretary of State that he has been recorded as a refugee; and
- (b) claims council tax benefit —
  - (i) within the period specified in paragraph 2(4); and
  - (ii) in respect of one or more periods from the date of his claim for asylum to the date he is so notified,

his claim for that benefit shall be treated as having been made on whichever of the dates specified in sub-paragraph (2) applies in his case.

(2) A claim for council tax benefit to which sub-paragraph (1) refers shall be treated as made —

- (a) in the case of a claimant who made a claim for asylum upon arrival in the United Kingdom, on the date on which his claim for asylum was first refused by the Secretary of State or 5th February 1996 if that is later; or
- (b) in the case of a claimant whose claim for asylum was made other than on arrival in the United Kingdom, on the date of that claim for asylum or 5th February 1996 if that is later.

(3) In this Schedule “the relevant period” means the period or any part of the period from the date on which the claim for benefit is treated as made, in accordance with sub-paragraph (2), to the date the claimant concerned is notified by the Secretary of State that he has been recorded as a refugee, for which council tax benefit is claimed in accordance with this paragraph.

**Appropriate authority to whom a claim for council tax benefit shall be made and time for making a claim**

2.—(1) A claim for council tax benefit for the relevant period may be made to the appropriate authority for the area where the dwelling in which the claimant resided was situate and in respect of which he was liable for council tax.

(2) Where the claimant has resided in more than one such dwelling in the relevant period, only one claim for council tax benefit shall be made in respect of that period and shall be made to the appropriate authority for the area in which the dwelling in which he last resided in that period was situate.

(3) The appropriate authority to which a claim for council tax benefit is made in accordance with this paragraph, shall determine the claimant’s entitlement to that benefit for the whole of the relevant period.

(4) A claim for council tax benefit, to which this paragraph refers, shall be made —

- (a) in the case of a claimant who was notified by the Secretary of State in the period from 24th July 1996 to 15th October 1996 that he had been recorded as a refugee, within 28 days of the later date;
- (b) in any other case, within 28 days of a claimant being notified by the Secretary of State that he has been recorded as a refugee.

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(5) Regulation 62(16) of these Regulations (backdating of claims) shall not have effect with respect to claims to which this Schedule applies.

### **Applicable amounts**

3. With respect to a claim for council tax benefit under this Schedule, the applicable amounts for the purposes of Part III of these Regulations shall be the aggregate of any personal allowance and premium which would have been applicable in the claimant's case in the relevant period at the rates for each tax year to which the claim relates set by an Order made under section 150 of the Social Security Administration Act 1992(21).

### **Evidence and information**

4.—(1) A claimant who makes a claim for council tax benefit for the relevant period shall furnish such certificates, documents, information and evidence in connection with the claim, or evidence needed for the determination of the claim or any questions arising in connection with the claim, as may be reasonably required by the appropriate authority in order to determine that person's entitlement to that benefit and which are in his possession or which he may reasonably be expected to obtain.

(2) The appropriate authority may require information to be provided by the landlord of any dwelling in respect of which a claim for council tax benefit arises under this Schedule, in particular as to the period for which the claimant resided in the dwelling during the relevant period.

(3) Where the claimant is unable to furnish the necessary evidence to substantiate his claim, the authority shall determine the claim on the basis of the evidence that is produced including any statements made by the claimant himself and any information provided by a landlord of any dwelling in respect of which the claim under this Schedule arises or by any other person.

(4) Where the claimant has resided in the areas of two or more local authorities in Great Britain in the relevant period, the appropriate authority to which the claim for council tax benefit is made may require such other authority in whose area the claimant has resided, to provide such information as the appropriate authority may reasonably require in connection with the exercise of its functions under regulation 4D and this Schedule and that other authority shall provide the necessary information within 14 days of receiving the request for the information concerned or such longer period as is reasonable in that case.

### **Changes of circumstances**

5. With respect to claims for council tax benefit to which paragraph 1 above applies, for paragraph (1) of regulation 65 (duty to notify changes of circumstances) there shall be substituted the following paragraph —

“(1) Upon claiming council tax benefit in accordance with Schedule A1 (treatment of claims for council tax benefit by refugees) a claimant, or any person by whom or on whose behalf sums payable by way of council tax benefit are receivable, shall provide the appropriate authority to whom the claim is made with information concerning any change of circumstances which occurred during the period to which the claim relates which the claimant or that other person might reasonably expect to affect the claimant's right to and the amount of benefit.”.

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(21) 1992 c. 5.



### **Calculation of amount of council tax benefit**

6. The appropriate maximum council tax benefit, or alternative maximum council tax benefit to which a claimant is entitled under regulation 4D and this Schedule shall be calculated on a daily basis in accordance with Part VI as it had effect for the relevant period.

### **Payments**

7.—(1) Where it is determined that the claimant is entitled to council tax benefit in accordance with regulation 4D and this Schedule, the amount due shall be paid or allowed within 14 days of the date of that determination in accordance with regulation 77 (time and manner of granting council tax benefit).

(2) The appropriate authority in respect of a claim to which this Schedule applies is made, shall be solely responsible for paying or allowing any council tax benefit to which the claimant is entitled for the relevant period.

(3) Subject to paragraph (4), where council tax is outstanding from the claimant to the appropriate authority referred to in sub-paragraph (2), in respect of any part of the relevant period, that council tax shall be offset against any council tax benefit to which the claimant is entitled under this Schedule and only the balance remaining, (if any), shall be paid to the claimant.

(4) Where council tax is outstanding from the claimant to an authority other than the appropriate authority referred to in sub-paragraph (2) in respect of any part of the relevant period, council tax benefit due under this Schedule in respect of any such part shall be paid to the authority concerned for the discharge of the council tax due.

### **Offsets**

8. Any council tax benefit which has otherwise been paid or allowed to the claimant or any partner of his in respect of any part of the relevant period, shall be offset against any award due to the claimant by virtue of regulation 4D and this Schedule, except to the extent that the benefit paid or allowed to that partner was due in respect of a period for which he was not a partner of the claimant.

### **Matters to be included in notice of determination**

9. Parts I to VI of Schedule 6 to the principal Regulations (matters to be included in notice of determination) shall apply with respect to claims made in accordance with regulation 4D.”.

SCHEDULE 2

Regulation 12

“SCHEDULE A1

Regulation 7B

Treatment of claims for housing benefit by refugees

### **Claim for housing benefit by a refugee**

1.—(1) Where a person (in this Schedule called “the claimant”), who has made a claim for asylum —

(a) is subsequently notified by the Secretary of State that he has been recorded as a refugee; and

(b) claims housing benefit —

(i) within the period specified in paragraph 2(4); and

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(ii) in respect of one or more periods from the date of his claim for asylum to the date he is so notified,

his claim for housing benefit shall be treated as having been made on whichever of the dates specified in sub-paragraph (2) applies in his case.

(2) A claim for housing benefit to which sub-paragraph (1) refers shall be treated as made —

(a) in the case of a claimant who made a claim for asylum upon arrival in the United Kingdom, on the date on which his claim for asylum was first refused by the Secretary of State or 5th February 1996 if that is later; or

(b) in the case of a claimant whose claim for asylum was made other than on arrival in the United Kingdom, on the date of that claim for asylum or 5th February 1996 if that is later.

(3) In this Schedule “the relevant period” means the period or any part of the period, from the date on which the claim for benefit is treated as made in accordance with sub-paragraph (2), to the date the claimant concerned is notified by the Secretary of State that he has been recorded as a refugee, for which housing benefit is claimed in accordance with this paragraph.

#### **Appropriate authority to whom a claim for housing benefit shall be made and time for making a claim**

2.—(1) A claim for housing benefit for the relevant period may be made to the appropriate authority for the area in which the dwelling which the claimant occupied as his home was situate and in respect of which he was liable to make payments.

(2) Where the claimant has occupied more than one dwelling as his home in the relevant period, only one claim for housing benefit shall be made in respect of that period and shall be made to the appropriate authority for the area in which the dwelling which he last occupied in that period was situate.

(3) The appropriate authority to which a claim for housing benefit is made in accordance with this paragraph, shall determine the claimant’s entitlement to that benefit for the whole of the relevant period.

(4) A claim for housing benefit, to which this paragraph refers, shall be made —

(a) in the case of a claimant who was notified by the Secretary of State in the period from 24th July 1996 to 15th October 1996 that he had been recorded as a refugee, within 28 days of the later date;

(b) in any other case, within 28 days of a claimant being notified by the Secretary of State that he has been recorded as a refugee.

(5) Regulation 72(15) of these Regulations (backdating of claims) shall not have effect with respect to claims to which this Schedule applies.

#### **Eligible rent**

3.—(1) Subject to sub-paragraph (2), for the purpose of determining a claimant’s eligible rent —

(a) regulations 10 and 11 of these Regulations have effect as they were in force on 1st January 1996;

(b) in paragraph (1) of regulation 12 (restrictions on rent increases) the words from “whether by reference” to “or otherwise” shall be omitted; and

(c) regulation 12A (requirement to refer to a rent officer) shall not have effect.

(2) In determining a claimant’s eligible rent for the relevant period, the appropriate authority may have regard to information in their possession or which they may obtain, as to the level of rents

which had effect in that period in respect of any area in which the claimant occupied a dwelling as his home and in respect of which his claim for housing benefit is made.

### **Applicable amounts**

4. With respect to a claim for housing benefit under this Schedule, the applicable amounts for the purposes of Part V of these Regulations shall be the aggregate of any personal allowance and premium which would have been applicable in the claimant's case in the relevant period at the rates for each tax year to which the claim relates set by an Order made under section 150 of the Social Security Administration Act 1992(22).

### **Evidence and information**

5.—(1) A claimant who makes a claim for housing benefit for the relevant period shall furnish such certificates, documents, information and evidence in connection with the claim, or evidence needed for the determination of the claim or any questions arising in connection with the claim, as may be reasonably required by the appropriate authority in order to determine that person's entitlement to that benefit and which are in his possession or which he may reasonably be expected to obtain.

(2) The appropriate authority may require information to be provided by —

- (a) the landlord of any dwelling in respect of which a claim for housing benefit arises under this Schedule;
- (b) any other person to whom the rent for the dwelling was paid; and
- (c) any person who made payments of rent to a landlord on behalf of a claimant in the relevant period,

in particular as to the amount of any such rent and any service charges which were included in the rent.

(3) Where the claimant is unable to furnish the necessary evidence to substantiate his claim the authority shall determine the claim on the basis of the evidence that is produced, including any statements made by the claimant himself, any information provided by a landlord under subparagraph (2) or by any other person.

(4) Where the claimant has resided in the areas of two or more local authorities in Great Britain in the relevant period, the appropriate authority to which the claim for housing benefit is made may require any such other authority in whose area the claimant has resided, to provide such information as the appropriate authority may reasonably require in connection with the exercise of its functions under regulation 7B and this Schedule and such other authority shall provide the necessary information within 14 days of receiving the request for the information concerned or such longer period as is reasonable in that case.

### **Changes of circumstances**

6. With respect to claims for housing benefit to which paragraph 1 above applies, for paragraph (1) of regulation 75 (duty to notify changes of circumstances) there shall be substituted the following paragraph —

“(1) Upon claiming housing benefit in accordance with Schedule A1 (treatment of claims for housing benefit by refugees) a claimant, or any person by whom or on whose behalf sums payable by way of housing benefit are receivable, shall provide the appropriate authority with information concerning any change of circumstances which occurred during the period to which the claim

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(22) 1992 c. 5.

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relates which the claimant or that other person might reasonably expect to affect the claimant's right to and the amount of benefit.”.

### **Calculation of amount of benefit**

7.—(1) Subject to sub-paragraph (2), the appropriate maximum housing benefit to which a claimant is entitled under regulation 7B and this Schedule shall be calculated on a weekly basis in accordance with Part VIII as it had effect for the relevant period.

(2) Where any part of the relevant period falls after 1st January 1996, in Part VIII regulation 61(3) and (4) (maximum housing benefit) shall not have effect.

### **Payments**

8.—(1) Subject to sub-paragraph (5), where it is determined that the claimant is entitled to housing benefit in accordance with regulation 7B and this Schedule, payment of the amount due shall be made within 14 days of the date of that determination.

(2) The appropriate authority in respect of a claim to which this Schedule applies is made, shall be solely responsible for the payment of any housing benefit to which the claimant is entitled for the relevant period.

(3) Regulation 91 (payment on account of a rent allowance) shall not have effect with respect to any payment to which a claimant is entitled under regulation 7B.

(4) Regulations 93 and 94 (circumstances in which payment of benefit will be made to a landlord) shall not have effect with respect to a payment to which this Schedule applies but where —

- (a) a landlord shows that, for the whole or any part of the relevant period for which housing benefit in the form of a rent allowance has been awarded, no payment of rent has been made;
- (b) information is provided to show the rent that remains due;
- (c) the claimant has been notified that a payment to the landlord may be made; and
- (d) the appropriate authority, having taken account of any representations made by the claimant with respect to such a payment being made, consider that it is reasonable that the benefit or part of the benefit due should be paid to the landlord,

any benefit to which the claimant is entitled under regulation 7B and this Schedule up to the amount of the eligible rent that is due, may be paid direct to the landlord concerned in respect of that rent.

(5) Where a claimant was the tenant of a housing or local authority for the whole or part of the relevant period, to the extent that any eligible rent remains due to the authority concerned in respect of the whole or part of that period, any housing benefit to which the claimant is entitled under regulation 7B and this Schedule shall —

- (a) where that authority is the authority to whom the claim under this Schedule is made, be reduced by the amount of the eligible rent remaining due to that authority; and
- (b) in any other case, be paid to the authority concerned,

and any balance of benefit remaining due in respect of that period shall be paid to the claimant.

### **Offsets**

9. Any housing benefit which has otherwise been paid to the claimant or any partner of his, in respect of any part of the relevant period, shall be offset against any award due to the claimant by virtue of regulation 7B and this Schedule, except to the extent that the benefit paid or allowed to that partner was due in respect of a period for which he was not a partner of the claimant.

### **Matters to be included in notice of determination**

10. Parts I to III, V and VI of Schedule 6 to the principal Regulations (matters to be included in notice of determination) shall apply with respect to claims made in accordance with regulation 7B.”.

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### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) (“the 1992 Regulations”), the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (“the 1987 Regulations”) and the Housing Benefit (General) Amendment Regulations 1995 (S.I. 1995/1644) to provide —

- (a) that a claim for council tax benefit or housing benefit may be made by a person who has been recorded as a refugee by the Secretary of State in respect of the period from the date of his claim for asylum to the date he is recorded as a refugee;
- (b) for the date on which such a claim for benefit is to be treated as made; and
- (c) that any benefit to which the claimant is entitled shall be paid.

The Regulations also provide for the manner in which the benefit due is to be calculated and for modifying the effect of the 1987 and 1992 Regulations with respect to applicable amounts, the evidence to be produced in support of claims, changes of circumstances and the manner in which benefit is to be paid.

These Regulations are made under section 11 of the Asylum and Immigration Act 1996 and contain only regulations made by virtue of or consequential upon the aforesaid section 11 and which are made before the end of the period of 6 months beginning with the coming into force of that enactment. Accordingly they are exempted from reference to the Social Security Advisory Committee and have not been so referred.

These Regulations do not impose a charge on businesses.