
STATUTORY INSTRUMENTS

1999 No. 2556

**The Social Security (Miscellaneous
Amendments) (No. 2) Regulations 1999**

Amendment of the Housing Benefit (General) Regulations 1987

5.—^{F1}(1) The Housing Benefit (General) Regulations 1987 shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 62A (extended payments)—

(a) in paragraph (1)—

(i) after the words “in a case” where they first occur, there shall be inserted the words “other than a case to which paragraph (1A) applies”;

(ii) in sub-paragraph (a)(i) for “67(a)” there shall be substituted “67(1)(a)”;

(iii) in sub-paragraph (a)(ii) for “67(c)” there shall be substituted “67(1)(c)”;

(b) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) Subject to paragraph (2), in the case of a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies, his housing benefit shall be determined in accordance with Part II of Schedule 5A where—

(a) he was entitled to housing benefit and his benefit period has come to an end—

(i) on either of the grounds specified in paragraph (1)(a); or

(ii) in accordance with regulation 67(1)(c) on the ground that he vacated the dwelling of which he was a resident during the period specified in regulation 6(3) of those Regulations; and

(b) the Secretary of State has certified to the appropriate authority—

(i) that regulation 6(2) of those Regulations applies to him;

(ii) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations; and

(iii) the date on which his entitlement to income support ceased or is expected to cease.

(1B) Any award determined in accordance with paragraph (1A) shall be referred to in these Regulations as an “extended payment”.

(c) in paragraph (5)—

(i) in sub-paragraph (a), for the words from “during” to the end of the sub-paragraph there shall be substituted the following—

“(i) in a case where the beneficiary is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies, during the period beginning on the day immediately following the end of the relevant benefit period and ending on the last day of the benefit week which includes the day—

- (aa) which is 4 weeks after the day on which that person was first engaged in the work referred to in sub-paragraph (a) of that paragraph of that regulation; or
 - (bb) on which that person’s liability for rent ends,
 - whichever shall first occur;
 - (ii) in any other case, during the 4 weeks immediately following the end of the relevant benefit period; and”;
 - (ii) in sub-paragraph (b), for the words “made within that 4 week period” there shall be substituted the words “ made by the beneficiary within the period which, under sub-paragraph (a) applies in his case ”.
- (3) In regulation 72 (time and manner in which claims are to be made)—
 - (a) in paragraph (14)—
 - (i) in sub-paragraph (a)—
 - (aa) at the beginning, there shall be inserted the words “ subject to paragraph (14A), ”;
 - (bb) for “67(a)” there shall be substituted “ 67(1)(a) ”;
 - (ii) at the end of sub-paragraph (b) there shall be inserted the word “ or ”;
 - (iii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(c) the Secretary of State has certified the matters specified in regulation 62A(1A)(b) to be the appropriate authority,”;
 - (b) after paragraph (14), there shall be inserted the following paragraph—
 - “(14A) Where the appropriate authority has invited a person to make a claim for a further grant of housing benefit pursuant to paragraph (14)(c), it need not invite that person to make a claim for a further grant of that benefit pursuant to paragraph (14)(a).”.
- (4) In regulation 76 (who is to make a determination)—
 - (a) in paragraph (4) ^{M1} after the words “this regulation”, there shall be inserted the words “ and subject to paragraph (5) ”;
 - (b) after paragraph (4) there shall be added the following paragraph—
 - “(5) For the purposes of paragraph (4), a person shall be treated as having claimed an extended payment where—
 - (a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies; and
 - (b) the Secretary of State has certified the matters specified in regulation 62A(1A)(b) to the appropriate authority during the period of 14 days commencing on the day on which that person was first engaged in the work referred to in sub-paragraph (a) of regulation 6(2) of those Regulations,

and the appropriate day in relation to that person shall be the day on which that person was first engaged in the work referred to in that sub-paragraph of that regulation.”.
- (5) In Schedule 5A (extended payments of housing benefit)—
 - (a) in sub-paragraph (c) of paragraph 2—
 - (i) at the end of head (iii) there shall be inserted the word “ or ”;
 - (ii) after head (iii) there shall be added the following heads—

- “(iv) the claimant’s applicable amount included an amount applicable under paragraph 11 of Schedule 2 to the Income Support (General) Regulations 1987 or, as the case may be, under paragraph 13 of Schedule 1 to the Jobseeker’s Allowance Regulations 1996 (disability premium); or
- (v) the claimant was, or was treated as, incapable of work in accordance with Part XIA of the Contributions and Benefits Act and the regulations made thereunder (incapacity for work);”;
- (b) in paragraph 4—
- (i) in sub-paragraph (3), for the words “paragraph (1)” there shall be substituted the words “ sub-paragraph (1) ”;
- (ii) in sub-paragraph (4), for the words “4 weeks following the last day” there shall be substituted the words “ weeks in the period specified in regulation 62A(5)(a) ”;
- (c) in sub-paragraph (b) of paragraph 8, for the words “4 weeks rent” there shall be substituted the words “ the rent in respect of the period specified in regulation 62A(5)(a) ”;
- (d) paragraph 12 shall be renumbered paragraph 12(1) and in that renumbered sub-paragraph—
- (i) in the definition of “claimant”, after the word “means” there shall be inserted the words “ , subject to sub-paragraph (2), ”;
- (ii) at the end of the definition of “the relevant benefit period” there shall be inserted the words “ or, as the case may be, (1A)(a) ”;
- (e) after the renumbered paragraph 12(1) there shall be added the following sub-paragraph—
- “(2) For the purposes of this Schedule (other than Part I), a person shall be treated as having claimed an extended payment where—
- (a) he is a person to whom regulation 6(2) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies; and
- (b) the Secretary of State has certified the matters specified in regulation 62A(1A)(b) to the appropriate authority,
- and the words “claim” and “claimant” shall be construed accordingly.”.]

Textual Amendments

- F1** Regs. 4 5 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Marginal Citations

- M1** Paragraph (4) was inserted by [S.I. 1996/194](#) and amended by [S.I. 1996/1510](#).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1999, Section 5.