
STATUTORY INSTRUMENTS

1999 No. 920

SOCIAL SECURITY

**The Housing Benefit and Council Tax
Benefit(General) Amendment Regulations 1999**

Made - - - - 22nd March 1999
Laid before Parliament 22nd March 1999
Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security in exercise of powers conferred upon him by sections 123(1)(d) and (e), 136(3), (4) and (5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(1), and sections 1(1C), 189(1), (3), (4) and (7), and 191 of the Social Security Administration Act 1992(2), and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(3) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1999 and shall come into force—

- (a) for the purposes of this regulation on 12th April 1999;
- (b) for the purposes of regulation 2—
 - (i) in the case of an authority specified in the Schedule to these Regulations on 12th April 1999;
 - (ii) in any other case on 6th September 1999, and
- (c) for the purposes of regulations 3 to 6 on 4th October 1999.

(2) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(5);

(1) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14) Schedule 9, paragraph 1(1); section 137(1) is an interpretation provision and is cited because of the meaning assigned to the word “prescribed”.
(2) 1992 c. 5; subsections (1A) to (1C) of section 1 were inserted by section 19 of the Social Security Administration (Fraud) Act 1997 (c. 47); section 191 is an interpretation provision and is cited because of the definition of “prescribe”.
(3) See section 176(1)(a) of the Social Security Administration Act 1992 (c. 5).
(4) See section 173(1)(b) of the Social Security Administration Act 1992.
(5) S.I. 1987/1971.

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(6)

Revocation of regulation 2A of the Housing Benefit Regulations and 2A of the Council Tax Benefit Regulations

2. Regulations 2A of the Housing Benefit Regulations(7) and the Council Tax Benefit Regulations(8) (disapplication of section 1(1A) of the Administration Act) are both revoked.

Amendment of regulation 21 of the Housing Benefit Regulations and 13 of the Council Tax Benefit Regulations

3. In paragraph (1A) of regulation 21 of the Housing Benefit Regulations and regulation 13 of the Council Tax Benefit Regulations (calculation of income on a weekly basis) respectively(9)—

- (a) in sub-paragraph (a), for the sum of £60 there shall be substituted the sum of £70; and
- (b) in sub-paragraph (b), for the sum of £100 there shall be substituted the sum of £105.

Amendment of regulation 21A of the Housing Benefit Regulations and 13A of the Council Tax Benefit Regulations

4.—(1) Regulations 21A of the Housing Benefit Regulations and 13A of the Council Tax Benefit Regulations (treatment of child care charges) respectively shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (2)(10) there shall be substituted the following paragraphs—

“(2) Relevant child care charges are those charges for care to which paragraphs (2ZA) and (2ZB) apply, and shall be calculated on a weekly basis in accordance with paragraph (3).

(2ZA) The charges are paid by the claimant for care which is provided—

- (a) in the case of any child of the claimant’s family who is not disabled, in respect of the period beginning on that child’s date of birth and ending on the day preceding the first Monday in September following that child’s fifteenth birthday; or
- (b) in the case of any child of the claimant’s family who is disabled, in respect of the period beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday.

(2ZB) The charges are paid for care which is provided by one or more of the care providers listed in paragraph (2ZC) and are not paid—

- (a) in respect of the child’s compulsory education; or
- (b) by a claimant to a partner or by a partner to a claimant in respect of any child for whom either or any of them is responsible in accordance with regulation 14 (circumstances in which a person is treated as responsible or not responsible for another).

(2ZC) The care to which paragraph (2ZB) refers may be provided—

- (a) by persons registered under section 71 of the Children Act 1989(11) (registration of child minders and persons providing day care for young children);

(6) S.I. 1992/1814.

(7) S.I. 1987/1971; regulation 2A was inserted by S.I. 1997/2676.

(8) S.I. 1992/1814; regulation 2A was inserted by S.I. 1997/2676.

(9) Paragraph (1A) was inserted by S.I. 1997/2793.

(10) Relevant amending instruments are S.I. 1996/2545 and S.I. 1997/2793.

(11) 1989 c. 41.

- (b) out of school hours, by a school on school premises or by a local authority—
 - (i) for children who are not disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their fifteenth birthday, or
 - (ii) for children who are disabled in respect of the period beginning on their eighth birthday and ending on the day preceding the first Monday in September following their sixteenth birthday;
 - (c) by a child care scheme operating on Crown property where registration under section 71 of the Children Act 1989 is not required; or
 - (d) in schools or establishments which are exempt from registration under section 71 of the Children Act 1989 by virtue of section 71(16) of, and paragraph 3 or 4 of Schedule 9 to, that Act.”.
- (3) After paragraph (5) there shall be added the following paragraph—
- “(6) For the purposes of paragraph (2), a person is disabled if he is a person—
- (a) in respect of whom disability living allowance is payable, or has ceased to be payable solely because he is a patient;
 - (b) who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948(12) (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a regional or islands council; or
 - (c) who ceased to be registered as blind in such a register within the 28 weeks immediately preceding the date of claim.”.

Increase in earnings disregards: amendment of the Housing Benefit Regulations

5.—(1) At the end of Schedule 3 to the Housing Benefit Regulations there shall be added the following paragraph—

“**16.** –

(1) In a case where the claimant is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 8 of this Schedule shall be increased by a sum equal to either—

- (a) the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations if he satisfies the conditions of sub-paragraph (2); or
- (b) the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations if he satisfies the conditions of sub-paragraph (3),

and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3), his disregarded earnings shall be increased by the higher of the two sums, or if they are the same, by the amount of the credit referred to in sub-paragraph (a) above.

(2) The conditions of this sub-paragraph are that—

- (a) the claimant or, if he is a member of a couple either the claimant or his partner, is a person to whom regulation 46(1)(aa) of the Family Credit Regulations applies; or
- (b) (i) the claimant, or if he is a member of a couple one member of the couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week; and

- (ii) his applicable amount includes a family premium under paragraph 3 of Schedule 2.
- (3) The conditions of this sub-paragraph are that—
- (a) the claimant or if he is a member of a couple the claimant or his partner is a person to whom regulation 51(1)(bb) of the Disability Working Allowance Regulations applies; or
- (b) (i) the claimant, or if he is a member of a couple one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week;
- (ii) the claimant's applicable amount includes a disability premium or a higher pensioner premium under paragraph 10 or 11 of Schedule 2 respectively; and
- (iii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or higher pensioner premium referred to in sub-head (ii) above and is engaged in remunerative work for on average not less than 16 hours per week.
- (4) The following are the amounts referred to in sub-paragraph (1)—
- (a) the amount calculated as disregardable from the claimant's earnings under paragraphs 3 to 8 of this Schedule;
- (b) the amount of child care charges calculated as deductible under regulation 21(1)(c); and
- (c) (i) in the case of a claimant who satisfies the conditions of sub-paragraph (2), the amount of the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations; or
- (ii) in the case of a claimant who satisfies the conditions of sub-paragraph (3), the amount of the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations;
- and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3) the higher of the two amounts shall be taken into account, or if they are the same, the amount of the credit referred to in sub-head (i) above shall be used.
- (5) The provisions of regulation 4 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that regulation was a reference to 30 hours.
- (6) In this paragraph—
- “the Family Credit Regulations” means the Family Credit (General) Regulations 1987(13); and
- “the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(14).”.

(2) In paragraphs 57 and 58 of Schedule 4 to the Housing Benefit Regulations(15) at the beginning of each there shall be inserted the words—

“Except in a case which falls under paragraph 16 of Schedule 3,”.

(13) S.I. 1987/1973; regulation 46(1)(aa) was inserted by S.I. 1995/1339.

(14) S.I. 1991/2887; regulation 51(1)(bb) was inserted by S.I. 1995/1339.

(15) Paragraphs 56 and 57 were substituted by regulation 4 of S.I. 1996/462.

Increase in earnings disregards: amendment of the Council Tax Benefit Regulations

6.—(1) At the end of Schedule 3 to the Council Tax Benefit Regulations there shall be added the following paragraph—

“16.—(1) In a case where the claimant is a person who satisfies the conditions set out in either sub-paragraph (2) or (3), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (4), the amount of his earnings that falls to be disregarded under paragraphs 3 to 8 of this Schedule shall be increased by a sum equal to either—

- (a) the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations if he satisfies the conditions of sub-paragraph (2); or
- (b) the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations if he satisfies the conditions of sub-paragraph (3),

and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3), his disregarded earnings shall be increased by the higher of the two sums, or if they are the same, by the amount of the credit referred to in sub-paragraph (a) above.

(2) The conditions of this sub-paragraph are that—

- (a) the claimant, or if he is a member of a couple either the claimant or his partner, is a person to whom regulation 46(1)(aa) of the Family Credit Regulations applies; or
- (b) (i) the claimant, or if he is a member of a couple one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours a week; and
- (ii) the claimant's applicable amount includes a family premium under paragraph 3 of Schedule 1.

(3) The conditions of this sub-paragraph are that—

- (a) the claimant, or if he is a member of a couple either the claimant or his partner, is a person to whom regulation 51(1)(bb) of the Disability Working Allowance Regulations applies; or
- (b) (i) the claimant, or if he is a member of a couple one member of that couple is or both members are, engaged in remunerative work for on average not less than 30 hours per week;
- (ii) the claimant's applicable amount includes a disability premium or a higher pensioner premium under paragraph 11 or 12 of Schedule 1 respectively; and
- (iii) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or higher pensioner premium referred to in sub-head (ii) above and is engaged in remunerative work for on average not less than 16 hours per week.

(4) The following are the amounts referred to in sub-paragraph (1) above—

- (a) the amount calculated as disregardable from the claimant's earnings under paragraphs 3 to 8 of this Schedule;
- (b) the amount of child care charges calculated as deductible under regulation 13(1)(c); and
- (c) (i) in the case of a claimant who satisfies the conditions of sub-paragraph (2), the amount of the credit referred to in regulation 46(1)(aa) of the Family Credit Regulations; or

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(ii) in the case of a claimant who satisfies the conditions of sub-paragraph (3), the amount of the allowance referred to in regulation 51(1)(bb) of the Disability Working Allowance Regulations;

and in a case where the claimant satisfies the conditions of both sub-paragraphs (2) and (3) the higher of the two amounts shall be taken into account, or if they are the same, the amount of the credit referred to in sub-head (i) above shall be used.

(5) The provisions of regulation 4 shall apply in determining whether or not a person works for not less than 30 hours per week, but as if the reference of 16 hours in paragraph (1) of that regulation was a reference to 30 hours.

(6) In this paragraph—

“the Family Credit Regulations” means the Family Credit (General) Regulations 1987(16); and

“the Disability Working Allowance Regulations” means the Disability Working Allowance (General) Regulations 1991(17).”.

(2) In paragraphs 56 and 57 of Schedule 4 to the Council Tax Benefit Regulations(18) at the beginning of each there shall be inserted the words—

“Except in a case which falls under paragraph 16 of Schedule 3,”.

Signed by authority of the Secretary of State for Social Security.

Angela Eagle
Parliamentary Under-Secretary of
State, Department of Social Security

22nd March 1999

(16) S.I. 1987/1973; regulation 46(1)(aa) was inserted by S.I. 1995/1339.

(17) S.I. 1991/2887; regulation 56(1)(bb) was inserted by S.I. 1995/1339.

(18) Paragraphs 56 and 57 were substituted by regulation 4 of S.I. 1996/462.

SCHEDULE

Regulation 1(b)

Authorities

Birmingham
Camden
Dover
South Ayrshire
South Oxfordshire
Teignbridge

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (S.I.1987/1971) and the Council Tax (General) Regulations 1992 (S.I. 1992/1814).

Regulation 2 revokes regulations which disapplied the requirements concerning national insurance numbers imposed on persons claiming housing benefit or council tax benefit by section 1 of the Social Security Administration Act 1992 (c. 5).

Regulation 3 increases the sum deducted from a person's earnings in respect of child care costs.

Regulation 4 amends the provisions for the treatment of child care charges. The period over which child care charges are calculable is extended by 3 years or, in the case of a disabled person, 4 years. There is a new definition of a "disabled person".

Regulations 5 and 6 change the way in which income and earnings are disregarded in respect of those people who are responsible for children or who are disabled and, in either case, are working 30 hours a week or more. In particular, they replace the existing disregard of family credit and disability working allowance with a disregard of earnings.

These Regulations do not impose a charge on businesses.