
STATUTORY INSTRUMENTS

2000 No. 1471

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(General) Amendment (No. 2) Regulations 2000**

<i>Made</i>	- - - -	<i>5th June 2000</i>
<i>Laid before Parliament</i>		<i>12th June 2000</i>
<i>Coming into force</i>	- -	<i>3rd July 2000</i>

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

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (General) Amendment (No. 2) Regulations 2000 and shall come into force on 3rd July 2000.

Amendment of regulation 21 of the Housing Benefit (General) Regulations

2. In regulation 21 of the Housing Benefit (General) Regulations 1987 (calculation of income on a weekly basis)(4)—

- (a) in sub-paragraph (c) of paragraph (1) after the words “average weekly income” there shall be inserted the words “or, in a case where the conditions in paragraph (1ZA) are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate”; and
- (b) after paragraph (1) there shall be inserted the following paragraph—

“(1ZA) The conditions of this paragraph are that—

(1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) See section 176(1)(a) of the Social Security Administration Act 1992 (c. 5).
(3) See section 173(1)(b) of the Social Security Administration Act 1992.
(4) S.I. 1987/1971. Relevant amending instruments are S.I. 1994/1924 and S.I. 1997/2793.

- (a) the claimant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (1A) otherwise applies in his case; and
- (b) that claimant or, if he is a member of a couple either the claimant or his partner, is in receipt of either working families' tax credit or disabled person's tax credit."

Amendment of regulation 13 of the Council Tax Benefit (General) Regulations

3. In regulation 13 of the Council Tax Benefit (General) Regulations 1992 (calculation of income on a weekly basis)**(5)**—

- (a) in sub-paragraph (c) of paragraph (1) after the words "average weekly income" there shall be inserted the words "or, in a case where the conditions in paragraph (1ZA) are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate"; and
- (b) after paragraph (1) there shall be inserted the following paragraph—
 - "(1ZA) The conditions of this paragraph are that—
 - (a) the claimant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (1A) otherwise applies in his case; and
 - (b) that claimant or, if he is a member of a couple either the claimant or his partner, is in receipt of either working families' tax credit or disabled person's tax credit."

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

5th June 2000

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

(5) S.I. [1992/1814](#). Relevant amending instruments are S.I. [1994/1924](#) and S.I. [1997/2793](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend provisions in the Housing Benefit (General) Regulations (S.I. [1987/1971](#)) and the Council Tax Benefit (General) Regulations (S.I. [1992/1814](#)) in respect of the calculation of average weekly income. In particular they provide that claimants in receipt of either working families' tax credit or disabled person's tax credit can have that credit taken into account in the calculation of the child care costs disregard applicable in their case.

These Regulations do not impose a cost on businesses.