
STATUTORY INSTRUMENTS

2000 No. 4

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(General) Amendment Regulations 2000**

Made - - - - 6th January 2000
Laid before Parliament 7th January 2000
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 1(1C)(c), 5(1)(d), 126A, 189(3) and (5) and 191 of the Social Security Administration Act 1992⁽¹⁾, sections 123(1)(d), 130(4), 137(1) and 175(3) and (4) of the Social Security Contributions and Benefits Act 1992⁽²⁾, section 122(3) of the Housing Act 1996⁽³⁾ and section 34(4) and (5) of the Social Security Act 1998⁽⁴⁾, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽⁵⁾ and after consultation with organisations appearing to him to be representative of the authorities concerned⁽⁶⁾, 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 2000 and shall come into force—

- (a) for the purposes of this regulation and regulations 2 to 4 and 11 on 3rd February 2000;
- (b) for the purposes of regulation 5—
 - (i) in any case where rent is payable at intervals of a whole number of weeks, on 3rd April 2000; and
 - (ii) in any other case, on 1st April 2000;
- (c) for the purposes of regulation 6 to 10 on 3rd April 2000; and
- (d) for the purposes of regulation 12 on 1st April 2000.

(1) 1992 c. 5; subsections (1A) to (1C) of section 1, and section 126A were inserted by sections 19 and 11 of the Social Security Administration (Fraud) Act 1997 (c. 47) respectively. Section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.

(2) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(3) 1996 c. 52.

(4) 1998 c. 14.

(5) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992.

(6) See section 176(1) of the Social Security Administration Act 1992.

(2) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(7);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(8).

Amendment of the Housing Benefit (Information from Landlords and Agents) Regulations 1997

2. For regulation 5 of the Housing Benefit (Information from Landlords and Agents) Regulations 1997(9) there shall be substituted the following regulation—

“5.—(1) Subject to paragraph (2) the relevant information shall be supplied—

(a) in typewritten or printed form; or

(b) with the written agreement of the requirer, in electronic or handwritten form,

within a period of 4 weeks commencing on the date on which the notice was sent or given.

(2) Where—

(a) within a period of 4 weeks commencing on the date on which the notice was sent or given, the supplier requests that the time for supply of the relevant information be extended; and

(b) the requirer provides written agreement to that request,

the time for supply of the relevant information shall be extended to a period of 8 weeks commencing on the date on which the notice was sent or given.”.

Amendment of regulation 2 of the Housing Benefit Regulations

3. In regulation 2 of the Housing Benefit Regulations (interpretation) in the appropriate place there shall be inserted the following definition—

““the Rent Officers Order” means the Rent Officers (Housing Benefit Functions) Order 1997(10) or, as the case may be, the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(11)

Amendment of regulation 2B of the Housing Benefit Regulations

4. In regulation 2B of the Housing Benefit Regulations (cases in which section 1(1A) of the Administration Act is disapplied(12) for the words after “shall not apply” to the end of that regulation there shall be substituted the words—

“_

(a) to a claim for housing benefit where the person making the claim, or in respect of whom the claim is made, is liable to make payments in respect of a dwelling which is a hostel; or

(b) to any child or young person in respect of whom housing benefit is claimed.”.

(7) S.I. 1987/1971.

(8) S.I. 1992/1814.

(9) S.I. 1997/2436.

(10) S.I. 1997/1984. The relevant amending instrument is S.I. 2000/1.

(11) S.I. 1997/1995 (S.144). The relevant amending instrument is S.I. 2000/3.

(12) Regulation 2B was inserted by S.I. 1999/2401; other relevant amending instruments are S.I. 1997/2676 and S.I. 1999/920.

Amendment of regulation 11 of the Housing Benefit Regulations

5. In regulation 11 of the Housing Benefit Regulations (maximum rent)–
- (a) in paragraphs (2), (4), (5), (5C), (5D) and (6A) for the words “relevant rent” wherever they appear there shall be substituted the words “claim-related rent”;
 - (b) in paragraph (8A)–
 - (i) sub-paragraphs (a) and (c) shall be omitted; and
 - (ii) the words “or charges” shall be omitted;
 - (c) in paragraph (8B) the words “for fuel or” shall be omitted;
 - (d) in paragraph (8C)–
 - (i) sub-paragraph (b) shall be omitted; and
 - (ii) in sub-paragraph (c) the words “for fuel and a deduction” shall be omitted; and
 - (e) in paragraph (13)–
 - (i) the definitions “deduction for fuel”, “property-specific rent”, “relevant rent”, “size-related rent” and “the Rent Officers Order ” shall be omitted; and
 - (ii) the following definition shall be inserted in the appropriate place–

““claim-related rent” means the rent notified by the rent officer under paragraph 9(1) of Schedule 1 to the Rent Officers Order;”.

Amendment of regulation 12A of the Housing Benefit Regulations

6. In regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers)**(13)**–
- (a) in paragraph (1A)**(14)**–
 - (i) for the words “the following information in respect of the payments which that claimant is liable to make in respect of the dwelling which he occupies as his home” there shall be substituted the words “the total amount of those payments referred to in regulation 10(1) (rent) which that claimant is liable to make in respect of the dwelling which he occupies as his home and shall provide the following information in respect of those payments ”; and
 - (ii) in sub-paragraph (a) after the words “environmental services” there shall be inserted the words “or charges in respect of meals or fuel which are ineligible by virtue of paragraph 1A and Part II of Schedule 1 (ineligible service charges)”;
 - (b) in paragraph (2) for the words “claim or notification” wherever they appear there shall be substituted the words “claim, notification or request ”;
 - (c) after paragraph (7) there shall be inserted the following paragraph–

“(7A) Where the appropriate authority has identified charges specified in paragraph (1ZA)**(15)** it shall–

 - (a) deduct those charges from the total amount of those payments which, in accordance with paragraph (1A), it has stated that the claimant is liable to make in respect of the dwelling which he occupies as his home; and

(13) Regulation 12A was inserted by S.I. [1990/546](#).

(14) Paragraph (1A) was inserted into regulation 12A by S.I. [1995/2868](#).

(15) Paragraph (1ZA) was inserted into regulation 12A by S.I. [1999/2734](#).

- (b) notify that total so reduced to the rent officer in its application under paragraph (1) for his use in making determinations under Schedule 1 (determinations) to the Rent Officers Order.”; and
- (d) in paragraph (8) the definition of “determination” shall be omitted.

Addition of regulations 12B to 12D to the Housing Benefit Regulations

7. After regulation 12A of the Housing Benefit Regulations at the end of Part III there shall be inserted the following regulations—

“Applications to the rent officer for redeterminations

12B.—(1) Subject to paragraph (2) and regulation 12C, where an appropriate authority has obtained from a rent officer either or both of the following—

- (a) a determination on a reference made under regulation 12A (requirement to refer to rent officers);
- (b) a redetermination on a reference made under regulation 79(4A) (review of determinations),

the authority may apply to the rent officer for a redetermination of any determination or redetermination he has made which has effect at the date of the application.

(2) No application shall be made for a further redetermination of a redetermination made in response to an application under paragraph (1).

Substitute determinations or substitute redeterminations

12C.—(1) In a case where either—

- (a) the appropriate authority discovers that an application it has made to the rent officer contained an error in respect of any of the following—
 - (i) the size of the dwelling;
 - (ii) the number of occupiers;
 - (iii) the composition of the household;
 - (iv) the terms of the tenancy; or
- (b) the rent officer has, in accordance with article 7A of the Rent Officers Order, notified an appropriate authority of an error he has made (other than in the application of his professional judgement),

the authority shall apply to the rent officer for a substitute determination or substitute redetermination as the case may be.

(2) In its application to the rent officer the appropriate authority shall state the nature of the error and withdraw any previous application relating to the same case for a redetermination, or substitute determination or substitute redetermination which it has made but to which the rent officer has not yet responded.

Application of provisions to substitute determinations or substitute redeterminations

12D. Regulations 12B and 12C and 79(4A) and (4B) apply to a substitute determination or substitute redetermination as they apply to the determination or redetermination it replaces.”.

Amendment of regulation 66 of the Housing Benefit Regulations

8. In regulation 66 of the Housing Benefit Regulations (benefit period)–
- (a) in paragraph (3) for the words “or (4)” there shall be substituted the words “(4) or (5)”;
 - (b) at the end there shall be added the following paragraph–

“(5) Where the appropriate authority has obtained a determination by the rent officer following notification by a claimant of a change of circumstances specified in sub-paragraph (3) of paragraph 2 of Schedule 1A (excluded tenancies), that authority shall extend that claimant’s current benefit period by a further period of not more than 60 benefit weeks.”.

Amendment of regulation 79 of the Housing Benefit Regulations

9. In regulation 79 of the Housing Benefit Regulations (review of determinations)–
- (a) in paragraph (4A)(16)–
 - (i) at the beginning there shall be inserted the words “Subject to paragraphs (4B) and (4C),”;
 - (ii) for the words “request the rent officer to make” there shall be substituted the words “apply to the rent officer for”; and
 - (iii) in sub-paragraphs (a) and (b) of paragraph (4A) for the word “request” there shall be substituted the word “application”;
 - (b) after paragraph (4A) there shall be inserted the following paragraphs–

“(4B) Except where paragraph (4C) applies, an appropriate authority, in relation to any determination by a rent officer of an application made under regulation 12A(1) (requirement to refer to rent officers), shall not apply for a redetermination under paragraph (4A) more than once in respect of an individual claimant’s dwelling to which that determination relates.

(4C) Paragraph (4A) shall operate so as to require an appropriate authority to make a second application where the following conditions are met in addition to those imposed by that paragraph–

 - (a) the written representations made under paragraph (2) relate to a redetermination by a rent officer made in response to an application by the appropriate authority under regulation 12B;
 - (b) at the time of that application the rent officer had already provided a redetermination under this regulation of a determination made in response to an application under regulation 12A(1); and
 - (c) both the application under this regulation referred to in sub-paragraph (b) and the second application for which this paragraph provides relate to the same claimant.”; and
 - (c) in paragraph (5B) after the word “redetermination” wherever it appears there shall be inserted the words “or substitute determination or substitute redetermination”.

Amendment to Schedule 1A to the Housing Benefit Regulations

10. In Schedule 1A to the Housing Benefit Regulations (excluded tenancies) for sub-paragraph (2) of paragraph 2 there shall be substituted the following sub-paragraph–
- “(2) Sub-paragraph (1) shall cease to apply where–

- (a) a claimant has submitted a further claim for housing benefit and either–
 - (i) that claim follows a benefit period or consecutive benefit periods in respect of a previous claim or claims which he has made which, in either case, subsisted continuously for 52 weeks or more; or
 - (ii) his last benefit period was extended in accordance with regulation 66(5) (benefit period) and subsisted continuously for 52 weeks or more following that extension; or
- (b) in any other case, the determination mentioned in sub-paragraph (1) was made more than 12 months before the date on which the appropriate authority received the claim, notification, or request in question.”.

Insertion of regulation 2B into the Council Tax Benefit Regulations

11. Immediately before regulation 3 of the Council Tax Benefit Regulations there shall be inserted the following regulation–

“(2B) Section 1(1A) of the Administration Act (requirement to state national insurance number) shall not apply to a child or young person in respect of whom council tax benefit is claimed.”.

Transitional

12. Where an appropriate authority has applied for a determination of the rent officer in accordance with regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers) before 3rd April 2000, regulation 11 of the Housing Benefit Regulations (maximum rent) shall apply to the relevant claim or award as if regulation 5 of these Regulations had not been made.

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

6th January 2000

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (Information from Landlords and Agents) Regulations 1997 (S.I.1997/2436) and further amend the Housing Benefit (General) Regulations (S.I. 1987/1971) (“the Housing Benefit Regulations”) and the Council Tax Benefit (General) Regulations (S.I. 1992/1814) (“the Council Tax Benefit Regulations”).

Regulation 2 amends the Housing Benefit (Information from Landlords and Agents) Regulations 1997 and provides that a request for an extension of time in which to supply information must be made within 4 weeks from the date on which the notice requesting the information was sent or given.

Regulation 3 defines “the Rent Officers Order” for the purposes of the Housing Benefit Regulations.

Regulation 4 amends regulation 2B of the Housing Benefit Regulations (cases in which section 1(1A) of the Administration Act is disapplied) to disapply section 1(1A) of the Social Security Administration Act so that children and young persons are not required to supply a national insurance number in connection with a claim for housing benefit.

Regulation 5 further amends regulation 11 (maximum rent) of the Housing Benefit Regulations. There is a new definition of “claim-related rent” which replaces the existing definitions of “relevant rent” and “property-specific rent”. There are other consequential amendments which reflect amendments to the Rent Officers (Housing Benefit Functions) Order 1997 (S.I. 1997/1984) and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (S.I. 1997/1995 (S.144)).

Regulation 6 amends regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers). It inserts a new paragraph which requires the authority to deduct certain specified charges from the total sum notified to the rent officer in its application for a determination, and makes other minor consequential amendments.

Regulation 7 inserts new regulations 12B to 12D into the Housing Benefit Regulations. Regulation 12B enables an appropriate authority to request a determination or redetermination of a rent officer to be redetermined while limiting the number of requests that may be made. Regulation 12C makes provision for an appropriate authority to apply for a substitute determination or redetermination where certain errors have arisen, either in the referral to the rent officer by the authority or on the part of the rent officer.

Regulation 12D provides that where the authority has obtained a substitute determination or redetermination, it may apply for a redetermination or further substitute determination or redetermination.

Regulation 8 amends regulation 66 of the Housing Benefit Regulations (benefit period), and provides for the appropriate authority to extend the current benefit period by not more than 60 benefit weeks where it has received a rent officer determination following notification by the claimant of a prescribed change of circumstances.

Regulation 9 amends regulation 79 of the Housing Benefit Regulations (review of determinations) to limit the number of times an appropriate authority shall request a rent officer redetermination or further redetermination following receipt of written representations from the claimant in respect of a determination the rent officer has made.

Regulation 10 amends the definition of an “excluded tenancy” in Schedule 1A to the Housing Benefit Regulations (excluded tenancies).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 11 inserts regulation 2B into the Council Tax Benefit Regulations, to disapply section 1(1A) of the Social Security Administration Act so that children and young persons are not required to supply a national insurance number in connection with a claim for council tax benefit. These Regulations do not impose a charge on business.