
STATUTORY INSTRUMENTS

2001 No. 1167

The Discretionary Financial Assistance Regulations 2001

Circumstances in which discretionary housing payments may be made

3. For the purposes of section 69(2)(a) of the Child Support, Pensions and Social Security Act 2000, the prescribed circumstance in which discretionary housing payments may be made is where a person has made a claim for a discretionary housing payment and the requirement for financial assistance does not arise as a consequence of—

- (a) a liability to meet any of the ineligible service charges specified in Schedule 1 to the Housing Benefit Regulations (ineligible service charges)(**1**);
- (b) a liability to meet charges for water, sewerage or allied environmental services;
- (c) a liability to meet council tax payments in a case where the person is entitled to housing benefit but not council tax benefit;
- (d) a liability to make periodical payments in respect of such housing costs as are referred to in regulation 10 of the Housing Benefit Regulations(**2**) in a case where the person is entitled to council tax benefit but not housing benefit;
- (e) a liability to meet council tax where the conditions in section 131(4) and (5) of the Social Security Contributions and Benefits Act 1992(**3**) are not satisfied and alternative maximum council tax benefit is payable;
- (f) a liability to meet the increase in such payment as is referred to in regulation 8(2A) of the Housing Benefit Regulations(**4**);
- (g) a reduction of an amount of benefit by virtue of section 46(11) of the Child Support Act 1991(**5**);
- (h) a reduction of a specified amount of benefit by virtue of section 2A of the Social Security Administration Act 1992(**6**);
- (i) a reduction in the amount of a jobseeker's allowance payable by virtue of section 17 of the Jobseekers Act 1995(**7**);
- (j) the non-payability of a jobseeker's allowance or a reduction in the amount of a jobseeker's allowance payable, pursuant to a decision made by virtue of section 19 or 20A of the Jobseekers Act 1995(**8**);
- (k) the suspension of payment of an amount of benefit by virtue of section 21, 22 or 24 of the Social Security Act 1998(**9**) or section 68 of, and paragraphs 13 and 14 of Schedule 7 to, the Child Support, Pensions and Social Security Act 2000.

(1) Relevant amending instruments are S.I.1988/1444, 1989/416, 1990/546, 1991/235 and 1599, 1993/317, 1994/1003, 1996/599, 1997/65 and 1999/264.

(2) Relevant amending instruments are S.I. 1988/1971, 1990/546, 1993/317, 1995/1644 and 2868, 1996/965 and 2001/487.

(3) 1992 c. 4.

(4) Relevant amending instrument is S.I. 1991/201.

(5) 1991 c. 48.

(6) Section 2A was inserted by section 57 of the Welfare Reform and Pensions Act 1999 (c. 30).

(7) 1995 c. 18. Section 17 was amended by paragraph 11 of Schedule 7 to the Welfare Reform and Pensions Act 1999.

(8) Section 20A was inserted by paragraph 13 of Schedule 7 to the Welfare Reform and Pensions Act 1999.

(9) 1998 c. 14.

Status: *This is the original version (as it was originally made).*
