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STATUTORY INSTRUMENTS

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**2001 No. 1605**

**SOCIAL SECURITY**

**The Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001**

<i>Made</i>	- - - -	<i>26th April 2001</i>
<i>Laid before Parliament</i>		<i>1st May 2001</i>
<i>Coming into force</i>	- -	<i>2nd July 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 68 and 69 of, and paragraph 20(1)(b) and (3) of Schedule 7 to, the Child Support, Pensions and Social Security Act 2000(1), section 79(3) and (6) of the Social Security Act 1998(2) and sections 5(1)(hh), 6(1)(hh), 189(5) and 191 of the Social Security Administration Act 1992(3), and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(4) and which is made before the end of a period of six months beginning with the coming into force of sections 68 and 69 of the Child Support, Pensions and Social Security Act 2000(5), by this Instrument, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Decisions and Appeals and Discretionary Financial Assistance) (Consequential Amendments and Revocations) Regulations 2001 and shall come into force on 2nd July 2001.

(2) In these Regulations—

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

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

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(1) 2000 c. 19.

(2) 1998 c. 14.

(3) 1992 c. 5. Section 5(1)(hh) was inserted by the Social Security Act 1998 (c. 12), section 74. Section 6(1)(hh) was inserted by the Child Support, Pensions and Social Security Act 2000, Schedule 7, paragraph 21(2). Section 6 was amended to have effect in relation to council tax benefit by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 12(1)(a). Section 191 is cited because of the meaning ascribed to the word “prescribe”.

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

(5) See section 173(5)(a) of the Social Security Administration Act 1992.

(6) S.I. 1992/1814.

(7) S.I. 1987/1971.

**Definitions**

2.—(1) In regulation 2(1) of the Council Tax Benefit Regulations (interpretation) there shall be inserted in the appropriate places the following definitions—

““the Decisions and Appeals Regulations” means the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>(8)</sup>”;

““relevant authority” means an authority administering council tax benefit”.

(2) In regulation 2(1) of the Housing Benefit Regulations (interpretation) there shall be inserted in the appropriate places the following definitions—

““the Decisions and Appeals Regulations” means the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001”;

““relevant authority” means an authority administering housing benefit”.

(3) In regulation 2(1) of both the Council Tax Benefit Regulations and the Housing Benefit Regulations, for the definition of “person affected” there shall be substituted the following definition—

““person affected” shall be construed in accordance with regulation 3 of the Decisions and Appeals Regulations”.

**Substitution of references to “appropriate authority” and “appropriate local authority”**

3.—(1) Except in a case where paragraph (3)(a) below applies, in the provisions of the Council Tax Benefit Regulations specified in Part I of Schedule 1 to these Regulations, for the words “appropriate authority”, wherever those words appear, there shall be substituted the words “relevant authority”.

(2) Except in a case where paragraph (3)(b) below applies, in the provisions of the Housing Benefit Regulations specified in Part II of Schedule 1 to these Regulations, for the words “appropriate authority” and “appropriate local authority”, wherever those words appear, there shall be substituted the words “relevant authority”.

(3) In—

(a) regulations 56(2), 62(10) and (11), 63(5), 67(1), 77(1) and (4), 87(1) and 91(2) of, and paragraphs 1 and 16 of Schedule 6 to, the Council Tax Benefit Regulations; and

(b) regulations 12A(1), (2A) and (5)<sup>(9)</sup>, 12B(1)<sup>(10)</sup>, 71(7)<sup>(11)</sup> and 73(5) of, and paragraph 1 of Schedule 6 to, the Housing Benefit Regulations,

for the words “an appropriate authority” or “an appropriate local authority” there shall be substituted the words “a relevant authority”.

(4) In regulation 2(1) of the Council Tax Benefit Regulations, the definition of “appropriate authority” shall be omitted.

**Substitution of references to “determination” and related references**

4.—(1) In the Council Tax Benefit Regulations—

(a) in regulation 62(4)(c), for the words “date of determination of” there shall be substituted the words “date on which a decision was made”;

<sup>(8)</sup> S.I. 2001/1002.

<sup>(9)</sup> Regulation 12A was inserted by S.I. 1990/546.

<sup>(10)</sup> Regulation 12B was inserted by S.I. 2000/4.

<sup>(11)</sup> Regulation 71(7) was added by S.I. 1999/3108 and amended by S.I. 2000/897.

- (b) in regulation 64, for the word “determination” in both places where that word appears, there shall be substituted the word “decision”;
  - (c) in regulation 65(1), for the words “its determination” there shall be substituted the words “a decision being made on it”;
  - (d) in the title to Part IX, for the words “Determination of” there shall be substituted the words “Decisions on”;
  - (e) in regulation 66—
    - (i) in the title, for the word “determination” there shall be substituted the word “decision”;
    - (ii) in paragraph (2), for the word “determine” there shall be substituted the words “make a decision on”;
    - (iii) in paragraph (3), for the words “Every claim shall be determined by the appropriate authority” there shall be substituted the words “The relevant authority shall make a decision on each claim”;
  - (f) in regulation 67—
    - (i) in the title, for the word “determinations” there shall be substituted the word “decisions”;
    - (ii) in paragraph (1), for the word “determination”, wherever that word appears, there shall be substituted the word “decision”;
    - (iii) in paragraph (2)—
      - (aa) for the word “determination”, in the first place where that word appears, there shall be substituted the words “a decision”;
      - (bb) for the words “as to its determination of” there shall be substituted the words “for its decision on”;
  - (g) in regulation 90(1)(b) and (3)(12), for the word “determination” there shall be substituted the word “decision”;
  - (h) in paragraph 9 of Schedule A1(13) and in the title to that paragraph, for the words “notice of determination” there shall be substituted the words “the decision notice”.
- (2) In the Housing Benefit Regulations—
- (a) in regulation 5—
    - (i) in paragraph (6)(b), for the words “that claim has not yet been determined” there shall be substituted the words “no decision has yet been made on that claim”;
    - (ii) in paragraph (7)(a), for the words “which has not yet been determined” there shall be substituted the words “in respect of which a decision has not yet been made”;
  - (b) in regulation 72(4)(c), for the words “date of determination of” there shall be substituted the words “date on which a decision was made”;
  - (c) in regulation 74, for the word “determination” in both places where that word appears, there shall be substituted the word “decision”;
  - (d) in regulation 75(1), for the words “its determination” there shall be substituted the words “a decision being made on it”;
  - (e) in the title to Part XI, for the words “Determination of” there shall be substituted the words “Decisions on”;

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(12) Regulation 90 was substituted by [S.I. 2000/2331](#).

(13) Schedule A1 was inserted by [S.I. 1996/2432](#).

- (f) in regulation 76—
- (i) in the title, for the word “determination” there shall be substituted the word “decision”;
  - (ii) in paragraph (2), for the word “determine” there shall be substituted the words “make a decision on”;
  - (iii) in paragraph (3), for the words “Every claim shall be determined by the appropriate authority” there shall be substituted the words “The relevant authority shall make a decision on each claim”;
- (g) in regulation 77—
- (i) in the title, for the word “determinations” there shall be substituted the word “decisions”;
  - (ii) in paragraph (1)(14), for the word “determination”, wherever that word appears, there shall be substituted the word “decision”;
  - (iii) in paragraph (4)(15)—
    - (aa) for the word “determination”, in the first place where that word appears, there shall be substituted the words “a decision”;
    - (bb) for the words “as to its determination of” there shall be substituted the words “for its decision on”;
- (h) in regulation 91—
- (i) in paragraph (1)(16), for the word “determine” there shall be substituted the words “make a decision on”;
  - (ii) in paragraph (2), for the words “subsequent determination” there shall be substituted the words “subsequent decision”;
  - (iii) in paragraph (3), for the words “subsequent determination” there shall be substituted the words “the basis of the subsequent decision”;
- (i) in regulation 91A(1)(17), for the word “determine” there shall be substituted the words “make a decision on”;
- (j) in regulation 94(1A)(18), for the words “determination of” there shall be substituted the words “making of a decision on”;
- (k) in regulation 97(1A)(19), for the word “determination” there shall be substituted the word “decision”;
- (l) in regulation 98, for the word “determined” there shall be substituted the word “decided”;
- (m) in regulation 104(1)(b) and (3)(20), for the word “determination” there shall be substituted the word “decision”;
- (n) in paragraph 10 of Schedule A1(21) and in the title to that paragraph, for the words “notice of determination” there shall be substituted the words “the decision notice”.

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(14) Regulation 77(1) was so designated by [S.I. 1988/661](#).

(15) Regulation 77(4) was added by [S.I. 1992/432](#) and amended by [S.I. 1994/2137](#).

(16) Regulation 91(1) was amended by [S.I. 1995/2868](#).

(17) Regulation 91A was inserted by [S.I. 1988/661](#).

(18) Regulation 94(1A) was inserted by [S.I. 1996/965](#).

(19) Regulation 97(1A) was inserted by [S.I. 2000/2331](#).

(20) Regulation 104 was substituted by [S.I. 2000/2331](#).

(21) Schedule A1 was inserted by [S.I. 1996/2432](#).

### **Substitution of references to “review” and related references**

**5.—(1) In the Council Tax Benefit Regulations—**

- (a) in regulation 27(5)(**22**), for the word “review”, in both places where that word appears, there shall be substituted the word “revision”;
- (b) in regulation 79(1), for the words “review of a determination of a decision” there shall be substituted the words “revision of a decision”;
- (c) in regulation 82(1)—
  - (i) for the words “determination which is subsequently revised upon review or further review”, there shall be substituted the words “decision which is subsequently revised or further revised”;
  - (ii) for the word “determination”, in both other places where that word appears, there shall be substituted the word “decision”;
- (d) in regulation 83, for the words “initial determination or as subsequently revised on review or further review”, there shall be substituted the words “the initial decision as subsequently revised or further revised”;
- (e) in regulation 84(5)—
  - (i) for the word “reviewed” there shall be substituted the word “revised”;
  - (ii) for the word “review” there shall be substituted the word “revision”.

**(2) In the Housing Benefit Regulations—**

- (a) in regulation 36(5)(**23**), for the word “review” in both places where that word appears, there shall be substituted the word “revision”;
- (b) in regulation 97(1)—
  - (i) for the words “determination which is subsequently revised upon review or further review”, there shall be substituted the words “decision which is subsequently revised or further revised”;
  - (ii) for the word “determination”, in both other places where that word appears, there shall be substituted the word “decision”;
- (c) in regulation 98, for the words “initial determination or as subsequently revised on review or further review”, there shall be substituted the words “the initial decision as subsequently revised or further revised”;
- (d) in regulation 99(4)(**24**)—
  - (i) for the word “reviewed” there shall be substituted the word “revised”;
  - (ii) for the words “date of review” there shall be substituted the words “the date on which the revision took place”.

### **Amendment of Schedule 6 to both the Council Tax Benefit Regulations and the Housing Benefit Regulations**

**6.—(1) In Schedule 6 to the Council Tax Benefit Regulations(**25**)—**

- (a) in the title, for the words “Notice of Determination” there shall be substituted the words “Decision Notice”;

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(22) Regulation 27(5) was added by [S.I. 1993/2118](#).

(23) Regulation 36(5) was added by [S.I. 1993/2118](#).

(24) Regulation 99(4) was added by [S.I. 1991/1599](#).

(25) The relevant amending instrument is [S.I. 2000/897](#).

- (b) subject to sub-paragraph (g) below, for the words “notice of determination”, wherever those words appear, there shall be substituted the words “decision notice”;
  - (c) except in a case to which sub-paragraph (b) above applies, for the word “determination”, wherever that word appears, there shall be substituted the word “decision”;
  - (d) in paragraph 1, for the words “69 (review of determinations)” there shall be substituted the words “in regulation 10 of the Decisions and Appeals Regulations”;
  - (e) in paragraph 3, for the words “written representations in accordance with regulation 69(2)” there shall be substituted the words “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations and, where appropriate, to appeal against that decision”;
  - (f) in paragraph 4, for the words “written representation in accordance with regulation 69(2) (review of determinations)” there shall be substituted the words “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations”;
  - (g) for paragraph 5 there shall be substituted the following paragraph—  
“Every decision notice following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations shall, if the original decision has been revised, include a statement as to the right of any person affected by that decision to apply for a revision in accordance with regulation 4(1)(a) of those Regulations and the manner and time in which to do so.”;
  - (h) in paragraph 8—
    - (i) for the word “review” there shall be substituted the word “revision”;
    - (ii) in sub-paragraph (b), for the words “written representations in accordance with regulation 69(2) (review of determinations)” there shall be substituted the words “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations.”;
    - (iii) for the word “reviewed” there shall be substituted the word “revised”.
- (2) In Schedule 6 to the Housing Benefit Regulations(26)—
- (a) in the title, for the words “Notice of Determination” there shall be substituted the words “Decision Notice”;
  - (b) subject to sub-paragraph (g) below, for the words “notice of determination”, wherever those words appear, there shall be substituted the words “decision notice”;
  - (c) except in a case to which sub-paragraph (b) above applies, for the word “determination”, wherever that word appears, there shall be substituted the word “decision”;
  - (d) in paragraph 1, for the words “79 (review of determinations)” there shall be substituted the words “in regulation 10 of the Decisions and Appeals Regulations”;
  - (e) in paragraph 3, for the words “written representations in accordance with regulation 79(2)” there shall be substituted the words “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations and, where appropriate, to appeal against that decision”;
  - (f) in paragraph 4, for the words “written representations in accordance with regulation 79(2) (review of determinations)” there shall be substituted the words “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations”;
  - (g) for paragraph 5 there shall be substituted the following paragraph—  
“Every decision notice following an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations shall, if the original decision has been revised, include a statement as to the right of any person affected

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(26) The relevant amending instruments are [S.I. 1997/2435](#) and [2000/897](#).

by that decision to apply for a revision in accordance with regulation 4(1)(a) of those Regulations and the manner and time in which to do so.”;

- (h) in paragraph 8—
  - (i) for the word “review” there shall be substituted the word “revision”;
  - (ii) in sub-paragraph (b), for the words “written representations in accordance with regulation 79(2) (review of determinations)” there shall be substituted the words “an application for a revision in accordance with regulation 4(1)(a) of the Decisions and Appeals Regulations”;
  - (iii) for the word “reviewed” there shall be substituted the word “revised”.

### **Rent Officer determinations**

- 7. In the Housing Benefit Regulations—
  - (a) in regulation 12B(1)(b)(27), for the words “regulation 79(4A) (review of determinations)” there shall be substituted the words “regulation 12CA(2) (application for redetermination by Rent Officer)”;
  - (b) after regulation 12C, there shall be inserted the following regulation—

#### **“Application for redetermination by Rent Officer**

**12CA.**—(1) This paragraph applies where—

- (a) a person affected makes written representations which are signed by him, to a relevant authority concerning a decision which it makes in relation to him;
- (b) those representations relate, in whole or in part, to a Rent Officer’s determination or redetermination in exercise of the Housing Act functions; and
- (c) those representations are made no later than six weeks after the day on which the person affected was notified of the decision by the relevant authority.

(2) Subject to paragraphs (3) and (4), where paragraph (1) applies, the relevant authority shall, within 7 days of receiving the representations, apply to the Rent Officer for a redetermination or, as the case may be, a further redetermination in exercise of the Housing Act functions and a copy of those representations shall accompany the local authority’s application.

(3) Except where paragraph (4) applies, a relevant authority, in relation to any determination by a Rent Officer of an application under regulation 12A(1)(requirement to refer to rent officers), shall not apply for a redetermination under paragraph (2) more than once in respect of an individual claimant’s dwelling to which that determination relates.

(4) Paragraph (2) shall operate so as to require a relevant 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 (1) related to a redetermination by a Rent Officer made in response to an application by the relevant authority under regulation 12B;
- (b) at the time of that application, the Rent Officer has 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.
- (5) Where a decision has been revised in consequence of a redetermination, substitute determination or substitute redetermination by a Rent Officer in exercise of the Housing Act functions and that redetermination, substitute determination or substitute redetermination has led to—
  - (a) a reduction in the maximum rent, the redetermination, substitute determination or substitute redetermination shall be a change of circumstance;
  - (b) an increase in the maximum rent, the redetermination, substitute determination or substitute redetermination shall have effect in place of the original determination.”;
- (c) in regulation 12D, for the words “12B and 12C and 79(4A) and (4B)” there shall be substituted the words “12B, 12C and 12CA”.

### **Evidence and information**

#### **8.—(1) In regulation 63 of the Council Tax Benefit Regulations(28) (evidence and information)**

- (a) for paragraph (1) there shall be substituted the following paragraphs—
  - “(1) Subject to paragraph (1A) and to paragraph 4 of Schedule A1 (treatment of claims for council tax benefit by refugees), a person who makes a claim, or a person to whom council tax benefit has been awarded, shall furnish such certificates, documents, information and evidence in connection with the claim or the award, or any question arising out of the claim or the award, as may reasonably be required by the relevant authority in order to determine that person’s entitlement to, or continuing entitlement to, council tax benefit and shall do so within four weeks of being required to do so or such longer period as the relevant authority may consider reasonable.
  - (1A) Nothing in this regulation shall require a person to furnish any certificates, documents, information or evidence relating to a payment to which paragraph (3) applies.”;
- (b) in paragraph (2)(a), after the word “claimant” there shall be inserted the words “or the person to whom council tax benefit has been awarded”;
- (c) in paragraph (4), after the word “claimant” there shall be inserted the words “or a person to whom council tax has been awarded”.

#### **(2) In regulation 73 of the Housing Benefit Regulations(29) (evidence and information)—**

- (a) for paragraph (1) there shall be substituted the following paragraphs—
  - “(1) Subject to paragraph (1A) and to paragraph 5 of Schedule A1 (treatment of claims for housing benefit by refugees), a person who makes a claim, or a person to whom housing benefit has been awarded, shall furnish such certificates, documents, information and evidence in connection with the claim or the award, or any question arising out of the claim or the award, as may reasonably be required by the relevant authority in order to determine that person’s entitlement to, or continuing entitlement to, housing benefit and shall do so within four weeks of being required to do so or such longer period as the relevant authority may consider reasonable.

(28) The relevant amending instruments are [S.I. 1995/2303](#) and [1996/2432](#).

(29) The relevant amending instruments are [S.I. 1988/661](#), [1995/2303](#) and [1996/2432](#).



- (1A) Nothing in this regulation shall require a person to furnish any certificates, documents, information or evidence relating to a payment to which paragraph (3) applies.”;
- (b) in paragraph (2)(a), after the word “claimant” there shall be inserted the words “or the person to whom housing benefit has been awarded”;
- (c) in paragraph (4), after the word “claimant” there shall be inserted the words “or a person to whom housing benefit has been awarded”.

### **Other consequential amendments**

#### **9.—(1) In the Council Tax Benefit Regulations—**

- (a) in regulation 59(1)(**30**), for the words “and regulation 59A” there shall be substituted the words “, regulation 59A or regulation 8(3) of the Decisions and Appeals Regulations”;
- (b) for regulation 84(3), there shall be substituted the following paragraph—
  - “(3) In paragraph (2), “excess benefit allowed in consequence of an official error” means an overpayment caused by a mistake made whether in the form of an act or omission by—
    - (a) the relevant authority;
    - (b) an officer or person acting for that authority;
    - (c) an officer of—
      - (i) the Department of Social Security;
      - (ii) the Department for Education and Employment;
      - (iii) the Commissioners of the Inland Revenue,acting as such; or
    - (d) a person providing services to either Department or to the Commissioners referred to in (c),

where the claimant, a person acting on his behalf or any other person to whom the payment is made, did not cause or materially contribute to that mistake, act or omission.”.

#### **(2) In the Housing Benefit Regulations—**

- (a) in regulation 11(1A)(b)(**31**), for the words “superseding decision” there shall be substituted the words “decision made under paragraph 4 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000”;
- (b) in regulation 68—
  - (i) in paragraph (1)(**32**), for the words “or regulation 68A” there shall be substituted the words “, regulation 68A or regulation 8(3) of the Decisions and Appeals Regulations”;
  - (ii) at the beginning of paragraph (2), there shall be inserted the words “Except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies.”;
- (c) in regulation 96(1)(**33**), the words “, including any payment withheld under regulation 95(1) or (2),” shall be omitted;
- (d) for regulation 99(3), there shall be substituted the following paragraph—

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**(30)** The relevant amending instrument is [S.I. 2000/897](#).

**(31)** Regulation 11(1A) was inserted by [S.I. 2001/1324](#).

**(32)** The relevant amending instrument is [S.I. 2000/897](#).

**(33)** Regulation 96(1) was amended by [S.I. 1992/2148](#).

“(3) In paragraph (2), “overpayment caused by official error” means an overpayment caused by a mistake made whether in the form of an act or omission by—

- (a) the relevant authority;
- (b) an officer or person acting for that authority;
- (c) an officer of—
  - (i) the Department of Social Security;
  - (ii) the Department for Education and Employment;
  - (iii) the Commissioners of the Inland Revenue,acting as such; or
- (d) a person providing services to either Department or to the Commissioners referred to in (c),

where the claimant, a person acting on his behalf or any other person to whom the payment is made, did not cause or materially contribute to that mistake, act or omission.”.

### **Revocations**

**10.**—(1) The provisions of the Council Tax Benefit Regulations specified in Part I of Schedule 2 to these Regulations shall be revoked.

(2) The provisions of the Housing Benefit Regulations specified in Part II of Schedule 2 to these Regulations shall be revoked.

### **Maximum housing benefit: consequential amendments**

**11.**—(1) In regulation 61 of the Housing Benefit Regulations (maximum housing benefit)—

- (a) in paragraph (1), the words “Subject to the following provisions of this regulation,” shall be omitted;
- (b) paragraphs (2), (3) and (4) shall be omitted;
- (c) paragraph (1) shall be renumbered “61.”.

(2) In paragraph 7 of Schedule A1 to the Housing Benefit Regulations (claims for housing benefit by refugees: calculation of amount of benefit)—

- (a) in sub-paragraph (1), the words “Subject to sub-paragraph (2),” shall be omitted;
- (b) sub-paragraph (2) shall be omitted;
- (c) sub-paragraph (1) shall be renumbered “7.”.

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

26th April 2001

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

SCHEDULE 1

Regulation 3

PART I

SUBSTITUTION OF REFERENCES TO “APPROPRIATE  
AUTHORITY” IN THE COUNCIL TAX BENEFIT REGULATIONS

Definition of “designated office” in regulation 2(1)  
Regulation 3(3)  
Regulation 12(1)  
Regulation 14(2) and (3)  
Regulation 22(7)  
Regulation 26(2B)(**34**), (4), (4A)(**35**), (4C)(**36**), (5) and (5A)(**37**)  
Regulation 50  
Regulation 52(7)  
Regulation 53A(1A)(**38**)  
Regulation 57(1), (2) and (4)  
Regulation 58(1)(**39**)  
Regulation 61(1) and (3) to (7)(**40**)  
Regulation 62(1) to (4), (7), (8), (10), (11) to (13), (15) and (15A)(**41**)  
Regulation 63(1), (2), (4) and (5)(**42**)  
Regulation 65(2)  
Regulation 66(1), (4) and (5)(**43**)  
Regulation 67(1)  
Regulation 77(1) to (3)  
Regulation 79(1) and (2)  
Regulation 81(1) and (3)  
Regulation 83(b)  
Regulation 84(5)  
Regulation 85  
Regulation 87(2) and (3)  
Regulation 89(1)  
Regulation 90(1) and (3)(**44**)

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(34) Regulation 26(2B) was inserted by [S.I. 1995/2303](#).

(35) Regulation 26(4A) was inserted by [S.I. 1995/626](#).

(36) Regulation 26(4C) was inserted by [S.I. 1996/1803](#).

(37) Regulation 26(5A) was inserted by [S.I. 2000/678](#).

(38) Regulation 53A was inserted by [S.I. 1996/194](#). Paragraph (1A) was inserted by [S.I. 1999/2556](#).

(39) Regulation 58(1) was renumbered by [S.I. 1996/1510](#).

(40) Regulation 61(7) was added by [S.I. 1999/3108](#).

(41) Regulation 62(15)(c) was added by [S.I. 1999/2556](#) and amended by [S.I. 2001/537](#). Regulation 62(15A) was inserted by [S.I. 1999/2556](#).

(42) Regulation 63(4) and (5) were added by [S.I. 1995/2303](#).

(43) Regulation 66(4) was added by [S.I. 1996/194](#) and regulation 66(5) was added by [S.I. 1999/2556](#).

(44) Regulation 90 was substituted by [S.I. 2000/2331](#).

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

- Schedule A1**(45)**—
  - title to paragraph 2**(46)**
  - paragraph 2(1) to (3)
  - title to paragraph 2A**(47)**
  - paragraph 2A(1) and (3)
  - paragraph 4(1), (2) and (4)
  - paragraph 5
  - paragraph 7(2) to (4)
- Schedule 5A**(48)**—
  - paragraph 2
  - paragraph 5
- Schedule 6—
  - paragraph 4
  - paragraph 11(b)
  - paragraph 16

## PART II

### SUBSTITUTION OF REFERENCES TO “APPROPRIATE AUTHORITY” AND “APPROPRIATE LOCAL AUTHORITY” IN THE HOUSING BENEFIT REGULATIONS

- Definition of “designated office” in regulation 2(1)
- Regulation 11(5B), (5D) and (5E)**(49)**
- Regulation 11(2), (4) and (6) (as saved by [S.I.1995/1644](#))
- Regulation 11(9)
- Regulation 12(1) (as saved by [S.I. 1997/852](#))
- Regulation 12A(1), (1A), (1B), (2), (4), (5) and (7A)**(50)**
- Regulation 12C(2)**(51)**
- Regulation 20(1)
- Regulation 22(2) and (3)
- Regulation 31(7)
- Regulation 35(2B)**(52)**, (4), (4A)**(53)**, (4C)**(54)**, (5) and (5A)**(55)**
- Regulation 50(3)

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**(45)** Schedule A1 was inserted by [S.I. 1996/2432](#).

**(46)** Paragraph 2 was saved by [S.I. 2000/636](#).

**(47)** Paragraph 2A was inserted by [S.I. 2000/636](#).

**(48)** Schedule 5A was inserted by [S.I. 1996/194](#).

**(49)** Regulation 11(5B), (5D) and (5E) were inserted by [S.I. 1999/2734](#).

**(50)** Regulation 12A was inserted by [S.I. 1990/546](#). The relevant amending instruments are [S.I. 1995/1644](#) and [2000/4](#).

**(51)** Regulation 12C was inserted by [S.I. 2000/4](#).

**(52)** Regulation 35(2B) was inserted by [S.I. 1995/2303](#).

**(53)** Regulation 35(4A) was inserted by [S.I. 1995/626](#).

**(54)** Regulation 35(4C) was inserted by [S.I. 1996/1803](#).

**(55)** Regulation 35 (5A) was inserted by [S.I. 2000/678](#).

Regulation 60  
Regulation 62A(1A)(**56**)  
Regulation 66(1), (2), (4) and (5)(**57**)  
Regulation 67(1)(**58**)  
Regulation 71(1) and (3) to (6)  
Regulation 72(1) to (4), (7), (8), (11), (12), (14)(**59**) and (14A)(**60**)  
Regulation 73(2), (4) and (5)  
Regulation 76(1), (4) and (5)  
Regulation 88(1) and (2)  
Regulation 90(3) to (5)  
Regulation 91(1)  
Regulation 91A(1)(**61**)  
Regulation 93(3)(**62**)  
Regulation 94(1B)(**63**)  
Regulation 96(1), (3) and (5)(**64**)  
Regulation 99(4)(**65**)  
Regulation 103 (1)  
Regulation 104(1) and (3)(**66**)  
Regulation 106(**67**)  
Schedule A1(**68**)  
    title to paragraph 2(**69**)  
    paragraph 2(1) and (3)  
    title to paragraph 2A (**70**)  
    paragraph 2A(1) and (3)  
    paragraph 3(2)  
    paragraph 5(1), (2) and (4)  
    paragraph 6  
    paragraph 8(2) and (4)  
Schedule 1—  
    paragraph 2(1A)(**71**)

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(56) Regulation 62A was inserted by S.I. 1996/194. Paragraph (1A) was inserted by S.I. 1999/2556.

(57) Regulation 66(5) was added by S.I. 2000/4.

(58) Regulation 67(1) was renumbered by S.I. 1996/1510.

(59) Regulation 72(14)(c) was added by S.I. 1999/2556 and amended by S.I.2001/537.

(60) Regulation 72(14A) was inserted by S.I. 1999/2556.

(61) Regulation 91A was inserted by S.I. 1988/661.

(62) Regulation 93(3) was added by S.I. 1997/243.

(63) Regulation 94(1B) was inserted by S.I. 1997/2434.

(64) Regulation 96(5) was added by S.I. 1992/2148.

(65) Regulation 99(4) was added by S.I. 1991/1559.

(66) Regulation 104 was substituted by S.I. 2000/2331.

(67) Regulation 106 was added by S.I. 1989/566.

(68) Schedule A1 was inserted by S.I. 1996/2432.

(69) Paragraph 2 was saved by S.I. 2000/636.

(70) Paragraph 2A was inserted by S.I. 2000/636.

(71) Sub-paragraph 2(1A) was inserted by S.I. 1991/235.

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

paragraph 3  
paragraph 6(1)(b)  
Schedule 1A(72)—  
paragraph 2(4)  
Schedule 5A(73)—  
paragraph 2  
Schedule 6—  
paragraph 4  
paragraph 12(b)

## SCHEDULE 2

Regulation 10

### PART I

#### REVOCATION OF PROVISIONS IN THE COUNCIL TAX BENEFIT REGULATIONS

Regulation 51(5)  
Regulation 54(4)  
Regulation 68  
Regulation 69  
Regulation 70  
Regulation 71  
Regulation 72  
Regulation 73  
Regulation 74  
Regulation 75  
Regulation 76  
Regulation 80  
Regulation 81A  
Schedule 7

### PART II

#### REVOCATION OF PROVISIONS IN THE HOUSING BENEFIT REGULATIONS

Regulation 2(2)  
Regulation 78  
Regulation 79

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(72) Schedule 1A was inserted by [S.I. 1990/546](#). Paragraph 2(4) was added by [S.I. 1993/317](#).

(73) Schedule 5A was inserted by [S.I. 1996/194](#).

Regulation 81  
Regulation 82  
Regulation 83  
Regulation 84  
Regulation 85  
Regulation 86  
Regulation 87  
Regulation 95  
Regulation 96A  
Schedule 7

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#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make consequential provision in the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) and in the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) in consequence of the coming into force of section 68 of, and Schedule 7 to, the Child Support, Pensions and Social Security Act 2000 (c. 19) (“the 2000 Act”) which introduces new arrangements for decision-making in relation to housing benefit and council tax benefit and also upon section 69 of that Act which introduces a new scheme of discretionary financial assistance for those receiving housing benefit and council tax benefit.

These Regulations are made before the expiry of six months from the commencement of the provisions under which they are made and are accordingly exempt under section 173(5)(a) of the Social Security Administration Act 1992 (c. 5) from reference to the Social Security Advisory Committee and have not been so referred.

Regulation 2 inserts certain definitions into those Regulations.

Regulation 3 and Schedule 1 substitute references to “appropriate authority” with references to “relevant authority”.

Regulation 4 modifies references to determinations in those Regulations and regulation 5 does the same in respect of references to reviews.

Regulation 6 amends Schedule 6 to those Regulations which deal with the formalities for notifications of decisions.

Regulation 7 makes special provision in the Housing Benefit Regulations relating to Rent Officer determinations.

Regulation 8 amends the provisions relating to what evidence and information must be provided when submitting a claim for housing benefit or council tax benefit.

Regulation 9 makes other consequential amendments relating to the coming into force of section 68 of the 2000 Act and regulation 11 makes similar amendments relating to the coming into force of section 69 of that Act.

Regulation 10 and Schedule 2 revoke various provisions.



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

These Regulations do not impose a charge on business.