

**2003 No. 363**

**SOCIAL SECURITY**

**The Housing Benefit (General) Amendment  
Regulations 2003**

*Made* - - - - - *22nd February 2003*

*Laid before Parliament* *26th February 2003*

*Coming into force in accordance with regulation 1(2)*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(d), 130(2) and (4) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992(a) and section 122(3) and (5) of the Housing Act 1996(b) 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(c) and after reference to the Social Security Advisory Committee(d), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 2003.

(2) These Regulations shall come into force—

(a) for the purposes of regulation 5, on 30th March 2003; and

(b) for all other purposes—

(i) in relation to any case where rent is payable at intervals of a whole number of weeks, on 7th April 2003; and

(ii) in relation to any other case, on 1st April 2003.

(3) In these Regulations “the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(e).

**Amendment of regulations 12 and 12A of the Housing Benefit Regulations**

2.—(1) In regulation 12(1) of the Housing Benefit Regulations(f) (restriction on rent increases) as saved by regulation 4(3) of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997(g) for “may” where it first appears there shall be substituted “shall”.

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(a) 1992 c. 4. Section 130(2) was amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and by paragraph 174(4) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39), section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), section 175(5) was amended by paragraph 36 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18) and section 175(6) was amended by paragraph 10 of Schedule 9 to the Local Government Finance Act 1992.

(b) 1996 c. 52.

(c) See section 176(1) of the Social Security Administration Act 1992 (c. 5).

(d) See section 172(1) of the Social Security Administration Act 1992.

(e) S.I. 1987/1971.

(f) Regulation 12 was amended by S.I. 1989/566, and omitted by regulation 3(3) of S.I. 1997/852 (subject to savings); Paragraph (1) of that regulation as saved was amended by S.I. 2001/1605, Schedule 1.

(g) S.I. 1997/852.

(2) In regulation 12A of the Housing Benefit Regulations(a) (requirement to refer to rent officers)—

- (a) in paragraph (1A)(b), for “1(d)”(b) there shall be substituted “1(a)(iv) and (c)”;
- (b) paragraph (1A)(c)(c) shall be omitted; and
- (c) in paragraph (7A)(d), for “specified in paragraph (1ZA)” there shall be substituted “to which paragraph (1A)(b) applies”.

### **Amendment of Schedule 1 to the Housing Benefit Regulations**

3.—(1) Schedule 1 to the Housing Benefit Regulations (ineligible service charges) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1—

- (a) in sub-paragraph (a)(iv), for the words from “(other than” to “them himself;”(e) there shall be substituted “except cleaning of—
  - (aa) communal areas; or
  - (bb) the exterior of any windows where neither the claimant nor any member of his household is able to clean them himself,  
where a qualifying payment is not made in respect of such cleaning;”;
- (b) in sub-paragraph (c), the words from “, except where such a system”(f) to the end of the sub-paragraph shall be omitted; and
- (c) in sub-paragraph (f)(g), the words from “, except where those services” to the end of the sub-paragraph shall be omitted.

(3) In paragraph 7—

- (a) after the definition of “fuel” there shall be inserted—

““qualifying payment” means any payment made by a local authority to the claimant or his partner, or to another person on their behalf, relating to—

  - (a) welfare services in respect of which the Secretary of State has paid a grant to the local authority under section 93(1) of the Local Government Act 2000(h) (grants for welfare services);
  - (b) welfare services in respect of which the National Assembly for Wales has paid a grant to the local authority under section 93(2) of the Local Government Act 2000; or
  - (c) housing support services in respect of which Scottish Ministers have paid a grant to the local authority under section 91(1) of the Housing (Scotland) Act 2001(i) (grants for housing support services);

and for these purposes, “local authority” shall include, in relation to England, a county council.”; and
- (b) the definition of “supported accommodation”(j) is omitted.

### **Amendment of regulation 10 of the Housing Benefit (General) Amendment Regulations 1995**

4. In regulation 10(6) of the Housing Benefit (General) Amendment Regulations 1995(k) (saving provision), in the definition of “exempt accommodation”, in head (ii) for the words from “where care” to “that accommodation” there shall be substituted “where that body or a person acting on its behalf also provides the claimant with care, support or supervision”.

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- (a) Regulation 12A was inserted by S.I. 1990/546 and paragraph (1A) was inserted by S.I. 1995/2868.
  - (b) These words were substituted by S.I. 1999/2734 and will revive on 1st or 7th April 2003 by virtue of regulation 13 of that S.I.
  - (c) Regulation 12A(1A)(c) was inserted by regulation 10 of S.I. 1998/563 and was temporarily omitted by S.I. 1999/2734.
  - (d) Paragraph (7A) was inserted by S.I. 2000/4 and was amended by S.I. 2001/1605.
  - (e) These words were substituted by S.I. 1999/2734 and will revive on 1st or 7th April 2003 by virtue of regulation 13 of that S.I.
  - (f) These words were substituted by S.I. 1999/2734 and will revive on 1st or 7th April 2003 by virtue of regulation 13 of that S.I.
  - (g) Paragraph 1(f) was amended by S.I. 1994/1003.
  - (h) 2000 c. 22.
  - (i) 2001 asp 10.
  - (j) The definition of “supported accommodation” was inserted by S.I. 1997/1974 and was amended by S.I. 1999/2734 and 2000/681.
  - (k) S.I. 1995/1644. Relevant amendments to regulation 10(6) were made by S.I. 1996/462, 1998/563 and 1999/2734.

**Amendment of regulation 13 of the Housing Benefit (General) Amendment (No.3) Regulations 1999**

5. In regulation 13 of the Housing Benefit (General) Amendment (No.3) Regulations 1999(a) (cessation in operation of these Regulations)—

- (a) for “These Regulations” there shall be substituted “Regulations 1 to 12 of these Regulations”;
- (b) in paragraph (a), for “6th April 2003” there shall be substituted “7th April 2003”; and
- (c) in paragraph (b), for “31st March 2003” there shall be substituted “1st April 2003”.

Signed by authority of the Secretary of State for Work and Pensions.

*Malcolm Wicks*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

22nd February 2003

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(a) S.I. 1999/2734.

## EXPLANATORY NOTE

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

These Regulations amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (“the Housing Benefit Regulations”), the Housing Benefit (General) Amendment Regulations 1995 (S.I. 1995/1664) and the Housing Benefit (General) Amendment (No.3) Regulations 1999 (S.I. 1999/2734) (“the 1999 Regulations”). The amendments made to S.I. 1987/1971 and S.I. 1995/1664 by the 1999 Regulations cease to have effect in April 2003. These Regulations clarify from April 2003 what information must be sent to rent officers in connection with claims for housing benefit, and which service charges payable by a claimant can be met by housing benefit, following the introduction of payments for welfare services pursuant to section 93 of the Local Government Act 2000 and section 91 of the Housing (Scotland) Act 2001.

Regulation 2 amends regulation 12 of the Housing Benefit Regulations to require local authorities to restrict rent increases when the conditions in that regulation apply. It also amends regulation 12A to specify certain service charges that the relevant authority is required to identify when referring cases to the rent officer.

Regulation 3 amends the circumstances in which the costs of cleaning exterior windows and communal areas of a claimant’s accommodation can be met by housing benefit under Schedule 1 to the Housing Benefit Regulations. It also amends the provisions in relation to service charges for emergency alarm systems and general counselling.

Regulation 4 amends the definition of “exempt accommodation” in the Housing Benefit (General) Amendment Regulations 1995.

Regulation 5 amends the provisions as to the cessation of the 1999 Regulations.

The Report of the Social Security Advisory Committee dated 7th February 2003 on the proposals referred to them in these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee and, in so far as they do not give effect to them, the reasons why not, have been laid before Parliament.

These Regulations do not impose costs on business.

£1.75

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under the authority and superintendence of Carol Tullo, Controller of  
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.  
E1783 2/2003 121783 19585

ISBN 0-11-044963-0



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