

2003 No. 907

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Charges for Specified Welfare Services) (England) Regulations 2003

Made - - - - - *27th March 2003*

Coming into force - - - *1st April 2003*

The Secretary of State, in exercise of the powers conferred upon him by sections 150(1), (2) and (3) and 152(5) of the Local Government and Housing Act 1989(a) and having consulted with such representatives of local government as appear to him to be appropriate, hereby makes the following Regulations, a draft of which has been laid before, and approved by resolution of, each house of Parliament:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Local Authorities (Charges for Specified Welfare Services) (England) Regulations 2003 and shall come into force on 1st April 2003.

(2) In these Regulations—

“the qualifying date” is 31st March 2003, except that where, in respect of any person in receipt of a welfare service, that day falls within a rent free period, the qualifying date shall be the day immediately preceding the start of the rent free period”;

“relevant authority” means—

- (a) a district council for an area for which there is not also a county council (a “unitary district authority”);
- (b) where the district council for an area is not a unitary district council, the county council;
- (c) a London Borough Council;
- (d) the Common Council of the City of London;
- (e) the Council of the Isles of Scilly,

“rent free period” has the meaning given in regulation 70 of the Housing Benefit (General) Regulations 1987(b); and

“welfare service” includes a service which provides support, assistance, advice or counselling to individuals with particular needs.

Application

2. These Regulations shall apply to relevant authorities in England(c).

(a) 1989 c. 42.

(b) S.I. 1987/1971 was amended by S.I. 1990/546.

(c) The Secretary of State’s functions under the Local Government and Housing Act 1989, so far as exercisable in relation to Wales, are transferred to the National Assembly for Wales, *see* article 2 and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), to which there are amendments not relevant to this Order.

Power to impose charges for certain welfare services

3. A relevant authority may impose a charge for the provision by the authority to any person of a welfare service where that service—

- (a) is provided—
 - (i) to develop the capacity of the recipient to live independently in the community or to sustain that person's capacity to live independently in the community; and
 - (ii) pursuant to an agreement made between the relevant authority and the recipient of the service which provides for the making of the charge; and
- (b) was, on the qualifying date, funded (whether partially or fully) by housing benefit paid by a local authority pursuant to regulation 10(1)(e) of the Housing Benefit (General) Regulations 1987^(a) in relation to a service charge specified in Schedule 1B to those Regulations.

Signed by authority of the First Secretary of State

27th March 2003

Tony McNulty
Parliamentary Under Secretary of State,
Office of the Deputy Prime Minister

^(a) Schedule 1B was inserted by the Housing Benefit (General) Amendment (No. 3) Regulations (S.I. 1999/2734) as amended by the Social Security (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/681).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to local authorities in England with the exception of district councils which are in area for which there is a county council. The Regulations allow those authorities to make a charge for the welfare services specified in regulation 3. These services are specified by reference to certain service charges for which housing benefit was paid as at 31st March 2003 under transitional housing benefit regulations. The services in question are those specified in Schedule 1B of the Housing Benefit (General) Regulations 1987.

Regulation 3(a) precludes authorities from providing a service at a charge without the agreement of the recipient.

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