
STATUTORY INSTRUMENTS

2004 No. 14

**The Housing Benefit and Council Tax Benefit (Abolition
of Benefit Periods) Amendment Regulations 2004**

PART 4

Amendment of Other Provisions

Amendment of regulation 5 of the Housing Benefit (Supply of Information) Regulations 1988

29. In regulation 5(1) of the Housing Benefit (Supply of Information) Regulations 1988 (information to be supplied by an authority to another authority)—

- (a) In paragraph (3)—
 - (i) in sub-paragraph (a)(i) for the words “Part I” there shall be substituted the words “paragraph 2”;
 - (ii) in sub-paragraph (a)(ii) for the words “the requirements specified at paragraph 3(3)” there shall be substituted the words “the matters notified pursuant to regulation 62A and paragraph 3”;
 - (iii) subject to head (v), in sub-paragraph (aa) for the words “regulation 62A(1A)(b) of” there shall be substituted “paragraph 3A of Schedule 5A to”;
 - (iv) for sub-paragraph (b)(iv) there shall be substituted—
 - “the date on which his entitlement to housing benefit ceased”; and
 - (v) sub-paragraph (aa) shall be omitted with effect from 25th October 2004; and
- (b) in paragraph (4) the words “the relevant benefit period” shall be omitted.

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

30. In regulation 10(1)(2) of the Housing Benefit (General) Amendment Regulations 1995 (saving provision) after the words “1st January 1996” there shall be added the words “but as if any references to a benefit period were references to an award of housing benefit”.

**Amendment of regulation 4 of the Housing Benefit and Council Tax Benefit (General)
Amendment Regulations 1997**

31. In regulation 4 of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997(3) (savings)—

- (a) in paragraph (2A) the words “makes a further claim for housing benefit under regulation 72(12) to (14) of the principal Regulations, where he” shall be omitted; and

(1) S.I.1998/662. Regulation 5 was added by S.I. 1996/194; relevant amending instruments are S.I. 1999/2556 and 2001/537.

(2) S.I. 1995/1644. Relevant amending instruments are S.I. 1996/462 and 2432, 1998/563 and 2231, 1999/2734 and 2003/1338.

(3) S.I. 1997/852. Relevant amending instruments are S.I. 1997/1975, 1998/2231 and 2003/1338.

- (b) in paragraph (2B) after the words “principal Regulations” there shall be inserted “as in force immediately before 5th April 2004”.

Amendment of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003

32. Regulations 9(b) and 18(b) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(4) (provisions which do not apply) are hereby revoked.

Amendment of the Housing Benefit and Council Tax Benefit (State Pension Credit) (Abolition of Benefit Periods) Amendment Regulations 2003

33. In the Housing Benefit and Council Tax Benefit (State Pension Credit) (Abolition of Benefit Periods) Amendment Regulations 2003(5), Part 3 (transitory provisions), Part 4 (consequential and transitional provisions), except for regulations 7 and 13(1)(a) and (2), and Part 5 (application and amendment of other provisions) are hereby revoked.

Amendment of regulations 7 and 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

34.—(1) In regulation 7 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(6) (decisions superseding earlier decisions) after paragraph (2) there shall be inserted the following paragraph—

“(2ZA) An appropriate relevant authority may, upon its own initiative, make a decision under paragraph 4 of Schedule 7 to the Act in any case to which regulation 12A(1)(d) or (e) of the Housing Benefit Regulations (requirement to refer to rent officers) applies.”.

(2) In regulation 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(7) (date from which a decision superseding an earlier decision takes effect) after paragraph (6) there shall be inserted the following paragraphs—

“(6A) Except in a case where entitlement to housing benefit ceases, where a rent officer has made a determination in exercise of the Housing Act functions pursuant to an application by a relevant authority under regulation 12A(1)(d) or (e) of the Housing Benefit Regulations, any decision to which regulation 7(2ZA) applies which adopts that determination shall take effect from—

- (a) in a case where the amount of the rent officer’s determination has increased or remains unchanged, and—
 - (i) rent is payable weekly or in multiples of weeks, the first day of the benefit week in which the day following the last day of the period mentioned in regulation 12A(1)(d) or (e) of the Housing Benefit Regulations occurs;
 - (ii) rent is payable other than in accordance with head (i), the first day following the last day of the period mentioned in regulation 12A(1)(d) or (e) of the Housing Benefit Regulations;
- (b) in a case where the amount of the rent officer’s determination has decreased, the first day of the benefit week following the date on which that determination was received by a relevant authority;

(4) S.I. 2003/325.

(5) S.I. 2003/1338.

(6) S.I. 2001/1002, the relevant amending instrument is S.I. 2003/1338.

(7) S.I. 2001/1002, the relevant amending instrument is S.I. 2003/1338.

(6B) For the purposes of paragraph (6A) “Housing Act functions” has the same meaning as in regulation 2(1) of the Housing Benefit Regulations.”.

Amendment of the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003

35.—(1) Regulations 3, 4 and 7 of the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003⁽⁸⁾ are hereby revoked.

⁽⁸⁾ S.I. 2003/1589.