

2006 No. 2967

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit (Amendment)
(No. 2) Regulations 2006**

<i>Made</i>	- - - -	<i>14th November 2006</i>
<i>Laid before Parliament</i>		<i>20th November 2006</i>
<i>Coming into force</i>	- -	<i>20th December 2006</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(a) and (j), 6(1)(a) and (j), 189(1) and (4) and 191 of the Social Security Administration Act 1992(a).

In accordance with section 173(1)(b) of that Act the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

In accordance with section 176(1) of that Act the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Amendment) (No. 2) Regulations 2006 and shall come into force on 20th December 2006.

Amendment of the Housing Benefit Regulations 2006

2.—(1) The Housing Benefit Regulations 2006(b) are amended as follows.

(2) In regulation 83 (time and manner in which claims are to be made)—

- (a) in paragraph (1) before “Every claim” insert “Subject to paragraph (4A),”;
- (b) in paragraph (4) after “claim”, the first time it appears, insert “in writing”; and
- (c) after paragraph (4) insert—

“(4A) Where the relevant authority has published a telephone number for the purpose of receiving claims for housing benefit, a claim may be made by telephone to that telephone number.

(4B) The relevant authority may determine, in any particular case, that a claim made by telephone is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority.

(a) 1992 c.5. Section 191 is cited for the meaning there given to “prescribe”.
(b) S.I. 2006/213.

(4C) A claim made by telephone in accordance with paragraph (4A) is defective unless the relevant authority is provided during that telephone call with all the information it requires to determine the claim.

(4D) Where a claim made by telephone in accordance with paragraph (4A) is defective, the relevant authority is to provide the person making it with an opportunity to correct the defect.

(4E) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, of the date it last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.”.

(3) In regulation 87 (amendment and withdrawal of claim) after “designated office” insert “, except where the claim was made by telephone in accordance with regulation 83(4A) where the amendment may be made by telephone,”.

(4) In regulation 88(1) (duty to notify changes of circumstances)—

(a) omit “in writing”; and

(b) after “to the designated office” add—

“(a) in writing or, where the relevant authority has published a telephone number for the purposes of regulation 83 (time and manner in which claims are to be made), by telephone unless the authority determines, in any particular case, that notice must be in writing or may be given otherwise than in writing or by telephone; or

(b) in writing if in any class of case the relevant authority requires written notice unless the authority determines, in any particular case, that notice may be given otherwise than in writing.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

(2) In regulation 64 (time and manner in which claims are to be made)—

(a) in paragraph (2) before “Every claim” insert “Subject to paragraph (5A) and (5B),”;

(b) in paragraph (5) after “claim”, the first time it appears, insert “in writing”; and

(c) after paragraph (5) insert—

“(5A) Where the relevant authority has published a telephone number for the purpose of receiving claims for housing benefit a claim may be made by telephone to that telephone number.

(5B) A person who is making a claim for state pension credit in accordance with regulation 4D(6A) of the Social Security (Claims and Payments) Regulations 1987(b) may make his claim for housing benefit to the Secretary of State.

(5C) The relevant authority may determine, in any particular case, that a claim made by telephone is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority or the Secretary of State.

(5D) A claim made by telephone in accordance with paragraph (5A) or (5B) is defective unless the relevant authority or the Secretary of State, as the case may be, is provided during that telephone call with all the information the relevant authority requires to determine the claim.

(a) S.I. 2006/214.

(b) S.I. 1987/1968. Regulation 4D was inserted by S.I. 2002/3019 and paragraph (6A) was inserted by S.I. 2006/832.

(5E) Where a claim made by telephone in accordance with paragraph (5A) or (5B) is defective, the relevant authority is to provide the person making it with an opportunity to correct the defect.

(5F) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, of the date the relevant authority last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.”.

(3) In regulation 68 (amendment and withdrawal of claim) after “designated office” insert “, except where the claim was made by telephone in accordance with regulation 64(5A) or (5B) where the amendment may be made by telephone,”.

(4) In regulation 69(1) (duty to notify changes of circumstances)—

(a) omit “in writing”; and

(b) after “to the designated office” add—

“(a) in writing or, where the relevant authority has published a telephone number for the purposes of regulation 64 (time and manner in which claims are to be made), by telephone unless the authority determines, in any particular case, that notice must be in writing or may be given otherwise than in writing or by telephone; or

(b) in writing if in any class of case the relevant authority requires written notice unless the authority determines, in any particular case, that notice may be given otherwise than in writing.”.

Amendment of the Council Tax Benefit Regulations 2006

4.—(1) The Council Tax Benefit Regulations 2006^(a) are amended as follows.

(2) In regulation 69 (time and manner in which claims are to be made)—

(a) in paragraph (1) before “Every claim” insert “Subject to paragraph (4A),”;

(b) in paragraph (4) after “claim”, the first time it appears, insert “in writing”; and

(c) after paragraph (4) insert—

“(4A) Where the relevant authority has published a telephone number for the purpose of receiving claims for council tax benefit, a claim may be made by telephone to that telephone number.

(4B) The relevant authority may determine, in any particular case, that a claim made by telephone is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority.

(4C) A claim made by telephone in accordance with paragraph (4A) is defective unless the relevant authority is provided during that telephone call with all the information it requires to determine the claim.

(4D) Where a claim made by telephone in accordance with paragraph (4A) is defective, the relevant authority is to provide the person making it with an opportunity to correct the defect.

(4E) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, of the date it last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.”.

(3) In regulation 73 (amendment and withdrawal of claim) after “designated office” insert “, except where the claim was made by telephone in accordance with regulation 69(4A) where the amendment may be made by telephone,”.

(4) In regulation 74(1) (duty to notify changes of circumstances)—

(a) omit “in writing”; and

(a) S.I. 2006/215.

- (b) after “to the designated office” add—
 - “(a) in writing or, where the relevant authority has published a telephone number for the purposes of regulation 69 (time and manner in which claims are to be made), by telephone unless the authority determines, in any particular case, that notice must be in writing or may be given otherwise than in writing or by telephone; or
 - (b) in writing if in any class of case the relevant authority requires written notice unless the authority determines, in any particular case, that notice may be given otherwise than in writing.”.

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

5.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

(2) In regulation 53 (time and manner in which claims are to be made)—

(a) at the beginning insert—

“(1ZA) The prescribed time for claiming council tax benefit is as regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to council tax benefit, that day and the period of twelve months immediately following it.”;

(b) in paragraph (1) before “Every claim” insert “Subject to paragraph (4A) and (4B),”;

(c) in paragraph (4) after “claim”, the first time it appears, insert “in writing”;

(d) after paragraph (4) insert—

“(4A) Where the relevant authority has published a telephone number for the purpose of receiving claims for council tax benefit, a claim may be made by telephone to that telephone number.

(4B) A person who is making a claim for state pension credit in accordance with regulation 4D(6A) of the Social Security (Claims and Payments) Regulations 1987 may make his claim for council tax benefit to the Secretary of State.

(4C) The relevant authority may determine, in any particular case, that a claim made by telephone is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority or the Secretary of State.

(4D) A claim made by telephone in accordance with paragraph (4A) or (4B) is defective unless the relevant authority or the Secretary of State, as the case may be, is provided during that telephone call with all the information the relevant authority requires to determine the claim.

(4E) Where a claim made by telephone in accordance with paragraph (4A) or (4B) is defective, the relevant authority is to provide the person making it with an opportunity to correct the defect.

(4F) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, of the date it last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.”; and

(e) in sub-paragraph (5)(e) after “designated office” add “or authorised office or appropriate DWP office”.

(3) In regulation 58 (amendment and withdrawal of claim) after “designated office” insert “, except where the claim was made by telephone in accordance with regulation 53(4A) or (4B) where the amendment may be made by telephone,”.

(4) In regulation 59(1) (duty to notify changes of circumstances)—

(a) omit “in writing”; and

(a) S.I. 2006/216.

- (b) after “to the designated office” add—
- “(a) in writing or, where the relevant authority has published a telephone number for the purposes of regulation 53 (time and manner in which claims are to be made), by telephone unless the authority determines, in any particular case, that notice must be in writing or may be given otherwise than in writing or by telephone; or
 - (b) in writing if in any class of case the relevant authority requires written notice unless the authority determines, in any particular case, that notice may be given otherwise than in writing.”.

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

14th November 2006

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

Paragraph (2) of regulations 2 to 5 allows a person to claim housing benefit and council tax benefit by telephone. Paragraph (3) of those regulations allows the claimant to amend, by telephone, the claim he made by telephone. Paragraph (4) of those regulations allows the claimant to notify a change of circumstances by telephone or by other means. Sub-paragraphs (2)(a) and (e) of regulation 5 correct errors made during consolidation.

A full regulatory impact assessment has not been carried out in respect of these Regulations as they do not impose a cost on business, charities or the voluntary sector.

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