

---

STATUTORY INSTRUMENTS

---

**2010 No. 2449**

**The Housing Benefit and Council Tax Benefit  
(Miscellaneous Amendments) Regulations 2010**

**Amendment of the Housing Benefit Regulations 2006**

2.—(1) The Housing Benefit Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation) for the definition of “Housing Act functions” substitute—

““Housing Act functions” means functions under section 122 of the Housing Act 1996;

(3) In regulation 21(3) (circumstances in which a person is to be treated as being or not being a member of the household) after “as a member of the claimant’s household” insert “, nor as occupying the claimant’s dwelling.”.

(4) In regulation 83 (time and manner in which claims are to be made) for paragraph (12)(2) substitute—

“(12) Where a claimant (“C”)—

- (a) makes a claim which includes (or which C subsequently requests should include) a period before the claim is made; and
- (b) from a day in that period, up to the date when C made the claim (or subsequently requested that the claim should include a past period), C had continuous good cause for failing to make a claim (or request that the claim should include that period),

the claim is to be treated as made on the date determined in accordance with paragraph (12A).

(12A) That date is the latest of—

- (a) the first day from which C had continuous good cause;
- (b) the day 6 months before the date the claim was made;
- (c) the day 6 months before the date when C requested that the claim should include a past period.”.

(5) In regulation 88(1) (duty to notify changes of circumstances) for sub-paragraphs (a) and (b) **(3)** substitute—

“(a) in writing; or

(b) by telephone—

- (i) where the relevant authority has published a telephone number for that purpose or for the purposes of regulation 83 (time and manner in which claims are to be made) unless the authority determines that in any particular case or class of case notification may not be given by telephone; or

---

(1) [S.I. 2006/213](#).

(2) Paragraph (12) was amended by [S.I. 2008/2424](#).

(3) Paragraph (1) was amended by [S.I. 2006/2967](#), [2008/2299](#) and [2008/2987](#).

- (ii) in any case or class of case where the relevant authority determines that notice may be given by telephone; or
- (c) by any other means which the relevant authority agrees to accept in any particular case.”.
- (6) In regulation 90(2) (notification of decisions) after “signed by him,” insert “within one month of the date of the notification of that decision (or, if the decision was notified before 1st November 2010, before 1st December 2010)”.
- (7) In regulation 96(2) (circumstances in which payment may be made to a landlord) omit “by sending to the claimant an instrument of payment payable”.
- (8) In Schedule 3(4) (applicable amounts)—
  - (a) in Part 2 (family premium) for paragraph 3(2) substitute—

“(2) The amounts specified in sub-paragraph (1)(a) and (b) shall be increased by £10.50 where the claimant or the claimant’s partner is in receipt of child tax credit and the family element includes the amount in regulation 7(3)(a) of the Child Tax Credit Regulations 2002(5).”; and
  - (b) in Part 4 (amounts of premiums specified in Part 3), in paragraph 20(9) in Column 1 omit “where the conditions in paragraph 15 are satisfied”.
- (9) In Schedule 4 (sums to be disregarded in the calculation of earnings), in paragraph 17(3)(6) for “paragraphs 3 to 10” substitute “paragraphs 3 to 10A”.
- (10) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), in paragraph 25(7)—
  - (a) in sub-paragraph (1) omit “to the extent specified in sub-paragraph (3)”; and
  - (b) omit sub-paragraph (3).

---

(4) Paragraphs 3(2) and 20(9) were amended by [S.I. 2010/793](#).

(5) [S.I. 2002/2007](#).

(6) Paragraph 17 was amended by [S.I. 2008/1042](#), [2008/1082](#) (as amended by [S.I. 2008/2428](#)), [2009/2608](#) and [2010/793](#).

(7) Paragraph 25 was amended by [S.I. 2008/1042](#), [2008/3157](#) and [2009/2655](#).