
STATUTORY INSTRUMENTS

1993 No. 317

The Housing Benefit (General) Amendment Regulations 1993

Amendment of regulation 5 of the 1987 Regulations

3.—(1) Regulation 5 of the 1987 Regulations (circumstances in which a person is or is not to be treated as occupying a dwelling as his home) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (5)—

(a) in sub-paragraph (a)—

(i) there shall be inserted at the beginning the words “for a period not exceeding 52 weeks in the case”;

(ii) for the words “and it is reasonable” there shall be substituted the words—

“and—

(i) it is reasonable”;

(iii) for the words “the home; or” there shall be substituted the words—

“the home, and

(ii) he intends to return to occupy the former dwelling as his home; or”;

(b) in sub-paragraph (d) for the word “unavoidable.” there shall be substituted the words “unavoidable; or”;

(c) after sub-paragraph (d) there shall be added the following sub-paragraph—

“(e) in the case where a person—

(i) is treated by virtue of paragraph (6) as occupying a dwelling as his home (“the new dwelling”) and sub-paragraph (c)(i) of that paragraph applies, and

(ii) he has occupied another dwelling as his home on any day within the period of 4 weeks immediately preceding the date he moved to the new dwelling,

for a period not exceeding 4 benefit weeks immediately preceding the date on which he moved.”.

(3) In paragraph (7) after the words “housing benefit” on both occasions on which they occur there shall be added the words “in respect of that dwelling”.

(4) After paragraph (7) there shall be inserted the following paragraph—

“(7A) Where a person—

(a) formerly occupied a dwelling but has left and remains absent from it through fear of violence—

(i) in the dwelling, or

(ii) by a person who was formerly a member of the family of the person first mentioned, and

(b) has a liability to make payments in respect of that dwelling which is unavoidable,

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he shall be treated as occupying the dwelling as his home for a period not exceeding 4 benefit weeks.”.