
STATUTORY INSTRUMENTS

1999 No. 1539

**The Housing Benefit and Council Tax Benefit
(General) Amendment (No.2) Regulations 1999**

Insertion of new regulation 62A in the Council Tax Benefit Regulations

8. After regulation 62 of the Council Tax Benefit Regulations there shall be inserted the following regulation—

“Date of claim where claim sent or delivered to a gateway office

62A.—(1) Subject to paragraphs (10), (11) and (12) of regulation 62, and with the exception of those claims to which paragraph (3) of this regulation refers, where a claim for council tax benefit has been sent or delivered to a gateway office in accordance with sub-paragraph (d) of paragraph (4) of regulation 62, the date on which that claim is made shall be—

- (a) in a case where a claimant or his partner—
 - (i) is a person who has been awarded income support or an income-based jobseeker’s allowance; and
 - (ii) first notifies his intention to claim council tax benefit within 4 weeks of the date on which his claim for that income support or jobseeker’s allowance was received at an appropriate social security office,

the first day of entitlement to income support or an income-based jobseeker’s allowance, but if the first notification is by any means other than a claim which meets the requirements of regulation 62(1) such a claim must be received at a gateway office within one month of that notification; and for the purposes only of this sub-paragraph a person who has been awarded an income-based jobseeker’s allowance shall be treated as also entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under paragraph 4 of Schedule 1 to the Jobseekers Act 1995⁽¹⁾ (waiting days) have been entitled to that allowance;

- (b) in a case where the claimant or his partner—
 - (i) claimed income support or a jobseeker’s allowance; but
 - (ii) has no entitlement to income support or an income-based jobseeker’s allowance,

the first date on which notification is deemed to be given in accordance with paragraph (2), but if that notification is by any means other than a claim which meets the requirements of regulation 62(1) such a claim must be received at the gateway office within one month of that notification;

- (c) in a case where a claimant or his partner—

- (i) is a person on income support or entitled to an income-based jobseeker's allowance;
- (ii) has become liable for the first time to pay council tax in respect of the dwelling he occupies as his home; and
- (iii) first notifies his intention to make a claim for council tax benefit within 4 weeks of the change,

the date on which that change takes place, but if the first notification is by any means other than a claim which meets the requirements of regulation 62(1) such a claim must be received at the gateway office within one month of that notification;

- (d) in a case where neither the claimant nor his partner is a person on income support or entitled to an income-based jobseeker's allowance, the first date on which notification is deemed to be given in accordance with paragraph (2), but if that notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at the gateway office within one month of that notification; or
- (e) in any other case, the date on which the claim for council tax benefit is received at the gateway office.

(2) A notification of intention to make a claim is deemed to be given on the date on which notification from the claimant of his intention to claim council tax benefit is received in whatever form at a gateway office.

(3) This regulation does not apply to claims which are made in accordance with the provisions contained in paragraphs (13), (14) and (15) of regulation 62.”.