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## STATUTORY INSTRUMENTS

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# 2006 No. 213

## The Housing Benefit Regulations 2006

### PART 10

#### Claims

##### Who may claim

**82.**—(1) In the case of a couple or members of a polygamous marriage a claim shall be made by whichever one of them they agree should so claim or, in default of agreement, by such one of them as the relevant authority shall determine.

(2) Where a person who is liable to make payments in respect of a dwelling is unable for the time being to act, and—

- (a) a [<sup>F1</sup>deputy] has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 <sup>M1</sup> who has power to claim or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to claim or as the case may be, receive benefit, has been appointed by that person under [<sup>F2</sup>the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise],

that [<sup>F1</sup>deputy], judicial factor, guardian or attorney, as the case may be, may make a claim on behalf of that person.

(3) Where a person who is liable to make payments in respect of a dwelling is unable for the time being to act and paragraph (2) does not apply to him, the relevant authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the Act and to receive and deal on his behalf with any sums payable to him.

(4) Where the relevant authority has made an appointment under paragraph (3) or treated a person as an appointee under paragraph (5)—

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the relevant authority of his intention to do so;
- (c) any such appointment shall terminate when the relevant authority is notified that a [<sup>F1</sup>deputy] or other person to whom paragraph (2)(b) or (c) applies has been appointed.

(5) Where a person who is liable to make payments in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf for the purposes of the Act the relevant authority may, if that person agrees, treat him as if he had been appointed by them under paragraph (3).

Status: Point in time view as at 22/12/2008.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 10. (See end of Document for details)

(6) Anything required by these Regulations to be done by or to any person who is for the time being unable to act may be done by or to the <sup>F1</sup>deputy], judicial factor, guardian or attorney, if any, or by or to the person appointed or treated as appointed under this regulation and the receipt of any such person so appointed shall be a good discharge to the relevant authority for any sum paid.

<sup>F3</sup>(7) .....

<b>Textual Amendments</b>	
<b>F1</b>	Word in reg. 82 substituted (1.10.2007) by <a href="#">The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618)</a> , regs. 1(1), <b>11(10)(a)</b>
<b>F2</b>	Word in reg. 82(2)(c) substituted (1.10.2007) by <a href="#">The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618)</a> , regs. 1(1), <b>11(10)(b)</b>
<b>F3</b>	Reg. 82(7) omitted (1.10.2008) by virtue of <a href="#">The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299)</a> , regs. 1, <b>2(3)</b>
<b>Modifications etc. (not altering text)</b>	
<b>C1</b>	Reg. 82(2)-(6) applied by <a href="#">S.I. 1999/1495</a> , reg. 33(3) (as amended (6.3.2006) by <a href="#">The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)</a> , reg. 1(1), <b>Sch. 2 para. 15</b> (with regs. 2, 3, Schs. 3, 4))
<b>Marginal Citations</b>	
<b>M1</b>	<a href="#">2004 asp 4</a>

**Time and manner in which claims are to be made**

83.—(1) [<sup>F4</sup>Subject to [<sup>F5</sup>paragraphs (4A) to (4AE)],] every claim shall be in writing and made on a properly completed form approved for the purpose by the relevant authority or in such written form as the relevant authority may accept as sufficient in the circumstances of any particular case or class of cases having regard to the sufficiency of the written information and evidence.

(2) The forms approved for the purpose of claiming shall be provided free of charge by the relevant authority or such persons as they may authorise or appoint for the purpose.

(3) Each relevant authority shall notify the Secretary of State of the address to which claims delivered or sent to the appropriate DWP office are to be forwarded.

(4) A claim [<sup>F6</sup>in writing]—

- (a) may be sent or delivered to the appropriate DWP office where the claimant or his partner is also claiming income support, incapacity benefit, state pension credit<sup>F7</sup>, a jobseeker's allowance or an employment and support allowance];
- (b) where it has not been sent or delivered to the appropriate DWP office, shall be sent or delivered to the designated office;
- (c) sent or delivered to the appropriate DWP office, other than one sent on the same form as a claim being made to income support, incapacity benefit<sup>F8</sup>, a jobseeker's allowance or an employment and support allowance] and as approved by the Secretary of State for the purpose of the benefits being claimed, shall be forwarded to the relevant authority within two working days of the date of the receipt of the claim at the appropriate DWP office, or as soon as practicable thereafter;

<sup>F9</sup>(d) .....

<sup>F10</sup>(e) .....

(f) where the claimant has attained the qualifying age for state pension credit, may be sent or delivered to an authorised office.

[<sup>F11</sup>(g) may be sent or delivered to the offices of a county council in England if the council has arranged with the relevant authority for claims to be received at their offices (“county offices”).]

[<sup>F12</sup>(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.

[<sup>F13</sup>(4AA) If the Secretary of State agrees, where—

- (a) a person makes a claim for a benefit referred to in paragraph (4)(a); and
- (b) the Secretary of State has made provision in the Social Security (Claims and Payments) Regulations 1987 for that benefit to be claimed by telephone,

that person may claim housing benefit by telephone to the telephone number specified by the Secretary of State.

(4AB) A claim for housing benefit may be made in accordance with paragraph (4AA) at any time before a decision has been made on the claim for the benefit referred to in paragraph (4)(a).

(4AC) If the Secretary of State agrees, where a person, in accordance with regulation 32 of the Social Security (Claims and Payments) Regulations 1987 (information to be given and changes to be notified)—

- (a) furnishes the Secretary of State with such information or evidence as he may require; or
- (b) notifies the Secretary of State of any change of circumstances,

that person may claim housing benefit in the same manner in which the information or evidence was furnished or the notification was given.

(4AD) If the Secretary of State agrees, where a person, in accordance with regulation 24 of the Jobseeker’s Allowance Regulations (provision of information and evidence)—

- (a) furnishes the Secretary of State with such certificates, documents and other evidence as he may require; or
- (b) notifies the Secretary of State of any change of circumstances,

that person may claim housing benefit in the same manner as the certificate, document and other evidence was furnished or the notification was given.

(4AE) A claim for housing benefit may be made in accordance with paragraphs (4AC) or (4AD) at any time before a decision has been made on the award of benefit to which the information, evidence, certificates, documents or notification relates.]

(4B) The relevant authority may determine, in any particular case, that a claim made by telephone [<sup>F14</sup>in accordance with paragraph (4A)] 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.

[<sup>F15</sup>(4BA) The relevant authority or the Secretary of State may determine that a claim made by telephone in accordance with paragraphs (4AA) to (4AE) is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the Secretary of State.]

[<sup>F16</sup>(4C) A claim made by telephone in accordance with paragraphs (4A) to (4AE) is defective unless the relevant authority or the Secretary of State is provided with all the information requested during that telephone call.]

*Status: Point in time view as at 22/12/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Housing Benefit Regulations 2006, PART 10. (See end of Document for details)*

(4D) Where a claim made by telephone in accordance with paragraph (4A) is defective, the relevant authority [<sup>F17</sup>must] provide the person making it with an opportunity to correct the defect.

[<sup>F18</sup>(4DA) Where a claim made by telephone in accordance with paragraphs (4AA) to (4AE) is defective—

- (a) the Secretary of State may provide the person making it with an opportunity to correct the defect;
- (b) the relevant authority must provide the person making it with an opportunity to correct the defect if the Secretary of State has not already done so, unless it considers that it has sufficient information to determine the claim.]

(4E) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, [<sup>F19</sup>of the date the relevant authority or the Secretary of State] last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.]

[<sup>F20</sup>(4F) If the person does not correct the defect within one month, or such longer period as the relevant authority considers reasonable, of the date the relevant authority or the Secretary of State last drew attention to it, the relevant authority may treat the claim as if it had been duly made in the first instance where it considers that it has sufficient information to determine the claim.]

(5) Subject to paragraph (10), <sup>F21</sup>... the date on which a claim is made shall be—

- (a) in a case where an award of income support [<sup>F22</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] has been made to the claimant or his partner and the claim for housing benefit is made within one month of the date on which the claim for that income support [<sup>F23</sup>, jobseeker's allowance or employment and support allowance] was received at the appropriate DWP office, the first day of entitlement to income support [<sup>F22</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] arising from that claim; <sup>F24</sup> ...
- (b) in a case where the claimant or his partner is a person on income support [<sup>F25</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] and he becomes liable for the first time to make payments in respect of the dwelling which he occupies as his home, where the claim is received at the designated office or appropriate DWP office within one month of the claimant first becoming liable for such payments, the date he became liable for those payments;
- (c) in a case where the claimant is the former partner of a person who was, at the date of his death or their separation, entitled to housing benefit and the claimant makes a claim within one month of the date of the death or the separation, that date;
- [<sup>F26</sup>(d) except where sub-paragraph (a), (b) or (c) is satisfied, in a case where a properly completed claim is received in a designated office, an authorised office, county offices or an appropriate DWP office within one month, or such longer period as the relevant authority considers reasonable, of the date on which—
  - (i) a claim form was issued to the claimant following the claimant first notifying, by whatever means, a designated office, an authorised office or an appropriate DWP office of an intention to make a claim; or
  - (ii) a claimant notifies, by whatever means, a designated office, an authorised office or an appropriate DWP office of an intention to make a claim by telephone in accordance with paragraphs (4A) to (4AE),
 the date of first notification; and]

- (e) in any other case, the date on which the claim is received at the designated office, authorised office<sup>[F27]</sup>, county offices] or appropriate DWP office.

<sup>[F28]</sup>(5A) For the purposes only of sub-paragraph (5)(a) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would have been entitled to that allowance but for regulations made under—

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act (waiting days).]

(6) Where a claim received at the designated office <sup>[F29]</sup>or appropriate DWP office] has not been made in the manner prescribed in paragraph (1), that claim is for the purposes of these Regulations defective.

(7) Where a claim<sup>[F30]</sup>, which is received by a relevant authority,] is defective because—

- (a) it was made on the form approved for the purpose but that form is not accepted by the relevant authority as being properly completed; or
- (b) it was made in writing but not on the form approved for the purpose and the relevant authority does not accept the claim as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the relevant authority may, in a case to which sub-paragraph (a) applies, request the claimant to complete the defective claim or, in the case to which sub-paragraph (b) applies, supply the claimant with the approved form or request further information or evidence.

<sup>[F31]</sup>(7A) Where a claim is received at an appropriate DWP office and it appears to the Secretary of State that the form has not been properly completed, the Secretary of State may request that the claimant provides the relevant authority with the information required to complete the form.]

<sup>[F32]</sup>(8) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (a), (b) or (c) of paragraph (8A) are satisfied.

(8A) The conditions are that—

- (a) where paragraph (7)(a) (incomplete form) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or
- (b) where paragraph (7)(b) (claim not on approved form or further information requested by relevant authority) applies—
  - (i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
  - (ii) the claimant supplies whatever information or evidence was requested under paragraph (7) within one month of the request,

or , in either case, within such longer period as the relevant authority may consider reasonable; or

- (c) where paragraph (7A) (further information requested by Secretary of State) applies, the relevant authority receives at the designated office the properly completed claim or the information requested to complete it within one month of the request by the Secretary of State or within such longer period as the relevant authority considers reasonable.]

*Status: Point in time view as at 22/12/2008.*

*Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 10. (See end of Document for details)*

(9) A claim which is made on an approved form for the time being is, for the purposes of this regulation, properly completed if completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the claim.

[<sup>F33</sup>(10) Except in the case of a claim made by a person from abroad, where the claimant is not entitled to housing benefit in the benefit week immediately following the date of his claim but the relevant authority is of the opinion that unless there is a change of circumstances he will be entitled to housing benefit for a period beginning not later than the thirteenth benefit week following the date on which the claim is made, the relevant authority may treat the claim as made on a date in the benefit week immediately preceding the first benefit week of that period of entitlement and award benefit accordingly.]

(11) In the case of a person who has attained, or whose partner has attained, the age of 59 years and 35 weeks, paragraph (10) shall apply as if for the reference to the thirteenth benefit week, there was substituted a reference to the seventeenth benefit week.

(12) Where the claimant makes a claim in respect of a past period (a “claim for backdating”) and, from a day in that period up to the date of the claim for backdating, he had continuous good cause for his failure to make a claim, his claim in respect of that period shall be treated as made on—

- (a) the first day from which he had continuous good cause; or
- (b) [<sup>F34</sup>the day 6 months] before the date of the claim for backdating,

whichever fell later.

(13) In this regulation “authorised office” means an office which is nominated by the Secretary of State and authorised by the relevant authority for receiving claims for decision by the relevant authority.

#### Textual Amendments

- F4** Words in reg. 83(1) inserted (20.12.2006) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2006 \(S.I. 2006/2967\)](#), regs. 1, **2(2)(a)**
- F5** Words in reg. 83(1) substituted (1.10.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(4)(a)**
- F6** Words in reg. 83(4) inserted (20.12.2006) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2006 \(S.I. 2006/2967\)](#), regs. 1, **2(2)(b)**
- F7** Words in reg. 83(4)(a) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **19(a)(i)**
- F8** Words in reg. 83(4)(c) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **19(a)(ii)**
- F9** Reg. 83(4)(d) omitted (1.10.2008) by virtue of [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(4)(b)**
- F10** Reg. 83(4)(e) omitted (1.10.2008) by virtue of [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(4)(b)**
- F11** Reg. 83(4)(g) added (31.10.2007) by [The Social Security \(Claims and Information\) Regulations 2007 \(S.I. 2007/2911\)](#), regs. 1(1), **7(2)(a)**
- F12** Reg. 83(4A)-(4E) inserted (20.12.2006) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2006 \(S.I. 2006/2967\)](#), regs. 1, **2(2)(c)**
- F13** Reg. 83(4AA)-(4AD) inserted (1.10.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(4)(c)**
- F14** Words in reg. 83(4B) inserted (1.10.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(4)(d)**
- F15** Reg. 83(4BA) inserted (1.10.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(4)(e)**

- F16** Reg. 83(4C) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **2(4)(f)**
- F17** Word in reg. 83(4D) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **2(4)(g)**
- F18** Reg. 83(4DA) inserted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **2(4)(h)**
- F19** Words in reg. 83(4E) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **2(4)(i)**
- F20** Reg. 83(4F) inserted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **2(4)(j)**
- F21** Words in reg. 83(5) omitted (1.10.2008) by virtue of The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **2(4)(k)**
- F22** Words in reg. 83(5)(a) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, 19(b)(aa)(i)
- F23** Words in reg. 83(5)(a) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, 19(b)(bb)(i)
- F24** Words in reg. 83(5)(a) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, 19(b)(cc)(i)
- F25** Words in reg. 83(5)(b) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, **19(b)(ii)**
- F26** Reg. 83(5)(d) substituted (1.10.2008) by The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299), regs. 1, **2(4)(l)**
- F27** Words in reg. 83(5)(d)(e) inserted (31.10.2007) by The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **7(2)(b)**
- F28** Reg. 83(5A) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082), regs. 1, **19(c)**
- F29** Words in reg. 83(6) inserted (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **2(2)(a)**
- F30** Words in reg. 83(7) inserted (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **2(2)(b)**
- F31** Reg. 83(7A) inserted (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **2(2)(c)**
- F32** Reg. 83(8)(8A) substituted for reg. 83(8) (22.12.2008) by The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987), regs. 1, **2(2)(d)**
- F33** Reg. 83(10) substituted (23.5.2007) by The Social Security, Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/1331), regs. 1, **3**
- F34** Words in reg. 83(12)(b) substituted (6.10.2008) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2008 (S.I. 2008/2424), regs. 1, **4(2)**

### [<sup>F35</sup>E] **Electronic claims for benefit**

**83A.** A claim for housing benefit may be made by means of an electronic communication in accordance with Schedule 11.]

#### **Textual Amendments**

- F35** Reg. 83A and heading inserted (20.12.2006) by The Housing Benefit and Council Tax Benefit (Electronic Communications) Order 2006 (S.I. 2006/2968), art. 1 **art. 2(3)**

*Status: Point in time view as at 22/12/2008.*

*Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 10. (See end of Document for details)*

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

<sup>F36</sup>84. ....

**Textual Amendments**  
**F36** Reg. 84 omitted (1.10.2008) by virtue of [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(5)**

**Date of claim where claim sent or delivered to an office of a designated authority**

<sup>F37</sup>85. ....

**Textual Amendments**  
**F37** Reg. 85 omitted (1.10.2008) by virtue of [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(6)**

**Evidence and information**

**86.**—(1) Subject to [<sup>F38</sup>paragraphs (1A) and (2)] and to paragraph 5 of Schedule A1 <sup>M2</sup> (treatment of claims for housing benefit by refugees), a person who makes a claim, or a person to whom housing benefit has been awarded, shall furnish such certificates, documents, information and evidence in connection with the claim or the award, or any question arising out of the claim or the award, as may reasonably be required by the relevant authority in order to determine that person's entitlement to, or continuing entitlement to, housing benefit and shall do so within one month of [<sup>F39</sup>the relevant authority requiring him, or the Secretary of State requesting him, to do so] or such longer period as the relevant authority may consider reasonable.

[<sup>F40</sup>(1A) Where a person notifies a change of circumstances to the appropriate DWP office under regulation 88(6), the Secretary of State may request that the claimant provides to the relevant authority the information or evidence that the Secretary of State considers the relevant authority may require to determine the claimant's continuing entitlement to housing benefit.]

(2) Nothing in this regulation shall require a person to furnish any certificates, documents, information or evidence relating to a payment to which paragraph (4) applies.

(3) Where a request is made under paragraph (1), the relevant authority shall—

- (a) inform the claimant or the person to whom housing benefit has been awarded of his duty under regulation 88 (duty to notify change of circumstances) to notify the designated office of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under regulation 88, indicate to him either orally or by notice or by reference to some other document available to him on application and without charge, the kind of change or circumstances which is to be notified.

(4) This paragraph applies to any of the following payments—

- (a) a payment which is—
  - (i) disregarded under paragraph 23 of Schedule 5 (income in kind) or paragraph 34 of Schedule 6 (certain payments in kind); and
  - (ii) made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Fund, the Eileen Trust, the Skipton Fund or the London Bombings Relief Charitable Fund;



- (b) a payment which is disregarded under paragraph 35 of Schedule 5 or paragraph 24 of Schedule 6 (payments made under certain trusts and certain other payments), other than a payment made under the Independent Living [<sup>F41</sup>Fund (2006)];
  - (c) a payment which is disregarded under regulation 74(9)(b) or (c) (income of non-dependant) other than a payment made under the Independent Living [<sup>F41</sup>Fund (2006)].
- (5) Where a claimant or a person to whom housing benefit has been awarded or any partner is aged not less than 60 and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, <sup>F42</sup>... he shall where the relevant authority so requires furnish the following information—
- (a) the name and address of the pension fund holder;
  - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme <sup>F43</sup>...to be identified.
- (6) Where the pension fund holder receives from a relevant authority a request for details concerning a personal pension scheme <sup>F43</sup>...relating to a person or any partner to whom paragraph (5) refers, the pension fund holder shall provide the relevant authority with any information to which paragraph (7) refers.
- (7) The information to which this paragraph refers is—
- (a) where the purchase of an annuity under a personal pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme;
  - (b) in the case of—
    - (i) a personal pension scheme where income withdrawal is available, the maximum amount of income which may be withdrawn from the scheme; or
    - (ii) a personal pension scheme where income withdrawal is not available, <sup>F44</sup>...the maximum amount of income which might be withdrawn from the fund if the fund were held under a personal pension scheme where income withdrawal was available, calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.

#### Textual Amendments

- F38** Words in reg. 86(1) substituted (22.12.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 3\) Regulations 2008 \(S.I. 2008/2987\)](#), regs. 1, **2(3)(a)(i)**
- F39** Words in reg. 86(1) substituted (22.12.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 3\) Regulations 2008 \(S.I. 2008/2987\)](#), regs. 1, **2(3)(a)(ii)**
- F40** Reg. 86(1A) inserted (22.12.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 3\) Regulations 2008 \(S.I. 2008/2987\)](#), regs. 1, **2(3)(b)**
- F41** Words in reg. 86(4)(b)(c) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **6(4)(e)**
- F42** Words in reg. 86(5) omitted (16.7.2007) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **4(6)(a)**
- F43** Words in reg. 86(5)(b)(6) omitted (16.7.2007) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **4(6)(b)**
- F44** Words in reg. 86(7)(b)(ii) omitted (16.7.2007) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2007 \(S.I. 2007/1749\)](#), regs. 1, **4(6)(c)**

Status: Point in time view as at 22/12/2008.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 10. (See end of Document for details)

**Marginal Citations**

**M2** See the [Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), [regulation 7](#) and Schedule 4, paragraph 2 for claims by refugees.

**Amendment and withdrawal of claim**

<sup>F45</sup>**87.**—(1) A person who has made a claim may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

(2) Where the claim was made by telephone in accordance with paragraphs (4A) to (4AE) of regulation 83, the amendment may also be made by telephone.

(3) Any claim amended in accordance with paragraph (1) or (2) shall be treated as if it had been amended in the first instance.

(4) A person who has made a claim may withdraw it at any time before a decision has been made on it by notice to the designated office.

(5) Where the claim was made by telephone in accordance with paragraphs (4AA) to (4AE) of regulation 83, the withdrawal may also be made by telephone to the telephone number specified by the Secretary of State.

(6) Any notice of withdrawal given in accordance with paragraph (4) or (5) shall have effect when it is received.]

**Textual Amendments**

**F45** Reg. 87 substituted (1.10.2008) by [The Housing Benefit and Council Tax Benefit \(Amendment\) Regulations 2008 \(S.I. 2008/2299\)](#), regs. 1, **2(7)**

**Duty to notify changes of circumstances**

**88.**—(1) Subject to <sup>F46</sup>paragraphs (3) and (6)], if at any time between the making of a claim and a decision being made on it, or during the award of housing benefit, there is a change of circumstances which the claimant, or any person by whom or on whose behalf sums payable by way of housing benefit are receivable, might reasonably be expected to know might affect the claimant's right to, the amount of or the receipt of housing benefit, that person shall be under a duty to notify that change of circumstances by giving notice <sup>F47</sup>... to the designated office—

<sup>F48</sup>(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.]

<sup>F49</sup>(2) .....

(3) The duty imposed on a person by paragraph (1) does not extend to changes in—

- (a) the amount of rent payable to a housing authority;
- (b) the age of the claimant or that of any member of his family or of any non-dependants;
- (c) these Regulations;

- (d) in the case of a claimant on income support<sup>F50</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance], any circumstances which affect the amount of income support<sup>F51</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] but not the amount of housing benefit to which he is entitled, other than the cessation of that entitlement to income support<sup>F51</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance] .

(4) Notwithstanding paragraph (3)(b) or (d) a claimant shall be required by paragraph (1) to notify the designated office of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he ceases to be a child or young person.

<sup>F52</sup>(5) .....

[<sup>F53</sup>(6) Where—

- (a) the claimant or the claimant's partner is in receipt of income support or jobseeker's allowance;
- (b) the change of circumstance is that the claimant or the claimant's partner starts employment; and
- (c) as a result of that change of circumstance, either entitlement to that benefit will end or, where the claimant or claimant's partner is in receipt of a contribution-based jobseeker's allowance, the amount of that benefit will be reduced,

the claimant may discharge the duty in paragraph (1) by notifying the change of circumstance by telephoning the appropriate DWP office if a telephone number has been provided for that purpose.]

Textual Amendments	
<b>F46</b>	Words in reg. 88(1) substituted (22.12.2008) by <a href="#">The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987)</a> , regs. 1, <b>2(4)(a)</b>
<b>F47</b>	Words in reg. 88(1) omitted (20.12.2006) by virtue of <a href="#">The Housing Benefit and Council Tax Benefit (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2967)</a> , regs. 1, <b>2(4)(a)</b>
<b>F48</b>	Reg. 88(1)(a)(b) added (20.12.2006) by <a href="#">The Housing Benefit and Council Tax Benefit (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2967)</a> , regs. 1, <b>2(4)(b)</b>
<b>F49</b>	Reg. 88(2) omitted (1.10.2008) by virtue of <a href="#">The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299)</a> , regs. 1, <b>2(8)(b)</b>
<b>F50</b>	Words in reg. 88(3)(d) substituted (27.10.2008) by <a href="#">The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082)</a> , regs. 1, <b>20(a)</b>
<b>F51</b>	Words in reg. 88(3)(d) substituted (27.10.2008) by <a href="#">The Employment and Support Allowance (Consequential Provisions) Regulations 2008 (S.I. 2008/1082)</a> , regs. 1, <b>20(b)</b>
<b>F52</b>	Reg. 88(5) omitted (1.10.2008) by virtue of <a href="#">The Housing Benefit and Council Tax Benefit (Amendment) Regulations 2008 (S.I. 2008/2299)</a> , regs. 1, <b>2(8)(b)</b>
<b>F53</b>	Reg. 88(6) added (22.12.2008) by <a href="#">The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 (S.I. 2008/2987)</a> , regs. 1, <b>2(4)(b)</b>

<sup>F54</sup>Notice of changes of circumstances given electronically

**88A.** A person may give notice of a change of circumstances required to be notified under regulation 88 by means of an electronic communication in accordance with Schedule 11.]

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**Changes to legislation:** There are currently no known outstanding effects for the  
The Housing Benefit Regulations 2006, PART 10. (See end of Document for details)

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**Textual Amendments**

**F54** Reg. 88A and heading inserted (20.12.2006) by [The Housing Benefit and Council Tax Benefit \(Electronic Communications\) Order 2006 \(S.I. 2006/2968\)](#), art. 1 **art. 2(4)**

**Status:**

Point in time view as at 22/12/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 10.