
 STATUTORY INSTRUMENTS

1983 No. 337

SOCIAL SECURITY

**The Supplementary Benefit (Housing Benefits)
 (Miscellaneous Consequential Amendments)
 Regulations 1983**

<i>Made</i> - - - - -	7th March 1983
<i>Laid before Parliament</i>	11th March 1983
<i>Coming into Operation</i>	
<i>Regulations 1, 3(4) and 4(1)(a) and, for certain purposes, regulations 2 and 3(1) to (3) and (7)</i>	1st April 1983
<i>Regulations 2 and 3(1) to (3) and (7) for other purposes</i>	4th April 1983
<i>Regulations 3(5) and (6) and 4(1)(b) and (2)</i>	30th May 1983

The Secretary of State for Social Services, in exercise of the powers conferred by sections 2(1) and (1A) and 14(2)(a), (f), (g) and (i) of the Supplementary Benefits Act 1976(a) and of all other powers enabling him in that behalf, hereby makes the following regulations.

This instrument satisfies the requirements of paragraph 38 of Schedule 4 to the Social Security and Housing Benefits Act 1982(b) and the Secretary of State has not referred proposals to make any of the regulations contained in it to the Industrial Injuries Advisory Council or the Social Security Advisory Committee.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Housing Benefits) (Miscellaneous Consequential Amendments) Regulations 1983 and shall come into operation as follows:—

- (a) regulations 1, 3(4) and 4(1)(a) on 1st April 1983;
- (b) regulations 2 and 3(1) to (3) and (7)—
 - (i) in relation to a person to whom regulation 3(1)(b) of the Housing Benefits Regulations 1982(c) (certain persons eligible for rate rebates) applies, on 1st April 1983, and
 - (ii) for all other purposes on 4th April 1983;
- (c) regulations 3(5) and (6) and 4(1)(b) and (2) on 30th May 1983.

(a) 1976 c. 71; section 14 was amended by section 6(1) of, and paragraph 12 of Schedule 2 to, the Social Security Act 1980 (c. 30).

(b) 1982 c. 24.

(c) S.I. 1982/1124, to which there are amendments not relevant to these regulations.

(2) In these regulations the “Claims and Payments Regulations” means the Supplementary Benefit (Claims and Payments) Regulations 1981(a).

Amendment of the Supplementary Benefit (Determination of Questions) Regulations 1980

2.—(1) The Supplementary Benefit (Determination of Questions) Regulations 1980(b) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 5B(1) (determination of amount of water charges) for sub-paragraph (c) there is substituted the following sub-paragraph:—

“(c) the water charges—

(i) are collected direct from the claimant or his partner by an authority (being, in relation to England and Wales, a housing authority within the meaning of section 35(1) of the Social Security and Housing Benefits Act 1982 and, in relation to Scotland, a housing or rating authority within the meaning of that section 35(1)) on behalf of the water authority or water company or, in Scotland, on behalf of a regional or islands council which is a water authority, or

(ii) are included in rent part of which is eligible for a rent allowance from a local authority under the Housing Benefits Regulations 1982, but are not identified as a separate item in that rent or have not been identified by that authority to the benefit officer as being of a specific amount.”.

(3) In regulation 7 (date of commencement, change and termination of entitlement to pensions and allowances) in paragraph (2) (meaning of “benefit week”)—

(a) in sub-paragraph (a) for the words “sub-paragraph (b) does not apply” there are substituted the words “neither sub-paragraph (aa) nor sub-paragraph (b) applies”;

(b) after sub-paragraph (a) there is inserted the following sub-paragraph:—

“(aa) where an amount is applicable to him under regulation 19A of the Requirements Regulations (housing benefit supplement), on such day of the week as may be appropriate having regard to any arrangements made for payment of any housing benefits referred to in that regulation;” and

(c) in sub-paragraph (b) after the word “where” there are inserted the words “sub-paragraph (aa) does not apply and”.

(a) S.I. 1981/1525; the relevant amending instrument is S.I. 1982/914.

(b) S.I. 1980/1643; relevant amending instruments are S.I. 1981/815 and 1982/914.

Amendment of the Claims and Payments Regulations

3.—(1) The Claims and Payments Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 5 (time for claiming pension or allowance) in paragraph (2) (which specifies circumstances in which a claim may be treated as having been made on a day earlier than that on which it was made) there is added after sub-paragraph (d) the following sub-paragraph:—

“(e) where—

(i) an amount is applicable to the claimant under regulation 19A of the Requirements Regulations (housing benefit supplement), and

(ii) within the period of six days immediately preceding the day on which his claim is made the claimant or a member of his assessment unit was liable to make a payment of rates or rent eligible for rebate or allowance under the Housing Benefits Regulations,

on the day on which that payment was to be made and, where payments of rates and rent were each liable to be made within that period, but on different days, on the day on which the payment of rent was liable to be made.”.

(3) In paragraph (a) of regulation 8 (information to be given in connection with payment of benefit) after the words “that change” there are added the words “, except that in a case to which regulation 23A applies, notification of that change shall be made to the housing authority to which the Secretary of State pays the pension or allowance in accordance with that regulation”.

(4) In regulation 10 (minimum amount of benefit payable)(a) for paragraph (3) there is substituted the following paragraph:—

“(3) The preceding paragraphs of this regulation shall not apply—

(a) to a beneficiary who is treated as responsible for housing expenditure under regulation 14(3) of the Requirements Regulations, or

(b) where any other person whose requirements are, pursuant to paragraph 3 of Schedule 1 of the Act, aggregated with and treated as his is so treated,

unless, in either case, the beneficiary is a person to whom section 9 applies.”.

(5) For regulation 15B (payments for rent arrears)(a) there is substituted the following regulation:—

“*Payments to landlords for amenity charges and rent arrears*

15B.—(1) Where:—

(a) the conditions specified in paragraph (3) are fulfilled in relation to a beneficiary;

(a) Paragraph (3) of regulation 10 and regulation 15B were added by regulation 4 of the Supplementary Benefit (Housing Benefits) (Miscellaneous Consequential Amendments) Regulations 1982 (S.I. 1982/914).

(b) in the calculation of his eligible rent, or that of his partner, for the purposes of a rent rebate or a rent allowance under the Housing Benefits Regulations a deduction (in this regulation referred to as an “amenity charge deduction”) falls to be made under regulation 16(2)(b) of, and paragraphs 3 to 5 of Schedule 3 to, those regulations (heating, hot water, lighting and cooking); and

(c) the amount of that beneficiary’s net award is not less than the total of—

(i) the amenity charge deduction, and

(ii) where that beneficiary is entitled currently to another benefit, 5 pence, or, in any other case, 10 pence,

the benefit officer shall determine that a weekly amount of the pension or allowance awarded to that beneficiary equal to the amount of the amenity charge deduction shall be paid to his landlord.

(2) Where—

(a) the conditions specified in paragraph (3) are fulfilled in relation to a beneficiary; and

(b) the amount of that beneficiary’s net award is not less than the total of—

(i) 5 per cent. of the single householder rate,

(ii) where a payment is to be made to his landlord by virtue of paragraph (1), the weekly amount of that payment, and

(iii) where that beneficiary is entitled currently to another benefit, 5 pence, or, in any other case, 10 pence,

the benefit officer shall determine that a weekly amount of the pension or allowance awarded to that beneficiary equal to 5 per cent. of the single householder rate shall be paid to his landlord.

(3) The conditions referred to in paragraphs (1) and (2) are, in relation to a beneficiary, that—

(a) he has been awarded a pension or an allowance;

(b) he or his partner is entitled to a rent rebate or a rent allowance by virtue of the application of regulation 9 of the Housing Benefits Regulations (certificated cases); and

(c) he or his partner has arrears of rent which equal or exceed four times the full weekly rent payable and—

(i) there are arrears of rent in respect of at least 13 weeks, and the landlord has requested the Secretary of State to make payments in accordance with this regulation, or

(ii) there are arrears of rent in respect of less than 13 weeks and in the opinion of the benefit officer it is in the overriding interests of the assessment unit that payments should be made in accordance with this regulation;

and arrears of rent for the purposes of this sub-paragraph do not include any amount of arrears to be disregarded in accordance with paragraph (7).

(4) A payment to be made to a landlord by virtue of paragraph (1) or (2) shall be made, at such intervals as the Secretary of State may direct, on behalf of and in discharge (in whole or in part) of the obligation of the beneficiary or, as the case may be, of his partner to pay rent.

(5) A determination under paragraph (1) that payments shall be made to a landlord shall remain in force until—

(a) an amenity charge deduction ceases to be made;

(b) the condition specified in sub-paragraph (c) of that paragraph ceases to be fulfilled; or

(c) the beneficiary moves to a home in respect of which rent is not payable to that landlord,

whichever first occurs; and in a case where the beneficiary moves to a home in respect of which rent remains payable to that landlord and an amenity charge deduction of a different amount is made, the payment to be made shall equal that different amount.

(6) A determination under paragraph (2) that payments shall be made to a landlord shall remain in force until—

(a) all arrears of rent owing to him, other than any amount to be disregarded in accordance with paragraph (7), have been cleared;

(b) the condition specified in sub-paragraph (b) of that paragraph ceases to be fulfilled; or

(c) the beneficiary moves to a home in respect of which rent is not payable to that landlord,

whichever first occurs.

(7) Where, in the assessment of a person's rent rebate or rent allowance under the Housing Benefits Regulations, an amount falls to be deducted under regulation 18 of those regulations by virtue of regulation 21(1)(a) of those regulations (non-dependants in certificated cases), arrears of rent in any week not exceeding the amount of that deduction shall be disregarded for the purposes of this regulation."

(6) In regulation 18 (priority as to payments and deductions), in paragraph 3(a), for "arrears" there is substituted ", including any arrears,".

(7) In regulation 23 (payment of pension or allowance to third parties), in paragraph (b), before "16" there is inserted "15B,".

Revocations and transitional provision

4.—(1) Subject to paragraph (2) of this regulation the following paragraphs of regulation 4 of the Supplementary Benefit (Housing Benefits) (Miscellaneous Consequential Amendments) Regulations 1982(a) are hereby revoked:—

- (a) paragraph (3); and
- (b) paragraph (5) to the extent that it inserts regulation 15B in the Claims and Payments Regulations (which regulation is in this regulation referred to as “the substituted regulation 15B”).

(2) A determination made in relation to a beneficiary under paragraph (1) of the substituted regulation 15B and in force immediately before the date of coming into operation of this paragraph shall remain in force as though it were a determination under regulation 15B(2) of the Claims and Payments Regulations as in force from that date (which provision is set out in regulation 3(5) of these regulations).

Norman Fowler,
Secretary of State for Social Services.

7th March 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend regulations made under the Supplementary Benefits Act 1976 (“the 1976 Act”, extensively amended by the Social Security Act 1980), in consequence of the coming into operation of the Housing Benefits Regulations 1982, which contain provisions for the granting by local authorities of rate rebates, rent rebates and rent allowances (together called “housing benefits”).

Regulation 2 of these regulations amends the Supplementary Benefit (Determination of Questions) Regulations 1980 by—

- (a) varying the circumstances in which the amount applicable for water charges (provision for which continues to be made in supplementary benefit) is determined by the Secretary of State and not by a benefit officer appointed for the purposes of the 1976 Act (regulation 2(2));
- (b) providing that where an amount of “housing benefit supplement” is applicable in the determination of requirements (which occurs in certain cases where resources are otherwise sufficient to meet requirements under the 1976 Act but there is entitlement to a housing benefit) the day from which entitlement to, and changes in the amount of, supplementary benefit takes effect shall be determined having regard to the days on which housing benefits are payable (regulation 2(3)).

Regulation 3 of these regulations amends the Supplementary Benefit (Claims and Payments) Regulations 1981 by—

- (a) providing that where an amount of housing benefit supplement is applicable, a claim for supplementary benefit can be treated as backdated for up to six days (regulation 3(2));
- (b) requiring a recipient of housing benefit to whom a housing benefit supplement is applicable to report changes of circumstances affecting his entitlement to supplementary benefit to the relevant housing authority rather than to the Secretary of State (regulation 3(3));
- (c) extending the category of persons to whom the provision excluding payment of benefits of less than a specified minimum does not apply (regulation 3(4));
- (d) substituting, for a provision whereby payments of supplementary benefit may be made in certain circumstances direct to a landlord in respect of arrears of rent, a provision whereby such direct payments may be made in respect of arrears in different circumstances and also in respect of certain current charges for heating, hot water, lighting and cooking for which a housing benefit is not payable (regulation 3(5)). There are two amendments consequential upon provision for direct payments (regulation 3(6) and (7)).

Regulation 4 contains revocations and a transitional provision.

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