
STATUTORY INSTRUMENTS

1987 No. 1971

The Housing Benefit (General) Regulations 1987

PART X

CLAIMS

Who may claim

71.—(1) In the case of a married or unmarried 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 appropriate 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 receiver 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 tutor, curator or other guardian acting or appointed in terms of law; 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 the Powers of Attorney Act 1971(1) or the Enduring Powers of Attorney Act 1985(2),

that receiver, tutor, curator, other 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 appropriate 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 appropriate authority has made an appointment under paragraph (3)—

- (a) it may at any time revoke it;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the appropriate authority of his intention to do so;
- (c) any such appointment shall terminate when the appropriate authority is notified that a receiver 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 appropriate authority may if that person so requests in writing, treat him as if he had been appointed by them under paragraph (3).

(1) 1971 c. 27.
(2) 1985 c. 29.

(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 receiver, tutor, curator, other 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 appropriate authority for any sum paid.

Time and manner in which claims are to be made

72.—(1) Every claim shall be in writing and made on a properly completed form approved for the purpose by the appropriate authority or in such written form as the appropriate authority may accept as sufficient in the circumstances of any particular case or class of cases and be accompanied by or supplemented by such certificates, documents, information and evidence as are required in accordance with regulation 73(1) (evidence and information).

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

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

(4) A claim—

- (a) may be sent or delivered to the appropriate DHSS office where the claimant or his partner is also claiming income support;
- (b) where it has not been sent or delivered to the appropriate DHSS office, shall be sent or delivered to the designated office;
- (c) sent or delivered to the appropriate DHSS office shall be forwarded to the appropriate authority within two working days of the date of either the date of determination of the claim for income support or the receipt of the claim at the appropriate DHSS office, whichever is the later, or as soon as reasonably practicable thereafter.

(5) The date on which a claim is made shall be—

- (a) in a case where an award of income support has been made to the claimant or his partner and the claim is made within 4 weeks of the date on which the claim for that income support was received at the appropriate DHSS office, the first day of entitlement to that income support;
- (b) in a case where the claimant or his partner claimed income support but there is no entitlement to income support, the date on which the claim is received at the appropriate DHSS office or the designated office whichever is the earlier;
- (c) in any other case, the date on which the claim is received at the designated office.

(6) Where a claim received at the designated 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 is defective because—

- (a) it was made on the form approved for the purpose but that form is not accepted by the appropriate authority as being in a written form sufficient in the circumstances of the case; or
- (b) it was made in writing but not on the form approved for the purpose and the appropriate authority does not accept the claim as being in a written form which is sufficient in the circumstances of the case,

the appropriate authority may, in a case to which sub-paragraph (a) applies, refer the defective claim to the claimant or, in a case to which sub-paragraph (b) applies, supply the claimant with the approved form.

(8) The appropriate authority shall treat a defective claim as if it had been made in the first instance where the approved form referred or sent to the claimant in accordance with paragraph (7)

is received at the designated office properly completed within 4 weeks of it having been referred or sent to him, or such longer period as the appropriate authority may consider reasonable.

(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.

(10) Where, exceptionally, a rating authority has not made a rate by the beginning of the rating year, if a claim for a rate rebate is properly made or treated as properly made and—

- (a) the date on which the claim is made or treated as made is in the period from the 1st April of the current year and ending 4 weeks after the date on which the authority makes the rate; and
- (b) if a rate had been made, the claimant would have been entitled to a rate rebate either from—
 - (i) the benefit week in which the 1st April of the current year fell, or
 - (ii) a benefit week falling after the date specified in head (i) but before the claim was made,

the appropriate authority shall treat the claim as made in the benefit week immediately preceding the benefit week in which such entitlement would have commenced.

(11) Where the claimant is not entitled to housing benefit in the benefit week immediately following the date of his claim but the appropriate 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 appropriate 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.

(12) A person to whom housing benefit has been granted, or the partner of such a person, may make a claim to the appropriate authority for a further grant of that benefit to take effect immediately after the end of his current benefit period not more than 13 weeks before the end of that period.

(13) A person may make a further claim not more than 4 weeks after the end of his benefit period or the benefit period of his partner or former partner for a further grant of such benefit to take effect immediately after the end of that benefit period.

(14) The appropriate authority shall invite a person to whom housing benefit has been granted to make a claim for a further grant of that benefit where either—

- (a) the benefit period ended in circumstances to which regulation 67(a) refers (end of entitlement to income support), or
- (b) the benefit period is for a period exceeding 16 weeks and is due to end within 8 weeks in accordance with regulation 66(2) to (4) (benefit period) and no such claim has been received in accordance with paragraph (12),

and any claim received following that invitation, if made within 4 weeks of the end of the current benefit period, shall have effect immediately after the end of that benefit period in accordance with paragraph (12) or, as the case may be, paragraph (13).

(15) Where the claimant makes a claim in respect of any period before the date on which that claim was, or was treated as, made and he proves that there was good cause for his failure to make that claim throughout the period between any date in that earlier period and the date on which the claim was or was treated as made, his claim shall, subject to section 165A of the Social Security Act(3) (52 week limit on entitlement before the date of claim), be treated as made on the first day of that earlier period from which he can prove good cause.

(3) 1975. c.14; this section was substituted by paragraph 87 of Schedule 10 to the Social Security Act 1986 (c. 50) and is applied to Housing Benefit by paragraph 48 of Schedule 10 to that Act.

Evidence and information

73.—(1) A person who makes a claim shall furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as may be reasonably required by the appropriate authority in order to determine that person's entitlement to housing benefit, and shall do so within 4 weeks of being required to do so or such longer period as the appropriate authority may consider reasonable.

- (2) Where a request is made under paragraph (1), the appropriate authority shall—
- (a) inform the claimant of his duty under regulation 75 (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 75, 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.

Amendment and withdrawal of claim

74.—(1) A person who has made a claim may amend it at any time before a determination has been made on it, by a notice in writing delivered or sent to the designated office and any claim so amended shall be treated as if it had been amended in the first instance.

(2) A person who has made a claim may withdraw it at any time before a determination has been made on it, by notice to the designated office, and any such notice of withdrawal shall have effect when it is received.

Duty to notify changes of circumstances

75.—(1) Subject to paragraph (2), if at any time between the making of a claim and its determination, or during the benefit period, 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 in writing to the designated office.

- (2) 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 amount of rates payable to a rating authority;
 - (c) the age of the claimant or that of any member of his family or of any non-dependants;
 - (d) these Regulations;
 - (e) in the case of a claimant on income support, any circumstances which affect the amount of income support but not the amount of housing benefit to which he is entitled, other than the cessation of that entitlement to income support.

(3) Notwithstanding paragraph (2)(c) or (e) 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.