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STATUTORY INSTRUMENTS

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**1988 No. 1890**

**The Housing Benefit (Community Charge Rebates) (Scotland) Regulations 1988**

**PART X**

**PAYMENTS**

**Time and manner of payment of housing benefit in respect of personal community charges**

**76.**—(1) Subject to regulations 79, 80 and 81 (withholding of benefit, payments on death and offsetting) and paragraphs (2) and (3), where a person is entitled to housing benefit in respect of his liability for a personal community charge, the appropriate authority may discharge his entitlement to that benefit by reducing, so far as possible, the amount of the personal community charge for which he is liable or may pay to him the amount of the benefit to which he is entitled, within 14 days of the receipt of the claim at the designated office or, if that is not practicable, as soon as possible thereafter.

(2) Where the amount of housing benefit to which a person is entitled exceeds his liability for any personal community charge, the appropriate authority may, so far as possible, reduce the next and any subsequent charges for which he is liable by the amount of the benefit in respect of which his entitlement remains undischarged, until that entitlement is fully discharged.

(3) Where a person is no longer liable to an authority for personal community charges and he has paid the charge or charges in respect of which he is entitled to housing benefit, the authority shall pay the outstanding benefit to him within 14 days of it being determined that benefit is due or, if that is not practicable, as soon as possible thereafter.

(4) The appropriate authority, in any case to which this regulation applies, shall notify the person to whom housing benefit is due of the amount of that benefit and the amount of any reduction made in his liability for a personal community charge or in the liability of any partner of his.

**Time and manner of payment of housing benefit in respect of collective community charge contributions**

**77.**—(1) Subject to regulations 79, 80 and 81 (withholding of benefit, payments on death and offsetting), the appropriate authority shall pay housing benefit to which a person is entitled on account of his liability to pay any collective community charge contribution under section 11(11) of the 1987 Act, at such time and in such manner as is appropriate having regard to—

- (a) the times at which and the frequency with which a person's liability to pay a collective community charge contribution arises; and
- (b) the reasonable needs and convenience of the person entitled thereto.

(2) Payments of housing benefit under paragraph (1) may take the form of vouchers issued by the appropriate authority which vouchers shall state—

- (a) the name of the person entitled to the benefit;
- (b) the address of the premises in respect of which the collective community charge is payable;

- (c) the daily amount of benefit to which he is entitled;
- (d) the day or days in respect of which benefit has been awarded.

(3) Any voucher paid in accordance with paragraph (1) on account of a person's entitlement to housing benefit, may be paid by that person to the charge payer to whom the contribution is due, in reduction of the liability for the contribution concerned.

(4) Except in cases to which regulations 79, 80 and 81 apply, the first payment of housing benefit in respect of collective community charge contributions shall be made within 7 days of the receipt of a claim at the designated office or, if that is not reasonably practicable, as soon as possible thereafter.

### **Person to whom benefit is to be paid**

**78.**—(1) Subject to regulation 80 (payment on death) and paragraph (2), payment of any housing benefit to which a person is entitled shall be made to that person.

(2) Where a person other than a person who is entitled to a housing benefit made the claim and that first person is a person referred to in regulation 58(2), (3) or (5) (persons appointed to act for a person unable to act), benefit may be paid to that person.

(3) Where payments of housing benefit to which a person is entitled take the form of vouchers in accordance with regulation 77(2) (time and manner of payment of housing benefit in respect of collective community charge contributions), the appropriate authority, where—

- (a) that person remains liable for a collective community charge contribution in respect of his residence in premises for which a collective community charge is payable;
- (b) his residence in that premises has ceased; and
- (c) the authority considers it impracticable to pay the voucher to the person concerned,

may pay the outstanding benefit to the person to whom the relevant contribution is owed in such manner as they may decide.

### **Withholding of benefit**

**79.**—(1) Where it appears to an authority that a question has arisen in relation to a person's entitlement to housing benefit or to payment of that benefit, it may withhold payment of the benefit in whole or in part pending the determination of that question on review under regulation 67.

(2) Where it appears to an authority that a question has arisen whether any amount paid to a person by way of, or in connection with a claim for housing benefit, is recoverable under section 29 of the Act or Part XI of these Regulations (overpayments), it may withhold any payment of arrears of benefit to that person, in whole or in part, pending the determination of that question.

(3) Upon determination of a question to which paragraph (1) or (2) refers, any benefit withheld under those paragraphs shall be paid within 14 days except to the extent that there was no entitlement to that benefit or a recoverable overpayment remains unrecovered from the person from whom benefit was withheld.

### **Payment on death of the person entitled**

**80.**—(1) Where the person entitled to a housing benefit has died the appropriate authority shall make payment either to his personal representative or, where there is none, his next of kin if aged 16 or over.

(2) For the purposes of paragraph (1), "next of kin" means in Scotland the person entitled to the moveable estate on intestacy and in England and Wales the persons who would take beneficially on an intestacy.

(3) A payment under paragraph (1) may not be made unless the personal representative or the next of kin, as the case may be, makes written application for the payment of any sum of benefit to which the deceased was entitled, and such written application is sent to or delivered to the appropriate authority at its designated office within 12 months of the deceased's death or such longer period as the authority may allow in any particular case.

(4) The authority may dispense with strict proof of title of any person claiming under paragraph (3) and the receipt of such a person shall be a good discharge to the authority for any sum so paid.

### **Offsetting**

**81.**—(1) Where a person has been paid a sum of housing benefit under a determination which is subsequently revised upon review or further review, any sum paid in respect of a period covered by the subsequent determination shall be offset against arrears of entitlement under the subsequent determination except to the extent that the sum exceeds the arrears and shall be treated as properly paid on account of them.

(2) No amount may be offset under paragraph (1) which has been determined to be a recoverable overpayment under regulation 83 (recoverable overpayments).