

1989 No. 416

**HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND  
RATING AND VALUATION**

**The Housing Benefit (General) Amendment Regulations  
1989**

<i>Made</i> - - - -	<i>9th March 1989</i>
<i>Laid before Parliament</i>	<i>10th March 1989</i>
<i>Coming into force</i>	
<i>for the purpose of regulations 1 to 6 and 9 to 11 to the extent that they relate to cases referred to in regulation 1(2)</i>	<i>1st April 1989</i>
<i>to the extent that they relate to any other case</i>	<i>3rd April 1989</i>
<i>for the purposes of regulations 7 and 8</i>	<i>9th October 1989</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 20(1)(c) and (8), 21(6)(b), 22(1), (8) and (9), 29 and 84(1) of the Social Security Act 1986(a) and section 166(1) to (3A) of the Social Security Act 1975(b) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of authorities concerned(c), and of all other powers enabling him in that behalf, by this instrument which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 1989 and shall come into force as follows —

- (a) regulations 1 to 6 and 9 to 11 in any case to which paragraph (2)(a) or (b) applies, on 1st April 1989 and in any other case, on 3rd April 1989;
- (b) regulations 7 and 8, on 9th October 1989.

(2) This paragraph applies in any case where —

- (a) rent is payable at intervals of one month or any other interval which is not a week or multiple thereof; or
- (b) payments by way of rates are not made together with payments of rent at weekly intervals or multiples thereof.

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(a) 1986 c.50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words "prescribed" and "regulations". (b) 1975 c.14; section 166(3A) was inserted by section 62(1) of the Social Security Act 1986 and section 166(1) to (3A) was applied by section 83(1) of that Act. (c) See section 61(7) of the Social Security Act 1986.

(3) In these regulations "the General Regulations" means the Housing Benefit (General) Regulations 1987(a).

#### **Amendment of regulation 3 of the General Regulations**

2. In regulation 3 of the General Regulations (definition of non-dependant) –
- (a) in paragraph (2)(e), for the words "liable to make payments" to the end there shall be substituted the words "liable to make payments on a commercial basis to the claimant or the claimant's partner or to whom or to whose partner the claimant or the claimant's partner is liable to make payments on a commercial basis, in respect of the occupation of the dwelling;"
  - (b) in paragraph (3), the words "a person who normally resides with a claimant and who is a boarder or" shall be omitted;
  - (c) at the end of paragraph (4) there shall be added the words "but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord."

#### **Amendment of regulation 24 of the General Regulations**

3. In regulation 24 of the General Regulations (average weekly income other than earnings) the words "or regulation 27(4) (weekly amount of charitable or voluntary payment)" shall be omitted.

#### **Amendment of regulation 61 of the General Regulations**

4. In regulation 61 of the General Regulations (maximum housing benefit) after the words "non-dependants" there shall be inserted the words "or boarders".

#### **Amendment of regulation 63 of the General Regulations**

5. In regulation 63 of the General Regulations (non-dependant deductions) –
- (a) in paragraph (1)(a) for the words "who is in remunerative work or who is a boarder" there shall be substituted the words "in remunerative work or a boarder aged 18 or over";
  - (b) in paragraph (2) after the words "remunerative work" there shall be inserted the words "and of a boarder aged 18 or over in remunerative work".

#### **Amendment of Schedule 1 to the General Regulations**

6. After sub-paragraph (4) of paragraph 1A of Schedule 1 to the General Regulations (amount ineligible for meals) there shall be added the following sub-paragraphs –

"(5) Where a charge for meals includes provision for meals for a person who is not a member of the claimant's family sub-paragraphs (2) to (4) shall apply as if that person were a member of the claimant's family.

(6) For the avoidance of doubt where the charge does not include provision for meals for a claimant or, as the case may be, a member of his family, sub-paragraphs (2) to (4) shall not apply in respect of that person."

#### **Amendment of Schedule 2 to the General Regulations**

7. In Schedule 2 to the General Regulations (applicable amounts) –
- (a) for paragraph 9 there shall be substituted the following paragraphs –

##### **"Pensioner premium for persons under 75**

9. The condition is that the claimant –
- (a) is a single claimant or lone parent aged not less than 60 but less than 75; or
  - (b) has a partner and is, or his partner is, aged not less than 60 but less than 75.

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(a) S.I. 1987/1971, relevant amending instruments are S.I. 1988/1444 and 661, 909, 1971.

### **Pensioner premium for persons 75 and over**

- 9A.** The condition is that the claimant –
- (a) is a single claimant or lone parent aged not less than 75 but less than 80;  
or
  - (b) has a partner and is, or his partner is, aged not less than 75 but less than 80.”;
- (b) in paragraph 12(1)(a)(ii) for the words “solely on account of the maximum age for its payment being reached” there shall be substituted the words “either on account of the maximum age for this payment being reached or the payment of a retirement pension under the Social Security Act.”;
- (c) in paragraph 15 –
- (i) for the sub-paragraph (2) there shall be substituted the following sub-paragraphs –
    - “(2) Pensioner premium for persons aged under 75 –
    - (a) where the claimant satisfies the condition in paragraph 9(a); £11.20; (2)(a)
    - (b) where the claimant satisfies the condition in paragraph 9(b); £17.05. (b)
    - (2A) Pensioner premium for persons aged under 75 and over –
    - (a) where the claimant satisfies the condition in paragraph 9A(a); £13.70; (2)(a)
    - (b) where the claimant satisfies the condition in paragraph 9A(b).” £20.55. (b)
  - (ii) in sub-paragraph (3) for “£13.70” and “£19.50” there shall be substituted “£16.20” and “£23.00” respectively(a).

### **Amendment of Schedule 3 to the General Regulations**

**8.** For paragraph 3 of Schedule 3 to the General Regulations (sums to be disregarded in the calculation of earnings) there shall be substituted the following paragraph –

“3.—(1) In a case to which this paragraph applies, £15; but notwithstanding regulation 19 (calculation of income and capital of members of a claimant’s family and of a polygamous marriage) if this paragraph applies to a claimant it shall not apply to his partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than £15.

(2) This paragraph applies where the claimant’s applicable amount includes an amount by way of the disability premium or severe disability premium under Schedule 2 (applicable amounts).

(3) This paragraph applies where –

- (a) the claimant is a member of a couple and his applicable amount would, but for the higher pensioner premium under Schedule 2 being applicable, include an amount by way of the disability premium under that Schedule; and
- (b) he or his partner is under the age of 60 and at least one is engaged in employment.

(4) This paragraph applies where –

- (a) the claimant’s applicable amount includes an amount by way of the higher pensioner premium under Schedule 2; and

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(a) Paragraph 15(3) of Schedule 2 was amended by article 18(9) of, and Schedule 10 to, the Social Security Benefits Up-rating Order 1989 (S.I. 1989/43).

- (b) the claimant or, if he is a member of a couple, either he or his partner has attained the age of 60; and
  - (c) immediately before attaining that age he or, as the case may be, he or his partner was engaged in employment and the claimant was entitled by virtue of sub-paragraph (2) to a disregard of £15; and
  - (d) he or, if he is a member of a couple, he or his partner has continued in employment.
- (5) This paragraph applies where –
- (a) the claimant is a member of a couple and his applicable amount would include an amount by way of the disability premium under that Schedule, but for –
    - (i) the pensioner premium for persons aged 75 and over under Schedule 2 being applicable; or
    - (ii) the higher pensioner premium under that Schedule being applicable; and
  - (b) he or his partner has attained the age of 75 but is under the age of 80 and the other is under the age of 60 and at least one member of the couple is engaged in employment.
- (6) This paragraph applies where –
- (a) the claimant is a member of a couple and he or his partner has attained the age of 75 but is under the age of 80 and the other has attained the age of 60; and
  - (b) immediately before the younger member attained that age either member was engaged in employment and the claimant was entitled by virtue of sub-paragraph (5) to a disregard of £15; and
  - (c) either he or his partner has continued in employment.
- (7) For the purposes of this paragraph, no account shall be taken of any period not exceeding eight consecutive weeks occurring on or after the date on which the claimant or, if he is a member of a couple, he or his partner attained the age of 60 during which either or both ceased to be engaged in employment or the claimant ceased to be entitled to income support.”.

**Amendment of Schedule 4 to the General Regulations**

9. In paragraph 19 of Schedule 4 to the General Regulations (sums to be disregarded in the calculation of income other than earnings) at the end there shall be added the words “or a boarder”.

**Amendment of Schedule 5 to the General Regulations**

10. In paragraph 24 of Schedule 5 to the General Regulations (capital to be disregarded) for the words “he left that dwelling” there shall be substituted the words “he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied”.

**Amendment of Schedule 6 to the General Regulations**

11. In paragraph 9(c) of Schedule 6 to the General Regulations (matters to be included in notice of determination) after the reference “paragraph 5(2)” there shall be inserted the reference “or (2A)”.

Signed by authority of the Secretary of State for Social Security

*Peter Lloyd*  
Parliamentary Under-Secretary of State,  
Department of Social Security

9th March 1989

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Housing Benefit (General) Regulations 1987 in the following respects —

- (a) they introduce an increased pension premium for persons aged 75 and over and uprate the amount of the higher pensioner premium with effect from 9th October 1989 (regulation 7); and provide for an earnings disregard of £15 where but for these changes a person would have been entitled to the disability premium (regulation 8);
- (b) they provide for boarders not to be treated as non-dependants if they live in the household of another claimant and for a deduction to be made from the maximum housing benefit in respect of boarders aged 18 or over (regulations 2, 4 and 5);
- (c) they make provision for property to be disregarded where it is occupied by a lone parent if he is the former partner of the claimant and for the disregard of payments made to the claimant by a boarder (regulations 9 and 10); and delete an obsolete reference (regulation 3);
- (d) they provide, in assessing ineligible service charges, for a deduction in respect of meals to be made in respect of a person who is a member of the claimant's household but not a member of his family and make clear that such deductions are only to be made in respect of persons for whom the charge makes provision (regulation 6); and for the notice of award to specify the details of any fuel deduction made (regulation 11).

These Regulations are made before the expiry of 12 months from the commencement of the enactments under which they are made; they are accordingly exempt by section 61(5) of the Social Security Act 1986 from reference to the Social Security Advisory Committee and have not been so referred.