
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Housing Benefit (General) Regulations 1987 (S.I.1987/1971) in the following respects:

- (a) they provide definitions in respect of community charge benefit and the Social Security Contributions and Benefits Act 1992, and amend the definition of “water charges” (regulations 2 and 14);
- (b) they further specify the circumstances in which a person is to be treated as occupying a dwelling as his home, in cases of domestic violence and where a dwelling is adapted in respect of a person’s disablement needs (regulation 3);
- (c) they enable authorities to substitute a higher figure for unreasonably low ineligible service charges, whether or not payment of the charges is a condition of the right to occupy the dwelling (regulations 4 and 11);
- (d) with respect to applications to rent officers for a determination in relation to rent, they update the definition of “change relating to a rent allowance”, and provide for a further determination of rent in certain circumstances where a claimant does not have a personal council tax liability (regulations 5 and 12);
- (e) they provide that certain payments in respect of children accommodated with a claimant are not to be treated as the earnings of a self-employed earner (regulation 6);
- (f) they provide that when certain payments, including payments made by a third party, are used to pay the claimant’s rent, the rent to be taken into account is the claimant’s eligible rent less certain deductions in respect of non-dependants (regulations 7 and 9);
- (g) they provide that where a child or young person has capital in excess of £3,000, any income of that child or young person consisting of maintenance is to be treated as income of the claimant (regulation 8);
- (h) in relation to the calculation of a person’s maximum housing benefit, they specify the deduction to be made in the case of non-dependants and their partners (regulation 10);
- (i) with respect to the calculation of income, they provide a disregard of guardian’s allowance and a disregard in respect of the earnings of a claimant or partner who is entitled to the carer premium, and remove the disregard of maintenance payments made by a claimant. They specify further the amount to be disregarded in relation to certain claimants entitled to the higher pensioner premium and amend the disregards in respect of charitable and voluntary payments and income arising from disregarded capital (regulations 13 and 14);
- (j) they make changes consequential on the abolition of community charges, the introduction of council tax and the introduction of council tax benefit in succession to community charge benefits (regulations 14 and 15, and the Schedule).