
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 (S.I.1987/1971), the Housing Benefit (Supply of Information) Regulations 1988 (S.I. 1988/662), and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814).

The amendments are consequential on the coming into force of the Social Security (Incapacity for Work) Act 1994, which replaces sickness and invalidity benefits with incapacity benefit, and provides for a new test of incapacity for work. The regulations make the following amendments.

With respect to housing benefit and council tax benefit,

- (a) they extend the qualifying period for the disability premium on grounds of incapacity for work from 28 weeks to 364 days, except for claimants who are terminally ill and they provide that the qualifying period may be broken by intervals of up to 56 days (regulations 8 and 17);
- (b) they specify further the information which the Secretary of State may supply to a local authority, and the information which the local authority shall supply to the Secretary of State (regulations 10,15 and 16);
- (c) they make additional minor consequential, transitional and saving amendments (regulations 2 to 8,9,11 to 14 and 18 to 20).

These Regulations, except parts of regulations 4,6,7,8,12,14 and 17 are made pursuant to section 12 of the Social Security (Incapacity for Work) Act 1994 and are made before the end of the period of six months beginning with the date that provision came into force (18th November 1994). Accordingly they are exempted by section 173(5)(a) of the Social Security Contributions and Benefits Act 1992 from reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on businesses.