
STATUTORY INSTRUMENTS

1996 No. 548 (S. 53)

**LOCAL GOVERNMENT, SCOTLAND
SOCIAL SECURITY**

**The Local Government Changes for Scotland
(Housing Benefit and Council Tax Benefit) Order 1996**

<i>Made</i>	- - - -	<i>4th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

The Secretary of State for Social Security, in exercise of the powers conferred by section 181(1), (2) and (8) of the Local Government etc. (Scotland) Act 1994⁽¹⁾, and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Changes for Scotland (Housing Benefit and Council Tax Benefit) Order 1996 and shall come into force on 1st April 1996.

(2) In this Order—

“the Act” means the Local Government etc. (Scotland) Act 1994;

“the Administration Act” means the Social Security Administration Act 1992⁽²⁾;

“the 1987 Regulations” means the Housing Benefit (General) Regulations 1987⁽³⁾;

“the 1992 Regulations” means the Council Tax Benefit (General) Regulations 1992⁽⁴⁾;

“new authority” means a council constituted under section 2 of the Act; and

“old authority” means a regional or district council.

Termination of benefit periods

2.—(1) Without prejudice to any right or power of an authority under the 1987 or 1992 Regulations, but subject to paragraphs (2) to (4) below, in any case where an old authority had made an award of benefit under either of those Regulations, the new authority for the area in which the

(1) 1994 c. 39.

(2) 1992 c. 5.

(3) S.I.1987/1971; relevant amendments are S.I. 1990/546, 1549, 1992/432, 1993/317, 1150 and 1994/2137.

(4) S.I. 1992/1814; relevant amendments are S.I. 1993/688 and 1994/2137.

dwelling lies and in respect of which the liability to pay that led to that award arose, may determine that the benefit period for any such award shall be brought to an end on such date as that new authority may determine.

- (2) Any determination to end a benefit period under paragraph (1) above—
- (a) shall be made within the period of twelve months beginning with 1st April 1996;
 - (b) shall be of no effect unless—
 - (i) that determination has been notified to the claimant as though that determination were a determination made under the 1987 or 1992 Regulations, as the case may be; and
 - (ii) the new authority has invited the person whose benefit period has been brought to an end to make a claim for a further award of housing benefit or council tax benefit, as the case may be.
- (3) Any claim received within 4 weeks of the end of the benefit period terminated under paragraph (1) above, following an invitation issued in accordance with paragraph (2)(b)(ii) above, shall have effect as if made on the date following the day on which that benefit period ended.
- (4) Notwithstanding the provisions of section 63(3) of the Administration Act, there shall be no review or further review under regulation 79(5) or 81(6) of the 1987 Regulations or regulation 69(7) or 70(8) of the 1992 Regulations (reviews and further reviews of determinations) of any determination made under this article.
- (5) Expressions used in this article and in the 1987 Regulations or, where the matter relates to council tax benefit, the 1992 Regulations shall have the same meaning in this article as they have in those Regulations.

Signed by authority of the Secretary of State for Social Security.

4th March 1996

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

(5) Regulation 79 was amended by S.I. 1990/1549, 1992/432, 1993/1150 and 1994/2137.
(6) Regulation 81 was amended by S.I. 1990/546, 1993/317 and 1994/2137.
(7) Regulation 69 was amended by S.I. 1993/1150 and 1994/2137.
(8) Regulation 70 was amended by S.I. 1993/688 and 1994/2137.

EXPLANATORY NOTE

(This note is not part of the Order)

The Local Government etc. (Scotland) Act 1994 makes provision with respect to local government in Scotland.

This Order makes incidental, consequential, transitional and supplementary provision for housing benefit and council tax benefit for the purposes of, and in consequence of, that Act by providing power for a new authority to terminate any benefit period granted by an old authority.

This Order does not impose a charge on businesses.