
STATUTORY INSTRUMENTS

1997 No. 1975

SOCIAL SECURITY

**The Housing Benefit (General)
Amendment (No. 3) Regulations 1997**

<i>Made</i>	- - - -	<i>8th August 1997</i>
<i>Laid before Parliament</i>		<i>13th August 1997</i>
<i>Coming into force</i>	- -	<i>5th October 1997</i>

The Secretary of State for Social Security, in exercise of powers conferred upon her by sections 123(1)(d), 130(2) and (4), 137(1) and (2)(i) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(1) and section 122(3) and (5) of the Housing Act 1996(2) and of all other powers enabling her in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations shall not be referred to it(3) and after consultation with organisations appearing to her to be representative of the authorities concerned(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment (No. 3) Regulations 1997 and shall come into force on 5th October 1997.

(2) In these Regulations “the principal Regulations” means the Housing Benefit (General) Regulations 1987(5).

Amendment of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997

2.—(1) The Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997(6) shall be amended in accordance with the following paragraphs.

(2) In regulation 3 (which amends the principal Regulations)—

(1) 1992 c. 4; section 137(1) is cited because of the meaning ascribed to the word “prescribed”.
(2) 1996 c. 52.
(3) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
(4) See section 176(1) of the Social Security Administration Act 1992.
(5) S.I.1987/1971; relevant amending instrument S.I. 1996/965.
(6) S.I. 1997/852.

- (a) in paragraph (2)(a) for the words “Subject to paragraph (3D)” there shall be substituted the words “Subject to paragraph (3B)”;
- (b) in paragraph (2)(b), for new paragraphs (3B) to (3D) inserted in regulation 11 of the principal Regulations) (maximum rent) the following paragraph shall be substituted—
 - “(3B) Paragraph (3A) shall not apply in the case of a claimant—
 - (a) to whom regulation 10 of the Housing Benefit (General) Amendment Regulations 1995(7) (saving provision) applies;
 - (b) to whom paragraph 13 of Schedule 2 (severe disability premium) applies; or
 - (c) who has a non-dependant residing with him.”;
- (c) for paragraphs (2)(c) and (2)(d) respectively the following sub-paragraphs shall be substituted—
 - “(c) in paragraph (4)(a) the words from “plus 50 per cent.” to the end of the sub-paragraph shall be omitted;
 - (d) in paragraph (5) the words from “plus 50 per cent.” to the end of the paragraph shall be omitted.”;
- (d) paragraphs (4) and (7) shall be omitted.
- (3) In regulation 4 (savings)—
 - (a) in paragraph (1) after the words “paragraph (2)” there shall be inserted the words “or (2A)”;
 - (b) for paragraph (2) there shall be substituted the following paragraphs—
 - “(2) This paragraph applies to a claimant who was entitled to and in receipt of housing benefit on 5th October 1997, until—
 - (a) the date on which the benefit period, which was current for that claimant on 5th October 1997, ends; or
 - (b) the date on which the claimant occupies a new dwelling as his home on moving from the dwelling he so occupied on 5th October 1997,
 whichever is the earlier.
 - (2A) This paragraph applies to a claimant who makes a further claim for housing benefit under regulation 72(12) to (14) of the principal Regulations, where he has been continuously entitled to and in receipt of housing benefit, in respect of the same dwelling for a period which includes 5th October 1997, which included an addition by virtue of paragraph (4) or (5) of regulation 11 of the principal Regulations as they had effect on 5th October 1997.
 - (2B) “Benefit period” for the purposes of paragraph (2) has the same meaning as in regulation 66 of the principal Regulations.”.

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

8th August 1997

Frank Field
Minister of State,
Department of Social Security

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 ([S.I.1997/852](#)) so as to omit amendments to regulation 11 of the Housing Benefit (General) Regulations 1987 ([S.I.1987/1971](#)) which would have had the effect from 6th October 1997 of further restricting the maximum rent on which housing benefit may be paid in the case of single claimants aged 25 but under 60 and to provide with respect to cases to whom the amending Regulations are not to apply.

These Regulations do not impose a charge on businesses.