
STATUTORY INSTRUMENTS

2001 No. 4022

The Social Security (Loss of Benefit) Regulations 2001

PART V

HOUSING BENEFIT AND COUNCIL TAX BENEFIT

Circumstances where a reduced amount of housing benefit and council tax benefit is payable

17.—(1) Subject to regulation 18, any payment of housing benefit or, as the case may be, council tax benefit which falls to be made to an offender in respect of any week in the disqualification period or to an offender's family member in respect of any week in the relevant period shall be reduced—

- (a) where the claimant or a member of his family is pregnant or seriously ill, by a sum equivalent to 20 per cent.;
- (b) in any other case, by a sum equivalent to 40 per cent.,

of the amount which is or, where he is not the claimant or is not single, would be applicable to the offender in respect of a single claimant for those benefits on the first day of the disqualification period or, where the payment falls to be made to an offender's family member, on the first day of the relevant period and specified in paragraph 1(1) of Schedule 2 to the Housing Benefit Regulations or, as the case may be, in paragraph 1(1) of Schedule 1 to the Council Tax Benefit Regulations.

(2) A reduction under paragraph (1) shall, if it is not a multiple of 5p, be rounded to the nearest such multiple or, if it is a multiple of 2.5p but not of 5p, to the next lower multiple of 5p.

(3) Where the rate of housing benefit or council tax benefit payable to a claimant changes, the rules set out above for a reduction in the benefit payable shall be applied to the new rates and any adjustment to the reduction shall take effect from the beginning of the first benefit week to commence for the claimant following the change and in this paragraph "benefit week" shall have the same meaning as in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Council Tax Benefit Regulations.

Circumstances where housing benefit and council tax benefit is payable

18. Regulation 17 shall not apply and housing benefit or, as the case may be, council tax benefit shall be payable to an offender or to an offender's family member—

- (a) where the offender is the claimant, he is entitled to either of those benefits during the disqualification period;
- (b) where the offender's family member is the claimant, he is entitled to either of those benefits during the relevant period,

and the claimant is, at the same time, also entitled to income support or to an income-based jobseeker's allowance.