

2001 No. 537

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (Extended Payments) Regulations 2001

Made - - - - - 22nd February 2001

Laid before Parliament 2nd March 2001

Coming into force - - 9th April 2001

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 5(1)(a), 6(1)(a), 128A(1), 189(4) and (5) and 191 of the Social Security Administration Act 1992(a), sections 123(1)(d) and (e), 130(4), 131(10), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(b) and sections 34(3), 39(2) and 79(1) and (4) of the Social Security Act 1998(c) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(d) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations need not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Extended Payments) Regulations 2001 and shall come into force on 9th April 2001.

(2) In these Regulations—

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

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(g).

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- (a) 1992 c. 5; section 6(1) was amended to have effect in relation to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraph 12(1); section 128A was inserted by section 28 of the Jobseekers Act 1995 (c. 18); section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
- (b) 1992 c. 4; sections 123 and 137 were amended to have effect in relation to council tax benefit by Schedule 9 to the Local Government Finance Act 1992, paragraphs 1 and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
- (c) 1998 c. 14; section 39(2) applies section 191 of the Social Security Administration Act 1992 to section 34(3).
- (d) See section 176(1) of the Social Security Administration Act 1992.
- (e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992.
- (f) S.I. 1992/1814.
- (g) S.I. 1987/1971.

Common amendments

2. In the definition of “an income-based jobseeker’s allowance” in regulation 2(1) of both the Council Tax Benefit Regulations and the Housing Benefit Regulations(a) (interpretation), for the words “has the same meaning in these Regulations as it has” there shall be substituted the words “and “a joint-claim jobseeker’s allowance” have the same meaning as they have”.

Amendment of regulation 62A of the Housing Benefit Regulations

3.—(1) Regulation 62A of the Housing Benefit Regulations(b) (extended payments) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1)—

- (a) for the words “Subject to paragraph (2)” there shall be substituted the words “Subject to paragraphs (2) and (2A), this paragraph shall apply”;
- (b) at the end of sub-paragraph (a) there shall be added the word “and”;
- (c) sub-paragraph (b) shall be omitted;
- (d) the words from “, then that person’s” to the end of the paragraph shall be omitted.

(3) In paragraph (1A)—

- (a) for the words “Subject to paragraph (2)” there shall be substituted the words “Subject to paragraphs (2) and (2A), this paragraph shall apply”;
- (b) the words “his housing benefit shall be determined in accordance with Part II of Schedule 5A” shall be omitted.

(4) For paragraph (1B) there shall be substituted the following paragraph—

“(1B) A person to whom paragraph (1) or (1A) applies shall be treated as having made a claim under this regulation, his housing benefit shall be determined in accordance with Part II of Schedule 5A and any award so determined shall be referred to in these Regulations as an “extended payment”.”.

(5) After paragraph (2) there shall be inserted the following paragraph—

“(2A) No extended payment shall be payable to a person where, as at the day before the day on which his entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987(c) (persons not treated as engaged in remunerative work) applied to him.”.

(6) In sub-paragraph (a)(ii) of paragraph (5), for the words after “other case” to the end of that head there shall be substituted the words—

- (aa) during the 4 weeks immediately following the end of the relevant benefit period; or
- (bb) until the date on which his liability for rent ends, whichever occurs first; and”.

(7) After paragraph (5) there shall be added the following paragraph—

“(6) In paragraph (1), references to a “person” include references to a person’s partner.”.

Amendment of regulation 72 of the Housing Benefit Regulations

4. At the end of regulation 72(14)(c) of the Housing Benefit Regulations(d) (time and manner in which claims are to be made), there shall be added the words “or has notified the appropriate authority that regulation 6(5) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies to that person”.

(a) The definition of an “income-based jobseeker’s allowance” was inserted by S.I. 1996/1510.

(b) Regulation 62A was inserted by S.I. 1996/194 and amended by S.I. 1999/2556.

(c) S.I. 1987/1967; regulation 6(5) was added by S.I. 2001/488.

(d) Regulation 72(14)(c) was inserted by S.I. 1999/2556.

Amendment of regulation 76 of the Housing Benefit Regulations

5. In regulation 76 of the Housing Benefit Regulations(**a**) (who is to make a determination)—

- (a) in sub-paragraph (a) of paragraph (4)—
 - (i) for the words “has claimed an extended payment within 7 days” there shall be substituted the words “made the notification specified in paragraph 3 of Schedule 5A within 14 days”; and
 - (ii) after the words “(“the appropriate day”)” there shall be inserted the words “and is treated as having claimed an extended payment under regulation 62A(1B)”;
- (b) in paragraph (5) for the words “claimed an extended payment” there shall be substituted the words “met the conditions specified in sub-paragraph (a) of paragraph (4)”.

Amendment of Schedule 5A to the Housing Benefit Regulations

6.—(1) Schedule 5A to the Housing Benefit Regulations(**b**) (extended payments of housing benefit) shall be amended in accordance with the following provisions of this regulation.

- (2) In paragraph 2—
 - (a) in sub-paragraph (a)—
 - (i) after the word “claimant” there shall be inserted the words “or his partner”;
 - (ii) after the word “allowance” there shall be inserted the words “or that the claimant and his partner were entitled to and in receipt of a joint-claim jobseeker’s allowance”;
 - (b) sub-paragraph (c) shall be omitted;
 - (c) in sub-paragraph (e)—
 - (i) the words “in any of, or any combination of, the circumstances set out in sub-paragraph (c)” shall be omitted; and
 - (ii) in head (i) the word “and” where it last appears shall be omitted;
 - (iii) at the end of head (ii) there shall be added the words “and for the purposes of this sub-paragraph, a reference to the claimant being entitled to and in receipt of a jobseeker’s allowance shall include a reference to the claimant and his partner being entitled to and in receipt of a joint-claim jobseeker’s allowance”;
 - (iv) at the end there shall be added the following—
“and
(iv) references to the claimant include references to his partner.”.
- (3) For paragraph 3 there shall be substituted the following paragraph—

“3. The conditions prescribed in this paragraph are that the claimant or the claimant’s partner—

- (a) notifies either the designated office or an appropriate DSS office that he or his partner—
 - (i) has commenced, or is about to commence, remunerative work; or
 - (ii) has commenced, or is about to commence, receiving remuneration for work or an increased amount of remuneration for work,so that entitlement to income support or to an income-based jobseeker’s allowance ceases and that work, or as the case may be, remuneration, is expected to last 5 weeks or more; and
- (b) makes that notification no later than 4 weeks after the day on which the claimant or his partner first undertakes the remunerative work referred to in sub-paragraph (a)(i) or first receives remuneration for the work or an increased amount of remuneration for the work referred to in sub-paragraph (a)(ii).”.

(a) Regulation 76(4) was added by S.I. 1996/194 and amended by S.I. 1996/1510 and 1999/2556. Regulation 76(5) was added by S.I. 1999/2556.

(b) Schedule 5A was inserted by S.I. 1996/194. The relevant amending instruments are S.I. 1996/1510, 1999/2556 and 2000/724.

- (4) In paragraph 4—
 - (a) in sub-paragraph (4), at the beginning there shall be inserted the words “Subject to sub-paragraph (5)”; and
 - (b) after sub-paragraph (4) there shall be added the following sub-paragraph—
 - “(5) No extended payment shall be payable for a week which is a rent free period for the purposes of regulation 70(1).”.
- (5) In paragraph 12(1), the definition of “relevant trainee” shall be omitted.

Amendment of the Housing Benefit (Supply of Information) Regulations 1988

7. In regulation 5 of the Housing Benefit (Supply of Information) Regulations 1988(a) (information to be supplied by an authority to another authority)—

- (a) in paragraph (3)—
 - (i) at the end of sub-paragraph (aa), the word “and” shall be omitted;
 - (ii) after sub-paragraph (aa) there shall be inserted the following sub-paragraph—
 - “(ab) in the case of a person to whom regulation 6(5) of the Income Support (General) Regulations 1987(b) (persons not treated as engaged in remunerative work) applies—
 - (i) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(5) of those Regulations; and
 - (ii) the date on which his entitlement to income support ceased or was expected to cease; and”;
- (b) paragraph (5) shall be omitted.

Amendment of regulation 53A of the Council Tax Benefit Regulations

8.—(1) Regulation 53A of the Council Tax Benefit Regulations(c) (extended payments) shall be amended in accordance with the following provisions of this regulation.

- (2) In paragraph (1)—
 - (a) for the words “Subject to paragraph (2)” there shall be substituted the words “Subject to paragraphs (2) and (2A), this paragraph shall apply”;
 - (b) sub-paragraph (b) shall be omitted;
 - (c) the words from “, then that person’s” to the end of the paragraph shall be omitted.
- (3) In paragraph (1A)—
 - (a) for the words “Subject to paragraph (2)” there shall be substituted the words “Subject to paragraphs (2) and (2A), this paragraph shall apply”;
 - (b) the words “his council tax benefit shall be determined in accordance with Part II of Schedule 5A” shall be omitted.
- (4) For paragraph (1B) there shall be substituted the following paragraph—
 - “(1B) A person to whom paragraph (1) or (1A) applies shall be treated as having made a claim under this regulation, his council tax benefit shall be determined in accordance with Part II of Schedule 5A and any award so determined shall be referred to in these Regulations as an “extended payment”.”.
- (5) After paragraph (2) there shall be inserted the following paragraph—
 - “(2A) No extended payment shall be payable to a person where, as at the day before the day on which his entitlement to income support ceased, regulation 6(5) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applied to him.”.
- (6) In sub-paragraph (a)(ii) of paragraph (5), for the words after “other case” to the end of that head there shall be substituted the words—
 - “(aa) during the 4 weeks immediately following the end of the relevant benefit period; or

(a) S.I. 1988/662; regulation 5 was added by S.I. 1996/194; paragraph (3)(aa) was inserted by S.I. 1999/2556.

(b) S.I. 1987/1967; regulation 6(5) was added by S.I. 2001/488.

(c) Regulation 53A was inserted by S.I. 1996/194 and amended by S.I.1999/2556.

(bb) until the date on which his liability for council tax ends, whichever occurs first; and”.

(7) After paragraph (5) there shall be added the following paragraph—

“(6) In paragraph (1), references to a “person” includes references to a person’s partner.”.

Amendment of regulation 62 of the Council Tax Benefit Regulations

9. At the end of regulation 62(15)(c) of the Council Tax Benefit Regulations(a) (time and manner in which claims are to be made), there shall be added the words “or has notified the appropriate authority that regulation 6(5) of Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies to that person”.

Amendment of regulation 66 of the Council Tax Benefit Regulations

10. In regulation 66 of the Council Tax Benefit Regulations(b) (who is to make a determination)—

(a) in sub-paragraph (a) of paragraph (4)—

(i) for the words “has claimed an extended payment within 7 days” there shall be substituted the words “made the notification specified in paragraph 3 of Schedule 5A within 14 days”; and

(ii) after the words “(“the appropriate day”)” there shall be inserted the words “and is treated as having claimed an extended payment under regulation 53A(1B)”;

(b) in paragraph (5), for the words “claimed an extended payment” there shall be substituted the words “meeting the conditions specified in sub-paragraph (a) of paragraph (4)”.

Amendment of regulation 95 of the Council Tax Benefit Regulations

11. In regulation 95 of the Council Tax Benefit Regulations(c) (information to be supplied by an authority to another authority)—

(a) in paragraph (3)—

(i) at the end of sub-paragraph (aa), the word “and” shall be omitted;

(ii) after sub-paragraph (aa) there shall be inserted the following sub-paragraph—

“(ab) in the case of a person to whom regulation 6(5) of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies—

(i) the date on which he was first engaged in the work referred to in sub-paragraph (a) of regulation 6(5) of those Regulations; and

(ii) the date on which his entitlement to income support ceased or was expected to cease; and”;

(b) paragraph (5) shall be omitted.

Amendment of Schedule 5A to the Council Tax Benefit Regulations

12.—(1) Schedule 5A to the Council Tax Benefit Regulations(d) (extended payments of council tax benefit) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 2—

(a) in sub-paragraph (a)—

(i) after the word “claimant” there shall be inserted the words “or his partner”;

(a) Regulation 62(15A) was inserted by S.I. 1999/2556.

(b) Regulation 66(4) was added by S.I. 1996/194 and amended by S.I. 1996/1510 and 1999/2556. Regulation 66(5) was added by S.I. 1999/2556.

(c) Regulation 95(3)(aa) was inserted by S.I. 1999/2556.

(d) Schedule 5A was inserted by S.I. 1996/194. The relevant amending instruments are S.I. 1996/1510, 1999/2556 and 2000/724.

- (ii) after the word “allowance” there shall be inserted the words “or that the claimant and his partner were entitled to and in receipt of a joint-claim jobseeker’s allowance”;
 - (b) sub-paragraph (c) shall be omitted; and
 - (c) in sub-paragraph (e)—
 - (i) the words “in any of, or any combination of, the circumstances set out in sub-paragraph (c)” shall be omitted; and
 - (ii) in head (i) the word “and” where it last appears shall be omitted;
 - (iii) at the end of head (ii) there shall be added the words “and for the purposes of this sub-paragraph, a reference to the claimant being entitled to and in receipt of a jobseeker’s allowance shall include a reference to the claimant and his partner being entitled to and in receipt of a joint-claim jobseeker’s allowance”;
 - (iv) at the end there shall be added the following—
 - “and
 - (iv) references to the claimant include references to his partner.”.
- (3) For paragraph 3 there shall be substituted the following paragraph—
- “3.** The conditions prescribed in this paragraph are that the claimant or the claimant’s partner—
- (a) notifies either the designated office or an appropriate social security office that he or his partner—
 - (i) has commenced, or is about to commence, remunerative work; or
 - (ii) has commenced, or is about to commence, receiving remuneration for work or an increased amount of remuneration for work,
 so that entitlement to income support or to an income-based jobseeker’s allowance ceases and that work, or as the case may be, remuneration, is expected to last 5 weeks or more; and
 - (b) makes that notification no later than 4 weeks after the day on which the claimant or his partner first undertakes the remunerative work referred to in sub-paragraph (a)(i) or first receives remuneration for the work or an increased amount of remuneration for the work referred to in sub-paragraph (a)(ii).”.
- (4) In paragraph 8(1), the definition of “relevant trainee” shall be omitted.

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

22nd February 2001

P. Hollis
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

In particular, regulations 3 to 6 (in relation to housing benefit) and 8 to 10 and 12 (in relation to council tax benefit) make changes to the rules relating to entitlement to, and claims for, extended payments of those benefits and also provide (in regulations 3(5) and 8(5)) that extended payments of those benefits shall not be payable to a person who is entitled to income support by virtue of regulation 6(5) of the Income Support (General) Regulations 1987 (S.I. 1987/1967). Those provisions also make consequential and minor technical amendments.

Regulations 7 and 11 amend the provisions relating to the exchange of certain information by authorities in connection with the making of extended payments.

Regulation 2 makes a consequential amendment to the definition of “income-based jobseeker’s allowance”.

These Regulations do not impose a charge on businesses.

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