

**2003 No. 1338**

**SOCIAL SECURITY**

**The Housing Benefit and Council Tax Benefit (State  
Pension Credit) (Abolition of Benefit Periods)  
Amendment Regulations 2003**

*Made* - - - - - *21st May 2003*  
*Laid before Parliament* *27th May 2003*  
*Coming into force*  
*for the purposes of Parts 1 and 3* *16th June 2003*  
*for all other purposes* *6th October 2003*

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HOUSING BENEFIT AND COUNCIL TAX BENEFIT (STATE PENSION CREDIT)  
(ABOLITION OF BENEFIT PERIODS) AMENDMENT REGULATIONS 2003

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## SCHEDULE

## Provisions Conferring Powers Exercised in making these Regulations

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by the provisions specified in the Schedule to these Regulations and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned<sup>(a)</sup>, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it<sup>(b)</sup>, hereby makes the following Regulations:

## PART 1

*General***Citation, commencement and interpretation**

- 1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax

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(a) See section 176(1)(b) of the Social Security Administration Act 1992.

(b) See section 173(1)(b) of the Social Security Administration Act 1992.

Benefit (State Pension Credit) (Abolition of Benefit Periods) Amendment Regulations 2003 and shall come into force—

- (a) for the purposes of Parts 1 and 3, on 16th June 2003; and
- (b) for all other purposes on 6th October 2003 immediately after the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003(a).

(2) In these Regulations—

“the Act” means the Child Support, Pensions and Social Security Act 2000(b);  
“appropriate relevant authority” has the same meaning as in paragraph 4 of Schedule 7 to the Act;

“benefit period” has the same meaning as in regulation 66 of the Housing Benefit Regulations and regulation 57 of the Council Tax Benefit Regulations as in force immediately before 6th October 2003;

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

“Housing Act functions” has the same meaning as in section 136(1) of the Social Security Administration Act 1992(d);

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

“the qualifying age for state pension credit” means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002(f))—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man; and

“state pension credit” means state pension credit under the State Pension Credit Act 2002.

## PART 2

### *Amendment of Housing Benefit Regulations and Council Tax Benefit Regulations*

#### **Housing Benefit Regulations and Council Tax Benefit Regulations**

2.—(1) The Housing Benefit Regulations and Council Tax Benefit Regulations shall have effect, except where paragraph (2) applies, in relation to any person who has attained the qualifying age for state pension credit, subject to the modifications or amendments set out in this Part of these Regulations.

(2) This paragraph applies where the claimant or, if the claimant has a partner, his partner, is a person on income support or on an income-based jobseeker’s allowance within the meaning of the Housing Benefit Regulations(g) or the Council Tax Benefit Regulations(h), as the case may be.

[Regulation 3 amends regulation 62B of S.I. 1987/1971 and regulation 53B of S.I. 1992/1814.]

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(a) S.I. 2003/325.

(b) 2000 c. 19.

(c) S.I. 1992/1814.

(d) 1992 c. 5.

(e) S.I. 1987/1971.

(f) 2002 c. 16.

(g) See regulation 2(1) and (3A); paragraph (3A) was inserted by S.I. 1996/1510.

(h) See regulation 2(1) and (3A); paragraph (3A) was inserted by S.I. 1996/1510.

PART 3

*Transitory Provisions*

<sup>1</sup>Parts 3, 4 (apart from reg. 7 & 13 (1)(a) & (2)) & 5 omitted by reg. 33 of S.I. 2004/14 as from 5.4.04



PART 4

*Consequential and Transitional Provisions*

**Application of this Part**

7.—(1) This Part shall have effect, except where paragraph (2) applies, in relation to a person who has attained the qualifying age for state pension credit.

(2) This paragraph applies where the claimant or, if the claimant has a partner, his partner, is a person on income support or on an income-based jobseeker's allowance within the meaning of the Housing Benefit Regulations or, as the case may be, the Council Tax Benefit Regulations.



Signed by authority of the Secretary of State for Work and Pensions.

21st May 2003

*Malcolm Wicks*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

SCHEDULE

PROVISIONS CONFERRING POWERS EXERCISED IN MAK-  
 ING THESE REGULATIONS

<i>Column (1)</i> Short title	<i>Column (2)</i> Provision	<i>Column (3)</i> Relevant amendments
Social Security Contributions and Benefits Act( <b>a</b> )	Section 123(1)(d) and (e)	Local Government Finance Act 1992( <b>b</b> ), Schedule 9, paragraph 1(1)
	Section 130(2) and (4)	Local Government Finance Act 1992, Schedule 9, paragraph 3
	Section 131(10) Section 136A	State Pension Credit Act 2002( <b>c</b> ), Schedule 2, paragraph 3
	Section 137(1) and (2)(i) Section 175(3) and (4)	Social Security (Incapacity for Work) Act 1994( <b>d</b> ), sections 4(11), 7(4) and 12(3)
		Section 175 (3) and (4) is applied to the provisions of the State Pension Credit Act 2002 by section 19(1) of that Act
Social Security Administration Act 1992( <b>e</b> )	Section 5(1)(a), (d), (e), (i), (j) and (k)	Social Security Act 1998( <b>f</b> ), Schedule 7, paragraph 79(1)
	Section 6(1)(a), (d), (e), (i), (k) and (l)	Local Government Finance Act 1992, Schedule 9, paragraph 12(1)(a) and (b) and Schedule 14

(a) 1992 c. 4.  
 (b) 1992 c. 14.  
 (c) 2002 c. 16.  
 (d) 1994 c. 18.  
 (e) 1992 c. 5.  
 (f) 1998 c. 14.

**HOUSING BENEFIT AND COUNCIL TAX BENEFIT (STATE PENSION CREDIT)  
(ABOLITION OF BENEFIT PERIODS) AMENDMENT REGULATIONS 2003**

<i>Column (1) Short title</i>	<i>Column (2) Provision</i>	<i>Column (3) Relevant amendments</i>
	Section 75(2) and (4) Section 76(1) and (2)	Local Government Finance Act 1992, Schedule 9, paragraphs 15(2) and Schedule 14 Jobseekers Act 1995(a), section 28(2)
	Section 128A	Social Security Act 1998, Schedule 7, paragraph 109
Housing Act 1996(b) Social Security Act 1998	Section 122 (3),(5) and (6) Section 34(1) and (2) Section 79(4), (6) and (7)(c) Section 84	
Child Support, Pensions and Social Security Act 2000(d)	Schedule 7, paragraph 4(4) and (6) Schedule 7, paragraph 23(1)	

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (“the Housing Benefit Regulations”), the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/814) (“the Council Tax Benefit Regulations”), the Housing Benefit (General) Amendment Regulations 1995 (S.I. 1995/1644), the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 (S.I. 1997/852) and the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (S.I. 2001/1002).

These Regulations abolish benefit periods in housing benefit and council tax benefit for those who have attained the qualifying age for state pension credit. In the case of a woman, that age is pensionable age and in the case of a man it is the age which is pensionable for a woman born on the same day as a man (section 1(6) of the State Pension Credit Act 2002).

Part 2 (regulations 2 and 3) contains amendments to the Housing Benefit Regulations and Council Tax Benefit Regulations. Regulation 3 amends regulation 62B of the Housing Benefit Regulations and regulation 53B of the Council Tax Benefit Regulations (continuing payments where state pension credit claimed) to make provision for the date a continuing payment will end in specified circumstances.

(a) 1995 c. 18.

(b) 1996 c. 52.

(c) See: para 20(3) of Sch 7 to the Child Support, Pensions & Social Security Act 2000.

(d) 200 c. 19.

Part 3 (regulations 4 to 6) contains provisions for a transitory scheme. Regulation 4 provides that claimants who have attained the qualifying age for state pension credit on or before 6th October 2003 and whose benefit period is due to end between 16th June and 5th October 2003 may have their housing benefit decision or council tax benefit decision superseded, and where the appropriate relevant authority considers that it is appropriate to supersede, the effective date of the supersession is the day immediately following the day on which the benefit period would have expired had it not been superseded. Regulation 5 extends the maximum length of a benefit period where regulation 4(1) applies. Regulation 6 makes provision for an appropriate relevant authority to apply to a rent officer for a determination.

Part 4 (regulations 7 to 21) contains consequential and transitional provisions. Regulations 8 to 10 and regulations 14 to 18 amend provisions in the Housing Benefit Regulations and the Council Tax Benefit Regulations, omitting references to benefit periods and making consequential changes. Regulation 11 amends regulation 12A of the Housing Benefit Regulations to prescribe a further circumstance in which a relevant authority must apply to a rent officer for a determination. Regulation 12 amends the provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations relating to extended payments to make provision for a claimant who attains the qualifying age for state pension credit during the period of an extended payment. Regulation 13 amends regulation 68 of the Housing Benefit Regulations to specify the date a change of circumstances will take effect where entitlement to housing benefit ends and makes a minor amendment to regulation 59 of the Council Tax Benefit Regulations to reflect the modifications made by the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325). Regulation 19 contains minor amendments. Regulation 20 contains transitional provisions for renewal claims for housing benefit and council tax benefit. Regulation 21 contains transitional provisions for rent officer referrals.

Part 5 (regulations 22 to 24) amends other Regulations. Regulation 22 amends regulation 10 of the Housing Benefit (General) Amendment Regulations 1995, substituting references to benefit periods to awards of housing benefit for those who have attained the qualifying age for state pension credit. Regulation 23 amends regulation 4 of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 to retain transitional protection for those who have attained the qualifying age for state pension credit. Regulation 24 amends regulation 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations to provide a new effective date of the day following the last day of the 52 week period referred to in regulation 12A(1)(d) or (e) for cases where a decision is superseded for a change of circumstances and that change is brought about because a Rent Officer's determination applied for by a relevant authority is adopted in the decision.

These Regulations do not impose a charge on business.

