
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend instruments which make provision concerning housing benefit and council tax benefit under Part VII of the Social Security Contributions and Benefits Act 1992, in connection with the introduction of state pension credit under the State Pension Credit Act 2002 on 6th October 2003.

Regulation 2 amends the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (“the 2003 Regulations”) which make provision as respects entitlement to housing benefit and council tax benefit in relation to persons who have attained the qualifying age for state pension credit. (Many of the amendments are made in consequence of amendments made to the State Pension Credit Regulations 2002 (S.I. 2002/1792) by the State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274).) Amendments are made in particular in relation to the treatment of persons as being, or not being, in remunerative work; the determination of the applicable amount in the case of a person who is a lone parent; the determination of the disabled child premium in a case where the child has recently died; the treatment as income of amounts received by the claimant from sub-letting; for statutory paternity pay and statutory adoption pay to be treated in the same way as statutory maternity pay in the calculation of child care charges; to make further provision in connection with deductions to be made in relation to non-dependants living in the household; and to provide for the date on which changes of circumstances are to have effect. Changes are also made in the provision in the First Schedule set out in Schedule 2 to the 2003 Regulations for specified categories of earnings to be disregarded (in particular in relation to couples where one partner is in a specified occupation); in the Second Schedule set out in that Schedule 2 for other income to be disregarded (in particular specified payments to war widows and war widowers); and in the Third Schedule set out in that Schedule 2 for capital to be disregarded (in particular in relation to compensation payments received in respect of the non-payment of certain benefits). Regulation 2 also makes minor and technical amendments in the 2003 Regulations.

Regulations 3 and 4 amend, respectively, the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 in connection with the treatment of persons on state pension credit as being, or not being, in remunerative work for certain specified purposes.

Regulation 5 amends the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 to make further provision in relation to the revision, and further revision, of decisions awarding housing benefit or council tax benefit which are affected by a change in a person’s entitlement to another benefit, and for the supersession of such decisions, including provision for the date on which the superseding decision is to take effect.

These Regulations do not impose a charge on business.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003.