
STATUTORY INSTRUMENTS

2003 No. 2399

SOCIAL SECURITY

The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003

Made - - - - 18th September 2003

Laid before Parliament 24th September 2003

Coming into force in accordance with regulation 1(1)

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(d), 130(2) and (4), 137(1) and (2)(j) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992 ^{M1}, sections 5(1)(k) and (p) and (6), 189(7) and 191 of the Social Security Administration Act 1992 ^{M2}, section 122 (3) and (5) of the Housing Act 1996 ^{M3}, and paragraphs 3(1), 4(4) and (6), 20(1)(b), (2) and (3) and 23(1) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000 ^{M4}, and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee ^{M5} and after consultation with organisations appearing to him to be representative of the authorities concerned ^{M6}, hereby makes the following Regulations:

Marginal Citations

- M1** 1992 c. 4; section 137(1) is cited because of the meaning ascribed to the word “prescribed”.
- M2** 1992 c. 5; section 5(6) was inserted by section 120(1) of the [Housing Act 1996 \(c. 52\)](#); section 130(2) has been amended by paragraph 3 of Schedule 9 to the [Local Government Finance Act 1992 \(c. 14\)](#) and paragraph 174(4) of Schedule 13 to the [Local Government etc. \(Scotland\) Act 1994 \(c. 39\)](#); section 189(7) was amended by paragraph 24 of Schedule 9 to the [Local Government Finance Act 1992](#) and paragraph 10 of Schedule 1 to the [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#); section 191 is cited for the meaning of “prescribe”.
- M3** 1996 c. 52.
- M4** 2000 c. 19; paragraph 23(1) of Schedule 7 is cited for the meaning of “prescribed”.
- M5** See section 172(1) of the [Social Security Administration Act 1992](#).
- M6** See section 176(1) of the [Social Security Administration Act 1992](#).

Citation, commencement and interpretation **E+W+S**

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 and shall come into force in relation to the area of a

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003. (See end of Document for details)

relevant authority specified in Schedule 1 to these Regulations, and in relation to that relevant authority, on the date specified in that Schedule in relation to that relevant authority.

F1(2)

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Textual Amendments

F1 Reg. 1(2) revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

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Commencement Information

I1 Reg. 1 coming into force in accordance with {reg. 1(1)}

Amendment of regulation 2 of the principal Regulations **E+W+S**

F2.

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Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of regulation 8 of the principal Regulations **E+W+S**

F23.

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Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Insertion of regulation 8A into the principal Regulations **E+W+S**

F24.

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Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of regulation 10 of the principal Regulations **E+W+S**

F25.

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Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Insertion of regulations 11A and 11B into the principal Regulations **E+W+S**

F26.

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of regulation 12A of the principal Regulations **E+W+S**

F27.

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of regulation 12B of the principal Regulations **E+W+S**

F28.

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of regulation 12C of the principal Regulations **E+W+S**

F29.

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of regulation 12CA of the principal Regulations **E+W+S**

F210.

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Insertion of regulation 12E into the principal Regulations **E+W+S**

F211.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003. (See end of Document for details)

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of regulations 93 and 94 of the principal Regulations **E+W+S**

^{F2}**12.**

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Insertion of Schedule 8 into the principal Regulations **E+W+S**

^{F2}**13.**

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

State Pension Credit **E+W+S**

^{F2}**14.**

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of the Housing Benefit (General) Amendment Regulations 1995 **E+W+S**

^{F2}**15.**

Textual Amendments

F2 Regs. 2-15 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 **E+W+S**

16.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 ^{M7} shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (3) of regulation 4 and paragraph (2)(c) of regulation 7 after the words “adopts a rent officer’s determination” insert “, board and attendance determination, broad rental market area determination or local housing allowance determination”.

(3) In paragraph (3) of regulation 4, paragraph (2)(c) of regulation 7 and paragraph (6) of regulation 8 for the words “or substitute redetermination” substitute “ substitute redetermination, board and attendance redetermination, substitute board and attendance determination, substitute board and attendance redetermination, amended broad rental market area determination or amended local housing allowance determination”.

(4) After paragraph (2A) of regulation 7 insert the following paragraphs—

“(2B) The appropriate relevant authority may make a decision under paragraph 4 of Schedule 7 to the Act upon its own initiative on the basis that the decision to be superseded is a decision in respect of which the maximum housing benefit would cease to have effect by virtue of regulation 8A of the Housing Benefit Regulations, but for the decision made in accordance with this regulation.

(2C) For the purposes of paragraph (2B) and paragraph (15) of regulation 8 “maximum housing benefit” means the maximum housing benefit determined in accordance with regulations made under section 130(4) of the Social Security Contributions and Benefits Act 1992.”.

(5) After paragraph (14) of regulation 8 insert the following paragraph—

“(15) A decision to which regulation 7(2B) applies shall take effect from the day immediately following the day on which the maximum housing benefit would have ceased to have effect by virtue of regulation 8A of the Housing Benefit Regulations, but for the decision made in accordance with regulation 7(2B).”.

Commencement Information

I2 Reg. 16 coming into force in accordance with {reg. 1(1)}

Marginal Citations

M7 [S.I. 2001/1002](#). Relevant amending instruments are [S.I. 2002/490](#) and 1379 and 2003/1050, 1338 and 2275.

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

18th September 2003

Chris Pond
Parliamentary Under-Secretary of State,
Department for Work and Pensions

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003. (See end of Document for details)

F3 SCHEDULE 1 E+W+S

Regulation 1

Textual Amendments

F3 Schs. 1, 2 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Schs. 3, Sch. 4)

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F3 SCHEDULE 2 E+W+S

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (“the Regulations”), the Housing Benefit (General) Amendment Regulations 1995 and the Housing Benefit (Decisions and Appeals) Regulations 2001 and provide for new arrangements for determining eligible housing costs for the purposes of claims for housing benefit made by persons living in the areas of certain local authorities (“pathfinder authorities”).

Regulation 2 inserts new definitions in regulation 2 of the Regulations.

Regulation 3 amends regulation 8 of the Regulations to provide for the calculation of maximum housing benefit in cases where the eligible rent has been determined in accordance with regulations 10 and 11A.

Regulation 4 inserts regulation 8A which provides for the maximum housing benefit to expire where it has not been updated.

Regulation 5 amends regulation 10 of the Regulations to provide for the determination and application of an eligible rent where a pathfinder authority has been required to determine a maximum rent (standard local rate) by virtue of regulation 11A.

Regulation 6 inserts regulations 11A and 11B. Regulation 11A provides for the circumstances in which a pathfinder authority must determine a maximum rent (standard local rate), the way it is to be determined, and for the treatment of any amount by which the maximum rent (standard local rate) exceeds the rent which the claimant is liable to pay. Regulation 11B makes provision for pathfinder authorities to publicise the new arrangements.

Regulation 7 inserts paragraph (2B) in regulation 12A of the Regulations which provides that cases to which the new arrangements apply do not need to be referred to the rent officer. The same applies to requests for pre-tenancy determinations where the case would be subject to the new arrangements were a claim to be made. Where rent under the tenancy is attributable to board and attendance, there is no provision for a pre-tenancy determination to be made.

Regulation 8 amends regulation 12B of the Regulations to provide for pathfinder authorities to apply to the rent officer for board and attendance redeterminations where part of the rent is attributable to board and attendance.

Regulation 9 amends regulation 12C of the Regulations to provide for pathfinder authorities to apply for substitute board and attendance determinations or redeterminations where the rent officer has notified them that he has made an error, and regulation 10 amends regulation 12CA of the Regulations to exclude broad market rental area and local housing allowance determinations from the provisions of regulation 12C of the Regulations.

Regulation 11 inserts regulation 12E which makes provision for cases where decisions are revised as a result of amended broad market rental area or local housing allowance determinations being made by the rent officer.

Regulation 12 amends regulations 93 and 94 of the Regulations to make provision for the circumstances in which local authorities may pay a person’s housing benefit direct to his landlord in cases to which the new arrangements apply.

Regulation 13 inserts Schedule 8 which specifies the local authorities which are pathfinder authorities.

Regulation 14 makes modifications and amendments to the Regulations in the case of persons who have reached the qualifying age for state pension credit.

Regulation 15 amends the Housing Benefit (General) Amendment Regulations 1995 to provide for the circumstances in which transitional provision under those Regulations will cease to have effect in cases to which the new arrangements for determining eligible rent apply.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003. (See end of Document for details)

Regulation 16 makes consequential amendments to the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001.

The Report of the Social Security Advisory Committee dated 8th July 2003 on the proposals referred to them in these Regulations, together with a statement showing the extent to which these Regulations give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in the Command paper Cm. 5955, published by the Stationery Office Limited.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003.