

2004 No. 14

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit (Abolition of
Benefit Periods) Amendment Regulations 2004**

ISBN 0-11-048424-X

CORRECTIONS

Page 4 Regulation 5(a)(iii). Inserted text (e) should read as follows:

- “(e) 52 weeks have elapsed since—
- (i) an application was made under sub-paragraph (d) above; or
 - (ii) an application was made under this sub-paragraph,
- whichever last occurred.”; and

Page 7 Regulation 11(1). Inserted text **62A.** (6)(a) (ii) and the words which follow it should read as follows:

- “(ii) until the date on which his liability for rent ends,
whichever occurs first; and”

Page 7 Regulation 11(1). Inserted text **62A.** (8)(c); “(9)(a)” should read as follows:

- “(a) during the period beginning on the day immediately following the last day of his entitlement to housing benefit and ending on the last day of the benefit week which includes the day—
- (i) which is 4 weeks after the day on which that person was first engaged in the work referred to in regulation 6(2)(a) of those Regulations; or
 - (ii) on which that person’s liability for rent ends,
- whichever occurs first; and”

Page 8 Regulation 11(2). Inserted text **53A.** 6(a) should read as follows:

- “(a) the beneficiary shall be treated for the purposes of these Regulations as though he were entitled to and in receipt of council tax benefit—
- (i) during the 4 weeks immediately following the last day of his entitlement to council tax benefit; or
 - (ii) until the date on which his liability for council tax ends,
- whichever occurs first; and”

Page 9 Regulation 11(2). Inserted text **53A.** (8)(c) “(9)(a)” should read as follows:

- “(a) during the period beginning on the day immediately following the last day of his entitlement to council tax benefit and ending on the last day of the benefit week which includes the day—
- (i) which is 4 weeks after the day on which that person was first engaged in the work referred to in regulation 6(2)(a) of those Regulations; or
 - (ii) on which that person’s liability for council tax ends,
- whichever occurs first; and”

Pages 23 and 24, Explanatory Note; replace the existing Explanatory Note with the attached text.

September 2004

PRINTED IN THE UNITED KINGDOM BY THE STATIONERY OFFICE LIMITED
under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office
and Queen’s Printer of Acts of Parliament

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”) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) (“the Council Tax Benefit Regulations”), the Housing Benefit (Supply of Information) Regulations 1988 (S.I. 1988/662), 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), the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (S.I. 2001/1002), the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325), the Housing Benefit and Council Tax Benefit (State Pension Credit) (Abolition of Benefit Periods) Amendment Regulations 2003 (S.I. 2003/1338) and the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589).

These Regulations abolish benefit periods in housing benefit and council tax benefit for all cases. Periodic renewal claims will no longer be required. (Benefit periods have already been abolished for those who have attained the qualifying age for state pension credit).

Part 2 (regulations 2 to 25) contains amendments to the Housing Benefit Regulations and Council Tax Benefit Regulations. Regulations 2 to 4, 6 to 10, 15 to 22 and 24 and 25 amend provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations, omitting references to benefit periods and making consequential changes. Regulation 5 amends regulation 12A of the Housing Benefit Regulations to prescribe further circumstances in which a relevant authority must apply to a rent officer for a determination. Regulation 11 amends the provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations relating to extended payments. Regulation 12 inserts new provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations making provision for a circumstance in which entitlement to benefit ceases. Regulation 13 revokes provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations that relate to the setting and ending of benefit periods. Regulation 14 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. Regulation 23 amends Schedule 5A to the Housing Benefit Regulations and Schedule 5A to the Council Tax Benefit Regulations consequential upon the changes made by regulation 11 to the extended payment provisions. Regulations 11, 12, 17, 19 and 23 also make amendments consequent on the revocation of the run-on of income support for lone parents (“the lone parent run-on”) from 25th October 2004. Subject to modifications resulting from the abolition of benefit periods, these amendments, and the amendment to regulation 29, make equivalent provision to the amendments made by regulations 3, 4 and 7 of the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 due to come into force on 25th October 2004. Regulations 3, 4 and 7 remove the special rules for housing benefit and council tax benefit extended payments for lone parents due to the revocation of the lone parent run-on and are revoked by regulation 35 of these Regulations.

Part 3 (regulations 26 to 28) contains transitional and saving provisions. Regulation 26 contains transitional provisions for renewal claims for housing benefit and council tax benefit. Regulation 27 contains transitional provisions for rent officer referrals. Regulation 28 saves regulation 62A of, and Schedule 5A to the Housing Benefit Regulations and regulation 53A of, and Schedule 5A to the Council Tax Benefit Regulations for claimants who are treated as having claimed an extended payment or are in receipt of an extended payment on the date that these Regulations come into force.

Part 4 (regulations 29 to 35) amends other Regulations. Regulation 29 amends provisions in the Housing Benefit (Supply of Information) Regulations 1988, relating to the supply, by one authority to another, of information relating to extended payments, consequential upon the abolition of benefit periods and the lone parent run-on. Regulation 30 amends the savings

provision in regulation 10 of the Housing Benefit (General) Amendment Regulations 1995, substituting for references to benefit periods references to awards of housing benefit. Regulation 31 amends regulation 4 of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 making changes consequential upon the abolition of benefit periods to retain transitional protection. Regulation 32 revokes regulations 9(b) and 18(b) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 which disapplied provisions relating to the setting and ending of benefit periods which are revoked by these Regulations. Regulation 33 revokes Parts 3, 4 and 5 (with listed exceptions which apply only to state pension credit cases) of the Housing Benefit and Council Tax Benefit (State Pension Credit) (Abolition of Benefit Periods) Amendment Regulations 2003. Regulation 34 amends regulations 7 and 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 to provide new effective dates 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 pursuant to regulation 12A(1)(d) or (e) is adopted in the decision. Regulation 35 revokes regulations 3, 4 and 7 of the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003.

Part 5 (regulation 36) revokes regulation 14 of the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 which made modifications and amendments in relation to relevant dates for persons living in the area of a relevant authority specified in Schedule 1 to the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 who had reached the qualifying age for state pension credit. It also amends the Housing Benefit Regulations to make such modifications and amendments for all cases to which the new arrangements apply for determining eligible housing costs for the purposes of claims to housing benefit made by persons living in those areas.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.