

**2004 No.2984**

**SOCIAL SECURITY**

**The Housing Benefit (General) (Amendment) Regulations 2004**

*Made* - - - - *14th November 2004*

*Laid before Parliament* *18th November 2004*

*Coming into force* - - *9th December 2004*

The Secretary of State for Work and Pensions, in exercise of the powers conferred by sections 123(1)(d), 130(4), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a) and section 122(3) and (5) of the Housing Act 1996(b) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(c), and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Housing Benefit (General) (Amendment) Regulations 2004, and shall come into force on 9th December 2004.

**Amendment of Regulations**

2. In paragraph 11A of Schedule 1A to the Housing Benefit (General) Regulations 1987 (excluded tenancies - property acquired by social landlords)(e)—

- (a) in sub-paragraph (1)(a) after “the Housing Act 1985” there shall be added “or section 12 of the Housing (Scotland) Act 1987”(f);
- (b) in sub-paragraph (1)(b) after “the Housing Act 1985” there shall be added “or section 12 of the Housing (Scotland) Act 1987”; and
- (c) in sub-paragraph (1)(c) after “Part III of that Act” there shall be added “or in respect of which the house has been acquired under the right conferred by Part III of the Housing (Scotland) Act 1988”(g).
- (d) in sub-paragraph (1)(d) after “disposal under those Regulations” there is added “or in respect of a dwelling disposed of pursuant to powers contained in the New Towns (Scotland) Act 1968(h) to a housing association”.

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(a) 1992 c.4. Section 137(1) is cited for the meaning of “prescribed”. Section 175(1) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), schedule 3, paragraph 29.

(b) 1996 c.52.

(c) See section 176(1)(a) of the Social Security Administration Act 1992 (c.5).

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

(e) S.I. 1987/1971. Schedule 1A was inserted by S.I. 1990/546. Relevant amending instruments are S.I. 1992/432 (which inserted paragraph 11A), S.I. 1997/852 (which substituted heads (i) and (ii) in sub-paragraph (2)(b) of paragraph 11A) and S.I. 2002/2322 (which inserted sub-paragraph (3)).

(f) 1987 c.26.

(g) 1988 c.43.

(h) 1968 c.16. Relevant amendments are contained in the Enterprise and New Towns (Scotland) Act 1990 (c.35) section 33.

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

14th November 2004

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

### **EXPLANATORY NOTE**

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

These Regulations further amend the Housing Benefit (General) Regulations 1987 ("the 1987 Regulations") which provide for a scheme whereby housing benefit is payable to persons who are liable to make certain payments in respect of a dwelling occupied as their home.

Paragraph 11A of Schedule 1A to the 1987 Regulations is amended to include relevant Scottish references. This will provide that tenancies of properties transferred from a Scottish Local Authority or a New Town Development Corporation in Scotland to a housing association in Scotland, will benefit from provisions in the 1987 Regulations that exempt certain tenancies from the requirement that they be referred to the rent officer.

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

**£3.00**

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under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E1514 11/2004 141514T 19585

ISBN 0-11-050201-9



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