
STATUTORY INSTRUMENTS

2005 No. 238

SOCIAL SECURITY

The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2005

Made - - - - *7th February 2005*
Laid before Parliament *14th February 2005*
Coming into force in accordance with regulation 1(2)
and (3)

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(1), sections 5(1)(k) and (p) and (6), 189(1), (4) and (7) and 191 of the Social Security Administration Act 1992(2), section 122(3) and (5) of the Housing Act 1996(3), 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(4) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(5), and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(6), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2005.

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- (1) 1992 c. 4; section 130(2) has been amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraph 174(4) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39) and section 96 of the Local Government Act 2000 (c. 22); section 137(1) is cited because of the meaning ascribed to the word “prescribed”; section 175(1) and (4) was amended by paragraph 29(2) and (4) respectively of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), section 175(5) was amended by paragraph 36 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18) and section 175(6) was amended by paragraph 10 of Schedule 9 to the Local Government Finance Act 1992.
- (2) 1992 c. 5; section 5(6) was inserted by section 120(1) of the Housing Act 1996 (c. 52); section 189(1) was amended by paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 and Schedule 6 to the Tax Credits Act 2002 (c. 21), section 189(1) and (4) was amended by paragraph 109 of schedule 7 to the Social Security Act 1998 (c. 14) and 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”.
- (3) 1996 c. 52.
- (4) 2000 c. 19; paragraph 23(1) of Schedule 7 is cited for the meaning of “prescribed”.
- (5) See section 176(1)(a) of the Social Security Administration Act 1992.
- (6) See section 173(1)(b) of the Social Security Administration Act 1992.

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- (2) This regulation and regulation 2 shall come into force on 13th March 2005.
- (3) Regulation 3 shall come into force—
- (a) in relation to the area of a relevant authority specified in the Schedule to these Regulations; and
 - (b) in relation to that relevant authority,
- on the date specified in that Schedule in relation to that relevant authority.
- (4) In these Regulations—
- (a) “the 2003 Regulations” means the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003(7);
 - (b) “the principal Regulations” means the Housing Benefit (General) Regulations 1987(8); and
 - (c) “relevant authority” has the meaning specified in regulation 2(1) of the principal Regulations.

Amendment of Schedule 8 of the principal Regulations

2. In the list of pathfinder authorities and commencement dates specified in Part I of Schedule 8 to the principal Regulations (commencement date in relation to each pathfinder authority), insert at the appropriate places in alphabetical order the following entries—

Argyll and Bute	30th May 2005
East Riding of Yorkshire	18th April 2005
Guildford	4th July 2005
Norwich	13th June 2005
Pembrokeshire	20th June 2005
St Helens	23rd May 2005
Salford	25th July 2005
South Norfolk	6th June 2005
Wandsworth	11th April 2005.

Additional pathfinder authorities

3. The principal Regulations, the Housing Benefit (General) Amendment Regulations 1995(9) and the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(10) shall apply in relation to the area of a relevant authority specified in the Schedule to these Regulations as they apply in the area of a relevant authority specified in Schedule 1 to the 2003 Regulations .

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- (7) [S.I.2003/2399](#), amended by [S.I. 2004/14](#).
- (8) [S.I. 1987/1971](#). Relevant amending instruments are [S.I. 1988/1971](#), [1990/546](#), [1991/2742](#), [1993/317](#), [518](#) and [1150](#), [1994/2137](#), [1995/625](#), [1644](#), [2303](#) and [2868](#), [1996/965](#), [1510](#) and [2432](#), [1997/65](#), [852](#), [1995](#) and [2434](#), [1998/563](#), [1999/2401](#) and [2734](#), [2000/4](#) and [681](#), [2001/487](#), [1324](#) and [1605](#), [2002/490](#) and [2497](#), [2003/48](#), [325](#), [363](#), [1338](#) and [2399](#) and [2004/14](#) and [781](#).
- (9) [S.I. 1995/1644](#). Relevant amending instruments to regulation 10 are [S.I. 1996/462](#) and [2432](#), [1998/563](#) and [2231](#), [2003/3631338](#) and [2399](#) and [2004/14](#).
- (10) [S.I. 2001/1002](#). Relevant amending instruments are [S.I. 2002/490](#), [1379](#) and [1703](#), [2003/325](#), [1050](#), [1338](#), [2275](#) and [2399](#) and [2004/14](#).

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

7 February 2005

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

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SCHEDULE

Regulation 1(3)

DATE ON WHICH REGULATION 3 COMES INTO
FORCE IN RELATION TO RELEVANT AUTHORITIES

<i>Relevant authority</i>	<i>Date</i>
Argyll and Bute	30th May 2005
East Riding of Yorkshire	18th April 2005
Guildford	4th July 2005
Norwich	13th June 2005
Pembrokeshire	20th June 2005
St Helens	23rd May 2005
Salford	25th July 2005
South Norfolk	6th June 2005
Wandsworth	11th April 2005.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (“the Regulations”) so that the new arrangements introduced by the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 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”) will apply to such claims made by persons living in the areas of 9 additional local authorities.

Regulation 2 amends Schedule 8 to the Regulations so that it specifies the additional local authorities which are to become pathfinder authorities and the date on which each such authority will become a pathfinder authority.

Regulation 3 provides that the Regulations, the Housing Benefit (General) Amendment Regulations 1995 and the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 shall apply to the 9 additional local authorities as they apply to the existing pathfinder authorities from the date specified in the Schedule for each of those additional authorities.

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