

STATUTORY INSTRUMENTS

2005 No. 2502

**The Housing Benefit and Council Tax Benefit
(Miscellaneous Amendments) (No.3) Regulations 2005**

Amendment of Council Tax Benefit Regulations

3.—^{F1}(1) The amendment made by paragraph (6) is to the Council Tax Benefit Regulations as modified in its application to persons to whom regulation 2(1) of the State Pension Credit Regulations applies.

(2) The amendments made by paragraphs (4), (5), (11) and (13) are to the Council Tax Benefit Regulations 2006.

(2A) The amendments made by paragraphs (3), (9), (14) and (15) are to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(2B) The amendments made by paragraphs (7) and (12) are to both the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(2C) The amendment made by paragraph (10) is to the Council Tax Benefit Regulations.]

(3) In ^{F2}regulation 12 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (applicable amounts)—

(a) omit paragraphs (2), (3) and (4) shall be omitted;

(b) for paragraph (5) there shall be substituted—

“(5) In ^{F3}Schedule 1]—

“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975.”;

(c) paragraphs (6) and (7) shall be omitted.

(4) ^{F4}Regulation 14 of the Council Tax Benefit Regulations 2006] (patients) shall be omitted.

(5) In ^{F5}regulation 18(11)(e) of the Council Tax Benefit Regulations 2006] (treatment of child care charges) for the words “within the meaning of regulation 10(2) (patients)” there shall be substituted “, which in this regulation shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975.”.

(6) ^{F6}.....

(7) In ^{F7}regulation 58(7)(d) of the Council Tax Benefit Regulations 2006 and regulation 42(7)(d) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (non-dependant deductions)] for heads (i) and (ii) there shall be substituted—

- “(i) “patient” has the meaning given in paragraph [F8(7)] of regulation [F9]8], and
- (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.”
- (8) F10
- (9) In [F11]regulation 59(8) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (duty to notify changes of circumstances), sub-paragraph (b) shall be omitted.
- (10) F12
- [F13(11) In Schedule 1 (applicable amounts)—

 - (a) in paragraph 13(1)(a)(iii)—
 - (i) the words from “except” to “applies” shall be omitted, and
 - (ii) for “regulation 14(2) (patients)” there shall be substituted regulation 18(11)(e) (treatment of child care charges);
 - (b) in paragraph 15(2)—
 - (i) in sub-paragraph (a)(ii) for “regulation 14(2)” there shall be substituted regulation 18(11)(e), and
 - (ii) in sub-paragraph (b) for “regulation 14(2)” there shall be substituted regulation 18(11)(e).]

- (12) F14
- (13) In [F15]paragraph 9(1)(e) of Schedule 5 to the Council Tax Benefit Regulations 2006] (capital to be disregarded) omit from “where” to “circumstances” shall be omitted.
- (14) In paragraph 21(2) of [F16]Schedule 4 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, after sub-paragraph (j)] there shall be inserted—

 - [F17“(k) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001; or
 - [F18(1)] working tax credit.”

- (15) In paragraph 9(2)(b) of [F19]Schedule 7 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (matters to be included in the decision notice) omit from “and” to “benefit” shall be omitted.

Textual Amendments

- F1** Reg. 3(1)-(2C) substituted (6.3.2006) for reg. 3(1)(2) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 5, **Sch. 2 para. 27(20)** (with regs. 2, 3, Schs. 3, 4)
- F2** Words in reg. 3(3) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 5, **Sch. 2 para. 27(21)(a)** (with regs. 2, 3, Schs. 3, 4)
- F3** Words in reg. 3(3) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 5, **Sch. 2 para. 27(21)(b)** (with regs. 2, 3, Schs. 3, 4)

- F4** Words in reg. 3(4) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(22)** (with regs. 2, 3, Schs. 3, 4)
- F5** Words in reg. 3(5) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(23)** (with regs. 2, 3, Schs. 3, 4)
- F6** Reg. 3(6) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 3(1), **Sch. 1** (with regs. 2, 3, 6, Schs. 3, 4)
- F7** Words in reg. 3(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(24)(a)** (with regs. 2, 3, Schs. 3, 4)
- F8** Word in reg. 3(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(24)(b)(i)** (with regs. 2, 3, Schs. 3, 4)
- F9** Word in reg. 3(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(24)(b)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F10** Reg. 3(8) omitted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(25)** (with regs. 2, 3, Schs. 3, 4)
- F11** Words in reg. 3(9) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(26)** (with regs. 2, 3, Schs. 3, 4)
- F12** Reg. 3(10) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 3(1), **Sch. 1** (with regs. 2, 3, 6, Schs. 3, 4)
- F13** Reg. 3(11) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(27)** (with regs. 2, 3, Schs. 3, 4)
- F14** Reg. 3(12) revoked (31.3.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(3), **5**
- F15** Words in reg. 3(13) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(29)** (with regs. 2, 3, Schs. 3, 4)
- F16** Words in reg. 3(14) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(30)(a)** (with regs. 2, 3, Schs. 3, 4)
- F17** Reg. 3(14): head (m) redesignated as head (k) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(30)(b)** (with regs. 2, 3, Schs. 3, 4)
- F18** Reg. 3(14): head (n) redesignated as head (l) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(30)(b)** (with regs. 2, 3, Schs. 3, 4)
- F19** Words in reg. 3(15) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(31)** (with regs. 2, 3, Schs. 3, 4)

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005, Section 3.