
STATUTORY INSTRUMENTS

2005 No. 2904

**The Housing Benefit and Council Tax Benefit
(General) Amendment Regulations 2005**

Method of recovery

7.—(1) Regulation 102 of the Housing Benefit Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraphs (1), (2) and (3) for the words “an authority” there shall be substituted the words “a relevant authority”.

(3) After paragraph (1), there shall be inserted the following paragraph—

“(1A) Where—

- (a) a claimant has moved into a dwelling which he occupies as his home;
- (b) a recoverable overpayment of housing benefit is thereafter made direct to him in connection with the dwelling he occupied as his home immediately preceding the date he moved to that dwelling; and
- (c) the same relevant authority which made the recoverable overpayment is paying housing benefit to that claimant in respect of that new dwelling,

the relevant authority may at its discretion deduct from the housing benefit it is paying to the claimant in respect of a benefit week an amount equal to the claimant’s weekly entitlement to housing benefit at his new dwelling, and may do so for the number of benefit weeks equal to the number of weeks during which the claimant was overpaid housing benefit.”.

(4) In paragraph (2) after the word “paragraphs” there shall be inserted the reference “(1A),”.

(5) In paragraph (5) after the word “regulation” there shall be inserted the words “, except as made under paragraph (1A),”.