
STATUTORY INSTRUMENTS

2005 No. 3294

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit
(Miscellaneous Amendments) (No.5) Regulations 2005**

Made - - - - - *29th November 2005*
Laid before Parliament *6th December 2005*
Coming into force - - - *30th December 2005*

The Secretary of State for Work and Pensions, makes the following Regulations in exercise of the powers conferred upon him by sections 123(1)(d) and (e), 136(5)(b), 136A(3), 137(1), 137(2)(l) and (m), 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1).

In accordance with section 176(1)(a) of the Social Security Administration Act 1992(2) he has consulted with organisations appearing to him to be representative of the authorities concerned. In accordance with section 173(1)(b) of that Act he has sought the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.5) Regulations 2005 and shall come into force on 30th December 2005.

Amendment of the Housing Benefit (General) Regulations 1987

2. In regulation 15(3)(c) and (4)(c) of the Housing Benefit (General) Regulations 1987(3) (circumstances in which a person is to be treated as being or not being a member of the household), for “pursuant to a decision under the Adoption Agencies Regulations 1983 or the Adoption Agencies (Scotland) Regulations 1984” substitute “in accordance with the Adoption and Children Act 2002(4) or the Adoption Agencies (Scotland) Regulations 1996(5)”.

(1) 1992 c. 4. Section 123(1)(e) was substituted by paragraph 1(1) of Schedule 9 to the Local Government Finance Act 1992 (c. 14); section 136A was inserted by paragraphs 1 and 3 of Schedule 2 to the State Pension Credit Act 2002 (c. 16); section 137(1) is an interpretation provision and is cited for the meaning of the word “prescribed”; section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c. 2).

(2) 1992 c. 5.

(3) S.I. 1987/1971. The relevant amending instruments are S.I. 1992/432 and S.I. 1993/2118.

(4) 2002 c. 38.

(5) S.I. 1996/3266 (S.254).

Amendment of the Council Tax Benefit (General) Regulations 1992

3. In regulation 7(2)(c) and (3)(c) of the Council Tax Benefit (General) Regulations 1992⁽⁶⁾ (circumstances in which a person is to be treated as being or not being a member of the household), for “pursuant to a decision under the Adoption Agencies Regulations 1983 or the Adoption Agencies (Scotland) Regulations 1984” substitute “in accordance with the Adoption and Children Act 2002⁽⁷⁾ or the Adoption Agencies (Scotland) Regulations 1996⁽⁸⁾”.

Amendment of the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005

4. In regulation 3(2) of the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005⁽⁹⁾ (amendment of Council Tax Benefit Regulations) for “(13)”, substitute “(14)”.

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

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

29th November 2005

⁽⁶⁾ S.I. 1992/1814; to which there are amendments not relevant to this instrument.

⁽⁷⁾ 2002 c. 38.

⁽⁸⁾ S.I. 1996/3266 (S.254).

⁽⁹⁾ S.I. 2005/2502.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (“the Housing Benefit Regulations”) (S.I. [1987/1971](#)), the Council Tax Benefit (General) Regulations 1992 (“the Council Tax Benefit Regulations”) (S.I. [1992/1814](#)) and the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005 (“the Miscellaneous Amendments (No.3) Regulations”) (S.I. [2005/2502](#)).

Regulation 2 amends the Housing Benefit Regulations by providing that children placed for adoption in accordance with the Adoption and Children Act [2002 \(c. 38\)](#) shall not be considered to be a member of the claimant’s household for Housing Benefit purposes. It also updates the reference to the Scottish regulations.

Regulation 3 amends the Council Tax Benefit Regulations and mirrors the amendment made by regulation 2.

Regulation 4 makes a minor amendment to the Miscellaneous Amendments (No.3) Regulations to correct an erroneous reference in those Regulations.

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