

SCHEDULE 4

Regulation 7

Transitory Modifications

Provisions not yet in force

1.—(1) If—

- (a) no date has been appointed as the date on which a provision mentioned in column 1 of the following Table is to come into force before 24th February 2006; or
- (b) a date has been appointed which is later than 24th February 2006,

then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect until the appointed day.

TABLE

<i>Provision</i>	<i>Paragraph of this Schedule</i>
Section 12(2)(e) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 M1	Paragraph 2
Section 12(2)(g) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.	Paragraph 3
Section 12(3) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.	Paragraph 4

(2) If a date has been appointed as the date on which a provision mentioned in column 1 of the Table above is to come into force for some purposes of that provision but not for others, then the paragraph of this Schedule mentioned in column 2 of the Table opposite that provision shall have effect for those other purposes of that provision (in so far as it is capable of doing so) until the provisions are brought into force for the remaining purposes.

Marginal Citations

M1 2004 c. 19.

Refugees –Housing Benefit

2.—(1) After regulation 10 of both the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations, insert—

[F1] Entitlement of a refugee to Housing Benefit

10A.—(1) Where a person, who has made a claim for asylum, is notified that he has been recorded by the Secretary of State as a refugee, these Regulations shall have effect with respect to his entitlement to housing benefit for the relevant period which applies in his case in accordance with Schedule A1 (treatment of claims for housing benefit by refugees), but that entitlement is—

Status: Point in time view as at 19/05/2008.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SCHEDULE 4. (See end of Document for details)

- (a) subject to the provisions of Schedule A1; and
 - (b) with respect to regulations 12 (rent) and 13 (maximum rent), subject to paragraph 4(8) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006.”].
- (2) Before Schedule 1 to both the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations, insert, subject to sub-paragraph (3)—

“SCHEDULE A1

Treatment of claims for housing benefit by refugees

Claim for housing benefit by a refugee

1.—(1) Where a person (in this Schedule called “the claimant”), who has made a claim for asylum—

- (a) is subsequently notified by the Secretary of State that he has been recorded as a refugee; and
- (b) claims housing benefit—
 - (i) within the period specified in paragraph 2(4); and
 - (ii) in respect of one or more periods from the date of his claim for asylum to the date he is so notified,

his claim for housing benefit shall be treated as having been made on the date specified in sub-paragraph (2).

(2) A claim for housing benefit to which sub-paragraph (1) refers shall be treated as made on the date on which his claim for asylum was recorded by the Secretary of State as having been made.

(3) In this Schedule “the relevant period” means the period or any part of the period, from the date on which the claim for benefit is treated as made in accordance with sub-paragraph (2), to the date the claimant concerned is notified by the Secretary of State that he has been recorded as a refugee, for which housing benefit is claimed in accordance with this paragraph.

Relevant authority to whom a claim for housing benefit by a refugee shall be made and time for making a claim

2.—(1) A claim for housing benefit made by a refugee on or after 3rd April 2000 for the relevant period may be made to the relevant authority for the area in which the dwelling which the claimant occupied as his home was situate and in respect of which he was liable to make payments.

(2) Where the claimant has occupied more than one dwelling as his home in the relevant period, only one claim for housing benefit shall be made in respect of that period and such a claim shall be made to the authority for the area in which the dwelling occupied by the refugee is situate and in respect of which he was liable to make payments when, after he is notified that he has been recorded by the Secretary of State as a refugee, he makes a claim for housing benefit.

(3) The relevant authority to which a claim for housing benefit is made in accordance with this paragraph, shall determine the claimant's entitlement to that benefit for the whole of the relevant period.

(4) A claim for housing benefit to which this paragraph refers, shall be made within 28 days of a claimant receiving notification from the Secretary of State that he has been recorded as a refugee.

(5) Regulation 83(12) of these Regulations (backdating of claims) shall not have effect with respect to claims to which this Schedule applies.

Eligible rent

3.—(1) Subject to sub-paragraph (2), for the purpose of determining a claimant's eligible rent—

- (a) regulations 12 and 13 have effect as they were in force on 1st January 1996;
- (b) in paragraph (1) of regulation 12 of the former Regulations (restrictions on rent increases) as saved by paragraph 5 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 the words from “whether by reference” to “or otherwise” shall be omitted; and
- (c) regulation 14 (requirement to refer to a rent officer) shall not have effect.

(2) In determining a claimant's eligible rent for the relevant period, the relevant authority may have regard to information in their possession or which they may obtain, as to the level of rents which had effect in that period in respect of any area in which the claimant occupied a dwelling as his home and in respect of which his claim for housing benefit is made.

Applicable amounts

4. With respect to a claim for housing benefit under this Schedule, the applicable amounts for the purposes of Part 5 shall be the aggregate of any personal allowance and premium which would have been applicable in the claimant's case in the relevant period at the rates for each tax year to which the claim relates set by an Order made under section 150 of the Administration Act (annual up-rating of benefits).

Evidence and information

5.—(1) A claimant who makes a claim for housing benefit for the relevant period shall furnish such certificates, documents, information and evidence in connection with the claim, or evidence needed for the determination of the claim or any questions arising in connection with the claim, as may be reasonably required by the relevant authority in order to determine that person's entitlement to that benefit and which are in his possession or which he may reasonably be expected to obtain.

(2) The relevant authority may require information to be provided by—

- (a) the landlord of any dwelling in respect of which a claim for housing benefit arises under this Schedule;
- (b) any other person to whom the rent for the dwelling was paid; and
- (c) any person who made payments of rent to a landlord on behalf of a claimant in the relevant period,

in particular as to the amount of any such rent and any service charges which were included in the rent.

(3) Where the claimant is unable to furnish the necessary evidence to substantiate his claim the authority shall determine the claim on the basis of the evidence that is produced, including any statements made by the claimant himself, any information provided by a landlord under sub-paragraph (2) or by any other person.

Status: Point in time view as at 19/05/2008.

Changes to legislation: There are currently no known outstanding effects for the *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SCHEDULE 4.* (See end of Document for details)

(4) Where the claimant has resided in the areas of two or more local authorities in Great Britain in the relevant period, the relevant authority to which the claim for housing benefit is made may require any such other authority in whose area the claimant has resided, to provide such information as the relevant authority may reasonably require in connection with the exercise of its functions under regulation 10A and this Schedule and such other authority shall provide the necessary information within 14 days of receiving the request for the information concerned or such longer period as is reasonable in that case.

Changes of circumstances

6. With respect to claims for housing benefit to which paragraph 1 above applies, for paragraph (1) of regulation 88 (duty to notify changes of circumstances) there shall be substituted the following paragraph—

“(1) Upon claiming housing benefit in accordance with Schedule A1 (treatment of claims for housing benefit by refugees) a claimant, or any person by whom or on whose behalf sums payable by way of housing benefit are receivable, shall provide the relevant authority with information concerning any change of circumstances which occurred during the period to which the claim relates which the claimant or that other person might reasonably expect to affect the claimant's right to and the amount of benefit.”

Calculation of amount of benefit

7. The appropriate maximum housing benefit to which a claimant is entitled under regulation 10A and this Schedule shall be calculated on a weekly basis in accordance with Part 8 as it had effect for the relevant period.

Payments

8.—(1) Subject to sub-paragraph (5), where it is determined that the claimant is entitled to housing benefit in accordance with regulation 10A and this Schedule, payment of the amount due shall be made within 14 days of the date of that determination.

(2) The relevant authority in respect of a claim to which this Schedule applies is made, shall be solely responsible for the payment of any housing benefit to which the claimant is entitled for the relevant period.

(3) Regulation 93 (payment on account of a rent allowance) shall not have effect with respect to any payment to which a claimant is entitled under regulation 10.

(4) Regulations 95 and 96 (circumstances in which payment of benefit will be made to a landlord) shall not have effect with respect to a payment to which this Schedule applies but where—

- (a) a landlord shows that, for the whole or any part of the relevant period for which housing benefit in the form of a rent allowance has been awarded, no payment of rent has been made;
- (b) information is provided to show the rent that remains due;
- (c) the claimant has been notified that a payment to the landlord may be made; and
- (d) the relevant authority, having taken account of any representations made by the claimant with respect to such a payment being made, consider that it is reasonable that the benefit or part of the benefit due should be paid to the landlord,

any benefit to which the claimant is entitled under regulation 10A and this Schedule up to the amount of the eligible rent that is due, may be paid direct to the landlord concerned in respect of that rent.

(5) Where a claimant was the tenant of a housing or local authority for the whole or part of the relevant period, to the extent that any eligible rent remains due to the authority concerned in respect of the whole or part of that period, any housing benefit to which the claimant is entitled under regulation 10A and this Schedule shall—

- (a) where that authority is the authority to whom the claim under this Schedule is made, be reduced by the amount of the eligible rent remaining due to that authority; and
- (b) in any other case, be paid to the authority concerned,

and any balance of benefit remaining due in respect of that period shall be paid to the claimant.

Offsets

9. Any housing benefit which has otherwise been paid to the claimant or any partner of his, in respect of any part of the relevant period, shall be offset against any award due to the claimant by virtue of regulation 10A and this Schedule, except to the extent that the benefit paid or allowed to that partner was due in respect of a period for which he was not a partner of the claimant.

Matters to be included in the decision notice

10. Parts 1 to 3, 5 and 6 of Schedule 9 (matters to be included in the decision notice) shall apply with respect to claims made in accordance with regulation 10A.”.

(3) In its application to the Housing Benefit (State Pension Credit) Regulations, Schedule A1 shall have effect as if—

- (a) for the reference to “Regulation 83(12)” in paragraph 2(5), there were substituted a reference to “ Regulation 64(13) ”;
- (b) for the reference to “regulation 88” in paragraph 6, there were substituted a reference to “ regulation 69 ”;
- (c) for the reference to “Part 8” in paragraph 7, there were substituted a reference to “ part 7 ”;
- (d) for the reference to “regulation 93” in paragraph 8(3), there were substituted a reference to “ regulation 74 ”;
- (e) for the reference to “Regulations 95 and 96” in paragraph 8(4), there were substituted a reference to “ Regulations 76 and 77 ”;
- (f) for the reference to “Schedule 9” in paragraph 10, there were substituted a reference to “ Schedule 8 ”.

(4) For paragraph 51 of Schedule 5 to the Housing Benefit Regulations, substitute—

“**51.** Any council tax benefit, including any amount of council tax benefit to which a person is entitled by virtue of regulation 7A of the Council Tax Benefit Regulations 2006 ^{M2}.”.

(5) After paragraph 55 of Schedule 5 to the Housing Benefit Regulations insert—

“**55A.** Any amount of housing benefit to which a person is entitled by virtue of regulation 10A (entitlement of a refugee to housing benefit).

55B. Any amount of income support to which a person is entitled by virtue of regulation 21ZB of the Income Support Regulations ^{M3} (treatment of refugees).”.

(6) After paragraph 48 of Schedule 6 to the Housing Benefit Regulations insert—

“**48A.** Any amount of housing benefit to which a person is entitled by virtue of regulation 10A (entitlement of a refugee to housing benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.

Status: Point in time view as at 19/05/2008.

Changes to legislation: There are currently no known outstanding effects for the *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SCHEDULE 4*. (See end of Document for details)

48B. Any amount of income support to which a person is entitled by virtue of regulation 21ZB of the Income Support Regulations (treatment of refugees) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”.

Textual Amendments

F1 Words in *Sch. 4 para. 2(1)* substituted (7.4.2008 with application in accordance with reg. 1(3)-(5)) by *The Housing Benefit (Local Housing Allowance, Miscellaneous and Consequential) Amendment Regulations 2007 (S.I. 2007/2870)*, regs. 1(2), **6(4)(a)**

Marginal Citations

M2 See regulation 7 and Schedule 4, paragraph 2 for regulation 10A and Schedule A1 (claims by refugees).
M3 *S.I. 1987/1967*; regulation 21ZB was inserted by *S.I. 2000/636*.

Refugees – council tax benefit

3.—(1) After regulation 7 of both the Council Tax Benefit Regulations and the Council Tax Benefit (State Pension Credit) Regulations, insert—

“Entitlement of a refugee to council tax benefit

7A. Where a person, who has made a claim for asylum, is notified that he has been recorded by the Secretary of State as a refugee, these Regulations shall have effect with respect to his entitlement to council tax benefit for the relevant period which applies in his case in accordance with Schedule A1 (treatment of claims for council tax benefit by refugees) but subject to the provisions of that Schedule.”.

(2) Before Schedule 1 to both the Council Tax Benefit Regulations and the Council Tax Benefit (State Pension Credit) Regulations, insert, subject to sub-paragraph (3)—

“SCHEDULE A1

Regulation 7A

Treatment of claims for council tax benefit by refugees

Claim for council tax benefit by a refugee

1.—(1) Where a person (in this Schedule called “the claimant”), who has made a claim for asylum—

- (a) is subsequently notified by the Secretary of State that he has been recorded as a refugee; and
- (b) claims council tax benefit—
 - (i) within the period specified in paragraph 2(4); and
 - (ii) in respect of one or more periods from the date of his claim for asylum to the date he is so notified,

his claim for council tax shall be treated as having been made on the dates specified in sub-paragraph (2).

(2) A claim for council tax benefit to which sub-paragraph (1) refers shall be treated as made on the date on which his claim for asylum was recorded by the Secretary of State as having been made.

(3) In this Schedule “the relevant period” means the period or any part of the period from the date on which the claim for benefit is treated as made, in accordance with sub-paragraph (2), to

the date the claimant concerned is notified by the Secretary of State that he has been recorded as a refugee, for which council tax benefit is claimed in accordance with this paragraph.

*Relevant authority to whom a claim for council tax benefit
by a refugee shall be made and time for making a claim*

2.—(1) A claim for council tax benefit made by a refugee on or after 3rd April 2000 for the relevant period may be made to the relevant authority for the area where the dwelling in which the claimant occupied as his home was situate and in respect of which he was liable for council tax.

(2) Where the claimant has occupied more than one dwelling as his home in the relevant period, only one claim for council tax benefit shall be made in respect of that period and such a claim shall be made to the authority for the area in which the dwelling occupied by the refugee is situate and in respect of which he was liable to make payment when, after he is notified that he has been recorded by the Secretary of State as a refugee, he makes a claim for council tax benefit.

(3) The relevant authority to which a claim for council tax benefit is made in accordance with this paragraph, shall determine the claimant's entitlement to that benefit for the whole of the relevant period.

(4) A claim for council tax benefit, to which his paragraph refers, shall be made within 28 days of a claimant receiving notification from the Secretary of State that he has been recorded as a refugee.

Applicable amounts

3. With respect to a claim for council tax benefit under this Schedule, the applicable amounts for the purposes of Part 3 of these Regulations shall be the aggregate of any personal allowance and premium which would have been applicable in the claimant's case in the relevant period at the rates for each tax year to which the claim relates set by an Order made under section 150 of the Administration Act (annual up-rating of benefits).

Evidence and information.

4 —(1) A claimant who makes a claim for council tax benefit for the relevant period shall furnish such certificates, documents, information and evidence in connection with the claim, or evidence needed for the determination of the claim or any questions arising in connection with the claim, as may be reasonably required by the relevant authority in order to determine that person's entitlement to that benefit and which are in his possession or which he may reasonably be expected to obtain.

(2) The relevant authority may require information to be provided by the landlord of any dwelling in respect of which a claim for council tax benefit arises under this Schedule, in particular as to the period for which the claimant resided in the dwelling during the relevant period.

(3) Where the claimant is unable to furnish the necessary evidence to substantiate his claim, the authority shall determine the claim on the basis of the evidence that is produced including any statements made by the claimant himself and any information provided by a landlord of any dwelling in respect of which the claim under this Schedule arises or by any other person.

(4) Where the claimant has resided in the areas of two or more local authorities in Great Britain in the relevant period, the relevant authority to which the claim for council tax benefit is made may require such other authority in whose area the claimant has resided, to provide such information as the relevant authority may reasonably require in connection with the exercise of its functions under regulation 7A and this Schedule and that other authority shall provide the

Status: Point in time view as at 19/05/2008.

Changes to legislation: There are currently no known outstanding effects for the *The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SCHEDULE 4.* (See end of Document for details)

necessary information within 14 days of receiving the request for the information concerned or such longer period as is reasonable in that case.

Change of circumstances

5. With respect to claims for council tax benefit to which paragraph 1 above applies, for paragraph (1) of regulation 74 (duty to notify changes of circumstances) there shall be substituted the following paragraph—

“(1) Upon claiming council tax benefit in accordance with Schedule A1 (treatment of claims for council tax benefit by refugees) a claimant, or any person by whom or on whose behalf sums payable by way of council tax benefit are receivable, shall provide the relevant authority to whom the claim is made with information concerning any change of circumstances which occurred during the period to which the claim relates which the claimant or that other person might reasonably expect to affect the claimant's right to the amount of benefit.”.

Calculation of amount of council tax benefit

6. The appropriate maximum council tax benefit, or alternative maximum council tax benefit to which a claimant is entitled under regulation 7A and this Schedule shall be calculated on a daily basis in accordance with Part 6 as it had effect for the relevant period.

Payments

Where it is determined that the claimant is entitled to council tax benefit in accordance with regulation 7A and this Schedule, the amount due shall be paid or allowed within 14 days of the date of that determination in accordance with regulation 77 (time and manner of granting council tax benefit).

(2) The relevant authority in respect of a claim to which this Schedule applies is made, shall be solely responsible for paying or allowing any council tax benefit to which the claimant is entitled for the relevant period.

(3) Subject to paragraph (4), where council tax is outstanding from the claimant to the relevant authority referred to in sub-paragraph (2), in respect of any part of the relevant period, that council tax shall be offset against any council tax benefit to which the claimant is entitled under this Schedule and only the balance remaining, (if any), shall be paid to the claimant.

(4) Where council tax is outstanding from the claimant to an authority other than the relevant authority referred to in sub-paragraph (2) in respect of any part of the relevant period, council tax benefit due under this Schedule in respect of any such a part shall be paid to the authority concerned for the discharge of the council tax due.

Offsets

8. Any council tax benefit which has otherwise been paid or allowed to the claimant or any partner of his in respect of any part of the relevant period, shall be offset against any award due to the claimant by virtue of regulation 7A and this Schedule, except to the extent that the benefit paid or allowed to that partner was due in respect of a period for which he was not a partner of the claimant.

Matters to be included in the decision notice

9. Parts 1 to 6 of Schedule 8 to these Regulations (matters to be included in the decision notice) shall apply with respect to claims made in accordance with regulation 8.”.

(3) In its application to the Council Tax Benefit (State Pension Credit) Regulations, Schedule A1 shall have effect as if—

- (a) for the reference to “regulation 74” in paragraph 5, there were substituted a reference to “regulation 59”;
 - (b) for the reference to “Part 6” in paragraph 6, there were substituted a reference to “Part 5”;
 - (c) for the reference to “regulation 77” in paragraph 7(1), there were substituted a reference to “regulation 62”; and
 - (d) for the reference to “Schedule 8” in paragraph 9, there were substituted a reference to “Schedule 7”.
- (4) For paragraph 37 of Schedule 4 to the Council Tax Benefit Regulations, substitute—
- “**37.** Any housing benefit, including any amount of housing benefit to which a person is entitled by virtue of [^{F2}regulation 10A] of the Housing Benefit Regulations 2006 ^{M4}.”
- (5) After paragraph 56 of Schedule 4 to the Council Tax Benefit Regulations, insert—
- “**56A.** Any council tax benefit to which the claimant is entitled including any amount of council tax benefit to which a person is entitled by virtue of regulation 7A of the Council Tax Benefit Regulations (entitlement of a refugee to council tax benefit).
- 56B.** Any amount of income support to which a person is entitled by virtue of regulation 21ZB of the Income Support Regulations ^{M5} (treatment of refugees).”
- (6) After paragraph 53 of Schedule 5 to the Council Tax Benefit Regulations, insert—
- “**53A.** Any amount of council tax benefit to which a person is entitled by virtue of regulation 7A (entitlement of a refugee to council tax benefit) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.
- 53B.** Any amount of income support to which a person is entitled by virtue of regulation 21ZB of the Income Support Regulations ^{M6} (treatment of refugees) but only for a period of 52 weeks from the date that such an amount is received pursuant to that regulation.”

Textual Amendments

F2 Words in *Sch. 4 para. 3(4)* substituted (19.5.2008) by *Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042)*, regs. 1(2), **7(5)**

Marginal Citations

M4 See the *Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217)*, **regulation 7** and Schedule 4, paragraph 2 for regulation 7A and Schedule A1 (claims by refugees).

M5 *S.I. 1987/1967*; regulation 21ZB was inserted by *S.I. 2000/636*.

M6 *S.I. 1987/1967*; regulation 21ZB was inserted by *S.I.2000/636*.

Persons from abroad

4.—(1) Sub-paragraphs (2) to (5) apply where, in relation to a claim for income support, a social fund payment, housing benefit or council tax benefit, as the case may be, a person has submitted a claim for asylum on or before 2nd April 2000 and is notified that he has been recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967.

(2) Where this paragraph applies, the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations shall have effect, subject to sub-paragraph (3), as if—

Status: Point in time view as at 19/05/2008.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SCHEDULE 4. (See end of Document for details)

- (a) in Schedule A1 ^{M7} to both those Regulations—
- (i) in paragraph 1, in sub-paragraph (1), for the words “his claim for housing benefit” to the end of the sub-paragraph, substitute “ his claim for housing benefit shall be treated as having been made on whichever of the dates specified in sub-paragraph (2) applies in his case ”;
 - (ii) for sub-paragraph (2), substitute—
 - “(2) A claim for housing benefit to which sub-paragraph (1) refers shall be treated as made—
 - (a) in the case of a claimant who made a claim for asylum upon arrival in the United Kingdom, on the date on which his claim for asylum was first refused by the Secretary of State or 5th February 1996 if that is later; or
 - (b) in the case of a claimant whose claim for asylum was made other than on arrival in the United Kingdom, on the date of that claim for asylum or 5th February 1996 if that is later.”;
 - (iii) for paragraph 2, substitute—
 - “**2.**—(1) A claim for housing benefit for the relevant period may be made to the relevant authority for the area in which the dwelling which the claimant occupied as his home was situate and in respect of which he was liable to make payments.
 - (2) Where the claimant has occupied more than one dwelling as his home in the relevant period, only one claim for housing benefit shall be made in respect of that period and shall be made to the relevant authority for the area in which the dwelling which he last occupied in that period was situate.
 - (3) The relevant authority to which a claim for housing benefit is made in accordance with this paragraph, shall determine the claimant's entitlement to that benefit for the whole of the relevant period.
 - (4) A claim for housing benefit, to which this paragraph refers, shall be made—
 - (a) in the case of a claimant who was notified by the Secretary of State in the period from 24th July 1996 to 15th October 1996 that he had been recorded as a refugee, within 28 days of the later date;
 - (b) in any other case, within 28 days of a claimant being notified by the Secretary of State that he has been recorded as a refugee.
 - (5) Regulation 83(12) of these Regulations (backdating of claims) shall not have effect with respect to claims to which this Schedule applies.”;
- (b) in Schedule 5 to the Housing Benefit Regulations (sums to be disregarded in the calculation of income other than earnings), for paragraph 56, substitute—
- “**55B.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 ^{M8}(treatment of refugees), as in force on 2nd April 2000.”;
- (c) in Schedule 6 to the Housing Benefit Regulations (capital to be disregarded), for paragraph 55B, substitute—
- “**48B.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support Regulations ^{M9} (treatment of refugees), as in force on 2nd April 2000.”.

(3) In the Housing Benefit (State Pension Credit) Regulations, the reference to regulation 83(12) in paragraph 2(5) of Schedule 1A, as substituted by sub-paragraph (2) above, is a reference to regulation 64(13).

(4) Where this paragraph applies, the Council Tax Benefit Regulations and the Council Tax Benefit (State Pension Credit) Regulations shall have effect, subject to sub-paragraph (5), as if—

(a) in Schedule A1 ^{M10} to both those Regulations—

(i) in paragraph 1, in sub-paragraph (1), for the words “his claim for council tax benefit” to the end of the sub-paragraph, substitute “ his claim for council tax benefit shall be treated as having been made on whichever of the dates specified in sub-paragraph (2) applies in his case ”;

(ii) for sub-paragraph (2), substitute—

“(2) A claim for council tax benefit to which sub-paragraph (1) refers shall be treated as made—

(a) in the case of a claimant who made a claim for asylum upon arrival in the United Kingdom, on the date on which his claim for asylum was first refused by the Secretary of State or 5th February 1996 if that is later; or

(b) in the case of a claimant whose claim for asylum was made other than on arrival in the United Kingdom, on the date of that claim for asylum or 5th February 1996 if that is later.”;

(iii) for paragraph 2, substitute—

“2.—(1) A claim for council tax benefit for the relevant period may be made to the relevant authority for the area where the dwelling in which the claimant resided was situate and in respect of which he was liable for council tax.

(2) Where the claimant has resided in more than one such dwelling in the relevant period, only one claim for council tax benefit shall be made in respect of that period and shall be made to the relevant authority for the area in which the dwelling in which he last resided in that period was situate.

(3) The relevant authority to which a claim for council tax benefit is made in accordance with this paragraph, shall determine the claimant's entitlement to that benefit for the whole of the relevant period.

(4) A claim for council tax benefit, to which this paragraph refers, shall be made—

(a) in the case of a claimant who was notified by the Secretary of State in the period from 24th July 1996 to 15th October 1996 that he had been recorded as a refugee, within 28 days of the later date;

(b) in any other case, within 28 days of a claimant being notified by the Secretary of State that he has been recorded as a refugee.

(5) Regulation 69(14) of these Regulations (backdating of claims) shall not have effect with respect to claims to which this Schedule applies.”

(b) in Schedule 4 to the Council Tax Benefit Regulations (sums to be disregarded in the calculation of income other than earnings), for paragraph 56B, substitute—

“**56B.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support (General) Regulations 1987 ^{M11}(treatment of refugees), as in force on 2nd April 2000.”

(c) in Schedule 5 to the Council Tax Benefit Regulations (capital to be disregarded), for regulation 53B, substitute—

Status: Point in time view as at 19/05/2008.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SCHEDULE 4. (See end of Document for details)

“**53B.** Any amount of income support to which a person is entitled by virtue of regulation 21ZA of the Income Support Regulations^{M12} (treatment of refugees), as in force on 2nd April 2000.”.

(5) In the Council Tax Benefit (State Pension Credit) Regulations, the reference to regulation 69(14) in paragraph 2(5) of Schedule 1A, as substituted by sub-paragraph (4) above, is a reference to regulation 53(13).

Marginal Citations

M7 See regulation 7 and Schedule 4, paragraph 3 for regulation 7A and Schedule A1 (claims by refugees).

M8 [S.I. 1987/1967](#); A relevant amending instrument is [S.I. 1996/2431](#).

M9 [S.I. 1987/1967](#); regulation 21ZA was inserted by [S.I. 1996/2431](#).

M10 See regulation 7 and Schedule 4, paragraph 2 for regulation 10A and Schedule A1 (claims by refugees).

M11 [S.I. 1987/1967](#); relevant amending instrument is [S.I. 1996/2431](#).

M12 [S.I. 1987/1967](#); regulation 21ZA was inserted by [S.I. 1996/2431](#).

Status:

Point in time view as at 19/05/2008.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006, SCHEDULE 4.