
STATUTORY INSTRUMENTS

2006 No. 2967

**The Housing Benefit and Council Tax Benefit
(Amendment) (No. 2) Regulations 2006**

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

5.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽¹⁾ are amended as follows.

(2) In regulation 53 (time and manner in which claims are to be made)—

(a) at the beginning insert—

“(1ZA) The prescribed time for claiming council tax benefit is as regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to council tax benefit, that day and the period of twelve months immediately following it.”;

(b) in paragraph (1) before “Every claim” insert “Subject to paragraph (4A) and (4B),”;

(c) in paragraph (4) after “claim”, the first time it appears, insert “in writing”;

(d) after paragraph (4) insert—

“(4A) Where the relevant authority has published a telephone number for the purpose of receiving claims for council tax benefit, a claim may be made by telephone to that telephone number.

(4B) A person who is making a claim for state pension credit in accordance with regulation 4D(6A) of the Social Security (Claims and Payments) Regulations 1987 may make his claim for council tax benefit to the Secretary of State.

(4C) The relevant authority may determine, in any particular case, that a claim made by telephone is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the relevant authority or the Secretary of State.

(4D) A claim made by telephone in accordance with paragraph (4A) or (4B) is defective unless the relevant authority or the Secretary of State, as the case may be, is provided during that telephone call with all the information the relevant authority requires to determine the claim.

(4E) Where a claim made by telephone in accordance with paragraph (4A) or (4B) is defective, the relevant authority is to provide the person making it with an opportunity to correct the defect.

(4F) If the person corrects the defect within one month, or such longer period as the relevant authority considers reasonable, of the date it last drew attention to it, the relevant authority shall treat the claim as if it had been duly made in the first instance.”; and

(e) in sub-paragraph (5)(e) after “designated office” add “or authorised office or appropriate DWP office”.

(3) In regulation 58 (amendment and withdrawal of claim) after “designated office” insert “, except where the claim was made by telephone in accordance with regulation 53(4A) or (4B) where the amendment may be made by telephone.”.

(4) In regulation 59(1) (duty to notify changes of circumstances)—

(a) omit “in writing”; and

(b) after “to the designated office” add—

“(a) in writing or, where the relevant authority has published a telephone number for the purposes of regulation 53 (time and manner in which claims are to be made), by telephone unless the authority determines, in any particular case, that notice must be in writing or may be given otherwise than in writing or by telephone; or

(b) in writing if in any class of case the relevant authority requires written notice unless the authority determines, in any particular case, that notice may be given otherwise than in writing.”.