

2006 No. 644

SOCIAL SECURITY

The Housing Benefit (Amendment) Regulations 2006

Made - - - - *8th March 2006*

Laid before Parliament *13th March 2006*

Coming into force - - *3rd April 2006*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by sections 134(1A) and 189(4) to (7) of the Social Security Administration Act 1992(a) and section 68 of, and paragraphs 3(1) and 20 of Schedule 7 to, the Child Support, Pensions and Social Security Act 2000(b).

In accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(c).

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (Amendment) Regulations 2006 and shall come into force on 3rd April 2006.

Amendment of the Housing Benefit Regulations 2006

2. In the Housing Benefit Regulations 2006(d) after regulation 91 (time and manner of payment) insert—

“Cases in which payments to a housing authority are to take the form of a rent allowance

91A.—(1) Where the occupier of a dwelling is liable to make payments in respect of that dwelling to a housing authority as a result of the making of an order specified in paragraph (2), housing benefit in respect of those payments shall take the form of a rent allowance.

(2) The orders specified for the purposes of paragraph (1) are—

(a) 1992 c. 4; subsection (1A) of section 134 was inserted by the Housing Act 1996 (c. 52), schedule 12 paragraph 1.
(b) 2000 c. 19.
(c) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c.5).
(d) S.I. 2006/213.

- (a) a management control order made in accordance with section 74 of the Antisocial Behaviour etc. (Scotland) Act 2004(a);
- (b) an interim management order made in accordance with section 102 of the Housing Act 2004(b);
- (c) a final management order made in accordance with section 113 of that Act;
- (d) an interim empty dwelling management order made in accordance with section 133 of that Act; and
- (e) a final empty dwelling management order made in accordance with section 136 of that Act. ”.

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

3. In the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(c) after regulation 72 (time and manner of payment) insert—

“Cases in which payments to a housing authority are to take the form of a rent allowance

72A.—(1) Where the occupier of a dwelling is liable to make payments in respect of that dwelling to a housing authority as a result of the making of an order specified in paragraph (2), housing benefit in respect of those payments shall take the form of a rent allowance.

(2) The orders specified for the purposes of paragraph (1) are—

- (a) a management control order made in accordance with section 74 of the Antisocial Behaviour etc. (Scotland) Act 2004(d);
- (b) an interim management order made in accordance with section 102 of the Housing Act 2004(e);
- (c) a final management order made in accordance with section 113 of that Act;
- (d) an interim empty dwelling management order made in accordance with section 133 of that Act; and
- (e) a final empty dwelling management order made in accordance with section 136 of that Act.”.

Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

4. In the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(f) in regulation 4 (revision of decisions) after paragraph (7D) insert—

“(7E) Where a court makes an order under section 71 of the Antisocial Behaviour etc. (Scotland) Act 2004(g) and that order is set aside by the sheriff principal following an appeal under section 72(1) of that Act, a decision made in accordance with regulation 7(2)(a) may be revised at any time.

(7F) Where a local authority has served a notice in accordance with section 94 of the Antisocial Behaviour etc. (Scotland) Act 2004 and that notice is set aside by a court

(a) 2004 asp 8.
 (b) 2004 c. 34.
 (c) S.I. 2006/214.
 (d) 2004 asp 8.
 (e) 2004 c. 34.
 (f) S.I. 2001/1002; relevant amending instruments are S.I 2002/490, 2002/1703, 2003/1050, 2003/1338, 2003/2275, 2003/2526, 2003/2399, 2004/12 and 2005/2677.
 (g) 2004 asp 8.

following an appeal under section 97(1) of that Act, a decision made in accordance with regulation 7(2)(a) may be revised at any time.”.

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

8th March 2006

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) and the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (S.I. 2001/1002) to align with measures introduced by the Housing Act 2004 (c. 34) and the Antisocial Behaviour etc (Scotland) Act 2004 (2004 asp 8).

Regulations 2 and 3 insert a new provision into the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, respectively, to prescribe the cases in which housing benefit shall take the form of a rent allowance. These are where an order has been made under certain provisions of the Housing Act 2004 or the Antisocial Behaviour etc. (Scotland) Act 2004 with the effect that the occupier of a dwelling is liable to make payments to a local authority and not the landlord of the dwelling.

Regulation 4 inserts new provisions into regulation 4 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001. They provide that where an order made under section 71, or a notice made under section 94, of the Antisocial Behaviour etc. (Scotland) Act 2004 is set aside, a supersession decision made under regulation 7 of those Regulations may be revised at any time.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities and voluntary bodies.

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