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STATUTORY INSTRUMENTS

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**2008 No. 2299**

**The Housing Benefit and Council Tax  
Benefit (Amendment) Regulations 2008**

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

**3.—**(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), omit the definition of “gateway office”.

(3) In regulation 63 (who may claim), omit paragraph (7).

(4) In regulation 64<sup>(2)</sup> (time and manner in which claims are to be made)—

(a) in paragraph (2) for “paragraph (5A) and (5B)”, substitute “paragraphs (5A) to (5BD)”;

(b) in paragraph (5) omit sub-paragraphs (d) and (e);

(c) for paragraph (5B)<sup>(3)</sup>, substitute—

“(5B) If the Secretary of State agrees, where—

(a) a person makes a claim for a benefit referred to in paragraph (5)(a); and

(b) the Secretary of State has made provision in the Social Security (Claims and Payments) Regulations 1987 for that benefit to be claimed by telephone,

that person may claim housing benefit by telephone to the telephone number specified by the Secretary of State.

(5BA) A claim for housing benefit may be made in accordance with paragraph (5B) at any time before a decision has been made on the claim for the benefit referred to in paragraph (5)(a).

(5BB) If the Secretary of State agrees, where a person, in accordance with regulation 32 of the Social Security (Claims and Payments) Regulations 1987 (information to be given and changes to be notified)—

(a) furnishes the Secretary of State with such information or evidence as he may require; or

(b) notifies the Secretary of State of any change of circumstances,

that person may claim housing benefit in the same manner in which the information or evidence was furnished or the notification was given.

(5BC) If the Secretary of State agrees, where a person, in accordance with regulation 24 of the Jobseeker’s Allowance Regulations (provision of information and evidence)—

(a) furnishes the Secretary of State with such certificates, documents and other evidence as he may require; or

(b) notifies the Secretary of State of any change of circumstances,

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<sup>(1)</sup> [S.I. 2006/214](#).

<sup>(2)</sup> Relevant amending instruments are [S.I. 2006/2967](#) and [S.I. 2007/2911](#).

<sup>(3)</sup> Paragraph (5B) was inserted by [S.I. 2006/2967](#).

that person may claim housing benefit in the same manner as the certificate, document and other evidence was furnished or the notification was given.

(5BD) A claim for housing benefit may be made in accordance with paragraphs (5BB) or (5BC) at any time before a decision has been made on the award of benefit to which the information, evidence, certificates, documents or notification relates.”;

(d) in paragraph (5C)(4)—

(i) after “by telephone” insert “in accordance with paragraph (5A)”;

(ii) omit “or the Secretary of State”;

(e) after paragraph (5C) insert—

“(5CA) The relevant authority or the Secretary of State may determine that a claim made by telephone in accordance with paragraphs (5B) to (5BD) is not a valid claim unless the person making the claim approves a written statement of his circumstances, provided for the purpose by the Secretary of State.”;

(f) for paragraph (5D)(5), substitute—

“(5D) A claim made by telephone in accordance with paragraphs (5A) to (5BD) is defective unless the relevant authority or the Secretary of State is provided with all the information requested during that telephone call.”;

(g) in paragraph (5E)(6)—

(i) omit “or (5B)”;

(ii) for “is to”, substitute “must”;

(h) after paragraph (5E) insert—

“(5EA) Where a claim made by telephone in accordance with paragraphs (5B) to (5BD) is defective—

(a) the Secretary of State may provide the person making it with an opportunity to correct the defect;

(b) the relevant authority must provide the person making it with an opportunity to correct the defect if the Secretary of State has not already done so unless it considers that it has sufficient information to determine the claim.”;

(i) in paragraph (5F)(7) after “of the date the relevant authority”, insert “or the Secretary of State”;

(j) after paragraph (5F) insert—

“(5G) If the person does not correct the defect within one month, or such longer period as the relevant authority considers reasonable, of the date the relevant authority or the Secretary of State last drew attention to it, the relevant authority may treat the claim as if it had been duly made in the first instance, where it considers that it has sufficient information to determine the claim.”;

(k) in paragraph (6), omit the words “and to regulation 65 (date of claim where claim sent or delivered to a gateway office)”;

(l) for paragraph (6)(d)(8), substitute—

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(4) Paragraph (5C) was inserted by [S.I. 2006/2967](#).

(5) Paragraph (5D) was inserted by [S.I. 2006/2967](#).

(6) Paragraph (5E) was inserted by [S.I. 2006/2967](#).

(7) Paragraph (5F) was inserted by [S.I. 2006/2967](#).

(8) A relevant amending instrument is [S.I. 2007/2911](#).

- “(d) except where sub-paragraph (a), (b) or (c) is satisfied, in a case where a properly completed claim is received in a designated office, an authorised office, county offices or an appropriate DWP office within one month, or such longer period as the relevant authority considers reasonable, of the date on which—
- (i) a claim form was issued to the claimant following the claimant first notifying, by whatever means, a designated office, an authorised office or an appropriate DWP office of an intention to make a claim; or
  - (ii) a claimant notifies, by whatever means, a designated office, an authorised office or an appropriate DWP office of an intention to make a claim by telephone in accordance with paragraphs (5A) to (5BD),  
the date of first notification; and”.
- (5) Omit regulation 65 (date of claim where claim sent or delivered to a gateway office).
- (6) Omit regulation 66 (date of claim where claim sent or delivered to an office of a designated authority).
- (7) For regulation 68(9) (amendment and withdrawal of claim), substitute—
- “**68.**—(1) A person who has made a claim may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.
- (2) Where the claim was made by telephone in accordance with paragraphs (5A) to (5BD) of regulation 64, the amendment may also be made by telephone.
- (3) Any claim amended in accordance with paragraph (1) or (2) shall be treated as if it had been amended in the first instance.
- (4) A person who has made a claim may withdraw it at any time before a decision has been made on it by notice to the designated office.
- (5) Where the claim was made by telephone in accordance with paragraphs (5B) to (5BD) of regulation 64, the withdrawal may also be made by telephone to the telephone number specified by the Secretary of State.
- (6) Any notice of withdrawal given in accordance with paragraph (4) or (5) shall have effect when it is received.”.
- (8) In regulation 69(10) (duty to notify changes of circumstances), in paragraph (1)—
- (a) for “(3) and (5) to (7)”, substitute “(3), (6) and (7)”; and
  - (b) omit paragraphs (2) and (5).
- (9) For regulation 102 (criminal offence), substitute—
- “**102.** Any supplier who fails to supply relevant information to the requirer as, when and how required under regulations 98 to 101 shall be guilty of an offence under section 113 of the Administration Act.”.
- (10) After regulation 102 (criminal offence), insert—

**“Supply of benefit administration information between authorities**

**102A.**—(1) For the purpose of section 122E(3) of the Administration Act (supply of information between authorities administering benefit) the circumstances in which information is to be supplied and the information to be supplied are set out in paragraph (2).

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(9) Regulation 68 was substituted by [S.I. 2007/719](#).

(10) A relevant amending instrument is [S.I. 2006/2967](#).

- (2) Where the functions of an authority (“Authority A”) relating to housing benefit are being exercised, wholly or in part, by another authority (“Authority B”)—
- (a) Authority A must supply to Authority B any benefit administration information it holds which is relevant to, and necessary for, Authority B to exercise those functions; and
  - (b) Authority B must supply to Authority A any benefit administration information it holds which is relevant to, and necessary for, Authority A to exercise those functions.
- (3) The circumstances in which paragraph (2) applies include cases where the authorities have agreed to discharge functions jointly.
- (4) In paragraph (2), “Authority A” and “Authority B” include any person authorised to exercise functions relating to housing benefit on behalf of the authority in question.
- (5) This regulation shall not apply if the person or authority to whom the information is to be supplied agrees that the information need not be supplied.”.