
STATUTORY INSTRUMENTS

2008 No. 2987

**The Housing Benefit and Council Tax Benefit
(Amendment) (No. 3) Regulations 2008**

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⁾ shall be amended as follows.

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

- (a) in paragraph (6) after “designated office” insert “or appropriate DWP office”;
- (b) in paragraph (7) after “Where a claim” insert “, which is received by a relevant authority,”;
- (c) after paragraph (7) insert—

“^(7A) Where a claim is received at an appropriate DWP office and it appears to the Secretary of State that the form has not been properly completed, the Secretary of State may request that the claimant provides the relevant authority with the information required to complete the form.”; and

(d) for paragraph (8) substitute—

“(8) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (a), (b) or (c) of paragraph (8A) are satisfied.

(8A) The conditions are that—

- (a) where paragraph (7)(a) (incomplete form) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or
- (b) where paragraph (7)(b) (claim not on approved form or further information requested by relevant authority) applies—
 - (i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,
 - (ii) the claimant supplies whatever information or evidence was requested under paragraph (7) within one month of the request,or, in either case, within such longer period as the relevant authority may consider reasonable; or
- (c) where paragraph (7A) (further information requested by Secretary of State) applies, the relevant authority receives at the designated office the properly completed claim or the information requested to complete it within one month of

(1) [S.I. 2006/216](#).

(2) Relevant amending instruments are [S.I. 2006/2967](#), [2007/1331](#), [2007/2911](#), [2008/1082](#), [2008/2299](#) and [2008/2424](#).

the request by the Secretary of State or within such longer period as the relevant authority considers reasonable.”.

- (3) In regulation 57(3) (evidence and information)—
- (a) in paragraph (1)—
 - (i) for “paragraph (2)” substitute “paragraphs (1A) and (2)”; and
 - (ii) for “being required to do so” substitute “the relevant authority requiring him, or the Secretary of State requesting him, to do so”; and
 - (b) after paragraph (1) insert—

“(1A) Where a person notifies a change of circumstances to the appropriate DWP office under regulation 59(10), the Secretary of State may request that the claimant provides to the relevant authority the information or evidence that the Secretary of State considers the relevant authority may require to determine the claimant’s continuing entitlement to housing benefit.”.
- (4) In regulation 59(4) (duty to notify changes of circumstances)—
- (a) in paragraph (1) after “(5) to (8)” insert “and (10)”; and
 - (b) after paragraph (9) add—

“(10) Where—

 - (a) the claimant or the claimant’s partner is in receipt of jobseeker’s allowance;
 - (b) the change of circumstance is that the claimant or the claimant’s partner starts employment; and
 - (c) as a result of the change of circumstance either entitlement to that benefit will end or the amount of that benefit will be reduced,

the claimant may discharge the duty in paragraph (1) by notifying the change of circumstance by telephoning the appropriate DWP office if a telephone number has been provided for that purpose.”.

(3) The relevant amending instrument is [S.I. 2007/1749](#).

(4) Relevant amending instruments are [S.I. 2005/2505](#) (as amended by [S.I. 2006/217](#)), [2006/2967](#) and [2008/2299](#).