

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This instrument makes various amendments to the Discretionary Financial Assistance Regulations 2001 (“the Regulations”).

Regulation 2 amends the references in regulation 3 of the Regulations in line with the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. It also adds a paragraph to regulation 3 of the Regulations precluding a discretionary housing payment being paid to meet a need for financial assistance which arises because of reductions in housing benefit to recover overpayments or reductions in council tax benefit to recover excess benefit.

Regulation 3 substitutes regulation 5 of the Regulations so that discretionary housing payments may only be made in respect of a period where the person is or was entitled to housing benefit, council tax benefit or both.

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.