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STATUTORY INSTRUMENTS

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**2008 No. 959**

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

**Extended payments – consequential amendments to the Council Tax Benefit (State Pension Credit) Regulations**

**11.**—(1) The Council Tax Benefit (State Pension Credit) Regulations shall be amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “extended payment (severe disablement allowance and incapacity benefit)” substitute—

““extended payment (qualifying contributory benefits)” means a payment of council tax benefit payable pursuant to regulation 44 of these Regulations or regulation 61 of the Council Tax Benefit Regulations 2006;

“extended payment period” means the period for which an extended payment is payable in accordance with regulation 44A of these Regulations or regulation 60A or 61A of the Council Tax Benefit Regulations 2006;”;

(b) after the definition of “mobility supplement” insert—

““mover” means a claimant who changes the dwelling in which the claimant is resident and in respect of which the claimant is liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;”;

(c) after the definition of “net profit” insert—

““new dwelling” means, for the purposes of the definition of “second authority” and regulations 44C, 81 and 82, the dwelling to which a claimant has moved, or is about to move, in which the claimant is or will be resident ;”;

(d) after the definition of “qualifying age for state pension credit” insert—

““qualifying contributory benefit” means—

(a) severe disablement allowance;

(b) incapacity benefit;”;

(e) after the definition of “qualifying course” insert—

““qualifying income-related benefit” means—

(a) income support;

(b) income-based jobseeker’s allowance;”;

(f) after the definition of “second adult” insert—

““second authority” means the authority to which a mover is liable to make payments for the new dwelling;”.

(3) In regulation 40 (maximum council tax benefit)—

- (a) in paragraph (1) for “paragraphs (2) to (5)” substitute “paragraphs (2) to (4)”; and
  - (b) omit paragraph (5).
- (4) For regulation 41 (reduction where amount payable under regulation 60 of the Council Tax Benefit Regulations) substitute—

**“Amount payable during extended payment period when an extended payment is payable pursuant to regulation 60 or 61 of the Council Tax Benefit Regulations**

**41.—**(1) This regulation applies where—

- (a) a claimant became entitled to an extended payment pursuant to regulation 60 of the Council Tax Benefit Regulations 2006 or an extended payment (qualifying contributory benefits) pursuant to regulation 61 of those Regulations; and
- (b) during the extended payment period, these Regulations become applicable to the claimant or the claimant’s partner in accordance with regulation 5 (persons who have attained the qualifying age for state pension credit).

(2) Where this regulation applies, the amount of the extended payment payable to a claimant for any week during the extended payment period shall be the higher of—

- (a) the amount of the extended payment payable in accordance with regulation 60B(1) (a) of the Council Tax Benefit Regulations 2006 or the extended payment (qualifying contributory benefits) payable in accordance with regulation 61B(1)(a) of those Regulations, as the case may be;
- (b) the amount of council tax benefit to which a claimant would be entitled under the general conditions of entitlement of these Regulations, if regulation 60 (extended payments) or regulation 61 (extended payments (qualifying contributory benefits)) of the Council Tax Benefit Regulations 2006 did not apply to the claimant; or
- (c) the amount of council tax which the claimant’s partner would be entitled to under the general conditions of entitlement of these Regulations, if regulation 60 or regulation 61 of the Council Tax Benefit Regulations 2006 did not apply to the claimant.

(3) Where this regulation applies, no amount of council tax benefit shall be payable by the appropriate authority during the extended payment period to a claimant’s partner under these Regulations for any week in the extended payment period.”.

(5) Omit—

- (a) regulation 49 (date on which council tax benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases);
- (b) regulation 60(3) (priority to extended payment claims); and
- (c) Schedule 5 (extended payments (severe disablement allowance and incapacity benefit) of council tax benefit).

(6) In Part 2 of Schedule 7 (awards where state pension credit is payable)—

- (a) in the heading to paragraph 9 after “state pension credit” insert, “or an extended payment (qualifying contributory benefits)”; and
- (b) after paragraph 9(2) add—

“(3) Where a claimant is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 44, the decision notice shall include a statement as to the matters set out in paragraph 9(1).”.