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STATUTORY INSTRUMENTS

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**2010 No. 2449**

**The Housing Benefit and Council Tax Benefit  
(Miscellaneous Amendments) Regulations 2010**

**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) for the definition of “Housing Act functions” substitute—  
““Housing Act functions” means functions under section 122 of the Housing Act 1996<sup>(2)</sup>”.

(3) In regulation 21(3) (circumstances in which a person is to be treated as being or not being a member of the household) after “as a member of the claimant’s household” insert “, nor as occupying the claimant’s dwelling.”.

(4) In regulation 64<sup>(3)</sup> (time and manner in which claims are to be made)—

(a) in paragraph (1) at the beginning insert “Subject to paragraph (1A),”;

(b) after paragraph (1) insert—

“(1A) In any case where paragraph (6)(a) applies, paragraph (1) does not entitle a claimant to claim housing benefit in respect of any day earlier than 3 months before the date on which the claim for state pension credit is made (or treated as made by virtue of any provision of the Social Security (Claims and Payments) Regulations 1987).”.

(5) In regulation 69(1)<sup>(4)</sup> (duty to notify changes of circumstances) for sub-paragraphs (a) and (b) substitute—

“(a) in writing; or

(b) by telephone—

(i) where the relevant authority has published a telephone number for that purpose or for the purposes of regulation 64 (time and manner in which claims are to be made) unless the authority determines that in any particular case or class of case notification may not be given by telephone; or

(ii) in any case or class of case where the relevant authority determines that notice may be given by telephone; or

(c) by any other means which the relevant authority agrees to accept in any particular case.”.

(6) In regulation 71(2) (notification of decisions) after “signed by him,” insert “within one month of the date of the notification of that decision (or, if the decision was notified before 1st November 2010, before 1st December 2010)”.

(7) In regulation 77(2) (circumstances in which payment may be made to a landlord) omit “by sending to the claimant an instrument of payment payable”.

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

(2) [1996 c.52](#). Section 122 was amended by Schedule 5, paragraph 12 and Schedule 8 to the Welfare Reform Act [2007 \(c.5\)](#).

(3) Paragraph (1) was amended by [S.I. 2008/2424](#).

(4) Paragraph (1) was amended by [S.I. 2006/2967](#), [2008/2299](#) and [2008/2987](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) In Schedule 3 (applicable amounts), in Part 2 (family premium) for paragraph 3(2)(5) substitute—

“(2) The amount specified in sub-paragraph (1) shall be increased by £10.50 where the claimant or the claimant’s partner is in receipt of child tax credit and the family element includes the amount in regulation 7(3)(a) of the Child Tax Credit Regulations 2002.”.