

2020 No. 288

SOCIAL SECURITY

**The Housing Benefit (Transitional Provision) (Amendment)
Regulations 2020**

Made - - - - at 12.15 p.m. on 12th March 2020

Laid before Parliament 4.00 p.m. on 12th March 2020

Coming into force - - 4th April 2020

The Secretary of State, in exercise of the powers conferred by sections 123(1)(d), 135(1), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), makes the following Regulations.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b) (the “1992 Act”), the Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it.

In accordance with section 176(1) of the 1992 Act, the Secretary of State has consulted with organisations appearing to her to be representative of the authorities concerned in respect of these Regulations.

Citation and Commencement

1. These Regulations may be cited as the Housing Benefit (Transitional Provision) (Amendment) Regulations 2020 and come into force on 4th April 2020.

Amendment of the Housing Benefit Regulations 2006

2.—(1) Schedule 3 to the Housing Benefit Regulations 2006(c) is amended as follows.

(2) Omit paragraph 27(2)(e).

(3) In paragraph 28—

(a) in sub-paragraph (1)(b), omit “but before 5th April 2020”; and

(b) omit sub-paragraph (3)(e).

(4) In paragraph 29—

(a) in sub-paragraph (1)(b), omit “before 5th April 2020”; and

(b) omit sub-paragraph (3)(e)

(a) 1992 c.4. Section 137 is cited for the definition of “prescribed”.

(b) 1992 c.5.

(c) S.I. 2006/213, amended by S.I. 2010/1907. There are other amending instruments but none are relevant.

Signed by authority of the Secretary of State for Work and Pensions

At 12.15 p.m. on 12th March 2020

Will Quince
Parliamentary Under-Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006.

The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907) (the “Existing Awards Regulations”) make provision for the payment of a transitional addition to certain claimants whose existing awards of income support, incapacity benefit or severe disablement allowance have been converted to an award of an employment and support allowance (“ESA”). Regulation 21 of the Existing Awards Regulations provides for the termination of the transitional addition.

Regulation 2 of the Employment and Support Allowance (Transitional Provisions) Regulations 2020 (S.I. 2020/102) removes the end date of 5th April 2020 for the payment of transitional additions to ESA claimants. Payment of a claimant’s transitional addition will now end when it reduces to nil or when the claimant’s entitlement to ESA comes to an end.

These Regulations ensure that those ESA claimants who also receive a transitional amount of Housing Benefit (paid so that their applicable amount of Housing Benefit was not reduced when their award was converted to ESA) will continue to do so after 5th April 2020.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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