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STATUTORY INSTRUMENTS

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**1987 No. 1971**

**The Housing Benefit (General) Regulations 1987**

**PART X**

**CLAIMS**

**Who may claim**

**71.**—(1) In the case of a married or unmarried couple or members of a polygamous marriage a claim shall be made by whichever one of them they agree should so claim or, in default of agreement, by such one of them as the appropriate authority shall determine.

(2) Where a person who is liable to make payments in respect of a dwelling is unable for the time being to act, and—

- (a) a receiver has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a tutor, curator or other guardian acting or appointed in terms of law; or
- (c) an attorney with a general power or a power to claim or as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971(1) or the Enduring Powers of Attorney Act 1985(2),

that receiver, tutor, curator, other guardian or attorney, as the case may be, may make a claim on behalf of that person.

(3) Where a person who is liable to make payments in respect of a dwelling is unable for the time being to act and paragraph (2) does not apply to him, the appropriate authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the Act and to receive and deal on his behalf with any sums payable to him.

(4) Where the appropriate authority has made an appointment under paragraph (3)—

- (a) it may at any time revoke it;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the appropriate authority of his intention to do so;
- (c) any such appointment shall terminate when the appropriate authority is notified that a receiver or other person to whom paragraph (2)(b) or (c) applies has been appointed.

(5) Where a person who is liable to make payments in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf for the purposes of the Act the appropriate authority may if that person so requests in writing, treat him as if he had been appointed by them under paragraph (3).

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(1) 1971 c. 27.  
(2) 1985 c. 29.

(6) Anything required by these Regulations to be done by or to any person who is for the time being unable to act may be done by or to the receiver, tutor, curator, other guardian or attorney, if any, or by or to the person appointed or treated as appointed under this regulation and the receipt of any such person so appointed shall be a good discharge to the appropriate authority for any sum paid.