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STATUTORY INSTRUMENTS

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**1988 No. 661**

**HOUSING, ENGLAND AND  
WALESHOUSING, SCOTLAND**

**The Housing Benefit (General) Amendment Regulations 1988**

*Made* - - - - *30th March 1988*

*Coming into force* - - *1st April 1988*

Whereas a draft of this instrument was laid before Parliament in accordance with section 83(3) of the Social Security Act 1986 and approved by resolution of each House of Parliament—

Now, therefore, the Secretary of State for Social Services in exercise of the powers conferred upon him by sections 22(8) and (9), 29, 51(1)(h), (t) and (u) and 84(1) of the Social Security Act 1986(1) and section 166(1) to (3A) of the Social Security Act 1975(2) and all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(3), by this instrument, which is made before the end of a period of 12 months from the commencement of the enactments under which it is made, hereby makes the following Regulations —

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 1988 and shall come into force on 1st April 1988.

(2) In these Regulations “the General Regulations” means the Housing Benefit (General) Regulations 1987(4).

**Amendment of regulation 2 of the General Regulations**

2. In regulation 2(1) of the General Regulations (interpretation) there shall be inserted after the definition of “student” the following definition —

““the Macfarlane Trust” means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;”.

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(1) 1986 c. 50; section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.  
(2) 1975 c. 14; section 166 (3A) is inserted by section 62 of the Social Security Act 1986 and section 166(1) to (3A) is applied by section 83(1) of that Act.  
(3) See Social Security Act 1986, section 61(7).  
(4) S.I.1987/1971.

### **Amendment of regulation 27 of the General Regulations**

3. In regulation 27(1) of the General Regulations (treatment of charitable or voluntary payments) after the words “other than one” there shall be inserted the words “made under the Macfarlane Trust or one”.

### **Amendment of regulation 35 of the General Regulations**

4. In regulation 35(3) of the General Regulations (notional income) after the words “Any payment of income” there shall be inserted the words “, other than a payment of income made under the Macfarlane Trust,”.

### **Amendment of regulation 43 of the General Regulations**

5. In regulation 43(3) of the General Regulations (notional capital) after the words “Any payment of capital” there shall be inserted the words “, other than a payment of capital made under the Macfarlane Trust,”.

### **Amendment of regulation 73 of the General Regulations**

6. In regulation 73(1) of the General Regulations (evidence and information) at the end there shall be added the words “but nothing in this regulation shall require a person to furnish any certificates, documents, information or evidence relating to a payment which is disregarded under paragraph 34 of Schedule 4 or paragraph 23 of Schedule 5 (payments made under the Macfarlane Trust)”.

### **Amendment of regulation 77 of the General Regulations**

7. In regulation 77 of the General Regulations (notification of determinations) —
- (a) after the words “every notification shall” there shall be inserted the words “, subject to paragraph (2),”;
  - (b) at the end there shall be added the following paragraphs —
    - “(2) Where the determination is made on or before 30th June 1988, the notification may, notwithstanding Schedule 6, include a statement only as to the matters set out in paragraphs 2, 3, 4, 6, 9(e), (g) and (i) and 11 of that Schedule but an authority, if it thinks fit, may include a statement as to any other matter prescribed in that Schedule.
    - (3) Where a notification is given in accordance with paragraph (2) a person may request in writing the authority to provide a written statement on any matter prescribed in Schedule 6 which is not included in the notification and the authority shall send a written statement to the person requiring it within 14 days or as soon as reasonably practicable thereafter.”.

### **Insertion of regulation 91A into the General Regulations**

8. After regulation 91 of the General Regulations (payment on account of a rent allowance) there shall be inserted the following regulation —

#### **“Payment on account of a rent or rate rebate**

**91A.—**(1) Where it is impracticable for the appropriate authority to determine a claim for a rent or rate rebate within 14 days of the claim for it first having been made and that impracticability does not arise out of the failure of the claimant without good cause to furnish such information, certificates, documents or evidence as the authority reasonably requires and has requested, the authority may make a payment on account of any entitlement to a

rent or rate rebate for any period ending on or before 30th June 1988 of such amount as it considers reasonable having regard to such information which may at the time be available to it concerning the claimant's circumstances.

(2) Paragraphs (2) and (3) of regulation 91 (payment on account of a rent allowance) shall apply to a payment on account under paragraph (1) as they apply to a payment on account of a rent allowance under paragraph (1) of that regulation."

#### **Amendment of Schedule 4 to the General Regulations**

**9.** In Schedule 4 to the General Regulations (sums to be disregarded in the calculation of income other than earnings) —

- (a) in paragraph 13 after the word "children" there shall be inserted the words "or a payment to which paragraph 34 applies";
- (b) after paragraph 33 there shall be added the following paragraph —

"**34.** Any payment made under the Macfarlane Trust."

#### **Amendment of Schedule 5 to the General Regulations**

**10.** In Schedule 5 to the General Regulations (capital to be disregarded) after paragraph 22 there shall be added the following paragraph —

"**23.** Any payment made under the Macfarlane Trust and any sum derived from such a payment."

Signed by authority of the Secretary of State for Social Services

30th March 1988

*Michael Portillo*  
Parliamentary Under-Secretary of State,  
Department of Health and Social Security

**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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## EXPLANATORY NOTE

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

These Regulations amend the Housing Benefit (General) Regulations 1987 to provide for the disregard, in the calculation of income and capital, of charitable payments made to haemophiliacs under the Macfarlane Trust; and exempt a person from the requirement to furnish any information relating to such payments (regulations 1 to 6, 9 and 10). They also make provision for payments to be made on account of rent and rate rebates for a period before 30th June 1988 where it has been impracticable to determine a claim (regulation 8); and for notifications on determinations made on claims before that date to be in a shortened form (regulation 7).

The Regulations are made before the expiry of 12 months from the commencement of the provisions under which they are made: they are accordingly exempt by section 61(5) of the Social Security Act 1986, from reference to the Social Security Advisory Committee and have not been so referred.