
STATUTORY INSTRUMENTS

1991 No. 1599

**HOUSING, ENGLAND AND WALES
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SCOTLAND SOCIAL SECURITY**

**The Housing Benefit and Community Charge Benefits
(Miscellaneous) Amendment Regulations 1991**

Made - - - - 11th July 1991

Laid before Parliament 12th July 1991

into force in accordance with regulation 1(1)

The Secretary of State for Social Security in exercise of powers conferred by sections 20(1)(c) and (d), (8) and (12)(d), 22(1) and (8), (8A) and (9), 29(3) to (5), 31C, 31D(1) and (8), 51(1)(a) and (b) and 84(1) of the Social Security Act 1986⁽¹⁾ and section 166(1) to (3A) of the Social Security Act 1975⁽²⁾ and of all other powers enabling him in that behalf after consultation with organisations appearing to him to be representative of the authorities concerned⁽³⁾ and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it⁽⁴⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Community Charge Benefits (Miscellaneous) Amendment Regulations 1991 and shall come into force—

- (a) for the purposes of this regulation and regulations 12, 14, 15(e), 27, 30(e) and 35, on 5th August 1991;
- (b) for the purposes of regulations 8 to 11 and 24 to 26—

(1) 1986 c. 50; paragraph (1)(d) was inserted in section 20 of the 1986 Act by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 2(2) (the 1988 Act); subsection (8A) was inserted in section 22 by the 1988 Act, Schedule 10, paragraph 4(3); sections 31C and 31D were inserted in the 1986 Act by the 1988 Act, Schedule 10, paragraph 6 and section 84(1) is an interpretation provision and is cited because of the meanings assigned to the words and

(2) 1975 c. 14; subsection (3) was amended by the Social Security Act 1989 (c. 24), section 31(1) and Schedule 8, paragraph 10; subsection (3A) was 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 section 61(7) of the Social Security Act 1986; section 61(7) was amended by the Local Government Finance Act 1988 (c. 41), Schedule 10, paragraph 10.

(4) See section 61(1)(b) and (10) of the Social Security Act 1986. The Social Security Act 1989 (c. 24), Schedule 8, added a definition of to section 61(10) of the Act of 1986.

- (i) to the extent that they relate to a case where a student's period of study begins on or after 1st August 1991 but before 2nd September 1991, on the first Monday of that period;
- (ii) to the extent that they relate to a case where a student's period of study begins on or after 2nd September 1991, on 2nd September 1991;
- (c) for the purposes of regulations 3 to 7, 13, 15(a) to (d), 17, 18, 20 to 23, 28, 29, 30(a) to (d) and 32 to 34, on 7th October 1991;
- (d) for the purposes of regulations 19 and 31, on 1st April 1992;
- (e) for the purposes of regulations 2 and 16–
 - (i) to the extent that they relate to any case where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, on 1st April 1992;
 - (ii) in any other case, on 6th April 1992.
- (2) In these Regulations–
 - (a) “the 1987 Regulations” means the Housing Benefit (General) Regulations 1987(5);
 - (b) “the 1989 Regulations” means the Community Charge Benefits (General) Regulations 1989(6).

Amendment of regulation 4 of the 1987 Regulations

2. In regulation 4(1) of the 1987 Regulations (remunerative work) for the words “24 hours” there shall be substituted the words “16 hours”.

Amendment of regulation 21 of the 1987 Regulations

3. In regulation 21 of the 1987 Regulations (calculation of income on a weekly basis)–
- (a) in paragraph (1)(a) for the words “this Part” there shall be substituted the words “this Part and Chapters I and III of Part VII”;
 - (b) for paragraph (2) there shall be substituted the following paragraph–

“(2) For the purposes of paragraph (1) “income” includes capital treated as income under regulation 34 (capital treated as income) and income which a claimant is treated as possessing under regulation 35 (notional income).”

Amendment of regulation 31 of the 1987 Regulations

4. In regulation 31(2) of the 1987 Regulations (calculation of net profit of selfemployed earners) for the words “paragraphs 1 to 11” there shall be substituted the words “paragraphs 1 to 12”.

Amendment of regulations 35 and 43 of and Schedule 4 to the 1987 Regulations

5. In the following provisions of the 1987 Regulations for the words “household fuel,” there shall be substituted the words “household fuel or”, the words “, community charge or water charges” shall be omitted and at the end of each provision after the word “family” there shall be added the words “or is used for any personal community charge, collective community charge contribution or water charges for which that claimant or member is liable”–

(5) S.I.1987/1971; relevant amending instruments are S.I. 1988/1843 and 1971, 1990/127, 546, 1549 and 1775 and 1991/235 and 1175.

(6) S.I. 1989/1321; relevant amending instruments are S.I. 1990/834, 1549 and 1773 and 1991/234.

- (a) regulation 35(3)(a) (notional income);
- (b) regulation 43(3)(a) (notional capital);
- (c) Schedule 4 paragraph 13(2) (disregard of charitable payments from income).

Further amendments of regulation 35 of the 1987 Regulations

6. In regulation 35(5) of the 1987 Regulations (notional income for services provided by a claimant)–

- (a) in sub-paragraph (b) for the words “the area; and” there shall be substituted the words “the area,”;
- (b) sub-paragraph (c) shall be omitted;
- (c) after the words “for that employment” there shall be inserted the words “unless the claimant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service”.

Amendment of regulation 43A of the 1987 Regulations

7. In regulation 43A of the 1987 Regulations (diminishing notional capital rule)(7) at the end of paragraph (4)(a) the following words shall be added–

“and, for the purposes of this sub-paragraph, if the relevant week is a week to which regulation 69(5)(a) refers (calculation of weekly amounts), that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number of days in that week for which he was liable to make payments in respect of the dwelling he occupies as his home and multiplying the quotient so obtained by 7”.

Amendment of regulation 46 of the 1987 Regulations

8. In regulation 46 of the 1987 Regulations (interpretation)–

- (a) after the definition of “grant income” there shall be inserted the following definition–
 - ““Last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;”;
- (b) in the definition of “period of study”–
 - (i) in paragraph (a) for the words “to the end” there shall be substituted the words “and ending with the last day of the course”;
 - (ii) in paragraph (b), after the words “any subsequent year of the course,” there shall be added the words “other than the final year of the course,”;
 - (iii) after paragraph (b)(ii) there shall be added the following paragraph–
 - “(c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;”;
- (c) in the definition of “student”, for the words “the end of the course” there shall be substituted the words “the last day of the course”.

Amendment of regulation 51 of the 1987 Regulations

9. In regulation 51(1) of the 1987 Regulations (eligible rent) for the figures “£22.45” and “£15.55” there shall be substituted the figures “£23.45” and “£16.25” respectively.

(7) Regulation 43A was inserted in the 1987 Regulations by S.I. [1990/1775](#); relevant amending instrument is S.I. [1991/235](#).

Amendment of regulation 53 of the 1987 Regulations

10. In regulation 53(2)(g) of the 1987 Regulations (calculation of grant income) for the amount “£246” there shall be substituted the amount “£257”.

Amendment of regulation 57A of the 1987 Regulations

11. In regulation 57A(2)(b) of the 1987 Regulations (treatment of student loans)(8) for the words “the date on which the course ends,” there shall be substituted the words “the last day of the course,”.

Amendment of regulation 72 of the 1987 Regulations

12. In regulation 72(5)(bb) of the 1987 Regulations (the date on which a claim is made)(9) after the words “designated office” there shall be inserted the words “or appropriate DSS office”.

Amendment of regulation 99 of the 1987 regulations

13. Regulation 99 of the 1987 Regulations (recoverable overpayments) shall be amended in accordance with the following paragraphs–

- (a) in paragraph (2) at the beginning there shall be inserted the words “Subject to paragraph (4),”;
- (b) after paragraph (3) there shall be added the following new paragraph–

“(4) Where in consequence of an official error, a person has been awarded rent rebate to which he was not entitled or which exceeded the benefit to which he was entitled, upon the award being reviewed any overpayment of benefit, which remains credited to him by the appropriate authority in respect of a period after the date of the review, shall be recoverable.”.

Amendment of Schedule 1 to the 1987 Regulations

14. In Schedule 1 to the 1987 Regulations (ineligible service charges) in paragraph 1(a)(iii) for the words “(except television and radio relay charges)” there shall be substituted the words–

“(except radio relay charges, charges made in respect of the conveyance and the installation and maintenance of equipment for such conveyance of a television broadcasting service which is not a domestic satellite service, or charges made in respect of the conveyance and the installation and maintenance of equipment for such conveyance of a television programme service where in respect of the claimant’s dwelling the installation of such equipment is the only practicable means of conveying satisfactorily a television broadcasting service which is not a domestic satellite service, as these services are defined in the Broadcasting Act 1990(10))”.

Amendment of Schedule 2 to the 1987 Regulations

15. In Schedule 2 to the 1987 Regulations (applicable amounts)(11)

- (a) in paragraph 1 for the amount “£31.15” there shall be substituted the amount “£31.40”;
- (b) for the Table in paragraph 2 (allowances with respect to a child or young person) there shall be substituted the Table in the Schedule to these Regulations;

(8) Regulation 57A was inserted in the 1987 Regulations by S.I. 1990/1549.

(9) Paragraph (5)(bb) was inserted in regulation 72 by S.I. 1991/235.

(10) 1990 c. 42, programme service and broadcasting service are respectively defined in sections 2(4) and 2(5) of the Broadcasting Act 1990 and satellite service is defined in section 43(1) of that Act.

(11) Relevant amending instrument S.I. 1991/503.

- (c) in paragraph 3 (family premium) for the amount “£7.95” there shall be substituted the amount “£8.70”;
- (d) in paragraph 14ZA (carer premium)(12) after sub-paragraph (2) there shall be added the following sub-paragraphs—
 - “(3) Where a carer premium is awarded but the person in respect of whom it is awarded either ceases to be in receipt of invalid care allowance or ceases to be treated as being in receipt of invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of eight weeks from the date on which that person ceased to be in receipt of, or ceased to be treated as being in receipt of, invalid care allowance.
 - (4) Where a person who has been receiving, or who has been treated as receiving invalid care allowance, ceases to be in receipt of, or ceases to be treated as being in receipt of, that allowance and makes a claim for housing benefit, the condition for the award of the carer premium shall be treated as satisfied for a period of eight weeks from the date the person was last in receipt of, or was last treated as being in receipt of, invalid care allowance.”;
- (e) in paragraph 14A(13) for the words “paragraphs 12 to 14” there shall be substituted the words “paragraphs 12 to 14ZA”.

Amendment of Schedule 3 to the 1987 Regulations

16. In paragraph 15 of Schedule 3 to the 1987 Regulations (sums to be disregarded in the calculation of earnings) for the words “24 hours” there shall be substituted the words “16 hours”.

Amendment of Schedule 4 to the 1987 Regulations

17. In Schedule 4 to the 1987 Regulations (sums to be disregarded in the calculation of income other than earnings) in paragraph 14 for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) a pension paid by the government of a country outside Great Britain which is either—
 - (i) analogous to a war disablement pension; or
 - (ii) analogous to a war widow’s pension;”.

Amendment of Schedule 5 to the 1987 Regulations

18. In Schedule 5 to the 1987 Regulations (capital to be disregarded)—

- (a) in paragraph 4(a) after the word “family” there shall be inserted the words “as his home”;
- (b) in paragraph 30 after the word “occupational” there shall be inserted the words “or personal”.

Amendment of regulation 3 of the 1989 Regulations

19. In regulation 3(1) of the 1989 Regulations (remunerative work) for the words “24 hours” there shall be substituted the words “16 hours”.

Amendment of regulation 12 of the 1989 Regulations

20. In regulation 12 of the 1989 Regulations (calculation of income on a weekly basis)—

(12) Paragraph 14ZA was inserted in Schedule 2 to the 1987 Regulations by S.I. [1990/1775](#).

(13) Paragraph 14A was inserted in Schedule 2 by S.I. [1988/1971](#).

- (a) in paragraph (1)(a) for the words “this Part” there shall be substituted the words “this Part and Part V;”;
- (b) for paragraph (2) there shall be substituted the following paragraph–
 - “(2) For the purposes of paragraph (1) “income” includes capital treated as income under regulation 24 (capital treated as income) and income which a claimant is treated as possessing under regulation 25 (notional income).”.

Amendment of regulation 21 of the 1989 Regulations

21. In regulation 21(2) of the 1989 Regulations (calculation of net profit of selfemployed earners) for the words “paragraphs 1 to 11” there shall be substituted the words “paragraphs 1 to 12”.

Amendment of regulation 25 of the 1989 Regulations

22. In regulation 25(5) of the 1989 Regulations (notional income for services provided by a claimant)–

- (a) in sub-paragraph (b) for the words “the area; and” there shall be substituted the words “the area;”;
- (b) sub-paragraph (c) shall be omitted;
- (c) after the words “for that employment” there shall be inserted the words “unless the claimant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service”.

Amendment of regulation 33A of the 1989 Regulations

23. In regulation 33A of the 1989 Regulations (diminishing notional capital rule)(14)–

- (a) in paragraph (4)(b) after head (ii) the following words shall be added–
 - “and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;”;
- (b) in paragraph (8) for sub-paragraph (a) there shall be substituted the following sub-paragraph–
 - “(a) “part-week”–
 - (i) in paragraph (4)(a) means a period of less than a week for which community charge benefit is allowed,
 - (ii) in paragraph 4(b) means a period of less than a week for which housing benefit is payable;”.

Amendment of regulation 36 of the 1989 Regulations

24. In regulation 36 of the 1989 Regulations (interpretation)–

- (a) after the definition of “grant income” there shall be inserted the following definition–
 - ““last day of the course” means the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;”;
- (b) in the definition of “period of study”–

(14) Regulation 33A was inserted in the 1989 Regulations by S.I. 1990/1773; relevant amending instrument is S.I. 1991/234.

- (i) in paragraph (a) for the words “to the end” there shall be substituted the words “and ending with the last day of the course”;
- (ii) in paragraph (b) after the words “any subsequent year of the course,” there shall be added the words “other than the final year of the course,”;
- (iii) after paragraph (b)(ii) there shall be added the following paragraph–
 - “(c) in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course,”;
- (c) in the definition of “student” for the words “the end of the course” there shall be substituted the words “the last day of the course”.

Amendment of regulation 38 of the 1989 Regulations

25. In regulation 38(2)(g) of the 1989 Regulations (calculation of grant income) for the amount “£246” there shall be substituted the amount “£257”.

Amendment of regulation 42A of the 1989 Regulations

26. In regulation 42A(2)(b) of the 1989 Regulations (treatment of student loans)(**15**) for the words “the date on which the course ends,” there shall be substituted the words “the last day of the course,”.

Amendment of regulation 60 of the 1989 Regulations

27. In regulation 60(6)(bb) of the 1989 Regulations (the date on which a claim is made)(**16**) after the words “designated office” there shall be inserted the words “or appropriate social security office”.

Amendment of regulation 65 of the 1989 Regulations

28. In regulation 65 of the 1989 Regulations (notification of determinations) at the beginning there shall be inserted the words “Except in cases to which paragraphs (a) to (d) of regulation 83 (excess benefits in consequence of a reduction of an appropriate authority’s personal community charge) refer,”.

Amendment of regulation 84 of the 1989 Regulations

- 29.** In regulation 84 of the 1989 Regulations (recoverable excess benefits)–
- (a) in paragraph (2) at the beginning there shall be inserted the words “Subject to paragraphs (4) and (5),”;
 - (b) after paragraph (4) there shall be added the following paragraph–
 - “(5) Where in consequence of an official error a person has been awarded excess benefits, upon the award being reviewed any excess benefits which remain credited to him by the appropriate authority in respect of a period after the date of the review, shall be recoverable.”.

Amendment of Schedule 1 to the 1989 Regulations

30. In Schedule 1 to the 1989 Regulations (applicable amounts)(**17**)–

(15) Regulation 42A was inserted by S.I. [1990/1549](#).

(16) Paragraph (6)(bb) was inserted in regulation 60 by S.I. [1991/234](#).

(17) Relevant amending instrument S.I. [1991/503](#).

- (a) in paragraph 1 for the amount “£31.15” there shall be substituted the amount “£31.40”;
- (b) for the Table in paragraph 2 (allowances with respect to a child or young person) there shall be substituted the Table in the Schedule to these Regulations;
- (c) in paragraph 3 (family premium) for the amount “£7.95” there shall be substituted the amount “£8.70”;
- (d) in paragraph 15A (carer premium)(18) after sub-paragraph (2) there shall be added the following sub-paragraphs—

“(3) Where a carer premium is awarded but the person in respect of whom it is awarded either ceases to be in receipt of invalid care allowance or ceases to be treated as being in receipt of invalid care allowance, the condition for the award of the premium shall be treated as satisfied for a period of 8 weeks from the date on which that person ceased to be in receipt of, or ceased to be treated as being in receipt of, invalid care allowance.

(4) Where a person who has been receiving, or who has been treated as receiving invalid care allowance, ceases to be in receipt of, or ceases to be treated as being in receipt of, that allowance and makes a claim for community charge benefit, the condition for the award of the carer premium shall be treated as satisfied for a period of 8 weeks from the date the person was last in receipt of, or was last treated as being in receipt of, invalid care allowance.”;

- (e) in paragraph 16 for the words “paragraphs 13 to 15” there shall be substituted the words “paragraphs 13 to 15A”.

Amendment of Schedule 2 to the 1989 Regulations

31. In paragraph 15 of Schedule 2 to the 1989 Regulations (sums to be disregarded in the calculation of earnings) for the words “24 hours” there shall be substituted the words “16 hours”.

Amendment of Schedule 3 to the 1989 Regulations

32. In Schedule 3 to the 1989 Regulations (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 13(2) for the words “community charge” there shall be substituted the words “personal community charge, collective community charge contributions” and after the word “family” there shall be added the words “or is used for any personal community charge, collective community charge contribution or water charges for which that claimant or member is liable”;
- (b) in paragraph 14 for sub-paragraph (b) there shall be substituted the following sub-paragraph—
 - “(b) a pension paid by the government of a country outside Great Britain which is either—
 - (i) analogous to a war disablement pension; or
 - (ii) analogous to a war widow’s pension;”.

Amendment of Schedule 4 to the 1989 Regulations

33. In Schedule 4 to the 1989 Regulations (capital to be disregarded)—

- (a) in paragraph 4(a) after the word “family” there shall be inserted the words “as his home”;

(18) Paragraph 15A was inserted in Schedule 1 by S.I. 1990/1773.

- (b) in paragraph 30 after the word “occupational” there shall be inserted the words “or personal”.

Amendment of Schedule 5 to the 1989 Regulations

34. In Schedule 5 to the 1989 Regulations (matters to be included in a notice of a benefit determination) in paragraph 13 at the beginning there shall be inserted the words—

“Except in cases to which paragraphs (a) to (d) of regulation 83 (excess benefits in consequence of a reduction in an appropriate authority’s personal community charge) refer.”.

Transitional provision

35. Where an appropriate authority reviews an award of housing benefit or community charge benefit solely in consequence of—

- (a) the increases in the allowance applicable in respect of a child or young person or in the family premium made by regulations 15(b) and (c) and 30(b) and (c) of these Regulations; and
- (b) the increase in child benefit made under the Child Benefit and Social Security (Fixing and Adjustment of Rates) Amendment No. 2 Regulations 1991(**19**);

and determines that no change in the amount of the award is to be made, the authority shall not be required under either regulation 77 of the 1987 Regulations or regulation 65 of the 1989 Regulations (notification of determinations) to issue a notification of their determination to any person affected by the determination.

Signed by authority of the Secretary of State for Social Security.

11th July 1991

Henley
Parliamentary Under-Secretary of State,
Department of Social Security

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SCHEDULE

Regulations 15(b) and 30(b)

TABLE

(1) Child or Young Person	(2) Amount
Person aged:–	
(a) (a) less than 11;	(a) (a) £13.60;
(b) (b) not less than 11 but less than 16;	(b) (b) £20.00;
(c) (c) not less than 16 but less than 18;	(c) (c) £23.90;
(d) (d) not less than 18.	(d) (d) £31.40.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 and the Community Charge Benefits (General) Regulations 1989 so that with respect to each benefit–

the number of hours of work in each week required for a person to be treated as engaged in remunerative work is reduced from not less than 24 to not less than 16 (regulations 2, 16, 19 and 31);

the income included in the calculation of a person’s weekly income is more particularly specified (regulations 3 and 20);

charitable payments made at regular intervals to be used by a person for paying a community charge are to be fully disregarded from his income, except where they are to be used for paying a personal community charge or collective community charge contribution when the maximum amount to be disregarded is £10 per week (regulations 5(c) and 32(a));

the sums to be disregarded in calculating the profits of self-employed earners are extended (regulations 4 and 21);

they amend the conditions governing the valuation of services performed by a claimant for another person in calculating a claimant’s income (regulations 6 and 22);

they amend the rules for calculating the rate at which a person’s notional capital diminishes (regulations 7 and 23);

what constitutes the last day of a course of education is defined and consequential amendments are made in the definitions of “grant income”, “period of study” and “student” (regulations 8 and 24), and the treatment of student loans (regulations 11 and 26);

the sum allowed in respect of the cost of a student’s books and equipment is increased in calculating his grant income (regulations 10 and 25);

claims made within 4 weeks of a claimant or his partner first becoming liable to make payments in respect of his dwelling or in respect of a personal community charge may be made at the appropriate social security office (regulations 12 and 27);

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the time for which benefit which has been overpaid in consequence of an official error shall continue to be due is restricted (regulations 13 and 29);

they increase the personal allowance for single persons under 25 and lone parents under 18, the amounts payable in respect of children and young persons and the family premium and amend the conditions for entitlement to a carer premium (regulations 15 and 30);

they specify that the first £10 of any payment by the government of a country outside Great Britain which is analogous to a war disablement pension or war widow's pension are to be disregarded as part of a person's income (regulations 17 and 32(b));

premises occupied in whole or part by a partner or relative of a claimant or of certain members of his family may only be disregarded from his capital where that partner or relative is aged 60 or over or is incapacitated and occupies the premises as his home (regulations 18 and 33);

the value of the right to receive a personal pension is to be disregarded from a person's capital (regulations 18 and 33).

With respect to housing benefit they amend references to the community charge in the provisions relating to the calculation of a person's notional income and notional capital (regulation 5(a) and (b)) and increase the amount of the deductions to be made in calculating a student's eligible rent (regulation 9) and the provisions specifying charges in respect of radio relay or television services which are eligible for benefit (regulation 14).

With respect to community charge benefits they amend the rules governing the notices relating to excess benefits which must be served on a benefit claimant where an authority's personal community charge is reduced (regulations 28 and 34).

Where awards of housing benefit or community charge benefit are reviewed in consequence of the specified increases in allowances in respect of a child or young person and the family premium and of child benefit, if the amount of the award is unchanged, a notice of the determination on review need not be sent to the person entitled to the award (regulation 35).