
STATUTORY INSTRUMENTS

1998 No. 911

SOCIAL SECURITY

**The Council Tax Benefit (General)
Amendment Regulations 1998**

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| <i>Made</i> | - - - - | <i>30th March 1998</i> |
| <i>Laid before Parliament</i> | | <i>30th March 1998</i> |
| <i>Coming into force</i> | - - | <i>31st March 1998</i> |

The Secretary of State for Social Security, in exercise of the powers conferred on her by sections 131(10), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling her in that behalf, after consultation with organisations appearing to her to be representative of the authorities concerned⁽²⁾ and it appearing to her by reason of the urgency of the matter to be inexpedient to refer proposals in respect of these Regulations to the Social Security Advisory Committee⁽³⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Council Tax Benefit (General) Amendment Regulations 1998 and shall come into force on 31st March 1998.

Amendment of the Council Tax Benefit (General) Amendment Regulations 1997

2.—(1) The Council Tax Benefit (General) Amendment Regulations 1997⁽⁴⁾ shall be amended in accordance with the following paragraph.

(2) After regulation 2 (amendment of the Council Tax Benefit (General) Regulations 1992) there shall be added the following regulation—

“Saving

3.—(1) Subject to paragraph (2), regulation 2(3) and (4) above shall not have effect in the case of a person entitled to council tax benefit in respect of 31st March 1998, for so long as

(1) 1992 c. 4; section 131 was substituted and section 137 was amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c. 14); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) See section 176(1) of the Social Security Administration Act 1992 (c. 5).
(3) See section 173(1)(b) Social Security Administration Act 1992 (c. 5).
(4) S.I.1997/1841.

that person is continuously so entitled by virtue of his residence in the dwelling in which he was residing on that date.

(2) Where a person to whom paragraph (1) refers ceases to be entitled to council tax benefit in respect of his residence in the relevant dwelling, that paragraph shall have effect for a partner who—

- (a) was resident in that dwelling on 31st March;
- (b) has remained continuously resident in that dwelling since that date; and
- (c) becomes personally entitled to council tax benefit on account of being resident in that dwelling within a period of not more than 12 weeks from the time the original person's entitlement ceased.

(3) Where a person who is entitled to council tax benefit in the circumstances to which paragraph (1) or (2) refers—

- (a) whether on one or more occasions, ceases to be entitled to council tax benefit on or after 1st April 1998 but subsequently becomes re-entitled to that benefit within a period of not more than 12 weeks from the date he ceases to be so entitled; and
- (b) the dwelling in respect of which his further entitlement arises is the dwelling to which paragraph (1) refers,

paragraph (1) shall continue to apply in his case.”.

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

30th March 1998

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Amendment Regulations 1997 (S.I.1997/1841) (“the principal Regulations”) by providing that the Regulations which limit the maximum amount of council tax benefit or alternative maximum council tax benefit to which a person may be entitled where the dwelling in which he resides falls within any of the valuation bands F to H to which section 5 or 74 of the Local Government Finance Act 1992 (c. 14) refers, shall not have effect where that person is entitled to council tax benefit on 31st March 1998, for so long as that person is continuously entitled to that benefit in respect of his residence in the dwelling in which he was residing on 31st March 1998.

The principal Regulations shall also not have effect where the person referred to above ceases to be entitled to council tax benefit and his partner, who was resident in the dwelling concerned on 31st March 1998 and has remained continuously so resident since, becomes personally entitled to council tax benefit not more than 12 weeks after the original entitlement to that benefit ceased.

Provision is made for linking periods of entitlement to council tax benefit which are separated by not more than 12 weeks.

These Regulations do not impose a charge upon businesses.