

1999 No. 1539

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit (General)
Amendment (No.2) Regulations 1999**

<i>Made - - - -</i>	<i>3rd June 1999</i>
<i>Laid before Parliament</i>	<i>7th June 1999</i>
<i>Coming into force</i>	<i>28th June 1999</i>

The Secretary of State for Social Security in exercise of powers conferred by sections 1(1C), 5(1)(b) and (j), 6(1)(b) and (k), 189(1), (4), (6) and (7) and 191 of the Social Security Administration Act 1992(a) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(b) and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (General) Amendment (No.2) Regulations 1999 and shall come into force on 28th June 1999.

(2) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(d);

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(e).

Gateway Office

2. In regulation 2 of the Housing Benefit Regulations (interpretation) in paragraph (1) in the appropriate place there shall be inserted the following definition—

““gateway office” means an appropriate DSS office or an office designated by the appropriate authority which is nominated by the Secretary of State as a gateway office and referred to in a notice upon or attached to a form approved by the appropriate authority for the purpose of claiming housing benefit;”.

Amendment of regulation 72 of the Housing Benefit Regulations

3. Regulation 72 of the Housing Benefit Regulations (time and manner in which claims are to be made) shall be amended as follows—

(a) in paragraph (4), at the end there shall be added the following sub-paragraph—

“(d) may, in the case of a claimant who has attained the age of 16 but not the age of 60 and is not engaged in remunerative work, be sent or delivered to a gateway office.”;

(a) 1992 c. 5; section 191 is cited because of the meaning ascribed to the word “prescribe”.

(b) See the Social Security Administration Act 1992 (c. 5), section 176(1)(a).

(c) See the Social Security Administration Act 1992, section 173(1)(b).

(d) S.I. 1987/1971.

(e) S.I. 1992/1814.

- (b) in paragraph (5)(a), after the words “Subject to paragraphs (11), (16) and (17)” there shall be inserted the words “and to regulation 72A”.

Insertion of new regulation 72A in the Housing Benefit Regulations

4. After regulation 72 of the Housing Benefit Regulations there shall be inserted the following regulation—

“Date of claim where claim sent or delivered to a gateway office

72A.—(1) Subject to paragraph (11) of regulation 72, and with the exception of those claims to which paragraph (3) of this regulation refers, where a claim for housing benefit has been sent or delivered to a gateway office in accordance with sub-paragraph (d) of paragraph (4) of regulation 72, the date on which that claim is made shall be—

(a) in a case where a claimant or his partner—

- (i) is a person who has been awarded income support or an income-based jobseeker’s allowance; and
- (ii) first notifies his intention to claim housing benefit within 4 weeks of the date on which his claim for that income support or jobseeker’s allowance was received at an appropriate DSS office,

the first day of entitlement to income support or an income-based jobseeker’s allowance, but if the first notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at a gateway office within one month of that notification; and for the purposes only of this sub-paragraph a person who has been awarded an income-based jobseeker’s allowance shall be treated as also entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under paragraph 4 of Schedule 1 to the Jobseekers Act 1995(b) (waiting days) have been entitled to that allowance;

(b) in a case where the claimant or his partner—

- (i) claimed income support or a jobseeker’s allowance; but
- (ii) has no entitlement to income support or an income-based jobseeker’s allowance,

the first date on which notification is deemed to be given in accordance with paragraph (2), but if that notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at a gateway office within one month of that notification;

(c) in a case where a claimant or his partner—

- (i) is a person on income support or entitled to an income-based jobseeker’s allowance;
- (ii) has become liable for the first time to make payments in respect of the dwelling which he occupies as his home; and
- (iii) first notifies his intention to make a claim for housing benefit within 4 weeks of the commencement of the rental liability,

the date on which the liability to make those payments arises, but if the first notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at the gateway office within one month of that notification;

(d) in a case where neither the claimant nor his partner is a person on income support or entitled to an income-based jobseeker’s allowance, the first date on which notification is deemed to be made in accordance with paragraph (2), but if that notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at the gateway office within one month of that notification; or

(a) Paragraph (5) was amended by S.I. 1996/1510.

(b) 1995 c. 18.

(e) in any other case, the date on which the claim for housing benefit is received at the gateway office.

(2) A notification of intention to make a claim is deemed to be given on the date on which notification from the claimant of his intention to claim housing benefit in whatever form is received at a gateway office.

(3) This regulation does not apply to claims which are made in accordance with the provisions contained in paragraphs (12), (13) or (14) of regulation 72.”.

Amendment of regulation 75 of the Housing Benefit Regulations

5. In regulation 75 of the Housing Benefit Regulations (duty to notify changes of circumstances) after paragraph (1) there shall be inserted the following paragraph—

“(1A) In the case of a claimant who sent or delivered his claim to a gateway office in accordance with regulation 72A, a change of circumstances may be reported in writing to that office, or to any other gateway office of which he was notified on or with his claim form.”.

Gateway Office

6. In regulation 2 of the Council Tax Benefit Regulations (interpretation) in the appropriate place there shall be inserted the following definition—

“ “gateway office” means an appropriate social security office or an office designated by the appropriate authority which is nominated by the Secretary of State as a gateway office and referred to in a notice upon or attached to a form approved by the appropriate authority for the purpose of claiming council tax benefit.”.

Amendment of regulation 62 of the Council Tax Benefit Regulations

7. Regulation 62 of the Council Tax Benefit Regulations (time and manner in which claims are to be made) shall be amended as follows—

(a) in paragraph (4) at the end there shall be added the following sub-paragraph—

“(d) may, in the case of a claimant who has attained the age of 16 but not the age of 60 and is not engaged in remunerative work, be sent or delivered to a gateway office”.;

(b) in paragraph (5)(a) after the words “Subject to paragraph (12)” there shall be inserted the words “and regulation 62A”.

Insertion of new regulation 62A in the Council Tax Benefit Regulations

8. After regulation 62 of the Council Tax Benefit Regulations there shall be inserted the following regulation—

“Date of claim where claim sent or delivered to a gateway office

62A.—(1) Subject to paragraphs (10), (11) and (12) of regulation 62, and with the exception of those claims to which paragraph (3) of this regulation refers, where a claim for council tax benefit has been sent or delivered to a gateway office in accordance with sub-paragraph (d) of paragraph (4) of regulation 62, the date on which that claim is made shall be—

(a) in a case where a claimant or his partner—

(i) is a person who has been awarded income support or an income-based jobseeker’s allowance; and

(ii) first notifies his intention to claim council tax benefit within 4 weeks of the date on which his claim for that income support or jobseeker’s allowance was received at an appropriate social security office,

the first day of entitlement to income support or an income-based jobseeker’s allowance, but if the first notification is by any means other than a claim which

(a) Paragraph (5) was amended by S.I. 1996/1510.

meets the requirements of regulation 62(1) such a claim must be received at a gateway office within one month of that notification; and for the purposes only of this sub-paragraph a person who has been awarded an income-based jobseeker's allowance shall be treated as also entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under paragraph 4 of Schedule 1 to the Jobseekers Act 1995(a) (waiting days) have been entitled to that allowance;

- (b) in a case where the claimant or his partner—
 - (i) claimed income support or a jobseeker's allowance; but
 - (ii) has no entitlement to income support or an income-based jobseeker's allowance,

the first date on which notification is deemed to be given in accordance with paragraph (2), but if that notification is by any means other than a claim which meets the requirements of regulation 62(1) such a claim must be received at the gateway office within one month of that notification;

- (c) in a case where a claimant or his partner—
 - (i) is a person on income support or entitled to an income-based jobseeker's allowance;
 - (ii) has become liable for the first time to pay council tax in respect of the dwelling he occupies as his home; and
 - (iii) first notifies his intention to make a claim for council tax benefit within 4 weeks of the change,

the date on which that change takes place, but if the first notification is by any means other than a claim which meets the requirements of regulation 62(1) such a claim must be received at the gateway office within one month of that notification;

- (d) in a case where neither the claimant nor his partner is a person on income support or entitled to an income-based jobseeker's allowance, the first date on which notification is deemed to be given in accordance with paragraph (2), but if that notification is by any means other than a claim which meets the requirements of regulation 72(1) such a claim must be received at the gateway office within one month of that notification; or
- (e) in any other case, the date on which the claim for council tax benefit is received at the gateway office.

(2) A notification of intention to make a claim is deemed to be given on the date on which notification from the claimant of his intention to claim council tax benefit is received in whatever form at a gateway office.

(3) This regulation does not apply to claims which are made in accordance with the provisions contained in paragraphs (13), (14) and (15) of regulation 62.”

Amendment of regulation 65 of the Council Tax Benefit Regulations

9. In regulation 65 of the Council Tax Benefit Regulations (duty to notify changes of circumstances) after paragraph (1) there shall be inserted the following paragraph—

“(1A) In the case of a claimant who sent or delivered his claim to a gateway office in accordance with regulation 62A, a change of circumstances may be reported in writing to that office, or to any other gateway office that was notified to him on or with his claim form.”.

Amendment of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1999

10. In the Schedule to the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1999(b) in the appropriate place there shall be inserted the following entry—

(a) 1995 c. 18.
(b) S.I. 1999/920.

“Crawley”.

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

3rd June 1999

Stephen C. Timms
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971) (the “Housing Benefit Regulations”) and the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) (the “Council Tax Benefit Regulations”).

Regulations 2 and 6 define “gateway office” for the purposes of housing benefit and council tax benefit respectively.

Regulations 3 and 7 make provision for claimants of housing benefit or council tax benefit respectively to send or deliver claims for those benefits to a gateway office.

Regulations 4 and 8 insert a new regulation into the Housing Benefit Regulations and Council Tax Benefit Regulations respectively, which makes provision as to the date on which a claim sent or delivered to a gateway office shall be treated as made.

Regulations 5 and 9 enable a housing benefit or council tax benefit claimant who has sent or delivered a claim to a gateway office to report a change of circumstances to that office, or any other gateway office of which he has been notified.

Regulation 10 amends the Schedule to the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1999 (1999/920) by the addition of a further authority to the list of authorities contained in that Schedule.

These Regulations do not impose a charge on business.

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