

2001 No. 1324

SOCIAL SECURITY

**The Housing Benefit (General) Amendment (No. 3)
Regulations 2001**

<i>Made - - - -</i>	<i>2nd April 2001</i>
<i>Laid before Parliament</i>	<i>3rd April 2001</i>
<i>Coming into force</i>	<i>2nd July 2001</i>

The Secretary of State for Social Security, in exercise of the powers conferred upon him by sections 123(1)(d), 130(2) and (4), 137(1) and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(a), section 122(3) and (5) of the Housing Act 1996(b) and paragraph 4(6) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(c) and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations shall not be referred to it(d) and after consultation with organisations appearing to him to be representative of the authorities concerned(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) Amendment (No. 3) Regulations 2001 and shall come into force on 2nd July 2001.

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

Amendment of the Housing Benefit Regulations

2.—(1) In regulation 11 of the Housing Benefit Regulations (maximum rent)—

- (a) in paragraph (1) at the beginning insert “Subject to paragraph (1A)”;
- (b) after paragraph (1) insert the following paragraph—

“(1A) Where the rent officer makes and notifies an authority of a determination of a single room rent in accordance with article 3A of the Rent Officers Order on or after 2nd July 2001—

(a) 1992 c.4; section 137(1) is cited because of the meaning ascribed to the word “prescribed”.
(b) 1996 c.52.
(c) 2000 c.19.
(d) See Section 173(1)(b) of the Social Security Administration Act 1992 (c.5).
(e) See Section 176(1) of the Social Security Administration Act 1992.
(f) S.I. 1987/1971; relevant amending instruments are S.I. 1995/1644, 1996/965, 1997/852, 1997/1975.

(a) the maximum rent shall be determined in accordance with paragraphs (2) to (12) without a further application for a determination under regulation 12A having been made; and

(b) the authority's superseding decision shall take effect from 2nd July 2001."

(2) In regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers), after paragraph (1) there shall be inserted the following new paragraph—

“(1AA) In a case where a relevant authority has received notification of a determination of a single room rent pursuant to paragraph 5 of Schedule 1 to the Rent Officers Order before 2nd July 2001 and the authority is relying on that determination for the purposes of a decision under regulation 11 (maximum rent) that determination shall cease to have effect on the day before 2nd July 2001 and the authority shall make an application for a determination of the single room rent to have effect from 2nd July 2001 unless, on or after 2nd July 2001 but before 2nd October 2001, the Rent Officer notifies the authority of his determination of that single room rent effective from 2nd July 2001 without a further application having been made.”

(3) In Schedule 1A of the Housing Benefit Regulations (excluded tenancies)—

(a) in paragraph 2(2)(a) and (b) at the beginning insert “subject to head (c)”;

(b) in paragraph 2(2) after head (b) insert the following head—

“(c) in a case where the determination mentioned in sub-paragraph (1) was made before 2nd July 2001 and it was, or was made in conjunction with, a determination of a single room rent pursuant to paragraph 5 of Schedule 1 to the Rent Officers Order.”

(c) in paragraph 3(3)(f) at the end insert “on or after 2nd July 2001”.

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

2nd April 2001

Angela Eagle
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971). In particular, they amend regulations 11 and 12A of, and Schedule 1A to, those regulations consequential upon amendments to the criteria applying to determinations of the single room rent in the Rent Officers (Housing Benefit Functions) Order 1997 (S.I. 1997/1984) and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (S.I. 1997/1995 S.144).

These Regulations do not impose a charge on business.

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