

2001 No. 2333

SOCIAL SECURITY

**The Social Security Amendment (Discretionary Housing
Payments) Regulations 2001**

<i>Made - - - -</i>	<i>27th June 2001</i>
<i>Laid before Parliament</i>	<i>29th June 2001</i>
<i>Coming into force</i>	<i>2nd July 2001</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(a), (d) and (e), 130(4), 136(5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a), sections 12(4)(b), 35(1) and 36(1) and (2) of the Jobseekers Act 1995(b) and section 122(3) and (5) of the Housing Act 1996(c) of all other powers enabling him in that behalf, after consultation in respect of provisions in these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned(d) and after agreement by the Social Security Advisory Committee that the proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security Amendment (Discretionary Housing Payments) Regulations 2001 and shall come into force on 2nd July 2001.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(f);

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

“the Income Support Regulations” means the Income Support (General) Regulations 1987(h);

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(i).

(a) 1992 c.4; sections 123(1) and 137(1) were amended to have effect with respect to council tax benefit by Schedule 9 to the Local Government Finance Act 1992 (c.14), paragraphs 1(1) and 9; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) 1995 c.18; section 35(1) is an interpretation provision and is cited because of the meaning ascribed in the words “prescribed” and “regulations”.

(c) 1996 c.52.

(d) See section 176(1) of the Social Security Administration Act 1992 (c.5).

(e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992; paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee. Section 173(7) defines “regulations”.

(f) S.I. 1992/1814.

(g) S.I. 1987/1971.

(h) S.I. 1987/1967.

(i) S.I. 1996/207.

Disregard of discretionary housing payments

2.—(1) There shall be added as—

- (a) paragraph 73 of Schedule 4 to the Council Tax Benefit Regulations**(a)** (sums to be disregarded in the calculation of income other than earnings);
- (b) paragraph 74 of Schedule 4 to the Housing Benefit Regulations**(b)**;
- (c) paragraph 75 of Schedule 9 to the Income Support Regulations**(c)**;
- (d) paragraph 71 of Schedule 7 to the Jobseeker's Allowance Regulations**(d)**,

the following paragraph—

“Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001**(e)**.”

(2) There shall be added as—

- (a) sub-paragraph (f) in paragraph 8 of Schedule 5 to the Council Tax Benefit Regulations **(f)** (capital to be disregarded);
- (b) sub-paragraph (e) in paragraph 8 of Schedule 5 to the Housing Benefit Regulations**(g)**;
- (c) sub-paragraph (d) in paragraph 7 of Schedule 10 to the Income Support Regulations**(h)**;
- (d) sub-paragraph (d) in paragraph 12 of Schedule 8 to the Jobseeker's Allowance Regulations**(i)**,

the following sub-paragraph—

“any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001.”

Further amendment of the Housing Benefit Regulations

3. In regulation 12A(1AA) of the Housing Benefit Regulations**(j)** (requirement to refer to rent officers), the words “the day before” shall be omitted.

Signed by authority of the Secretary of State for Work and Pensions.

27th June 2001

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

(a) The preceding paragraph was inserted by S.I. 2000/724.
(b) The preceding paragraph was inserted by S.I. 2000/724.
(c) The preceding paragraph was inserted by S.I. 2001/488.
(d) The preceding paragraph was inserted by S.I. 2000/3176.
(e) S.I. 2001/1167.
(f) Sub-paragraph (e) was inserted by S.I. 1996/1944.
(g) Sub-paragraph (d) was inserted by S.I. 1996/1944.
(h) Sub-paragraph (c) was inserted by S.I. 1996/1944.
(i) Sub-paragraph (c) was inserted by S.I. 1996/2538.
(j) Regulation 12A was inserted by S.I. 1990/546. Paragraph (1AA) was inserted by S.I. 2001/1324.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. 1987/1967), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), 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).

In particular, regulation 2 provides that discretionary housing payments paid pursuant to the Discretionary Financial Assistance Regulations 2001 (S.I. 2001/1167) shall be disregarded as income in those benefits and that arrears of such payments shall be disregarded as capital for up to 52 weeks.

Regulation 3 amends regulation 12A of the Housing Benefit Regulations as to the date on which rent officer determinations made before 2nd July 2001 shall cease to have effect.

These Regulations do not impose a charge on business.

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