

2002 No. 2322

SOCIAL SECURITY

**The Housing Benefit (General) Amendment Regulations
2002**

Made - - - - - *9th September 2002*

Laid before Parliament *13th September 2002*

Coming into force - - *7th October 2002*

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

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (General) Amendment Regulations 2002, and shall come into force on 7th October 2002.

Amendment of Regulations

2. In paragraph 11A of Schedule 1A to the Housing Benefit (General) Regulations 1987 (excluded tenancies—property acquired by social landlords)(e)—

- (a) in sub-paragraph (1) for “sub-paragraph (2)” there shall be substituted “sub-paragraphs (2) and (3)”; and
- (b) after sub-paragraph (2) there shall be added—

“(3) Where the disposal or acquisition, as the case may be, took place on or after 7th October 2002, sub-paragraph (2)(b) shall apply to a tenancy to which sub-paragraph (1) refers as if head (i) were omitted.”.

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

9th September 2002

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

(a) 1992 c. 4; section 137(1) is cited for the meaning of “prescribed”; section 175(1) and (4) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 29.
(b) 1996 c. 52.
(c) See the Social Security Administration Act 1992 (c. 5), section 176(1).
(d) See the Social Security Administration Act 1992, section 173(1)(b).
(e) S.I. 1987/1971. Schedule 1A was inserted by S.I. 1990/546 and amended by S.I. 1992/432 (which inserted paragraph 11A) and S.I. 1997/852 (which substituted heads (i) and (ii) in sub-paragraph (2)(b) of paragraph 11A).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Housing Benefit (General) Regulations 1987 which provide for a scheme whereby housing benefit is payable to persons who are liable to make certain payments in respect of a dwelling occupied as their home.

Paragraph 11A of Schedule 1A to those Regulations is amended so that a tenancy in respect of a dwelling whose ownership has been transferred on or after 7th October 2002, with the consent of the Secretary of State, Scottish Ministers or the National Assembly for Wales, or to a person approved by the Housing Corporation, must be referred to a rent officer only where the rent payable under the tenancy has been increased since the transfer and the local authority considers the rent to be unreasonably high. Such a tenancy need no longer be referred to the rent officer on the ground that the local authority considers the dwelling to be larger than the claimant reasonably requires.

These Regulations impose no additional costs on business.

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