

## 2003 No. 2399

### SOCIAL SECURITY

#### The Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003

*Made* - - - - 18th September 2003

*Laid before Parliament* 24th September 2003

*Coming into force in accordance with regulation 1(1)*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 123(1)(d), 130(2) and (4), 137(1) and (2)(j) and 175(1) and (3) to (6) of the Social Security Contributions and Benefits Act 1992(a), sections 5(1)(k) and (p) and (6), 189(7) and 191 of the Social Security Administration Act 1992(b), section 122 (3) and (5) of the Housing Act 1996(c), and paragraphs 3(1), 4(4) and (6), 20(1)(b), (2) and (3) and 23(1) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(d), and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee(e) and after consultation with organisations appearing to him to be representative of the authorities concerned(f), hereby makes the following Regulations:

#### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 and shall come into force in relation to the area of a relevant authority specified in Schedule 1 to these Regulations, and in relation to that relevant authority, on the date specified in that Schedule in relation to that relevant authority.

(2) In these Regulations—

- (a) “the principal Regulations” means the Housing Benefit (General) Regulations 1987(g); and
- (b) “relevant authority” has the meaning specified in regulation 2(1) of the principal Regulations.

#### **[Regulations 2 – 13 make various amendments to S.I. 1987/1971.]**

- 
- (a) 1992 c. 4; section 137(1) is cited because of the meaning ascribed to the word “prescribed”.
  - (b) 1992 c. 5; section 5(6) was inserted by section 120(1) of the Housing Act 1996 (c. 52); section 130(2) has been amended by paragraph 3 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and paragraph 174(4) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39); section 189(7) was amended by paragraph 24 of Schedule 9 to the Local Government Finance Act 1992 and paragraph 10 of Schedule 1 to the Social Security Administration (Fraud) Act 1997 (c. 47); section 191 is cited for the meaning of “prescribe”.
  - (c) 1996 c. 52.
  - (d) 2000 c. 19; paragraph 23(1) of Schedule 7 is cited for the meaning of “prescribed”.
  - (e) See section 172(1) of the Social Security Administration Act 1992.
  - (f) See section 176(1) of the Social Security Administration Act 1992.
  - (g) S.I. 1987/1971. Relevant amending instruments are S.I. 1988/1971, 1990/546, 1991/2742, 1993/317, 518 and 1150, 1994/2137, 1995/625, 1644, 2303 and 2868, 1996/965, 1510 and 2432, 1997/65, 852, 1995 and 2434, 1998/563, 1999/2401 and 2734, 2000/4 and 681, 2001/487, 1324 and 1605, 2002/490 and 2497 and 2003/48, 363 and 1338.

SI 2003/2399

HOUSING BENEFIT (GENERAL) (LOCAL HOUSING ALLOWANCE)  
AMENDMENT REGULATIONS 2003

Regs. 14-16

State Pension Credit

Reg. 14 revoked by reg.  
36(1) of S.I. 2004/14 as  
from 5.4.04.

14. ▶◀

**[Regulation 15 amends regulation 10 of S.I. 1995/1644.]**

**Regulation 16 makes various amendments to S.I. 2001/1002.]**

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

18th September 2003

*Chris Pond*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

*See reg. 36(2) of S.I. 2004/14 at page 8.1601 for details of modifications to the Housing Benefit (General) Regulations 1987 in relation to the relevant authority listed in Sch. 1 below.*

---

SCHEDULE 1

Regulation 1

DATE ON WHICH REGULATIONS COME INTO FORCE IN RELATION  
TO RELEVANT AUTHORITIES

---

<i>Relevant authority</i>	<i>Date</i>
Blackpool	17th November 2003
Brighton and Hove	2nd February 2004
Conwy	9th February 2004
Coventry	12th January 2004
Edinburgh	9th February 2004
Leeds	9th February 2004
Lewisham	1st December 2003
North East Lincolnshire	9th February 2004
Teignbridge	12th January 2004

---

**[Schedule 2 inserts Schedule 8 into S.I. 1987/1971.]**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Housing Benefit (General) Regulations 1987 (“the Regulations”), the Housing Benefit (General) Amendment Regulations 1995 and the Housing Benefit (Decisions and Appeals) Regulations 2001 and provide for new arrangements for determining eligible housing costs for the purposes of claims for housing benefit made by persons living in the areas of certain local authorities (“pathfinder authorities”).

Regulation 2 inserts new definitions in regulation 2 of the Regulations.

Regulation 3 amends regulation 8 of the Regulations to provide for the calculation of maximum housing benefit in cases where the eligible rent has been determined in accordance with regulations 10 and 11A.

Regulation 4 inserts regulation 8A which provides for the maximum housing benefit to expire where it has not been updated.

Regulation 5 amends regulation 10 of the Regulations to provide for the determination and application of an eligible rent where a pathfinder authority has been required to determine a maximum rent (standard local rate) by virtue of regulation 11A.

Regulation 6 inserts regulations 11A and 11B. Regulation 11A provides for the circumstances in which a pathfinder authority must determine a maximum rent (standard local rate), the way it is to be determined, and for the treatment of any amount by which the maximum rent (standard local rate) exceeds the rent which the claimant is liable to pay. Regulation 11B makes provision for pathfinder authorities to publicise the new arrangements.

Regulation 7 inserts paragraph (2B) in regulation 12A of the Regulations which provides that cases to which the new arrangements apply do not need to be referred to the rent officer. The same applies to requests for pre-tenancy determinations where the case would be subject to the new arrangements were a claim to be made. Where rent under the tenancy is attributable to board and attendance, there is no provision for a pre-tenancy determination to be made.

Regulation 8 amends regulation 12B of the Regulations to provide for pathfinder authorities to apply to the rent officer for board and attendance redeterminations where part of the rent is attributable to board and attendance.

Regulation 9 amends regulation 12C of the Regulations to provide for pathfinder authorities to apply for substitute board and attendance determinations or redeterminations where the rent officer has notified them that he has made an error, and regulation 10 amends regulation 12CA of the Regulations to exclude broad market rental area and local housing allowance determinations from the provisions of regulation 12C of the Regulations.

Regulation 11 inserts regulation 12E which makes provision for cases where decisions are revised as a result of amended broad market rental area or local housing allowance determinations being made by the rent officer.

Regulation 12 amends regulations 93 and 94 of the Regulations to make provision for the circumstances in which local authorities may pay a person’s housing benefit direct to his landlord in cases to which the new arrangements apply.

Regulation 13 inserts Schedule 8 which specifies the local authorities which are pathfinder authorities.

Regulation 14 makes modifications and amendments to the Regulations in the case of persons who have reached the qualifying age for state pension credit.

HOUSING BENEFIT (GENERAL) (**LOCAL HOUSING ALLOWANCE**)  
AMENDMENT REGULATIONS 2003

Regulation 15 amends the Housing Benefit (General) Amendment Regulations 1995 to provide for the circumstances in which transitional provision under those Regulations will cease to have effect in cases to which the new arrangements for determining eligible rent apply.

Regulation 16 makes consequential amendments to the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001.

The Report of the Social Security Advisory Committee dated 8th July 2003 on the proposals referred to them in these Regulations, together with a statement showing the extent to which these Regulations give effect to the Recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, are contained in the Command paper Cm. 5955, published by the Stationery Office Limited.