

2003 No. 48

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit (General)
Amendment Regulations 2003**

Made - - - - - 12th January 2003

Laid before Parliament 20th January 2003

Coming into force - - 10th February 2003

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 1(1), 5(1)(a), (b), and (c), 6(1)(a), (b) and (c), 7A(1)(a) and (2)(a), 189(1), (4), (5) and (7) and 191 of the Social Security Administration Act 1992(a), section 130(4) of the Social Security Contributions and Benefits Act 1992(b), section 122(3) and (5) of the Housing Act 1996(c) and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned(d) and after agreement by the Social Security Advisory Committee that proposals to make 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 Housing Benefit and Council Tax Benefit (General) Amendment Regulations 2003 and shall come into force on 10th February 2003.

(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).

Amendments to the Council Tax Benefit Regulations

2. In regulation 2(1) of the Council Tax Benefit Regulations (interpretation) for the definition of “designated office” there shall be substituted the following definition—

““designated office” means the office designated by the relevant authority for the receipt of claims to council tax benefit, either—

(a) by notice upon or with a form approved by it for the purpose of claiming council tax benefit; or

(a) 1992 c. 5; section 7A was inserted by section 71 of the Welfare Reform and Pensions Act 1999 (c. 30); section 191 is an interpretation provision and is cited because of the meaning assigned to the word ‘prescribe’.

(b) 1992 c. 4.

(c) 1996 c. 52.

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

(e) See section 173(1)(b) of the Social Security Administration Act 1992.

(f) S.I. 1992/1814; the relevant amending instruments are S.I. 1996/1510, 2001/1605 and 2002/1397.

(g) S.I. 1987/1971; the relevant amending instruments are S.I. 1990/546, 671, 1995/1644, 2868, 1996/1510, 1999/1539, 2000/4, 2001/1605 and 2002/1397.

- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;”.

3.—(1) Regulation 62 of the Council Tax Benefit Regulations (time and manner in which claims are to be made) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (4)(a) after the words “income support” there shall be inserted the words “, incapacity benefit”.

(3) For paragraph (4)(c) there shall be substituted the following sub-paragraph—

“(c) sent or delivered to the appropriate social security office, other than one sent on the same form as a claim being made to income support, incapacity benefit or a jobseeker’s allowance and as approved by the Secretary of State for the purpose of the benefits being claimed, shall be forwarded to the relevant authority within two working days of the date of the receipt of the claim at the appropriate social security office or as soon as practicable thereafter;”.

(4) After paragraph (5)(a), there shall be inserted the following sub-paragraph—

“(aa) in a case where the claimant or his partner claimed council tax benefit on the same form as a claim being made to incapacity benefit or a contribution-based jobseeker’s allowance and as approved by the Secretary of State for the purpose of the benefits being claimed, the date on which the claim is received at the appropriate social security office;”.

(5) In paragraph (5)(b), for the words “a jobseeker’s allowance” there shall be substituted the words “an income-based jobseeker’s allowance”.

Amendments to the Housing Benefit Regulations

4. In regulation 2(1) of the Housing Benefit Regulations (interpretation) for the definition of “designated office” there shall be substituted the following definition—

““designated office” means the office designated by the relevant authority for the receipt of claims to housing benefit, either—

- (a) by notice upon or with a form approved by it for the purpose of claiming housing benefit; or
- (b) by reference upon or with such a form to some other document available from it and sent by electronic means or otherwise on application and without charge; or
- (c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;”.

5.—(1) Regulation 12A of the Housing Benefit Regulations (requirement to refer to rent officers) shall be amended in accordance with the following paragraphs of this regulation.

(2) After paragraph (1)(a), there shall be inserted the following sub-paragraph—

“(aa) relevant information regarding a claim on which rent allowance may be awarded; or”.

(3) In paragraph (2) after the words “a claim,” there shall be inserted the words “relevant information regarding a claim,”.

(4) In paragraph (2)(a) after the words “that claim,” there shall be inserted the words “relevant information regarding a claim,”.

(5) In paragraph (2)(a)(i) after the words “the claim,” there shall be inserted the words “relevant information,”.

(6) After paragraph (3)(a), there shall be inserted the following sub-paragraph—

“(aa) relevant information regarding a claim on which rent allowance may be awarded; or” .

(7) After the definition of “registered housing association” in paragraph (8), there shall be inserted the following definition—

“ “relevant information” means information or evidence forwarded to the relevant authority by an appropriate DWP office regarding a claim on which rent allowance may be awarded, which completes the transfer of all information or evidence held by the appropriate DWP office relating to that claim; ”.

6.—(1) Regulation 72 of the Housing Benefit Regulations (time and manner in which claims are to be made) shall be amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (4)(a) after the words “income support” there shall be inserted the words “, incapacity benefit”.

(3) For paragraph (4)(c) there shall be substituted the following sub-paragraph—

“(c) sent or delivered to the appropriate DWP office, other than one sent on the same form as a claim being made to income support, incapacity benefit or a jobseeker’s allowance and as approved by the Secretary of State for the purpose of the benefits being claimed, shall be forwarded to the relevant authority within two working days of the date of the receipt of the claim at the appropriate DWP office or as soon as practicable thereafter;”.

(4) After paragraph (5)(a), there shall be inserted the following sub-paragraph—

“(aa) in a case where the claimant or his partner claimed housing benefit on the same form as a claim being made to incapacity benefit or a contribution-based jobseeker’s allowance and as approved by the Secretary of State for the purpose of the benefits being claimed, the date on which the claim is received at the appropriate DWP office;”.

(5) In paragraph (5)(b), for the words “a jobseeker’s allowance” there shall be substituted the words “an income-based jobseeker’s allowance”.

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

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

12th January 2003.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 1 refers to citation, commencement and interpretation.

Regulations 2 and 3 amend the Council Tax Benefit Regulations, and regulations 4, 5 and 6 amend the Housing Benefit Regulations.

Regulations 2 and 4 amend the definition of “designated office”.

Regulation 3 amends regulation 62 of the Council Tax Benefit Regulations regarding the time and manner in which claims are made to council tax benefit.

Regulation 6 amends regulation 72 of the Housing Benefit Regulations regarding the time and manner in which claims are made to housing benefit.

Regulations 3(2) and 6(2) allow a claimant who is also claiming incapacity benefit to submit his claim to council tax benefit or housing benefit to an office of the Department for Work and Pensions which is normally open to the public for the receipt of claims for income support or a jobseeker’s allowance.

Regulations 3(3) and 6(3) provide that a council tax benefit claim or housing benefit claim should be forwarded in appropriate cases to the relevant authority by an office of the Department for Work and Pensions which is normally open to the public for the receipt of claims for income support or a jobseeker’s allowance.

Regulations 3(4) and 6(4) make provision for the date of claim in a case where incapacity benefit or a contribution-based jobseeker’s allowance is also claimed on the same approved claim form, and regulations 3(5) and 6(5) make an amendment consequential on this change.

Regulation 5 provides for an additional circumstance where a relevant local authority should apply to a rent officer for a determination.

These Regulations do not impose a charge on business.

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