
STATUTORY INSTRUMENTS

2004 No. 14

SOCIAL SECURITY

**The Housing Benefit and Council Tax Benefit (Abolition
of Benefit Periods) Amendment Regulations 2004**

<i>Made</i>	- - - -	<i>7th January 2004</i>
<i>Laid before Parliament</i>		<i>12th January 2004</i>
<i>Coming into force</i>	- -	<i>5th April 2004</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by the provisions specified in the Schedule to these Regulations and of all other powers enabling him in that behalf, after consultation with organisations appearing to him to be representative of the authorities concerned ^{M1}, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it ^{M2} hereby makes the following Regulations:
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Marginal Citations

- M1** See section 176(1)(b) of the Social Security Administration Act 1992.
M2 See section 173(1)(b) of the Social Security Administration Act 1992.

PART 1

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004 and shall come into force on 5th April 2004.

(2) In these Regulations—

“the Act” means the Child Support, Pensions and Social Security Act 2000 ^{M3};

“appropriate relevant authority” has the same meaning as in paragraph 4 of Schedule 7 to the Act;

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004. (See end of Document for details)

“benefit period” has the same meaning as in regulation 66 of the Housing Benefit Regulations and regulation 57 of the Council Tax Benefit Regulations as the case may be, as in force immediately before 5th April 2004;

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992 ^{M4};

“Housing Act functions” has the same meaning as in regulation 2(1) of the Housing Benefit Regulations;

“relevant authority” has the same meaning as in regulation 2(1) of the Housing Benefit Regulations;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987 ^{M5}.

Marginal Citations

- M3** 2000 c. 19.
- M4** S.I. 1992/1814.
- M5** S.I.1987/1971.

PART 2

Amendment of Housing Benefit Regulations and Council Tax Benefit Regulations

Amendment of regulation 2 of the Housing Benefit Regulations and regulation 2 of the Council Tax Benefit Regulations

^{F1}2.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 7 of the Housing Benefit Regulations

^{F1}3.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 11 of the Housing Benefit Regulations

^{F1}4.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 12A of the Housing Benefit Regulations

^{F1}5.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 21 of the Housing Benefit Regulations and regulation 13 of the Council Tax Benefit Regulations

F16.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 21A of the Housing Benefit Regulations and regulation 13A of the Council Tax Benefit Regulations

F17.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 22 of the Housing Benefit Regulations and regulation 14 of the Council Tax Benefit Regulations

F18.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 23 of the Housing Benefit Regulations and regulation 15 of the Council Tax Benefit Regulations

F19.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 24 of the Housing Benefit Regulations and regulation 16 of the Council Tax Benefit Regulations

F110.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Extended payments

F111.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004. (See end of Document for details)

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Date on which an award of benefit is to end

F112.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Benefit period

F113.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Change of circumstances

F114.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Time claims are made or treated as made

F115.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 70 of the Housing Benefit Regulations

F116.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 76 of the Housing Benefit Regulations and regulation 66 of the Council Tax Benefit Regulations

F117.

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 104 of the Housing Benefit Regulations and regulation 90 of the Council Tax Benefit Regulations

F118.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of regulation 95 of the Council Tax Benefit Regulations

F119.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of Schedule 1A to the Housing Benefit Regulations

F120.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of Schedule 2 to the Housing Benefit Regulations and Schedule 1 to the Council Tax Benefit Regulations

F121.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of Schedule 5 to the Housing Benefit Regulations and Schedule 5 to the Council Tax Benefit Regulations

F122.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Amendment of Schedule 5A to the Housing Benefit Regulations and Schedule 5A to the Council Tax Benefit Regulations

F123.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004. (See end of Document for details)

Amendment of Schedule 6 to the Housing Benefit Regulations and Schedule 6 to the Council Tax Benefit Regulations

F124.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Minor and consequential amendments

F125.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

PART 3

Transitional and Saving Provisions

Transitional provision

F126.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Transitional provision for rent officer referrals

F127.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Saving provision for extended payments

F128.

F1 Regs. 2-33 revoked (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

PART 4

Amendment of Other Provisions

F1 ...

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

F1

F1 Regs. 2-33 revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 1** (with regs. 2, 3, Sch. 3, Sch. 4)

Changes to legislation: *There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004. (See end of Document for details)*

SCHEDULE

Provisions conferring powers exercised in making these Regulations

<i>Column (1)</i> <i>Short title</i>	<i>Column 2</i> <i>Provision</i>	<i>Column (3)</i> <i>Relevant amendments</i>
Social Security Contributions and Benefits Act 1992 M6	Section 123(1)(d) and (e)	Local Government Finance Act 1992 M7 , Schedule 9, paragraph 1(1)
	Section 130(2) and (4)	Local Government Finance Act 1992, Schedule 9, paragraph 3, Local Government etc. (Scotland) Act 1994 M8 , Schedule 13, paragraph 174, Local Government Act 2000 M9 , section 96
	Section 131(10)	Local Government Finance Act 1992, Schedule 9, paragraph 4
	Section 135(1)	
	Section 136(3), (4) and (5)	
	Section 136A	State Pension Credit Act 2002 M10 , Schedule 2, paragraphs 1 and 3
	Section 137(1) and (2)(i)	
	Section 175(3), (4), (5) and (6)	Local Government Finance Act 1992, Schedule 9, paragraph 10, Social Security Incapacity for Work Act 1994 M11 , Schedule 1, paragraph 36, Social Security Contributions (Transfer of Functions, etc.) Act 1999 M12 , Schedule 3, paragraph 29
Social Security Administration Act 1992 M13		

Changes to legislation: There are currently no known outstanding effects for the *The Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004*. (See end of Document for details)

	Section 5(1)(a), (b), (d), (e), (h), (i), (j) and (k)	Social Security Act 1998 M14 , Schedule 7, paragraph 79(1)
	Section 6(1)(a), (b), (d), (e), (h), (i), (k) and (l)	Local Government Finance Act 1992, Schedule 9, paragraph 12(1)(a) and (b) and Schedule 14
	Section 75(2) and (4) Section 76(1) and (2)	Local Government Finance Act 1992, Schedule 9, paragraph 15 and Schedule 14, Local Government etc. (Scotland) Act 1994 Schedule 13, paragraph 175(3)
	Section 128A	Jobseekers Act 1995 M15 , section 28(2)
	Section 189(4), (5) and (7)	Social Security Act 1998, Schedule 7, paragraph 109
	Section 191	
Housing Act 1996 M16		
	Section 122(3) and (5)	
Social Security Act 1998		
	Section 34(1) to (3)	State Pension Credit Act 2002, Schedule 2, paragraphs 40, 41
	Section 79(4) and (6) Section 84	
Child Support, Pensions and Social Security Act 2000 M17		
	Schedule 7, paragraph 4(4) and (6) Schedule 7, paragraph 23(1)	

Marginal Citations

- M6 1992 c. 4; [section 137\(1\)](#) is cited because of the meaning ascribed to the word “prescribed”.
- M7 1992 c. 14.
- M8 1994 c. 39.
- M9 2000 c. 22.
- M10 2002 c. 16.
- M11 1994 c. 18.
- M12 1999 c. 2.

- M13** 1992 c. 5; section 191 is cited because of the meaning ascribed to the word “prescribe”.
- M14** 1998 c. 14; section 84 is cited because of the meaning ascribed to the word “prescribe”.
- M15** 1995 c. 18.
- M16** 1996 c. 52.
- M17** 2000 c. 19; paragraph 23(1) of Schedule 7 is cited because of the meaning ascribed to the word “prescribed”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend 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) (“the Council Tax Benefit Regulations”), the Housing Benefit (Supply of Information) Regulations 1988 (S.I. 1988/662), the Housing Benefit (General) Amendment Regulations 1995 (S.I. 1995/1644), the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 (S.I. 1997/852), the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (S.I. 2001/1002), the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (S.I. 2003/325), the Housing Benefit and Council Tax Benefit (State Pension Credit) (Abolition of Benefit Periods) Amendment Regulations 2003 (S.I. 2003/1338) and the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589).

These Regulations abolish benefit periods in housing benefit and council tax benefit for all cases. Periodic renewal claims will no longer be required. (Benefit periods have already been abolished for those who have attained the qualifying age for state pension credit).

Part 2 (regulations 2 to 25) contains amendments to the Housing Benefit Regulations and Council Tax Benefit Regulations. Regulations 2 to 4, 6 to 10, 15 to 22 and 24 and 25 amend provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations, omitting references to benefit periods and making consequential changes. Regulation 5 amends regulation 12A of the Housing Benefit Regulations to prescribe further circumstances in which a relevant authority must apply to a rent officer for a determination. Regulation 11 amends the provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations relating to extended payments. Regulation 12 inserts new provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations making provision for a circumstance in which entitlement to benefit ceases. Regulation 13 revokes provisions in the Housing Benefit Regulations and Council Tax Benefit Regulations that relate to the setting and ending of benefit periods. Regulation 14 amends regulation 68 of the Housing Benefit Regulations to specify the date a change of circumstances will take effect where entitlement to housing benefit ends. Regulation 23 amends Schedule 5A to the Housing Benefit Regulations and Schedule 5A to the Council Tax Benefit Regulations consequential upon the changes made by regulation 11 to the extended payment provisions. Regulations 11, 12, 17, 19 and 23 also make amendments consequent on the revocation of the run-on of income support for lone parents (“the lone parent run-on”) from 25th October 2004. Subject to modifications resulting from the abolition of benefit periods, these amendments, and the amendment to regulation 29, make equivalent provision to the amendments made by regulations 3, 4 and 7 of the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 due to come into force on 25th October 2004. Regulations 3, 4 and 7 remove the special rules for housing benefit and council tax benefit extended payments for lone

Changes to legislation: *There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004. (See end of Document for details)*

parents due to the revocation of the lone parent run-on and are revoked by regulation 35 of these Regulations.

Part 3 (regulations 26 to 28) contains transitional and saving provisions. Regulation 26 contains transitional provisions for renewal claims for housing benefit and council tax benefit. Regulation 27 contains transitional provisions for rent officer referrals. Regulation 28 saves regulation 62A of, and Schedule 5A to the Housing Benefit Regulations and regulation 53A of, and Schedule 5A to the Council Tax Benefit Regulations for claimants who are treated as having claimed an extended payment or are in receipt of an extended payment on the date that these Regulations come into force.

Part 4 (regulations 29 to 35) amends other Regulations. Regulation 29 amends provisions in the Housing Benefit (Supply of Information) Regulations 1988, relating to the supply, by one authority to another, of information relating to extended payments, consequential upon the abolition of benefit periods and the lone parent run-on. Regulation 30 amends the savings provision in regulation 10 of the Housing Benefit (General) Amendment Regulations 1995, substituting for references to benefit periods references to awards of housing benefit. Regulation 31 amends regulation 4 of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 1997 making changes consequential upon the abolition of benefit periods to retain transitional protection. Regulation 32 revokes regulations 9(b) and 18(b) of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 which disapplied provisions relating to the setting and ending of benefit periods which are revoked by these Regulations. Regulation 33 revokes Parts 3, 4 and 5 (with listed exceptions which apply only to state pension credit cases) of the Housing Benefit and Council Tax Benefit (State Pension Credit) (Abolition of Benefit Periods) Amendment Regulations 2003. Regulation 34 amends regulations 7 and 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 to provide new effective dates for cases where a decision is superseded for a change of circumstances and that change is brought about because a rent officer's determination applied for by a relevant authority pursuant to regulation 12A (1)(d) or (e) is adopted in the decision. Regulation 35 revokes regulations 3, 4 and 7 of the Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003.

Part 5 (regulation 36) revokes regulation 14 of the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 which made modifications and amendments in relation to relevant dates for persons living in the area of a relevant authority specified in Schedule 1 to the Housing Benefit (General) (Local Housing Allowance) Amendment Regulations 2003 who had reached the qualifying age for state pension credit. It also amends the Housing Benefit Regulations to make such modifications and amendments for all cases to which the new arrangements apply for determining eligible housing costs for the purposes of claims to housing benefit made by persons living in those areas.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Abolition of Benefit Periods) Amendment Regulations 2004.