

---

STATUTORY INSTRUMENTS

---

**2005 No. 2502**

**SOCIAL SECURITY**

**The Housing Benefit and Council Tax Benefit  
(Miscellaneous Amendments) (No.3) Regulations 2005**

*Made - - - - 7th September 2005*  
*Laid before Parliament 12th September 2005*  
*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) and (e), 130(4), 131(10), 135(1), 136(3), (4), (5)(a) and (b), 136A(3), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992 <sup>M1</sup> and sections 5(1) (k), 6(1)(u) and 189(1), (4) and (5) of the Social Security Administration Act 1992 <sup>M2</sup> and sections 34(2), 79(1) and (4) and 84 of the Social Security Act 1998 <sup>M3</sup> and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it and after consultation with the organisations appearing to him to be representative of the authorities concerned, hereby makes the following Regulations:

**Marginal Citations**

- M1** 1992 c. 4; section 123(1)(e) was substituted by paragraph 1(1) of Schedule 9 to the [Local Government Finance Act 1992 \(c. 14\)](#); section 131 was substituted by paragraph 4 of Schedule 9 to the Local Government Finance Act 1992; section 136A was inserted by paragraphs 1 and 3 of Schedule 2 to the [State Pension Credits Act 2002 \(c. 16\)](#); section 137(1) is an interpretation provision and is cited for the meaning of the word “prescribed”; sections 175(1) and (4) were amended by paragraph 29 of Schedule 3 to the [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#); and section 175(5) was amended by paragraph 36 of Schedule 1 to the [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#).
- M2** 1992 c. 5; section 189(1) was amended by paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) 1999, Schedule 8 and paragraph 109 of Schedule 7 to the [Social Security Act 1998 \(c. 14\)](#) and Schedule 6 to the [Tax Credits Act 2002 \(c. 21\)](#); sections 189(4) and (5) were amended by Schedule 8 and paragraph 109 of Schedule 7 to the Social Security Act 1998.
- M3** 1998 c. 14; Section 79(1) was amended by paragraphs 12 and 13 of Schedule 4 to the [Tax Credits Act 2002](#); section 84 is cited for the meaning of the word “prescribe”.

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005 and shall come into force—

- (a) for the purposes of regulations 2(6), 3(6) and (10), on 3rd October 2005;
- (b) for the purposes of regulation 2 (other than paragraph (6)) in relation to any case where rent is payable at intervals of a whole number of weeks, on 3rd April 2006; and
- (c) for all other purposes, on 1st April 2006.

(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992 <sup>M4</sup>;

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987 <sup>M5</sup>;

“the State Pension Credit Regulations” means the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 <sup>M6</sup>.

#### Marginal Citations

**M4** S.I. 1992/1814.

**M5** S.I. 1987/1971.

**M6** S.I. 2003/325.

### Amendment of the Housing Benefit Regulations

2.—<sup>F1</sup>(1) The amendment made by paragraph (6) is to the Housing Benefit Regulations as modified in its application to persons to whom regulation 2(1) of the State Pension Credit Regulations applies.

(2) The amendments made by paragraphs (4), (5), (15) and (16) are to the Housing Benefit Regulations 2006.

(2A) The amendments made by paragraphs (3), (7), (9)(b), (11), (14), (17) and (18) are to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(2B) The amendments made by paragraphs (8), (10)(b) to (g), (12) and (13) are to both the Housing Benefit Regulations 2006 and to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.]

(3) In <sup>F2</sup>regulation 22 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (applicable amounts)—

- (a) paragraphs (2), (3) and (4) shall be omitted;
- (b) for paragraph (5) there shall be substituted—

“(5) In Schedule 2A <sup>M7</sup>—

“additional spouse” means a spouse of either party to the marriage who is additional to the other party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975 <sup>M8</sup>.”;

- (c) paragraphs (6) and (7) shall be omitted.

- (4) [F3 Regulation 24 of the Housing Benefit Regulations 2006] (patients) shall be omitted.
- (5) [F4 In regulation 28(11)(e) of the Housing Benefit Regulations 2006 (treatment of child care charges) for the words “within the meaning of regulation 24(2) (patients)”] there shall be substituted “, which in this regulation shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975.”.
- (6) F5 .....
- (7) In [F6 regulation 41(9)(a) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (notional income), after “[F7 regulation 61(2)(b)]” there shall be inserted “ or (c) ”.
- (8) [F8 In both regulation 74(7)(f) of the Housing Benefit Regulations 2006 and regulation 55(7)(f) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (non-dependant deductions)] for heads (i) and (ii) there shall be substituted—
  - “(i) “patient” has the meaning given in [F9 paragraph 18 of regulation 7] (circumstances in which a person is or is not to be treated as occupying a dwelling as his home),
  - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods, and”.
- (9) In [F10 regulation 57 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (date on which entitlement is to commence)—
  - (a) F11 .....
  - (b) for paragraph ([F12(2)]), there shall be substituted—
    - [F13“(2)] A claimant shall become entitled to housing benefit from the benefit week in which the first day in respect of which his claim is made falls, where he is otherwise entitled to housing benefit and—
    - (a) F14 ... he becomes liable in that benefit week, for the first time, to make payments in respect of a dwelling which he occupies as his home; or,
    - (b) F15 ... he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of a hostel which he occupies as his home.”.
- (10) In [F16 both regulation 79 of the Housing Benefit Regulations 2006 and regulation 59 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (date on which change of circumstances is to take effect)—
  - (a) F17 .....
  - (b) for paragraph (2) M9 there shall be substituted—
    - “(2) Subject to [F18 paragraph (8)], except in a case where regulation 8(3) of the Decisions and Appeals Regulations M10 applies, where the change of circumstances is a change in the amount of rent payable in respect of a dwelling, that change shall take effect from the day on which it actually occurs.”;
  - (c) after paragraph (2) there shall be inserted—
    - “(2A) Subject to [F19 paragraphs (8) and (9)], except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies, where the change of circumstances is—
    - (a) that a person moves into a new dwelling occupied as the home, or
    - (b) any other event which—

- (i) entitles a person to be treated as occupying two dwellings as his home under [<sup>F20</sup>regulation 7(6)], or
  - (ii) brings to an end a person's right to be treated as occupying two dwellings as his home under that regulation, in a case where he has, immediately prior to the event, been treated as occupying two dwellings as his home, that change of circumstances shall take effect on the day on which it actually occurs.
- (2B) Subject to [<sup>F21</sup>paragraph (8)], where the change of circumstances is the expiry of a maximum period of time, referred to in [<sup>F20</sup>regulation 7(6)], for which a person can be treated as occupying two dwellings as his home, that change shall take effect on the day after the last day of that period”.
- (d) in paragraph (3) <sup>M11</sup>—
- [<sup>F22</sup>(i) the words “and (9)” shall be omitted;
  - (ii) in regulation 79(3)(a)(i) of the Housing Benefit Regulations 2006, after “80(2)(b)” there shall be inserted or (c);
  - (iii) in regulation 59(3)(a)(i) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, after “61(2)(b)” there shall be inserted or (c);]
- (e) for paragraph (4) <sup>M12</sup> there shall be substituted—
- “(4) Subject to [<sup>F23</sup>paragraph (8)], if two or more changes of circumstances occurring in the same benefit week would, but for this paragraph, take effect in different benefit weeks in accordance with this regulation, they shall all take effect on the first day of the benefit week in which they occur, unless a change taking effect under paragraphs (2), (2A) or (2B) takes effect in that week, in which case the changes shall all take effect on the day on which that change takes effect.”;
- (f) for [<sup>F24</sup>paragraphs (8) and (9)]<sup>M13</sup> there shall be substituted—
- “(13) Subject to [<sup>F25</sup>paragraph (9)], where a change of circumstances occurs which has the effect of bringing entitlement to an end it shall take effect on the first day of the benefit week following the benefit week in which that change actually occurs except in a case where a person is liable to make payments, which fall due on a daily basis, in respect of a hostel in which case that change shall take effect on the day on which it actually occurs.
- (14) Where the change of circumstances is that a person moves to a new dwelling and immediately after the move he is treated as occupying his former dwelling as his home in accordance with [<sup>F26</sup>regulation 7(7) or (10)] then that change of circumstances shall take effect on the day after the last day for which he is treated as liable to make payments in respect of the former dwelling in accordance with whichever of those regulations applies in his case.”.
- [<sup>F27</sup>(11) In regulation 60(9)(a)(i) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (change of circumstances where state pension credit payable), after “regulation 61(2)(b)”, there shall be inserted or (c).]
- (12) In [<sup>F28</sup>regulation 80][<sup>F29</sup>regulation 61](calculation of weekly amounts)—
- (a) in paragraph (2) [<sup>F30</sup>of both regulations]—
    - [<sup>F31</sup>(i) in sub-paragraph (a) for “paragraph (3)” there shall be substituted “ paragraph (4) ”;]
    - (ii) for paragraph (b) there shall be substituted—

- “(b) subject to [<sup>F32</sup>paragraph (4)], where the rent is payable at intervals of a calendar month or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of calendar months in respect of which it is payable, multiplying by 12 and dividing by 52;
  - (c) subject to [<sup>F32</sup>paragraph (4)], where the rent is payable at intervals of a day or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of days in respect of which it is payable and multiplying by 7.”;
- [<sup>F33</sup>(b) paragraph (3) shall be omitted;]
- (c) for [<sup>F34</sup>paragraph (4)] there shall be substituted—
    - [<sup>F35</sup>(4)] In a case—
      - (a) to which [<sup>F36</sup>regulation 76(2)][<sup>F37</sup>regulation 57(2)](date on which entitlement is to commence) applies, his eligible rent for the benefit week in which he becomes liable to make payments in respect of a dwelling which he occupies as his home shall be calculated by multiplying his daily rent by the number equal to the number of days in that benefit week for which he is liable to make such payments;
      - (b) where a change of circumstances takes effect in a benefit week under [<sup>F38</sup>regulation 79(2A)][<sup>F39</sup>regulation 59(2A)], (but is not a change described in sub-paragraph (c)(ii) of this regulation), (2B), [<sup>F40</sup>(8) or (9)][<sup>F41</sup>(8) or (9)] other than on the Monday of a benefit week then the claimant's eligible rent for that benefit week shall be calculated by multiplying his daily rent by the appropriate number of days in that benefit week;
      - (c) where—
        - (i) the amount of eligible rent which the claimant is liable to pay in respect of a dwelling is altered and that change of circumstances takes effect under [<sup>F42</sup>regulation 79(2)][<sup>F43</sup>regulation 59(2)], or
        - (ii) the claimant—
          - (aa) moves to a new dwelling occupied as the home,
          - (bb) he is not entitled to be treated, immediately after that move, as occupying two dwellings as his home or as occupying his former dwelling as his home, and
          - (cc) that change of circumstances takes effect under [<sup>F38</sup>regulation 79(2A)][<sup>F39</sup>regulation 59(2A)],other than on the Monday of a benefit week, then the claimant's eligible rent for that benefit week shall be calculated by multiplying his old and new daily rent by the number equal to the number of days in that week which relate respectively to the old and new amounts which he is liable to pay.”;
- [<sup>F44</sup>(d) in paragraph (5) of both regulations, for “(5)(a) or (c)”, substitute (4)(a) or (b);]
- [<sup>F45</sup>(e) in paragraph (6) of both regulations, for “(5)(b)”, substitute (4)(c);]
- (f) after [<sup>F46</sup>paragraph (8)][<sup>F47</sup>paragraph (7)] there shall be inserted—

[<sup>F48c</sup>(9)] In this regulation “daily rent” shall mean the amount determined by dividing by 7 the amount determined under whichever sub-paragraph of paragraph (2) is appropriate in each case.

[<sup>F49</sup>(10)] Where a claimant is entitled to benefit in respect of two (but not more than two) dwellings in accordance with [<sup>F50</sup>regulation 7(6)] his eligible rent shall be calculated in respect of each dwelling in accordance with this regulation.”.

(13) In [<sup>F51</sup>regulation 81][<sup>F52</sup>regulation 62](rent-free periods)—

(a) for paragraph (2) there shall be substituted—

“(2) In the case of the beginning or ending of a claimant's rent-free period, his eligible rent for the benefit week in which the rent free period begins and ends shall be calculated on a daily basis as if those benefit weeks were weeks to which [<sup>F53</sup>regulation 80(4)][<sup>F54</sup>regulation 61(4)] applies.”;

[<sup>F55</sup>(b) in paragraph (3)(b), after “regulation 80(2)(b)” there shall be inserted or (c)]

[<sup>F56</sup>(b) in paragraph (3)(b), after “regulation 61(2)(b)” there shall be inserted or (c)]

(14) In [<sup>F57</sup>regulation 69(7) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (duty to notify changes of circumstances) omit sub-paragraph (b) shall be omitted.

(15) In [<sup>F58</sup>Schedule 3 to the Housing Benefit Regulations 2006] (applicable amounts)—

(a) in [<sup>F59</sup>paragraph 13](1)(a)(iii)—

(i) the words from “except” to “applies” shall be omitted, and

[<sup>F60</sup>(ii) for “regulation 24(2) (patients)” there shall be substituted regulation 28(11)(e) (treatment of child care charges)]

[<sup>F61</sup>(b) in paragraph 15(2)(a)(ii), for “regulation 24(2)”, there shall be substituted regulation 28(11)(e)]

(16) In [<sup>F62</sup>paragraph 9(1)(e) of Schedule 6 to the Housing Benefit Regulations 2006] (capital to be disregarded), there shall be omitted from “where” to “circumstances”.

(17) In [<sup>F63</sup>paragraph 21(2) of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, after sub-paragraph (j)] there shall be inserted—

<sup>F64c</sup>(k) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 <sup>M14</sup>; or

<sup>F65</sup>(l) working tax credit.”.

(18) In [<sup>F66</sup>paragraph 9(2)(b) of Schedule 8 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (matters to be included in the decision notice) omit from “and” to “benefit” shall be omitted.

**F1** Reg. 2(1)-(2B) substituted (6.3.2006) for reg. 2(1)(2) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 5, [Sch. 2 para. 27\(3\)](#) (with regs. 2, 3, Schs. 3, 4)

**F2** Words in [reg. 2\(3\)](#) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 5, [Sch. 2 para. 27\(4\)](#) (with regs. 2, 3, Schs. 3, 4)

- F3** Words in reg. 2(4) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(5)** (with regs. 2, 3, Schs. 3, 4)
- F4** Words in reg. 2(5) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(6)** (with regs. 2, 3, Schs. 3, 4)
- F5** Reg. 2(6) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 3(1), **Sch. 1** (with regs. 2, 3, 6, Schs. 3, 4) (with regs. 2, 3, Schs. 3, 4)
- F6** Words in reg. 2(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(7)(a)** (with regs. 2, 3, Schs. 3, 4)
- F7** Words in reg. 2(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(7)(b)** (with regs. 2, 3, Schs. 3, 4)
- F8** Words in reg. 2(8) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(8)(a)** (with regs. 2, 3, Schs. 3, 4)
- F9** Words in reg. 2(8) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(8)(b)** (with regs. 2, 3, Schs. 3, 4)
- F10** Words in reg. 2(9) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(9)(a)** (with regs. 2, 3, Schs. 3, 4)
- F11** Reg. 2(9)(a) omitted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(9)(b)** (with regs. 2, 3, Schs. 3, 4)
- F12** Word in reg. 2(9)(c) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(9)(c)(i)** (with regs. 2, 3, Schs. 3, 4)
- F13** Reg. 2(9): substituted paragraph (5) renumbered as (2) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(9)(c)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F14** Words in reg. 2(9)(b) omitted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(9)(c)(iii)** (with regs. 2, 3, Schs. 3, 4)
- F15** Words in reg. 2(9)(b) omitted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(9)(c)(iv)** (with regs. 2, 3, Schs. 3, 4)
- F16** Words in reg. 2(10) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(a)** (with regs. 2, 3, Schs. 3, 4)
- F17** Reg. 2(10)(a) omitted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(b)** (with regs. 2, 3, Schs. 3, 4)
- F18** Words in reg. 2(10)(b) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(c)** (with regs. 2, 3, Schs. 3, 4)
- F19** Words in reg. 2(10)(c) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(d)(i)** (with regs. 2, 3, Schs. 3, 4)

- F20** Words in reg. 2(10)(c) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(d)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F21** Words in reg. 2(10)(c) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(d)(iii)** (with regs. 2, 3, Schs. 3, 4)
- F22** Words in reg. 2(10)(d) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(e)** (with regs. 2, 3, Schs. 3, 4)
- F23** Words in reg. 2(10)(e) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(f)** (with regs. 2, 3, Schs. 3, 4)
- F24** Words in reg. 2(10)(f) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(g)(i)** (with regs. 2, 3, Schs. 3, 4)
- F25** Words in reg. 2(10)(f) substituted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(g)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F26** Words in reg. 2(10)(f) substituted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(10)(g)(iii)** (with regs. 2, 3, Schs. 3, 4)
- F27** Reg. 2(11) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(11)** (with regs. 2, 3, Schs. 3, 4)
- F28** Words in reg. 2(12) substituted (6.3.2006) in relation to S.I. 2006/213 by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(a)** (with regs. 2, 3, Schs. 3, 4)
- F29** Words in reg. 2(12) substituted (6.3.2006) in relation to S.I. 2006/214 by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(a)** (with regs. 2, 3, Schs. 3, 4)
- F30** Words in reg. 2(12)(a) inserted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(b)** (with regs. 2, 3, Schs. 3, 4)
- F31** Reg. 2(12)(a)(i) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(c)** (with regs. 2, 3, Schs. 3, 4)
- F32** Words in reg. 2(12)(a)(ii) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(d)** (with regs. 2, 3, Schs. 3, 4)
- F33** Reg. 2(12)(b) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(e)** (with regs. 2, 3, Schs. 3, 4)
- F34** Words in reg. 2(12)(c) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(i)** (with regs. 2, 3, Schs. 3, 4)
- F35** Reg. 2(12)(c): substituted paragraph (5) renumbered as (4) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F36** Reg. 2(12)(c): words in the substituted reg. 80(4) of S.I. 2006/213 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iii)(aa)** (with regs. 2, 3, Schs. 3, 4)
- F37** Reg. 2(12)(c): words in the substituted reg. 61(4) of S.I. 2006/214 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iv)(aa)** (with regs. 2, 3, Schs. 3, 4)



- F38** Reg. 2(12)(c): words in the substituted reg. 80(4) of S.I. 2006/213 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iv)(cc)** (with regs. 2, 3, Schs. 3, 4)
- F39** Reg. 2(12)(c): words in the substituted reg. 61(4) of S.I. 2006/214 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iii)(cc)** (with regs. 2, 3, Schs. 3, 4)
- F40** Reg. 2(12)(c): words in the substituted reg. 80(4) of S.I. 2006/213 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iv)(dd)** (with regs. 2, 3, Schs. 3, 4)
- F41** Reg. 2(12)(c): words in the substituted reg. 61(4) of S.I. 2006/214 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iii)(dd)** (with regs. 2, 3, Schs. 3, 4)
- F42** Reg. 2(12)(c): words in the substituted reg. 80(4) of S.I. 2006/213 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iii)(bb)** (with regs. 2, 3, Schs. 3, 4)
- F43** Reg. 2(12)(c): words in the substituted reg. 61(4) of S.I. 2006/214 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(f)(iv)(bb)** (with regs. 2, 3, Schs. 3, 4)
- F44** Reg. 2(12)(d) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(g)** (with regs. 2, 3, Schs. 3, 4)
- F45** Reg. 2(12)(e) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(h)** (with regs. 2, 3, Schs. 3, 4)
- F46** Words in reg. 2(12)(f) substituted (6.3.2006) in relation to S.I. 2006/213 by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(i)(i)** (with regs. 2, 3, Schs. 3, 4)
- F47** Words in reg. 2(12)(f) substituted (6.3.2006) in relation to S.I. 2006/214 by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(i)(i)** (with regs. 2, 3, Schs. 3, 4)
- F48** Reg. 2(12)(f): inserted paragraph (10) renumbered as (9) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(i)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F49** Reg. 2(12)(f): inserted paragraph (11) renumbered as (10) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(i)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F50** Words in reg. 2(12)(f) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(12)(i)(iii)** (with regs. 2, 3, Schs. 3, 4)
- F51** Words in reg. 2(13) substituted (6.3.2006) in relation to S.I. 2006/213 by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(13)(a)** (with regs. 2, 3, Schs. 3, 4)
- F52** Words in reg. 2(13) substituted (6.3.2006) in relation to S.I. 2006/214 by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(13)(a)** (with regs. 2, 3, Schs. 3, 4)
- F53** Reg. 2(13)(a): words in the substituted reg. 81(2) of S.I. 2006/213 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(13)(b)** (with regs. 2, 3, Schs. 3, 4)
- F54** Reg. 2(13)(a): words in the substituted reg. 62(2) of S.I. 2006/214 substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(13)(b)** (with regs. 2, 3, Schs. 3, 4)

- F55** Reg. 2(13)(b) substituted (6.3.2006 with application to the Housing Benefit Regulations 2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(13)(c)** (with regs. 2, 3, Schs. 3, 4)
- F56** Reg. 2(13)(b) substituted (6.3.2006 with application to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(13)(d)** (with regs. 2, 3, Schs. 3, 4)
- F57** Words in reg. 2(14) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(14)** (with regs. 2, 3, Schs. 3, 4)
- F58** Words in reg. 2(15) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(15)(a)** (with regs. 2, 3, Schs. 3, 4)
- F59** Words in reg. 2(15)(a) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(15)(b)(i)** (with regs. 2, 3, Schs. 3, 4)
- F60** Words in reg. 2(15)(a) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(15)(b)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F61** Reg. 2(15)(b) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(15)(c)** (with regs. 2, 3, Schs. 3, 4)
- F62** Words in reg. 2(16) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(16)** (with regs. 2, 3, Schs. 3, 4)
- F63** Words in reg. 2(17) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(17)(a)** (with regs. 2, 3, Schs. 3, 4)
- F64** Reg. 2(17): inserted sub-paragraph (2)(m) renumbered as (2)(k) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(17)(b)** (with regs. 2, 3, Schs. 3, 4)
- F65** Reg. 2(17): inserted sub-paragraph (2)(n) renumbered as (2)(l) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(17)(b)** (with regs. 2, 3, Schs. 3, 4)
- F66** Words in reg. 2(18) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(18)** (with regs. 2, 3, Schs. 3, 4)

---

### Marginal Citations

- M7** Schedule 2A was inserted by S.I. 2003/325.
- M8** S.I.1975/555.
- M9** Relevant amending instruments are S.I. 1990/546, 2001/1605 and 2004/14.
- M10** S.I. 2001/1002; paragraph (3) was amended by S.I. 2003/325.
- M11** Paragraph (3) was substituted by S.I. 1992/432 and amended by S.I. 2004/14.
- M12** Relevant amending instruments are S.I. 1990/546, 1992/432 and 2004/14.
- M13** Paragraphs (13) and (14) were inserted by S.I. 2004/14.
- M14** S.I. 2001/1167.

**Amendment of Council Tax Benefit Regulations**

3.—<sup>F67</sup>(1) The amendment made by paragraph (6) is to the Council Tax Benefit Regulations as modified in its application to persons to whom regulation 2(1) of the State Pension Credit Regulations applies.

(2) The amendments made by paragraphs (4), (5), (11) and (13) are to the Council Tax Benefit Regulations 2006.

(2A) The amendments made by paragraphs (3), (9), (14) and (15) are to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(2B) The amendments made by paragraphs (7) and (12) are to both the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

(2C) The amendment made by paragraph (10) is to the Council Tax Benefit Regulations.]

(3) In <sup>F68</sup>regulation 12 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (applicable amounts)—

(a) omit paragraphs (2), (3) and (4) shall be omitted;

(b) for paragraph (5) there shall be substituted—

“(5) In <sup>F69</sup>Schedule 1]—

“additional spouse” means a spouse by the party to the marriage who is additional to the party to the marriage;

“patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975.”;

(c) paragraphs (6) and (7) shall be omitted.

(4) <sup>F70</sup>Regulation 14 of the Council Tax Benefit Regulations 2006] (patients) shall be omitted.

(5) In <sup>F71</sup>regulation 18(11)(e) of the Council Tax Benefit Regulations 2006] (treatment of child care charges) for the words “within the meaning of regulation 10(2) (patients)” there shall be substituted “, which in this regulation shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975.”.

(6) <sup>F72</sup>.....

(7) In <sup>F73</sup>regulation 58(7)(d) of the Council Tax Benefit Regulations 2006 and regulation 42(7) (d) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (non-dependant deductions)] for heads (i) and (ii) there shall be substituted—

“(i) “patient” has the meaning given in paragraph <sup>F74</sup>(7)] of regulation <sup>F75</sup>8], and

(ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.”.

(8) <sup>F76</sup>.....

(9) In <sup>F77</sup>regulation 59(8) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (duty to notify changes of circumstances), sub-paragraph (b) shall be omitted.

(10) <sup>F78</sup>.....

- [<sup>F79</sup>(11) In Schedule 1 (applicable amounts)—
  - (a) in paragraph 13(1)(a)(iii)—
    - (i) the words from “except” to “applies” shall be omitted, and
    - (ii) for “regulation 14(2) (patients)” there shall be substituted regulation 18(11)(e) (treatment of child care charges);
  - (b) in paragraph 15(2)—
    - (i) in sub-paragraph (a)(ii) for “regulation 14(2)” there shall be substituted regulation 18(11)(e), and
    - (ii) in sub-paragraph (b) for “regulation 14(2)” there shall be substituted regulation 18(11)(e).]
- (12) <sup>F80</sup>.....
- (13) In [<sup>F81</sup>paragraph 9(1)(e) of Schedule 5 to the Council Tax Benefit Regulations 2006] (capital to be disregarded) omit from “where” to “circumstances” shall be omitted.
- (14) In paragraph 21(2) of [<sup>F82</sup>Schedule 4 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, after sub-paragraph (j)] there shall be inserted—
  - [<sup>F83</sup>“(k) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001; or
  - [<sup>F84</sup>(l) working tax credit.”
- (15) In paragraph 9(2)(b) of [<sup>F85</sup>Schedule 7 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006] (matters to be included in the decision notice) omit from “and” to “benefit” shall be omitted.

<b>F67</b>	Reg. 3(1)-(2C) substituted (6.3.2006) for reg. 3(1)(2) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, <b>Sch. 2 para. 27(20)</b> (with regs. 2, 3, Schs. 3, 4)
<b>F68</b>	Words in reg. 3(3) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, <b>Sch. 2 para. 27(21)(a)</b> (with regs. 2, 3, Schs. 3, 4)
<b>F69</b>	Words in reg. 3(3) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, <b>Sch. 2 para. 27(21)(b)</b> (with regs. 2, 3, Schs. 3, 4)
<b>F70</b>	Words in reg. 3(4) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, <b>Sch. 2 para. 27(22)</b> (with regs. 2, 3, Schs. 3, 4)
<b>F71</b>	Words in reg. 3(5) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, <b>Sch. 2 para. 27(23)</b> (with regs. 2, 3, Schs. 3, 4)
<b>F72</b>	Reg. 3(6) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 3(1), <b>Sch. 1</b> (with regs. 2, 3, 6, Schs. 3, 4)
<b>F73</b>	Words in reg. 3(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, <b>Sch. 2 para. 27(24)(a)</b> (with regs. 2, 3, Schs. 3, 4)
<b>F74</b>	Word in reg. 3(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, <b>Sch. 2 para. 27(24)(b)(i)</b> (with regs. 2, 3, Schs. 3, 4)

- F75** Word in reg. 3(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(24)(b)(ii)** (with regs. 2, 3, Schs. 3, 4)
- F76** Reg. 3(8) omitted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(25)** (with regs. 2, 3, Schs. 3, 4)
- F77** Words in reg. 3(9) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(26)** (with regs. 2, 3, Schs. 3, 4)
- F78** Reg. 3(10) revoked (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 3(1), **Sch. 1** (with regs. 2, 3, 6, Schs. 3, 4)
- F79** Reg. 3(11) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(27)** (with regs. 2, 3, Schs. 3, 4)
- F80** Reg. 3(12) revoked (31.3.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(3), **5**
- F81** Words in reg. 3(13) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(29)** (with regs. 2, 3, Schs. 3, 4)
- F82** Words in reg. 3(14) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(30)(a)** (with regs. 2, 3, Schs. 3, 4)
- F83** Reg. 3(14): head (m) redesignated as head (k) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(30)(b)** (with regs. 2, 3, Schs. 3, 4)
- F84** Reg. 3(14): head (n) redesignated as head (l) (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(30)(b)** (with regs. 2, 3, Schs. 3, 4)
- F85** Words in reg. 3(15) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 5, **Sch. 2 para. 27(31)** (with regs. 2, 3, Schs. 3, 4)

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

*Stephen C. Timms*  
Minister of State, Department for Work and  
Pensions

7th September 2005

---

## EXPLANATORY NOTE

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

These Regulations amend the Housing Benefit (General) Regulations 1987 (“the Housing Benefit Regulations”) and the Council Tax Benefit (General) Regulations 1992 (“the Council Tax Benefit Regulations”).

The Housing Benefit Regulations and the Council Tax Benefit Regulations were modified by the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (“the 2003 Regulations”) for persons who have attained the qualifying age for state pension credit (except where regulation 2(2) (for housing benefit) and 12(2) (for council tax benefit), of those Regulations applies). These Regulations amend the Housing Benefit Regulations and the Council Tax Benefit Regulations as so modified and as not so modified, as set out in regulations 2(1) and (2) and 3(1) and (2).

Regulation 2 amends the Housing Benefit Regulations. Paragraph (3) removes from regulation 16 (which applies to persons who have attained the qualifying age for state pension credit) provisions which provide for the reduction of a claimant's applicable amount where he or his partner are a long term patient. It also removes other ancillary provisions from that regulation. Paragraph (4) removes regulation 18 which contains an equivalent provision which applies to claimants who have not reached the qualifying age for state pension credit. Paragraph (5) imports into regulation 21A(4)(c) the definition of “patient” previously in regulation 18. Paragraph (6) removes incorrect references in regulation 28(12) (which applies to persons who have attained the qualifying age for state pension credit). Paragraph (7) makes a minor, technical amendment to regulation 36(7)(a). Paragraph (8) amends regulation 63(7) which prevents non-dependent deductions being made where the non-dependent is a long term patient, by amending the definition of “patient” and the rule under which periods of time spent as a patient are calculated. Paragraph (9) amends regulation 65 by removing an obsolete provision and inserting a new paragraph (5) under which the benefit week from which a claimant becomes entitled to housing benefit is determined in particular circumstances. Paragraph (10) omits paragraph (1A) of regulation 68 and inserts into that regulation new provisions under which the date on which a change of circumstances takes effect is determined in various, specified circumstances. It also makes other minor, technical amendments. Paragraph (11) makes the same amendment made by paragraph (7) in regulation 68B. Paragraph (12) amends regulation 69 by inserting new provisions under which a claimant's weekly eligible rent is calculated. It also makes other, ancillary amendments. Paragraph (13) makes ancillary technical amendments to regulation 70 consequent upon the amendments to regulation 69 made by paragraph (12). Paragraph (14) amends regulation 75(6) by removing the requirement on a person receiving only savings credit to report changes affecting child tax credit or child benefit. Paragraph (15) makes minor, technical amendments to Schedule 2. Paragraph (16) removes the requirement that arrears of working tax credit or child tax credit must be paid as a result of a change of circumstances in order to be disregarded in a claimant's assessment of capital. Paragraph (17) amends paragraph 21(2) of Schedule 5ZA (which applies to persons who have attained the qualifying age for state pension credit) by adding discretionary housing payments and working tax credit to the list of benefits which may be disregarded as capital in the assessment of a claimant's capital. Paragraph (18) amends paragraph 9(2) of Schedule 6 by removing the requirement to refer in a decision notice to the amount of any child tax credit or child benefit where a person on state pension credit is entitled only to savings credit.

Regulation 3 amends the Council Tax Benefit Regulations. Paragraphs (3) to (9) make amendments to those Regulations which are the equivalent of those made by paragraphs (3) to (6), (8), (10) and (14) respectively of regulation 2. Paragraph (10) removes an obsolete reference from and, replaces obsolete terminology in regulation 79(1). Paragraph (11) makes an amendment

to Schedule 1 equivalent to that made by paragraph (15) of regulation 2. Paragraph (12) adds to paragraph 1(2) of Schedule 2 a new provision under which alternative maximum council tax benefit is calculated as 100% in the specified circumstances. Paragraphs (13) to (15) make amendments which are equivalent to those made by paragraphs (16) to (18) of regulation 2. A full regulatory impact assessment has not been produced for this Instrument as it has no impact on the cost of business.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005.