

## SCHEDULE 2

Regulation 5

### Consequential amendments

#### **Amendment of the Income Support (General) Regulations 1987**

1.—(1) The Income Support (General) Regulations 1987(1) shall be amended in accordance with this paragraph.

(2) In regulation 2(1) (interpretation), in the definition of “housing benefit expenditure”(2), for “regulation 10(1) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 12(1) of the Housing Benefit Regulations 2006”.

(3) In regulation 51A(3)(b)(3) (diminishing notional capital rule), for “the Housing Benefit (General) Regulations 1987”, substitute “the Housing Benefit Regulations 2006”.

(4) In regulation 51A(3)(d)(4), for “regulation 2(1) of the Council Tax Benefit (General) Regulations 1992”, substitute “regulation 2(1) of the Council Tax Benefit Regulations 2006”.

(5) In Schedule 3 (housing costs)—

(a) in paragraph 17(2)(a), for “paragraph 5(2) of Schedule 1 to the Housing Benefit (General) Regulations 1987”, substitute “paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations 2006”;

(b) in paragraph 17(2)(b), for “paragraph 1 of Schedule 1 to the Housing Benefit (General) Regulations 1987” substitute “paragraph 1 of Schedule 1 to the Housing Benefit Regulations 2006”; and

(c) in paragraph 18(7)(e), for “regulation 63 of the Housing Benefit (General) Regulations 1987”, substitute “regulation 74 of the Housing Benefit Regulations 2006”.

(6) In Schedule 3A(5) (protected sum)—

(a) in paragraph 1(1), in sub-paragraph (b) of the definition of “eligible housing benefit”, for “regulation 61 of the Housing Benefit (General) Regulations 1987” substitute “regulation 70 of the Housing Benefit Regulations 2006”;

(b) in paragraph 7(7)(b), for “regulation 65 or, as the case may be, 68(2) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 76 or, as the case may be, regulation 79(2) of the Housing Benefit Regulations 2006”; and

(c) in paragraph 7(8)(b), for “regulation 65 or, as the case may be, 68(2) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 76 or, as the case may be, regulation 79(2) of the Housing Benefit Regulations 2006”.

(7) In Schedule 3B(6) (protected sum)—

(a) in paragraph 1(1), in sub-paragraph (b) of the definition of “eligible housing benefit”, for “regulation 61 of the Housing Benefit (General) Regulations 1987” substitute “regulation 70 of the Housing Benefit Regulations 2006”;

(b) in paragraph 3(2), for “regulation 8(2)(b) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 11(2) of the Housing Benefit Regulations 2006”;

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(1) S.I. 1987/1967.

(2) Substituted by S.I. 1997/65.

(3) Regulation 51A was inserted by S.I. 1990/1776.

(4) Regulation 51A(3)(d) inserted by 1993/315.

(5) Schedule 3A was inserted by S.I. 1988/1445.

(6) Schedule 3B was inserted by S.I. 1989/534.

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- (c) in paragraph 6(4)(b), for “regulation 65 or, as the case may be, 68(2) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 76 or, as the case may be, regulation 79(2) of the Housing Benefit Regulations 2006”; and
  - (d) in paragraph 6(5)(b), for “regulation 65 or, as the case may be, 68(2) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 76 or, as the case may be, regulation 79(2) of the Housing Benefit Regulations 2006”.
- (8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), in paragraph 5, for “regulation 7B of the Housing Benefit (General) Regulations 1987” substitute “regulation 10A of the Housing Benefit Regulations 2006”.
- (9) In Schedule 10 (capital to be disregarded), in paragraph 48 for “regulation 7B of the Housing Benefit (General) Regulations 1987” substitute “regulation 10A of the Housing Benefit Regulations 2006(7)”.

### **Amendment of the Social Security (Claims and Payments) Regulations 1987**

2.—(1) The Social Security (Claims and Payments) Regulations 1987(8) shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 33(1A)(9) (persons unable to act), for “regulation 71(3) of the Housing Benefit (General) Regulations 1987 or regulation 61(3) of the Council Tax Benefit (General) Regulations 1992”, substitute “regulation 82(3) of the Housing Benefit Regulations 2006, regulation 63(3) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, regulation 68(3) of the Council Tax Benefit Regulations 2006, or regulation 52(3) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

(3) In Schedule 9 (deductions from benefit and direct payment to third parties)—

(a) in paragraph 1, in sub-paragraph (1), for the definition of “Housing Benefit Regulations”, substitute—

““the Housing Benefit Regulations” mean the Housing Benefit Regulations 2006;

“the Housing Benefit (State Pension Credit) Regulations” mean the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;

(b) in paragraph 4A(10) (hostel payments)—

(i) for sub-paragraph (4)(11) substitute—

“(4) The provisions referred to in sub-paragraph (3)(a) above are regulation 12(6) of, and paragraphs 1(a)(ii) and (iv), 2, 3, 4 and either 6(1)(b) or 6(2) or 6(3) or 6(4) of Schedule 1 to, the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations.”; and

(ii) sub-paragraph (5) shall be omitted; and

(c) in paragraph 5—

(i) in sub-paragraph (2), for “regulation 61 of the Housing Benefit Regulations”, substitute “regulation 70 of the Housing Benefit Regulations or, as the case may be, regulation 50 of the Housing Benefit (State Pension Credit) Regulations”;

(7) See regulation 7 and Schedule 4, paragraph 2 for regulation 10A and Schedule A1 (claims by refugees).

(8) S.I. 1987/1968.

(9) Paragraph (1A) was inserted by S.I. 2005/337.

(10) Paragraph (4A) was inserted by S.I. 1991/2284.

(11) A relevant amending instrument is S.I. 1992/2595.

- (ii) in both sub-paragraph (3)(a) and sub-paragraph (7)(12), for “regulation 10(3) of the Housing Benefit Regulations”, substitute “regulation 12(3) of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations”; and
- (iii) sub-paragraph (4) shall be omitted.

### **Amendment of the Employment Action (Miscellaneous Provisions) Order 1991**

**3.** In the Schedule to the Employment Action (Miscellaneous Provisions) Order 1991(13)(list of subordinate legislation)—

- (a) for the reference to the “Housing Benefit (General) Regulations 1987”, substitute—  
“The Housing Benefit Regulations 2006;”;
- (b) after that reference, insert—  
“The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;
- (c) for the reference to the “Council Tax Benefit (General) Regulations 1992”, substitute—  
“The Council Tax Benefit Regulations 2006;”;
- (d) after that reference, insert—  
“The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

### **Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992**

**4.—(1)** The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(14) shall be amended in accordance with the provisions of this paragraph.

- (2) In regulation 1(2) (citation, commencement and interpretation)—
  - (a) for the definition of “Housing Benefit Regulations”, substitute—  
““Housing Benefit Regulations” means the Housing Benefit Regulations 2006;”;
  - (b) after that definition, insert—  
““Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;
- (c) for sub-paragraph (b) in the definition of “non-dependant”, substitute—  
“(b) regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations;”.

(3) In regulation 11(1)(b)(15) (protected income), for the words “regulation 63 of the Housing Benefit Regulations”, substitute “regulation 74 of the Housing Benefit Regulations or, as the case may be, regulation 55 of the Housing Benefit (State Pension Credit) Regulations”.

(4) In regulation 15(2) (amount of housing costs), for “regulations 10 and 69 of the Housing Benefit Regulations”, substitute “regulations 12 and 80 of the Housing Benefit Regulations or, as the case may be, regulations 12 and 61 of the Housing Benefit (State Pension Credit) Regulations”.

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(12) Sub-paragraph (7) was inserted by [S.I. 1992/2595](#).

(13) [S.I. 1991/1995](#).

(14) [S.I. 1992/1815](#). Revoked for certain purposes by [S.I. 2001/155](#), as amended by [S.I. 2003/347](#).

(15) Relevant amending instruments are [S.I. 1995/1045](#) and [S.I. 1995/3261](#).

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(5) In paragraph 6(16) of Schedule 3 (eligible housing costs) for sub-paragraphs (a) and (b), substitute—

“(a) where the costs are inclusive of ineligible service charges within the meaning of paragraph 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges), the amounts specified as ineligible in paragraph 2 of the appropriate Schedule 1;

(b) where the costs are inclusive of any of the items mentioned in paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 6(2) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (payment in respect of fuel charges), the deductions prescribed in that paragraph unless the parent provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, in which case the estimated amount;”

#### **Amendment of the National Assistance (Assessment of Resources) Regulations 1992**

5. In regulation 13 (earnings of employed earners) of the National Assistance (Assessment of Resources) Regulations 1992(17) for “regulation 28 of the Housing Benefit (General) Regulations”, substitute “regulation 35 of the Housing Benefit Regulations 2006 or, as the case may be, regulation 35 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

#### **Amendment of the Council Tax (Demand Notices) (Wales) Regulations 1993**

6. For sub-paragraph (d) of paragraph 7 of Schedule 1 (matters to be contained in demand notices) to the Council Tax (Demand Notices) (Wales) Regulations 1993(18), substitute—

“(d) the Council Tax Benefit Regulations 2006;

(e) the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.”

#### **Amendment of Orders relating to the status of trainees**

7.—(1) In the Schedule to each of the Orders specified in sub-paragraph (2) below—

(a) for the reference to the “Housing Benefit (General) Regulations 1987”, substitute—

“The Housing Benefit Regulations 2006;”;

(b) after that reference, insert—

“The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;

(c) for the reference to the “Council Tax Benefit (General) Regulations 1992”, substitute—

“The Council Tax Benefit Regulations 2006;”;

(d) after that reference, insert—

“The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

(2) Those Orders are—

(16) Relevant amending instruments are [S.I. 1995/1045](#) and [S.I. 1995/3261](#).

(17) [S.I. 1992/2977](#).

(18) [S.I. 1993/255](#); relevant amending instrument is [2004/3143](#).

- (a) the North Norfolk Action (Miscellaneous Provisions) Order 1993(19);
- (b) the Community Action (Miscellaneous Provisions) Order 1993(20);
- (c) the Learning for Work (Miscellaneous Provisions) Order 1993(21);
- (d) the Training for Work (Miscellaneous Provisions) Order 1995(22); and
- (e) the Project Work (Miscellaneous Provisions) Order 1996(23).

### **The Jobseekers Allowance Regulations 1996**

8.—(1) The Jobseeker’s Allowance Regulations 1996(24) shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 1(3) (interpretation)(25), in the definition of “housing benefit expenditure”, for “regulation 10(1) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 12(1) of the Housing Benefit Regulations 2006”.

(3) In regulation 114(3)(b) (diminishing notional capital rule), for “the Housing Benefit (General) Regulations 1987”, substitute “the Housing Benefit Regulations 2006”.

(4) In Schedule 2 (housing costs)—

- (a) in paragraph 16(2)(a), for “paragraph 5(2) of Schedule 1 to the Housing Benefit (General) Regulations 1987”, substitute “paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations 2006”;
- (b) in paragraph 16(2)(b), for “paragraph 1 of Schedule 1 to the Housing Benefit (General) Regulations 1987”, substitute “paragraph 1 of Schedule 1 to the Housing Benefit Regulations 2006”; and
- (c) in paragraph 17(7)(e), for “regulation 63 of the Housing Benefit (General) Regulations 1987”, substitute “regulation 74 of the Housing Benefit Regulations 2006”.

### **Amendment of the Social Security Benefit (Computation of Earnings) Regulations 1996**

9. In Schedule 2 of the Social Security Benefit (Computation of Earnings) Regulations 1996(26)(child care charges to be deducted in the calculation of earnings) in paragraph 8, in sub-paragraph (a), for the words “(ii) a higher pensioner premium” to the end of the sub-paragraph, substitute—

“(ii) a higher pensioner premium by virtue of the satisfaction of—

- (aa) in the case of council tax benefit, paragraph 11(2)(b) of Schedule 1 to the Council Tax Benefit Regulations 2006;
- (bb) in the case of housing benefit, paragraph 11(2)(b) of Schedule 3 to the Housing Benefit Regulations 2006;

on account of the other member’s incapacity or either regulation 18(1)(c) of the Council Tax Benefit Regulations 2006 (treatment of child care charges) or, as the case may be, regulation 28(1)(c) of the Housing Benefit Regulations 2006 (treatment of child care charges) applies in that person’s case;”.

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(19) S.I. 1993/1065.

(20) S.I. 1993/1621.

(21) S.I. 1993/1949.

(22) S.I. 1995/1780.

(23) S.I. 1996/1623.

(24) S.I. 1996/207.

(25) Substituted by S.I. 1997/65.

(26) S.I. 1996/2745.

**Amendment of the Housing Renewal Grants Regulations 1996**

**10.**—(1) The Housing Renewal Grants Regulations 1996<sup>(27)</sup> shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 2, in paragraph (1) (interpretation)—

(a) after the definition of “payment”, insert—

““pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995<sup>(28)</sup> (equalisation of pensionable ages for men and women);”

(b) after the definition of “polygamous marriage”, insert—

““the qualifying age for state pension credit” is (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002<sup>(29)</sup>)—

(a) in the case of a woman, pensionable age; or

(b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;”;

(c) in the definition of “training allowance” for “regulation 2(1) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 2(1) of the Housing Benefit Regulations 2006”.

(3) In regulation 3(1) (persons from abroad)<sup>(30)</sup> for “regulation 7A (persons from abroad) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 10 of the Housing Benefit Regulations 2006 or, as the case may be, regulation 10 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (persons from abroad)”.

(4) In regulation 19(3)(e) (treatment of child care charges), for “regulation 18(2) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 24(2) of the Housing Benefit Regulations 2006”.

(5) In regulation 31, in paragraph (14), for sub-paragraph (b) (notional income), substitute—

““rent” means—

(a) eligible rent within the meaning of regulation 12(3) of the Housing Benefit Regulations 2006 (rent), less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations; or

(b) in the case of a person who has attained the qualifying age for state pension credit, eligible rent within the meaning of regulation 12(3) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (rent), less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations.”.

(6) In regulation 38, in paragraph (7) for sub-paragraph (b) (notional capital), substitute—

““rent” means—

(a) eligible rent within the meaning of regulation 12(3) (rent) of the Housing Benefit Regulations 2006, less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations; or

(b) in the case of a person who has attained the qualifying age for state pension credit, eligible rent within the meaning of regulation 12(3) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (rent), less any

<sup>(27)</sup> S.I. 1996/2890.

<sup>(28)</sup> 1995 c. 26.

<sup>(29)</sup> 2002 c. 16.

<sup>(30)</sup> Amended by S.I. 2000/531 and 2000/973.

deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations.”.

(7) In Schedule 3 (sums to be disregarded in the determination of income other than earnings)—

(a) for paragraph 12(5)(b), substitute—

“(b) “rent” means—

(i) eligible rent within the meaning of regulation 12(3) of the Housing Benefit Regulations 2006, less any deductions in respect of non-dependants which fall to be made under regulation 74 of those Regulations; or

(ii) in the case of a person who has attained the qualifying age for state pension credit, eligible rent within the meaning of regulation 12(3) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (rent), less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations.”;

(b) in paragraph 49, for “regulation 4D of the Council Tax Benefit (General) Regulations 1992”, substitute “regulation 7A of the Council Tax Benefit Regulations 2006(31)”;

(c) in paragraph 57, for “regulation 7B of the Housing Benefit (General) Regulations 1987”, substitute “regulation 10A of the Housing Benefit Regulations 2006(32)”;

(d) in paragraph 67(3)(33), for the definition of “rent”, substitute—

““rent” means—

(a) eligible rent within the meaning of regulation 12(3) of the Housing Benefit Regulations 2006 less any deductions in respect of non-dependants which fall to be made under regulation 74 of those Regulations; or

(b) in the case of a person who has attained the qualifying age for state pension credit, eligible rent within the meaning of regulation 12(3) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (rent), less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations.”.

(8) In Schedule 4 (capital to be disregarded)—

(a) in paragraph 45, for “regulation 4D of the Council Tax Benefit (General) Regulations 1992”, substitute “regulation 7A of the Council Tax Benefit Regulations 2006(34)”;

(b) in paragraph 50, for “regulation 7B of the Housing Benefit (General) Regulations 1987”, substitute “regulation 10A of the Housing Benefit Regulations 2006(35)”;

(c) in paragraph 58(3)(36), for the definition of “rent” substitute—

““rent” means—

(a) eligible rent within the meaning of regulation 12(3) of the Housing Benefit Regulations 2006 less any deductions in respect of non-dependants which fall to be made under regulation 80 of those Regulations; or

(b) in the case of a person who has attained the qualifying age for state pension credit, eligible rent within the meaning of regulation 12(3) of the Housing

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(31) See regulation 7 and Schedule 4, paragraph 3 for regulation 7A and Schedule A1 (claims by refugees).

(32) See regulation 7 and Schedule 4, paragraph 2 for regulation 10A and Schedule A1 (claims by refugees).

(33) Paragraph 67 was inserted by [S.I. 2000/531](#) in relation to England and in relation to Wales by [S.I. 2000/973](#).

(34) See regulation 7 and Schedule 4, paragraph 3 for regulation 7A and Schedule A1 (claims by refugees).

(35) See regulation 7 and Schedule 4, paragraph 2 for regulation 10A and Schedule A1 (claims by refugees).

(36) Paragraph 58 was inserted by [S.I. 2000/531](#) in relation to England and in relation to Wales by [S.I. 2000/973](#).

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Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (rent), less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations.”.

### **Amendment of the Rent Officers (Housing Benefit Functions) Order 1997**

**11.**—(1) The Rent Officers (Housing Benefit Functions) Order 1997<sup>(37)</sup> shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 2 (interpretation)—

(a) for the definition of “hostel”, substitute—

““hostel” has the same meaning as in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations;”;

(b) after that definition insert—

““the Housing Benefit Regulations” mean the Housing Benefit Regulations 2006;  
“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;

(c) for the definition of “relevant date”<sup>(38)</sup>, substitute—

““relevant date” means the date specified by a pathfinder authority in an application for a local housing allowance determination made in accordance with regulation 13A(4)(a) of the Housing Benefit Regulations<sup>(39)</sup> or, as the case may be, regulation 13A(4)(a) of the Housing Benefit (State Pension Credit) Regulations<sup>(40)</sup>;”;

(d) for the definition of “rent”, substitute—

““rent” means any of the periodical payments referred to in regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations;”.

(e) omit the definition of the “1987 Regulations”.

(3) In regulation 3A (transitional arrangements for determination of single room rents with effect from 2nd July 2001)<sup>(41)</sup>, for “regulation 12A of the 1987 Regulations”, substitute “regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations”.

(4) In regulation 4A (substitute determinations and substitute redeterminations)<sup>(42)</sup>, for “regulation 12C of the 1987 Regulations”, substitute “regulation 17 of the Housing Benefit Regulations or, as the case may be, regulation 17 of the Housing Benefit (State Pension Credit) Regulations”.

(5) In regulation 4B(4) (broad rental market area determinations and local housing allowance determinations)<sup>(43)</sup>—

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<sup>(37)</sup> S.I. 1997/1984.

<sup>(38)</sup> The definition of “relevant date” was inserted by S.I. 2003/2398.

<sup>(39)</sup> For regulation 13A, *see* Schedule 10, paragraph 7.

<sup>(40)</sup> For regulation 13A, *see* Schedule 9, paragraph 7.

<sup>(41)</sup> Regulation 3A was inserted by S.I. 2001/1325 and amended by S.I. 2001/2317.

<sup>(42)</sup> Regulation 4A was substituted by S.I. 2000/1.

<sup>(43)</sup> Regulation 4B was inserted by S.I. 2003/2398.



- (a) in paragraph (a), for “regulations 11A(4)(a) of the 1987 Regulations”, substitute “regulation 13A(4)(a) of the Housing Benefit Regulations or, as the case may be, regulation 13A(4)(a) of the Housing Benefit (State Pension Credit) Regulations”; and
  - (b) in paragraph (b), for “regulations 11A(5) of the 1987 Regulations”, substitute “regulation 13A(5) of the Housing Benefit Regulations or, as the case may be, regulation 13A(5) of the Housing Benefit (State Pension Credit) Regulations”.
- (6) In regulation 4C (board and attendance determinations and notifications)(**44**)—
- (a) in paragraph (1), for “regulation 11A(6) of the 1987 Regulations”, substitute “regulation 17(6) of the Housing Benefit Regulations or, as the case may be, regulation 13A(6) of the Housing Benefit (State Pension Credit) Regulations”;
  - (b) in paragraph 2(b), for “regulation 12A(1) of the 1987 Regulations”, substitute “regulation 14(1) of the Housing Benefit Regulations or, as the case may be, regulation 14(1) of the Housing Benefit (State Pension Credit) Regulations”; and
  - (c) in paragraph (4) for “regulation 12A(1) of the 1987 Regulations”, substitute “regulation 14(1) of the Housing Benefit Regulations or, as the case may be, regulation 14(1) of the Housing Benefit (State Pension Credit) Regulations”.
- (7) In regulation 4E (substitute board and attendance determinations and substitute board and attendance redeterminations)(**45**), wherever “regulation 12C of the 1987 Regulations” occurs, substitute “regulation 17 of the Housing Benefit Regulations or, as the case may be, regulation 17 of the Housing Benefit (State Pension Credit) Regulations”.
- (8) In regulation 6 (exceptions)—
- (a) in paragraph (2) for “regulation 7(3) of the 1987 Regulations”, substitute “regulation 9(4) of the Housing Benefit Regulations or, as the case may be, regulation 9(4) of the Housing Benefit (State Pension Credit) Regulations”; and
  - (b) in paragraph (3), for “the 1987 Regulations”, substitute “the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations”.
- (9) In regulation 7 (special cases), for regulation 10(1) of the 1987 Regulations, substitute “regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations”.
- (10) In Schedule 1—
- (a) in Part 1, in paragraph 4(4) (local reference rents), for the definition of “non-dependant”, substitute—
    - ““non-dependant” means a non-dependant of the tenant within the meaning of regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations;”;
  - (b) in Part 2, in paragraph 7 (ineligible charges and support charges)(**46**)—
    - (i) in sub-paragraph (1), for the definition of “ineligible charges” substitute—
      - ““ineligible charges” means service charges which are ineligible to be met by housing benefit by virtue of regulation 12(3) (rent) of and Schedule 1 (ineligible service charges) to the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations except in the case of a tenancy where the rent includes payments for board and attendance, and the rent officer considers that a substantial part of the rent under the tenancy is fairly attributable to board and attendance, charges specified in paragraph

(44) Regulation 4C was inserted by [S.I. 2003/2398](#).

(45) Regulation 4E was inserted by [S.I. 2003/2398](#).

(46) Paragraph 7 was substituted by [S.I. 2000/1](#). A relevant amending instrument is [S.I. 2003/478](#).

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- 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, in paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (charges for meals).”; and
- (ii) in sub-paragraph (3)—
- (aa) for “regulation 12A(7A)(b) of the 1987 Regulations”, substitute “regulation 14(9)(b) of the Housing Benefit Regulations or, as the case may be, regulation 14(8)(b) of the Housing Benefit (State Pension Credit) Regulations”; and
- (bb) for “regulation 12A(1A) of the 1987 Regulations”, substitute “14(2) of the Housing Benefit Regulations or, as the case may be, regulation 14(2) of the Housing Benefit (State Pension Credit) Regulations”;
- (c) in Part 3, in paragraph 9(1)(c) (notifications), for “paragraph 1(a)(i) of Schedule 1 to the 1987 Regulations”, substitute “paragraph 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”; and
- (d) in Part 4, in paragraph 11(5)(b) (indicative rent levels), for “regulation 3 of the 1987 Regulations”, substitute “regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations”.

(11) In Schedule 3A(categories of dwelling)(47), in Part 1, in paragraph 1(2)(b), for “regulation 3 of the 1987 Regulations”, substitute “regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations”.

### **Amendment of the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997**

**12.—**(1) The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997(48) shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 2 (interpretation)—

(a) for the definition of “hostel”, substitute—

““hostel” has the same meaning as in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations;”;

(b) after that definition insert—

““the Housing Benefit Regulations” mean the Housing Benefit Regulations 2006;  
“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;

(c) for the definition of “relevant date”(49), substitute—

““relevant date” means the date specified by a pathfinder authority in an application for a local housing allowance determination made in accordance with regulation 13A(4)(a) of the Housing Benefit Regulations(50) or, as the case may be, regulation 13A(4)(a) of the Housing Benefit (State Pension Credit) Regulations(51);”;

(d) for the definition of “rent”, substitute—

(47) Schedule 3A was inserted by [S.I. 2003/2398](#).

(48) [S.I. 1997/1995 \(S.144\)](#).

(49) The definition of “relevant date” was inserted by [S.I. 2003/2398](#).

(50) For regulation 13A, *see* Schedule 10, paragraph 7.

(51) For regulation 13A, *see* Schedule 9, paragraph 7.

““rent” means any of the periodical payments referred to in regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations;”.

(e) omit the definition of the “1987 Regulations”.

(3) In regulation 3A (transitional arrangements for determination of single room rents with effect from 2nd July 2001)(**52**), for “regulation 12A of the 1987 Regulations”, substitute “regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations”.

(4) In regulation 4A (substitute determinations and substitute redeterminations)(**53**), for “regulation 12C of the 1987 Regulations”, substitute “regulation 17 of the Housing Benefit Regulations or, as the case may be, regulation 17 of the Housing Benefit (State Pension Credit) Regulations”.

(5) In regulation 4B(4) (broad rental market area determinations and local housing allowance determinations)(**54**)—

(a) in paragraph (a), for “regulations 11A(4)(a) of the 1987 Regulations”, substitute “regulation 13A(4)(a) of the Housing Benefit Regulations or, as the case may be, regulation 13A(4)(a) of the Housing Benefit (State Pension Credit) Regulations”; and

(b) in paragraph (b), for “regulations 11A(5) of the 1987 Regulations”, substitute “regulation 13A(5) of the Housing Benefit Regulations or, as the case may be, regulation 13A(5) of the Housing Benefit (State Pension Credit) Regulations”.

(6) In regulation 4C (board and attendance determinations and notifications)(**55**)—

(a) in paragraph (1), for “regulation 11A(6) of the 1987 Regulations”, substitute “regulation 17(6) of the Housing Benefit Regulations or, as the case may be, regulation 13A(6) of the Housing Benefit (State Pension Credit) Regulations”;

(b) in paragraph 2(b), for “regulation 12A(1) of the 1987 Regulations”, substitute “regulation 14(1) of the Housing Benefit Regulations or, as the case may be, regulation 14(1) of the Housing Benefit (State Pension Credit) Regulations”; and

(c) in paragraph (4) for “regulation 12A(1) of the 1987 Regulations”, substitute “regulation 14(1) of the Housing Benefit Regulations or, as the case may be, regulation 14(1) of the Housing Benefit (State Pension Credit) Regulations”.

(7) In regulation 4E (substitute board and attendance determinations and substitute board and attendance redeterminations)(**56**), wherever “regulation 12C of the 1987 Regulations” occurs, substitute “regulation 17 of the Housing Benefit Regulations or, as the case may be, regulation 17 of the Housing Benefit (State Pension Credit) Regulations”.

(8) In regulation 6 (exceptions)—

(a) in paragraph (2) for “regulation 7(3) of the 1987 Regulations”, substitute “regulation 9(4) of the Housing Benefit Regulations or, as the case may be, regulation 9(4) of the Housing Benefit (State Pension Credit) Regulations”; and

(b) in paragraph (3), for “the 1987 Regulations”, substitute “the Housing Benefit Regulations and the Housing Benefit (State Pension Credit) Regulations”.

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(52) Regulation 3A was inserted by [S.I. 2001/1326](#) and amended by [S.I. 2001/2318](#).

(53) Regulation 4A was substituted by [S.I. 2000/3](#).

(54) Regulation 4B was inserted by [S.I. 2003/2398](#).

(55) Regulation 4C was inserted by [S.I. 2003/2398](#).

(56) Regulation 4E was inserted by [S.I. 2003/2398](#).

*Status: This is the original version (as it was originally made).*

(9) In regulation 7 (special cases), for regulation 10(1) of the 1987 Regulations, substitute “regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations”.

(10) In Schedule 1—

(a) in Part 1, in paragraph 4(4) (local reference rents), for the definition of “non-dependant”, substitute—

““non-dependant” means a non-dependant of the tenant within the meaning of regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations;”;

(b) in Part 2, in paragraph 7 (ineligible charges and support charges)(57)—

(i) in sub-paragraph (1), for the definition of “ineligible charges” substitute—

““ineligible charges” means service charges which are ineligible to be met by housing benefit by virtue of regulation 12(3) (rent) of and Schedule 1 (ineligible service charges) to the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations except in the case of a tenancy where the rent includes payments for board and attendance, and the rent officer considers that a substantial part of the rent under the tenancy is fairly attributable to board and attendance, charges specified in paragraph 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, in paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (charges for meals).”; and

(ii) in sub-paragraph (3)—

(aa) for “regulation 12A(7A)(b) of the 1987 Regulations”, substitute “regulation 14(9)(b) of the Housing Benefit Regulations or, as the case may be, regulation 14(8)(b) of the Housing Benefit (State Pension Credit) Regulations”; and

(bb) for “regulation 12A(1A) of the 1987 Regulations”, substitute “14(2) of the Housing Benefit Regulations or, as the case may be, regulation 14(2) of the Housing Benefit (State Pension Credit) Regulations”;

(c) in Part 3, in paragraph 9(1)(c) (notifications), for “paragraph 1(a)(i) of Schedule 1 to the 1987 Regulations”, substitute “paragraph 1(a)(i) of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 1(a)(i) of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”; and

(d) in Part 4, in paragraph 11(5)(b) (indicative rent levels), for “regulation 3 of the 1987 Regulations”, substitute “regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations”.

(11) In Schedule 3A(categories of dwelling)(58), in Part 1, in paragraph 1(2)(b), for “regulation 3 of the 1987 Regulations”, substitute “regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations”.

### **Amendment of the Income-Related Benefits (Subsidy to Authorities) Order 1998**

**13.**—(1) The Income-Related Benefits (Subsidy to Authorities) Order 1998(59) shall be amended in accordance with the provisions of this paragraph.

(2) In article 11(interpretation of Part III)—

(57) Paragraph 7 was substituted by [S.I. 2000/3](#). A relevant amending instrument is [S.I. 2003/478](#).

(58) Schedule 3A was inserted by [S.I. 2003/2398](#).

(59) [S.I. 1998/562](#).

- (a) in paragraph (1)—
- (i) in the definition of “board and lodging accommodation”, for “regulation 12A of the Housing Benefit Regulations”, substitute “regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations”;
  - (ii) for the definition of “the Council Tax Benefit Regulations”, substitute —  
““the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;”;
  - (iii) after the definition of “the Council Tax Benefit Regulations”, insert—  
““the Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;
  - (iv) for the definition of “the Housing Benefit Regulations”, substitute—  
““the Housing Benefit Regulations” means the Housing Benefit Regulations 2006;”;
  - (v) after the definition of “the Housing Benefit Regulations”, insert—  
““the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;
  - (vi) for “the Housing Benefit Regulations or Council Tax Benefit Regulations”, substitute “the Housing Benefit Regulations, the Housing Benefit (State Pension Credit) Regulations, the Council Tax Benefit Regulations or the Council Tax Benefit (State Pension Credit) Regulations”.
- (b) in paragraph (2), in the definition of “qualifying expenditure”, for “regulation 91”, substitute “regulation 93” and after “Housing Benefit Regulations”, insert “and regulation 74 of the Housing Benefit (State Pension Credit) Regulations”; and
- (c) in paragraph (3)(60), for “regulation 97 or 102 of the Housing Benefit Regulations” substitute “regulation 98 or 102 of the Housing Benefit Regulations or, as the case may be, regulation 79 or 83 of the Housing Benefit (State Pension Credit) Regulations”.
- (3) In article 14(1)(a) (backdated benefit), for “paragraph (15) of regulation 72 of the Housing Benefit Regulations or paragraph (16) of regulation 62 of the Council Tax Benefit Regulations”, substitute “regulation 83(12) of the Housing Benefit Regulations or, as the case may be, regulation 64(13) of the Housing Benefit (State Pension Credit) Regulations, regulation 69(13) of the Council Tax Benefit Regulations or regulation 53(13) of the Council Tax Benefit (State Pension Credit) Regulations”.
- (4) In article 15(8) (disproportionate rent increase), in the definition of “rent” for “sub-paragraphs (a) to (j) in paragraph (1) of regulation 10 of the Housing Benefit Regulations”, substitute “sub-paragraphs (a) to (j) in paragraph (1) of regulation 12 of the Housing Benefit Regulations or, as the case may be, sub-paragraphs (a) to (j) in paragraph (1) of regulation 12 of the Housing Benefit (State Pension Credit) Regulations”.
- (5) In article 15A (disproportionate rent increase-Wales)(61), in paragraph (8) in sub-paragraph (a) of the definition of “rent”, for “regulation 10 of the Housing Benefit Regulations”, substitute “regulation 12 of the Housing Benefit Regulations or, as the case may be, regulation 12 of the Housing Benefit (State Pension Credit) Regulations”.
- (6) In article 16 (treatment of high rents)—

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(60) Paragraph (3) added by S.I. 2000/2340.

(61) Inserted by S.I. 2005/369.

*Status: This is the original version (as it was originally made).*

- (a) in paragraph (2), for the words following “by virtue of” to the end of the paragraph, substitute—
  - “(a) paragraph 1 and any of paragraphs 3 to 11 of Schedule 2 to the Housing Benefit Regulations (excluded tenancies); or
  - (b) paragraph 1 and any of paragraphs 3 to 11 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations (excluded tenancies)”;
- (b) in paragraph (4)—
  - (i) in sub-paragraph (b), for “regulation 91”, substitute “regulation 93” and after “Housing Benefit Regulations” insert “ or, as the case may be, regulation 74 of the Housing Benefit (State Pension Credit) Regulations”;
  - (ii) in sub-paragraph (c), for “regulation 11(9) of the Housing Benefit Regulations” substitute “ regulation 13(14) of the Housing Benefit Regulations or, as the case may be, regulation 13(14) of the Housing Benefit (State Pension Credit) Regulations”.
- (7) In article 18 (additions to subsidy)—
  - (a) in paragraph (5)(b)(ii)—
    - (i) for “regulation 75 of the Housing Benefit Regulations”, substitute “regulation 88 of the Housing Benefit Regulations, regulation 69 of the Housing Benefit (State Pension Credit) Regulations”; and
    - (ii) for “or of regulation 65 of the Council Tax Benefit Regulations”, substitute “, regulation 74 of the Council Tax Benefit Regulations or regulation 59 of the Council Tax Benefit (State Pension Credit) Regulations “;
  - (b) in paragraph (8), for “paragraph (15) of regulation 72 of the Housing Benefit Regulations, paragraph (16) of regulation 62 of the Council Tax Benefit Regulations”, substitute “paragraph (12) of regulation 83 of the Housing Benefit Regulations, paragraph (13) of regulation 64 of the Housing Benefit (State Pension Credit) Regulations, paragraph (13) of regulation 69 of the Council Tax Benefit Regulations of paragraph (13) of regulation 53 of the Council Tax Benefit (State Pension Credit) Regulations”.
- (8) In article 19 (deductions to be made in calculating subsidy) in paragraph (1), in sub-paragraph (g)(ii)—
  - (a) for “Housing Benefit Regulations”, substitute “Housing Benefit (General) Regulations 1987(**62**)”;
  - (b) for “Council Tax Benefit Regulations”, substitute “Council Tax Benefit (General) Regulations 1992(**63**)”;
  - (c) for “or paragraph (18) of regulation 60 of the Community Charge Benefits Regulations”, substitute “, paragraph (18) of regulation 60 of the Community Charge Benefits Regulations, paragraph (12) of regulation 83 of the Housing Benefit Regulations, paragraph (13) of regulation 64 of the Housing Benefit (State Pension Credit) Regulations, paragraph (13) of regulation 69 of the Council Tax Benefit Regulations or paragraph (13) of regulation 53 of the Council Tax Benefit (State Pension Credit) Regulations”.
- (9) In article 23 (transitional provisions in relation to rent officer determinations), in paragraph (2) (a), for “Housing Benefit Regulations”, substitute “Housing Benefit (General) Regulations 1987”.
- (10) In Schedule 4 (high rents and rent allowances)—

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(62) S.I. 1987/1971.

(63) S.I. 1992/1814.

- (a) in paragraph 4, for “regulation 12A(2) of the Housing Benefit Regulations”, substitute “regulation 14(4) of the Housing Benefit Regulations or, as the case may be, regulation 14(4) of the Housing Benefit (State Pension Credit) Regulations”;
- (b) in paragraph 5, for “paragraph 2 of Schedule 1A to the Housing Benefit Regulations”, substitute “paragraph 2 of Schedule 2 to the Housing Benefit Regulations or, as the case may be, paragraph 2 of Schedule 2 to the Housing Benefit (State Pension Credit) Regulations”;
- (c) in paragraph 6, for “regulation 12A of the Housing Benefit Regulations”, substitute “regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations”;
- (d) in both paragraph 7(b) and 8(1)(b) (rent officers' property-specific rent and claim related rent) for “under sub-paragraphs (a)(iv)(cc), (c) and (f) of paragraph 1 of Schedule 1 (ineligible service charges) and Schedule 1B (service charges for claimants in supported accommodation) to the Housing Benefit Regulations”, substitute “under sub-paragraphs (a)(iv)(c) and (f) of paragraph 1 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, under sub-paragraphs (a)(iv)(c) and (f) of paragraph 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges)”;
- (e) in paragraph 10, for “Housing Benefit Regulations”, substitute “Housing Benefit (General) Regulations 1987”;
- (f) in paragraph 11—
  - (i) in sub-paragraph (1)(a), for “regulation 91 of the Housing Benefit Regulations”, substitute “regulation 93 of the Housing Benefit Regulations or, as the case may be, regulation 74 of the Housing Benefit (State Pension Credit) Regulations”; and
  - (ii) in sub-paragraph (2)(b), for “regulation 91(3) or regulation 99 (recoverable overpayments) of the Housing Benefit Regulations” substitute “regulation 93(3) or regulation 100 (recoverable overpayments) of the Housing Benefit Regulations or, as the case may be, regulation 74(3) or regulation 81 of the Housing Benefit (State Pension Credit) Regulations”;
- (g) in paragraph 12 (relevant date)—
  - (i) in sub-paragraph (c)(i), for “regulation 12A(8) of the Housing Benefit Regulations”, substitute “regulation 14(10) of the Housing Benefit Regulations or, as the case may be, regulation 14(10) of the Housing Benefit (State Pension Credit) Regulations”;
  - (ii) in sub-paragraph (c)(ii), for “regulation 12A of the Housing Benefit Regulations”, substitute “regulation 14 of the Housing Benefit Regulations or, as the case may be, regulation 14 of the Housing Benefit (State Pension Credit) Regulations”; and
  - (iii) in sub-paragraph (c), for “regulation 68 of the Housing Benefit Regulations” substitute “regulation 79 of the Housing Benefit Regulations or, as the case may be, regulation 59 of the Housing Benefit (State Pension Credit) Regulations”;
- (h) in paragraph 15, for “regulation 11(9) of the Housing Benefit Regulations”, substitute “regulation 13(14) of the Housing Benefit Regulations or, as the case may be, regulation 13(14) of the Housing Benefit (State Pension Credit) Regulations”;
- (i) in paragraph 16 (apportionment), for “regulation 10(5) of the Housing Benefit Regulations” substitute “regulation 12(5) of the Housing Benefit Regulations or, as the case may be, regulation 12(5) of the Housing Benefit (State Pension Credit) Regulations”;
- (j) in paragraph 17(1)(64) (interpretation)—

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(64) Amended by S.I. 2001/2350.

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- (i) in the definition of “appropriate indicative rent level”, for “paragraph 1A of Part II of Schedule 1 to the Housing Benefit Regulations” substitute “paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”;
  - (ii) in the definition of “ineligible amounts”—
    - (aa) in sub-paragraph (a)(i) for “paragraph 1A of Schedule 1 to the Housing Benefit Regulations” substitute “paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 2 of Part 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”;
    - (bb) for sub-paragraph (a)(ii), substitute—
      - “(ii) where the dwelling is a hostel as defined in regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations (interpretation), any amount ineligible to be met by housing benefit under (as the case may be)—
        - (aa) paragraph 1 of Schedule 1 to the Housing Benefit Regulations (ineligible service charges), other than sub-paragraphs (d) to (f) of that paragraph; or
        - (bb) paragraph 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges), other than sub-paragraphs (d) to (f) of that paragraph;”;
    - (cc) in sub-paragraph (b)(i), for “under Part II of Schedule 1 to the Housing Benefit Regulations” substitute “under Part 2 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, Part 2 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”;
    - (dd) in sub-paragraph (b)(ii), for “paragraph 1A of Schedule 1 to the Housing Benefit Regulations”, substitute “paragraph 2 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 2 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”;
    - (ee) in sub-paragraph (b)(iii), for “paragraph 1 of Schedule 1 to those Regulations (ineligible service charges), other than sub-paragraphs (d) to (f) of that paragraph”, substitute “paragraph 1 of Schedule 1 to those Regulations or, as the case may be, paragraph 1 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations (ineligible service charges), other than sub-paragraphs (d) to (f) of those paragraphs”;
  - (iii) in the definition of “property-specific rent less ineligible amounts”, for “paragraph 1(a)(i) or 4 of Schedule 1 to the Housing Benefit Regulations”, substitute “paragraph 1(a)(i) or paragraph 5 of Schedule 1 to the Housing Benefit Regulations or, as the case may be, paragraph 1(a)(i) or paragraph 5 of Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”
  - (iv) in the full out words, for the words “and in regulation 11 of the Housing Benefit Regulations”, substitute “and (as the case may be) in regulation 13 of the Housing Benefit Regulations or regulation 13 of the Housing Benefit (State Pension Credit) Regulations”.
- (11) In Schedule 4A(65) (rent rebate limitation deductions (housing revenue account dwellings) in paragraph 1—

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(65) Schedule 4A inserted by S.I. 2004/646.



- (a) in the definition of “rent”, for “regulation 10(1) of the Housing Benefit Regulations”, substitute “regulation 12(1) of the Housing Benefit Regulations or, as the case may be, regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations”;
- (b) in the definition of “service charge” for “regulation 10(1)(e) of the Housing Benefit Regulations” substitute “regulation 12(1)(e) of the Housing Benefit Regulations or, as the case may be, regulation 12(1)(e) of the Housing Benefit (State Pension Credit) Regulations”; and
- (c) in paragraph (b) of the definition of “service charge”, for “Housing Benefit Regulations” substitute “Housing Benefit (General) Regulations 1987(66)”.

### **Amendment of the New Deal Orders**

**14.**—(1) In the Schedule (list of subordinate legislation) to each of the Orders specified in subparagraph (2)—

- (a) for the reference to the “The Housing Benefit (General) Regulations 1987”, substitute—  
“The Housing Benefit Regulations 2006;”;
- (b) after that reference insert—  
“The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;
- (c) for the reference to the “The Council Tax Benefit (General) Regulations 1992”, substitute—  
“The Council Tax Benefit Regulations 2006;”;
- (d) after that reference insert—  
“The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”.

(2) Those Orders are—

- (a) the New Deal (Miscellaneous Provisions) Order 1998(67);
- (b) the New Deal (25 plus) (Miscellaneous Provisions) Order 1999(68);
- (c) the New Deal (Miscellaneous Provisions) Order 2001(69); and
- (d) the New Deal (Lone Parents)(Miscellaneous Provisions) Order 2001(70).

### **Amendment of the Social Security Commissioners (Procedure) Regulations 1999**

**15.** In regulation 33(3) of the Social Security Commissioners (Procedure) Regulations 1999(71), for “regulation 71(2) to (6) of the Housing Benefit (General) Regulations 1987 and regulation 61(2) to (6) of the Council Tax Benefit (General) Regulations 1992”, substitute “regulation 82(2) to (6) of the Housing Benefit Regulations 2006, regulation 63(2) to (6) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, regulation 68(2) to (6) of the Council Tax Benefit Regulations 2006 and regulation 52(2) to (6) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

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(66) S.I. 1987/1971.

(67) S.I. 1998/217.

(68) S.I. 1999/779.

(69) S.I. 2001/970.

(70) S.I. 2001/2915.

(71) S.I. 1999/1495; relevant amending instrument is S.I. 2001/1095.

**Amendment of the Home Energy Efficiency Schemes (Wales) Regulations 2000**

16. In regulation 5(5)(e) of the Home Energy Efficiency Schemes (Wales) Regulations 2000<sup>(72)</sup> (persons who may apply for a grant), for “the Council Tax Benefit (General) Regulations 1992, the Housing Benefit (General) Regulations 1987”, substitute “the Council Tax Benefit Regulations 2006, the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.”

**Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001**

17.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>(73)</sup> shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “Council Tax Benefit Regulations”, substitute—

““Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;”

(b) after that definition, insert—

““Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;

(c) for the definition of “Housing Benefit Regulations”, substitute—

““Housing Benefit Regulations” means the Housing Benefit Regulations 2006;”;

(d) after that definition, insert—

““Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”.

(3) In regulation 3 (person treated as a person affected by a decision), in paragraph (1)—

(a) for sub-paragraphs (c) to (e), substitute—

“(c) a person appointed by the relevant authority under regulation 82(3) of the Housing Benefit Regulations, regulation 63(3) of the Housing Benefit (State Pension Credit) Regulations, regulation 68(3) of the Council Tax Benefit Regulations or, as the case may be, regulation 52(3) of the Council Tax Benefit (State Pension Credit) Regulations (appointments for persons unable to act);

(d) a person from whom the relevant authority determines that—

(i) an overpayment is recoverable in accordance with Part 13 of the Housing Benefit Regulations or Part 12 of the Housing Benefit (State Pension Credit) Regulations; or

(ii) excess benefit is recoverable in accordance with Part 11 of the Council Tax Benefit Regulations or Part 10 of the Council Tax Benefit (State Pension Credit) Regulations; or

(e) a landlord or agent acting on behalf of that landlord and that decision is made under—

<sup>(72)</sup> S.I. 2000/2959.

<sup>(73)</sup> S.I. 2001/1002.

- (i) regulation 95 (circumstances in which payment is to be made to the landlord) of the Housing Benefit Regulations;
  - (ii) regulation 96 (circumstances in which payment may be made to the landlord) of those Regulations;
  - (iii) regulation 76 (circumstances in which payment is to be made to the landlord) of the Housing Benefit (State Pension Credit) Regulations;
  - (iv) regulation 77 (circumstances in which payment may be made to the landlord) of those Regulations.”;
- (b) in regulation 7 (decisions superseding earlier decisions)—
- (i) in both paragraph (2ZA)(74) and paragraph (2A)(75), for “regulation 12A(1)(d) or (e) of the Housing Benefit Regulations”, substitute “regulation 14(1)(f) or (g) of the Housing Benefit Regulations or regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations”;
  - (ii) in paragraph (2B)(76), for “regulation 8A of the Housing Benefit Regulations”, substitute “regulation 11A of the Housing Benefit Regulations(77) or regulation 11A of the Housing Benefit (State Pension Credit) Regulations(78)(cases where maximum housing benefit expires)”;
  - (iii) in paragraph (3), for the words “regulation 75(2) of the Housing Benefit Regulations(a) or regulation 65(2) of the Council Tax Benefit Regulations(b) (changes of circumstances which do not need to be notified)” to the end of the paragraph, substitute “regulation 88(3) of the Housing Benefit Regulations, regulation 69(3) of the Housing Benefit (State Pension Credit) Regulations, regulation 74(3) of the Council Tax Benefit Regulations or regulation 59(3) of the Council Tax Benefit (State Pension Credit) Regulations (changes of circumstances which do not need to be notified).”;
- (c) in regulation 8 (date from which a decision superseding an earlier decision takes effect)—
- (i) in paragraph (2), for the words “in accordance with” to the end of the paragraph, substitute—
    - “in accordance with—
    - (a) regulation 79 of the Housing Benefit Regulations;
    - (b) regulation 59 or 60 of the Housing Benefit (State Pension Credit) Regulations;
    - (c) regulation 67 of the Council Tax Benefit Regulations; or
    - (d) regulation 50 or 51 of the Council Tax Benefit (State Pension Credit) Regulationsas the case may be.”;
  - (ii) in paragraph (6A)(79), for the words “regulation 12A(1)(d) or (e) of the Housing Benefit Regulations”, on each of the three occasions on which those words occur, substitute “regulation 14(1)(f) or (g) of the Housing Benefit Regulations or, as the case may be, regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations”;

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(74) Paragraph (2ZA) was inserted by [S.I. 2004/14](#).

(75) Paragraph (2A) was inserted by [S.I. 2003/1338](#).

(76) Paragraph (2B) was inserted by [S.I. 2003/2399](#).

(77) For regulation 11A, *see* Schedule 10 to the Housing Benefit Regulations 2006, paragraph 4.

(78) For regulation 11A, *see* Schedule 9 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, paragraph 4.

(79) Paragraph (6A) was inserted by [S.I. 2004/14](#).

*Status: This is the original version (as it was originally made).*

- (iii) in paragraph (6B)(**80**), after the words “the Housing Benefit Regulations”, add “or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations.”;
- (iv) in paragraph (12)(**81**), for the words “regulation 12A(1)(d) or (e) of the Housing Benefit Regulations”, on both occasions on which those words occur, substitute “regulation 14(1)(f) or (g) of the Housing Benefit Regulations or, as the case may be, regulation 14(1)(f) or (g) of the Housing Benefit (State Pension Credit) Regulations”; and
- (v) in paragraph (15)(**82**), for the words “regulation 8A of the Housing Benefit Regulations”, substitute “regulation 11A of the Housing Benefit Regulations or, as the case may be, regulation 11A of the Housing Benefit (State Pension Credit) Regulations”;
- (d) in regulation 13(2)(c) for the words “regulation 73 of the Housing Benefit Regulations or regulation 63 of the Council Tax Benefit Regulations”, substitute “regulation 86 of the Housing Benefit Regulations, regulation 67 of the Housing Benefit (State Pension Credit) Regulations, regulation 72 of the Council Tax Benefit Regulations or regulation 57 of the Council Tax Benefit (State Pension Credit) Regulations”; and
- (e) in the Schedule—
  - (i) in paragraph 1, for sub-paragraphs (a) to (h), substitute—
    - “(a) regulations 83 (time and manner in which claims are to be made), 84(1) and 85(1) and (4) (date of claim);
    - (b) regulation 93(3) (adjustments to payments to take account of underpayment or overpayment on account of rent allowance);
    - (c) regulation 95 (circumstances in which payment is to be made to a landlord);
    - (d) regulation 96 (circumstances in which payment may be made to a landlord);
    - (e) regulation 100 (recoverable overpayments);
    - (f) regulation 101 (person from whom recovery may be sought);
    - (g) regulation 103 (diminution of capital); or
    - (h) regulation 104 (sums to be deducted in calculating recoverable overpayments).”;
  - (ii) after paragraph 1, insert—
    - “**1A.** No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part 9 (claims), Part 11 (payments) and Part 12 (overpayments) of the Housing Benefit (State Pension Credit) Regulations except a decision under—
      - (a) regulations 64 (time and manner in which claims are to be made), 65(1) and 66(1) and (4) (date of claim);
      - (b) regulation 74(3) (adjustments to payments to take account of underpayment or overpayment on account of rent allowance);
      - (c) regulation 76 (circumstances in which payment is to be made to a landlord);

**(80)** Paragraph (6B) was inserted by [S.I. 2004/14](#).

**(81)** Paragraph (12) was inserted by [S.I. 2003/1338](#).

**(82)** Paragraph (15) was inserted by [S.I. 2003/2379](#).

- (d) regulation 77 (circumstances in which payment may be made to a landlord);
  - (e) regulation 81 (recoverable overpayments);
  - (f) regulation 84 (diminution of capital); or
  - (g) regulation 85 (sums to be deducted in calculating recoverable overpayments).”;
- (iii) in paragraph 2, for sub-paragraphs (a) to (e), substitute—
- “(a) regulations 69 (time and manner in which claims are to be made), 69(1) and 70(1) and (4) (date of claim);
  - (b) regulation 83 (recoverable excess benefit);
  - (c) regulation 85 (persons from whom recovery may be sought);
  - (d) regulation 88 (diminution of capital); or
  - (e) regulation 89 (sums to be deducted in calculating recoverable excess benefit).”;
- (iv) after paragraph 2 insert—
- “**2A.** No appeal shall lie against a decision made by virtue of, or as a consequence of, any of the provisions in Part 7 (claims), Part 9 (awards or payments of benefit) and Part 10 (excess benefit) of the Council Tax Benefit (State Pension Credit) Regulations except a decision under—
- (a) regulations 53 (time and manner in which claims are to be made), 54(1) and 55(1) and (4) (date of claim);
  - (b) regulation 68 (recoverable excess benefit);
  - (c) regulation 70 (persons from whom recovery may be sought);
  - (d) regulation 73 (diminution of capital); or
  - (e) regulation 74 (sums to be deducted in calculating recoverable excess benefit).”;
- (v) in paragraph 6(**83**), for the words “regulation 23(1) of the Housing Benefit Regulations or regulation 15(1) of the Council Tax Benefit Regulations”, substitute “regulation 27(1) of the Housing Benefit (State Pension Credit) Regulations or regulation 17(1) of the Council Tax Benefit (State Pension Credit) Regulations”.

### **Amendment of the Discretionary Financial Assistance Regulations 2001**

**18.**—(1) The Discretionary Financial Assistance Regulations 2001(**84**) shall be amended in accordance with the provisions of this paragraph.

(2) For regulation 1(2), substitute—

“(2) In these Regulations—

“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006; and

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.”

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(83) Paragraph (6) was inserted by [S.I. 2003/1581](#).

(84) [S.I. 2001/1167](#).

*Status: This is the original version (as it was originally made).*

(3) In regulation 3(a) (circumstances in which discretionary housing payments may be made) for “Schedule 1 to the Housing Benefit Regulations”, substitute “Schedule 1 to the Housing Benefit Regulations or Schedule 1 to the Housing Benefit (State Pension Credit) Regulations”.

(4) In regulation 4, for paragraph (a) (limit on the amount of the discretionary housing payment that may be made), substitute—

“(a) periodical payments in respect of the dwelling which a person occupies as his home, other than payments in respect of council tax, an amount equal to the amount of the aggregate of the payments specified in—

(i) regulation 12(1) of the Housing Benefit Regulations less the aggregate of the amounts referred to in regulations 12(3)(b)(i) to (iii) of those Regulations, calculated on a weekly basis in accordance with regulations 80 and 81 of those Regulations; or

(ii) regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations less the aggregate of the amounts referred to in regulations 12(3)(b)(i) to (iii) of those Regulations, calculated on a weekly basis in accordance with regulations 61 and 62 of those Regulations; or”.

#### **Amendment of the Social Security (Change of Circumstances) Regulations 2001**

**19.** Regulation 4 (change affecting housing benefit or council tax benefit) of the Social Security (Change of Circumstances) Regulations 2001(**85**) shall be amended as follows—

(a) in paragraph (1)(b), for “regulation 75 of the Housing Benefit (General) Regulations 1987 or regulation 65 of the Council Tax Benefit (General) Regulations 1992 (duty to notify changes for claims and payments purposes)”, substitute “regulation 88 of the Housing Benefit Regulations 2006, regulation 69 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, regulation 74 of the Council Tax Benefit Regulations 2006 or regulation 59 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”; and

(b) in paragraph (3), for “Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992” substitute, “Housing Benefit Regulations 2006, Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, Council Tax Benefit Regulations 2006, and Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

#### **Amendment of the Social Security (Loss of Benefit) Regulations 2001**

**20.**—(1) The Social Security (Loss of Benefit) Regulations 2001(**86**) shall be amended in accordance with the provisions of this paragraph.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) for the definition of “the Council Tax Benefit Regulations”, substitute—

““the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;”;

(b) after that definition insert—

““the Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”;

(85) S.I. 2001/3252.

(86) S.I. 2001/4022.

- (c) for the definition of “the Housing Benefit Regulations”, substitute—
    - ““the Housing Benefit Regulations” means the Housing Benefit Regulations 2006;”;
  - (d) after that definition insert—
    - ““the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”.
- (3) In regulation 17 (circumstances where a reduced amount of housing benefit and council tax benefit is payable)—
- (a) in paragraph (1), for “paragraph 1(1) of Schedule 2 to the Housing Benefit Regulations or, as the case may be, in paragraph 1(1) of Schedule 1 to the Council Tax Benefit Regulations”, substitute “paragraph 1 of Schedule 3 to the Housing Benefit Regulations or, as the case may be, in paragraph 1(1) of Schedule 3 of the Housing Benefit (State Pension Credit) Regulations, in paragraph 1(1) of Schedule 1 to the Council Tax Benefit Regulations, or in paragraph 1(1) of Schedule 1 of the Council Tax Benefit (State Pension Credit) Regulations”;
  - (b) in paragraph (3), for “regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Council Tax Benefit Regulations”, substitute “regulation 2(1) of the Housing Benefit Regulations or, as the case may be, regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations, regulation 2(1) of the Council Tax Benefit Regulations, or regulation 2(1) of the Council Tax Benefit (State Pension Credit) Regulations.”.

#### **Amendment of the Social Security (Jobcentre Plus Interviews) Regulations 2002**

**21.** In regulation 2(2) of the Social Security (Jobcentre Plus Interviews) Regulations 2002<sup>(87)</sup>, for “regulation 4 of the Housing Benefit (General) Regulations 1987”, substitute “regulation 6 of the Housing Benefit Regulations 2006”.

#### **Amendment of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002**

**22.—**(1) The Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002<sup>(88)</sup> shall be amended in accordance with the provisions of this paragraph.

- (2) In regulation 9(3)—
  - (a) in sub-paragraph (c)<sup>(89)</sup>, for “paragraphs 10(1)(b) or (2)(b) or 11, and where applicable, 12 of Part III of Schedule 2 to the Housing Benefit (General) Regulations 1987”, substitute “paragraphs 11(1)(b) or 11(2)(b) or 12, and where applicable, 13 of Part 3 Schedule 3 of the Housing Benefit Regulations 2006”; and
  - (b) in sub-paragraph (d)<sup>(90)</sup>, for “paragraphs 11(1)(b) or (2)(b) or 12, and where applicable, 13 of Part III of Schedule 1 to the Council Tax Benefit (General) Regulations 1992”, substitute “paragraphs 11(1)(b) or 11(2)(b) or 12, and where applicable, 13 of Part 3 of Schedule 1 of the Council Tax Benefit Regulations 2006”.
- (3) In regulation 13(5) (entitlement to child care element of working tax credit)—
  - (a) in sub-paragraph (b)(i), for “paragraph 11(2)(b) of Schedule 1 to the Council Tax Benefit (General) Regulations 1992”, substitute “paragraph 11(2)(b) of Schedule 1 to the Council Tax Benefit Regulations 2006”;

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<sup>(87)</sup> S.I. 2002/1703.

<sup>(88)</sup> S.I. 2002/2005.

<sup>(89)</sup> Sub-paragraph (c) was amended by S.I. 2003/2815.

<sup>(90)</sup> Sub-paragraph (d) was amended by S.I. 2003/2815.

*Status: This is the original version (as it was originally made).*

- (b) in sub-paragraph (b)(ii), for “paragraph 10(2)(b) of Schedule 2 to the Housing Benefit (General) Regulations 1987”, substitute “11(2)(b) of Schedule 3 to the Housing Benefit Regulations 2006”;
- (c) for “regulation 13A(1)(c) of Council Tax Benefit (General) Regulations 1992”, substitute “regulation 18(1)(c) of the Council Tax Benefit Regulations 2006”; and
- (d) for “regulation 21A(1)(c) of the Housing Benefit (General) Regulations 1987”, substitute “regulation 28(1)(c) of the Housing Benefit Regulations 2006”.

#### **Amendment of the Local Authorities (Charges for Specified Welfare Services) (England) Regulations 2003**

23. In regulation 1(2) of the Local Authorities (Charges for Specified Welfare Services) (England) Regulations 2003(91), in the definition of “rent free period”, for “regulation 70 of the Housing Benefit (General) Regulations 1987”, substitute “regulation 81 of the Housing Benefit Regulations 2006”.

#### **Amendment of the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003**

24. For paragraph 9(c) of Schedule 1 to the Council Tax and Non-Domestic Rating (Demand Notices) (England) Regulations 2003(92) substitute—

- “(c) the Council Tax Benefit (General) Regulations 2006;
- (cc) the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;”.

#### **Amendment of the Home Energy Efficiency Scheme (England) Regulations 2005**

25. In regulation 4(3)(d) of the Home Energy Efficiency Scheme (England) Regulations 2005(93), for “the Council Tax Benefit (General) Regulations 1992, the Housing Benefit (General) Regulations 1987”, substitute “the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006, the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

#### **Amendment of the Displaced Persons (Temporary Protection) Regulations 2005**

26. In regulation 14 of the Displaced Persons (Temporary Protection) Regulations 2005(94), for “regulation 10(1)(a) of the Housing Benefit (General) Regulations 1987”, substitute “14(1)(a) of the Housing Benefit Regulations 2006, regulation 12(1)(a) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

#### **Amendment of the Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005**

27.—(1) The Housing Benefit and Council Tax Benefit (Miscellaneous Amendments) (No.3) Regulations 2005(95) shall be amended in accordance with the following provisions of this paragraph.

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(91) [S.I. 2003/907](#).

(92) [S.I. 2003/2613](#).

(93) [S.I. 2005/1530](#).

(94) [S.I. 2005/1379](#).

(95) [S.I. 2005/2502](#).



(2) Regulation 2 (which makes amendments relating to housing benefit) shall be amended in accordance with paragraphs (3) to (18).

(3) For paragraphs (1) and (2), substitute—

“(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.”.

(4) In paragraph (3), for the words “regulation 16”, substitute “regulation 22 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

(5) In paragraph (4), for the words “regulation 18”, substitute “regulation 24 of the Housing Benefit Regulations 2006”.

(6) In paragraph (5), for the words “In regulation 21A(4)(c) (treatment of child care charges) for the words “within the meaning of regulation 18(2) (patients)””, substitute “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)””.

(7) In paragraph (7)—

(a) for the words “regulation 36(7)(a)”, substitute “regulation 41(9)(a) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”; and

(b) for the words “regulation 69(2)(b)”, substitute “regulation 61(2)(b)”.

(8) In paragraph (8)—

(a) for the words “In regulation 63(7)(e) (non-dependant deductions)”, substitute “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)”; and

(b) in the substituted head (i) of both regulations, for the words “paragraph 9 of regulation 5”, substitute “paragraph 18 of regulation 7”.

(9) In paragraph (9)—

(a) for the words “regulation 65”, substitute “regulation 57 of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”;

(b) omit sub-paragraph (a);

(c) in sub-paragraph (b)—

(i) for “(5)” substitute “(2)”;

(ii) the substituted paragraph (5) shall be renumbered paragraph (2);

(iii) in the substituted paragraph (2)(a), omit the words “regulation 72BA applies to him and”;

(iv) in the substituted paragraph (2)(b), omit the words “paragraph (2) does not apply to him and”.

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- (10) In paragraph (10)—
- (a) for the words “regulation 68”, substitute “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”;
  - (b) omit sub-paragraph (a);
  - (c) in sub-paragraph (b), in the substituted paragraph (2), for the words “paragraph 13”, substitute “paragraph (8)”;
  - (d) in sub-paragraph (c)—
    - (i) in the inserted paragraphs (2A) for the words “paragraphs (13) and (14)”, substitute “paragraphs (8) and (9)”;
    - (ii) in the inserted paragraphs (2A)(b)(i) and (2B), for the words “regulation 5(5)”, substitute “regulation 7(6)”;
    - (iii) on the inserted paragraph (2B), for the words “paragraph (13)”, substitute “paragraph (8)”;
  - (e) in sub-paragraph (d), for heads (i) and (ii), substitute—
    - “(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)”;
  - (f) in sub-paragraph (e), in the substituted paragraph (4), for the words “paragraph (13)”, substitute “paragraph (8)”;
  - (g) in sub-paragraph (f)—
    - (i) for the words “paragraphs (13) and (14)”, substitute “paragraphs (8) and (9)”;
    - (ii) in the substituted paragraph (8) for the words “paragraph (14), substitute “paragraph (9); and
    - (iii) in the substituted paragraph (9), for the words “regulation 5(5A) or (7A)”, substitute “regulation 7(7) or (10)”.
- (11) For paragraph (11), substitute—
- “(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 paragraph (12)—
- (a) for the words “regulation 69”, there shall be substituted, in the Housing Benefit Regulations 2006, “regulation 80” and, in the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, “regulation 61”;
  - (b) in sub-paragraph (a), after “(2)” insert “of both regulations”;
  - (c) for sub-paragraph (a)(i), there shall be substituted—
    - “(i) in sub-paragraph (a) for “paragraph (3)” there shall be substituted “paragraph (4)”;
  - (d) in sub-paragraph (a)(ii), in the substituted paragraphs (b) and (c), for the words “paragraph (5)”, substitute “paragraph (4)”;
  - (e) for sub-paragraph (b), substitute—

- “(b) paragraph (3) shall be omitted;”;
- (f) in sub-paragraph (c)—
  - (i) for the words “paragraph (5)”, substitute “paragraph (4)”;
  - (ii) the substituted paragraph (5) shall be renumbered paragraph (4);
  - (iii) in the substituted paragraph (4), there shall be substituted, in the Housing Benefit Regulations 2006—
    - (aa) for “regulation 65(2) or (5)”, “regulation 76(2)”;
    - (bb) for “regulation 68(2)”, “regulation 79(2)”;
    - (cc) for “regulation 68(2A)”, in both places, “regulation 79(2A)”;
    - (dd) for “(13) or (14)”, “(8) or (9)”;
  - (iv) in the substituted paragraph (4), there shall be substituted, in the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006—
    - (aa) for “regulation 65(2) or (5)”, “regulation 57(2)”;
    - (bb) for “regulation 68(2)”, “regulation 59(2)”;
    - (cc) for “regulation 68(2A)”, in both places, “regulation 59(2A)”;
    - (dd) for “(13) or (14)”, “(8) or (9)”;
- (g) for sub-paragraph (d), substitute—
  - “(d) in paragraph (5) of both regulations, for “(5)(a) or (c)”, substitute “(4)(a) or (b);”;
- (h) for sub-paragraph (e), substitute—
  - “(e) in paragraph (6) of both regulations, for “(5)(b)”, substitute “(4)(c);”;
- (i) in sub-paragraph (f)—
  - (i) for the words “paragraph (9)”, substitute in the Housing Benefit Regulations 2006, “paragraph (8)” and, in the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, “paragraph (7)”;
  - (ii) the inserted paragraphs (10) and (11), shall be renumbered, in both the Housing Benefit Regulations 2006 and in the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, “paragraphs (9) and (10)”;
  - (iii) in the renumbered paragraph (10), for the words “regulation 5(5)”, substitute “regulation 7(6)”.
- (13) In paragraph (13)—
  - (a) for the words “regulation 70”, substitute, in the Housing Benefit Regulations 2006, “regulation 81” and, in the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, “regulation 62”;
  - (b) in sub-paragraph (a), in the substituted paragraph (2), for the words “regulation 69(5)”, substitute in the Housing Benefit Regulations 2006, “regulation 80(4)” and, in the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, “regulation 61(4)”;
  - (c) for sub-paragraph (b), there shall be substituted, in its application to the Housing Benefit Regulations 2006—
    - “(b) in paragraph (3)(b), after “regulation 80(2)(b)” there shall be inserted “or (c)”;

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- (d) for sub-paragraph (b), there shall be substituted, in its application to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006—
  - “(b) in paragraph (3)(b), after “regulation 61(2)(b)” there shall be inserted “or (c)””.
- (14) In paragraph (14), for the words “regulation 75(6)”, there shall be substituted “regulation 69(7) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.
- (15) In paragraph (15)—
  - (a) for the words “Schedule 2” substitute “Schedule 3 to the Housing Benefit Regulations 2006”;
  - (b) in sub-paragraph (a)—
    - (i) for the words “paragraph 12”, substitute “paragraph 13”;
    - (ii) for sub-head (ii), substitute—
      - “(ii) for “regulation 24(2) (patients)” there shall be substituted “regulation 28(11) (e) (treatment of child care charges)””;
  - (c) for sub-paragraph (b), substitute—
    - “(b) in paragraph 15(2)(a)(ii), for “regulation 24(2)”, there shall be substituted “regulation 28(11)(e)””.
- (16) In paragraph (16), for the words “paragraph 8(1)(f) of Schedule 5”, substitute “paragraph 9(1)(e) of Schedule 6 to the Housing Benefit Regulations 2006”.
- (17) In paragraph (17)—
  - (a) for the words “paragraph 21(2) of Schedule 5ZA, after sub-paragraph (l)” substitute “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)”; and
  - (b) the inserted sub-paragraphs (2)(m) and (n) shall be renumbered sub-paragraph (2)(k) and (l).
- (18) In paragraph (18), for the words “paragraph 9(2)(b) of Schedule 6” substitute “paragraph 9(2)(b) of Schedule 8 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.
- (19) Regulation 3 (which makes amendments relating to council tax benefit) shall be amended in accordance with paragraphs (20) to (31).
- (20) For paragraphs (1) and (2), substitute—
  - “(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.”.

- (21) In paragraph (3)—
- (a) for the words “regulation 8”, substitute “regulation 12 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”; and
  - (b) in the substituted paragraph 5, for “Schedule 1A” substitute “Schedule 1”.
- (22) In paragraph (4), for the words “Regulation 10”, substitute “Regulation 14 of the Council Tax Benefit Regulations 2006”.
- (23) In paragraph (5), for the words “regulation 13A(4)(c)”, substitute “regulation 18(11)(e) of the Council Tax Benefit Regulations 2006”.
- (24) In paragraph (7)—
- (a) for the words “regulation 52(7)(d)”, substitute “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)”; and
  - (b) in the substituted head (i)—
    - (i) for “(6)” substitute “(7)”; and
    - (ii) for “4C” substitute “8”.
- (25) Paragraph (8) shall be omitted.
- (26) In paragraph (9), for the words “regulation 65(7)”, substitute “regulation 59(8) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.
- (27) For paragraph (11), substitute—
- “(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)”.’.
- (28) In paragraph (12)—
- (a) after the words “Schedule 2”, insert “to the Council Tax Benefit Regulations”; and
  - (b) in the inserted sub-paragraph (c) for “regulation 40(2)” substitute “regulation 45(2)”.
- (29) In paragraph (13), for the words “paragraph 8(1)(g) of Schedule 5”, substitute “paragraph 9(1)(e) of Schedule 5 to the Council Tax Benefit Regulations 2006”.
- (30) In paragraph (14)—
- (a) for the words “Schedule 5ZA, after sub-paragraph (l)”, substitute “Schedule 4 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, after sub-paragraph (j)”; and
  - (b) the inserted heads (m) and (n) shall be designated (k) and (l).
- (31) In paragraph (15), for the words “Schedule 6”, substitute “Schedule 7 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

**Amendment of the Social Security (Miscellaneous Amendments) (No.2) Regulations 2005**

**28.**—(1) The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005(96) shall be amended in accordance with the following provisions of this paragraph.

- (2) In regulation 4, paragraphs (2) to (4) are revoked.
- (3) After regulation 4, insert—

**“Amendment of the Council Tax Benefit Regulations 2006**

**4A.**—(1) The Council Tax Benefit Regulations 2006 are amended as follows.

- (2) In regulation 32(2)(c) (notional income), after “personal pension scheme” insert “, occupational pension scheme”.
- (3) In regulation 39(2)(d) (notional capital), after “personal pension scheme” insert “, occupational pension scheme”.
- (4) For regulation 42(1) (calculation of tariff income from capital) substitute—
  - “(1) Where the claimant’s capital calculated in accordance with this Part exceeds £6,000, it shall be treated as equivalent to a weekly income of £1 for each complete £250 in excess of £6,000 but not exceeding £16,000.””

- (4) In regulation 5, paragraphs (2) to (4) are revoked.
- (5) After regulation 5, insert—

**“Amendment of the Housing Benefit Regulations 2006**

**5A.**—(1) The Housing Benefit Regulations 2006 are amended as follows.

- (2) In regulation 42(2)(c) (notional income), after “personal pension scheme” insert “, occupational pension scheme”.
- (3) In regulation 49(2)(d) (notional capital), after “personal pension scheme” insert “, occupational pension scheme”.
- (4) In regulation 52 (calculation of tariff income from capital)—
  - (a) in paragraph (1)—
    - (i) omit “(2) or”; and
    - (ii) for “£3,000” (in both places) substitute “£6,000”;
  - (b) omit paragraph (2);
  - (c) in paragraphs (6) and (7), omit “, (2)”.

- (6) Regulation 4A, as inserted by sub-paragraph (3) above, shall come into force—
  - (a) for the purposes of paragraphs (1) and (4), on 1<sup>st</sup> April 2006;
  - (b) for the purposes of paragraphs (2) and (3), on 6<sup>th</sup> April 2006.
- (7) Regulation 5A, as inserted by sub-paragraph (5) above, shall come into force—
  - (a) for the purposes of paragraphs (1) and (4), on 1<sup>st</sup> April 2006;
  - (b) for the purposes of paragraphs (2) and (3), on 6<sup>th</sup> April 2006.

## **Amendment of the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 2005**

**29.**—(1) The Housing Benefit and Council Tax Benefit (General) Amendment Regulations 2005(97) shall be amended in accordance with the following provisions of this paragraph.

(2) For regulation 1(2), substitute—

“(2) In these Regulations—

“the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006;

“the Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;

“the Housing Benefit Regulations” means the Housing Benefit Regulations 2006;

“the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.”.

(3) In regulation 2, for the words “In regulation 98 of the Housing Benefit Regulations”, substitute “In both regulation 99 of the Housing Benefit Regulations and regulation 80 of the Housing Benefit (State Pension Credit) Regulations.”.

(4) In regulation 3, for the words “In regulation 83 of the Council Tax Benefit Regulations”, substitute “In both regulation 82 of the Council Tax Benefit Regulations and regulation 67 of the Council Tax Benefit (State Pension Credit) Regulations.”.

(5) In regulation 4—

(a) in paragraph (1), for the words “Regulation 99 of the Housing Benefit Regulations”, substitute “Both regulation 100 of the Housing Benefit Regulations and regulation 81 of the Housing Benefit (State Pension Credit) Regulations”;

(b) in paragraph (2) after “(2)”, insert “of both Regulations”;

(c) in paragraph (3) after “(3)”, insert “of both Regulations”;

(d) in paragraph (4), after “(4)”, insert “of both Regulations”.

(6) In regulation 5, for the words “In regulation 84(5) of the Council Tax Benefit Regulations”, substitute “In both regulation 83(5) of the Council Tax Benefit Regulations and regulation 68(5) of the Council Tax Benefit (State Pension Credit) Regulations”.

(7) In regulation 6—

(a) in paragraph (1), for the words “Regulation 101 of the Housing Benefit Regulations”, substitute “Both regulation 101 of the Housing Benefit Regulations and regulation 82 of the Housing Benefit (State Pension Credit) Regulations”;

(b) in paragraph (2), after “(1)(b)” insert “of both regulations”;

(c) in paragraph (3), after “(2)” insert “of both regulations”;

(d) in paragraph (4)—

(i) after “(3)”, insert “of the Housing Benefit Regulations”; and

(ii) in inserted paragraph (3A) for “regulation 99(3)”, substitute “regulation 100(3)”;

(e) after paragraph (4) insert—

“(4A) After paragraph (3) of regulation 82 of the Housing Benefit (State Pension Credit) Regulations, insert—

*Status: This is the original version (as it was originally made).*

“(3A) For the purposes of paragraph (2)(a)(ii), “overpayment arose in consequence of an official error” shall have the same meaning as in regulation 81(3) above.””

(f) in paragraph (5), after “(4)” insert “of both regulations”.

(8) In regulation 7—

(a) for the words “Regulation 102 of the Housing Benefit Regulations”, substitute “Both regulation 102 of the Housing Benefit Regulations and regulation 83 of the Housing Benefit (State Pension Credit) Regulations”;

(b) in paragraph (2), after “(3)”, insert “of both regulations”;

(c) in paragraph (3), after “(1)”, insert “of both regulations”;

(d) in paragraph (4), after “(2)”, insert “of both regulations”;

(e) in paragraph (5), after “(5)”, insert “of both regulations”.

(9) In regulation 8, for the words “In regulation 104(1)(c) of the Housing Benefit Regulations”, substitute “In both regulation 104(1)(c) of the Housing Benefit Regulations and regulation 85(1)(c) of the Housing Benefit (State Pension Credit) Regulations”.

(10) In regulation 9 for the words “In regulation 105 of the Housing Benefit Regulations”, substitute “In both regulation 105 of the Housing Benefit Regulations and regulation 86 of the Housing Benefit (State Pension Credit) Regulations”.

(11) In regulation 10, for the words “In regulation 91(1)(b) of the Council Tax Benefit Regulations”, substitute “In both regulation 90(1)(b) of the Council Tax Benefit Regulations and regulation 75(1)(b) of the Council Tax Benefit (State Pension Credit) Regulations”.

#### **Amendment of the Social Security (Hospital In-patients) Regulations 2005**

**30.**—(1) For regulation 5 of the Social Security (Hospital In-Patients) Regulations 2005<sup>(98)</sup>, substitute—

##### **“Amendments relating to housing benefit and council tax benefit**

**5.**—(1) In regulation 22(5) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and regulation 12(5) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (applicable amounts) in the definition of “patient” for “the Social Security (Hospital In-Patients) Regulations 1975” substitute “regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005”.

(2) In regulation 28(11)(e) of the Housing Benefit Regulations 2006 and regulation 18(11)(e) of the Council Tax Benefit Regulations 2006, (treatment of child care charges) for “the Social Security (Hospital In-Patients) Regulations 1975” substitute “regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005”.

#### **Amendment of the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005**

**31.** For paragraphs 2 and 3 of Schedule 2 of the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly and Abolition) Order 2005<sup>(99)</sup>, substitute—

<sup>(98)</sup> S.I. 2005/3360.

<sup>(99)</sup> S.I. 2005/3238 (W. 243).



**“The Housing Benefit Regulations 2006**

2. In regulation 53(1) of the Housing Benefit Regulations 2006, in paragraphs (a), (b) and (b)(ii) in the definition of “full-time course of study” for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.

**The Council Tax Benefit Regulations 2006**

3. In regulation 43(1) of the Council Tax Benefit Regulations 2006, in paragraphs (a), (b) and (b)(ii) in the definition of “full-time course of study” for “National Council for Education and Training for Wales” substitute “National Assembly for Wales”.