
STATUTORY INSTRUMENTS

2008 No. 2767

The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008

Amendment of the Housing Benefit Regulations 2006

- 6.—(1) The Housing Benefit Regulations 2006⁽¹⁾ are amended as follows.
- (2) In regulation 2(1) (interpretation), omit the following definitions—
- (a) “community charge benefit”;
 - (b) “the Independent Living Fund”;
 - (c) “the Independent Living Funds”⁽²⁾;
 - (d) “the Independent Living (Extension) Fund”;
 - (e) “the Independent Living (1993) Fund”.
- (3) In regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)—
- (a) in paragraph (5), for “section 9(1) of the Criminal Justice and Court Services Act 2000” substitute “section 13 of the Offender Management Act 2007”;
 - (b) in paragraph (16)(c)(i)(bb), for “section 9 of the Criminal Justice and Court Services Act 2000” substitute “section 13 of the Offender Management Act 2007”.
- (4) In—
- (a) regulation 42(7)(a) (notional income),
 - (b) regulation 46(6) (income treated as capital),
 - (c) regulation 49(4)(a) (notional capital),
 - (d) regulation 74(9)(b)⁽³⁾ (non-dependent deductions),
 - (e) regulation 86(4)(b) and (c) (evidence and information),
 - (f) paragraph 35(1) of Schedule 5 (sums to be disregarded in the calculation of income other than earnings),
 - (g) paragraph 24(1) of Schedule 6 (capital to be disregarded) where it first occurs,
- for “Funds” substitute “Fund (2006)”.
- (5) In regulation 53(1) (interpretation)—
- (a) in the definition of “contribution” for “Further and Higher Education (Scotland) Act 1992” substitute “Education (Scotland) Act 1980”;
 - (b) in the definition of “standard maintenance grant” omit “and paid under the Further and Higher Education (Scotland) Act 1992”.

(1) [S.I. 2006/213](#).

(2) Relevant amending instrument is [S.I. 2007/2538](#).

(3) Substituted by [S.I. 2007/2868](#).

(6) In regulation 74(7)(b) (non-dependant deductions) for “a Youth Training Scheme” substitute “youth training”.

(7) In paragraph 9 of Schedule 2(4) (excluded tenancies) for “section 9(1) of the Criminal Justice and Court Services Act 2000” substitute “section 13 of the Offender Management Act 2007”.

(8) In paragraph 15(2)(b) of Schedule 3 (applicable amounts) for “regulation 24(2)” substitute “regulation 28(11)(e)”.

(9) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 28, for “23C or 24” substitute “23B, 23C or 24A”;

(b) omit paragraph 40.

(10) In Schedule 6 (capital to be disregarded)—

(a) in paragraph 19, after “section 17,” insert “ 23B, ” and for “28” substitute “29”;

(b) in paragraph 34(5) omit “, the Independent Living (1993) Fund”;

(c) omit paragraph 36.

(11) In paragraphs (4)(d), (6) and (7) of this regulation the references to regulation 74 and Schedule 2 mean regulation 74 of and Schedule 2 to the Housing Benefit Regulations 2006—

(a) as substituted by regulations 14 and 18 of the Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007(6); and

(b) as in force for cases to which regulation 14 and 18 of those Regulations do not have effect (non-local housing allowance cases).

(4) Relevant amending instrument is [S.I. 2007/2868](#).

(5) Relevant amending instrument is [S.I. 2007/2538](#).

(6) [S.I. 2007/2868](#).