
STATUTORY INSTRUMENTS

2008 No. 959

**The Housing Benefit and Council Tax Benefit
(Extended Payments) Amendment Regulations 2008**

Amendments to the Council Tax Benefit (State Pension Credit) Regulations relating to extended payments (qualifying contributory benefits)

10.—(1) The Council Tax Benefit (State Pension Credit) Regulations shall be amended as follows.

(2) For regulation 44 (extended payments (severe disablement allowance and incapacity benefit)) substitute—

“Extended Payments (qualifying contributory benefits)

44.—(1) Except in the case of a claimant who is in receipt of state pension credit, a claimant who is entitled to council tax benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment (qualifying contributory benefits) where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant’s partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the claimant or the claimant’s partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the claimant or the claimant’s partner was not entitled to and not in receipt of a qualifying income-related benefit in the last benefit week in which the claimant, or the claimant’s partner, was entitled to a qualifying contributory benefit.

(2) A claimant must be treated as entitled to council tax benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to council tax benefit because the claimant vacated the dwelling in which the claimant was resident;
- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph (1)(b).

Duration of extended payment period (qualifying contributory benefits)

44A.—(1) Where a claimant is entitled to an extended payment (qualifying contributory benefits), the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant’s partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant’s partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended payment (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

Amount of extended payment (qualifying contributory benefits)

44B.—(1) For any week during the extended payment period the amount of the extended payment (qualifying contributory benefits) payable to a claimant shall be the higher of—

- (a) the amount of council tax benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant’s partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 44 (extended payments (qualifying contributory benefits)) did not apply to the claimant; or
- (c) the amount of council tax benefit to which the claimant’s partner would be entitled under the general conditions of entitlement, if regulation 44 did not apply to the claimant.

(2) Paragraph (1) does not apply in the case of a mover.

(3) Where a claimant is in receipt of an extended payment (qualifying contributory benefits) under this regulation and the claimant’s partner makes a claim for council tax benefit, no amount of council tax benefit shall be payable by the appropriate authority during the extended payment period.

Extended payments (qualifying contributory benefits) – movers

44C.—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment (qualifying contributory benefit) payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of council tax benefit which was payable to the mover for the last benefit week before the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover’s liability to pay council tax in respect of the new dwelling is to the second authority, the extended payment (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover’s partner, makes a claim for council tax benefit to the second authority after the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover’s partner, is in receipt of an extended payment (qualifying contributory benefits) from the appropriate authority,

the second authority shall reduce the weekly amount of council tax benefit that the mover, or the mover’s partner, is entitled to by a sum equal to the amount of the extended payment (qualifying contributory benefits) until the end of the extended payment period.

Relationship between extended payment (qualifying contributory benefits) and entitlement to council tax benefit under the general conditions of entitlement

44D.—(1) Where a claimant’s council tax benefit award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in regulation 44(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 6 (period of entitlement, changes of circumstances and increases for exceptional circumstances) shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 44B(1)(a) or regulation 44C(2) (amount of extended payment – movers).”.

(3) For regulations 81 (information to be supplied by an authority to another authority) and 82 (supply of information: extended payments (severe disablement allowance and incapacity benefit)) substitute—

“Information to be supplied by an authority to another authority

81.—(1) This regulation applies for the purposes of section 128A of the Administration Act (duty of an authority to disclose information to another authority).

(2) Information is to be disclosed by one authority to another where—

- (a) there is a mover who is or was allowed council tax benefit by appropriate Authority “A”;
- (b) the mover is liable to pay council tax in respect of the new dwelling to Authority “B”; and
- (c) the mover is entitled to an extended payment in accordance with regulation 60 of the Council Tax Benefit Regulations 2006.

(3) Authority A shall disclose to Authority B—

- (a) the amount of the extended payment calculated in accordance with regulation 60C(2) of the Council Tax Benefit Regulations 2006 (amount of extended payment – movers);
- (b) the date that entitlement to the extended payment will commence or has commenced;
- (c) the date that entitlement to the extended payment ceased or will cease;
- (d) the date of the move from Authority A to Authority B;
- (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a) of the Council Tax Benefit Regulations 2006 (payment of the extended payment to second authority)—
 - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and

- (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
- (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
 - (a) if a mover’s liability to pay council tax for the new dwelling is to Authority B; and
 - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a) of the Council Tax Benefit Regulations 2006—
 - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
 - (ii) the date on which Authority B receives any such payment.

Supply of information – extended payments (qualifying contributory benefits)

82.—(1) This regulation applies for the purposes of section 122E(3) of the Administration Act (duty of an authority to supply information to another authority).

- (2) Information is to be disclosed by one authority to another where—
 - (a) there is a mover who is or was allowed council tax benefit by appropriate Authority “A”;
 - (b) the mover is liable to pay council tax in respect of the new dwelling to Authority “B”; and
 - (c) the mover is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 44 of these Regulations or regulation 61 of the Council Tax Benefit Regulations 2006.
- (3) Authority A shall disclose to Authority B—
 - (a) the amount of the extended payment calculated in accordance with regulation 44C(2) of these Regulations or regulation 61C(2) of the Council Tax Benefit Regulations 2006 (amount of extended payment – movers);
 - (b) the date that entitlement to the extended payment will commence or has commenced;
 - (c) the date that entitlement to the extended payment ceased or will cease;
 - (d) the date of the move from Authority A to Authority B;
 - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 44C(3)(a) of these Regulations or regulation 61C(3)(a) of the Council Tax Benefit Regulations 2006 (payment of the extended payment to the second authority)—
 - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
 - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
 - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
 - (a) if a mover’s liability to pay council tax for the new dwelling is to Authority B; and
 - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 44C(3)(a) of these Regulations or regulation 61C(3)(a) of the Council Tax Benefit Regulations 2006—

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- (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
- (ii) the date on which Authority B receives any such payment.”.