STATUTORY INSTRUMENTS

2008 No.2987

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008

Made - - - -	*17th November 2008*
Laid before Parliament	*20th November 2008*
Coming into force - -	*22nd December 2008*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(a), (h) and (hh), 6(1)(a), (h) and (hh), 189(1) and (4) and 191 of the Social Security Administration Act 1992(**a**).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(**b**).

In accordance with section 176(1) of the Social Security Administration Act 1992 the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Amendment) (No. 3) Regulations 2008 and shall come into force on 22nd December 2008.

Amendment of the Housing Benefit Regulations 2006

2.—(1) The Housing Benefit Regulations 2006(**c**) shall be amended as follows.

(2) In regulation 83(**d**) (time and manner in which claims are to be made)—

(a) in paragraph (6) after "designated office" insert "or appropriate DWP office";

(b) in paragraph (7) after "Where a claim" insert ", which is received by a relevant authority,";

(c) after paragraph (7) insert—

(**a**) 1992 (c.5). Section 5(1)(hh) was inserted by section 74 of the Social Security Act 1998 (c.14) and amended by section 68 of and Schedule 7, paragraph 21(1) to the Child Support, Pensions and Social Security Act 2000 (c.19). Section (6)(1)(hh) was inserted by section 68 of and Schedule 7, paragraph 21(2) to the Child Support, Pensions and Social Security Act 2000. Section 189(1) was amended by section 2 of and Schedule 3, paragraph 57 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 189(4) was amended by section 86(1) of and Schedule 7, paragraph 109 to the Social Security Act 1998. Section 191 is cited for the meaning of the word "prescribed".

(**b**) *See* sections 170 and 172(1)(b) of the Social Security Administration Act 1992.

(**c**) S.I. 2006/213.

(**d**) Relevant amending instruments are S.I. 2006/2967, 2007/1331, 2007/2911, 2008/1082, 2008/2299 and 2008/2424.

"(7A) Where a claim is received at an appropriate DWP office and it appears to the Secretary of State that the form has not been properly completed, the Secretary of State may request that the claimant provides the relevant authority with the information required to complete the form."; and

(d) for paragraph (8) substitute—

"(8) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (a), (b) or (c) of paragraph (8A) are satisfied.

(8A) The conditions are that—

(a) where paragraph (7)(a) (incomplete form) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or

(b) where paragraph (7)(b) (claim not on approved form or further information requested by relevant authority) applies—

(i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the claimant supplies whatever information or evidence was requested under paragraph (7) within one month of the request,

or , in either case, within such longer period as the relevant authority may consider reasonable; or

(c) where paragraph (7A) (further information requested by Secretary of State) applies, the relevant authority receives at the designated office the properly completed claim or the information requested to complete it within one month of the request by the Secretary of State or within such longer period as the relevant authority considers reasonable.".

(3) In regulation 86(**a**) (evidence and information)—

(a) in paragraph (1)—

(i) for "paragraph (2)" substitute "paragraphs (1A) and (2)"; and

(ii) for "being required to do so" substitute "the relevant authority requiring him, or the Secretary of State requesting him, to do so"; and

(b) after paragraph (1) insert—

"(1A) Where a person notifies a change of circumstances to the appropriate DWP office under regulation 88(6), the Secretary of State may request that the claimant provides to the relevant authority the information or evidence that the Secretary of State considers the relevant authority may require to determine the claimant's continuing entitlement to housing benefit.".

(4) In regulation 88(**b**) (duty to notify changes of circumstances)—

(a) in paragraph (1) for "paragraph (3)" substitute "paragraphs (3) and (6)"; and

(b) after paragraph (4) add—

"(6) Where—

(a) the claimant or the claimant's partner is in receipt of income support or jobseeker's allowance;

(b) the change of circumstance is that the claimant or the claimant's partner starts employment; and

---

(**a**) The relevant amending instrument is S.I. 2007/1749.
(**b**) Relevant amending instruments are S.I. 2006/2967 and 2008/2299.

(c) as a result of that change of circumstance, either entitlement to that benefit will end or, where the claimant or claimant's partner is in receipt of a contribution-based jobseeker's allowance, the amount of that benefit will be reduced,

the claimant may discharge the duty in paragraph (1) by notifying the change of circumstance by telephoning the appropriate DWP office if a telephone number has been provided for that purpose.".

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**a**) shall be amended as follows.

(2) In regulation 64(**b**) (time and manner in which claims are to be made)—

(a) in paragraph (7) after "designated office" insert "or appropriate DWP office";

(b) in paragraph (8) after "Where a claim" insert ", which is received by a relevant authority,";

(c) after paragraph (8) insert—

"(8A) Where a claim is received at an appropriate DWP office and it appears to the Secretary of State that the form has not been properly completed, the Secretary of State may request that the claimant provides the relevant authority with the information required to complete the form."; and

(d) for paragraph (9) substitute—

"(9) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (a), (b) or (c) of paragraph (9A) are satisfied.

(9A) The conditions are that—

(a) where paragraph (8)(a) (incomplete form) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or

(b) where paragraph (8)(b) (claim not on approved form or further information requested by relevant authority) applies—

(i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the claimant supplies whatever information or evidence was requested under paragraph (8) within one month of the request,

or, in either case, within such longer period as the relevant authority may consider reasonable; or

(c) where paragraph (8A) (further information requested by Secretary of State) applies, the relevant authority receives at the designated office the properly completed claim or the information requested to complete it within one month of the request by the Secretary of State or within such longer period as the relevant authority considers reasonable.".

(3) In regulation 67(**c**) (evidence and information)—

(a) in paragraph (1)—

(i) for "paragraph (2)" substitute "paragraphs (1A) and (2)"; and

---

(**a**) S.I. 2006/214.
(**b**) Relevant amending instruments are S.I. 2006/2967, 2007/1331, 2007/2911, 2008/1082, 2008/2299 and 2008/2424.
(**c**) Relevant amending instruments are S.I. 2007/1749 and 2008/1042.

(ii) for "being required to do so" substitute "the relevant authority requiring him, or the Secretary of State requesting him, to do so"; and

(b) after paragraph (1) insert—

"(1A) Where a person notifies a change of circumstances to the appropriate DWP office under regulation 69(9), the Secretary of State may request that the claimant provides to the relevant authority the information or evidence that the Secretary of State considers the relevant authority may require to determine the claimant's continuing entitlement to housing benefit.".

(4) In regulation 69(**a**) (duty to notify changes of circumstances)—

(a) in paragraph (1) for "and (7)" substitute ", (7) and (9)"; and

(b) after paragraph (8) add—

"(9) Where—

(a) the claimant or the claimant's partner is in receipt of jobseeker's allowance;

(b) the change of circumstance is that the claimant or the claimant's partner starts employment; and

(c) as a result of that change of circumstance either entitlement to that benefit will end or the amount of that benefit will be reduced,

the claimant may discharge the duty in paragraph (1) by notifying the change of circumstance by telephoning the appropriate DWP office if a telephone number has been provided for that purpose.".

Amendment of the Council Tax Benefit Regulations 2006

4.—(1) The Council Tax Benefit Regulations 2006(**b**) shall be amended as follows.

(2) In regulation 69(**c**) (time and manner in which claims are to be made)—

(a) in paragraph (6) after "designated office" insert "or appropriate DWP office";

(b) in paragraph (7) after "Where a claim" insert ", which is received by a relevant authority,";

(c) after paragraph (7) insert—

"(7A) Where a claim is received at an appropriate DWP office and it appears to the Secretary of State that the form has not been properly completed, the Secretary of State may request that the claimant provides the relevant authority with the information required to complete the form."; and

(d) for paragraph (8) substitute—

"(8) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (a), (b) or (c) of paragraph (8A) are satisfied.

(8A) The conditions are that—

(a) where paragraph (7)(a) (incomplete form) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or

(b) where paragraph (7)(b) (claim not on approved form or further information requested by relevant authority) applies—

(**a**) Relevant amending instruments are S.I. 2005/2505 (as amended by S.I. 2006/217), 2006/2967 and 2008/2299.
(**b**) S.I. 2006/215.
(**c**) Relevant amending instruments are S.I. 2006/2967, 2007/1331, 2007/2911, 2008/1082, 2008/2299 and 2008/2424.

(i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the claimant supplies whatever information or evidence was requested under paragraph (7) within one month of the request,

or, in either case, within such longer period as the relevant authority may consider reasonable; or

(c) where paragraph (7A) (further information requested by Secretary of State) applies, the relevant authority receives at the designated office the properly completed claim or the information requested to complete it within one month of the request by the Secretary of State or within such longer period as the relevant authority considers reasonable.".

(3) In regulation 72(**a**) (evidence and information)—

(a) in paragraph (1)—

(i) for "paragraph (2)" substitute "paragraphs (1A) and (2)"; and

(ii) for "being required to do so" substitute "the relevant authority requiring him, or the Secretary of State requesting him, to do so"; and

(b) after paragraph (1) insert—

"(1A) Where a person notifies a change of circumstances to the appropriate DWP office under regulation 74(7), the Secretary of State may request that the claimant provides to the relevant authority the information or evidence that the Secretary of State considers the relevant authority may require to determine the claimant's continuing entitlement to housing benefit.".

(4) In regulation 74(**b**) (duty to notify changes of circumstances)—

(a) in paragraph (1) for "and (5)" substitute , (5) and (7)"; and

(b) after paragraph (5) add—

"(7) Where—

(a) the claimant or the claimant's partner is in receipt of income support or jobseeker's allowance;

(b) the change of circumstance is that the claimant or the claimant's partner starts employment; and

(c) as a result of that change of circumstance either entitlement to that benefit will end or, where the claimant or claimant's partner is in receipt of a contribution-based jobseeker's allowance, the amount of that benefit will be reduced,

the claimant may discharge the duty in paragraph (1) by notifying the change of circumstance by telephoning the appropriate DWP office if a telephone number has been provided for that purpose.".

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

5.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**c**) shall be amended as follows.

(2) In regulation 53(**d**) (time and manner in which claims are to be made)—

(a) in paragraph (6) after "designated office" insert "or appropriate DWP office";

(**a**) Relevant amending instruments are S.I. 2007/1749 and 2008/1042.
(**b**) Relevant amending instruments are S.I. 2006/2967, 2008/1082 and 2008/2299.
(**c**) S.I. 2006/216.
(**d**) Relevant amending instruments are S.I. 2006/2967, 2007/1331, 2007/2911, 2008/1082, 2008/2299 and 2008/2424.

(b) in paragraph (7) after "Where a claim" insert ", which is received by a relevant authority,";

(c) after paragraph (7) insert—

"(7A) Where a claim is received at an appropriate DWP office and it appears to the Secretary of State that the form has not been properly completed, the Secretary of State may request that the claimant provides the relevant authority with the information required to complete the form."; and

(d) for paragraph (8) substitute—

"(8) The relevant authority shall treat a defective claim as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (a), (b) or (c) of paragraph (8A) are satisfied.

(8A) The conditions are that—

(a) where paragraph (7)(a) (incomplete form) applies, the authority receives at the designated office the properly completed claim or the information requested to complete it or the evidence within one month of the request, or such longer period as the relevant authority may consider reasonable; or

(b) where paragraph (7)(b) (claim not on approved form or further information requested by relevant authority) applies—

(i) the approved form sent to the claimant is received at the designated office properly completed within one month of it having been sent to him; or, as the case may be,

(ii) the claimant supplies whatever information or evidence was requested under paragraph (7) within one month of the request,

or, in either case, within such longer period as the relevant authority may consider reasonable; or

(c) where paragraph (7A) (further information requested by Secretary of State) applies, the relevant authority receives at the designated office the properly completed claim or the information requested to complete it within one month of the request by the Secretary of State or within such longer period as the relevant authority considers reasonable.".

(3) In regulation 57(**a**) (evidence and information)—

(a) in paragraph (1)—

(i) for "paragraph (2)" substitute "paragraphs (1A) and (2)"; and

(ii) for "being required to do so" substitute "the relevant authority requiring him, or the Secretary of State requesting him, to do so"; and

(b) after paragraph (1) insert—

"(1A) Where a person notifies a change of circumstances to the appropriate DWP office under regulation 59(10), the Secretary of State may request that the claimant provides to the relevant authority the information or evidence that the Secretary of State considers the relevant authority may require to determine the claimant's continuing entitlement to housing benefit.".

(4) In regulation 59(**b**) (duty to notify changes of circumstances)—

(a) in paragraph (1) after "(5) to (8)" insert "and (10)"; and

(b) after paragraph (9) add—

"(10) Where—

(a) the claimant or the claimant's partner is in receipt of jobseeker's allowance;

(**a**) The relevant amending instrument is S.I. 2007/1749.
(**b**) Relevant amending instruments are S.I. 2005/2505 (as amended by S.I. 2006/217), 2006/2967 and 2008/2299.

(b) the change of circumstance is that the claimant or the claimant's partner starts employment; and

(c) as a result of the change of circumstance either entitlement to that benefit will end or the amount of that benefit will be reduced,

the claimant may discharge the duty in paragraph (1) by notifying the change of circumstance by telephoning the appropriate DWP office if a telephone number has been provided for that purpose.".

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

Kitty Ussher
Parliamentary Under-Secretary of State,
Department for Work and Pensions

17th November 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the:

- Housing Benefit Regulations 2006
- Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006
- Council Tax Benefit Regulations 2006
- Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

Regulation 2 amends the Housing Benefit Regulations 2006. Paragraph (2) amends regulation 83 so that where a claim for housing benefit is made through the Department for Work and Pensions, the Secretary of State may request that the claimant provides the relevant authority with the necessary information to properly complete the claim.

Paragraph (3) amends regulation 86 to allow the Secretary of State to request that where a claimant receiving income support or jobseeker's allowance notifies a change of circumstances relating to the starting of employment, the claimant provides the local authority with any information or evidence that the Secretary of State considers that the local authority will require to determine the claim.

Paragraph (4) amends regulation 88 to allow a claimant who is receiving income support or jobseeker's allowance to notify the Secretary of State about a change of circumstances relating to the starting of employment where a telephone number has been provided for that purpose.

Regulations 3, 4 and 5 make similar amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£5.00

E3310 11/2008 183310T 19585