2001 No. 1864

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (General) Amendment Regulations 2001

Made - - - - -	*10th May 2001*
Laid before Parliament	*11th May 2001*
Coming into force - -	*13th August 2001*

The Secretary of State for Social Security in exercise of powers conferred upon him by sections 123(1)(d) and (e), 136(3), (4) and (5)(b), 137(1) and (2)(d) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**a**) and of all other powers enabling him in that behalf, after consultation, in relation to regulation 4, with organisations appearing to him to be representative of the authorities concerned(**b**), and after agreement by the Social Security Advisory Committee that proposals in respect of these regulations should not be referred to it(**c**), hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (General) Amendment Regulations 2001 and shall come into force on 13th August 2001.

2. In these Regulations—

"the Housing Benefit Regulations" means the Housing Benefit (General) Regulations 1987(**d**);

"the Council Tax Benefit Regulations" means the Council Tax Benefit (General) Regulations 1992(**e**).

Amendment of regulation 21 of the Housing Benefit Regulations and regulation 13 of the Council Tax Benefit Regulations

3. In regulation 21(1A) of the Housing Benefit Regulations 1987 and in regulation 13(1A) of the Council Tax Benefit Regulations (calculation of income on a weekly basis)(**f**)—

(a) in sub-paragraph (a), for the sum of £70 there shall be substituted the sum of £94.50; and

(b) in sub-paragraph (b), for the sum of £105 there shall be substituted the sum of £140.

(**a**) 1992 c. 4; section 123(1)(e) was substituted by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 1(1); 137(2)(d) was substituted by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 35(3); section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word "prescribed".

(**b**) *See* section 176(1)(a) of the Social Security Administration Act 1992 (c. 5).

(**c**) *See* section 173(1)(b) of the Social Security Administration Act 1992.

(**d**) S.I. 1987/1971.

(**e**) S.I. 1992/1814.

(**f**) Regulations 21(1A) of S.I. 1987/1971 and 13(1A) of S.I. 1992/1814 were inserted by regulations 2(2)(a),(d) and (3) of S.I. 1997/2793 and amended by S.I. 1999/920.

Amendment of regulations 21A of the Housing Benefit Regulations and 13A of the Council Tax Benefit Regulations

4.—(1) In regulation 21A of the Housing Benefit Regulations and regulation 13A of the Council Tax Benefit Regulations (treatment of child care charges)(**a**) after paragraph (6) there shall be inserted the following paragraph—

"(7)(a) For the purposes of paragraph (1) a woman on maternity leave shall be treated as if she is engaged in remunerative work for the period specified in sub-paragraph (b) ("the relevant period") provided that—

(i) in the week before the period of maternity leave began she was in remunerative work;

(ii) the claimant incurred relevant child care charges within the meaning of paragraph (2) in that week; and

(iii) she is entitled to either statutory maternity pay under section 164 of the Contributions and Benefits Act or maternity allowance under section 35 of that Act;

(b) for the purposes of sub-paragraph (a) the relevant period shall begin on the day on which the woman's maternity leave commences and shall end on—

(i) the date that leave ends;

(ii) if no tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement ends; or

(iii) if a tax credit is in payment on the date that entitlement to maternity allowance or statutory maternity pay ends, the date that entitlement to that award of the tax credit ends,

whichever shall occur first;

(c) in this paragraph "tax credit" means either working families tax credit or a disabled person's tax credit provided that a childcare tax credit under either regulation 46(1)(ab) of the Family Credit (General) Regulations 1987(**b**) or, as the case may be, regulation 51(1)(aa) of the Disability Working Allowance (General) Regulations 1991(**c**) forms part of the entitlement to either of those credits.

(2) In regulation 21A of the Housing Benefit Regulations (treatment of child care charges) after paragraph (7) there shall be inserted the following paragraph—

"(8) Where paragraph (7) applies to a woman on maternity leave any child care charges in respect of the child to whom the maternity leave relates shall not be treated as relevant child care charges for the purposes of this regulation and regulation 21.".

(3) In regulation 13A of the Council Tax Benefit Regulations (treatment of child care charges) after paragraph (7) there shall be inserted the following paragraph—

"(8) Where paragraph (7) applies to a woman on maternity leave any child care charges in respect of the child to whom the maternity leave relates shall not be treated as relevant child care charges for the purposes of this regulation and regulation 13.".

Signed by Authority of the Secretary of State for Social Security.

Angela Eagle
Parliamentary Under Secretary of State,
Department of Social Security

10th May 2001

(**a**) Regulation 21A of the Housing Benefit Regulations and regulation 13A of the Council Tax Benefit Regulations were inserted by S.I. 1994/1924. Relevant amending instruments are S.I. 1995/626, 1996/2545, 1999/920 and 2000/681.
(**b**) S.I. 1987/1973 as amended by S.I. 1999/2487.
(**c**) S.I. 1991/2887 as amended by S.I. 1999/2487.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 3 increases the maximum deduction which may be made from a claimant's weekly income in respect of relevant child care charges for the purpose of assessing entitlement to housing benefit or council tax benefit.

Regulation 4 provides for a woman on maternity leave to be treated as if she were engaged in remunerative work so enabling relevant child care charges to be deducted from her weekly income for the purpose of assessing entitlement to either benefit. Any child care charges incurred in respect of the child to whom the maternity leave relates are not treated as relevant child care charges.

These Regulations do not impose a charge on business.

STATUTORY INSTRUMENTS

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