STATUTORY INSTRUMENTS

2004 No. 574

SOCIAL SECURITY

The Housing Benefit and Council Tax Benefit (Supply of Information) Amendment Regulations 2004

Made - - - - *3rd March 2004*

Laid before Parliament *10th March 2004*

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred upon him by sections 122E(3), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(**a**), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(**b**) and after consultation with organisations appearing to him to be representative of the authorities concerned(**c**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Supply of Information) Amendment Regulations 2004 and shall come into force on 5th April 2004 immediately following the coming into force of the Housing Benefit and Council Tax Benefit (Extended Payments (Severe Disablement Allowance and Incapacity Benefit)) Amendment Regulations 2004(**d**).

Amendment of the Council Tax Benefit (General) Regulations 1992

2. In the Council Tax Benefit (General) Regulations 1992 (information to be supplied by an authority to another authority)(**e**) after regulation 95(**f**) insert the following regulation—

> **"Supply of information: extended payments (severe disablement allowance and incapacity benefit)**
>
> **96.**—(1) For the purposes of section 122E(3) of the Administration Act (duty of an authority to supply information to another authority) the circumstances in which

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(**a**) 1992 c.5; section 122E(3) was inserted by section 3 of the Social Security Administration (Fraud) Act 1997 (c.47) and modified by paragraph 34 of Part VIII of Schedule 8 to the Welfare Reform and Pensions Act 1999(c.30); section 189(1),(4) and (5) have been amended by paragraph 109 of Schedule 7, and Schedule 8 to the Social Security Act 1998 (c.14) and section 189(1) has also been amended by paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21); section 191 is cited because of the meaning ascribed to the word "prescribe".
(**b**) *See* section 173(1)(b) of the Social Security Administration Act 1992.
(**c**) *See* section 176(1)(a) of the Social Security Administration Act 1992.
(**d**) S.I. 2004/319.
(**e**) S.I. 1992/1814.
(**f**) Regulation 95 was inserted by S.I. 1996/194 and amended by S.I. 1999/2556, 2001/537 and 2003/1589.

information is to be supplied are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where—

(a) there is a mover who is or was allowed council tax benefit by appropriate authority "A";

(b) who is liable to pay council tax in respect of his second dwelling to authority "B"; and

(c) either—

(i) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority A; or

(ii) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority B, who then requests the information described in paragraph (3) from authority A,

authority A shall supply to authority B that information.

(3) The information to be supplied is—

(a) in a case where that extended payment (severe disablement allowance and incapacity benefit) was claimed from authority A, details relevant to that claim of—

(i) the matters set out in regulation 56B(**a**) or regulation 53ZB(1)(b)(i) to (iii)(**b**), as the case may be; and

(ii) the matters notified pursuant to regulation 53ZB(1)(a)(ii) or (b)(iv), as the case may be; and

(iii) the date it was so claimed; and

(b) in any case—

(i) the weekly rate of council tax benefit allowed to the mover by authority A;

(ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulations 51(1)(**c**) and 52(**d**), the amount of those deductions;

(iii) if any addition was being made to any amount payable in respect of council tax to recover recoverable excess benefit pursuant to regulation 87(2)(b)(**e**), the amount of those additions;

(iv) the date on which his entitlement to council tax benefit ceased;

(v) if an extended payment (severe disablement allowance and incapacity benefit) was allowed to the mover, the amount and date of any such payment; and

(vi) if no extended payment (severe disablement allowance and incapacity benefit) was allowed, why none was allowed.

(4) In this regulation "mover" and "second dwelling" shall have the meanings assigned to them in paragraph 7 of Schedule 5B(**f**).".

(**a**) Regulation 56B was inserted by S.I. 2004/319.
(**b**) Regulation 53ZB was inserted by S.I. 2004/319.
(**c**) Regulation 51(1) was amended by S.I. 1996/194.
(**d**) Amending instruments are S.I. 1993/688, 963 and 1249, 1996/1510 and 2518, 2000/440, 2001/1605 and 2003/325, 526, 1195 and 2275.
(**e**) Regulation 87(2) was amended by S.I. 2001/1605.
(**f**) Schedule 5B was inserted by S.I. 2004/319.

Amendment of the Housing Benefit (Supply of Information) Regulations 1998

3. In the Housing Benefit (Supply of Information) Regulations 1998(**a**) (information to be supplied by an authority to another authority) after regulation 5(**b**) insert the following regulation—

"Supply of information: extended payments (severe disablement allowance or incapacity benefit)

6.—(1) For the purposes of section 122E(3) of the Social Security Administration Act 1992 (duty of an authority to supply information to another authority) the circumstances in which information is to be supplied are prescribed in paragraph (2) and the information prescribed by this regulation is described in paragraph (3).

(2) The circumstances prescribed in this paragraph are, where—

(a) there is a mover who is or was in receipt of housing benefit from a local authority "A";

(b) either his second dwelling is within the area of another local authority "B" or he is liable or treated as liable to make payments in respect of his second dwelling to housing authority B; and

(c) either—

(i) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority A; or

(ii) the extended payment (severe disablement allowance and incapacity benefit) is claimed from authority B, who then requests the information described in paragraph (3) from authority A,

authority A shall supply to authority B that information.

(3) The information to be supplied is—

(a) in a case where that extended payment (severe disablement allowance and incapacity benefit) was claimed from authority A, details relevant to that claim of—

(i) the matters set out in regulation 65B(**c**) or regulation 62ZB(1)(b)(i) to (iii)(**d**) of the Housing Benefit Regulations, as the case may be; and

(ii) the matters notified pursuant to regulation 62ZB(1)(a)(ii) or (b)(iv) of the Housing Benefit Regulations, as the case may be; and

(iii) the date it was so claimed; and

(b) in any case—

(i) the weekly rate of housing benefit awarded to the mover by authority A;

(ii) if any deduction was being made from that benefit in respect of non-dependants, pursuant to regulations 61(1)(**e**) and 63(**f**) of the Housing Benefit Regulations, the amount of those deductions;

(**a**) S.I. 1988/662.
(**b**) Regulation 5 was inserted by S.I. 1996/194 and amended by S.I. 1999/2556, 2001/537 and 2003/1589.
(**c**) Regulation 65B was inserted by S.I. 2004/319.
(**d**) Regulation 62ZB was inserted by S.I. 2004/319.
(**e**) Relevant amending instruments are S.I. 1990/546, 1994/578 and 2001/1605.
(**f**) Amending instruments are 1989/416, 1990/546 and 1775, 1991/235, 1992/50 and 2148, 1993/317, 963 and 1249, 1996/1510 and 2518, 1998/563, 2000/440 and 2003/325, 526, 1195 and 2275.

(iii) if any deduction was being made from that benefit in respect of a recoverable overpayment pursuant to regulation 102(**a**) of the Housing Benefit Regulations, the amount of those deductions;

(iv) the date on which his entitlement to housing benefit ceased;

(v) if an extended payment (severe disablement allowance and incapacity benefit) was made to the mover, the amount and date of any such payment; and

(vi) if no extended payment (severe disablement allowance and incapacity benefit) was made, why none was made.

(4) In this regulation "extended payment (severe disablement allowance and incapacity benefit)" has the meaning assigned to it by regulation 2(1) of the Housing Benefit Regulations and "mover" and "second dwelling" shall have the meanings assigned to them in paragraph 10 of Schedule 5B(**b**) to those Regulations.".

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

Chris Pond
Parliamentary Under-Secretary of State,
Department for Work and Pensions

3rd March 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Council Tax Benefit (General) Regulations 1992 (S.I. 1992/1814) and the Housing Benefit (Supply of Information) Regulations 1988 (S.I. 1988/662).

Regulation 2 inserts regulation 96 in the Council Tax Benefit (General) Regulations 1992 which provides for the description of information in relation to extended payments (severe disablement allowance and incapacity benefit) and the circumstances in which it is to be supplied by one authority to another.

Regulation 3 inserts regulation 6 in the Housing Benefit (Supply of Information) Regulations 1988 which provides for the description of information in relation to extended payments (severe disablement allowance and incapacity benefit) and the circumstances in which it is to be supplied by one authority to another.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

(**a**) Regulation 102 was substituted by S.I. 2000/2331.
(**b**) Schedule 5B was inserted by S.I. 2004/319.

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