STATUTORY INSTRUMENTS

1984 No. 103

HOUSING, ENGLAND AND WALES

HOUSING, SCOTLAND

RATING AND VALUATION

The Housing Benefits Amendment Regulations 1984

Made - - -	*6th February* 1984
Laid before Parliament	*6th February* 1984
Coming into Operation	*1st April* 1984

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 28(1) of the Social Security and Housing Benefits Act 1982(a) and of all other powers enabling him in that behalf, with the consent of the Treasury, after consultation with organisations appearing to him to be representative of authorities concerned(b), and after reference to the Social Security Advisory Committee(c), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Housing Benefits Amendment Regulations 1984 and shall come into operation on 1st April 1984.

Amendment of regulations

2.—(1) The Housing Benefits Regulations 1982(d) are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 18 (deductions for non-dependants)—

(*a*) in paragraph (1)—

(i) in sub-paragraph (*a*), head (i) is omitted and in head (ii) for "21" there is substituted "18" and for "£1·85" there is substituted "£2·05", and

(ii) in sub-paragraph (*b*) for "18" there is substituted "21"; and

(*b*) in paragraph (2)—

(i) in sub-paragraph (*a*), head (i) is omitted and in head (ii) for "21" there is substituted "18" and for "£4·70" there is substituted "£6·15", and

(a) 1982 c. 24.
(b) *See* section 36(1)(*a*) of the Social Security and Housing Benefits Act 1982.
(c) *See* sections 9(7) and 10(1) of the Social Security Act 1980 (c. 30); section 9(7) was amended by paragraph 30 of Schedule 4 to the Social Security and Housing Benefits Act 1982.
(d) S.I. 1982/1124; the relevant amending instrument is S.I. 1983/57.

(ii) in sub-paragraph (*b*) for "18" there is substituted "21"; and

(*c*) in paragraph (6A) for "18" there is substituted "21".

(3) In regulation 19 (calculation of benefit), in paragraph (5) (income exceeding needs allowance)—

(*a*) in sub-paragraph (*a*) for "7%" there is substituted "9%"; and

(*b*) in sub-paragraph (*b*) for "21%" there is substituted "26%".

(4) In regulation 28A (application for lesser deduction for non-dependants), in paragraph (8), in sub-paragraph (*b*) in the definition of "specified conditions" for "ninety days" there is substituted "fifty-six days".

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

Rhodes Boyson,
Minister of State,
Department of Health and
Social Security.

4th February 1984.

We consent,

Alastair Goodlad,
Donald Thompson,
Two of the Lords Commissioners
of Her Majesty's Treasury.

6th February 1984

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Housing Benefits Regulations 1982 ("the 1982 regulations") which contain the statutory schemes for the grant of rate rebates, rent rebates and rent allowances (collectively called "housing benefits").

Under the 1982 regulations deductions are made, in the calculation of a person's housing benefits, if certain other persons ("non-dependants") live in his household. These regulations provide, in the case of non-dependants not receiving supplementary benefit—

(*a*) for an increase in the deduction for a non-dependant aged 18 or over but not of pensionable age; the increase for the purposes of rate rebate is to £2·05, from £1·60 in the case of those aged 18 to 20 and from £1·85 in the other cases, and for the purposes of rent rebate or rent allowance is to £6·15, from £3·95 in the case of those aged 18 to 20 and from £4·70 in the other cases;

(*b*) that, for the purposes of qualifying for a lower deduction made for certain sick or unemployed non-dependants, the period during which the non-dependant must have been receiving certain benefits specified in the 1982 regulations is reduced from ninety to fifty-six days.

In the case of non-dependants receiving supplementary benefit, the age limit below which no deduction is made is raised from 18 to 21.

These regulations also increase the percentages used to calculate the amount by which housing benefits are reduced for each pound of income above the needs allowance, from 7% to 9% in the case of rate rebate and from 21% to 26% in the case of rent rebate or rent allowance.

The Report of the Social Security Advisory Committee dated 21st December 1983 on the proposals relevant to these regulations and a statement showing the extent to which these regulations give effect to the Committee's recommendations and, in so far as they do not give effect to them, the reasons why not, are contained in Command Papers Nos. 9150 and 9155 respectively, published by Her Majesty's Stationery Office.

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