STATUTORY INSTRUMENTS

1982 No. 1519

HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND
RATING AND VALUATION

The Housing Benefits (Miscellaneous Amendments) Regulations 1982

Made - - - -	26*th October* 1982
Laid before Parliament	1*st November* 1982
Coming into Operation	
regulations 1 *and* 2(1), (2), (5) *to* (8) *and* (10)	22*nd November* 1982
regulations 2(9) *and* 3	1*st April* 1983
regulation 2(3) *and* (4)	4*th April* 1983

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 28(1) and (2) and 30(6) of the Social Security and Housing Benefits Act 1982 (**a**) ("the 1982 Act") and section 166(2) and (3) of the Social Security Act 1975 (**b**) (as applied by section 45(1) of the 1982 Act) 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 (**c**), hereby makes the following regulations.

This instrument satisfies the requirements of paragraph 38 of Schedule 4 to the 1982 Act, and the Secretary of State has not referred proposals to make any of the regulations contained in it to the Industrial Injuries Advisory Council or the Social Security Advisory Committee.

Citation and commencement

1.—(1) These regulations, which may be cited as the Housing Benefits (Miscellaneous Amendments) Regulations 1982, amend the Housing Benefits Regulations 1982 (**d**) (hereinafter referred to as "the principal regulations") and the Housing Benefits (Permitted Totals for Local Schemes) Regulations 1982 (**e**) (hereinafter referred to as "the Permitted Totals Regulations").

(2) These regulations shall come into operation as follows:—

(a) regulation 1 and paragraphs (1), (2), (5), (6), (7), (8) and (10) of regulation 2 on 22nd November 1982;

(b) paragraph (9) of regulation 2 and regulation 3 on 1st April 1983;

(c) paragraphs (3) and (4) of regulation 2 on 4th April 1983,

except that no amendment made by paragraphs (5) to (10) of regulation 2 of these regulations (which amend provisions which come into operation on

(**a**) 1982 c.24.
(**b**) 1975 c.14.
(**c**) *See* section 36(1)(*a*) of the Social Security and Housing Benefits Act 1982.
(**d**) S.I. 1982/1124.
(**e**) S.I. 1982/1129.

different dates for different purposes and in relation to different persons) shall come into operation for any purpose or in relation to any person before the date on which the provision that it amends comes into operation for that purpose or in relation to that person.

Amendment of the principal regulations

2.—(1) The principal regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 3(3) (conditions relating to dates of commencement) for "paragraph (1)*(b)*" there is substituted "paragraph (1)*(a)* (ii)".

(3) In regulations 6(2), 7(3) and 8(3) (exclusion from eligibility for, respectively, rate rebate, rent rebate and rent allowance) after "Notwithstanding paragraph (1)" there is inserted in each case "but subject to regulation 8A".

(4) Immediately after regulation 8 there is inserted the following regulation—

"*Limited eligibility for boarders on supplementary benefit*

8A.—(1) Where a person—

(a) has been granted a housing benefit in respect of a dwelling; and

(b) during his benefit period becomes a boarder on supplementary benefit, whose requirements for the purposes of the Requirements Regulations include an amount for board and lodging at that dwelling,

he may continue to be eligible for that housing benefit under regulation 6, 7 or 8, as the case may be, for a period of four weeks beginning on the date on which he becomes entitled to supplementary benefit.

(2) Nothing in this regulation shall affect the definition of "ineligible person" in regulation 9(6).".

(5) In regulation 9 (persons on supplementary benefit):

(a) in paragraph (3) (cancellation of certificate)—

(i) before "The Secretary of State" there is inserted "Subject to paragraph (3A)," and

(ii) for "in that case" there is substituted "in every case in which a certificate is cancelled (including one in which it is cancelled under paragraph (3A))"; and

(b) immediately after paragraph 3 there is inserted the following paragraph—

"(3A) Where a person ceases to be entitled to qualifying supplementary benefit by reason that paragraph 2*(a)* or *(c)* of Schedule 2 to the Requirements Regulations (hospital patients), in so far as they relate to persons with no dependants, applies to him, a certificate issued in respect of him shall not be cancelled until—

(a) he ceases to be responsible for housing expenditure for the purposes of those regulations; or

(b) a period of eight weeks expires beginning on the date on which he ceases to be entitled to qualifying supplementary benefit,

whichever first occurs; and if within the period of eight weeks specified in sub-paragraph *(b)* he becomes entitled again to qualifying supplementary benefit the certificate issued in respect of him shall (unless already cancelled under sub-paragraph *(a)*) continue in force as though he had not ceased to be so entitled.".

(6) In regulation 16(2)*(e)* (deduction for grant-aided students for the purposes of computing eligible rent) for "the following amount" there is substituted "and it is not a certificated case the following weekly amount".

(7) In regulation 17(1) (unsuitable accommodation) for "Subject to paragraphs (3) and (4)" there is substituted "Subject to paragraphs (2) and (3)".

(8) To regulation 26(5) (end of benefit period in certificated cases) there is added at the end "or, in a case to which paragraph (3A) of regulation 9 applies, the date so notified as being that on which either of the events specified in sub-paragraph *(a)* or *(b)* of that paragraph has occurred".

(9) In Schedule 2 (amounts to be disregarded when ascertaining weekly income), in paragraph 14*(b)* (lodging allowance from the Manpower Services Commission) for "£10.85" there is substituted "£11.30".

(10) Schedule 3 (certain deductions for the purposes of computing eligible rent) is amended as follows:—

(a) in paragraph 3 (deductions for fuel in certificated cases)—

(i) for "Subject to paragraphs 4 to 6" there is substituted "Subject to paragraphs 4, 4A, 5 and 6",

(ii) in sub-paragraph *(c)* (lighting) for "£0.65" there is substituted "£0.45", and

(iii) in sub-paragraph *(d)* (cooking) for "£0.45" there is substituted "£0.65"; and

(b) immediately after paragraph 4 there is inserted the following paragraph—

"4A. Where rent payable to a housing authority is collected in less than 52 weeks in any year, each amount specified in sub-paragraphs *(a)* to *(d)* of paragraph 3 shall, for the purposes of paragraphs 3 and 4, be multiplied by the number of Mondays in the year and divided by the number of weeks in which rent is collected".

Amendment of the Permitted Totals Regulations

3. The Permitted Totals Regulations are amended as follows:—

(a) in regulation 1(2), the definition of "exceptional case additions" is omitted; and

(b) in regulation 2, for the words following "local scheme," to the end there is substituted "the aggregate of 100% of certificated case benefits for that year and 110% of standard case benefits for that year".

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

Hugh Rossi,
Minister of State,
Department of Health and Social Security.

26th October 1982.

We consent,

John Selwyn Gummer,
Alistair Goodlad,
Two of the Lords Commissioners of
Her Majesty's Treasury.

26th October 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Housing Benefits Regulations 1982 which contain the statutory schemes for the granting of rate rebates, rent rebates and rent allowances (together called "housing benefits") and the Housing Benefits (Permitted Totals for Local Schemes) Regulations 1982 which set out the formula for calculating the total amounts of housing benefit which may be granted by local authorities pursuant to local modifications of the statutory schemes.

The changes of substance made by these regulations are—

(a) to provide that boarders on supplementary benefit (who are not normally eligible for housing benefits) may continue to receive any housing benefit which they were receiving, for a period of four weeks from the date of their entitlement to supplementary benefit (regulation 2(3) and (4));

(b) to provide that certain persons who cease to be entitled to supplementary benefit upon admission to hospital (because of reduction of their requirements for the purposes of supplementary benefit) continue for up to eight weeks to be treated for the purposes of housing benefits as though they were still entitled to supplementary benefit and thus continue to receive housing benefit without the need for a further claim (regulation 2(5) and (8));

(c) to provide that deductions made for the purposes of calculating the rent of a grant-aided student which may be met by a rebate or allowance apply only where he is not in receipt of supplementary benefit (regulation 2(6));

(d) to increase the extent to which certain lodging allowances paid by the Manpower Services Commission are disregarded when assessing income for the purposes of housing benefits (regulation 2(9));

(e) to transpose the amounts which fall to be deducted for lighting and cooking respectively for the purposes of calculating the rent which may be met by a rebate or allowance in the case of those in receipt of supplementary benefit, and to adjust amounts deducted for heating, hot water, lighting and cooking in such cases where rent is not collected in every week in the year (regulation 2(10));

(f) to increase the total amount of housing benefits which may be granted by local authorities under modifications of the statutory schemes by omitting from the formula for calculating that amount a deduction in respect of certain payments in exceptional cases.

Other amendments correct minor errors (regulation 2(2) and (7)).

SI 1982/1519
ISBN 0-11-027519-5

