STATUTORY INSTRUMENTS

1982 No. 1520

HOUSING, ENGLAND AND WALES
HOUSING, SCOTLAND
RATING AND VALUATION

The Housing Benefits (Transitional) Regulations 1982

Made - - - - - - - -	*26th October* 1982
Laid before Parliament	*1st November* 1982
Coming into operation in accordance with regulation 1	
for certain purposes	*22nd November* 1982
for certain other purposes	*1st April* 1983
for all other purposes	*4th April* 1983

The Secretary of State for Social Services, in exercise of the powers conferred on him by section 28(1) and (2) 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, commencement and interpretation

1.—(1) These regulations may be cited as the Housing Benefits (Transitional) Regulations 1982 and shall come into operation—

(*a*) on 22nd November 1982 in so far as they relate to rate rebate or rent rebate and in their application to a person and his partner where that person fulfils the conditions specified in regulation 3(3) of the principal regulations;

(*b*) on 1st April 1983 to the extent that they are not then in operation and in so far as they relate to rate rebate for a person or his partner where that person is not a tenant of a housing authority;

(*c*) on 4th April 1983 for all other purposes.

(a) 1982 c. 24. **(b)** 1975 c. 14.
(c) *See* section 36(1)(*a*) of the Social Security and Housing Benefits Act 1982.

(2) In these regulations, unless the context otherwise requires,—

(*a*) "old scheme" means a scheme under any of the enactments specified in section 28(5) of the Social Security and Housing Benefits Act 1982 for granting rate rebates, rent rebates or rent allowances, and "old rate rebate scheme" shall be construed accordingly;

"the principal regulations" means the Housing Benefits Regulations 1982**(a)**;

"relevant date" means, in relation to a person's housing benefit, the date on which the principal regulations first have effect in relation to that person and that benefit;

(*b*) expressions used to which a meaning is assigned by regulation 2 of the principal regulations bear the meaning so assigned.

(3) A determination under these regulations shall be treated for the purposes of regulations 45 to 50 of the principal regulations as if it were a determination under those regulations.

Persons in receipt of rebates or allowances under repealed legislation

2.—(1) Unless the appropriate authority otherwise requires, an eligible person who immediately before the relevant date is in receipt under an old scheme of a rebate or allowance shall not be required to make a claim to the appropriate authority for the corresponding rebate or allowance under the principal regulations, and the following paragraphs of this regulation shall have effect in relation to him until the end of his benefit period under paragraph (3) of this regulation.

(2) The appropriate authority shall determine the amount of housing benefit (if any) to which the eligible person is entitled and may for that purpose require him to furnish such information and such evidence as it may reasonably require relating to any of the matters specified in regulation 28(2) of the principal regulations.

(3) Where this regulation applies to an eligible person and he is entitled to an amount of housing benefit under the principal regulations, his benefit period shall end on the date on which his rebate or allowance period would have ended under the corresponding old scheme had it remained in force, or such earlier date as the appropriate authority may determine.

Claims for rebate or allowance under repealed legislation

3.—(1) An application for a rebate or allowance under an old scheme made, but not determined, before the relevant date shall be treated as respects any period after that date as a claim for the corresponding rebate or allowance under the principal regulations.

(2) Where an application is made by a person to an authority for a rebate or allowance under an old scheme, and—

(*a*) that person is not entitled to a rebate or allowance under that old scheme; and

(*b*) that authority considers that that person may be entitled to an amount of housing benefit from the relevant date,

that authority may treat the application as a claim for housing benefit from the relevant date.

(a) S.I. 1982/1124, amended by S.I. 1982/1519.

Beginning of benefit period

4.—(1) Where, under regulation 25(2) of the principal regulations (which provide that a benefit period may begin before the date of claim), a person's benefit period would (if the principal regulations had then had effect in relation to him) have been allowed to begin on a date before the relevant date he may, subject to paragraph (2) of this regulation, be granted the amount of housing benefit to which he would have been entitled if his benefit period had been allowed to begin on that earlier date and the principal regulations had then had effect in relation to him.

(2) For the purposes of calculating the amount of housing benefit under paragraph (1) of this regulation in a case to which regulation 25(2)(*b*) of the principal regulations (benefit period to begin up to twelve months before date of claim) applies, regulation 25(3) shall have effect in relation to any period before the relevant date as though for the reference to the amount of a housing benefit to which a person would have been entitled there were substituted a reference to the amount of the corresponding rebate or allowance to which he would have been entitled under an old scheme.

Rate rebates before 4th April 1983

5. Where a person's relevant date for the purposes of rate rebate is 1st April 1983 but for the purposes of a rent allowance is 4th April 1983, a rating authority may calculate the amount of rate rebate to which he is entitled in respect of the period before 4th April 1983 as though the old rate rebate scheme had remained in force.

Persons awarded supplementary benefit for housing benefit expenditure

6.—(1) Where an eligible person is entitled to qualifying supplementary benefit and—

(*a*) in the assessment of his requirements for the purposes of the award of that benefit there were determined as being applicable to him items which, on or after the relevant date, are prescribed in relation to him as housing benefit expenditure by the Requirements Regulations; and

(*b*) the Secretary of State pays to the eligible person an amount equal to the amount of that award,

a certificate need not be issued under regulation 9 in respect of that person until such time as that award is reviewed and revised by a benefit officer.

(2) Where the provisions of paragraph (1) apply and an award of supplementary benefit is revised by a benefit officer any certificate issued under regulation 9 shall, instead of stating the date upon which qualifying supplementary benefit became payable to the eligible person, state the Monday in the week from which payments under the revised award will be made to him.

(3) In this regulation—

(*a*) "benefit officer" has the meaning assigned to it by section 34 of the Supplementary Benefits Act 1976(**a**); and

(*b*) "week" in paragraph (2) means a period of seven days beginning with midnight between Saturday and Sunday.

(4) This regulation shall cease to have effect on 1st June 1983.

(a) 1976 c. 71; the definition of "benefit officer" was inserted by section 6(1) of, and paragraph 29 of Schedule 2 to, the Social Security Act 1980 (c. 30).

Overpayments of rebate or allowance under repealed legislation

7. Without prejudice to any other method of recovery, an amount of rebate or allowance wrongly granted by an authority under an old scheme may be recovered by that authority under regulation 42(2) of the principal regulations (deduction from rebates or allowances) as though it were an overpayment within the meaning of regulation 40 of those regulations and recoverable under regulation 42(1) of those regulations.

Determinations made in anticipation of the principal regulations having effect

8. Where a determination made by an authority before the relevant date, in order that it might be effective from that date, is notified to a person before that date, regulation 46(1) of the principal regulations (representations) shall have effect as though for the reference in that provision to a period of six weeks from notification of a determination there were substituted a reference to the period of six weeks beginning on the relevant date.

High rent schemes

9. An authority which immediately before 4th April 1983 is authorised under section 20(5) of the Housing Finance Act 1972**(a)** to treat Schedule 3 to that Act as it applies to its rebate or allowance scheme as providing for a lower minimum rent or higher maximum rebate for any dwellings shall be treated until and including 20th November 1983 as being authorised to grant rent rebates or, as the case may be, rent allowances for those dwellings in accordance with Schedule 4 to the principal regulations; and that Schedule shall have effect as though paragraph 7 were omitted and as though for each reference in paragraph 8 to £y there were substituted a reference to the sum of £15.57.

Signed by authority of
the Secretary of State
for Social Services.
26th October 1982.

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

We consent,

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

(a) 1972 c. 47.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make transitional provision in connection with the statutory schemes (the "new schemes") for the granting of rate rebates, rent rebates and rent allowances introduced by Part II of the Social Security and Housing Benefits Act 1982 ("the 1982 Act") and the Housing Benefits Regulations 1982, which come into operation in stages on 22nd November 1982, 1st April 1983 and 4th April 1983. These schemes are to be administered by local, rating and housing authorities ("authorities").

Under these regulations persons receiving rebate or allowance under legislation repealed by the 1982 Act (the "old schemes") will not generally be required initially to make a claim under the new schemes, though authorities may require them to do so; those persons will be paid rebate or allowance at the appropriate new rate when the new schemes come into operation (regulation 2). Certain applications for rebate or allowance under the old schemes may, and in some cases shall, be treated as claims under the new schemes (regulation 3).

Provision is made for the grant of additional rebate or allowance where an authority would otherwise have backdated payment to a date before the new schemes come into operation (regulation 4).

Where a person is entitled under the new schemes to a rate rebate from 1st April 1983 and a rent allowance from 4th April 1983, authorities may pay the rate rebate until 4th April 1983 at the rate subsisting under the old scheme (regulation 5).

Provision is made to prevent, during a transitional period, duplication of rebates or allowances towards the rates and rent of those in receipt of supplementary benefit (regulation 6). Rebates and allowances under the new schemes will be payable only from the time at which the payments of rates or rent cease to be met by supplementary benefit.

Under the old schemes authorities may recover overpayments of rebate or allowance by means of deduction from future rebates or allowances. Regulation 7 enables these overpayments to continue to be recovered by means of deduction from rebates or allowances under the new schemes.

Where an authority makes any determination in advance of the introduction of a new scheme, the time for requiring a review of that determination will start to run only from the introduction of that scheme (regulation 8).

Arrangements under which certain authorities in England and Wales may grant increased amounts of rent rebate or allowance are preserved for a transitional period (regulation 9).

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