

A1	An overview
About this chapter	1.00
What is HB?.....	1.20
What is CTB?	1.50
HB legislation and what it covers.....	1.100
Social Security Contributions and Benefits Act 1992.....	1.120
Social Security Administration Act 1992	1.150
Modifications to the statutory scheme	1.180
Financial provisions	1.200
HB information system.....	1.220
Legislation covering CTB.....	1.250
Evidence of identity (NINOs)	1.300
Calculating the HB amount	1.400
Administration of the CTB Scheme	1.450
Structure of the CTB Scheme.....	1.500
Liaison between LAs and DWP offices.....	1.550

A1 An overview

About this chapter

- 1.00 This chapter contains overview information about
- Housing Benefit (HB) legislation and what is covered by the different Acts of Parliament that make up the HB legislation, see *HB legislation and what it covers* later in this chapter
 - Council Tax Benefit (CTB) legislation, see *Legislation covering CTB* later in this chapter
 - the main elements to calculating the HB amount and when an HB applicable amount needs to be calculated, see *Calculating the HB amount* later in this chapter
 - the administration and structure of the CTB scheme, see *Administration of the CTB scheme* and *Structure of the CTB scheme* later in this chapter
 - liaison between the Local Authority (LA) and the relevant Department for Work and Pensions (DWP) office, see *Liaison between LA and DWP offices* later in this chapter

1.01-1.19

What is HB?

- 1.20 HB
- is an income related benefit
 - was introduced in April 1988 following a wide-ranging review of social security
- 1.21 The purpose of HB is to provide help in paying their rent to people with a low income.
- 1.22 HB is called rent allowance for claimants in private or housing association tenancies, and rent rebate for claimants in LA tenancies.

1.23-1.49

What is CTB?

- 1.50 CTB is a benefit available to help people meet their Council Tax (CT) liability. It can be awarded to people who have a low income and is similar in structure to the Community Charge Benefit (CCB) Scheme, which it replaced, and the HB scheme.
- 1.51 CTB is made up of two different types of benefit
- maximum CTB
 - second adult rebate, known in regulations as alternative maximum CTB

1.52-1.99

1.100-1.149

HB legislation and what it covers

- 1.100 The primary legislation covering HB entitlement is contained in the
- Social Security Administration Act 1992 (consolidating act) as amended
 - Social Security Contributions and Benefits Act 1992 (consolidating act) as amended
- 1.101 These Acts contain certain HB provisions originally contained in the Social Security Act 1986. This Act was largely repealed in 1992.
- 1.102 The provisions governing HB are contained in regulations made by the Secretary of State for Social Security and laid before Parliament. The regulations covering HB are the Housing Benefit Regulations 2006.

1.103-1.119

Social Security Contributions and Benefits Act 1992

- 1.120 This act sets out the following basic conditions of entitlement to benefit
- S.130 SSCBA 1992*
- 1 the claimant must be liable for payments on accommodation occupied as their home in Great Britain, see *A3 Liability to make payments and occupying the home* and *A4 Eligible rent* later in this part
 - 2 there must be a maximum HB which applies to the claimant, see *A5 Calculating benefit* later in this part
 - 3 either
 - ~ the claimant's income must not exceed their needs - expressed as 'the applicable amount', see *B3 Assessment of needs* later in this manual, or
 - ~ if income does exceed the applicable amount, some maximum HB must remain after application of the HB taper, see *A5 HB taper* later in this part
 - 4 the claimant's capital must not be more than a specified amount, see *B1 Assessment of capital* later in this manual

S.134 SSCBA 1992

1.121-1.149

Social Security Administration Act 1992

1.150 This act provides for two types of assistance with rent, which together are known as HB. The two types are

S.134 SSAA 1992

- **rent rebates** - for local authority tenants
- **rent allowances** - for private/housing association tenants

1.151-1.179

Modifications to the statutory scheme

1.180 The Social Security Administration Act 1992 gives the Secretary of State (S of S) the power to make regulations allowing LAs to modify the HB scheme by resolution. The only regulation made so far is for War Disablement Pension and War Widows' Pension.

s.134

1.181 An LA may modify the HB scheme by resolution, allowing a disregard of the whole or part of any war disablement pension or war widow's pension payable.

1.182 A resolution modifying the HB scheme does not apply to CTB and vice versa. Having made such a modification, an LA may at any time revoke or vary it.

SSA 1992, s.134(10)(a)

1.183-1.199

Financial provisions

1.200 The Act provides for the S of S for Social Security to pay subsidies to LAs for part of the costs of the HB scheme. This is done in a Subsidy Order which is amended annually.

1.201-1.219

HB information system

1.220 The HB information system is designed to

- monitor LAs' administration and costs
- provide a basis for calculating subsidy, and
- inform policy making and development of the scheme as a whole

1.221-1.249

1.250-1.400

Legislation covering CTB

1.250 CT replaced CC and was introduced in England, Scotland and Wales from 1 April 1993 by the Local Government Finance Act (LGFA) 1992.

1.251 Help paying CT is available through CTB using powers provided in the 1992 Act, as amended by Schedule 9 to the LGFA 1992.

1.252-1.299

Evidence of identity (NINOs)

1.300 An identity check is essential for every HB/CTB claim. Before assessing a claim, you must be satisfied of the claimant's identity. This is satisfied by the claimant providing their National Insurance Number (NINO). However, for Income Support (IS)/income-based Jobseeker's Allowance (JSA(IB))/Pension Credit cases, evidence of a claimant's identity may be held by the DWP. This evidence is acceptable for HB/CTB purposes and can be copied to the LA. For more information about evidence of identity, see

- *D1 Confirming/allocating NINOs* later in this manual
- *HB/CTB Security Guidance*

1.301 If the claimant's partner has no right to be in the UK see *D1 Confirming/allocating NINOs, Claimants partner has no right to be in the UK* later in this manual.

1.302-1.399

Calculating the HB amount

1.400 The main elements in the HB calculation are

- the claimant's eligible rent converted to a weekly figure
- the deductions which apply for any non-dependants living with the claimant, see *B3 Assessment of needs* and *C1 Aggregation of needs and resources* later in this manual
- if the claimant is not in receipt of IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit), the
 - applicable amount, and
 - weekly *net* income including tariff income, see *B2 Assessment of income* later in this manual

1.401 The first thing to establish is whether the claimant is on IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit). If the claimant

- does receive IS/JSA(IB)/Pension Credit (guarantee credit or guarantee and savings credit)
 - there is no need to calculate the HB applicable amount or net income as anyone on IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit) is automatically entitled to maximum HB, see *A5 Claimant receives IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit)* later in this part
- does not receive IS/JSA(IB)/Pension Credit (guarantee credit or guarantee and savings credit), and their weekly net income

S.134(8) & S.139(6) SSAA

- is equal to or less than their HB applicable amount, they are entitled to maximum HB
- exceeds their HB applicable amount, maximum HB is reduced by a percentage of the difference. This percentage is called the HB taper and is currently 65%, see *A5 HB taper* later in this part

S.130(3); SSCBA 1992

1.402 In all cases, if the claimant is entitled to less than a specified amount per benefit week, no benefit is payable, see *A5 Minimum HB/CTB payable* later in this part.

1.403 The method of calculating benefit is explained in detail in *A5 Calculating the benefit* later in this part.

1.404-1.449

Administration of the CTB Scheme

1.450 The CTB Scheme is administered by **appropriate** authorities, that is levying LAs in Scotland and billing LAs in England and Wales, but they may delegate this responsibility to other authorities. Administration of the scheme by appropriate LAs is subject to the relevant statutory requirements.

1.451-1.499

1.500-1.999

Structure of the CTB Scheme

1.500 People who are liable to pay CT for any day can claim CTB for that day.

s.131 SSCBA

1.501 The maximum benefit of 100 per cent of liability may be awarded to people who

- receive
 - IS
 - JSA(IB), or
 - the guarantee credit element of Pension Credit
- have financial resources equal to or less than their IS, JSA(IB) or Pension Credit (guarantee credit or guarantee credit and savings credit) level

1.502 Benefit of less than 100% of liability may be awarded to people whose financial resources are greater than their IS/JSA(IB) levels or who receive Pension Credit (savings credit) only, see *A5 Calculating benefit* later in this part.

1.503 CTB is modelled as closely as practicable on the HB and CCB schemes that it replaced. The arrangements for assessing capital, net weekly income and personal and family circumstances are almost the same.

1.504-1.549

Liaison between LAs and DWP offices

1.550 Effective liaison between LAs and DWP offices is essential in view of the transactions between them on cases when an HB claimant also receives IS, JSA(IB) or Pension Credit. Without close co-operation, there will be duplication of effort both for claimants and staff, with all the resulting frustration this is likely to cause. See *D1 Liaison with local DWP offices* later in this manual for the arrangements for ensuring smooth contacts between the two offices, including information about

- aspects of HB and CTB that need close working between the LA and the DWP office
- liaison officers in both the DWP office and the LAs
- liaison forms used by the DWP office

1.551-1.999