

Housing Benefit and Council Tax Benefit

Urgent Bulletin

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Who should read	All HB and CTB
Action	For information
Subject	Consolidation of the Housing Benefit (General) Regulations and the Council Tax Benefit (General) Regulations

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Consolidation of the Housing Benefit (General) Regulations and the Council Tax Benefit (General) Regulations

- 1 *HB/CTB Bulletin U3/2006* advised you of the consolidation of the Housing Benefit (General) Regulations (HB(Gen) reg) and the Council Tax Benefit (General) Regulations (CTB(Gen) reg). Attached to the bulletin were two quick reference tables showing the former regulation and Schedule numbers against the new ones. The bulletin also noted that further reference tables showing, in more detail, where to find all of the former regulations would be issued in due course. These five tables are included with this bulletin. Please use the links below paragraph 10 to access them but please note that, as they list every regulation and their individual sub-heads, they are very large and extremely detailed.
- 2 The tables show where to find all the former regulations, etc. In the majority of cases this will be in either
 - The Housing Benefit Regulations 2006 (HB regs) or The Housing Benefit Regulations (Persons who have attained the qualifying age for state pension credit) 2006 (HB(SPC) regs), or
 - The Council Tax Benefit Regulations 2006 (CTB regs) or The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (CTB(SPC) regs)
- 3 We have also included a table that shows where to find the following miscellaneous Regulations
 - Housing Benefit (Recovery of Overpayments) Regulations (SI 1997/2435)
 - Housing Benefit (Information from Landlords and Agents) Regulations 1997 (SI 1997/2436)
 - Supply of Information Regulations 1998 (SI 1998/662)
 - Social Security (Claims and Information) (Housing Benefit and Council Tax Benefit) Regulations 2002 (SI 2002/1132)
 - regulations 7 and 8 of The Income-related Benefits Schemes Amendment (No. 2) Regulations 1995 (SI 1995/2792)
- 4 Savings provisions will generally be found in The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (CP regs). The relevant Schedule and paragraph number will be found in the 'remarks' column of the tables.

- 5 The remarks columns also show
- where regulations have previously been revoked (in whole or part) and by which Statutory Instrument they were revoked, eg former HB(Gen) reg 35(c) and (e) which were revoked by SI 2003/455,
 - where a definition has been omitted as it is no longer necessary, eg the definition of the 'Armed Forces and Reserved Forces Compensation Scheme' is not included in regulation 2(1) as it is not referred to in the main body of the regulations, and
 - where a regulation is not included as it is now 'spent', eg former HB(Gen) reg 91A(1). As the specific circumstances referred to will no longer occur and the regulation was, in effect, time limited, the regulation is considered spent and so has been omitted from the consolidated regulations
- 6 Some regulations, however, have been included even though they serve no apparent purpose, eg former HB reg 35(2A) that prescribes the circumstances in which a claimant is treated as possessing income if he is a person aged not less than 60 and derives entitlement to a pension under a personal pension scheme, etc. This regulations remains in the HB regs even though a person aged over aged 60 would either have his HB claim decided under the HB(SPC) regs or, if his claim were to be decided under the HB regs, would be on Income Support or income-based Jobseeker's Allowance and therefore have all of his income and capital disregarded.
- 7 The reason why we have retained the regulation in the HB regs is because regulation 35 was one of the regulations substituted for people who had attained the qualifying age for state pension credit by the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003 (SI 2003/325). It was not revoked. Therefore it has to be retained in the consolidated HB regs until such time as we revoke it.

Paragraph 27 of Schedule 3 to the CP Regulations

- 8 Paragraph 27 of Schedule 3 to the CP Regulations ensures that changes in The Housing Benefit and Council Tax Benefit (Miscellaneous Amendment) Regulations 2005 (SI 2005/2502) are carried forward to the consolidated regulations.
- 9 Unfortunately the provisions in respect of
- the Alternative Maximum Council Tax Benefit, and
 - payment of rent in respect of hostel dwellers
- do not deliver the policy intent we are therefore in the process of laying amending regulations to correct this.

10 I hope that you have now had chance to look at the consolidated regulations and agree that it will be easier to apply the regulations to the different client groups. If you have found any omissions, etc (that have not been explained by this bulletin) please do let me know.



hb regs def.xls



hb sche def.xls



ctb regs def.xls



ctb sched def.xls



MISC DEF.xls

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