

2013 No. 458

SOCIAL SECURITY

**The Council Tax Benefit Abolition (Consequential Provision)
Regulations 2013**

<i>Made</i>	- - - -	<i>28th February 2013</i>
<i>Laid before Parliament</i>		<i>5th March 2013</i>
<i>Coming into force</i>	- -	<i>1st April 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 32 of the Welfare Reform Act 2012(a).

Citation and commencement

1. These Regulations may be cited as the Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 and come into force on 1st April 2013.

Extent and application

2.—(1) Subject to paragraph (2), each of the revocations and amendments made by these Regulations has the same extent and application as the provision revoked or amended.

(2) The revocations in Schedule 1 in respect of the following Regulations apply in relation to England only—

- (a) the National Assistance (Assessment of Resources) Regulations 1992(b);
- (b) the Housing Renewal Grants Regulations 1996(c).

Revocations

3. The provisions specified in column 1 of Schedule 1 to these Regulations are revoked to the extent specified in column 3 of that Schedule.

(a) 2012 c.5. The power in section 32 is vested in “the appropriate authority”. By virtue of section 32(2) and (3), the Secretary of State is “the appropriate authority” except where provision would be within the legislative competence of the National Assembly for Wales (were it contained within an Act of the Assembly) or could be made by the Welsh Ministers under any other power conferred on them.

(b) S.I. 1992/2977. The functions of the Secretary of State under the National Assistance Act 1948 (c.29), so far as they are exercisable in Scotland, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46) and, so far as they are exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the 1999 Order”).

(c) S.I. 1996/2890. The functions of the Secretary of State under the Housing Grants, Construction and Regeneration Act 1996 (c.52), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the 1999 Order.

Consequential amendments

4. The amendments specified in Schedule 2 to these Regulations have effect.

Signed by authority of the Secretary of State for Work and Pensions.

28th February 2013

Freud
Parliamentary Under-Secretary of State,
Department for Work and Pensions

SCHEDULE 1

Regulation 3

Revocations

<i>Statutory Instrument</i>	<i>Statutory Instrument Number</i>	<i>Extent of Revocation</i>
The Income Support (General) Regulations 1987	1987/1967	In Schedule 9, paragraph 52(a).
The Social Security (Claims and Payments) Regulations 1987	1987/1968	In regulations 4(6B)(b)(i) and (iv)(b), 4B(2)(a) and (b)(c), 4D(4)(a) and (d)(d), 4H(3)(a), (b) and (c)(e) and 32B(2)(a) and (d)(f), the words “or council tax benefit”. In regulation 32ZZA(2)(g), the words “and the Council Tax Benefit Regulations 2006”.
The Child Support (Maintenance Assessments and Special Cases) Regulations 1992	1992/1815	In regulation 1(2), the definition of “council tax benefit”. In regulation 11(1)(j)(i)(h), the words “, less any applicable council tax benefit”. In regulation 11(1)(j)(ii), the words— (a) “, less any council tax benefit applicable to that share”; (b) “, less any council tax benefit applicable to such amount”. In Schedule 2 paragraph 7, the words “or council tax benefit”.
The National Assistance (Assessment of Resources) Regulations 1992	1992/2977	In regulation 2(1), the definition of “council tax benefit”. In Schedule 3, paragraph 28.

(a) Paragraph 52 was substituted by S.I. 2008/3157.

(b) Paragraph (6B) was inserted by S.I. 2003/1632 and sub-paragraph (b) was substituted by S.I. 2007/2911.

(c) Regulation 4B was inserted by S.I. 1999/3108.

(d) Regulation 4D was inserted by S.I. 2002/3019 and paragraph (4) was substituted by S.I. 2007/2911.

(e) Regulation 4H was inserted by S.I. 2008/1554.

(f) Regulation 32B was inserted by S.I. 2007/2911.

(g) Regulation 13ZZA was inserted by S.I. 2010/444.

(h) Sub-paragraph (j) was substituted by S.I. 1995/1045.

The Jobseeker's Allowance Regulations 1996	1996/207	In regulation 24A(2)(a), the words “and the Council Tax Benefit Regulations 2006”. In Schedule 7, paragraph 51.
The Social Security Benefit (Computation of Earnings) Regulations 1996	1996/2745	In Schedule 2, paragraph 8(a)(b)— (a) the words, “either council tax benefit or”; (b) paragraph (ii)(aa); (c) the words, “either regulation 18(1)(c) of the Council Tax Benefit Regulations 2006 (treatment of child care charges) or, as the case may be,”.
The Housing Renewal Grants Regulations 1996	1996/2890	In regulation 2(1), the definition of “council tax benefit”. Regulation 10(3)(a)(i)(c). In Schedule 2 paragraph 12, the words “council tax benefit,”. In Schedule 3— (a) in paragraph 4(a)(d), the words “council tax benefit,”; (b) paragraph 49(e). In Schedule 4— (a) in paragraph 6(a), the words “council tax benefit,”; (b) paragraph 45.
The Social Security (Child Maintenance Bonus) Regulations 1996	1996/3195	Regulation 14(b).
The Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000	2000/636	In regulation 2— (a) in paragraphs (1) and (4)(a), the words “or council tax benefit”; (b) in paragraph (6), the words “, council tax benefit”.

(a) Regulation 24A was inserted by S.I. 2010/444.
(b) Paragraph 8 was amended by S.I. 2006/217.
(c) Sub-paragraph (a) was substituted by S.I. 2009/1807.
(d) Schedule 3, paragraph 4 and Schedule 4, paragraph 6 were substituted by S.I. 2009/1807.
(e) Schedule 3, paragraph 49 and Schedule 4, paragraph 45 were amended by S.I. 2006/217.

The Discretionary Financial Assistance Regulations 2001	2001/1167	<p>In regulation 2—</p> <p>(a) in paragraph (1)(a) the words, “council tax benefit or to both”;</p> <p>(b) in paragraph (1)(b), the words “or benefits”;</p> <p>(c) paragraph (3)(a).</p>
		<p>In regulation 3—</p> <p>(a) in sub-paragraph (c), the words “in a case where the person is entitled to housing benefit but not council tax benefit”;</p> <p>(b) sub-paragraphs (d)(a) and (e).</p>
		<p>In regulation 4—</p> <p>(a) in sub-paragraph (a)(b) the words, “, other than payments in respect of council tax,”;</p> <p>(b) sub-paragraph (b).</p>
		<p>In regulation 5(2), the words “council tax benefit or to both”.</p>
		<p>In regulation 6—</p> <p>(a) in paragraph (1)(b)(i), the words “, as the case may be, council tax benefit”;</p> <p>(b) in paragraph (2), the words “or council tax benefit.”</p>
The State Pension Credit Regulations 2002	2002/1792	<p>Regulation 15(1)(m). In Schedule 5, in paragraph 20A(4)(c) in paragraph (a) of the definition of “official error”, the words “or council tax benefit.”</p>
The Housing Benefit Regulations 2006	2006/213	<p>In regulation 109(3)(d), the words “or council tax benefit”. In Schedule 5, paragraph 51(e).</p>

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- (a) Regulation 3(d) was amended, and regulation 5 substituted, by S.I. 2008/637.
 - (b) Sub-paragraph (a) was substituted by S.I. 2006/217.
 - (c) Paragraph 20A was inserted by S.I. 2002/3197 and substituted by S.I. 2003/2274.
 - (d) Regulation 109 was substituted by S.I. 2007/2911.
 - (e) Paragraph 51 was substituted by S.I. 2008/3157.

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006	2006/214	Regulation 29(1)(j)(xii). In regulation 90(3)(a) and in paragraph 5(2) and (3) of Schedule 4, the words “or council tax benefit”. In Schedule 6, in paragraph 22(4) in paragraph (a) of the definition of “official error”, the words “or council tax benefit”.
The Housing Benefit and Council Tax Benefit (Electronic Communications) Order 2006	2006/2968	Articles 4 and 5.
The Independent Living Fund (2006) Order 2007	2007/2538	Articles 10 and 11.
The Employment and Support Allowance Regulations 2008	2008/794	In Schedule 8, paragraph 65.
The Social Security (National Insurance Number Information: Exemption) Regulations 2009	2009/471	Regulations 11 and 12.
The Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010	2010/424	Regulations 10 and 11.
The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2010	2010/671	In Schedule 1, paragraphs 62 and 63.
The Local Education Authorities and Children’s Services Authorities (Integration of Functions) (Local and Subordinate Legislation) Order 2010	2010/1172	In Schedule 3, paragraph 65.
The Health and Social Care Act 2008 (Miscellaneous Consequential Amendments) Order 2010	2010/1881	Articles 22 and 23.
The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments to Subordinate Legislation) (England) Order 2010	2010/1941	Articles 16 and 17.

(a) Regulation 90 was substituted by S.I. 2007/2911.

The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011	2011/1740	In Schedule 1, paragraphs 41 and 42.
The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011	2011/2581	In Schedule 2, paragraphs 53 and 54.
The Social Security (Electronic Communications) (No 2) Order 2011	2011/2943	Articles 4 and 5.
The Young People’s Learning Agency Abolition (Consequential Amendments to Subordinate Legislation) (England) Order 2012	2012/956	Articles 13 and 14.
The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012	2012/1483	Regulation 6(1)(k).
The Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012	2012/1809	In Part 2 of the Schedule in the table, the lines beginning— (a) “Council Tax Benefit Regulations 2006”; (b) “Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006”.

SCHEDULE 2

Regulation 4

Consequential amendments

The Income Support (General) Regulations 1987

1. In regulation 51A(3)(d) (diminishing notional capital rule) of the Income Support (General) Regulations 1987(a) for “has the same meaning as in regulation 2(1) of the Council Tax Benefit Regulations 2006 (interpretation)” substitute “means a period of 7 consecutive days beginning on a Monday and ending on a Sunday”.

The Social Security (Claims and Payments) Regulations 1987

2. For regulation 33(1A) (persons unable to act) of the Social Security (Claims and Payments) Regulations 1987(b) substitute—

(a) S.I. 1987/1967. Regulation 51A was inserted by S.I. 1990/1776. Sub-paragraph (d) of paragraph (3) was added by S.I. 1993/315 and amended by S.I. 2006/217.

(b) S.I. 1987/1968. Paragraph (1A) was inserted by S.I. 2005/337 and amended by S.I. 2006/217.

“(1A) Where a person has been appointed under regulation 82(3) of the Housing Benefit Regulations 2006 or regulation 63(3) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 by a relevant authority within the meaning of those Regulations to act on behalf of another in relation to a benefit claim or award, the Secretary of State may, if the person agrees, treat him as if he had appointed him under paragraph (1).”.

The Jobseeker’s Allowance Regulations 1996

3. In regulation 114(3)(c) (diminishing notional capital rule) of the Jobseeker’s Allowance Regulations 1996(a) for “has the same meaning as in regulation 2(1) of the Council Tax Benefit (General) Regulations 1992 (interpretation)” substitute “means a period of 7 consecutive days beginning on a Monday and ending on a Sunday”.

The Child Support Departure Direction and Consequential Amendments Regulations 1996

4. In regulation 12 (meaning of “benefit” for the purposes of section 28E of the Act) of the Child Support Departure Direction and Consequential Amendments Regulations 1996(b) for “, housing benefit, and council tax benefit” substitute “and housing benefit”.

The Child Support (Variations) Regulations 2000

5. In regulation 32 (meaning of “benefit” for the purposes of section 28E of the Act) of the Child Support (Variations) Regulations 2000(c) for “, housing benefit and council tax benefit” substitute “and housing benefit”.

The State Pension Credit Regulations 2002

6. In regulation 22(3)(c) (diminishing notional capital rule) of the State Pension Credit Regulations 2002(d) for “has the same meaning as in regulation 2(1) of the Council Tax Benefit (General) Regulations 1992 (interpretation)” substitute “means a period of 7 consecutive days beginning on a Monday and ending on a Sunday”.

The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003

7. In regulation 17(1) (calculation of requirements) of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(e) for sub-paragraph (b) substitute—

“(b) the amount which represents the weekly amount of any housing benefit to which the claimant or any member of his family is entitled under the provisions of Part 7 of the Social Security Contributions and Benefits Act 1992.”.

The Employment and Support Allowance Regulations 2008

8. In regulation 116(3)(c) (diminishing notional capital rule) of the Employment and Support Allowance Regulations 2008(f) for “has the same meaning as in regulation 2(1) of the Council Tax Benefit Regulations 2006 (interpretation)” substitute “means a period of 7 consecutive days beginning on a Monday and ending on a Sunday”.

(a) S.I. 1996/207.

(b) S.I. 1996/2907. These Regulations are revoked by S.I. 2012/2785 for certain cases.

(c) S.I. 2001/156. These Regulations are revoked by S.I. 2012/2785 for certain cases.

(d) S.I. 2002/1792.

(e) S.I. 2003/2382.

(f) S.I. 2008/794.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make revocations and amendments consequential upon the abolition of council tax benefit.

Regulation 3 and Schedule 1 make provision for revocations.

Regulation 4 and Schedule 2 make consequential amendments.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

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