STATUTORY INSTRUMENTS

2015 No. 1857

SOCIAL SECURITY

The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations 2015

Made - - - -	*3rd November 2015*
Laid before Parliament	*9th November 2015*
Coming into force	
for the purposes of regulations 1 and 3	*1st April 2016*
for all other purposes	*1st May 2016*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d), 135(1), 136(1), (3) and (5), 137(1) and 175(1), (3) and (4) of the Social Security, Contributions and Benefits Act 1992(**1**) and sections 5(1)(b), 189(1) and 191 of the Social Security Administration Act 1992(**2**).

In accordance with section 172(1) of the Social Security Administration Act 1992, the Secretary of State has referred proposals in respect of these Regulations to the Social Security Advisory Committee.

In accordance with section 176(1) of the Social Security Administration Act 1992(**3**) the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

(**1**) 1992 c.4. Sections 136 and 137 were repealed, to the extent they related to Council Tax Benefit, by the Welfare Reform Act 2012 (c.5), Schedule 14, paragraph 1 with effect from 1 April 2013 and subject to savings and transitional provisions in articles 9 and 10 of S.I. 2013/358. Section 137(1) was amended by the Civil Partnership Act 2004 (c.33) Schedule 24, paragraph 46(2). Section 175(1) was amended by the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c.2), Schedule 3, paragraph 29(2).

(**2**) 1992 c.5. Section 189(1) was amended by the Social Security Contributions (Transfer of Functions etc.) Act 1999, Schedule 3 paragraph 57(2) and the Tax Credits Act 2002 (c.21), Schedule 6, paragraph 1.

(**3**) Section 176(1) was amended by the Local Government Finance Act 1992, Schedule 9, paragraph 23, the Child Support, Pensions and Social Security Act 2000 (c.19), section 69(6), and the Housing Act 1996 (c.52), Schedule 13, paragraph 3(4). Section 176 was repealed, to the extent it related to Council Tax Benefit, by the Welfare Reform Act 2012, Schedule 14, paragraph 1 with effect from 1 April 2013 and subject to savings and transitional provisions in articles 9 and 10 of S.I. 2013/358.

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations 2015 and come into force—

(a) for the purposes of this regulation and regulation 3, on the 1st April 2016; and

(b) for all other purposes, on 1st May 2016.

Abolition of the family premium

2.—(1) The Housing Benefit Regulations 2006(**4**) are amended as follows—

(a) in regulation 22 (applicable amounts) omit paragraph (c);

(b) in regulation 23 (polygamous marriages) omit paragraph (d);

(c) in Schedule 3 omit Part 2 (family premium);

(d) for paragraph 17(2)(b)(ii)(bb) of Schedule 4 (sums to be disregarded in the calculation of earnings) substitute—

"(bb) his family includes at least one child or young person;"; and

(e) in paragraph 47(1) of Schedule 5 (sums to be disregarded in the calculation of income other than earnings) for "Where a claimant's applicable amount includes an amount by way of family premium," substitute "Where a claimant's family includes at least one child or young person,".

(2) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**5**) are amended as follows—

(a) in regulation 22 (applicable amounts) omit sub-paragraph (1)(c);

(b) in Schedule 3 omit Part 2 (family premium);

(c) for paragraph 9(2)(b)(ii)(bb) of Schedule 4 (sums to be disregarded in the calculation of earnings) substitute—

"(bb) his family includes at least one child or young person;"; and

(d) in paragraph 20(1) of Schedule 5 (amounts to be disregarded in the calculation of income other than earnings) for "Where a claimant's applicable amount includes an amount by way of family premium," substitute "Where a claimant's family includes at least one child or young person,".

Shortening the date from which a claim may be treated as made

3. In regulation 83 (time and manner in which claims are to made)(**6**) of the Housing Benefit Regulations 2006, in paragraph (12A)(b) and (c) for "6 months" substitute "one month".

Transitional provision

4.—(1) Subject to paragraph (2), regulation 2 does not apply to a person who, on 30th April 2016, is entitled to housing benefit and is——

(a) a member of a family(**7**) of which at least one member is a child or young person; or

(**4**) S.I. 2006/213. Regulation 22 was amended by S.I. 2008/1082 and S.I. 2010/1907. Regulation 23 was amended by S.I. 2008/1042 and S.I. 2010/1907. Part 2 of Schedule 3 was amended by S.I. 2008/1042, S.I. 2009/583, S.I. 2011/2425 and S.I. 2014/516. Paragraph 47 of Schedule 5 was amended by S.I. 2008/1042.

(**5**) S.I. 2006/214. Regulation 22 was amended by S.I. 2008/1082 and S.I. 2010/1907. Part 2 of Schedule 3 was amended by S.I. 2008/1042, S.I. 2009/583, S.I. 2011/2425 and S.I. 2014/516.

(**6**) Paragraph (12A) was inserted by S.I. 2010/2449.

(**7**) "Family" is defined in section 137(1) of the Social Security Contributions and Benefits Act 1992.