
STATUTORY INSTRUMENTS

2006 No. 213

The Housing Benefit Regulations 2006

PART 8 **E+W+S**

Amount of benefit

Maximum housing benefit **E+W+S**

^{F1}70. The amount of a person's appropriate maximum housing benefit in any week shall be 100 per cent. of his eligible rent calculated on a weekly basis in accordance with regulations 80 and 81 (calculation of weekly amounts and rent free periods) less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions).]

Textual Amendments

F1 Reg. 70 substituted (7.4.2008) by [The Housing Benefit \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2868\)](#), regs. 1(3), **12** (with reg. 1(6))

Housing benefit tapers **E+W+S**

71. The prescribed percentages for the purpose of sub-section (3)(b) of section 130 of the Act (percentage of excess of income over applicable amount which is deducted from maximum housing benefit) shall be 65 per cent.

Extended payments **E+W+S**

^{F2}72.—(1) A claimant who is entitled to housing benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment where—

- (a) the claimant or the claimant's partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the claimant or the claimant's partner—

- (i) commenced employment as an employed or self-employed earner;
- (ii) increased their earnings from such employment; or
- (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and

- (c) the claimant or the claimant's partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker's allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

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Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 8. (See end of Document for details)

(2) For the purpose of paragraph (1)(c), a claimant or a claimant's partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker's allowance during any period of less than five weeks in respect of which the claimant or the claimant's partner was not entitled to any of those benefits because the claimant or the claimant's partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this regulation, where a claimant or a claimant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

(4) A claimant must be treated as entitled to housing benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to housing benefit because the claimant vacated the dwelling occupied as the claimant's home;
- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph (1)(b).

(5) This regulation shall not apply where, on the day before a claimant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that claimant.

Textual Amendments

F2 Regs. 72-72D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **2(2)**

Duration of extended payment period **E+W+S**

72A.—(1) Where a claimant is entitled to an extended payment, the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended payment is payable has no liability for rent, if that occurs first.

Textual Amendments

F2 Regs. 72-72D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **2(2)**

Amount of extended payment **E+W+S**

72B.—(1) For any week during the extended payment period the amount of the extended payment payable to a claimant shall be the higher of—

- (a) the amount of housing benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying income-related benefit;
 - (b) the amount of housing benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 72 (extended payments) did not apply to the claimant; or
 - (c) the amount of housing benefit to which the claimant's partner would be entitled under the general conditions of entitlement, if regulation 72 did not apply to the claimant.
- (2) Paragraph (1) is subject to paragraphs (3) to (6) and does not apply in the case of a mover.
- (3) Where the last benefit week referred to in paragraph (1)(a) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(4) Where—

- (a) a claimant is entitled to an extended payment by virtue of regulation 72(4) (early vacation of dwelling); and
- (b) the last benefit week before the claimant ceased to be entitled to a qualifying income-related benefit was a week in which the claimant's eligible rent was calculated in accordance with regulation 80(3)(c) (calculation of rent for a partial week),

the last benefit week for the purpose of calculating the amount of the extended payment under paragraph (1)(a) shall be the benefit week before the partial week.

(5) Where—

- (a) a claimant was treated as occupying two dwellings as the claimant's home under regulation 7(6) (liability to make payments in respect of two homes) at the time when the claimant's entitlement to a qualifying income-related benefit ceased; and
- (b) the claimant's liability to pay rent for either of those dwellings ceases during the extended payment period,

the amount of the extended payment for any week shall be reduced by a sum equivalent to the housing benefit which was payable in respect of that dwelling.

(6) No extended payment is payable for any rent free period as defined in regulation 81(1) (rent free periods).

(7) Where a claimant is in receipt of an extended payment under this regulation and the claimant's partner makes a claim for housing benefit, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period.

Textual Amendments

- F2** Regs. 72-72D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **2(2)**

Extended payments – movers **E+W+S**

72C.—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of housing benefit which

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was payable to the mover for the last benefit week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to make payments for the new dwelling is to the second authority, the extended payment may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover's partner, makes a claim for housing benefit to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended payment from the appropriate authority,

the second authority shall reduce the weekly amount of housing benefit that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended payment until the end of the extended payment period.

(5) The reduction of housing benefit made by the second authority under paragraph (4) is subject to any entitlement the claimant may have pursuant to regulation 7(6) (liability to make payments in respect of two homes).

(6) Where the last benefit week referred to in paragraph (2) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(7) No extended payment is payable for any rent free period as defined in regulation 81(1) (rent free periods).

Textual Amendments

F2 Regs. 72-72D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **2(2)**

Relationship between extended payment and entitlement to housing benefit under the general conditions of entitlement **E+W+S**

72D.—(1) Where a claimant's housing benefit award would have ended when the claimant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in regulation 72(1) (b), that award will not cease until the end of the extended payment period.

(2) Part 9 (calculation of weekly amounts and changes of circumstances) shall not apply to any extended payment payable in accordance with regulation 72B(1)(a) or 72C(2) (amount of extended payment – movers).]

Textual Amendments

F2 Regs. 72-72D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **2(2)**

[^{F3} Calculation of an extended payment where the benefit cap applies **E+W+S**

72E. Where a claimant's housing benefit in the benefit week with respect to which the extended payment is to be calculated is reduced in accordance with regulation 75D, the extended payment must be calculated using the amount of housing benefit before any such reduction is made.]

Textual Amendments

F3 Reg. 72E inserted (15.4.2013) by [The Benefit Cap \(Housing Benefit\) Regulations 2012 \(S.I. 2012/2994\)](#), regs. 1, **2(3)**

Extended payments (severe disablement allowance and incapacity benefit) **E+W+S**

[^{F4}**73.**—(1) A claimant who is entitled to housing benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment (qualifying contributory benefits) where—

- (a) the claimant or the claimant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant's partner—
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment,

and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;

- (c) the claimant or the claimant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the claimant or the claimant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last benefit week in which the claimant, or the claimant's partner, was entitled to a qualifying contributory benefit.

(2) A claimant must be treated as entitled to housing benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to housing benefit because the claimant vacated the dwelling occupied as the claimant's home;
- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph (1)(b).

Textual Amendments

F4 Regs. 73A-73D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **3(2)**

Duration of extended payment period (qualifying contributory benefits) **E+W+S**

73A.—(1) Where a claimant is entitled to an extended payment (qualifying contributory benefits), the extended payment period starts on the first day of the benefit week immediately following the

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benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended payment (qualifying contributory benefits) is payable has no liability for rent, if that occurs first.

Textual Amendments

F4 Regs. 73A-73D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **3(2)**

Amount of extended payment (qualifying contributory benefits) **E+W+S**

73B.—(1) For any week during the extended payment period the amount of the extended payment (qualifying contributory benefits) payable to a claimant shall be the higher of—

- (a) the amount of housing benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of housing benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 73 (extended payments (qualifying contributory benefits)) did not apply to the claimant; or
- (c) the amount of housing benefit to which the claimant's partner would be entitled under the general conditions of entitlement, if regulation 73 did not apply to the claimant.

(2) Paragraph (1) is subject to the paragraphs (3) to (6) and does not apply in the case of a mover.

(3) Where the last benefit week referred to in paragraph (1)(a) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(4) Where—

- (a) a claimant is entitled to an extended payment (qualifying contributory benefits) by virtue of regulation 73(2) (early vacation of dwelling); and
- (b) the last benefit week before the claimant ceased to be entitled to a qualifying contributory benefit was a week in which the claimant's eligible rent was calculated in accordance with regulation 80(3)(c) (calculation of rent for a partial week),

the last benefit week for the purpose of calculating the amount of the extended payment (qualifying contributory benefits) under paragraph (1)(a) shall be the benefit week before the partial week.

(5) Where—

- (a) a claimant was treated as occupying two dwellings as the claimant's home under regulation 7(6) (liability to make payments in respect of two homes) at the time when the claimant's entitlement to a qualifying contributory benefit ceased; and
- (b) the claimant's liability to pay rent for either of those dwellings ceases during the extended payment period,

the amount of the extended payment (qualifying contributory benefits) for any week shall be reduced by a sum equivalent to the housing benefit which was payable in respect of that dwelling.

(6) No extended payment (qualifying contributory benefits) is payable for any rent free period as defined in regulation 81(1) (rent free periods).

(7) Where a claimant is in receipt of an extended payment (qualifying contributory benefits) under this regulation and the claimant's partner makes a claim for housing benefit, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period.

Textual Amendments

F4 Regs. 73A-73D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **3(2)**

Extended payments (qualifying contributory benefits) – movers **E+W+S**

73C.—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment (qualifying contributory benefits) payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of housing benefit which was payable to the mover for the last benefit week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to make payments for the new dwelling is to the second authority, the extended payment (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover's partner, makes a claim for housing benefit to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended payment (qualifying contributory benefits) from the appropriate authority,

the second authority shall reduce the weekly amount of housing benefit that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended payment (qualifying contributory benefits) until the end of the extended payment period.

(5) The reduction of housing benefit made by the second authority under paragraph (4) is subject to any entitlement the claimant may have pursuant to regulation 7(6) (liability to make payments in respect of two homes).

(6) Where the last benefit week referred to in paragraph (2) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(7) No extended payment (qualifying contributory benefits) is payable for any rent free period as defined in regulation 81(1) (rent free periods).

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Textual Amendments

- F4** Regs. 73A-73D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **3(2)**

Relationship between extended payment (qualifying contributory benefits) and entitlement to housing benefit under the general conditions of entitlement **E+W+S**

73D.—(1) Where a claimant's housing benefit award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in regulation 73(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 9 (calculation of weekly amounts and changes of circumstances) shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 73B(1)(a) or 73C(2) (amount of extended payment – movers).]

Textual Amendments

- F4** Regs. 73A-73D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **3(2)**

[^{F5}Calculation of an extended payment (qualifying contributory benefits) where the benefit cap applies **E+W+S**

73E. Where a claimant's housing benefit in the benefit week with respect to which the extended payment (qualifying contributory benefits) is to be calculated is reduced in accordance with regulation 75D, the extended payment (qualifying contributory benefits) must be calculated using the amount of housing benefit before any such reduction is made.]

Textual Amendments

- F5** Reg. 73E inserted (15.4.2013) by [The Benefit Cap \(Housing Benefit\) Regulations 2012 \(S.I. 2012/2994\)](#), regs. 1, **2(4)**

Non-dependant deductions **E+W+S**

[^{F6}74.—(1) Subject to the following provisions of this regulation, the deductions referred to in regulation 70 (maximum housing benefit) shall be—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, [^{F7}£124.55] per week;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, [^{F8}£19.30] per week.

(2) In the case of a non-dependant aged 18 or over to whom paragraph (1)(a) applies because he is in remunerative work, where it is shown to the appropriate authority that his normal weekly gross income is—

- (a) less than [^{F9}£176.00], the deduction to be made under this regulation shall be that specified in paragraph (1)(b);
- (b) not less than [^{F10}£176.00] but less than [^{F11}£256.00], the deduction to be made under this regulation shall be [^{F12}£44.40];

- (c) not less than [^{F13}£256.00] but less than [^{F14}£334.00], the deduction to be made under this regulation shall be [^{F15}£60.95];
- (d) not less than [^{F16}£334.00] but less than [^{F17}£445.00], the deduction to be made under this regulation shall be [^{F18}£99.65];
- (e) not less than [^{F19}£445.00] but less than [^{F20}£554.00], the deduction to be made under this regulation shall be [^{F21}£113.50].

(3) Only one deduction shall be made under this regulation in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

(4) In applying the provisions of paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of paragraph (2) to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a couple or members of a polygamous marriage), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the payments in respect of the dwelling payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying a claimant's dwelling if the claimant or his partner is—

- (a) [^{F22}severely sight impaired or blind or treated as severely sight impaired or blind] by virtue of paragraph 13 of Schedule 3 (additional condition [^{F23}for the disability premium]); or
- (b) receiving in respect of himself either—
 - (i) attendance allowance; ^{F24}...
 - (ii) the care component of the disability living allowance; ^{F25}...
 - [^{F26}(ia) the care component of child disability payment;]
 - (iii) the daily living component of personal independence payment; ^{F27} [^{F28}...
 - [the daily living component of adult disability payment; or]
 - ^{F29}(iia)
 - (iv) armed forces independence payment.]

(7) No deduction shall be made in respect of a non-dependant if—

- (a) although he resides with the claimant, it appears to the appropriate authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with [^{F30}youth training] established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student during a period of study within the meaning of Part 7 (Students); or
- (d) he is a full-time student and during a recognised summer vacation appropriate to his course he is not in remunerative work; or
- (e) he is a full-time student and the claimant or his partner has attained the [^{F31}pensionable age]; or
- (f) he is not residing with the claimant because he has been a patient for a period in excess of 52 weeks, or a prisoner, and for these purposes—

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- (i) “patient” has the meaning given in paragraph (18) of regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home);
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods; and
 - (iii) “prisoner” means a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995.
- [^{F32}(g) he is not residing with the claimant because he is a member of the armed forces away on operations.]
- [^{F33}(8) No deduction shall be made in calculating the amount of a rent rebate or allowance in respect of a non-dependant aged less than 25 who is—
- (a) on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance which does not include an amount under section 4(2) (b) of the Welfare Reform Act (the support component [^{F34}and where the non-dependant is not a member of the work-related activity group]^{F35}...); or
 - (b) entitled to an award of universal credit where the award is calculated on the basis that the non-dependant does not have any earned income.]
- (9) In the case of a non-dependant to whom paragraph (2) applies because he is in remunerative work, there shall be disregarded from his weekly gross income—
- (a) any attendance allowance [^{F36}, disability living allowance [^{F37}, child disability payment]^{F38}, armed forces independence payment]^{F39}, personal independence payment [^{F40}or adult disability payment]] received by him;
 - (b) any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust [^{F41}, MFET Limited]^{F42}, the Skipton Fund, the Caxton Foundation]^{F43}, the Scottish Infected Blood Support Scheme]^{F44}, an approved blood scheme]^{F45}, the London Emergencies Trust, the We Love Manchester Emergency Fund]^{F46}, the National Emergencies Trust]^{F47}, the Victims of Overseas Terrorism Compensation Scheme] or the Independent Living [^{F48}Fund (2006)] which had his income fallen to be calculated under [^{F49}or by] regulation 40 (calculation of income other than earnings) would have been disregarded under paragraph 23 of Schedule 5 (income in kind); and
- [^{F50}(ba) any Grenfell Tower payment;]
- [^{F51}(bb) any child abuse payment;
- (bc) any Windrush payment;]
- [^{F52}(bd) any Post Office compensation payment;]
- (c) any payment which had his income fallen to be calculated under regulation 40 would have been disregarded under paragraph 35 of Schedule 5 (payments made under certain trusts and certain other payments).
 - [^{F53}(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during

their mother's pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.]

(10) No deduction shall be made in respect of a non-dependant who is on state pension credit.]

[^{F54}(11) For the purposes of paragraph (8), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.]

Textual Amendments

- F6** Reg. 74 substituted (7.4.2008) by [The Housing Benefit \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2868\)](#), regs. 1(3), **14** (with reg. 1(6))
- F7** Sum in Reg. 74(1)(a) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(a)**
- F8** Sum in Reg. 74(1)(b) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(b)**
- F9** Sum in Reg. 74(2)(a) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(c)**
- F10** Sum in Reg. 74(2)(b) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(d)(ii)**
- F11** Sum in Reg. 74(2)(b) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(d)(iii)**
- F12** Sum in Reg. 74(2)(b) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(d)(i)**
- F13** Sum in Reg. 74(2)(c) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(e)(ii)**
- F14** Sum in Reg. 74(2)(c) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(e)(iii)**
- F15** Sum in Reg. 74(2)(c) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(e)(i)**
- F16** Sum in Reg. 74(2)(d) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(f)(ii)**
- F17** Sum in Reg. 74(2)(d) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(f)(iii)**
- F18** Sum in Reg. 74(2)(d) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(f)(i)**
- F19** Sum in Reg. 74(2)(e) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(g)(ii)**
- F20** Sum in Reg. 74(2)(e) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(g)(iii)**
- F21** Sum in Reg. 74(2)(e) substituted (1.4.2024) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(a), **23(3)(g)(i)**
- F22** Words in reg. 74(6)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **3(5)(b)**
- F23** Words in reg. 74(6)(a) substituted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(3)(a), **8(8)**
- F24** Word in reg. 74(6)(b)(i) omitted (8.4.2013) by virtue of [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 36(4)(a)**
- F25** Word in reg. 74(6)(b) omitted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 34(4)(a)**

Status: Point in time view as at 01/04/2024.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 8. (See end of Document for details)

- F26** Reg. 74(6)(b)(iia) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 5 para. 4(a)**
- F27** Word in reg. 74(6)(b)(iii) omitted (21.3.2022) by virtue of The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(a)(i)**
- F28** Words in reg. 74(6)(b)(iv) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 34(4)(b)**
- F29** Reg. 74(6)(b)(iia) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(a)(ii)**
- F30** Words in reg. 74(7)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **6(6)(11)**
- F31** Words in reg. 74(7)(e) substituted (6.12.2018) by The Social Security (Miscellaneous Amendments No. 5) Regulations 2017 (S.I. 2017/1187), regs. 1(2)(b), **6**
- F32** Reg. 74(7)(g) added (1.4.2013) by The Housing Benefit (Amendment) Regulations 2013 (S.I. 2013/665), regs. 1, **2(6)**
- F33** Reg. 74(8) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **35(7)(a)**
- F34** Words in reg. 74(8)(a) substituted (23.6.2017) by The Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017 (S.I. 2017/581), regs. 1, **5(4)** (with reg. 10)
- F35** Words in reg. 74(8)(a) omitted (3.4.2017) by virtue of The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 6(6)(a)** (with Sch. 2 paras. 1-7)
- F36** Words in reg. 74(9)(a) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 36(4)(c)**
- F37** Words in reg. 74(9)(a) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 5 para. 4(b)**
- F38** Words in reg. 74(9)(a) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 34(4)(c)**
- F39** Reg. 74(9)(a): comma substituted for word (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(b)(i)**
- F40** Words in reg. 74(9)(a) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(b)(ii)**
- F41** Words in reg. 74(9)(b) inserted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(3)(a), **8(3)(e)**
- F42** Words in reg. 74(9)(b) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **19(5)**
- F43** Words in reg. 74(9)(b) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **6(3)(d)**
- F44** Words in reg. 74(9)(b) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **6(3)(d)**
- F45** Words in reg. 74(9)(b) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **6(3)(d)**
- F46** Words in reg. 74(9)(b) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **5(10)(a)**

- F47** Words in reg. 74(9)(b) inserted (27.10.2023) by The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **6(3)(c)**
- F48** Words in reg. 74(9)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **6(4)(d)(11)**
- F49** Words in reg. 74(9)(b) inserted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(3)(a), **8(5)(d)**
- F50** Reg. 74(9)(ba) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **5(10)(b)**
- F51** Reg. 74(9)(bb)(bc) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **5(6)**
- F52** Reg. 74(9)(bd) inserted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **5(6)**
- F53** Reg. 74(9)(d) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **6(4)**
- F54** Reg. 74(11) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **35(7)(b)**

Minimum housing benefit **E+W+S**

75. Where housing benefit is payable in the form of a rent rebate or allowance, it shall not be payable where the amount to which a person would otherwise be entitled is less than 50 pence per benefit week.

Status:

Point in time view as at 01/04/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, PART 8.