
STATUTORY INSTRUMENTS

2006 No. 213

The Housing Benefit Regulations 2006

PART 9 E+W+S

Calculation of weekly amounts and changes of circumstances

Date on which entitlement is to commence E+W+S

76.—(1) Subject to ^[F1]paragraphs (2) and (3)], a person who makes a claim and is otherwise entitled to housing benefit shall be entitled to that benefit from the benefit week following the date on which his claim is or is treated as made.

(2) Where a claimant is otherwise entitled to housing benefit and becomes liable, for the first time, to make payments in respect of the dwelling which he occupies as his home in the benefit week in which his claim is or is treated as made, he shall be so entitled from that benefit week.

^[F2](3) A claimant shall become entitled to housing benefit from the benefit week in which the first day in respect of which his claim is made falls, where—

- (a) he is otherwise entitled to housing benefit;
- (b) paragraph (2) does not apply to him; and

^[F3](c) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of the accommodation listed in paragraph (4) which he occupies as his home.]]

^[F4](4) The accommodation referred to in paragraph (3)(c) is—

- (a) a hostel;
- (b) board and lodging accommodation where the payments are to an authority under section 206(2) of the Housing Act 1996 or section 35(2)(b) of the Housing (Scotland) Act 1987;
- (c) accommodation which the authority holds on a licence agreement where the payments are to an authority under section 206(2) of the Housing Act 1996 or section 35(2)(b) of the Housing (Scotland) Act 1987; or
- (d) accommodation outside that authority's Housing Revenue Account which the authority holds on a lease granted for a term not exceeding 10 years.

(5) In this regulation—

“board and lodging accommodation” means—

- (a) accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than a person to whom the accommodation is provided or by a member of his family) and are consumed in that accommodation or associated premises; or
- (b) accommodation provided to a person in a hotel, guest house, lodging house or some similar establishment,

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but it does not include accommodation in a care home, an Abbeyfield Home, an independent hospital or a hostel; and

“Housing Revenue Account” has the same meaning as for the purposes of Part VIII of the Social Security Administration Act 1992.]

Textual Amendments

- F1 Words in reg. 76(1) substituted (1.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(4), **8(4)(a)**
- F2 Reg. 76(3) inserted (1.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(4), **8(4)(b)**
- F3 Reg. 76(3)(c) substituted (1.4.2007) by [The Housing Benefit \(Daily Liability Entitlement\) Amendment Regulations 2007 \(S.I. 2007/294\)](#), regs. 1, **2(2)(a)**
- F4 Reg. 76(4)(5) inserted (1.4.2007) by [The Housing Benefit \(Daily Liability Entitlement\) Amendment Regulations 2007 \(S.I. 2007/294\)](#), regs. 1, **2(2)(b)**

Date on which housing benefit is to end E+W+S

^{F5}~~77~~.

Textual Amendments

- F5 Reg. 77 omitted (6.10.2008) by virtue of [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **4(4)(a)**

Date on which housing benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases E+W+S

^{F6}~~78~~.

Textual Amendments

- F6 Reg. 78 omitted (6.10.2008) by virtue of [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **4(4)(b)**

Date on which change of circumstances is to take effect E+W+S

79.—(1) Except in cases where [^{F7}regulation 34 (disregard of changes in tax, contributions, etc) applies, and subject to regulation 8(3) of the Decisions and Appeals Regulations and] the following provisions of this regulation, and to [^{F8}regulation 80(5)], a change of circumstances which affects entitlement to, or the amount of, housing benefit (“change of circumstances”) shall take effect from the first day of the benefit week following the date on which the change of circumstances actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

[^{F9}(2) Subject to paragraph (8) [^{F10}and regulation 8(3) of the Decisions and Appeals Regulations] where the change of circumstances is a change in the amount of rent payable in respect of a dwelling, that change shall take effect from the day on which it actually occurs.]

[^{F11}(2A) Subject to paragraphs (8) [^{F12}to (10)], except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies, where the change of circumstances is—

- (a) that a person moves into a new dwelling occupied as the home, or
- (b) any other event which—
 - (i) entitles a person to be treated as occupying two dwellings as his home under regulation 7(6), or
 - (ii) brings to an end a person's right to be treated as occupying two dwellings as his home under that regulation, in a case where he has, immediately prior to the event, been treated as occupying two dwellings as his home,

that change of circumstances shall take effect on the day on which it actually occurs.

(2B) Subject to paragraph (8), where the change of circumstances is the expiry of a maximum period of time, referred to in regulation 7(6), for which a person can be treated as occupying two dwellings as his home, that change shall take effect on the day after the last day of that period]

(3) Subject to paragraphs (8) ^{F13}..., where the change of circumstances is an amendment to these Regulations that change, subject to [^{F8}regulation 80(5)], shall take effect as follows—

- (a) where the amendment is made by an order under section 150 of the Administration Act (annual up-rating of benefits)—
 - (i) in a case in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 80(2)(b) [^{F14}or (c)] (calculation of weekly amounts), from 1st April;
 - (ii) in any other case, from the first Monday in April, in the year in which that order comes into force;
- (b) in respect of any other amendment, from the date on which the amendment of these Regulations comes into force in the particular case.

[^{F15}(4) Subject to paragraph (8), if two or more changes of circumstances occurring in the same benefit week would, but for this paragraph, take effect in different benefit weeks in accordance with this regulation, they shall all take effect on the first day of the benefit week in which they occur, unless a change taking effect under paragraphs (2), (2A) or (2B) takes effect in that week, in which case the changes shall all take effect on the day on which that change takes effect.]

- (5) Where, during a benefit week commencing on the first Monday in April—
 - (a) a change of circumstances takes effect in accordance with paragraph (3)(a)(ii);
 - (b) one or more changes of circumstances occur to which paragraph (1) applies; and
 - (c) no other change of circumstances occurs to which this regulation applies,

any change of circumstances to which paragraph (1) applies and which occurs in that benefit week shall take effect from the first day of that benefit week.

(6) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

(7) Without prejudice to paragraph (6), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances shall take effect from the first day on which such income, had it been timeously paid in that period at intervals

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appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

[^{F16}(8) Subject to paragraph (9), where a change of circumstances occurs which has the effect of bringing entitlement to an end it shall take effect on the first day of the benefit week following the benefit week in which that change actually occurs except in a case where a person is liable to make payments, which fall due on a daily basis, ^{F17}... in which case that change shall take effect on the day on which it actually occurs.

(9) Where the change of circumstances is that a person moves to a new dwelling and immediately after the move he is treated as occupying his former dwelling as his home in accordance with regulation 7(7) or (10) then that change of circumstances shall take effect on the day after the last day for which he is treated as [^{F18}occupying] the former dwelling in accordance with whichever of those regulations applies in his case.]

[^{F19}(10) Where the change of circumstances [is that the person moves to a new dwelling and immediately before the move that person is treated as occupying the new dwelling in accordance with regulation 7(8) then that change of circumstances shall take effect on the first day on which the person is treated as occupying the new dwelling as the home under that regulation.]

Textual Amendments

- F7** Words in reg. 79(1) substituted (24.9.2007) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **4(2)**
- F8** Words in reg. 79(1)(3) substituted (7.4.2008) by [The Housing Benefit \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2868\)](#), regs. 1(3), **15** (with reg. 1(6))
- F9** Reg. 79(2) substituted (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F10** Words in reg. 79(2) substituted (24.9.2007) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **4(3)**
- F11** Reg. 79(2A)(2B) inserted by S.I. 2005/2502, reg. 2(10)(c) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F12** Words in reg. 79(2A) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **11(9)(a)**
- F13** Words in reg. 79(3) omitted by virtue of S.I. 2005/2502, reg. 2(10)(d)(i) (as amended) (3.4.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F14** Words in reg. 79(3)(a)(i) inserted by S.I. 2005/2502, reg. 2(10)(d)(ii) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F15** Reg. 79(4) substituted (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F16** Reg. 79(8)(9) substituted (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F17** Words in reg. 79(8) omitted (1.4.2007) by virtue of [The Housing Benefit \(Daily Liability Entitlement\) Amendment Regulations 2007 \(S.I. 2007/294\)](#), regs. 1, **2(3)**
- F18** Word in reg. 79(9) substituted (30.10.2008) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2008 \(S.I. 2008/2667\)](#), regs. 1, **5**

F19 Reg. 79(10) inserted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), 11(9)(b)

Calculation of weekly amounts **E+W+S**

80.—^{F20}(1) A person's entitlement to housing benefit in any benefit week shall be calculated in accordance with the following provisions of this regulation.

- (2) The weekly amount of a claimant's eligible rent shall be—
- (a) subject to paragraph (3), where rent is payable at intervals of one week or a multiple thereof, the amount of eligible rent payable weekly or, where it is payable at intervals of a multiple of a week, the amount determined by dividing the amount of eligible rent payable by the number equal to the number of weeks in respect of which it is payable; or
 - (b) subject to paragraph (3), where the rent is payable at intervals of a calendar month or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of calendar months in respect of which it is payable, multiplying by 12 and dividing by 52;
 - (c) subject to paragraph (3), where the rent is payable at intervals of a day or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of days in respect of which it is payable and multiplying by 7.
- (3) In a case—
- (a) to which regulation 76(2) or (3) (date on which entitlement is to commence) applies, his eligible rent for the benefit week in which he becomes liable to make payments in respect of a dwelling which he occupies as his home shall be calculated by multiplying his daily rent by the number equal to the number of days in that benefit week for which he is liable to make such payments;
 - (b) where a change of circumstances takes effect in a benefit week under regulation 79(2A), (but is not a change described in sub-paragraph (c)(ii) of this regulation), (2B), (8) or (9) other than on the Monday of a benefit week then the claimant's eligible rent for that benefit week shall be calculated by multiplying his daily rent by the appropriate number of days in that benefit week;
 - (c) where—
 - (i) the amount of eligible rent which the claimant is liable to pay in respect of a dwelling is altered and that change of circumstances takes effect under regulation 79(2); or
 - (ii) the claimant—
 - (aa) moves to a new dwelling occupied as the home,
 - (bb) he is not entitled to be treated, immediately after that move, as occupying two dwellings as his home or as occupying his former dwelling as his home, and
 - (cc) that change of circumstances takes effect under regulation 79(2A),other than on the Monday of a benefit week, then the claimant's eligible rent for that benefit week shall be calculated by multiplying his old and new daily rent by the number equal to the number of days in that week which relate respectively to the old and new amounts which he is liable to pay.
- (4) In the case of a claimant whose weekly eligible rent falls to be calculated in accordance with paragraph (3)(a) or (b) by reference to the daily rent in his case, his weekly applicable amount, weekly income, the weekly amount of any non-dependant deductions and the minimum amount payable in his case shall be calculated in the same manner as his weekly eligible rent by reference

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to the amounts determined in his case in accordance with Parts 5 to 8 (applicable amounts, income and capital, students and amount of benefit).

(5) Where a change in the amount of a claimant's applicable amount, income or non-dependant deductions falls to be taken into account in the same benefit week as a change in his eligible rent to which paragraph (3)(c) applies, it shall be taken into account in that week on a daily basis in the same manner and as if it had occurred on the same day as that change in his eligible rent.

(6) Where a change in the amount of a claimant's applicable amount, income or non-dependant deductions falls to be taken into account in the same benefit week as a change in his eligible rent to which paragraph (4)(c) applies, it shall be taken into account in that week on a daily basis in the same manner and as if it had occurred on the same day as that change in his eligible rent.

(7) Any amount determined under these Regulations may, if it is appropriate, be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.

(8) In this regulation "daily rent" shall mean the amount determined by dividing by 7 the amount determined under whichever sub-paragraph of paragraph (2) is appropriate in each case.

(9) Where a claimant is entitled to benefit in respect of two (but not more than two) dwellings in accordance with regulation 7(6) his eligible rent shall be calculated in respect of each dwelling in accordance with this regulation.]

Textual Amendments

- F20** substituted (7.4.2008) by [The Housing Benefit \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2868\)](#), regs. 1(3), **16** (with reg. 1(6))
- F21** Words in reg. 80(2)(a) substituted by S.I. 2005/2502, reg. 2(12)(a)(i) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F22** Reg. 80(2)(b)(c) substituted for reg. 80(2)(b) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F23** Reg. 80(3) omitted by virtue of S.I. 2005/2502, reg. 2(12)(b) (as amended) (3.4.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F24** Reg. 80(4) substituted (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F25** Words in reg. 80(4)(a) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **15(4)**
- F26** Words in reg. 80(5) substituted by S.I. 2005/2502, reg. 2(12)(d) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F27** Reg. 80(6) omitted (6.10.2008) by virtue of [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **4(4)(c)**
- F28** Reg. 80(9)(10) inserted by S.I. 2005/2502, reg. 2(12)(f) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)

Rent free periods **E+W+S**

81.—^{F20}(1) This regulation applies to a claimant for any period (referred to in this regulation as a rent free period) in, or in respect of, which he is not liable to pay rent except for any period to which regulation 8(1)(d) (waiver of rent by landlord in return for work done) applies.

(2) In the case of the beginning or ending of a claimant's rent-free period, his eligible rent for the benefit week in which the rent free period begins and ends shall be calculated on a daily basis as if those benefit weeks were weeks to which regulation 80(3) applies.

(3) For the purpose of determining the weekly applicable amount and income of a claimant to whom this regulation applies, the weekly amount of any non-dependant deductions and the minimum amount payable in his case—

- (a) in a case to which regulation 80(2)(a) applies, the amounts determined in his case in accordance with Parts 5 to 8 (applicable amounts, income and capital, students and amount of benefit) shall be multiplied by 52 or 53, whichever is appropriate, and divided by the number equal to the number of weeks in that 52 or 53 week period in respect of which he is liable to pay rent;
- (b) subject to paragraph (4), in a case to which regulation 80(2)(b) or (c) applies, the amounts determined in his case in accordance with Parts 5 to 8 shall be multiplied by 365 or 366, whichever is appropriate and divided by the number of days in that 365 or 366 day period in respect of which he is liable to pay rent.

(4) In a case to which paragraph (3)(b) applies, where either regulation 80(4) or (5) also applies or it is the beginning or end of a rent-free period, the weekly amounts referred to in paragraph (3) shall first be calculated in accordance with sub-paragraph (b) of that paragraph and then determined on a daily basis in the same manner as the claimant's eligible rent.]

Textual Amendments

- F20** substituted (7.4.2008) by [The Housing Benefit \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2868\)](#), regs. 1(3), **16** (with reg. 1(6))
- F29** Reg. 81(2) substituted by S.I. 2005/2502, reg. 2(13)(a) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(13)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F30** Words in reg. 81(3)(b) inserted by S.I. 2005/2502, reg. 2(13)(b) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(13)** (with regs. 2, 3, Sch. 3, Sch. 4)

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