
STATUTORY INSTRUMENTS

2006 No. 214

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

PART 7

Amount of benefit

Maximum housing benefit

[^{F1}50. 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 61 and 62 (calculation of weekly amounts and rent free periods) less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions).]

Textual Amendments

- F1** Reg. 50 substituted (with application in accordance with reg. 1(5)(6)(7) of the amending S.I.) by [Housing Benefit \(State Pension Credit\) \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2869\)](#), regs. 1(3), **12**

Housing benefit tapers

51. 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.

[^{F2}Amount payable during extended payment period when an extended payment is payable pursuant to regulation 72 or 73 of the Housing Benefit Regulations

52.—(1) This regulation applies where—

- (a) a claimant became entitled to an extended payment pursuant to regulation 72 of the Housing Benefit Regulations 2006 or an extended payment (qualifying contributory benefits) pursuant to regulation 73 of those Regulations; and
- (b) during the extended payment period, these Regulations become applicable to the claimant or the claimant's partner in accordance with regulation 5 (persons who have attained the qualifying age for state pension credit).

(2) Where this regulation applies, the amount of the extended payment or extended payment (qualifying contributory benefits) payable to a claimant for any week during the extended payment period shall be the higher of—

- (a) the amount of the extended payment payable in accordance with regulation 72B(1)(a) of the Housing Benefit Regulations 2006 or the extended payment (qualifying contributory

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benefits) payable in accordance with regulation 73B(1)(a) of those Regulations, as the case may be; or

- (b) the amount of housing benefit to which a claimant would be entitled under the general conditions of entitlement of these Regulations, if regulation 72 (extended payments) or 73 (extended payments (qualifying contributory benefits)) of the Housing Benefit Regulations 2006 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 of these Regulations, if regulation 72 or 73 of the Housing Benefit Regulations 2006 did not apply to the claimant.

(3) Where this regulation applies, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period to a claimant's partner under these Regulations for any week in the extended payment period.]

Textual Amendments

- F2** Reg. 52 substituted (6.10.2008) by [Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **6(3)**

Extended payments (qualifying contributory benefits)

[^{F3}**53.**—(1) Except in the case of a claimant who is in receipt of state pension credit, 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;
- (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

- F3** Regs. 53-53D substituted for reg. 53 (6.10.2008) by [Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **5(2)**

Duration of extended payment period (qualifying contributory benefits)

53A.—(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 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

- F3** Regs. 53-53D substituted for reg. 53 (6.10.2008) by [Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **5(2)**

Amount of extended payment (qualifying contributory benefits)

53B.—(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 53 (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 53 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 benefit) by virtue of regulation 53(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 61(3)(c) (calculation of rent for a partial week),

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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 62(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

- F3** Regs. 53-53D substituted for reg. 53 (6.10.2008) by [Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **5(2)**

Extended payments (qualifying contributory benefits) – movers

53C.—(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 62(1) (rent free periods).

Textual Amendments

F3 Regs. 53-53D substituted for reg. 53 (6.10.2008) by [Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **5(2)**

Relationship between extended payment (qualifying contributory benefits) and entitlement to housing benefit under the general conditions of entitlement

53D.—(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 53(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 8 (calculation of weekly amounts and changes of circumstances) shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 53B(1) (a) or 53C(2) (amount of extended payment – movers).]

Textual Amendments

F3 Regs. 53-53D substituted for reg. 53 (6.10.2008) by [Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **5(2)**

Continuing payments where state pension credit claimed

54.—(1) This regulation applies where—

- (a) the claimant is entitled to housing benefit;
- (b) paragraph (2) is satisfied; and
- (c) either—
 - (i) the claimant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker's allowance [^{F4}or income-related employment and support allowance] continued beyond that age, has attained the age of 65; or
 - (ii) the claimant's partner has actually claimed state pension credit.

(2) This regulation is only satisfied if the Secretary of State has certified to the relevant authority that the claimant's partner has actually claimed state pension credit or that—

- (a) the claimant's award of—
 - (i) income support has terminated because the claimant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker's allowance [^{F5}or income-related employment and support allowance] has terminated because the claimant has attained the qualifying age for state pension credit or the age of 65; and

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(b) the claimant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) Subject to paragraph (4), in a case to which this regulation applies housing benefit shall continue to be paid for the period of 4 weeks beginning on the day following the day the claimant's entitlement to income support [^{F6}, income-related employment and support allowance] or, as the case may be, income-based jobseeker's allowance, ceased, if and for so long as the claimant otherwise satisfies the conditions for entitlement to housing benefit.

(4) Where housing benefit is paid for the period of 4 weeks in accordance with paragraph (3) above, and the last day of that period falls on a day other than the last day of a benefit week, then housing benefit shall continue to be paid until the end of the benefit week in which the last day of that period falls.

(5) Throughout the period of 4 weeks specified in paragraph (3) and any further period specified in paragraph (4)—

- (a) the whole of the income and capital of the claimant shall be disregarded;
- (b) subject to paragraph (6) the appropriate maximum housing benefit of the claimant shall be that which was applicable in his case immediately before that period commenced.

(6) The appropriate maximum housing benefit shall be calculated in accordance with regulation 50 if, since the date it was last calculated—

- (a) the claimant's rent has increased; or
- (b) a change in the deduction under regulation 55 falls to be made.

Textual Amendments

- F4** Words in [reg. 54\(1\)\(c\)\(i\)](#) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **36(a)**
- F5** Words in [reg. 54\(2\)\(a\)\(ii\)](#) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **36(b)**
- F6** Words in [reg. 54\(3\)](#) inserted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **36(c)**

Non-dependant deductions

[^{F7}55.—(1) Subject to the following provisions of this regulation, the deductions referred to in regulation 50 (maximum housing benefit) shall be—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, [^{F8}£73.85] per week;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, [^{F9}£11.45] 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 [^{F10}£124.00], the deduction to be made under this regulation shall be that specified in paragraph (1)(b);
- (b) not less than [^{F11}£124.00] but less than [^{F11}£183.00], the deduction to be made under this regulation shall be [^{F11}£26.25];
- (c) not less than [^{F12}£183.00] but less than [^{F12}£238.00], the deduction to be made under this regulation shall be [^{F12}£36.10];

- (d) not less than [^{F13}£238.00] but less than [^{F13}£316.00], the deduction to be made under this regulation shall be [^{F13}£59.05];
- (e) not less than [^{F14}£316.00] but less than [^{F14}£394.00], the deduction to be made under this regulation shall be [^{F14}£67.25].

(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) blind or treated as blind by virtue of paragraph 6(5) of Schedule 3 (severe disability premiums); or
- (b) receiving in respect of himself either—
 - (i) attendance allowance; or
 - (ii) the care component of the disability living allowance.

(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 [^{F15}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 regulation 53(1) of the Housing Benefit Regulations 2006 (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 age of 65; 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—
 - (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

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the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995.

(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 on income support [^{F16}, 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 and the work-related activity component)].

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

(10) 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 or disability living allowance received by him;
- (b) any payment made under [^{F17}or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust [^{F18}, MFET Limited][^{F19}, the Skipton Fund, the Caxton Foundation] or the Independent Living [^{F20}Fund (2006)] which had his income fallen to be calculated under regulation 40 (calculation of income other than earnings) of the Housing Benefit Regulations 2006 would have been disregarded under paragraph 23 of Schedule 5 (income in kind) to those Regulations; and
- (c) any payment which had his income fallen to be calculated under regulation 40 of the Housing Benefit Regulations 2006 would have been disregarded under paragraph 35 of Schedule 5 (payments made under certain trusts and certain other payments) to those Regulations.]

Textual Amendments

- F7** Reg. 55 substituted (with application in accordance with reg. 1(5)(6)(7) of the amending S.I.) by [Housing Benefit \(State Pension Credit\) \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2869\)](#), regs. 1(3), **14**
- F8** Reg. 55(1)(a) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **21(3)(a)**
- F9** Reg. 55(1)(b) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **21(3)(b)**
- F10** Reg. 55(2)(a) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **21(3)(c)**
- F11** Reg. 55(2)(b) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **21(3)(d)**
- F12** Reg. 55(2)(c) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **21(3)(e)**
- F13** Reg. 55(2)(d) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **21(3)(e)**
- F14** Reg. 55(2)(e) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2012 \(S.I. 2012/780\)](#), arts. 1(2)(j), **21(3)(g)**
- F15** Words in reg. 55(7)(b) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **7(4)(a)**, (8)
- F16** Words in reg. 55(8) substituted (27.10.2008) by [Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **37**
- F17** Words in reg. 55(10)(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)(b), **9(5)(a)**

- F18** Words in reg. 55(10)(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)(b), **9(3)(b)**
- F19** Words in reg. 55(10)(b) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **20(7)**
- F20** Words in reg. 55(10)(b) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **7(4)(b)**, (8)

Minimum housing benefit

56. 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.

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Changes to legislation:

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