



# Social Security Contributions and Benefits Act 1992

## 1992 CHAPTER 4

### PART VII

#### INCOME-RELATED BENEFITS

**Modifications etc. (not altering text)**

**C1** Pt. 7: power to modify conferred (1.7.1992) by [Social Security Administration Act 1992 \(c. 5\), ss. 150\(7\), 151, 192\(4\)](#).

#### *General*

**[<sup>F1</sup>123 Income-related benefits.**

- (1) Prescribed schemes shall provide for the following benefits (in this Act referred to as “income-related benefits”)—
  - (a) income support;
  - <sup>F2</sup>(b) .....
  - <sup>F2</sup>(c) .....
  - (d) housing benefit; and
  - <sup>F3</sup>(e) council tax benefit.]
- (2) The Secretary of State shall make copies of schemes prescribed under subsection (1) (a), (b) or (c) above available for public inspection at local offices of [<sup>F4</sup>the Department for Work and Pensions] at all reasonable hours without payment.
- (3) Every authority granting housing benefit—
  - (a) shall take such steps as appear to them appropriate for the purpose of securing that persons who may be entitled to housing benefit from the authority become aware that they may be entitled to it; and

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- (b) shall make copies of the housing benefit scheme, with any modifications adopted by them under the Administration Act, available for public inspection at their principal office at all reasonable hours without payment.

[<sup>F5</sup>(4) [<sup>F6</sup>Each billing authority and in Scotland each local authority]—

- (a) shall take such steps as appear to it appropriate for the purpose of securing that any person who may be entitled to council tax benefit in respect of council tax payable to the authority becomes aware that he may be entitled to it; and
- (b) shall make copies of the council tax benefit scheme, with any modifications adopted by it under the Administration Act, available for public inspection at its principal office at all reasonable hours without payment.]]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/358](#), art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F2** S. 123(1)(b)(c) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); [S.I. 2003/962](#), art. 2(4)(e), [Sch. 2](#) (with art. 3)
- F3** S. 123(1)(e) substituted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), [Sch. 9 para. 1\(1\)](#) (with s. 118)
- F4** Words in s. 123(2) substituted (27.6.2002) by [The Secretaries of State for Education and Skills and for Work and Pensions Order 2002 \(S.I. 2002/1397\)](#), art. 1(2), [Sch. para. 7](#)
- F5** S. 123(4) substituted for s. 123(4)-(6) (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), [Sch. 9 para. 1\(2\)](#) (with s. 118)
- F6** Words in s. 123(4) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 1\(2\)](#)

#### Modifications etc. (not altering text)

- C2** Ss. 123, 131-137 restricted (temp.) (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), [Sch. 9 para. 11](#) (with s. 118(1)(2)(4)),

### *Income support*

#### [<sup>F1</sup>124 **Income support.**

- (1) A person in Great Britain is entitled to income support if—
- [<sup>F7</sup>(a) he is of or over the age of 16;]
- [<sup>F8</sup>(aa) he has not attained the qualifying age for state pension credit;]
- (b) he has no income or his income does not exceed the applicable amount;
- (c) he is not engaged in remunerative work and, if he is a member of a [<sup>F9</sup>couple], the other member is not so engaged; <sup>F10</sup> ...
- [<sup>F11</sup>(d) except in such circumstances as may be prescribed, he is not receiving relevant education;]
- [<sup>F12</sup>(e) he falls within a prescribed category of person; <sup>F13</sup> ...]
- (f) he is not entitled to a jobseeker's allowance and, if he is a member of a [<sup>F14</sup>couple], the other member of the couple is not [<sup>F15</sup> and the couple are not, entitled to an income-based jobseeker's allowance]; <sup>F16</sup> ...
- [<sup>F17</sup>(g) if he is a member of a [<sup>F18</sup>couple], the other member of the couple is not entitled to state pension credit][<sup>F19</sup>; and

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- (h) he is not entitled to an employment and support allowance and, if he is a member of a couple, the other member of the couple is not entitled to an income-related employment and support allowance.]

[<sup>F20</sup>(1A) Regulations under paragraph (e) of subsection (1) must secure that a person who—

- (a) is not a member of a couple, and
- (b) is responsible for, and a member of the same household as, a child under the age of [<sup>F21</sup>5],

falls within a category of person prescribed under that paragraph.

(1B) Subsection (1A) does not apply if regulations under subsection (4)(c) of section 1A of the Jobseekers Act 1995 containing the provision mentioned in subsection (5) of that section are in force.]

<sup>F22</sup>(2) .....

<sup>F22</sup>(3) .....

(4) Subject to subsection (5) below, where a person is entitled to income support, then—

- (a) if he has no income, the amount shall be the applicable amount; and
- (b) if he has income, the amount shall be the difference between his income and the applicable amount.

(5) Where a person is entitled to income support for a period to which this subsection applies, the amount payable for that period shall be calculated in such manner as may be prescribed.

(6) Subsection (5) above applies—

- (a) to a period of less than a week which is the whole period for which income support is payable; and
- (b) to any other period of less than a week for which it is payable.

[<sup>F23</sup>(7) In this section, “income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance).]]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F7** S. 124(1)(a) substituted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 30(2)**; S.I. 1996/2208, art. 2(b)
- F8** S. 124(1)(aa) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 2 para. 2(2)**; S.I. 2003/1766, art. 2(a)
- F9** Word in s. 124(1)(c) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 42**; S.I. 2005/3175, art. 2(1), Sch. 1
- F10** Word in s. 124(1)(c) repealed (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 3**; S.I. 1996/2208, art. 2(b)
- F11** S. 124(1)(d) substituted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 30(4)**; S.I. 1996/2208, art. 2(b)
- F12** S. 124(1)(e)(f) inserted (12.12.1995 for specified purposes, 7.10.1996 in so far as not already in force) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 30(5)**; S.I. 1995/3228, art. 2(b), Sch.; S.I. 1996/2208, art. 2(b)

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- F13** Word in s. 124(1) repealed (6.10.2003) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 3**; S.I. 2003/1766, art. 2(a)
- F14** Word in s. 124(1)(f) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 42**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F15** Words in s. 124(1)(f) inserted (19.3.2001) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), **Sch. 8 para. 28**; S.I. 2001/933, art. 4(a)
- F16** Word in s. 124(1)(f) repealed (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 8**; S.I. 2008/787, art. 2(4)(g)
- F17** S. 124(1)(g) and preceding word inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 2 para. 2(3)**; S.I. 2003/1766, art. 2(a)
- F18** Word in s. 124(1)(g) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 42**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F19** S. 124(1)(h) and preceding word inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 9(9)**; S.I. 2008/787, art. 2(4)(f)
- F20** S. 124(1A)(1B) inserted (21.5.2012 for s. 124(1A)) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 3(1), 61(3)**; S.I. 2012/1256, art. 2(1)
- F21** Figure in s. 124(1A) substituted (20.3.2012) by virtue of [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 58(2), 150(3)**; S.I. 2012/863, art. 2(1)(c)
- F22** S. 124(2)(3) repealed (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 3**; S.I. 1996/2208, art. 2(b)
- F23** S. 124(7) inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 9(10)**; S.I. 2008/787, art. 2(4)(f)

**Modifications etc. (not altering text)**

- C3** S. 124(1)(e) power to make regulations modified (21.5.1998) by [Social Security Act 1998 \(c. 14\)](#), **ss. 77, 87(2)(a)**

**F24** **125 Severe hardship cases.**

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**Textual Amendments**

- F24** S. 125 repealed (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 3**; S.I. 1996/2208, art. 2(b)

**126 Trade disputes.**

[<sup>F1</sup>(1) This section applies to a person, other than a child or a person of a prescribed description—

- (a) who [<sup>F25</sup>is prevented from being entitled to a jobseeker’s allowance by section 14 of the Jobseekers Act 1995 (trade disputes)]; or
  - (b) who would be so [<sup>F26</sup>prevented] if otherwise entitled to that benefit,
- except during any period shown by the person to be a period of incapacity for work <sup>F27</sup>... or to be within the maternity period.

(2) In subsection (1) above “the maternity period” means the period commencing at the beginning of the 6th week before the expected week of confinement and ending at the end of the 7th week after the week in which confinement takes place.

(3) For the purpose of calculating income support—

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- (a) so long as this section applies to a person who is not a member of a family, the applicable amount shall be disregarded;
  - (b) so long as it applies to a person who is a member of a family but is not a member of a [<sup>F28</sup>couple], the portion of the applicable amount which is included in respect of him shall be disregarded;
  - (c) so long as it applies to one of the members of a [<sup>F29</sup>couple]—
    - (i) if the applicable amount consists only of an amount in respect of them, it shall be reduced to one half; and
    - (ii) if it includes other amounts, the portion of it which is included in respect of them shall be reduced to one-half and any further portion of it which is included in respect of the member of the couple to whom this section applies shall be disregarded;
  - (d) so long as it applies to both the members of a [<sup>F30</sup>couple]—
    - (i) if neither of them is responsible for a child or person of a prescribed description who is a member of the same household, the applicable amount shall be disregarded; and
    - (ii) in any other case, the portion of the applicable amount which is included in respect of them and any further portion of it which is included in respect of either of them shall be disregarded.
- (4) Where a reduction under subsection (3)(c) above would not produce a sum which is a multiple of 5p, the reduction shall be to the nearest lower sum which is such a multiple.
- (5) Where this section applies to a person for any period, then, except so far as regulations provide otherwise—
- (a) in calculating the entitlement to income support of that person or a member of his family the following shall be treated as his income and shall not be disregarded—
    - (i) any payment which he or a member of his family receives or is entitled to obtain by reason of the person to whom this section applies being without employment for that period; and
    - (ii) without prejudice to the generality of sub-paragraph (i) above, any amount which becomes or would on an application duly made become available to him in that period by way of repayment of income tax deducted from his [<sup>F31</sup>taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations]; and
  - (b) any payment by way of income support for that period or any part of it which apart from this paragraph would be made to him, or to a person whose applicable amount is aggregated with his—
    - (i) shall not be made if the weekly rate of payment is equal to or less than the relevant sum; or
    - (ii) if it is more than the relevant sum, shall be at a weekly rate equal to the difference.
- (6) In respect of any period less than a week, subsection (5) above shall have effect subject to such modifications as may be prescribed.
- (7) Subject to subsection (8) below, “the relevant sum” for the purposes of subsection (5) above shall be [<sup>F32</sup>£41.00].

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- (8) If an order under section 150 of the Administration Act (annual up-rating) has the effect of increasing payments of income support, from the time when the order comes into force there shall be substituted, in subsection (5)(b) above, for the references to the sum for the time being mentioned in it references to a sum arrived at by—
- (a) increasing that sum by the percentage by which the personal allowance under paragraph 1(1) of Part I of Schedule 2 to the <sup>M1</sup>Income Support (General) Regulations 1987 for a single person aged not less than 25 has been increased by the order; and
  - (b) if the sum as so increased is not a multiple of 50p, disregarding the remainder if it is 25p and, if it is not, rounding it up or down to the nearest 50p,
- and the order shall state the substituted sum.]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), **Sch. 4** (with arts. 9, 10, **Sch. 5**)
- F25** Words in s. 126(1)(a) substituted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 31(a)**; S.I. 1996/2208, art. 2(b)
- F26** Word in s. 126(1)(b) substituted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 31(b)**; S.I. 1996/2208, art. 2(b)
- F27** Words in s. 126(1) repealed (13.4.1995) by [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#), s. 16(3), **Sch. 1 para. 31**, **Sch. 2**; S.I. 1994/2926, art. 2(4), **Sch. Pt. 4**
- F28** Word in s. 126(3)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 43**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F29** Word in s. 126(3)(c) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 43**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F30** Word in s. 126(3)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 43**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F31** Words in s. 126(5)(a)(ii) substituted (6.4.2003 with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, **Sch. 6 para. 179** (with **Sch. 7**)
- F32** S. 126(7): sum confirmed (12.4.2021 with effect in accordance with art. 1(3)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2021 \(S.I. 2021/162\)](#), arts. 1(3)(i), **23**

#### Marginal Citations

- M1** S.I. 1987/1967.

#### [<sup>F1</sup>127 Effect of return to work.

If a person returns to work with the same employer after a period during which section 126 above applies to him, and whether or not his return is before the end of any stoppage of work in relation to which he is or would be [<sup>F33</sup>prevented from being entitled to a jobseeker's allowance]—

- (a) that section shall cease to apply to him at the commencement of the day on which he returns to work; and
- (b) until the end of the period of 15 days beginning with that day, section 124(1) above shall have effect in relation to him as if the following paragraph were substituted for paragraph (c)—

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“(c) in the case of a member of a [<sup>F34</sup>couple], the other member is not engaged in remunerative work; and”; and

- (c) any sum paid by way of income support for that period of 15 days to him or, where he is a member of a [<sup>F34</sup>couple], to the other member of that couple, shall be recoverable in accordance with the regulations from the person to whom it was paid or from any prescribed person or, where the person to whom it was paid is a member of a [<sup>F34</sup>couple], from the other member of the couple.]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/358](#), art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F33** Words in s. 127 substituted (7.10.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), [Sch. 2 para. 32](#); [S.I. 1996/2208](#), art. 2(b)
- F34** Word in s. 127 substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 44](#); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)

### *Family credit*

#### <sup>F35</sup>**128 Family credit.**

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#### Textual Amendments

- F35** S. 128 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); [S.I. 2003/962](#), art. 2(4)(e), [Sch. 2](#) (with art. 3)

### *Disability working allowance*

#### <sup>F36</sup>**129 Disability working allowance.**

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#### Textual Amendments

- F36** S. 129 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); [S.I. 2003/962](#), art. 2(4)(e), [Sch. 2](#) (with art. 3)

### *Housing benefit*

#### <sup>F1</sup>**130 Housing benefit.**

- (1) A person is entitled to housing benefit if—
- (a) he is liable to make payments in respect of a dwelling in Great Britain which he occupies as his home;
  - (b) there is an appropriate maximum housing benefit in his case; and



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- (c) either—
- (i) he has no income or his income does not exceed the applicable amount; or
  - (ii) his income exceeds that amount, but only by so much that there is an amount remaining if the deduction for which subsection (3)(b) below provides is made.
- (2) In subsection (1) above “payments in respect of a dwelling” means such payments as may be prescribed, but the power to prescribe payments does not include power to prescribe—
- [<sup>F37</sup>(a) payments to a billing authority or to a local authority in Scotland in respect of council tax;]
  - [<sup>F38</sup>(b) mortgage payments, or, in relation to Scotland, payments under heritable securities.]
- (3) Where a person is entitled to housing benefit, then—
- (a) if he has no income or his income does not exceed the applicable amount, the amount of the housing benefit shall be the amount which is the appropriate maximum housing benefit in his case; and
  - (b) if his income exceeds the applicable amount, the amount of the housing benefit shall be what remains after the deduction from the appropriate maximum housing benefit of prescribed percentages of the excess of his income over the applicable amount.

<sup>F39</sup>(4) .....

<sup>F40</sup>(5) .....]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F37** S. 130(2)(a) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), [Sch. 5 para. 1\(3\)](#)
- F38** Words in s. 130(2) substituted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), [Sch. 9 para. 3](#) (with s. 118(1)(2)(4))
- F39** S. 130(4) repealed (7.4.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 30(1), 70(2), [Sch. 8](#); S.I. 2007/2872, art. 2(1)(a)(c)
- F40** S. 130(5) repealed (with savings) (1.4.1997) by [Housing Act 1996 \(c. 52\)](#), ss. 227, 232(3), [Sch. 19 Pt. 6](#); S.I. 1997/618, [art. 2\(1\)](#) (with [Sch.](#))

#### [<sup>F41</sup>130A Appropriate maximum housing benefit

- [<sup>F1</sup>(1) For the purposes of section 130 above, the appropriate maximum housing benefit (in this section referred to as “the AMHB”) is determined in accordance with this section.
- (2) Regulations must prescribe the manner in which the AMHB is to be determined.
- (3) [<sup>F42</sup>The provision which may be made by the regulations includes provision] for the AMHB to be ascertained in the prescribed manner by reference to rent officer determinations.
- (4) The regulations may require an authority administering housing benefit in any prescribed case—



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- (a) to apply for a rent officer determination, and
- (b) to do so within such time as may be specified in the regulations.

[<sup>F43</sup>(5) The regulations may, for the purpose of determining the AMHB, provide for the amount of the liability mentioned in section 130(1)(a) above to be taken to be an amount other than the actual amount of that liability (and, without prejudice to the generality of this subsection, may provide for it to be taken to be the amount of a rent officer determination).

(6) The regulations may, for that purpose, make provision for determining the amount of liability under section 130(1)(a) above which a person is treated as having by virtue of regulations under section 137(2)(j) below (and, without prejudice to the generality of this subsection, may provide for that amount to be the amount of a rent officer determination).]

(7) A rent officer determination is a determination made by a rent officer in the exercise of functions under section 122 of the Housing Act 1996.]]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F41** S. 130A inserted (1.10.2007 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), [ss. 30\(2\)](#), 70(2); S.I. 2007/2872, art. 2(2)(a)(3) (with arts. 3-5)
- F42** Words in s. 130A(3) substituted (27.11.2012 for specified purposes, 1.1.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 69\(2\)](#), 150(3); S.I. 2012/2946, art. 2(1)(a)(b)
- F43** S. 130A(5)(6) substituted (27.11.2012 for specified purposes, 1.1.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 69\(3\)](#), 150(3); S.I. 2012/2946, art. 2(1)(a)(b)

#### <sup>F44</sup>**130B Loss of housing benefit following eviction on certain grounds**

.....

#### Textual Amendments

- F44** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\)](#), s. 31(3)

#### <sup>F44</sup>**130C Relevant orders for possession**

.....

#### Textual Amendments

- F44** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\)](#), s. 31(3)

#### <sup>F44</sup>**130D Loss of housing benefit: supplementary**

.....

*Status: Point in time view as at 26/07/2021.*

*Changes to legislation: Social Security Contributions and Benefits Act 1992, Part VII is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F44** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\), s. 31\(3\)](#)

**<sup>F44</sup>130E Couples**

.....

**Textual Amendments**

**F44** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\), s. 31\(3\)](#)

**<sup>F44</sup>130F Information provision**

.....

**Textual Amendments**

**F44** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\), s. 31\(3\)](#)

**<sup>F44</sup>130G Pilot schemes relating to loss of housing benefit**

.....

**Textual Amendments**

**F44** Ss. 130B-130G cease to have effect (31.12.2010) by virtue of [Welfare Reform Act 2007 \(c. 5\), s. 31\(3\)](#)

*[<sup>F45</sup>Council tax benefit]*

**Textual Amendments**

**F45** S. 131 cross-heading substituted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 119\(2\), Sch. 9 para. 4](#) (with s. 118(1)(2)(4))

**<sup>F1</sup>131 Council tax benefit.**

.....

**Textual Amendments**

**F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

*Status: Point in time view as at 26/07/2021.*

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**<sup>F1</sup>132 Couples.**

.....

**Textual Amendments**

**F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

**<sup>F1</sup>133 Polygamous marriages.**

.....

**Textual Amendments**

**F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

*General*

**[<sup>F1</sup>134 Exclusions from benefit.**

- (1) No person shall be entitled to an income-related benefit if his capital or a prescribed part of it exceeds the prescribed amount.
- (2) Except in prescribed circumstances the entitlement of one member of a family to any one income-related benefit excludes entitlement to that benefit for any other member for the same period.

<sup>F46</sup>(3) .....

- (4) Where the amount of any income-related benefit would be less than a prescribed amount, it shall not be payable except in prescribed circumstances.]

**Textual Amendments**

**F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)

**F46** S. 134(3) repealed (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), Sch. 9 para. 7, [Sch. 14](#) (with s. 118(1)(2)(4))

**Modifications etc. (not altering text)**

**C4** S. 134(1)(2): certain functions transferred (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), [Sch. 2 para. 1\(e\)](#)

**[<sup>F1</sup>135 The applicable amount.**

- (1) The applicable amount, in relation to any income-related benefit, shall be such amount or the aggregate of such amounts as may be prescribed in relation to that benefit.

*Status: Point in time view as at 26/07/2021.*

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(2) The power to prescribe applicable amounts conferred by subsection (1) above includes power to prescribe nil as an applicable amount.

<sup>F47</sup>(3) .....

<sup>F47</sup>(4) .....

(5) <sup>F48</sup>... the applicable amount for a severely disabled person shall include an amount in respect of his being a severely disabled person.

(6) Regulations may specify circumstances in which persons are to be treated as being or as not being severely disabled.]

#### Textual Amendments

**F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/358, art. 8(c), **Sch. 4** (with arts. 9, 10, **Sch. 5**)

**F47** S. 135(3)(4) repealed (15.4.2002) by [Health and Social Care Act 2001 \(c. 15\)](#), s. 70(2), **Sch. 6 Pt. 3**; S.I. 2002/1312, art. 3(e)

**F48** Words in s. 135(5) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4)(e), **Sch. 2** (with art. 3)

#### Modifications etc. (not altering text)

**C5** S. 135(1) power to make regulations modified (21.5.1998) by [Social Security Act 1998 \(c. 14\)](#), **ss. 77, 87(2)(a)**

**C6** S. 135(1)(2) certain functions transferred (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), **Sch. 2 para. 1(f)**

**C7** S. 135(1) power to make regulations modified (8.11.2001) by [Health and Social Care Act 2001 \(c. 15\)](#), **ss. 52(1)(a), 70(2)** (with s. 64); S.I. 2001/3752, **art. 3**

### [<sup>F1</sup>136 **Income and capital.**

(1) Where a person claiming an income-related benefit is a member of a family, the income and capital of any member of that family shall, except in prescribed circumstances, be treated as the income and capital of that person.

(2) Regulations may provide that capital not exceeding the amount prescribed under section 134(1) above but exceeding a prescribed lower amount shall be treated, to a prescribed extent, as if it were income of a prescribed amount.

(3) Income and capital shall be calculated or estimated in such manner as may be prescribed.

(4) A person's income in respect of a week shall be calculated in accordance with prescribed rules; and the rules may provide for the calculation to be made by reference to an average over a period (which need not include the week concerned).

(5) Circumstances may be prescribed in which—

- (a) a person is treated as possessing capital or income which he does not possess;
- (b) capital or income which a person does possess is to be disregarded;
- (c) income is to be treated as capital;
- (d) capital is to be treated as income.]

*Status: Point in time view as at 26/07/2021.*

*Changes to legislation: Social Security Contributions and Benefits Act 1992, Part VII is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); [S.I. 2013/358](#), art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))

#### Modifications etc. (not altering text)

**C8** S. 136: certain functions transferred (5.10.1999) by [Tax Credits Act 1999 \(c. 10\)](#), s. 20(2), [Sch. 2 para. 1\(g\)](#)

### **[<sup>F1</sup>]<sup>F49</sup> 136 Effect of attaining qualifying age for state pension credit**

- (1) Subsections (2) and (3) below apply in relation to housing benefit and council tax benefit in the case of any person who has attained the qualifying age for state pension credit.
- (2) Regulations may make provision for section 134(1) or any provision of section 136 above not to have effect in relation to those benefits in the case of any such person.
- (3) In relation to those benefits, regulations may make provision for the determination of the income and capital of any such person; and any such regulations may include provision applying (with such modifications as the Secretary of State thinks fit)—
  - (a) section 5 of the State Pension Credit Act 2002 (provision for treating income of spouse as income of claimant, etc), and
  - (b) section 15 of that Act (determination of income and capital for purposes of state pension credit).
- (4) Regulations under subsection (3) above may also include provision—
  - (a) authorising or requiring the use of any calculation or estimate of a person's income or capital made by the Secretary of State for the purposes of the State Pension Credit Act 2002; or
  - (b) requiring that, if and so long as an assessed income period is in force under section 6 of that Act in respect of a person falling within subsection (1) above,
    - (i) the assessed amount of any element of his retirement provision shall be treated as the amount of that element for the purposes of housing benefit or council tax benefit; and
    - (ii) his income shall be taken for those purposes not to include any element of retirement provision which it is taken not to include for the purposes of state pension credit by virtue of a determination under subsection (5) of section 7 of that Act.
- (5) In subsection (4) above “assessed amount”, “element” and “retirement provision” have the same meaning as in the State Pension Credit Act 2002.
- (6) The Secretary of State may by regulations make provision for the preceding provisions of this section to apply with modifications in cases to which section 12 of the State Pension Credit Act 2002 (polygamous marriages) applies.
- (7) The provision that may be made by regulations under subsection (6) above includes any provision that may be made by regulations under section 133 above.]]

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**Textual Amendments**

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F49** S. 136A inserted (27.1.2003 for specified purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), [Sch. 2 para. 3](#); S.I. 2003/83, art. 2; S.I. 2003/1766, art. 2(a)

**137 Interpretation of Part VII and supplementary provisions.**

- [<sup>F1</sup>(1) In this Part of this Act, unless the context otherwise requires—
- [<sup>F50</sup>“billing authority” has the same meaning as in Part I of the Local Government Finance Act 1992;]
  - “child” means a person under the age of 16;
  - [<sup>F51</sup>“couple” means—
    - (a) two people who are married to, or civil partners of, each other and are members of the same household; or
    - (b) two people who are not married to, or civil partners of, each other but are living together [<sup>F52</sup>as if they were a married couple or civil partners] otherwise than in prescribed circumstances;]  - [<sup>F53</sup>.....
  - [<sup>F53</sup>.....
  - “dwelling” means any residential accommodation, whether or not consisting of the whole or part of a building and whether or not comprising separate and self-contained premises;
  - “family” means—
    - (a) a [<sup>F54</sup>couple];
    - (b) a [<sup>F54</sup>couple] and a member of the same household for whom one of them is or both are responsible and who is a child or a person of a prescribed description;
    - (c) except in prescribed circumstances, a person who is not a member of a [<sup>F54</sup>couple] and a member of the same household for whom that person is responsible and who is a child or a person of a prescribed description;  - [<sup>F55</sup>“income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;]
  - “industrial injuries scheme” means a scheme made under Schedule 8 to this Act or section 159 of the 1975 Act or under the Old Cases Act;
  - [<sup>F56</sup>.....
  - [<sup>F57</sup>“local authority” in relation to Scotland means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;]
  - [<sup>F58</sup>.....
  - [<sup>F53</sup>.....
  - [<sup>F53</sup>.....
  - [<sup>F59</sup>“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26);]
  - “prescribed” means specified in or determined in accordance with regulations;

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[<sup>F59</sup>“the qualifying age for state pension credit” is (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;]

[<sup>F59</sup>“state pension credit” means state pension credit under the State Pension Credit Act 2002;]

<sup>F58</sup>  
.....

“war pension scheme” means a scheme under which war pensions (as defined in section 25 of the <sup>M2</sup>Social Security Act 1989) are provided;

“week”, in relation to [<sup>F60</sup>council tax benefit], means a period of 7 days beginning with a Monday.

<sup>F61</sup>(1A) .....

- (2) Regulations may make provision for the purposes of this Part of this Act—
- (a) as to circumstances in which a person is to be treated as being or not being in Great Britain;
  - (b) continuing a person’s entitlement to benefit during periods of temporary absence from Great Britain;
  - (c) as to what is or is not to be treated as remunerative work or as employment;
  - [<sup>F62</sup>(d) as to circumstances in which a person is or is not to be treated as engaged or normally engaged in remunerative work;]
  - (e) as to what is or is not to be treated as relevant education;
  - (f) as to circumstances in which a person is or is not to be treated as receiving relevant education;
  - (g) specifying the descriptions of pension increases under war pension schemes or industrial injuries schemes that are analogous to the benefits mentioned in section 129(2)(b)(i) to (iii) above;
  - (h) as to circumstances in which a person is or is not to be treated as occupying a dwelling as his home;
  - (i) for treating any person who is liable to make payments in respect of a dwelling as if he were not so liable;
  - (j) for treating any person who is not liable to make payments in respect of a dwelling as if he were so liable;
  - (k) for treating as included in a dwelling any land used for the purposes of the dwelling;
  - (l) as to circumstances in which persons are to be treated as being or not being members of the same household;
  - (m) as to circumstances in which one person is to be treated as responsible or not responsible for another.]

#### Textual Amendments

- F1** Ss. 123-137 repealed (1.4.2013 in relation to council tax benefit) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), [Sch. 4](#) (with arts. 9, 10, [Sch. 5](#))
- F50** Words in s. 137(1) substituted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 119(2), [Sch. 9 para. 9\(a\)](#) (with s. 118(1)(2)(4))
- F51** Words in s. 137(1) substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), [Sch. 1](#)



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- para. 22(8)(a)**; and substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 2(13)(a)**
- F52** Words in s. 137(1) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 14(2)(d)**
- F53** Words in s. 137(1) repealed (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 119(2), Sch. 9 para. 9(b), **Sch. 14** (with s. 118(1)(2)(4))
- F54** Word in s. 137(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 46(2)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F55** Words in s. 137(1) inserted (7.10.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 35(2)**; S.I. 1996/2208, art. 2(b)
- F56** Words in s. 137(1) repealed (S.) (1.4.1996) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), Sch. 13 para. 174(5), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)
- F57** Words in s. 137(1) inserted (3.7.2007) by Welfare Reform Act 2007 (c. 5), s. 70(1), **Sch. 5 para. 1(4)**
- F58** Words in s. 137(1) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), Sch. 24 para. 46(3), **Sch. 30**; S.I. 2005/3175, art. 2(1)(6), Sch. 1
- F59** Words in s. 137(1) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 4(2)**; S.I. 2003/1766, art. 2(a)
- F60** Words in s. 137(1) repealed (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 119(2), **Sch. 9 para. 9(d)** (with s. 118(1)(2)(4))
- F61** S. 137(1A) omitted (E.W.) (13.3.2014) by virtue of The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 22(8)(b)**; and omitted (S.) (16.12.2014) by virtue of The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 4 para. 2(13)(b)**
- F62** S. 137(2)(d) substituted (7.10.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 35(3)**; S.I. 1996/2208, art. 2(b)

### Marginal Citations

**M2** 1989 c. 24.

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