

STATUTORY INSTRUMENTS

2001 No. 1167

The Discretionary Financial Assistance Regulations 2001

Circumstances in which discretionary housing payments may be made

3. For the purposes of section 69(2)(a) of the Child Support, Pensions and Social Security Act 2000, the prescribed circumstance in which discretionary housing payments may be made is where a person has made a claim for a discretionary housing payment and the requirement for financial assistance does not arise as a consequence of—

- (a) a liability to meet any of the ineligible service charges specified in [^{F1}Schedule 1 to the Housing Benefit Regulations or Schedule 1 to the Housing Benefit (State Pension Credit) Regulations] (ineligible service charges);
- [^{F2}(aa) a liability to meet any payment in respect of service charges other than a payment listed in paragraph 7 of Schedule 1 to the Universal Credit Regulations;]
- (b) a liability to meet charges for water, sewerage or allied environmental services;
- (c) a liability to meet council tax payments ^{F3} ...;
- ^{F4}(d)
- ^{F5}(e)
- (f) a liability to meet the increase in such payment as is referred to in [^{F6}regulation 11(3) of the Housing Benefit Regulations or regulation 11(2) of the Housing Benefit (State Pension Credit) Regulations] ;
- (g) a reduction of an amount of benefit by virtue of [^{F7}section 46(5)] of the Child Support Act 1991 ^{M1};
- (h) a reduction of a specified amount of benefit by virtue of section 2A of the Social Security Administration Act 1992 ^{M2};
- (i) a reduction in the amount of a jobseeker's allowance payable by virtue of section 17 of the Jobseekers Act 1995 ^{M3};
- (j) the non-payability of a jobseeker's allowance or a reduction in the amount of a jobseeker's allowance payable, pursuant to a decision made by virtue of [^{F8}regulation 27A of the Jobseeker's Allowance Regulations 1996 or] section 19 or 20A [^{F9}or regulations made under section 17A] of the Jobseekers Act 1995 ^{M4};
- (k) the suspension of payment of an amount of benefit by virtue of section 21, 22 or 24 of the Social Security Act 1998 ^{M5} or section 68 of, and paragraphs 13 and 14 of Schedule 7 to, the Child Support, Pensions and Social Security Act 2000;
- [^{F10}(l) a restriction in relation to the payment of benefit imposed pursuant to ^{F11} ... [^{F12}section [^{F13}6B] 7, 8 or 9 of the Social Security Fraud Act 2001] (loss of benefit provisions);]
- [^{F14}(m) a reduction of housing benefit imposed pursuant to section 130B of the Social Security Contributions and Benefits Act 1992 (loss of housing benefit following eviction on certain grounds).]

- [^{F15}(n) a reduction in the amount of benefit due to recovery of an overpayment under Part 13 of the Housing Benefit Regulations or Part 12 of the Housing Benefit (State Pension Credit) Regulations, or recovery of excess benefit under Part 11 of the Council Tax Benefit Regulations 2006 or Part 10 of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.]
- [^{F16}(o) a reduction in the amount of universal credit due to recovery of an overpayment pursuant to section 71ZB of the Social Security Administration Act 1992;
- (p) a reduction in the amount of universal credit pursuant to a decision made under section 26 or 27 of the Welfare Reform Act 2012.]

Textual Amendments

- F1** Words in reg. 3(a) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 18(3)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F2** Reg. 3(aa) inserted (10.6.2013) by The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013 (S.I. 2013/1139), regs. 1, **2(4)(a)**
- F3** Words in reg. 3(c) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F4** Reg. 3(d) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F5** Reg. 3(e) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F6** Words in reg. 3(f) substituted (7.4.2008) by The Discretionary Financial Assistance (Amendment) Regulations 2008 (S.I. 2008/637), regs. 1(1), **2(b)**
- F7** Words in reg. 3(g) substituted (7.4.2008) by The Discretionary Financial Assistance (Amendment) Regulations 2008 (S.I. 2008/637), regs. 1(1), **2(c)**
- F8** Words in reg. 3(j) inserted (6.4.2010) by The Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations 2010 (S.I. 2010/509), regs. 1(2), **4(3)**
- F9** Words in reg. 3(j) inserted (25.4.2011) by The Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011 (S.I. 2011/688), regs. 1, **17(1)(c)**
- F10** Reg. 3(l) added (15.10.2001) by The Social Security (Breach of Community Order) (Consequential Amendments) Regulations 2001 (S.I. 2001/1711), regs. 1, **2(6)**
- F11** Words in reg. 3(l) omitted (2.4.2010) by virtue of Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010 (S.I. 2010/424), regs. 1(4), **5**
- F12** Words in reg. 3(l) inserted (1.4.2002) by Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002 (S.I. 2002/490), regs. 1(1), **10**
- F13** Word in reg. 3(l) inserted (1.4.2010) by The Social Security (Loss of Benefit) Amendment Regulations 2010 (S.I. 2010/1160), regs. 1, **8(2)**
- F14** Reg. 3(m) added (1.11.2007) by Housing Benefit (Loss of Benefit) (Pilot Scheme)(Supplementary) Regulations 2007 (S.I. 2007/2474), regs. 1(1), **9**
- F15** Reg. 3(n) added (7.4.2008) by The Discretionary Financial Assistance (Amendment) Regulations 2008 (S.I. 2008/637), regs. 1(1), **2(d)**
- F16** Reg. 3(o)(p) added (10.6.2013) by The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013 (S.I. 2013/1139), regs. 1, **2(4)(b)**

Modifications etc. (not altering text)

- C1** Reg. 3(j) modified (22.11.2010) by Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010 (S.I. 2010/1222), regs. 1(2), **19**

Marginal Citations

- M1** 1991 c. 48.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Discretionary Financial Assistance Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

- M2** Section 2A was inserted by section 57 of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).
- M3** [1995 c. 18](#). Section 17 was amended by paragraph 11 of Schedule 7 to the Welfare Reform and Pensions Act 1999.
- M4** Section 20A was inserted by paragraph 13 of Schedule 7 to the Welfare Reform and Pensions Act 1999.
- M5** [1998 c. 14](#).

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2024/58 reg. 2](#)