
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate existing provisions relating to housing benefit for claimants who have not attained the qualifying age for state pension credit and for those who have attained that age and are receiving, or whose partner is receiving, income support or income-based jobseeker's allowance. In the case of a woman the qualifying age for state pension credit is pensionable age and in the case of a man it is the age which is pensionable age in the case of a woman born on the same day as the man (section 1(6) of the State Pension Credit Act 2002). Provisions relating to those claimants who have attained the qualifying age for state pension credit other than those who are, or whose partner is, receiving income support or income-based jobseeker's allowance are contained in the Housing Benefit (Persons who have attained the Qualifying age for state pension credit) Regulations 2006.

Part 1 of the Regulations contains general provisions relevant to these Regulations. The Regulations consolidated by these Regulations are revoked, in consequence of the consolidation, by the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 ("the Consequential Provisions Regulations"). These Regulations are to be read, where appropriate, with the Consequential Provisions Regulations.

Part 2 makes provision in regard to the circumstances in which a person is or is not to be treated as occupying a dwelling as his home and is or is not to be treated as liable to make payments for a dwelling.

Part 3 specifies those payments by way of rent which are to be eligible for the payment of housing benefit and for determinations and redeterminations by rent officers in rent allowance cases.

Part 4 specifies the circumstances in which a person is or is not to be treated as responsible for another person and who is to be treated as a member of the same household as a claimant for housing benefit.

Part 5 and Schedule 3 provide for the calculation of the applicable amount in respect of a person's entitlement to housing benefit, by reference to which the amount of his benefit is calculated. Provision is made with respect to polygamous marriages and persons receiving free in-patient treatment in a hospital.

Part 6 provides for the calculation of the income and capital of a claimant for housing benefit, the earnings of employed and self-employed earners, the treatment of income other than earnings including notional income, with the sums to be disregarded set out in Schedules 4 and 5.

Calculation of capital is also dealt with, with capital to be disregarded set out in Schedule 6.

Part 7 provides for the treatment of students, their entitlement to housing benefit and the calculation of their income.

Part 8 specifies the maximum amount of housing benefit payable in any case and any deductions which are to be made from that maximum.

Part 9 contains provisions as to when housing benefit is to begin together with provisions relating to change of circumstances and the date those changes take effect.

Part 10 provides for the making, amendment and withdrawal of claims, the evidence and information required in connection with claims and the duty to notify changes of circumstances.

Part 11 provides for the determination of questions arising on claims and the notification of decisions by authorities.

Part 12 provides for the payment of housing benefit including to whom payments are to be made and the withholding of benefit.

Part 13 provides for the recovery of overpaid benefit, what constitutes a recoverable overpayment and the method of recovery.

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

Part 14 provides for the collection, recording and holding of information. It also provides for the supply of information between local authorities.

Part 15 provides for the housing benefit scheme to be modified in the area of Pathfinder authorities. Part 1 of Schedule 10 identifies those local authorities which operate the Pathfinder provisions in their area and Part 2 of that Schedule specifies the modifications which apply in their area.

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