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STATUTORY INSTRUMENTS

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**2006 No. 213**

**The Housing Benefit Regulations 2006**

**PART 8**

Amount of benefit

**[<sup>F1</sup>Amount of extended payment (qualifying contributory benefits)]**

**73B.**—(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 73 (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 73 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 benefits) by virtue of regulation 73(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 80(3)(c) (calculation of rent for a partial week),

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.

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**Changes to legislation:** There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, Section 73B. (See end of Document for details)

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(6) No extended payment (qualifying contributory benefits) is payable for any rent free period as defined in regulation 81(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.]

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**Textual Amendments**

**F1** Regs. 73A-73D substituted for (6.10.2008) by [The Housing Benefit and Council Tax Benefit \(Extended Payments\) Amendment Regulations 2008 \(S.I. 2008/959\)](#), regs. 1(1), **3(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, Section 73B.