
STATUTORY INSTRUMENTS

2006 No. 213

The Housing Benefit Regulations 2006

PART 9

Calculation of weekly amounts and changes of circumstances

Date on which change of circumstances is to take effect

79.—(1) Except in cases where either regulation 34 (disregard of changes in tax, contributions, etc) or regulation 8(3) of the Decisions and Appeals Regulations applies and subject to the following provisions of this regulation, and to regulation 80(6), a change of circumstances which affects entitlement to, or the amount of, housing benefit (“change of circumstances”) shall take effect from the first day of the benefit week following the date on which the change of circumstances actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

(2) Subject to paragraphs (8) and (9) and except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies, where the change of circumstances is a change in the amount of rent payable, it shall take effect from the first day of the benefit week in which it actually occurs or, in a case to which regulation 80(2)(b) applies (calculation of daily amounts), from the day on which it actually occurs.

(3) Subject to paragraphs (8) and (9), where the change of circumstances is an amendment to these Regulations that change, subject to regulation 80(6), shall take effect as follows—

(a) where the amendment is made by an order under section 150 of the Administration Act (annual up-rating of benefits)—

(i) in a case in which the claimant’s weekly amount of eligible rent falls to be calculated in accordance with regulation 80(2)(b) (calculation of weekly amounts), from 1st April;

(ii) in any other case, from the first Monday in April,
in the year in which that order comes into force;

(b) in respect of any other amendment, from the date on which the amendment of these Regulations comes into force in the particular case.

(4) Subject to paragraphs (8) and (9), if two or more changes of circumstances occurring in the same benefit week would, but for this paragraph, take effect in different benefit weeks in accordance with paragraphs (1), (2) or (3)(a)(i) or (b), they shall take effect from the first day of the benefit week in which they occur unless one of the changes is a change in the amount of rent payable in a case to which regulation 80(2)(b) applies, in which case they shall take effect from the day on which that change actually occurs.

(5) Where, during a benefit week commencing on the first Monday in April—

(a) a change of circumstances takes effect in accordance with paragraph (3)(a)(ii);

(b) one or more changes of circumstances occur to which paragraph (1) applies; and

(c) no other change of circumstances occurs to which this regulation applies, any change of circumstances to which paragraph (1) applies and which occurs in that benefit week shall take effect from the first day of that benefit week.

(6) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

(7) Without prejudice to paragraph (6), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances shall take effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

(8) Paragraph (9) applies where—

- (a) a change of circumstances would, but for that paragraph, take effect in accordance with paragraph (2), (3)(a)(i) or (b) or (4) on a day that is not the first day of a benefit week; and
- (b) the effect of that change of circumstances is to end entitlement to housing benefit.

(9) In a case to which this paragraph applies, the change of circumstances shall take effect from the first day of the benefit week following the day on which the change of circumstances actually occurred.