
STATUTORY INSTRUMENTS

2006 No. 213

The Housing Benefit Regulations 2006

PART 3

Payments in respect of a dwelling

[^{F1}When a maximum rent (social sector) is to be determined

A13.—(1) Subject to paragraph (2), the relevant authority must determine a maximum rent (social sector) in accordance with regulation B13 (determination of a maximum rent (social sector)) where the relevant authority has not determined, and is not required to determine—

- (a) a maximum rent in accordance with regulation 13 (maximum rent); or
- (b) a maximum rent (LHA) by virtue of regulation 13C (when a maximum rent (LHA) is to be determined).

(2) This regulation does not apply—

- (a) in a rent allowance case where the tenancy is an excluded tenancy of a type mentioned in any of paragraphs 4 to 11 of Schedule 2 (excluded tenancies) and the landlord is not a registered housing association;
- (b) in respect of shared ownership tenancies;
- (c) in respect of mooring charges for houseboats and payments in respect of the site on which a caravan or mobile home stands;
- (d) where the claimant or the claimant's partner has attained the qualifying age for state pension credit, or where both have attained that age; or
- (e) where the dwelling is temporary accommodation.

(3) In this regulation “temporary accommodation” means accommodation of a kind listed in paragraph (4) which the relevant authority makes available to the claimant, or which a registered housing association makes available to the claimant in pursuance of arrangements made with it by the authority—

- (a) to discharge any of the authority's functions under Part 3 of the Housing Act 1985, Part 7 of the Housing Act 1996 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987; or
- (b) to prevent the claimant being or becoming homeless within the meaning of Part 7 of the Housing Act 1996 or (in Scotland) Part 2 of the Housing (Scotland) Act 1987.

(4) The accommodation referred to in paragraph (3) is—

- (a) accommodation—
 - (i) provided for a charge, where that charge includes the provision of that accommodation and some cooked or prepared meals which are also cooked or prepared, and consumed, in that accommodation or associated premises; or
 - (ii) provided in a hotel, guest house, lodging house or similar establishment,

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Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, Section A13. (See end of Document for details)

but does not include accommodation which is provided in a care home, an independent hospital or a hostel;

- (b) accommodation which the authority or registered housing association holds on a lease and, in the case of an authority in England, is held outside the Housing Revenue Account on a lease granted for a term not exceeding 10 years;
- (c) accommodation which the authority or registered housing association has a right to use under an agreement other than a lease with a third party.]

Textual Amendments

F1 Reg. A13 - Reg. B13 inserted (1.4.2013) by [The Housing Benefit \(Amendment\) Regulations 2012 \(S.I. 2012/3040\)](#), regs. 1(3), 5(7)

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