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STATUTORY INSTRUMENTS

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**2006 No. 213**

**The Housing Benefit Regulations 2006**

**PART 3**

Payments in respect of a dwelling

**[<sup>F1</sup>Determination of a maximum rent (social sector)]**

**B13.**—(1) The maximum rent (social sector) is determined in accordance with paragraphs (2) to (4).

(2) The relevant authority must determine a limited rent by—

- (a) determining the amount that the claimant's eligible rent would be in accordance with regulation 12B(2) without applying regulation 12B(4) and (6);
- (b) where the number of bedrooms in the dwelling exceeds the number of bedrooms to which the claimant is entitled in accordance with [<sup>F2</sup>paragraphs (5) to (7)], reducing that amount by the appropriate percentage set out in paragraph (3); and
- (c) where more than one person is liable to make payments in respect of the dwelling, apportioning the amount determined in accordance with sub-paragraphs (a) and (b) between each such person having regard to all the circumstances, in particular, the number of such persons and the proportion of rent paid by each person.

(3) The appropriate percentage is—

- (a) 14% where the number of bedrooms in the dwelling exceeds by one the number of bedrooms to which the claimant is entitled; and
- (b) 25% where the number of bedrooms in the dwelling exceeds by two or more the number of bedrooms to which the claimant is entitled.

(4) Where it appears to the relevant authority that in the particular circumstances of any case the limited rent is greater than it is reasonable to meet by way of housing benefit, the maximum rent (social sector) shall be such lesser sum as appears to that authority to be an appropriate rent in that particular case.

(5) The claimant is entitled to one bedroom for each of the following categories of person whom the relevant authority is satisfied occupies the claimant's dwelling as their home (and each person shall come within the first category only which is applicable)—

[ a member of a couple who cannot share a bedroom;

<sup>F3</sup>(za)

(zb) a member of a couple who can share a bedroom;]

(a) a couple<sup>F4</sup> ...;

(b) a person who is not a child;

[ a child who cannot share a bedroom;]

<sup>F5</sup>(ba)

- (c) two children of the same sex;
- (d) two children who are less than 10 years old;
- (e) a child.]

F6 ...

[<sup>F7</sup>(6) The claimant is entitled to one additional bedroom in any case where—

[<sup>F8</sup>(a) one or more relevant persons in paragraph (9)(a), (b) or (e) is a person who requires overnight care;]

[ one or more relevant persons in paragraph (9)(c) or (d) is a person who requires overnight  
<sup>F8</sup>(ab) care; or]

(b) [<sup>F9</sup>a relevant person is] a qualifying parent or carer.

[<sup>F10</sup>(7) Where—

(a) more than one sub-paragraph of paragraph (6) applies the claimant is entitled to an additional bedroom for each sub-paragraph that applies;

(b) more than one person falls within [<sup>F11</sup>paragraph (6)(b)] the claimant is entitled to an additional bedroom for each person falling within that sub-paragraph, except that where a person and that person’s partner both fall within the same sub-paragraph the claimant is entitled to only one additional bedroom in respect of that person and that person’s partner.]

(8) For the purposes of determining the number of occupiers of the dwelling under paragraph (5), the relevant authority must include any member of the armed forces away on operations who—

- (a) is the son, daughter, step-son or step-daughter of the claimant or the claimant’s partner;
- (b) was the claimant’s non-dependant before they became a member of the armed forces away on operations; and
- (c) intends to resume occupying the dwelling as their home when they cease to be a member of the armed forces away on operations.]

[<sup>F12</sup>(9) In this regulation “relevant person” means—

- (a) the claimant;
- (b) the claimant’s partner;
- (c) a person (“P”) other than the claimant or the claimant’s partner who is jointly liable with the claimant or the claimant’s partner (or both) to make payments in respect of the dwelling occupied as the claimant’s home;
- (d) P’s partner.]

[<sup>F13</sup>(e) for the purposes of paragraph (6)(a)—

- (i) a person (other than the claimant, the claimant’s partner, P or P’s partner) who occupies the claimant’s dwelling as their home;
- (ii) a child or young person in respect of whom a relevant person under sub-paragraphs (a) to (e)(i) is a qualifying parent or carer.]

#### 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)**

**F2** Words in reg. B13(2)(b) substituted (1.4.2013) by [The Housing Benefit \(Amendment\) Regulations 2013 \(S.I. 2013/665\)](#), regs. 1, **2(3)(a)**

- F3** Reg. B13(5)(za)(zb) inserted (1.4.2017) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/213), regs. 1(1), **4(3)(a)(i)**
- F4** Words in reg. B13(5)(a) omitted (1.4.2017) by virtue of The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/213), regs. 1(1), **4(3)(a)(ii)**
- F5** Reg. B13(5)(ba) inserted (4.12.2013) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2828), regs. 1, **2(3)(a)**
- F6** Words in reg. B13(5) omitted (1.4.2013) by virtue of The Housing Benefit (Amendment) Regulations 2013 (S.I. 2013/665), regs. 1, **2(3)(b)**
- F7** Regs. B13(6)-(8) added (1.4.2013) by The Housing Benefit (Amendment) Regulations 2013 (S.I. 2013/665), regs. 1, **2(3)(c)**
- F8** Reg. B13(6)(a)(ab) substituted for reg. B13(6)(a) (1.4.2017) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/213), regs. 1(1), **4(3)(b)**
- F9** Words in reg. B13(6)(b) substituted (4.12.2013) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2828), regs. 1, **2(3)(b)**
- F10** Reg. B13(7) substituted (4.12.2013) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2828), regs. 1, **2(3)(c)**
- F11** Words in reg. B13(7)(b) substituted (1.4.2017) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/213), regs. 1(1), **4(3)(c)**
- F12** Reg. B13(9) added (4.12.2013) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2828), regs. 1, **2(3)(d)**
- F13** Reg. B13(9)(e) inserted (1.4.2017) by The Housing Benefit and Universal Credit (Size Criteria) (Miscellaneous Amendments) Regulations 2017 (S.I. 2017/213), regs. 1(1), **4(3)(d)**

**Modifications etc. (not altering text)**

- C1** Reg. B13(3)(a) sum maintained (1.4.2014 for specified purposes, 7.4.2014 in so far as not already in force) by The Social Security Benefits Up-rating Order 2014 (S.I. 2014/516), arts. 1(2)(g), **17(1)(2)(a)**
- C2** Reg. B13(3)(a) sum maintained (1.4.2015 for specified purposes, 6.4.2015 in so far as not already in force) by The Social Security Benefits Up-rating Order 2015 (S.I. 2015/457), arts. 1(2)(g), **17(1)(2)(a)**
- C3** Reg. B13(3)(a) sum maintained (1.4.2017 for specified purposes, 3.4.2017 in so far as not already in force) by The Social Security Benefits Up-rating Order 2017 (S.I. 2017/260), arts. 1(2)(j), **22(2)(a)**
- C4** Reg. B13(3)(b) sum maintained (1.4.2014 for specified purposes, 7.4.2014 in so far as not already in force) by The Social Security Benefits Up-rating Order 2014 (S.I. 2014/516), arts. 1(2)(g), **17(1)(2)(b)**
- C5** Reg. B13(3)(b) sum maintained (1.4.2015 for specified purposes, 6.4.2015 in so far as not already in force) by The Social Security Benefits Up-rating Order 2015 (S.I. 2015/457), arts. 1(2)(g), **17(1)(2)(b)**
- C6** Reg. B13(3)(b) sum maintained (1.4.2017 for specified purposes, 3.4.2017 in so far as not already in force) by The Social Security Benefits Up-rating Order 2017 (S.I. 2017/260), arts. 1(2)(j), **22(2)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, Section B13.