

SCHEDULE 7

Regulation 72 and 80(7)

Extended payments of housing benefit

PART 1

Conditions for an extended payment

1. The conditions prescribed in this paragraph are that the Secretary of State has certified to the relevant authority—
 - (a) that the claimant or his partner was entitled to and in receipt of income support or an income-based jobseeker's allowance or that the claimant and his partner were entitled to and in receipt of a joint-claim jobseeker's allowance and that entitlement has ceased;
 - (b) the relevant day in his case;
 - (c) that entitlement to income support or an income-based jobseeker's allowance had ceased by reason of the claimant or his partner—
 - (i) commencing employment as an employed or self-employed earner; or
 - (ii) increasing their earnings from such employment; or
 - (iii) increasing the number of hours worked in such employment; and
 - (d) that the claimant had been entitled to and in receipt of income support or a jobseeker's allowance for a continuous period of at least 26 weeks until the relevant day, and for the purpose of this head—
 - (i) a claimant satisfies the conditions of this sub-paragraph if he has been entitled to and in receipt of a combination of income support and a jobseeker's allowance for at least 26 weeks and for the purposes of this sub-paragraph, a reference to the claimant being entitled to and in receipt of a jobseeker's allowance shall include a reference to the claimant and his partner being entitled to and in receipt of a joint-claim jobseeker's allowance;
 - (ii) the claimant shall be treated as having been entitled to and in receipt of income support or a jobseeker's allowance during any period of less than 5 weeks in respect of which he was not entitled to either of those benefits because, as a consequence of his participation in an employment zone programme, he was engaged in remunerative work; and
 - (iii) references to the claimant include references to his partner.
2. The conditions prescribed in this paragraph are that the claimant or the claimant's partner—
 - (a) notifies either the designated office or an appropriate DWP office that he or his partner—
 - (i) has commenced , or is about to commence, remunerative work;
 - (ii) has commenced, or is about to commence, receiving remuneration for work or an increased amount of remuneration for work; or
 - (iii) has commenced, or is about to commence, an increased number of hours of work, so that entitlement to income support or to an income-based jobseeker's allowance ceases and that work or, as the case may be, remuneration, is expected to last 5 weeks or more; and
 - (b) makes that notification no later than 4 weeks after the day on which the claimant or his partner first undertakes the remunerative work referred to in sub-paragraph (a)(i) or first receives remuneration for the work or an increased amount of remuneration for the work

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referred to in sub-paragraph (a)(ii), or first commences the increased number of hours of work referred to in sub-paragraph (a)(iii).

PART 2

Calculation and payment of an extended payment

3.—(1) Subject to the following provisions of this paragraph and except in the case of a mover, the amount of the extended payment shall be equal to the amount of housing benefit which was payable to the claimant for the last benefit week before he ceased to be entitled to housing benefit.

(2) In a case where the last benefit week referred to in sub-paragraph (1) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that sub-paragraph shall be taken to be the last benefit week that did not fall within a rent free period.

(3) Where the last benefit week before he ceased to be entitled to housing benefit was a week in which the claimant's eligible rent was calculated in accordance with [^{F1} regulation 80(3)(c)] (claimant ceases to occupy the dwelling as his home), sub-paragraph (1) shall have effect as if the reference to the last benefit week before he ceased to be entitled to housing benefit was a reference to the week before that week.

(4) Subject to sub-paragraph (5) the extended payment shall be payable for each of the weeks in the period specified in regulation 72(6) and shall be paid at such time and in such manner as is appropriate, having regard to—

- (a) the times at which and the frequency with which a person's liability to make payment of rent arises; and
- (b) the reasonable needs and convenience of the person entitled thereto.

(5) No extended payment shall be payable for a week which is a rent free period for the purposes of regulation 81(1).

Textual Amendments

F1 Words in Sch. 7 para. 3(3) substituted (7.4.2008) by The Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007 (S.I. 2007/2868), regs. 1(3), 19 (with reg. 1(6))

Movers

4. Paragraphs 5 to 7 below apply to movers from—

- (a) the day the move takes place where that day is a Monday; or
- (b) from the Monday following the day the move takes place where that day is not a Monday.

Movers and rent allowances

5.—(1) Subject to sub-paragraph (2), in the case of a mover whose housing benefit was in the form of a rent allowance, the authority which, prior to the mover ceasing to be entitled to housing benefit, was paying that allowance, shall make an extended payment to that mover calculated on the same basis as in paragraph 3 and, for these purposes, the mover shall be treated as continuing to occupy and be liable to make payments in respect of the dwelling he was occupying as his home immediately before he ceased to be entitled to housing benefit.

(2) Notwithstanding sub-paragraph (1), in a case where that mover's liability to make payments in respect of the second dwelling would be to a housing authority, any extended payment shall be made by that housing authority and shall be determined as provided in paragraph 7(b).

Movers and rent rebates

6. Where, in a case of a mover—
- (a) his housing benefit was in the form of a rent rebate; and
 - (b) he claims an extended payment,

the authority in which the second dwelling is situated or, as the case may be, where the mover's liability to make payments in respect of the second dwelling is to a housing authority, that housing authority, shall upon receiving the mover's claim for an extended payment, which meets the requirements of regulation 72(1), make an extended payment, calculated in accordance with paragraph 7, to that mover.

Movers and extended payments

7. In a case to which paragraph 5(2) or 6 applies and a mover's liability referred to in that paragraph is—

- (a) other than to a housing authority, the extended payment shall be a payment by way of rent allowance calculated in accordance with paragraph 3;
- (b) to a housing authority, the extended payment shall be by way of a rent rebate to the value of such part of the rent in respect of the period specified in regulation 72(6) as is eligible for housing benefit, calculated in accordance with regulations 11 to 13, less, in a case where the rebate to which paragraph 6 refers, or the rent allowance to which paragraph 5 refers, as the case may be, was subject to any deductions in respect of non-dependants pursuant to regulations 70 (maximum housing benefit) and 74 (non-dependant deductions), the amount of those deductions.

Maximum housing benefit

8. In a case to which sub-paragraph 7(b) applies the maximum housing benefit of a mover shall be calculated in accordance with regulation 70, save that no deduction shall be made in respect of non-dependants, other than any that fall to be taken into account pursuant to that sub-paragraph.

Movers with two homes

9. Subject to Part 3 of this Schedule, any extended payment under this Part shall be without prejudice to any entitlement the claimant may have pursuant to regulation 7(6) (liability to make payments in respect of two homes).

PART 3

Adjustment of entitlement in respect of an extended payment

10. Where for any week—
- (a) a person is entitled to an extended payment; and
 - (b) he also claims and is awarded housing benefit,

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then the amount of the housing benefit payable in respect of that week shall be reduced by a sum equal to the amount of the extended payment and only the balance (if any) shall be payable to him for that week.

PART 4

Interpretation

11. In this Schedule—

“claimant” means a person claiming an extended payment;

“mover” means a claimant who changes the dwelling which he occupies as his home in respect of which he is liable or treated as liable to make payments;

“the relevant day” means the day on which the claimant's entitlement to income support or an income-based jobseeker's allowance ceased; and

“second dwelling” means the dwelling to which a person has moved or is about to move which he is or will be occupying as his new home, and where the liability to make payments of rent in respect of his dwelling follows on immediately from the liability to make payments in respect of rent of his previous dwelling.

Status:

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