
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate existing provisions relating to housing benefit for claimants who have attained the qualifying age for state pension credit. In the case of a woman that age is pensionable age and in the case of a man it is the age which is pensionable age in the case of a woman born on the same day as the man (section 1(6) of the State Pension Credit Act 2002). These Regulations do not however apply if either the claimant or the claimants partner in receipt of income support or an income-based jobseeker's allowance, notwithstanding that the claimant has attained the qualifying age for state pension credit. Provisions relating to those claimants and others who have not attained the qualifying age for state pension credit are contained in the Housing Benefit Regulations 2006.

Part 1 of the Regulations contains general provisions relevant to these Regulations. The Regulations consolidated by these Regulations are revoked, in consequence of the consolidation, by the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (“the Consequential Provisions Regulations”). These Regulations are to be read, where appropriate, with the Consequential Provisions Regulations.

Part 2 makes provision in regard to the circumstances in which a person is or is not to be treated as occupying a dwelling as his home and is or is not to be treated as liable to make payments for a dwelling.

Part 3 specifies those payments by way of rent which are to be eligible for the payment of housing benefit and for determinations and redeterminations by rent officers in rent allowance cases.

Part 4 specifies the circumstances in which a person is or is not to be treated as responsible for another person and who is to be treated as a member of the same household as a claimant for housing benefit.

Part 5 provides for the calculation of the applicable amount in respect of a person's entitlement to housing benefit, by reference to which the amount of his benefit is calculated (regulation 22 and Schedule 3).

Part 6 contains provisions enabling the income and capital of a person to whom these Regulations apply to be determined. They provide in particular—

that a person entitled to a guarantee credit in state pension credit is to be treated as having neither income nor capital;

that a person whose entitlement to state pension credit is restricted to the savings credit will have his income calculated by reference to the assessment made by the Secretary of State for the purpose of determining the award of state pension credit. This figure is subject to certain adjustments the determining authority is required to make under regulation 27;

that persons to whom the Regulations apply but who have no entitlement to state pension credit are to have their income and capital determined in accordance with regulations 29 to 49.

Part 7 provides for the appropriate maximum housing benefit and also includes provisions about non-dependant deductions, the housing benefit taper and extended payments (severe disablement allowance and incapacity benefit).

Part 8 contains provisions as to when housing benefit is to begin together with provisions relating to change of circumstances and the date those changes take effect.

Part 9 provides for the making, amendment and withdrawal of claims, the evidence and information required in connection with claims and the duty to notify changes of circumstances.

Part 10 provides for the determination of questions arising on claims and the notification of decisions by authorities.

Changes to legislation: *There are currently no known outstanding effects for the The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. (See end of Document for details)*

Part 11 provides for the payment of housing benefit including to whom payments are to be made and the withholding of benefit.

Part 12 provides for the recovery of overpaid housing benefit, what constitutes a recoverable overpayment and the method of recovery.

Part 13 provides for the collection, recording and holding of information. It also provides for the supply of information between local authorities.

Part 14 provides for the housing benefit scheme to be modified in the area of Pathfinder authorities; Part 1 of Schedule 9 identifies those local authorities which operate the Pathfinder provisions in their area and Part 2 of that Schedule specifies the modifications which apply in their area.

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