
STATUTORY INSTRUMENTS

2006 No. 214

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

PART 8

Calculation of weekly amounts and changes of circumstances

Date on which entitlement is to commence

57.—(1) Subject to paragraph (2), a person who makes a claim for, and is otherwise entitled to, housing benefit shall be entitled to that benefit from the benefit week following the first day in respect of which that claim is made.

[^{F1}(2) A claimant shall become entitled to housing benefit from the benefit week in which the first day in respect of which his claim is made falls, where he is otherwise entitled to housing benefit and—

- (a) he becomes liable in that benefit week, for the first time, to make payments in respect of a dwelling which he occupies as his home; or,
- (b) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of a hostel which he occupies as his home.]

Textual Amendments

- F1** Reg. 57(2) substituted by SI 2005/2502 reg. 2(9)(b) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), [Sch. 2 para. 27\(9\)\(c\)](#) (with regs. 2, 3, Sch. 3, Sch. 4)

Date on which housing benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases

58. Except in a case in which the claimant or his partner is in receipt of state pension credit, a claimant's entitlement to housing benefit shall cease at the end of the benefit week in which entitlement to severe disablement allowance or incapacity benefit ceases where—

- (a) the claimant or his partner was not entitled to and in receipt of income support but was entitled to and in receipt of severe disablement allowance or incapacity benefit and that entitlement has ceased;
- (b) that entitlement to severe disablement allowance or incapacity benefit has 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;

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- (c) the claimant had been entitled to and in receipt of severe disablement allowance or incapacity benefit for a continuous period of at least 26 weeks before the day on which his entitlement to severe disablement allowance or incapacity benefit ceased, and for the purposes of this sub-paragraph—
 - (i) a claimant satisfies the conditions of this sub-paragraph if he has been entitled to and in receipt of a combination of severe disablement allowance and incapacity benefit for at least 26 weeks;
 - (ii) references to the claimant include references to his partner; and
- (d) that work, increase in earnings, or as the case may be, increase in hours is expected to last at least 5 weeks or more.

Date on which change of circumstances is to take effect

59.—(1) Except in cases where regulation 34 (disregard of changes in tax, contributions, etc) of these Regulations or regulation 8(3) of the Decisions and Appeals Regulations applies and subject to the following provisions of this regulation and to regulations 60 and 61(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.

[^{F2}(2) Subject to paragraph (8), 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 in respect of a dwelling, that change shall take effect from the day on which it actually occurs.]

[^{F3}(2A) Subject to paragraphs (8) and (9), except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies, where the change of circumstances is—

- (a) that a person moves into a new dwelling occupied as the home, or
- (b) any other event which—
 - (i) entitles a person to be treated as occupying two dwellings as his home under regulation 7(6), or
 - (ii) brings to an end a person’s right to be treated as occupying two dwellings as his home under that regulation, in a case where he has, immediately prior to the event, been treated as occupying two dwellings as his home,

that change of circumstances shall take effect on the day on which it actually occurs.

(2B) Subject to paragraph (8), where the change of circumstances is the expiry of a maximum period of time, referred to in regulation 7(6), for which a person can be treated as occupying two dwellings as his home, that change shall take effect on the day after the last day of that period.]

(3) Subject to paragraphs (8) ^{F4}..., where the change of circumstances is an amendment to these Regulations that change, subject to regulation 61(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 61(2)(b) [^{F5}or (c)] (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.

[^{F6}(4) Subject to paragraph (8), 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 this regulation, they shall all take effect on the first day of the benefit week in which they occur, unless a change taking effect under paragraphs (2), (2A) or (2B) takes effect in that week, in which case the changes shall all take effect on the day on which that change takes effect.]

- (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.

[^{F7}(8) Subject to paragraph (9), where a change of circumstances occurs which has the effect of bringing entitlement to an end it shall take effect on the first day of the benefit week following the benefit week in which that change actually occurs except in a case where a person is liable to make payments, which fall due on a daily basis, in respect of a hostel in which case that change shall take effect on the day on which it actually occurs.

(9) Where the change of circumstances is that a person moves to a new dwelling and immediately after the move he is treated as occupying his former dwelling as his home in accordance with regulation 7(7) or (10) then that change of circumstances shall take effect on the day after the last day for which he is treated as liable to make payments in respect of the former dwelling in accordance with whichever of those regulations applies in his case.]

- (10) Paragraph (11) applies if—

- (a) the claimant or his partner has attained the age of 65; and
- (b) either—
 - (i) a non-dependant took up residence in the claimant's dwelling; or
 - (ii) there has been a change of circumstances in respect of a non-dependant so that the amount of the deduction which falls to be made under regulation 55 (non-dependant deductions) increased.

(11) Where this paragraph applies, the change of circumstances [^{F8}referred to in paragraph (10)(b)] shall take effect from the effective date.

- (12) In paragraph (11) but subject to paragraph (13), “the effective date” means—

- (a) where more than one change of a kind referred to in paragraph (10)(b) relating to the same non-dependant has occurred since—

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- (i) the date on which the claimant's entitlement to housing benefit first began; or
 - (ii) the date which was the last effective date in respect of such a change;
- whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;
- (b) where sub-paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in paragraph (10)(b) occurred.
- (13) If in any particular case the date determined under paragraph (12) is not the first day of the benefit week, the effective date in that case shall be the first day of the next benefit week to commence after the date determined under that paragraph.

Textual Amendments

- F2** Reg. 59(2) substituted (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F3** Reg. 59(2A)(2B) inserted by SI 2005/2502 reg. 2(10)(c) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F4** Words in reg. 59(3) omitted by SI 2005/2502 reg. 2(10)(d)(i) (as amended) (3.4.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F5** Words in reg. 59(3)(a)(i) inserted by SI 2005/2502 reg. 2(10)(d)(iii) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F6** Reg. 59(4) substituted by SI 2005/2502 reg. 2(10)(e) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)(f)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F7** Reg. 59(8)(9) substituted by SI 2005/2502 reg. 2(10)(e) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(10)(g)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F8** Words in reg. 59(11) inserted (2.10.2006) by [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **16(3)**

Change of circumstances where state pension credit payable

- 60.**—(1) Paragraphs (2) to (4) apply where—
- (a) the claimant is also on state pension credit;
 - (b) the amount of state pension credit awarded to him is changed in consequence of a change in the claimant's circumstances or the correction of an official error; and
 - (c) the change in the amount of state pension credit payable to the claimant results in a change in the rate of housing benefit payable to the claimant.
- (2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the claimant results in—
- (a) an increase in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the increased rate; or
 - (b) a decrease in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week next following the date on which—

(i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or

(ii) state pension credit is increased,

whichever is the later.

(3) Where the change of circumstance is that the claimant's state pension credit is reduced and in consequence the rate of housing benefit payable to the claimant reduces—

(a) in a case where the claimant's state pension credit is reduced because the claimant failed to notify the Secretary of State timeously of the change of circumstances, the change shall take effect from the first day of the benefit week from which state pension credit was reduced; or

(b) in any other case the change shall take effect from the first day of the benefit week next following the date on which—

(i) the local authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or

(ii) state pension credit is reduced,

whichever is the later.

(4) Where the change of circumstance is that—

(a) state pension credit is reduced; and

(b) in consequence of the change the rate of housing benefit payable to the claimant is increased,

the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the reduced rate.

(5) Where a change of circumstances occurs in that an award of state pension credit has been made to the claimant or his partner and this would result in a decrease in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date on which—

(a) the local authority receives notification from the Secretary of State of the award; or

(b) entitlement to state pension credit begins,

whichever is the later.

(6) Where, in the case of a claimant who, or whose partner, is or has been awarded state pension credit comprising only the savings credit, there is—

(a) a change of circumstances of a kind described in any of paragraphs (2) to (5) which results from a relevant calculation or estimate; and

(b) a change of circumstances which is a relevant determination,

each of which results in a change in the rate of housing benefit payable to the claimant, the change of circumstances referred to in sub-paragraph (b) shall take effect from the day specified in paragraphs (2), (3), (4) or (5) as the case may be, in relation to the change referred to in sub-paragraph (a).

(7) Where a change of circumstance occurs in that a guarantee credit has been awarded to the claimant or his partner and this would result in an increase in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date in respect of which the guarantee credit is first payable.

(8) Where a change of circumstances would but for this paragraph take effect under the preceding provisions of this regulation within the 4 week period specified in regulation 54 (continuing payments where state pension credit claimed), that change shall take effect on the first day of the first benefit week to commence after the expiry of the 4 week period.

Status: Point in time view as at 08/01/2007.

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, PART 8. (See end of Document for details)

(9) Where the change of circumstances is an amendment of these Regulations, that change, subject to regulation 61(6) (calculation of weekly amounts), shall take effect as follows—

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

(i) in a case in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 61(2)(b) [F9 or (c)], 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.

(10) In this regulation—

“official error” has the meaning it has in the Decisions and Appeals Regulations by virtue of regulation 1(2) of those Regulations;

“relevant calculation or estimate” means the calculation or estimate made by the Secretary of State of the claimant's or, as the case may be, the claimant's partner's income and capital for the purposes of the award of state pension credit;

“relevant determination” means a change in the determination by the relevant authority of the claimant's income and capital using the relevant calculation or estimate, in accordance with regulation 27(1) (calculation of claimant's income and capital in savings credit only cases).

Textual Amendments

F9 Words in reg. 60(9)(a)(i) inserted by SI 2005/2502 reg. 2(11) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), [Sch. 2 para. 27\(11\)](#) (with regs. 2, 3, [Sch. 3](#), [Sch. 4](#))

Calculation of weekly amounts

61.—(1) A person's entitlement to housing benefit in any benefit week shall be calculated in accordance with the following provisions of this regulation.

(2) The weekly amount of a claimant's eligible rent shall be—

(a) subject to [F10 paragraph (4)], where rent is payable at intervals of one week or a multiple thereof, the amount of eligible rent payable weekly or, where it is payable at intervals of a multiple of a week, the amount determined by dividing the amount of eligible rent payable by the number equal to the number of weeks in respect of which it is payable;

[F11(b) subject to paragraph (4), where the rent is payable at intervals of a calendar month or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of calendar months in respect of which it is payable, multiplying by 12 and dividing by 52;

(c) subject to paragraph (4), where the rent is payable at intervals of a day or multiples thereof, the amount determined by dividing the amount payable by the number equal to the number of days in respect of which it is payable and multiplying by 7.]

F12(3)

[F13(4) In a case—

(a) to which regulation 57(2) (date on which entitlement is to commence) applies, his eligible rent for the benefit week in which he becomes liable to make payments in respect of a dwelling which he occupies as his home shall be calculated by multiplying his daily rent

by the number equal to the number of days in that benefit week for which he is liable to make such payments;

(b) where a change of circumstances takes effect in a benefit week under regulation 59(2A), (but is not a change described in sub-paragraph (c)(ii) of this regulation), (2B), (8) or (9) other than on the Monday of a benefit week then the claimant's eligible rent for that benefit week shall be calculated by multiplying his daily rent by the appropriate number of days in that benefit week;

(c) where—

(i) the amount of eligible rent which the claimant is liable to pay in respect of a dwelling is altered and that change of circumstances takes effect under regulation 59(2), or

(ii) the claimant—

(aa) moves to a new dwelling occupied as the home,

(bb) he is not entitled to be treated, immediately after that move, as occupying two dwellings as his home or as occupying his former dwelling as his home, and

(cc) that change of circumstances takes effect under regulation 59(2A),

other than on the Monday of a benefit week, then the claimant's eligible rent for that benefit week shall be calculated by multiplying his old and new daily rent by the number equal to the number of days in that week which relate respectively to the old and new amounts which he is liable to pay.]

(5) In the case of a claimant whose weekly eligible rent falls to be calculated in accordance with paragraphs [F14(4)(a) or (b);] by reference to the daily rent in his case, his weekly applicable amount, weekly income, the weekly amount of any non-dependant deductions and the minimum amount payable in his case shall be calculated in the same manner as his weekly eligible rent by reference to the amounts determined in his case in accordance with Parts 5 to 7 (applicable amounts, income and capital and amount of benefit).

(6) Where a change in the amount of a claimant's applicable amount, income or non-dependant deductions falls to be taken into account in the same benefit week as a change in his eligible rent to which paragraph [F15(4)(c);] applies, it shall be taken into account in that week on a daily basis in the same manner and as if it had occurred on the same day as that change in his eligible rent.

(7) Any amount determined under these Regulations may, if it is appropriate, be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.

(8) In any case where a claimant has received—

(a) an extended payment under regulation 72 of the Housing Benefit Regulations 2006, his entitlement shall be adjusted in such circumstances and by such amount as are prescribed in Part 3 of Schedule 7 to those Regulations; or

(b) an extended payment (severe disablement allowance and incapacity benefit), his entitlement shall be adjusted in such circumstances and by such amount as are prescribed in paragraph 9 of Schedule 7 to these Regulations.

[F16(9) In this regulation “daily rent” shall mean the amount determined by dividing by 7 the amount determined under whichever sub-paragraph of paragraph (2) is appropriate in each case.

(10) Where a claimant is entitled to benefit in respect of two (but not more than two) dwellings in accordance with regulation 7(6) his eligible rent shall be calculated in respect of each dwelling in accordance with this regulation.]

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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, PART 8. (See end of Document for details)

Textual Amendments

- F10** Words in reg. 61(2)(a) substituted by SI 2005/2502 reg. 2(12)(a)(i) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F11** Reg. 61(2)(b)(c) substituted for reg. 61(2)(b) by SI 2005/2502 reg. 2(12)(a)(ii) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F12** Reg. 61(3) omitted by SI 2005/2502 reg. 2(12)(b) (as amended) (3.4.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F13** Reg. 61(4) substituted by SI 2005/2502 reg. 2(12)(c) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F14** Words in reg. 61(5) substituted by SI 2005/2502 reg. 2(12)(d) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F15** Words in reg. 61(6) substituted by SI 2005/2502 reg. 2(12)(e) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F16** Reg. 61(9)(10) inserted by SI 2005/2502 reg. 2(12)(f) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(12)** (with regs. 2, 3, Sch. 3, Sch. 4)

Rent free periods

62.—(1) This regulation applies to a claimant for any period (referred to in this regulation as a rent free period) in, or in respect of, which he is not liable to pay rent except for any period to which regulation 8(1)(d) (waiver of rent by landlord in return for work done) applies.

[^{F17}(2) In the case of the beginning or ending of a claimant's rent-free period, his eligible rent for the benefit week in which the rent free period begins and ends shall be calculated on a daily basis as if those benefit weeks were weeks to which regulation 61(4) applies.]

(3) For the purpose of determining the weekly applicable amount and income of a claimant to whom this regulation applies, the weekly amount of any non-dependant deductions and the minimum amount payable in his case—

- (a) in a case to which regulation 61(2)(a) applies, the amounts determined in his case in accordance with Parts 5 to 7 (applicable amounts, income and capital and amount of benefit) shall be multiplied by 52 or 53, whichever is appropriate, and divided by the number equal to the number of weeks in that 52 or 53 week period in respect of which he is liable to pay rent;
- (b) subject to paragraph (4), in a case to which regulation 61(2)(b) [^{F18}or (c)] applies, the amounts determined in his case in accordance with Parts 5 to 7 shall be multiplied by 365 or 366, whichever is appropriate and divided by the number of days in that 365 or 366 day period in respect of which he is liable to pay rent.

(4) In a case to which paragraph (3)(b) applies, where either regulation 61(5) or (6) also applies or it is the beginning or end of a rent-free period, the weekly amounts referred to in paragraph (3) shall first be calculated in accordance with sub-paragraph (b) of that paragraph and then determined on a daily basis in the same manner as the claimant's eligible rent.

Textual Amendments

- F17** Reg. 62(2) substituted by SI 2005/2502 reg. 2(13)(a) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(13)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F18** Words in reg. 62(3)(b) inserted by SI 2005/2502 reg. 2(13)(b) (as amended) (3.4.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 27(13)** (with regs. 2, 3, Sch. 3, Sch. 4)

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