
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 change of circumstances is to take effect

59.—(1) Except in cases where regulation 34 (disregard of changes in tax, contributions, etc) [^{F1}applies, and subject to regulation 8(3) of the Decisions and Appeals Regulations and] the following provisions of this regulation and to [^{F2}regulations 60 and 61(5)], 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.

[^{F3}(2) Subject to paragraph (8) [^{F4}and regulation 8(3) of the Decisions and Appeals Regulations] 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.]

[^{F5}(2A) Subject to paragraphs (8) [^{F6}to (9A)], 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) [^{F7}...], where the change of circumstances is an amendment to these Regulations that change, subject to [^{F8}regulation 61(5)], 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)—

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- (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)] (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.

[^{F10}(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 [^{F11}or Part 4 of the 2012 Act][^{F12}or the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011], 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.

[^{F13}(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, ^{F14}... 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 [^{F15}occupying] the former dwelling in accordance with whichever of those regulations applies in his case.]

[^{F16}(9A) Where the change of circumstances is that the person moves to a new dwelling and immediately before the move that person is treated as occupying the new dwelling in accordance with regulation 7(8) then that change of circumstances shall take effect on the first day on which the person is treated as occupying the new dwelling as the home under that regulation.]

- (10) Paragraph (11) applies if—
 - ^{F17}(a)

(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 [F18 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—
 - (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

- F1** Words in reg. 59(1) substituted (24.9.2007) by [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **5(2)**
- F2** Words in reg. 59(1) substituted by SI 2007/2869 reg. 15(1) (as substituted) (7.4.2008) by [Housing Benefit \(Local Housing Allowance, Information Sharing and Miscellaneous\) Amendment Regulations 2008 \(S.I. 2008/586\)](#), regs. 1, **5(6)**
- F3** 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)
- F4** Words in reg. 59(2) substituted (24.9.2007) by [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **5(3)**
- F5** 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)
- F6** Words in reg. 59(2A) substituted (1.10.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2007 \(S.I. 2007/2618\)](#), regs. 1(1), **12(7)(a)**
- F7** 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)
- F8** Words in reg. 59(3) substituted by SI 2007/2869 reg. 15(1) (as substituted) (7.4.2008) by [Housing Benefit \(Local Housing Allowance, Information Sharing and Miscellaneous\) Amendment Regulations 2008 \(S.I. 2008/586\)](#), regs. 1, **5(6)**
- F9** 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)
- F10** 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)

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, Section 59. (See end of Document for details)

- F11** Words in reg. 59(6) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 37(6)**
- F12** Words in reg. 59(6) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 35(6)**
- F13** 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)
- F14** Words in reg. 59(8) omitted (1.4.2007) by virtue of Housing Benefit (Daily Liability Entitlement) Amendment Regulations 2007 (S.I. 2007/294), regs. 1, **3(3)**
- F15** Words in reg. 59(9) substituted (30.10.2008) by virtue of Social Security (Miscellaneous Amendments) (No.5) Regulations 2008 (S.I. 2008/2667), regs. 1, **6**
- F16** Reg. 59(9A) inserted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **12(7)(b)**
- F17** Reg. 59(10)(a) omitted (6.12.2018) by virtue of The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2017 (S.I. 2017/1187), regs. 1(2)(b), **7(5)**
- F18** 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)**

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