
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

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—

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 60*. (See end of Document for details)

- (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.

(9) Where the change of circumstances is an amendment of these Regulations, that change, subject to [F1 regulation 61(5)] (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) [F2 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

- F1** Words in reg. 60(9) substituted (with application in accordance with reg. 1(5)(6)(7) of the amending S.I.) by [Housing Benefit \(State Pension Credit\) \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2869\)](#), regs. 1(3), **15(2)**
- F2** 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)

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 60.