
STATUTORY INSTRUMENTS

2006 No. 214

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

PART 11

Payments

Circumstances in which payment is to be made to a landlord

76.—(1) Subject to paragraph (2) and paragraph 8(4) of Schedule A1 ^{F1} (treatment of claims for housing benefit by refugees), a payment of rent allowance shall be made to a landlord (and in this regulation the “landlord” includes a person to whom rent is payable by the person entitled to that allowance)—

- (a) where under Regulations made under the Administration Act an amount of state pension credit payable to the claimant or his partner is being paid direct to the landlord; or
- (b) where sub-paragraph (a) does not apply and the person is in arrears of an amount equivalent to 8 weeks or more of the amount he is liable to pay his landlord as rent, except where it is in the overriding interest of the claimant not to make direct payments to the landlord.

(2) Any payment of rent allowance made to a landlord pursuant to this regulation or to regulation 77 (circumstances in which payment may be made to a landlord) shall be to discharge, in whole or in part, the liability of the claimant to pay rent to that landlord in respect of the dwelling concerned, except in so far as—

- (a) the claimant had no entitlement to the whole or part of that rent allowance so paid to his landlord; and
- (b) the overpayment of rent allowance resulting was recovered in whole or in part from that landlord.

[^{F2}(2A) In a case where—

- (a) a relevant authority has determined a maximum rent (LHA) in accordance with regulation 13D; and
- (b) the rent allowance exceeds the amount which the claimant is liable to pay his landlord by way of rent,

any payment of rent allowance made to a landlord pursuant to this regulation or to regulation 77 may include all or part of any amount by which the rent allowance exceeds the amount which the claimant is liable to pay his landlord as rent but shall not include any amount by which the rent allowance exceeds the amount which the claimant is liable to pay his landlord as rent and arrears of rent.]

(3) Where the relevant authority is not satisfied that the landlord is a fit and proper person to be the recipient of a payment of rent allowance no such payment shall be made direct to him under paragraph (1).

Status: Point in time view as at 30/10/2008.

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 76. (See end of Document for details)

Textual Amendments

- F1** See the [Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), **regulation 7** and Schedule 4, paragraph 2 for regulation 10A and Schedule A1 (claims by refugees).
- F2** Reg. 76(2A) inserted (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), **17(1)**

Status:

Point in time view as at 30/10/2008.

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 76.