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STATUTORY INSTRUMENTS

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**2007 No. 2870**

**The Housing Benefit (Local Housing Allowance, Miscellaneous and Consequential) Amendment Regulations 2007**

**Amendment of the Housing Renewal Grants Regulations 1996**

- 3.—(1) The Housing Renewal Grants Regulations 1996(1) shall be amended as follows.
- (2) For regulation 31(14)(b) (notional income), substitute—
- “(b) “rent” means eligible rent determined in accordance with—
- (i) in the case of a person who has not attained the qualifying age for state pension credit to whom sub-paragraph (iii) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit Regulations 2006, as the case may require, less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;
  - (ii) in the case of a person who has attained the qualifying age for state pension credit to whom sub-paragraph (iii) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006, as the case may require, less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations; or
  - (iii) where paragraph 4 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 applies, regulation 12 (rent) and 13 (restrictions on unreasonable payments) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006 as set out in paragraph 5 of that Schedule less any deductions which fall to be made in respect of non-dependants under regulation 74 (non-dependant deductions) of the Housing Benefit Regulations 2006 or regulation 55 (non-dependant deductions) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, as the case may be.”
- (3) For regulation 38(7)(b) (notional capital), substitute—
- “(b) “rent” means eligible rent determined in accordance with—
- (i) in the case of a person who has not attained the qualifying age for state pension credit to whom sub-paragraph (iii) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit Regulations 2006, as the case may

- require, less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;
- (ii) in the case of a person who has attained the qualifying age for state pension credit to whom sub-paragraph (iii) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006, as the case may require, less any deductions which fall to be made under regulation 55 of those Regulations; or
  - (iii) where paragraph 4 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 applies, regulation 12 (rent) and 13 (restrictions on unreasonable payments) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006 as set out in paragraph 5 of that Schedule less any deductions which fall to be made in respect of non-dependants under regulation 74 (non-dependant deductions) of the Housing Benefit Regulations 2006 or regulation 55 (non-dependant deductions) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, as the case may be.”.
- (4) In Schedule 3 (sums to be disregarded in the determination of income other than earnings)—
- (a) in paragraph 12(5)(b), for the definition of “rent” substitute—
    - “(b) “rent” means eligible rent determined in accordance with—
      - (i) in the case of a person who has not attained qualifying age for state pension credit to whom sub-paragraph (iii) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit Regulations 2006, as the case may require, less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations; or
      - (ii) in the case of a person who has attained the qualifying age for state pension credit to whom sub-paragraph (iii) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006, as the case may require, less any deductions which fall to be made under regulation 55 (non-dependant deductions) of those Regulations; or
      - (iii) where paragraph 4 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 applies, regulation 12 (rent) and 13 (restrictions of unreasonable payments) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006 as set out in paragraph 5 of that Schedule less any deductions which fall to be made in respect of non-dependants under regulation 74 (non-dependant deductions) of the Housing Benefit Regulations 2006 or regulation 55 (non-dependant deductions) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, as the case may be.”.

(b) in paragraph 67(3)(2), for the definition of “rent”, substitute—

““rent” means eligible rent determined in accordance with—

- (a) in the case of a person who has not attained the qualifying age for state pension credit to whom paragraph (c) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit Regulations 2006, as the case may require, less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;
- (b) in the case of a person who has attained the qualifying age for state pension credit to whom sub-paragraph (c) does not apply, eligible rent determined in accordance with regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006, as the case may require, less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations; or
- (c) where paragraph 4 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 applies, regulation 12 (rent) and 13 (restrictions on unreasonable payments) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 as set out in paragraph 5 that Schedule less any deductions which fall to be made in respect of non-dependants under regulation 74 (non-dependant deductions) of the Housing Benefit Regulations 2006 or regulation 55 (non-dependant deductions) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, as the case may be.”.

(5) In paragraph 58(3)(3) of Schedule 4 (capital to be disregarded), for the definition of “rent” substitute—

““rent” means eligible rent determined in accordance with—

- (a) in the case of a person who has not attained the qualifying age for state pension credit to whom sub-paragraph (c) does not apply, regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit Regulations 2006, as the case may require, less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;
- (b) in the case of a person who has attained the qualifying age for state pension credit to whom sub-paragraph (c) does not apply, eligible rent determined in accordance with regulation 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)) or any of regulations 12E to 12K (transitional protection for former pathfinder authorities) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, as the case may require, less any deductions in respect of non-dependants which fall to be made under regulation 55 (non-dependant deductions) of those Regulations; or

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(2) Paragraph 67 was inserted by [S.I. 2000/531](#) in relation to England and in relation to Wales by [S.I. 2000/973](#) and was amended by [S.I. 2006/217](#).

(3) Paragraph 58 was inserted by [S.I. 2000/531](#) in relation to England and in relation to Wales by [S.I. 2000/973](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (c) where paragraph 4 of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 applies, regulation 12 (rent) and 13 (restrictions on unreasonable payments) of the Housing Benefit Regulations 2006 or the Housing Benefit (Persons who have attained qualifying age for state pension credit) Regulations 2006 as set out in paragraph 5 that Schedule less any deductions which fall to be made in respect of non-dependants under regulation 74 (non-dependant deductions) of the Housing Benefit Regulations 2006 or regulation 55 (non-dependant deductions) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, as the case may be.”.