
STATUTORY INSTRUMENTS

2009 No. 614

The Housing Benefit (Amendment) Regulations 2009

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

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(1) shall be amended as follows.

(2) Before regulation 13(2) insert—

“Transitional protection – larger properties

12L.—(1) This regulation applies where—

- (a) reference was made to a maximum rent (LHA) in determining the amount of the eligible rent which applied immediately before 6th April 2009;
- (b) the category of dwelling for which that maximum rent (LHA) was determined corresponded to a category of six or more bedrooms; and
- (c) on or after 6th April 2009 the relevant authority is required to determine a maximum rent (LHA) by virtue of—
 - (i) regulation 13C(2)(d)(i)(3) (change of category of dwelling), where it has not received notification of the death of a linked person; or
 - (ii) regulation 13C(3) (anniversary of the LHA date).

(2) Where this regulation applies, the claimant’s eligible rent is—

- (a) the maximum rent (LHA) where that is equal to or higher than the eligible rent that applied immediately before 6th April 2009; or
- (b) the amount of the eligible rent which applied immediately before 6th April 2009.

(3) Where the eligible rent is the amount of the eligible rent which applied immediately before 6th April 2009, it will continue to apply until, on or after 6th April 2009, the first of the following events occurs—

- (a) the end of 26 weeks after the determination of the maximum rent (LHA) referred to in paragraph (1)(c);
- (b) the relevant authority is required to determine a maximum rent (LHA) by virtue of regulation 13C (when a maximum rent (LHA) is to be determined) because the claimant has become entitled to a smaller category of dwelling;
- (c) the relevant authority is required to determine an eligible rent following a change of dwelling; or

(1) [S.I. 2006/214](#).

(2) Regulation 13 was substituted by [S.I. 2007/2869](#). Regulations 12E to 12K are inserted by Schedule 10 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and apply to former pathfinder authorities. Schedule 10 was substituted by [S.I. 2007.2868](#).

(3) Regulation 13C was inserted by [S.I. 2007/2869](#).

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(d) the relevant authority is required to determine an eligible rent in accordance with regulation 12D(3) (protection on death).

(4) Where the eligible rent ceases to apply because of paragraph (3)(a), the eligible rent will be the maximum rent (LHA) which would have applied but for the transitional protection in paragraph (2)(b).

(5) Where the eligible rent is the maximum rent (LHA), it shall be treated as if it had been determined in accordance with regulation 12D(2)(a) (eligible rent is maximum rent (LHA)) and shall apply according to the provisions of regulation 12D.”

(3) In regulation 13D(4) (determination of a maximum rent (LHA))—

(a) in paragraph (2)(c), at the end add “to a maximum of five bedrooms”; and

(b) omit paragraph (7).