
STATUTORY INSTRUMENTS

2013 No. 1139

The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013

Amendment of the Discretionary Financial Assistance Regulations 2001

2.—(1) The Discretionary Financial Assistance Regulations 2001⁽¹⁾ are amended as follows.

(2) In regulation 1(2)⁽²⁾ (interpretation) after the definition of “the Housing Benefit (State Pension Credit) Regulations” add—

““the Universal Credit Regulations” means the Universal Credit Regulations 2013⁽³⁾;

“relevant award of universal credit” means an award of universal credit the calculation of which includes an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations, or would include such an amount but for paragraph 3(e) of Schedule 1 to those Regulations;

“universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012.”.

(3) In regulation 2⁽⁴⁾ (discretionary housing payments)—

(a) in paragraph (1)(a) after “housing benefit or” insert “a relevant award of universal credit”;

(b) in paragraph (3)(b) after “housing benefit” insert “or a relevant award of universal credit”.

(4) In regulation 3 (circumstances in which discretionary housing payments may be made)—

(a) after paragraph (a) insert—

“(aa) a liability to meet any payment in respect of service charges other than a payment listed in paragraph 7 of Schedule 1 to the Universal Credit Regulations;”;

(b) after paragraph (n)⁽⁵⁾ add—

“(o) a reduction in the amount of universal credit due to recovery of an overpayment pursuant to section 71ZB of the Social Security Administration Act 1992⁽⁶⁾;

(p) a reduction in the amount of universal credit pursuant to a decision made under section 26 or 27 of the Welfare Reform Act 2012.”.

(5) For regulation 4⁽⁷⁾ (limit on the amount of the discretionary housing payment that may be made) substitute—

“4.—(1) Where a person is entitled to housing benefit the amount of the discretionary housing payment (if calculated as a weekly sum) shall not exceed—

(a) the aggregate of the payments specified in regulation 12(1) of the Housing Benefit Regulations less the aggregate of the amounts referred to in regulation 12B(2) of

(1) [S.I. 2001/1167](#).

(2) Regulation 1(2) was amended by [S.I. 2006/217](#).

(3) [S.I. 2013/376](#).

(4) Regulation 2 was amended by [S.I. 2013/458](#).

(5) Paragraph (n) was added by [S.I. 2008/637](#).

(6) Section 71ZB was inserted by section 105 of the Welfare Reform Act 2012.

(7) Regulation 4 was amended by [S.I. 2006/217](#), [2007/2870](#) and [2013/458](#).

- those Regulations calculated on a weekly basis in accordance with regulations 80 and 81 of those Regulations; or
- (b) the aggregate of the payments specified in regulation 12(1) of the Housing Benefit (State Pension Credit) Regulations less the aggregate of the amounts referred to in regulation 12B(2) of those Regulations, calculated on a weekly basis in accordance with regulations 61 and 62 of those Regulations.
- (2) Where a person is entitled to a relevant award of universal credit the amount of the discretionary housing payment (if calculated as a monthly sum) shall not exceed—
- (a) the amount calculated in accordance with Schedule 4 to the Universal Credit Regulations; or
- (b) where paragraph 3(e) of Schedule 1 to the Universal Credit Regulations applies, the aggregate of the payments referred to in paragraph 3 of Schedule 4 to those Regulations, calculated on a monthly basis.”.
- (6) In regulation 5(8) (period for, or in respect of which, discretionary housing payments may be made) in paragraph (2) after “housing benefit or” insert “relevant award of universal credit”.
- (7) In regulation 6(9) (form, manner and procedure for claims)—
- (a) in paragraph (1)(b)(i) after “housing benefit or” insert “relevant award of universal credit”;
- (b) in paragraph (2) after “housing benefit or” insert “relevant award of universal credit”.

(8) Regulation 5 was substituted by S.I. 2008/637 and amended by S.I. 2013/458.
(9) Regulation 6 was amended by S.I. 2013/458.