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STATUTORY INSTRUMENTS

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**2013 No. 2828**

**The Housing Benefit and Universal Credit (Size Criteria)  
(Miscellaneous Amendments) Regulations 2013**

**Amendment of the Housing Benefit Regulations 2006**

- 2.—(1) The Housing Benefit Regulations 2006<sup>(1)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) after the definition of “child tax credit” insert—
- ““child who cannot share a bedroom” means a child—
- (a) who is entitled to the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; and
- (b) who the relevant authority is satisfied is, by virtue of his or her disability, not reasonably able to share a bedroom with another child;”;
- (b) in the definition of “young individual”<sup>(2)</sup>—
- (i) at the end of paragraph (g) omit “or”;
- (ii) after paragraph (h) add—
- “or;
- (i) who is a qualifying parent or carer;”.
- (3) In regulation B13 (determination of a maximum rent (social sector))<sup>(3)</sup>—
- (a) in paragraph (5) after sub-paragraph (b) insert—
- “(ba) a child who cannot share a bedroom;”;
- (b) in paragraph (6)(a) and (b) for “the claimant or the claimant’s partner is (or each of them is)” substitute “a relevant person is”;
- (c) for paragraph (7) substitute—
- “(7) Where—
- (a) more than one sub-paragraph of paragraph (6) applies the claimant is entitled to an additional bedroom for each sub-paragraph that applies;
- (b) more than one person falls within a sub-paragraph of paragraph (6) the claimant is entitled to an additional bedroom for each person falling within that sub-paragraph, except that where a person and that person’s partner both fall within the same sub-paragraph the claimant is entitled to only one additional bedroom in respect of that person and that person’s partner.”;
- (d) after paragraph (8) add—

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(1) [S.I. 2006/213](#).

(2) The definition of “young individual” was substituted by [S.I. 2007/2868](#) and amended by [S.I. 2010/3835](#), [2011/1736](#) and [2011/1740](#).

(3) Regulation B13 was inserted by [S.I. 2012/3040](#) and amended by [S.I. 2013/665](#).

- “(9) In this regulation “relevant person” means—
- (a) the claimant;
  - (b) the claimant’s partner;
  - (c) a person (“P”) other than the claimant or the claimant’s partner who is jointly liable with the claimant or the claimant’s partner (or both) to make payments in respect of the dwelling occupied as the claimant’s home;
  - (d) P’s partner.”.
- (4) In regulation 13D (determination of a maximum rent (LHA))(4) in paragraph (3)—
- (a) after sub-paragraph (b) insert—  
“(ba) a child who cannot share a bedroom;”;
  - (b) after sub-paragraph (e) add—  
“but the claimant is only entitled to a bedroom in respect of a child who cannot share a bedroom if there is a bedroom in the dwelling occupied as the home that is additional to those to which the claimant would be entitled if the child were able to share a bedroom.”.
- (5) In regulation 14(8) (requirement to refer to rent officers) in the definition of “change relating to a rent allowance”(5) for “or (g)” substitute “, (g) or (h)”.
- (6) In paragraph 2(3) of Schedule 2 (excluded tenancies)(6) after paragraph (g) add—
- “(h) an occupier becomes or ceases to be a child who cannot share a bedroom where that affects the size criteria, as set out in Schedule 2 to the Rent Officers Order, applicable in the claimant’s case.”.

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(4) Regulation 13D was inserted by [S.I. 2007/2868](#) (as amended by [S.I. 2008/586](#)) and amended by [S.I. 2009/614](#), [2010/2835](#) and [2013/665](#).

(5) The definition of “change relating to a rent allowance” was amended by [S.I. 2010/2835](#) and [2013/665](#).

(6) Paragraph 2 was substituted by [S.I. 2007/2868](#) and amended by [S.I. 2010/2835](#) and [2013/665](#).