
STATUTORY INSTRUMENTS

2013 No. 2828

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

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⁾ are amended as follows.

(2) After the definition of “child tax credit” in regulation 2(1) (interpretation)⁽²⁾ 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;”.

(3) In regulation 13D (determination of a maximum rent (LHA))⁽³⁾ 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.”.

(4) In regulation 14(8) (requirement to refer to rent officers) in the definition of “change relating to a rent allowance”⁽⁴⁾ for “or (f)” substitute “, (f) or (g)”.

(5) In paragraph 2(3) of Schedule 2 (excluded tenancies)⁽⁵⁾ after paragraph (f) add—

“(g) 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.”.

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

(2) There are amendments not relevant to this instrument.

(3) Regulation 13D was inserted by [S.I. 2007/2869](#) (as amended by [S.I. 2008/586](#)) and amended by [S.I. 2009/614](#), [2010/2835](#) and [2013/665](#).

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

(5) Paragraph 2 was substituted by [S.I. 2007/2869](#) and amended by [S.I. 2010/2835](#) and [2013/665](#).