

2014 No. 539

SOCIAL SECURITY

**The Housing Benefit (Habitual Residence) Amendment
Regulations 2014**

<i>Made</i>	- - - -	<i>5th March 2014</i>
<i>Laid before Parliament</i>		<i>11th March 2014</i>
<i>Coming into force</i>	- -	<i>1st April 2014</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d), 137(1) and (2)(i) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a).

The Secretary of State has not referred proposals in respect of these Regulations to the Social Security Advisory Committee, as it appears to him that by reason of the urgency of the matter it is inexpedient to do so(b).

The Secretary of State has not undertaken consultation with organisations appearing to him to be representative of the authorities concerned, as it appears to him that by reason of the urgency of the matter it is inexpedient to do so(c).

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (Habitual Residence) Amendment Regulations 2014 and come into force on 1st April 2014.

Amendment of the Housing Benefit Regulations 2006

2.—(1) In regulation 10(3B) of the Housing Benefit Regulations 2006(d)—

- (a) omit the “or” following sub-paragraph (i);
- (b) in sub-paragraph (k) omit “, an income-based jobseeker’s allowance”;
- (c) after sub-paragraph (k) add—

“;or

- (l) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (3A).”.

(a) 1992 c.4. Section 175(1) was amended by Schedule 3, paragraph 29 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 137(1) is cited for the meaning of “prescribed”.
(b) See section 173(1)(a) of the Social Security Administration Act 1992 (c.5) (“the 1992 Act”).
(c) See section 176(2)(a) of the 1992 Act. The amendments to section 176 are not relevant to these Regulations.
(d) S.I. 2006/213. Paragraphs (3A) and (3B) of regulation 10 were inserted by S.I. 2006/1026. Relevant amendments are S.I. 2008/1082, 2009/362 and 2013/2536.

Saving

3.—(1) The amendment in regulation 2 does not apply to a person who, on 31st March 2014, is entitled to—

- (a) housing benefit; and
- (b) an income-based jobseeker's allowance,

until the first of the events in paragraph (2) occurs.

(2) The events are—

- (a) the person ceases to be entitled to that income-based jobseeker's allowance; or
- (b) the person makes a new claim for housing benefit.

Signed by authority of the Secretary of State for Work and Pensions

5th March 2014

Freud
Parliamentary Under Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006 in relation to the definition of “person from abroad”.

Under regulation 10 of those Regulations, a claimant for housing benefit who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is a person from abroad and treated as not having a liability to make payments in respect of the dwelling they occupy as the home. As a result, such a person is not entitled to housing benefit. However, under regulation 10(3B), a person in receipt of an income-based jobseeker's allowance is not a person from abroad.

Regulation 2 of these Regulations amends regulation 10(3B) so that a person who is in receipt of an income-based jobseeker's allowance and whose only right to reside falls within regulation 10(3A) is a person from abroad.

Regulation 3 contains a saving provision. The amendment will not apply to a person who is entitled to housing benefit and income-based jobseeker's allowance on 31st March 2014 until that person ceases to be entitled to that award of jobseeker's allowance or makes a new claim for housing benefit, whichever is earlier.

An assessment of the impact of these Regulations has been made. A copy of the impact assessment is available alongside the instrument on www.legislation.gov.uk.

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