

2021 No. 188

SOCIAL SECURITY

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>23rd February 2021</i>
<i>Laid before Parliament</i>		<i>25th February 2021</i>
<i>Coming into force</i>	- -	<i>1st April 2021</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d), 135(1), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(b), the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In accordance with Section 176(1) of the Social Security Administration Act 1992, The Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Citation and commencement

1.—(1) These Regulations may be cited as the Housing Benefit (Persons who have attained the qualifying age for state pension credit) (Amendment) Regulations 2021.

(2) These Regulations come into force on 1st April 2021.

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

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

(2) In column (1) of the table in paragraph 1 of Part 1 of Schedule 3—

- (a) in sub-paragraph (1)(b) after “pensionable age” insert “before 1st April 2021”;
- (b) in sub-paragraph (2)(b) after “pensionable age” insert “before 1st April 2021”;
- (c) in sub-paragraph (4) after “pensionable age” insert “before 1st April 2021”.

(3) In the table in paragraph 1 of Part 1 of Schedule 3—

(a) 1992 c. 4. Section 175(1) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 137(1) is cited for the meaning of the word “prescribed”.
(b) 1992 c. 5.
(c) S.I. 2006/214. Relevant amending instrument is S.I. 2020/234.

(a) below row (1)(b) insert—

“(c) who has attained pensionable age on or after 1st April 2021.	(c) £177.10.”
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(b) below row (2)(b) insert—

“(c) both members who have attained pensionable age on or after 1st April 2021.	(c) £270.30.”
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(c) below row (4)(b) add—

“(5) If the claimant is a member of a polygamous marriage and all members of the marriage have attained pensionable age on or after 1st April 2021—	(5)—
(a) for the claimant and the other party to the marriage;	(a) £270.30;
(b) for each additional spouse who is a member of the same household as the claimant.	(b) £93.20.”

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

Will Quince
Parliamentary Under Secretary of State
Department for Work and Pensions

23rd February 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) (“the Regulations”) to include new rates of housing benefit for those not subject to the transitional protection associated with the removal of the savings credit uplift (“the uplift”). The savings credit element of state pension credit was abolished for people reaching state pension age from 6th April 2016 when the new state pension was introduced, but it was decided to retain the higher personal allowances in housing benefit for a further five years. Where an individual person, both members of a couple, or all members of a marriage attain pensionable age on or after 1st April 2021, they will not receive the uplift. Where one or more members of a household attained pensionable age before 1st April 2021, the benefit unit will continue to receive the uplift.

Regulation 2(2) amends the Regulations by inserting “before 1st April 2021” into sub-paragraphs (1)(b), (2)(b) and (4) in column (1) of the table in paragraph 1 of Part 1 of Schedule 3. The effect of these amendments is to maintain the uplift for those who are already receiving it.

Regulation 2(3) inserts new rows into the same table for those who attain pensionable age on or after 1st April 2021. The new rows describe the categories of those who will not receive the uplift going forward and set out the amount of housing benefit they will receive instead.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public, or voluntary sectors is foreseen.

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