
STATUTORY INSTRUMENTS

1987 No. 1971

The Housing Benefit (General) Regulations 1987

PART VIII

AMOUNT OF BENEFIT

Maximum housing benefit

61. The amount of a person's maximum housing benefit in any benefit week shall be—

- (a) 100% of his eligible rent calculated on a weekly basis in accordance with regulations 69 and 70 (calculation of weekly amounts and rent or rate-free periods); and
- (b) 80% of his eligible rates calculated on a weekly basis in accordance with those regulations,

less, in either case, any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions).

Housing Benefit tapers

62. The prescribed percentages for the purpose of sub-section (5) of section 21 of the Act (percentage of excess of income over applicable amount which is deducted from maximum housing benefit) shall be—

- (a) in calculating the amount of a rate rebate, 20%; and
- (b) in calculating the amount of a rent rebate or allowance, 65%.

Non-dependant deductions

63.—(1) Subject to the following provisions of this regulation, the deductions referred to in regulation 61 (maximum housing benefit) shall be—

- (a) in respect of a non-dependant aged 18 or over who is in remunerative work or who is a boarder—
 - (i) in calculating the amount of a rent rebate or allowance, £8.20 per week;
 - (ii) in calculating the amount of a rate rebate, £3.00 per week;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply—
 - (i) in calculating the amount of a rent rebate or allowance, £3.45 per week;
 - (ii) in calculating the amount of a rate rebate, £3.00 per week.

(2) In the case of a non-dependant aged 18 or over to whom paragraph (1)(a) applies because he is in remunerative work, where it is shown to the appropriate authority that his normal weekly gross income is less than £49.20, the deductions to be made under this regulation shall be the deductions specified in paragraph (1)(b).

(3) Only one deduction shall be made under this regulation in respect of a married or unmarried couple or, as the case may be, members of a polygamous marriage and, where a different amount or

no amount would, but for this paragraph, fall to be deducted in respect of the members of the couple or polygamous marriage as individuals, the higher deduction shall be made.

(4) In applying the provisions of paragraph (2) in the case of a married or unmarried couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of paragraph (2) to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a married or unmarried couple or members of a polygamous marriage), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the payments in respect of the dwelling payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying a claimant's dwelling if the claimant or his partner is—

- (a) blind or treated as blind by virtue of paragraph 12 of Schedule 2 (additional condition of the higher pensioner and disability premiums); or
- (b) receiving attendance allowance.

(7) No deduction shall be made in respect of a non-dependant if—

- (a) although he resides with the claimant, it appears to the appropriate authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with a Youth Training Scheme established under section 2 of the Employment and Training Act 1973⁽¹⁾ and is not a boarder; or
- (c) he is a full-time student during a period of study within the meaning of Part VII (Students) and is not a boarder.

(8) Except in the case of a boarder aged 18 or over, no deduction shall be made in calculating the amount of a rent rebate or allowance in respect of a single non-dependant aged less than 25 who is on income support.

Minimum housing benefit

64.—(1) Where housing benefit is payable in the form of a rate rebate, it shall not be payable where the amount to which a person would otherwise be entitled is less than 50 pence per benefit week.

(2) Where housing benefit is payable in the form of a rent rebate or allowance, it shall not be payable where the amount to which a person would otherwise be entitled is less than 50 pence per benefit week.

(1) 1973 c. 50. Section 2 was amended by the Employment and Training Act 1981 (c. 57) sections 9 and 11, Schedule 2, Part II, paragraph 9 and Schedule 3.