
STATUTORY INSTRUMENTS

1994 No. 578

**The Housing Benefit and Council Tax Benefit
(Miscellaneous Amendments) Regulations 1994**

Amendment of regulation 61 of the Housing Benefit Regulations

10.—(1) Regulation 61 of the Housing Benefit Regulations (maximum housing benefit)(**1**) shall be renumbered paragraph (1) of regulation 61, and in paragraph (1) for the words “The amount of a person’s maximum housing benefit” there shall be substituted the words “Subject to paragraph (2), the amount of a person’s appropriate maximum housing benefit”.

(2) After paragraph (1) of regulation 61 there shall be added the following paragraph—

“(2) Where—

- (a) the appropriate authority is satisfied that a claimant’s circumstances are exceptional; and
- (b) either—
 - (i) any deduction in respect of non-dependants falls to be made under regulation 63 for the purpose of determining a person’s appropriate maximum housing benefit; or
 - (ii) an amount falls to be deducted from a person’s appropriate maximum housing benefit in accordance with section 130(3)(b) of the Contributions and Benefits Act (amount of housing benefit where income exceeds applicable amount); and
- (c) if the person’s appropriate maximum housing benefit were not increased under this paragraph, an amount of housing benefit would be payable to the claimant notwithstanding any deduction which would fall to be made in accordance with section 130(3)(b) of that Act,

the authority may determine that the amount of the person’s appropriate maximum housing benefit calculated in accordance with paragraph (1) shall be such higher amount (“the increased amount—”) as it considers appropriate in the particular circumstances of the case, but so that the increased amount, after any deduction made in accordance with section 130(3)(b) of that Act, shall not exceed his eligible rent calculated on a weekly basis in accordance with regulations 69 and 70 (calculation of weekly amounts and rent free periods).”.

(1) Regulation 61 was substituted by S.I.1990/546.