
STATUTORY INSTRUMENTS

2008 No. 959

**The Housing Benefit and Council Tax Benefit
(Extended Payments) Amendment Regulations 2008**

Extended Payments – consequential amendments to the Housing Benefit (State Pension Credit) Regulations

6.—(1) The Housing Benefit (State Pension Credit) Regulations shall be amended as follows.

(2) In regulation 2(1)(1) (interpretation)—

(a) for the definition of “extended payment (severe disablement allowance and incapacity benefit)” substitute—

““extended payment (qualifying contributory benefits)” means a payment of housing benefit payable pursuant to regulation 53 of these Regulations or regulation 73 of the Housing Benefit Regulations 2006;

“extended payment period” means the period for which an extended payment is payable in accordance with regulation 53A of these Regulations or regulation 72A or 73A of the Housing Benefit Regulations 2006;”;

(b) after the definition of “maximum rent (LHA)” insert—

““mover” means a claimant who changes the dwelling occupied as the claimant’s home from a dwelling in the area of the appropriate authority to a dwelling in the area of a second authority;”;

(c) after the definition of “net profit” insert—

““new dwelling” means, for the purposes of the definition of “second authority” and regulations 53C, 96 and 97, the dwelling to which a claimant has moved, or is about to move, which is or will be occupied as the claimant’s new home;”;

(d) after the definition of “qualifying age for state pension credit” insert—

““qualifying contributory benefit” means—

(a) severe disablement allowance;

(b) incapacity benefit;”;

(e) after the definition of “qualifying course” insert—

““qualifying income-related benefit” means—

(a) income support;

(b) income-based jobseeker’s allowance;”;

(f) after the definition of “savings credit” insert—

““second authority” means the authority to which a mover is liable to make payments for the new dwelling;”.

(3) For regulation 52 (reduction where amount payable under regulation 72 of the Housing Benefit Regulations) substitute—

“Amount payable during extended payment period when an extended payment is payable pursuant to regulation 72 or 73 of the Housing Benefit Regulations

52.—(1) This regulation applies where—

- (a) a claimant became entitled to an extended payment pursuant to regulation 72 of the Housing Benefit Regulations 2006 or an extended payment (qualifying contributory benefits) pursuant to regulation 73 of those Regulations; and
- (b) during the extended payment period, these Regulations become applicable to the claimant or the claimant’s partner in accordance with regulation 5 (persons who have attained the qualifying age for state pension credit).

(2) Where this regulation applies, the amount of the extended payment or extended payment (qualifying contributory benefits) payable to a claimant for any week during the extended payment period shall be the higher of—

- (a) the amount of the extended payment payable in accordance with regulation 72B(1) (a) of the Housing Benefit Regulations 2006 or the extended payment (qualifying contributory benefits) payable in accordance with regulation 73B(1)(a) of those Regulations, as the case may be; or
- (b) the amount of housing benefit to which a claimant would be entitled under the general conditions of entitlement of these Regulations, if regulation 72 (extended payments) or 73 (extended payments (qualifying contributory benefits)) of the Housing Benefit Regulations 2006 did not apply to the claimant; or
- (c) the amount of housing benefit to which the claimant’s partner would be entitled under the general conditions of entitlement of these Regulations, if regulation 72 or 73 of the Housing Benefit Regulations 2006 did not apply to the claimant.

(3) Where this regulation applies, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period to a claimant’s partner under these Regulations for any week in the extended payment period.”.

(4) Omit—

- (a) regulation 58 (date on which housing benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases);
- (b) regulation 61(7)(2) (adjustment where in receipt of an extended payment);
- (c) regulation 70(3) (priority to extended payment claims); and
- (d) Schedule 7(3) (extended payments (severe disablement allowance and incapacity benefit) of housing benefit).

(5) In Part 2 of Schedule 8 (awards where state pension credit is payable)—

- (a) in the heading to paragraph 9 after “state pension credit” insert, “ or an extended payment (qualifying contributory benefits)”; and
- (b) after paragraph 9(2) add—

“(3) Where a claimant is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 53, the decision notice shall include a statement as to the matters set out in paragraph 9(1).”.

(2) Regulation 61 was substituted by [S.I. 2007/2869](#).
(3) A relevant amending instrument is [S.I. 2007/2869](#).