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STATUTORY INSTRUMENTS

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**1987 No. 1971**

**The Housing Benefit (General) Regulations 1987**

**PART IX**

**CALCULATION OF WEEKLY AMOUNTS  
AND CHANGES OF CIRCUMSTANCES**

**Date on which entitlement is to commence**

**65.**—(1) Subject to regulations 72(12) to (14) (renewal claims) and paragraph (2), a person who makes a claim and is otherwise entitled to housing benefit shall be entitled to that benefit from the benefit week following the date on which his claim is or is treated as made.

(2) Where a claimant is otherwise entitled to housing benefit and becomes liable, for the first time, to make payments in respect of the dwelling which he occupies as his home in the benefit week in which his claim is or is treated as made, he shall be so entitled from that benefit week.

**Benefit period**

**66.**—(1) Where a person is entitled to housing benefit the appropriate authority shall make an award for a specified period (“the benefit period”) commencing with—

- (a) the first benefit week in respect of which he is so entitled; or if later
- (b) the benefit week in which the claim is received at the designated office.

(2) The benefit period shall be such number of benefit weeks as the appropriate authority shall determine having regard in particular to any relevant circumstances which the appropriate authority reasonably expects may affect entitlement in the future.

(3) Subject to paragraph (4), the benefit period shall not exceed 60 benefit weeks.

(4) Where a claimant either is on income support or, although not in receipt thereof, has included in the calculation of his applicable amount the disability premium, the severe disability premium or the higher pensioner premium, and a claim for a further award of housing benefit has not been made by the last benefit week of his benefit period, the appropriate authority may extend the current benefit period by not more than 4 benefit weeks.

**Date on which benefit period is to end**

**67.** The benefit period shall end with the last day of the final week of that period, determined by the appropriate authority in accordance with regulation 66(2) to (4) (benefit period) unless—

- (a) the claimant is a person on income support and he ceases to be so entitled, or
- (b) the appropriate authority determines that some other change of circumstances has occurred which should result in the benefit period ending with an earlier week,

when the benefit period shall end with the last day of the final benefit week for which he is entitled to housing benefit.

**Date on which change of circumstances is to take effect**

**68.**—(1) Except in cases where either regulation 8(3) (eligible housing costs) or regulation 26 (disregard of changes in tax, contributions, etc) applies and subject to paragraphs (2) to (4) and to regulation 69(7), a change of circumstances which affects entitlement to, or the amount of, housing benefit (“change of circumstances”) shall take effect from the first day of the benefit week following the date on which the change of circumstances actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts<sup>(1)</sup>, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

(2) Where the change of circumstances is a change in the amount of rent or rates payable, it shall take effect from the first day of the benefit week in which it actually occurs or, in a case to which regulation 69(2)(b) or 69(3)(b) applies (calculation of daily amounts), from the day on which it actually occurs.

(3) Where the change of circumstances is an amendment to these Regulations, it shall, subject to regulation 69(7), take effect from the date on which the amendment to these Regulations comes into force.

(4) If two or more changes of circumstances occurring in the same benefit week would, but for this paragraph, take effect in different benefit weeks in accordance with paragraphs (1) to (3), they shall take effect from the first day of the benefit week in which they occur unless one of the changes is a change in the amount of rent or rates payable in a case to which regulation 69(2)(b) or 69(3)(b) applies, in which case they shall take effect from the day on which that change actually occurs.

**Calculation of weekly amounts**

**69.**—(1) A person’s entitlement to housing benefit in any benefit week shall be calculated in accordance with the following provisions of this regulation.

(2) The weekly amount of a claimant’s eligible rent shall be—

- (a) subject to paragraph (4), where rent is payable at intervals of one week or a multiple thereof, the amount of eligible rent payable weekly or, where it is payable at intervals of a multiple of a week, the amount determined by dividing the amount of eligible rent payable by the number equal to the number of weeks in respect of which it is payable; or
- (b) subject to paragraph (5), where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, the amount determined by dividing an amount of that eligible rent by the number equal to the number of days in the period in respect of which it is payable and multiplying the quotient so obtained (referred to in paragraph (5) as the “daily rent”) by 7;

(3) The weekly amount of a claimant’s eligible rates shall be—

- (a) where payments by way of rates are made together with payments of rent, the amount calculated as if those payments were rent under paragraph (2);
- (b) subject to paragraph (5), in any other case, the amount determined by dividing an amount of those eligible rates by the number equal to the number of days in the period in respect of which it is payable and multiplying the quotient so obtained (referred to in paragraph (5) as the “daily rate”) by 7.

(4) In the case of a claimant whose weekly amount of eligible rent or rates falls to be calculated in accordance with paragraph (2)(a)—

- (a) in a case to which regulation 65(2) applies (date on which entitlement is to commence), his eligible rent or rates for the benefit week in which he becomes liable to make payments in respect of the dwelling which he occupies as his home shall be calculated by reference

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(1) The benefit Acts are specified in section 84(1) of the Social Security Act 1986 (c. 50).

to the amount of eligible rent or rates payable in respect of a week, whether or not his liability to make those payments relates to the whole of that benefit week;

- (b) where the amount which the claimant is liable to pay is altered during a benefit week his eligible rent or rates for that benefit week shall be calculated by reference to the new amount of eligible rent or rates so payable;
- (c) where the claimant ceases to occupy as his home the dwelling in respect of which he is entitled to housing benefit, his eligible rent or rates for the benefit week in which he ceases to be liable to make payments in respect of the dwelling which he occupies as his home shall be nil, unless he is liable to make payments in respect of that dwelling for the whole of that benefit week.

(5) In the case of a claimant whose weekly eligible rent or rates falls to be calculated in accordance with paragraph (2)(b) or (3)(b)–

- (a) in a case to which regulation 65(2) (date on which entitlement is to commence) applies, his eligible rent or rates for the benefit week in which he becomes liable to make payments in respect of the dwelling which he occupies as his home shall be calculated by multiplying his daily rent or daily rate by the number equal to the number of days in that benefit week for which he is liable to make such payments;
- (b) where the amount of eligible rent or rates which the claimant is liable to pay is altered during a benefit week, his eligible rent or rates for that week shall be calculated by multiplying his old and new daily rent or daily rate by the number equal to the number of days in that week which relate respectively to the old and new amounts which he is liable to pay;
- (c) where the claimant ceases to occupy as his home the dwelling in respect of which he is entitled to housing benefit, his eligible rent or rates for the week in which he ceases to be so liable shall be calculated by multiplying his daily rent or rate by the number equal to the number of days in that week for which he is liable to make such payments.

(6) In the case of a claimant whose weekly eligible rent or rates falls to be calculated in accordance with paragraph (5)(a) or (c) by reference to the daily rent or rates in his case, his weekly applicable amount, weekly income, the weekly amount of any non-dependant deductions and the minimum amount payable in his case shall be calculated in the same manner as his weekly eligible rent or rates by reference to the amounts determined in his case in accordance with Parts V to VIII (applicable amounts, income and capital, students and amount of benefit).

(7) Where a change in the amount of a claimant's applicable amount, income or non-dependant deductions falls to be taken into account in the same benefit week as a change in his eligible rent or rates to which paragraph (5)(b) applies, it shall be taken into account in that week on a daily basis in the same manner and as if it had occurred on the same day as that change in his eligible rent or rates.

(8) The appropriate authority may, if a claimant's circumstances are exceptional, increase the weekly amount of any housing benefit to be paid in his case, but only where such an increase is in respect of costs which are eligible housing costs under Part III.

(9) Any amount determined under these Regulations may, if it is appropriate, be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.

### **Rent and rate free periods**

**70.**—(1) This regulation applies to a claimant for any period (referred to in this regulation as a rent-free period) in respect of which he is not liable to pay rent or to make a payment by way of rates made together with rent except for any period–

- (a) for which a rating authority has, exceptionally, failed to set a rate; or

- (b) to which regulation 6(1)(d) (waiver of rent by landlord in return for work done) applies.
- (2) In the case of the beginning or ending of a claimant's benefit period—
  - (a) where regulation 69(2)(a) (calculation of weekly amounts) applies
    - (i) his eligible rent for the benefit week in which that period begins shall be nil, and
    - (ii) his eligible rent for the benefit week in which that period ends shall be his weekly eligible rent determined in accordance with regulation 69(2)(a) unless the rent-free period lasts for the whole of that benefit week, in which case his eligible rent shall be nil;
  - (b) where regulation 69(2)(b) applies, his eligible rent for the benefit week in which the rent-free period begins and ends shall be calculated on a daily basis as if those benefit weeks were weeks to which regulation 69(5) applies.
- (3) For the purpose of determining the weekly applicable amount and income of a claimant to whom this regulation applies, the weekly amount of any non-dependant deductions and the minimum amount payable in his case—
  - (a) in a case to which regulation 69(2)(a) applies, the amounts determined in his case in accordance with Parts V to VIII (applicable amounts, income and capital, students and amount of benefit) shall be multiplied by 52 or 53, whichever is appropriate, and divided by the number equal to the number of weeks in that 52 or 53 week period in respect of which he is liable to pay rent;
  - (b) subject to paragraph (4), in a case to which regulation 69(2)(b) applies, the amounts determined in his case in accordance with Parts V to VIII shall be multiplied by 365 or 366, whichever is appropriate and divided by the number of days in that 365 or 366 day period in respect of which he is liable to pay rent.
- (4) In a case to which paragraph (3)(b) applies, where either regulation 69(6) or (7) also applies or it is the beginning or end of a rent-free period, the weekly amounts referred to in paragraph (3) shall first be calculated in accordance with sub-paragraph (b) of that paragraph and then determined on a daily basis in the same manner as the claimant's eligible rent or rates.