
STATUTORY INSTRUMENTS

2006 No. 213

The Housing Benefit Regulations 2006

PART 5

Applicable amounts

Applicable amounts

22. Subject to regulations 23, 24, 80 and 81 and Schedule A1(1) (polygamous marriages, patients, calculation of weekly amounts, rent free periods and treatment of claims for housing benefit by refugees), a claimant's weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

- (a) an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1(1), (2) or (3), as the case may be, of Schedule 3;
- (b) an amount determined in accordance with paragraph 2 of Schedule 3 in respect of any child or young person who is a member of his family;
- (c) if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with Part 2 of Schedule 3 (family premium);
- (d) the amount of any premiums which may be applicable to him, determined in accordance with Parts 3 and 4 of Schedule 3 (premiums).

Polygamous marriages

23. Subject to regulations 24, 80 and 81 and Schedule A1(2) (patients, calculation of weekly amounts, rent free periods and treatment of claims for housing benefit by refugees), where a claimant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case—

- (a) the highest amount applicable to him and one of his partners determined in accordance with paragraph 1(3) of Schedule 3 as if he and that partner were a couple;
- (b) an amount equal to the difference between the amounts specified in sub-paragraphs (3)(b) and (1)(b) of paragraph 1 of Schedule 3 in respect of each of his other partners;
- (c) an amount determined in accordance with paragraph 2 of Schedule 3 (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- (d) if he or another partner of the polygamous marriage is responsible for a child or young person who is a member of the same household, the amount specified in Part 2 of Schedule 3 (family premium);

(1) See the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), regulation 7 and Schedule 4, paragraph 2, for regulation 10A and Schedule A1 (claims by refugees).
(2) See the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), regulation 7 and Schedule 4, paragraph 2, for regulation 10A and Schedule A1 (claims by refugees).

- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of Schedule 3 (premiums).

Patients

24.—(1) Subject to regulations 80 and 81 and Schedule A1⁽³⁾ (calculation of weekly amounts, rent free periods and treatment of claims for housing benefit by refugees), where a person has been a patient for a period of more than 52 weeks—

- (a) in the case of a single claimant, his applicable amount shall be £20.50;
- (b) in the case of a lone parent, his applicable amount shall be £20.50 plus any amount applicable to him under regulation 22(b) or (c) or (d) (applicable amounts) by virtue of his satisfying the condition specified in paragraph 16 of Schedule 3;
- (c) in the case of a couple—
- (i) where the other member is not a patient, or has not been a patient for more than 52 weeks, his or, if he is not the claimant, the claimant's applicable amount shall be the amount applicable under regulation 22 (applicable amounts) reduced by £16.40;
- (ii) where the other member has also been a patient for more than 52 weeks, his or, as the case may be, the claimant's applicable amount shall be £41.00 plus any amounts applicable under regulation 22(b) or (c) or (d) by virtue of his satisfying the condition specified in paragraph 16 of Schedule 3;
- (d) if he is polygamously married—
- (i) where at least one member of the polygamous marriage is not a patient, or has not been a patient for more than 52 weeks, the applicable amount under regulation 23 (polygamous marriages) shall be reduced by £16.40 in respect of each such member who is a patient;
- (ii) where all the members of the polygamous marriage have been patients for more than 52 weeks, the applicable amount shall be £20.50 in respect of each member plus any amounts applicable under regulation 23(c) or (d) or (e) by virtue of his satisfying the condition specified in paragraph 16 of Schedule 3.

(2) In paragraph (1), “patient” means a person (other than a person who is serving a sentence of imprisonment or detention in a young offender institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975⁽⁴⁾.

(3) For the purposes of calculating the period of 52 weeks referred to in paragraph (1), where a person has been maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or similar institution within the meaning of that paragraph for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been so maintained for a period equal in duration to the total of those distinct periods.

⁽³⁾ See the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), regulation 7 and Schedule 4, paragraph 2 for regulation 10A and Schedule A1 (claims by refugees).

⁽⁴⁾ S.I. 1975/555; the relevant amending instruments are S.I. 1987/1683, 1992/2595 and 1999/1326.