
STATUTORY INSTRUMENTS

2006 No. 213

The Housing Benefit Regulations 2006

PART 5

Applicable amounts

Polygamous marriages

23.—^[F1](1) Subject to regulations 24, 80 and 81 and Schedule A1 ^{M1} (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;
- ^[F2](c) an amount determined in accordance with paragraph 2 of Schedule 3 in respect of up to two individuals who are either children or young persons and for whom he or a partner of his is responsible and who are members of the same household;]
- (d) ^[F3]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);]
- (e) the amount of any premiums which may be applicable to him determined in accordance with Parts 3 and 4 of Schedule 3 (premiums).
- ^[F4](f) the amount of the support component which may be applicable to him in accordance with Part 5 of Schedule 3 (the component);]
- ^[F5](g) the amount of any transitional addition which may be applicable to him in accordance with Parts 7 and 8 of Schedule 3 (transitional addition).]

^[F6](2) For the purposes of paragraph (1)(c), as it applies apart from paragraph (4), where the claimant and his partners are between them responsible for more than two individuals who are either children or young persons and who are members of the same household, and, under paragraph 2 of Schedule 3, a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(3) Paragraph (4) applies where—

- (a) (as part of a polygamous unit) the claimant has an award of child tax credit 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, and whether or not any amount is payable by way of such credit; and
- (b) the total amount to be included in the applicable amount under paragraph (1)(c) as substituted by paragraph (4) would be higher than the total amount that would be included under paragraph (1)(c) apart from paragraph (4).

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(4) Where this paragraph applies, for paragraph (1)(c) substitute—

“(c) an amount determined in accordance with paragraph 2 of Schedule 3 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 and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;”.

(5) In this regulation, “polygamous unit” has the same meaning as in regulation 2 of the Tax Credits (Polygamous Marriages) Regulations 2003.]

Textual Amendments

- F1** Reg. 23(1): reg. 23 renumbered as reg. 23(1) (6.4.2017) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (S.I. 2017/376), regs. 1, **7(3)(a)** (with reg. 9)
- F2** Reg. 23(1)(c) substituted (6.4.2017) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (S.I. 2017/376), regs. 1, **7(3)(a)** (with reg. 9)
- F3** Reg. 23(d) omitted (1.5.2016) by virtue of The Housing Benefit (Abolition of the Family Premium and date of claim) (Amendment) Regulations 2015 (S.I. 2015/1857), regs. 1(b), **2(1)(b)** (with reg. 4)
- F4** Reg. 23(f) substituted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 6(4)** (with Sch. 2 paras. 1-7)
- F5** Reg. 23(g) added (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 1(2), **Sch. 5 para. 69(4)** (with reg. 3)
- F6** Reg. 23(2)-(5) inserted (6.4.2017) by The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017 (S.I. 2017/376), regs. 1, **7(3)(b)** (with reg. 9)

Marginal Citations

- M1** 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).

Changes to legislation:

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Table of Contents words omitted by [S.I. 2020/618 reg. 5\(8\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Sch. 3 para. 1 table substituted by [S.I. 2024/242 art. 23\(6\)\(a\)](#)Sch. 4
- Sch. 3 para. 2(1)(a) sum substituted by [S.I. 2024/242 art. 23\(6\)\(b\)](#)
- Sch. 3 para. 2(1)(b) sum substituted by [S.I. 2024/242 art. 23\(6\)\(b\)](#)