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STATUTORY INSTRUMENTS

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**2006 No. 213**

**The Housing Benefit Regulations 2006**

**PART 7**

Students

*SECTION 2*

*Entitlement and payments in respect of a dwelling*

**Full-time students to be treated as not liable to make payments in respect of a dwelling**

**56.**—(1) A full-time student shall be treated as if he were not liable to make payments in respect of a dwelling.

(2) Paragraph (1) shall not apply to a full-time student—

- (a) who is a person on income support<sup>[F1]</sup>, an income-based jobseeker's allowance or an income-related employment and support allowance];
- [F2(aa) who is a person on universal credit, except where the award of universal credit to that person includes an amount in respect of a liability to make payments in respect of the accommodation they occupy as their home, in accordance with section 11 of the Welfare Reform Act 2012 (housing costs);]
- (b) who is a lone parent;
- (c) whose applicable amount would, but for paragraph (1), include the <sup>F3</sup>... disability premium or severe disability premium;
- (d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act<sup>M1</sup>;
- (e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- [F4(ea) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations [F5] or the Employment and Support Allowance Regulations 2013] for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;]
- (f) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;
- (g) who is a single claimant with whom a child is—

- (i) placed by a local authority or voluntary organisation under [<sup>F6</sup>section 22C(2)] or section 59(1)(a) of the Children Act 1989 <sup>M2</sup> (provision of accommodation and maintenance); <sup>F7</sup>...
- [<sup>F8</sup>(ia) in Wales, placed by a local authority under section 81(2) of the Social Services and Well-being (Wales) Act 2014; or]
  - (ii) in Scotland, boarded out by a local authority or voluntary organisation within the meaning of the Social Work (Scotland) Act 1968<sup>M3</sup>;
- [<sup>F9</sup>(h) who is—
  - (i) aged under 21 and whose course of study is not a course of higher education;
  - (ii) aged 21 and attained that age during a course of study which is not a course of higher education; or
  - (iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);]
  - (i) in respect of whom—
    - (i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003<sup>M4</sup>; or
    - [<sup>F10</sup>(ii) an allowance or, as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) of regulation 4 of the Students' Allowances (Scotland) Regulations 2007 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority Bursaries (Scotland) Regulations 2007, in respect of expenses incurred; or]
    - (iii) a payment has been made under section 2 of the Education Act 1962 <sup>M5</sup> or under, or by virtue of regulations made under, the Teaching and Higher Education Act 1998<sup>M6</sup>; or
    - (iv) a grant has been made under [<sup>F11</sup>regulation 37 of the Education (Student Support) Regulations 2008] or under [<sup>F11</sup>regulation 39 of the Education (Student Support) Regulations (Northern Ireland) 2007]; or
    - (v) a supplementary requirement has been determined under paragraph 9 of Schedule 6 to the [<sup>F12</sup>Students Awards Regulations (Northern Ireland) 2003]<sup>M7</sup> or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986<sup>M8</sup>,
  - on account of his disability by reason of deafness; or
  - (j) who—
    - (i) immediately before 1st September 1990 was in receipt of income support by virtue of paragraph 7 of Schedule 1 to the Income Support (General) Regulations 1987 as then in force; or
    - (ii) on or after that date makes a claim for income support or housing benefit (or both) and at any time during the period of 18 months immediately preceding the date of that claim was in receipt of income support either by virtue of that paragraph or regulation 13(2)(b) of those Regulations,

but this sub-paragraph shall cease to apply where the person has ceased to be in receipt of income support for a continuous period of 18 months or more.
  - [<sup>F13</sup>(2A) Paragraph (2)(h)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21.]

(3) For the purposes of paragraph (2), once paragraph (2)(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

(4) In paragraph (2)(h) reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988<sup>F14</sup>....

(5) A full-time student to whom sub-paragraph (i) of paragraph (2) applies shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment, as the case may be.

(6) Paragraph (1) shall not apply to a full-time student for the period specified in paragraph (7) if—

- (a) at any time during an academic year, with the consent of the relevant education establishment, he ceases to attend or undertake a course because he is—
  - (i) engaged in caring for another person; or
  - (ii) ill;
- (b) he has subsequently ceased to be engaged in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph (7).

(7) The period specified for the purposes of paragraph (6) is the period not exceeding one year beginning on the day on which he ceased to be engaged in caring for that other person or, as the case may be, the day on which he recovered from that illness and ending on the day before—

- (a) the day on which he resumes attending or undertaking the course; or
- (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,

whichever shall first occur.

#### Textual Amendments

- F1** Words in reg. 56(2)(a) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **17(a)**
- F2** Reg. 56(2)(aa) inserted (28.10.2013) by [The Universal Credit \(Transitional Provisions\) and Housing Benefit \(Amendment\) Regulations 2013 \(S.I. 2013/2070\)](#), regs. 1, **7(5)**
- F3** Words in reg. 56(2)(c) omitted (19.5.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2008 \(S.I. 2008/1042\)](#), regs. 1(2), **3(7)(a)**
- F4** Reg. 56(2)(ea) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) Regulations 2008 \(S.I. 2008/1082\)](#), regs. 1, **17(b)**
- F5** Words in reg. 56(2)(ea) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **35(6)**
- F6** Words in reg. 56(2)(g)(i) substituted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **25(3)**
- F7** Word in reg. 56(2)(g)(i) omitted (3.11.2017) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **11(5)(a)**

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- F8** Reg. 56(2)(g)(ia) inserted (3.11.2017) by The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 (S.I. 2017/901), arts. 1, **11(5)(b)**
- F9** Reg. 56(2)(h) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(2), **12(a)**
- F10** Reg. 56(2)(i)(ii) substituted (19.5.2008) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **3(7)(b)**
- F11** Words in reg. 56(2)(i)(iv) substituted (19.5.2008) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **3(7)(c)**
- F12** Words in reg. 56(2)(i)(v) substituted (19.5.2008) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **3(7)(d)**
- F13** Reg. 56(2A) substituted (1.4.2012 for specified purposes, 2.4.2012 in so far as not already in force) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(2), **12(b)**
- F14** Word in reg. 56(4) omitted (19.5.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.2) Regulations 2008 (S.I. 2008/1042), regs. 1(2), **3(7)(e)**

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#### Marginal Citations

- M1** Section 171E was inserted by section 6 of the Social Security (Incapacity for Work) Act 1994 (c. 18).
- M2** 1989 c. 41; sections 23(2)(a) and 59(1)(a) were amended by the Children Act 2004 (c. 31), section 116, **Schedule 4**, paragraph 14(1) and (3)(a).
- M3** 1968 c. 49.
- M4** S.I. 2003/1994; the relevant amending Instrument is S.I. 2005/2083.
- M5** 1962 c. 12; *see also* Article 3 of the Teaching and Higher Education Act 1998 (Commencement No. 4 and Transitional Provisions) Order (S.I. 1998/3237).
- M6** 1998 c. 30.
- M7** S.I. 1999/351; the relevant amending Regulations are S.I. 1999/369.
- M8** S.I. 1986/594 (N.I.3).

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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\(6\)\(b\)](#)