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STATUTORY INSTRUMENTS

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**2006 No. 213**

**The Housing Benefit Regulations 2006**

**PART 8**

Amount of benefit

**Non-dependant deductions**

<sup>F1</sup>74.—(1) Subject to the following provisions of this regulation, the deductions referred to in regulation 70 (maximum housing benefit) shall be—

- (a) in respect of a non-dependant aged 18 or over in remunerative work, [<sup>F2</sup>£116.75] per week;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, [<sup>F3</sup>£18.10] per week.

(2) In the case of a non-dependant aged 18 or over to whom paragraph (1)(a) applies because he is in remunerative work, where it is shown to the appropriate authority that his normal weekly gross income is—

- (a) less than [<sup>F4</sup>£162.00], the deduction to be made under this regulation shall be that specified in paragraph (1)(b);
- (b) not less than [<sup>F5</sup>£162.00] but less than [<sup>F6</sup>£236.00], the deduction to be made under this regulation shall be [<sup>F7</sup>£41.60];
- (c) not less than [<sup>F8</sup>£236.00] but less than [<sup>F9</sup>£308.00], the deduction to be made under this regulation shall be [<sup>F10</sup>£57.10];
- (d) not less than [<sup>F11</sup>£308.00] but less than [<sup>F12</sup>£410.00], the deduction to be made under this regulation shall be [<sup>F13</sup>£93.40];
- (e) not less than [<sup>F14</sup>£410.00] but less than [<sup>F15</sup>£511.00], the deduction to be made under this regulation shall be [<sup>F16</sup>£106.35].

(3) Only one deduction shall be made under this regulation in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

(4) In applying the provisions of paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of paragraph (2) to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a couple or members of a polygamous marriage), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the payments in respect of the dwelling payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying a claimant's dwelling if the claimant or his partner is—

- (a) [<sup>F17</sup>severely sight impaired or blind or treated as severely sight impaired or blind] by virtue of paragraph 13 of Schedule 3 (additional condition [<sup>F18</sup>for the disability premium]); or
- (b) receiving in respect of himself either—
  - (i) attendance allowance; <sup>F19</sup> ...
  - (ii) the care component of the disability living allowance; <sup>F20</sup> ...
  - [<sup>F21</sup>(ia) the care component of child disability payment;]
  - (iii) the daily living component of personal independence payment; <sup>F22</sup>[<sup>F23</sup> ...
  - [ the daily living component of adult disability payment; or]
  - <sup>F24</sup>(iiia)
  - (iv) armed forces independence payment.]

(7) No deduction shall be made in respect of a non-dependant if—

- (a) although he resides with the claimant, it appears to the appropriate authority that his normal home is elsewhere; or
- (b) he is in receipt of a training allowance paid in connection with [<sup>F25</sup>youth training] established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
- (c) he is a full-time student during a period of study within the meaning of Part 7 (Students); or
- (d) he is a full-time student and during a recognised summer vacation appropriate to his course he is not in remunerative work; or
- (e) he is a full-time student and the claimant or his partner has attained the [<sup>F26</sup>pensionable age]; or
- (f) he is not residing with the claimant because he has been a patient for a period in excess of 52 weeks, or a prisoner, and for these purposes—
  - (i) “patient” has the meaning given in paragraph (18) of regulation 7 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home);
  - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods; and
  - (iii) “prisoner” means a person who is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995.
- [<sup>F27</sup>(g) he is not residing with the claimant because he is a member of the armed forces away on operations.]

[<sup>F28</sup>(8) No deduction shall be made in calculating the amount of a rent rebate or allowance in respect of a non-dependant aged less than 25 who is—

- (a) on income support, an income-based jobseeker's allowance or an income-related employment and support allowance which does not include an amount under section 4(2)
- (b) of the Welfare Reform Act (the support component [<sup>F29</sup>and where the non-dependant is not a member of the work-related activity group]<sup>F30</sup>...); or

- (b) entitled to an award of universal credit where the award is calculated on the basis that the non-dependant does not have any earned income.]
- (9) In the case of a non-dependant to whom paragraph (2) applies because he is in remunerative work, there shall be disregarded from his weekly gross income—
- (a) any attendance allowance [<sup>F31</sup>, disability living allowance [<sup>F32</sup>, child disability payment][<sup>F33</sup>, armed forces independence payment][<sup>F34</sup>,] personal independence payment [<sup>F35</sup>or adult disability payment]] received by him;
- (b) any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust [<sup>F36</sup>, MFET Limited][<sup>F37</sup>, the Skipton Fund, the Caxton Foundation][<sup>F38</sup>, the Scottish Infected Blood Support Scheme][<sup>F39</sup>, an approved blood scheme][<sup>F40</sup>, the London Emergencies Trust, the We Love Manchester Emergency Fund][<sup>F41</sup>, the National Emergencies Trust][<sup>F42</sup>, the Victims of Overseas Terrorism Compensation Scheme] or the Independent Living [<sup>F43</sup>Fund (2006)] which had his income fallen to be calculated under [<sup>F44</sup>or by] regulation 40 (calculation of income other than earnings) would have been disregarded under paragraph 23 of Schedule 5 (income in kind); and
- [<sup>F45</sup>(ba) any Grenfell Tower payment;]
- [<sup>F46</sup>(bb) any child abuse payment;
- (bc) any Windrush payment;]
- [<sup>F47</sup>(bd) any Post Office compensation payment;]
- (c) any payment which had his income fallen to be calculated under regulation 40 would have been disregarded under paragraph 35 of Schedule 5 (payments made under certain trusts and certain other payments).
- [<sup>F48</sup>(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.]
- (10) No deduction shall be made in respect of a non-dependant who is on state pension credit.]
- [<sup>F49</sup>(11) For the purposes of paragraph (8), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.]

### Textual Amendments

- F1** Reg. 74 substituted (7.4.2008) by [The Housing Benefit \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2868\)](#), regs. 1(3), **14** (with reg. 1(6))
- F2** Sum in [Reg. 74\(1\)\(a\)](#) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2023 \(S.I. 2023/316\)](#), arts. 1(3)(j), **24(3)(a)**
- F3** Sum in [Reg. 74\(1\)\(b\)](#) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2023 \(S.I. 2023/316\)](#), arts. 1(3)(j), **24(3)(b)**
- F4** Sum in [Reg. 74\(2\)\(a\)](#) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2023 \(S.I. 2023/316\)](#), arts. 1(3)(j), **24(3)(c)**
- F5** Sum in [Reg. 74\(2\)\(b\)](#) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2023 \(S.I. 2023/316\)](#), arts. 1(3)(j), **24(3)(d)(ii)**
- F6** Sum in [Reg. 74\(2\)\(b\)](#) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2023 \(S.I. 2023/316\)](#), arts. 1(3)(j), **24(3)(d)(iii)**
- F7** Sum in [Reg. 74\(2\)\(b\)](#) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2023 \(S.I. 2023/316\)](#), arts. 1(3)(j), **24(3)(d)(i)**

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F8** Sum in Reg. 74(2)(c) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(e)(ii)**
- F9** Sum in Reg. 74(2)(c) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(e)(iii)**
- F10** Sum in Reg. 74(2)(c) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(e)(i)**
- F11** Sum in Reg. 74(2)(d) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(f)(ii)**
- F12** Sum in Reg. 74(2)(d) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(f)(iii)**
- F13** Sum in Reg. 74(2)(d) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(f)(i)**
- F14** Sum in Reg. 74(2)(e) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(g)(ii)**
- F15** Sum in Reg. 74(2)(e) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(g)(iii)**
- F16** Sum in Reg. 74(2)(e) substituted (1.4.2023 for specified purposes, 3.4.2023 in so far as not already in force) by The Social Security Benefits Up-rating Order 2023 (S.I. 2023/316), arts. 1(3)(j), **24(3)(g)(i)**
- F17** Words in reg. 74(6)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(5)(b)**
- F18** Words in reg. 74(6)(a) substituted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(3)(a), **8(8)**
- F19** Word in reg. 74(6)(b)(i) omitted (8.4.2013) by virtue of The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 36(4)(a)**
- F20** Word in reg. 74(6)(b) omitted (8.4.2013) by virtue of The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 34(4)(a)**
- F21** Reg. 74(6)(b)(iia) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 5 para. 4(a)**
- F22** Word in reg. 74(6)(b)(iii) omitted (21.3.2022) by virtue of The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(a)(i)**
- F23** Words in reg. 74(6)(b)(iv) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 34(4)(b)**
- F24** Reg. 74(6)(b)(iia) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(a)(ii)**
- F25** Words in reg. 74(7)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **6(6)(11)**
- F26** Words in reg. 74(7)(e) substituted (6.12.2018) by The Social Security (Miscellaneous Amendments No. 5) Regulations 2017 (S.I. 2017/1187), regs. 1(2)(b), **6**
- F27** Reg. 74(7)(g) added (1.4.2013) by The Housing Benefit (Amendment) Regulations 2013 (S.I. 2013/665), regs. 1, **2(6)**
- F28** Reg. 74(8) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **35(7)(a)**
- F29** Words in reg. 74(8)(a) substituted (23.6.2017) by The Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017 (S.I. 2017/581), regs. 1, **5(4)** (with reg. 10)

- F30** Words in reg. 74(8)(a) omitted (3.4.2017) by virtue of 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(6)(a)** (with Sch. 2 paras. 1-7)
- F31** Words in reg. 74(9)(a) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 36(4)(c)**
- F32** Words in reg. 74(9)(a) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), art. 1(2), **Sch. 5 para. 4(b)**
- F33** Words in reg. 74(9)(a) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 34(4)(c)**
- F34** Reg. 74(9)(a): comma substituted for word (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(b)(i)**
- F35** Words in reg. 74(9)(a) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **9(4)(b)(ii)**
- F36** Words in reg. 74(9)(b) inserted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(3)(a), **8(3)(e)**
- F37** Words in reg. 74(9)(b) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **19(5)**
- F38** Words in reg. 74(9)(b) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **6(3)(d)**
- F39** Words in reg. 74(9)(b) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **6(3)(d)**
- F40** Words in reg. 74(9)(b) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **6(3)(d)**
- F41** Words in reg. 74(9)(b) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **5(10)(a)**
- F42** Words in reg. 74(9)(b) inserted (27.10.2023) by The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **6(3)(c)**
- F43** Words in reg. 74(9)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **6(4)(d)(11)**
- F44** Words in reg. 74(9)(b) inserted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(3)(a), **8(5)(d)**
- F45** Reg. 74(9)(ba) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **5(10)(b)**
- F46** Reg. 74(9)(bb)(bc) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **5(6)**
- F47** Reg. 74(9)(bd) inserted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **5(6)**
- F48** Reg. 74(9)(d) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **6(4)**
- F49** Reg. 74(11) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **35(7)(b)**

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- reg. 74(1)(a) sum substituted by [S.I. 2024/242 art. 23\(3\)\(a\)](#)
- reg. 74(1)(b) sum substituted by [S.I. 2024/242 art. 23\(3\)\(b\)](#)
- reg. 74(2)(a) sum substituted by [S.I. 2024/242 art. 23\(3\)\(c\)](#)
- reg. 74(2)(b) sum substituted by [S.I. 2024/242 art. 23\(3\)\(d\)\(i\)](#)
- reg. 74(2)(b) sum substituted by [S.I. 2024/242 art. 23\(3\)\(d\)\(ii\)](#)
- reg. 74(2)(b) sum substituted by [S.I. 2024/242 art. 23\(3\)\(d\)\(iii\)](#)
- reg. 74(2)(c) sum substituted by [S.I. 2024/242 art. 23\(3\)\(e\)\(i\)](#)
- reg. 74(2)(c) sum substituted by [S.I. 2024/242 art. 23\(3\)\(e\)\(ii\)](#)
- reg. 74(2)(c) sum substituted by [S.I. 2024/242 art. 23\(3\)\(e\)\(iii\)](#)
- reg. 74(2)(d) sum substituted by [S.I. 2024/242 art. 23\(3\)\(f\)\(i\)](#)
- reg. 74(2)(d) sum substituted by [S.I. 2024/242 art. 23\(3\)\(f\)\(ii\)](#)
- reg. 74(2)(d) sum substituted by [S.I. 2024/242 art. 23\(3\)\(f\)\(iii\)](#)
- reg. 74(2)(e) sum substituted by [S.I. 2024/242 art. 23\(3\)\(g\)\(i\)](#)
- reg. 74(2)(e) sum substituted by [S.I. 2024/242 art. 23\(3\)\(g\)\(ii\)](#)
- reg. 74(2)(e) sum substituted by [S.I. 2024/242 art. 23\(3\)\(g\)\(iii\)](#)

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