

---

STATUTORY INSTRUMENTS

---

**2006 No. 213**

**The Housing Benefit Regulations 2006**

[<sup>F1</sup>PART 8A

Benefit cap

[<sup>F1</sup>Exception to the benefit cap: current or recent work

**75E.**—(1) The benefit cap does not apply where paragraph (2) applies or during the period specified in paragraph (3).

(2) This paragraph applies where the claimant is, or the claimant and the claimant's partner are jointly, entitled to working tax credit.

(3) The specified period is, where paragraph (4) applies, the consecutive period of 39 consecutive weeks starting on the day specified in paragraph (5).

(4) This paragraph applies where the relevant authority is satisfied that, for at least 50 weeks out of the 52 weeks immediately preceding their last day of work, the claimant or the claimant's partner ("P")—

- (a) was employed or engaged in work for payment, or in the expectation of payment; and
- (b) was not entitled to income support, a jobseeker's allowance or an employment and support allowance,

and, for the purposes of sub-paragraph (a), P is employed or engaged in work for any day on which P is on maternity leave, paternity leave<sup>F2</sup>, adoption leave<sup>F3</sup>, shared parental leave or parental bereavement leave]] or is in receipt of statutory sick pay.

(5) The specified day is the day after the last day on which P was employed or engaged in the work referred to in paragraph (4).]

**Textual Amendments**

- F1** Pt. 8A inserted (15.4.2013) by [The Benefit Cap \(Housing Benefit\) Regulations 2012 \(S.I. 2012/2994\)](#), regs. 1, **2(5)** (as amended by [S.I. 2013/388](#), reg. 2, [Sch. para. 51](#); [S.I. 2013/546](#), regs. 1, **2**; and [S.I. 2013/591](#), art. 2(1), [Sch. para. 48\(2\)](#))
- F2** Words in reg. 75E(4) substituted (31.12.2014) by [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(2), **17(7)**
- F3** Words in reg. 75E(4) substituted (6.4.2020) by [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), regs. 1, **14(7)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit Regulations 2006, Section 75E.