
STATUTORY INSTRUMENTS

2006 No. 214

SOCIAL SECURITY

The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

<i>Made</i>	- - - -	<i>2nd February 2006</i>
<i>Laid before Parliament</i>		<i>10th February 2006</i>
<i>Coming into force</i>		<i>6th March 2006</i>

THE HOUSING BENEFIT (PERSONS WHO HAVE ATTAINED THE QUALIFYING AGE FOR STATE PENSION CREDIT) REGULATIONS 2006

PART 1

General

1. Citation and commencement
2. Interpretation
3. Definition of non-dependant
4. Cases in which section 1(1A) of the Administration Act is disapplied
5. Persons who have attained the qualifying age for state pension credit
6. Remunerative work

PART 2

Provisions affecting entitlement to housing benefit

7. Circumstances in which a person is or is not to be treated as occupying a dwelling as his home
8. Circumstances in which a person is to be treated as liable to make payments in respect of a dwelling
9. Circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling
10. Persons from abroad

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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](#)

PART 3

Payments in respect of a dwelling

- 11. Eligible housing costs
- 12. Rent
- 12B Eligible rent
- 12C Eligible rent and maximum rent
- 12D Eligible rent and maximum rent (LHA)
- 12L Transitional protection – larger properties
- 12M Transitional protection – reduction in LHA
- 13. Maximum rent
- 13ZA Protection on death and 13 week protection
- 13ZB Change in reckonable rent
- 13C When a maximum rent (LHA) is to be determined
- 13D Determination of a maximum rent (LHA)
- 13E Publication of local housing allowances
- 14. Requirement to refer to rent officers
- 15. Applications to the rent officer for redeterminations
- 16. Application for a redetermination by a rent officer
- 17. Substitute determinations or substitute redeterminations
- 18. Application of provisions to substitute determinations or substitute redeterminations
- 18A Amended determinations

PART 4

Membership of a family

- 19. Persons of prescribed description
- 20. Circumstances in which a person is to be treated as responsible or not responsible for another
- 21. Circumstances in which a person is to be treated as being or not being a member of the household

PART 5

Applicable amounts

- 22. Applicable amounts

PART 6

Assessment of income and capital

SECTION 1

- 23. Calculation of income and capital of members of claimant's family and of a polygamous marriage
- 24. Circumstances in which income of non-dependant is to be treated as claimant's

SECTION 2

- 25. Calculation of income and capital
- 26. Claimant in receipt of guarantee credit
- 27. Calculation of claimant's income and capital in savings credit only cases

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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](#)

- 28. Calculation of income and capital where state pension credit is not payable
- 29. Meaning of “income”
- 30. Calculation of income on a weekly basis
- 31. Treatment of child care charges
- 32. Calculation of average weekly income from tax credits
- 33. Calculation of weekly income
- 34. Disregard of changes in tax, contributions etc

SECTION 3

- 35. Earnings of employed earners
- 36. Calculation of net earnings of employed earners

SECTION 4

- 37. Calculation of earnings of self-employed earners
- 38. Earnings of self-employed earners
- 39. Calculation of net profit of self-employed earners
- 40. Deduction of tax and contributions of self-employed earners

SECTION 5

- 41. Notional income
- 42. Income paid to third parties

SECTION 6

- 43. Capital limit
- 44. Calculation of capital
- 45. Calculation of capital in the United Kingdom
- 46. Calculation of capital outside the United Kingdom
- 47. Notional capital
- 48. Diminishing notional capital rule
- 49. Capital jointly held

PART 7

Amount of benefit

- 50. Maximum housing benefit
- 51. Housing benefit tapers
- 52. Amount payable during extended payment period when an extended payment is payable pursuant to regulation 72 or 73 of the Housing Benefit Regulations
- 53. Extended payments (qualifying contributory benefits)
- 53A Duration of extended payment period (qualifying contributory benefits)
- 53B Amount of extended payment (qualifying contributory benefits)
- 53C Extended payments (qualifying contributory benefits) – movers
- 53D Relationship between extended payment (qualifying contributory benefits) and entitlement to housing benefit under the general conditions of entitlement
- 54. Continuing payments where state pension credit claimed
- 55. Non-dependant deductions
- 56. Minimum housing benefit

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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](#)

PART 8

Calculation of weekly amounts and changes of circumstances

- 57. Date on which entitlement is to commence
- 58. Date on which housing benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases
- 59. Date on which change of circumstances is to take effect
- 60. Change of circumstances where state pension credit payable
- 61. Calculation of weekly amounts
- 62. Rent free periods

PART 9

Claims

- 63. Who may claim
- 64. Time and manner in which claims are to be made
- 64A. Electronic claims for benefit
- 65. Date of claim where claim sent or delivered to a gateway office
- 66. Date of claim where claim sent or delivered to an office of a designated authority
- 67. Evidence and information
- 68. Amendment and withdrawal of claim
- 69. Duty to notify changes of circumstances
- 69ZA. Alternative means of notifying changes of circumstances
- 69A. Notice of changes of circumstances given electronically

PART 10

Decisions on questions

- 70. Decisions by a relevant authority
- 71. Notification of decision

PART 11

Payments

- 72. Time and manner of payment
- 72A. Cases in which payments to a housing authority are to take the form of a rent allowance
- 73. Frequency of payment of a rent allowance
- 74. Payment on account of a rent allowance
- 75. Payment to be made to a person entitled
- 76. Circumstances in which payment is to be made to a landlord
- 77. Circumstances in which payment may be made to a landlord
- 78. Payment on death of the person entitled
- 79. Offsetting

PART 12

Overpayments

- 80. Meaning of overpayment
- 81. Recoverable overpayments
- 82. Person from whom recovery may be sought

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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](#)

- 83. Method of recovery
- 84. Diminution of capital
- 85. Sums to be deducted in calculating recoverable overpayments
- 85A Sums to be deducted in calculating recoverable overpayments where the claimant has changed dwelling
- 86. Recovery of overpayments from prescribed benefits
- 87. Prescribed benefits
- 87A Recovery by deduction from earnings
- 88. Restrictions on recovery of rent and consequent notifications

PART 13

Information

SECTION 1

- 89. Interpretation
- 90. Collection of information
- 90A Verifying information
- 91. Recording and holding information
- 92. Forwarding of information
- 93. Request for information

SECTION 2

- 94. Interpretation
- 95A Information to be provided to rent officers
- 95. Evidence and information required by rent officers
- 96. Information to be supplied by an authority to another authority
- 97. Supply of information – extended payments (qualifying contributory benefits)
- 98. Requiring information from landlords and agents
- 99. Circumstances for requiring information
- 100. Relevant information
- 101. Manner of supply of information
- 102. Criminal offence
- 102A Supply of benefit administration information between authorities

PART 14

Pathfinder authorities

- 103. Modifications in respect of pathfinder authorities
Signature

SCHEDULE 1 — Ineligible service charges

PART 1 — Service charges other than for fuel

- 1. Ineligible service charges
- 2. Amount ineligible for meals
- 3. Amount of ineligible charges
- 4. Excessive service costs

PART 2 — Payments in respect of fuel charges

- 5. A service charge for fuel except a charge in respect...
- 6. (1) Where a charge is ineligible to be met by...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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

7. (1) Where rent is payable other than weekly, any amount...
8. In this Schedule— “communal areas” mean areas (other than rooms)...

SCHEDULE 2 — Excluded tenancies

1. An excluded tenancy is any tenancy to which any of...
2. (1) Subject to sub-paragraphs (2) and (3), where a rent...
3. (1) Subject to sub-paragraphs (1A) and (2) , this paragraph...
4. This paragraph applies to a tenancy entered into before—
5. This paragraph applies to a regulated tenancy within the meaning...
6. This paragraph applies to a housing association tenancy which—
7. This paragraph applies to a protected occupancy or statutory tenancy...
8. This paragraph applies to a tenancy at a low rent...
9. This paragraph applies to a tenancy of any dwelling which...
10. This paragraph applies to a tenancy of a housing action...
11. (1) Subject to sub-paragraphs (2) and (3) this paragraph applies...
12. This paragraph applies to a shared ownership tenancy.
13. In this Schedule, “rent” shall be construed in accordance with...

SCHEDULE 3 — Applicable amounts

PART 1 — Personal allowances

1. The amount specified in column (2) below in respect of...
2. (1) The amounts specified in column (2) below in respect...

PART 2 — Family premium

3. (1) The amount for the purposes of regulations 22(1)(c) and...

PART 3 — Premiums

4. The premiums specified in Part 4 shall, for the purposes...
5. (1) Subject to sub-paragraph (2), for the purposes of this...
6. Severe disability premium
7. Enhanced disability premium
8. Disabled child premium
9. Carer premium
10. Persons in receipt of concessionary payments
11. Person in receipt of benefit

PART 4 — Amounts of premiums specified in Part 3

12. Premium Amount (1) Severe Disability Premium (1)

SCHEDULE 4 — Sums disregarded from claimant's earnings

1. Where two or more of paragraphs 2 to 5 apply...
2. In a case where a claimant is a lone parent,...
3. (1) In a case of earnings from any employment or...
4. (1) If the claimant or, if he has a partner,...
5. (1) £20 is disregarded if the claimant or, if he...
- 5A (1) Where— (a) the claimant (or if the claimant is...
6. Any amount or the balance of any amount which would...
7. Except where the claimant or his partner qualifies for a...
8. Any earnings, other than earnings referred to in regulation 33(8)(b)...
9. (1) In a case where the claimant is a person...
10. Where a payment of earnings is made in a currency...

SCHEDULE 5 — Amounts to be disregarded in the calculation of income other than earnings

1. In addition to any sum which falls to be disregarded...
2. The whole of any amount included in a pension to...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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](#)

3. Any mobility supplement under article 20 of the Naval, Military...
4. Any supplementary pension under article 23(2) of the Naval, Military...
5. In the case of a pension awarded at the supplementary...
6. (1) Any payment which is— (a) made under any of...
7. £15 of any widowed parent's allowance to which the claimant...
8. £15 of any widowed mother's allowance to which the claimant...
9. Where the claimant occupies a dwelling as his home and...
10. If the claimant— (a) owns the freehold or leasehold interest...
11. Where a claimant receives income under an annuity purchased with...
12. (1) Any payment, other than a payment to which sub-paragraph...
13. Any increase in pension or allowance under Part 2 or...
14. Any payment ordered by a court to be made to...
15. Periodic payments made to the claimant or the claimant's partner...
16. Any income which is payable outside the United Kingdom for...
17. Any banking charges or commission payable in converting to Sterling...
18. Where the claimant makes a parental contribution in respect of...
19. (1) Where the claimant is the parent of a student...
20. (1) Where a claimant's family includes at least one child...
21. Except in a case which falls under paragraph 9 of...
22. Except in the case of income from capital specified in...
23. Any special war widows payment made under—
24. Where the total value of any capital specified in Part...

SCHEDULE 6 — Capital to be disregarded

PART 1 — Capital to be disregarded generally

1. Any premises acquired for occupation by the claimant which he...
2. Any premises which the claimant intends to occupy as his...
3. Any premises which the claimant intends to occupy as his...
4. Any premises occupied in whole or in part—
5. Any future interest in property of any kind, other than...
6. Where a claimant has ceased to occupy what was formerly...
7. Any premises where the claimant is taking reasonable steps to...
8. All personal possessions.
9. The assets of any business owned in whole or in...
10. The assets of any business owned in whole or in...
11. The surrender value of any policy of life insurance.
12. The value of any funeral plan contract; and for this...
13. Where an ex-gratia payment has been made by the Secretary...
14. (1) Subject to sub-paragraph (2), the amount of any trust...
15. The amount of any payment, other than a war pension,...
16. (1) Any payment made under or by—
17. (1) An amount equal to the amount of any payment...
18. Any amount specified in paragraphs 19, 20, 21 or 26B...
19. Amounts paid under a policy of insurance in connection with...
20. So much of any amounts paid to the claimant or...
21. (1) Subject to paragraph 22 any amount paid—
22. (1) Subject to sub-paragraph (3), any payment of £5,000 or...
- 22A Any payment of a widowed parent's allowance made pursuant to...
23. Where a capital asset is held in a currency other...
24. The value of the right to receive income from an...
25. Capital to be disregarded
26. The dwelling occupied as the home; but only one dwelling...
- 26A Where a person elects to be entitled to a lump...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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](#)

- 26AA Where a person chooses a lump sum under section 8(2)...
- 26B Any arrears of supplementary pension which is disregarded under paragraph...
- 26C Any payment made under Part 8A of the Act (entitlement...
- 26D Any payments made ...— (a) by virtue of regulations made...
- 26E Any payment in consequence of a reduction of council tax...
- 26F Any payments to a claimant made under section 49 of...
- 26G (1) Any payment made by a local authority in accordance...
- 26H (1) A payment of bereavement support payment in respect of...
- 26I Any payment made under or by a trust, established for...
- 26J Any sum paid by means of assistance in accordance with...
- 26K Any sum paid by means of winter heating assistance in...
 - PART 2 — Capital disregarded only for the purposes of determining deemed income
- 27. The value of the right to receive any income under...
- 28. The value of the right to receive any rent except...
- 29. The value of the right to receive any income under...
- 30. Where property is held under a trust, other than—

SCHEDULE 7 — Extended payments (severe disablement allowance and incapacity benefit) of housing benefit

- 1. Condition for an extended payment (severe disablement allowance and incapacity benefit)
- 2. Calculation and payment of an extended payment (severe disablement allowance and incapacity benefit)
- 3. Movers
- 4. Movers and rent allowances.
- 5. Movers and rent rebates
- 6. Movers and extended payments (severe disablement allowance and incapacity benefit)
- 7. Maximum housing benefit
- 8. Movers with two homes
- 9. Adjustment of entitlement in respect of an extended payment (severe disablement allowance and incapacity benefit)
- 10. Interpretation

SCHEDULE 8 — Matters to be included in decision notice

PART 1 — General

- 1. The statement of matters to be included in any decision...
- 2. Every decision notice shall include a statement as to the...
- 3. Every decision notice shall include a statement as to the...
- 4. Every decision notice following an application for a revision in...
- 5. Every decision notice following an application for a revision in...
- 6. An authority may include in the decision notice any other...
- 7. Parts 2, 3 and 6 of this Schedule shall apply...
- 8. Where a decision notice is given following a revision of...
 - PART 2 — Awards where state pension credit or an extended payment (qualifying contributory benefits) is payable
- 9. (1) Where a person on state pension credit is awarded...
 - PART 3 — Awards where no state pension credit is payable
- 10. Where a person is not on state pension credit but...
 - PART 4 — Awards where direct payments made to landlords
- 11. Where a decision has been made under regulation 76 or...

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Persons who have attained the qualifying age for state pension credit) 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](#)

12. In this Schedule, “landlord” has the same meaning as in...
PART 5 — Notice where income of non-dependant is treated as claimant's
13. Where an authority makes a decision under regulation 24 (circumstances...
PART 6 — Notice where no award is made
14. Where a person is not awarded housing benefit—
PART 7 — Notice where recoverable overpayment
15. (1) Where the appropriate authority makes a decision that there...

SCHEDULE 9 — Former pathfinder authorities

PART 1 — Former pathfinder authorities

PART 2 — Application of the Regulations

1. These Regulations shall apply to former pathfinder authorities subject to...
2. Amendment of regulation 2
3. Amendment of regulation 11
4. Amendment of regulation 12B
5. Amendment of regulation 12D
6. Insertion of regulations 12E to 12K
7. Amendment of regulation 13C
8. Amendment of regulation 13D

SCHEDULE 10 — Electronic Communication

PART 1 — Introduction

1. Interpretation
PART 2 — Electronic Communication – General Provisions
2. Conditions for the use of electronic communication
3. Use of intermediaries
PART 3 — Electronic Communication – Evidential Provisions
4. Effect of delivering information by means of electronic communication
5. Proof of identity of sender or recipient of information
6. Proof of delivery of information
7. Proof of content of information

Explanatory Note

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 6 para. 16(1A) words inserted by [S.I. 2023/640 reg. 6\(4\)\(a\)](#)
- Sch. 6 para. 16(2)-(6) words substituted by [S.I. 2023/640 reg. 6\(4\)\(b\)](#)
- reg. 2(1) words inserted by [S.I. 2023/640 reg. 6\(2\)\(b\)](#)
- reg. 2(1) words substituted by [S.I. 2023/640 reg. 6\(2\)\(a\)](#)
- reg. 2(1) words substituted by [S.I. 2023/640 reg. 6\(2\)\(c\)](#)

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):

- reg. 55(10)(bd) inserted by [S.I. 2023/640 reg. 6\(3\)](#)