
STATUTORY INSTRUMENTS

2007 No. 2618

The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007

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

12.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) at the appropriate place insert the following definition—

““starting rate”, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act);”.

(3) In regulation 7(8) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)—

(a) for “Where a person” substitute “Where”;

(b) in sub-paragraph (a) insert “a person” at the beginning;

(c) for sub-paragraph (b) substitute—

“(b) either—

(i) that person had claimed housing benefit before moving in and either no decision has yet been made on that claim or it has been refused but a further claim has been made or treated as made within 4 weeks of the date on which the claimant moved into the new dwelling occupied as the home; or

(ii) that person notified the move to the new dwelling as a change of circumstances under regulation 69 (duty to notify changes of circumstances) before the move, or the move to the new dwelling was otherwise notified before the move under that regulation; and”

(d) for “he shall be treated” substitute “the person shall be treated”.

(4) In regulation 36(5)(a) (calculation of net earnings of employed earners) for “lower rate”, wherever it occurs, substitute “starting rate”.

(5) In regulation 40(1) (deductions of tax and contributions of self-employed earners) for “lower rate”, wherever it occurs, substitute “starting rate”.

(6) For regulation 45 (calculation of capital in the United Kingdom) substitute—

“Calculation of capital in the United Kingdom

45. Capital which a claimant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

(a) where there would be expenses attributable to the sale, 10 per cent; and

(b) the amount of any encumbrance secured on it.”.

- (7) In regulation 59 (date on which change of circumstances is to take effect)—
- (a) in paragraph (2A)(2) for “and (9)” substitute “to (9A)”;
 - (b) after paragraph (9) insert—
 - “(9A) Where the change of circumstances is that the person moves to a new dwelling and immediately before the move that person is treated as occupying the new dwelling in accordance with regulation 7(8) then that change of circumstances shall take effect on the first day on which the person is treated as occupying the new dwelling as the home under that regulation.”.
- (8) In regulation 63 (who may claim)—
- (a) for “receiver”, wherever it occurs, substitute “deputy”;
 - (b) in sub-paragraph (2)(c) for “the Powers of Attorney Act 1971 or the Enduring Powers of Attorney Act 1985” substitute “the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise”.