
STATUTORY INSTRUMENTS

2007 No. 2868

The Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007

Amendment of regulations 95 and 96 of the Housing Benefit Regulations 2006

17.—(1) In regulation 95 (circumstances in which payment is to be made to a landlord) after paragraph (2) insert—

“(2A) In a case where—

- (a) a relevant authority has determined a maximum rent (LHA) in accordance with regulation 13D; and
- (b) the rent allowance exceeds the amount which the claimant is liable to pay his landlord by way of rent,

any payment of rent allowance made to a landlord pursuant to this regulation or to regulation 96 may include all or part of any amount by which the rent allowance exceeds the amount which the claimant is liable to pay his landlord as rent but shall not include any amount by which the rent allowance exceeds the amount which the claimant is liable to pay his landlord as rent and arrears of rent.”.

(2) In regulation 96 (circumstances in which payment may be made to a landlord)—

- (a) in paragraph (1) for “paragraph (3)” substitute “paragraphs (3) and (3A)”;
- (b) in paragraph (3) after “paragraph (1)” insert “, (3A) or (3B)”;
- (c) after paragraph (3) insert—

“(3A) In a case where a relevant authority has determined a maximum rent in accordance with regulation 13D—

- (a) sub-paragraphs (a) and (b) of paragraph (1) shall not apply; and
- (b) payment of a rent allowance to a person’s landlord may be made where—
 - (i) the relevant authority considers that the claimant is likely to have difficulty in relation to the management of his financial affairs;
 - (ii) the relevant authority considers that it is improbable that the claimant will pay his rent; or
 - (iii) a direct payment has previously been made by the relevant authority to the landlord in accordance with regulation 95 in respect of the current award of housing benefit.

(3B) Where the relevant authority suspects that the grounds in paragraph (3A)(b)(i) or (ii) apply and is considering whether to make payments on one of those grounds, it may make a payment of a rent allowance to the person’s landlord for a period not exceeding 8 weeks.”.