
STATUTORY INSTRUMENTS

2007 No. 2868

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

Amendments to regulations 2, 3, 11 and 12 of the Housing Benefit Regulations 2006

4.—(1) In regulation 2(1) (interpretation)—

(a) for the definition of “eligible rent” substitute—

““eligible rent” means, as the case may require, an eligible rent determined in accordance with—

(a) regulations 12B (eligible rent), 12C (eligible rent and maximum rent) or 12D (eligible rent and maximum rent (LHA)); or

(b) regulations 12 (rent) and 13 (restrictions on unreasonable payments) as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations in a case to which paragraph 4 of that Schedule applies;”;

(b) for the definition of “housing association” substitute—

““housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985⁽¹⁾;”;

(c) for the definition of “maximum rent” substitute—

““maximum rent” means the amount to which the eligible rent is restricted in a case where regulation 13 applies;”;

(d) for the definition of “non-dependant deduction” substitute—

““non-dependant deduction” means a deduction that is to be made under regulation 74 (non-dependant deductions);”;

(e) for the definition of “Rent Officers Order” substitute—

““Rent Officers Order” means the Rent Officers (Housing Benefit Functions) Order 1997⁽²⁾ or, as the case may be, the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997⁽³⁾;”;

(f) for the definition of “young individual” substitute—

““young individual” means a single claimant who has not attained the age of 25 years, but does not include such a claimant—

(a) whose landlord is a registered housing association;

(b) who has not attained the age of 22 years and has ceased to be the subject of a care order made pursuant to section 31(1)(a) of the Children Act 1989⁽⁴⁾ which had previously been made in respect to him either—

(i) after he attained the age of 16 years; or

(1) 1985 c. 69.

(2) S.I. 1997/1984; relevant amending instruments are S.I. 2000/1, 2001/1325, 2001/2317, 2003/2398, 2006/217 and 2007/2871.

(3) S. I. 1997/1995; relevant amending instruments are S.I. 2000/3, 2001/1236, 2001/2318, 2003/2398, 2006/217 and 2007/2871.

(4) 1989 c. 41.

- (ii) before he attained the age of 16 years, but had continued after he attained that age;
- (c) who has not attained the age of 22 years and was formerly provided with accommodation under section 20 of the Children Act 1989;
- (d) who has not attained the age of 22 years and has ceased to be subject to a supervision requirement by a children's hearing under section 70 of the Children (Scotland) Act 1995⁽⁵⁾ ("the 1995 Act") made in respect of him which had continued after he attained the age of 16 years, other than a case where—
 - (i) the ground of referral was based on the sole condition as to the need for compulsory measures of care specified in section 52(1)(i) of the 1995 Act (commission of offences by child); or
 - (ii) he was required by virtue of the supervision requirement to reside with a parent or guardian of his within the meaning of the 1995 Act, or with a friend or relative of his or of his parent or guardian;
- (e) who has not attained the age of 22 years and has ceased to be a child in relation to whom the parental rights and responsibilities were transferred to a local authority under a parental responsibilities order made in accordance with section 86 of the 1995 Act or treated as so vested in accordance with paragraph 3 of Schedule 3 to that Act, either—
 - (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued after he attained that age; or
- (f) who has not attained the age of 22 years and has ceased to be provided with accommodation by a local authority under section 25 of the 1995 Act where he has previously been provided with accommodation by the authority under that provision either—
 - (i) after he attained the age of 16 years; or
 - (ii) before he attained the age of 16 years, but had continued to be in such accommodation after he attained that age;";
- (g) at the appropriate places insert—
 - ““amended determination” means a determination made in accordance with article 7A⁽⁶⁾ of the Rent Officers Order;
 - “broad rental market area” has the meaning specified in paragraph 4 of Schedule 3B⁽⁷⁾ to the Rent Officers Order;
 - “broad rental market area determination” means a determination made in accordance with article 4B(1A)⁽⁸⁾ of the Rent Officers Order;
 - “change of dwelling” means, for the purposes of regulations 13C and 14, a change of dwelling occupied by a claimant as his home during the award where the dwelling to which the claimant has moved is one in respect of which the authority may make a rent allowance;

(5) 1995 c. 36.

(6) Article 7A was inserted into the Rent Officers (Housing Benefit Functions) Order 1997 by [S.I. 2000/1](#) and into the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 by [S.I. 2000/3](#). It was amended in both instruments by [S.I. 2003/2398](#).

(7) Schedule 3B is inserted by [S.I. 2007/2871](#).

(8) Article 4B was inserted by [S.I. 2003/2398](#). Paragraph (1A) is inserted by [S.I. 2007/2871](#).

“linked person” means—

- (a) any member of the claimant’s family;
- (b) if the claimant is a member of a polygamous marriage, any partners of his and any child or young person for whom he or a partner is responsible and who is a member of the same household; or
- (c) any relative of the claimant or his partner who occupies the same dwelling as the claimant, whether or not they reside with him, except for a relative who has a separate right of occupation of the dwelling which would enable them to continue to occupy it even if the claimant ceased his occupation of it;

“local housing allowance” means an allowance determined in accordance with paragraph 2 of Schedule 3B to the Rent Officers Order;

“maximum rent (LHA)” means the amount determined in accordance with regulation 13D;

“reckonable rent” means payments which a person is liable to make in respect of the dwelling which he occupies as his home, and which are eligible, or would, but for regulation 13, be eligible for housing benefit;

“registered housing association” means a housing association which—

- (a) is registered in a register maintained by the Corporation or the National Assembly for Wales under chapter 1 of Part 1 of the Housing Act 1996⁽⁹⁾; or
- (b) in Scotland, is registered by Scottish Ministers by virtue of section 57(3)(b) of the Housing (Scotland) Act 2001⁽¹⁰⁾;

“relevant information” means information or evidence forwarded to the relevant authority by an appropriate DWP office regarding a claim on which rent allowance may be awarded, which completes the transfer of all information or evidence held by the appropriate DWP office relating to that claim;

“single room rent” means the rent determined by a rent officer under paragraph 5 of Schedule 1 to the Rent Officers Order;”.

(2) In regulation 3(4) (definition of non-dependant) for “and regulation 9” substitute “, regulations 9 and 13(6)(c) and the definition of “linked person” in regulation 2”.

(3) In regulation 11 (eligible housing costs)—

(a) for paragraph (1) substitute—

“(1) Subject to the following provisions of this regulation, housing benefit shall be payable in respect of the payments specified in regulation 12(1) (rent) and a claimant’s maximum housing benefit shall be calculated under Part 8 (amount of benefit) by reference to the amount of his eligible rent determined in accordance with—

- (a) regulation 12B (eligible rent);
- (b) regulations 12C (eligible rent and maximum rent), 13 (maximum rent), 13ZA (protection on death and 13 week protection) and 13ZB (change in reckonable rent);
- (c) regulations 12D (eligible rent and maximum rent (LHA)), 13C (when a maximum rent (LHA) is to be determined) and 13D (determination of a maximum rent (LHA)); or

⁽⁹⁾ 1996 c. 52.

⁽¹⁰⁾ 2001 asp 10.

- (d) regulations 12 (rent) and 13 (restrictions on unreasonable payments) as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations, whichever is applicable in his case.”;
 - (b) in paragraph (3) for “paragraphs (1) to (3) of that regulation” substitute “paragraphs (1) or (2) of that regulation or paragraph (2) of regulation 12B”.
- (4) In regulation 12 (rent)—
 - (a) omit paragraphs (3) to (7);
 - (b) in paragraph (8) after “regulation” insert “, regulation 12B (eligible rent)”.