

2007 No. 294

SOCIAL SECURITY

**The Housing Benefit (Daily Liability Entitlement) Amendment
Regulations 2007**

<i>Made</i> - - - -	<i>6th February 2007</i>
<i>Laid before Parliament</i>	<i>9th February 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(k) and 189(1), (4) and (5) of the Social Security Administration Act 1992(a) and paragraphs 4(6) and 20(1)(b) and (3) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(b).

In accordance with section 176(1)(c) of the Social Security Administration Act 1992 the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations shall not be referred to it.

Citation and commencement

1. These Regulations may be cited as the Housing Benefit (Daily Liability Entitlement) Amendment Regulations 2007 and shall come into force on 1st April 2007.

Amendment of the Housing Benefit Regulations 2006

2.—(1) The Housing Benefit Regulations 2006(d) shall be amended as follows.

(2) In regulation 76 (date on which entitlement is to commence)—

(a) for paragraph (3)(c)(e) substitute—

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- (a) 1992 c.5. Section 189(1) was amended by paragraph 109 of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14), paragraph 57 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and Schedule 6 to the Tax Credits Act 2002 (c. 21); section 189(4) and (5) was amended by paragraph 109 of Schedule 7 and Schedule 8 to the Social Security Act 1998.
- (b) 2000 c.19.
- (c) Section 176(1) was amended by paragraph 23 of Schedule 9 to the Local Government (Finance) Act 1992 (c.14), paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c.52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000 (c.19).
- (d) S.I. 2006/213. Relevant amending instruments are S.I. 2005/2502 (as amended by S.I. 2006/217) and S.I. 2006/588.
- (e) Paragraph (3) was inserted by S.I. 2006/588.

“(c) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of the accommodation listed in paragraph (4) which he occupies as his home.”; and

(b) after regulation 76(3) insert—

“(4) The accommodation referred to in paragraph (3)(c) is—

- (a) a hostel;
- (b) board and lodging accommodation where the payments are to an authority under section 206(2) of the Housing Act 1996^(a) or section 35(2)(b) of the Housing (Scotland) Act 1987^(b);
- (c) accommodation which the authority holds on a licence agreement where the payments are to an authority under section 206(2) of the Housing Act 1996 or section 35(2)(b) of the Housing (Scotland) Act 1987; or
- (d) accommodation outside that authority’s Housing Revenue Account which the authority holds on a lease granted for a term not exceeding 10 years.

(5) In this regulation—

“board and lodging accommodation” means—

- (a) accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than a person to whom the accommodation is provided or by a member of his family) and are consumed in that accommodation or associated premises; or
- (b) accommodation provided to a person in a hotel, guest house, lodging house or some similar establishment,

but it does not include accommodation in a care home, an Abbeyfield Home, an independent hospital or a hostel; and

“Housing Revenue Account” has the same meaning as for the purposes of Part VIII of the Social Security Administration Act 1992.”.

(3) In regulation 79(8)(c) (date on which change of circumstances is to take effect) omit the words “in respect of a hostel”.

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

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006^(d) shall be amended as follows.

(2) In regulation 57 (date on which entitlement is to commence)

(a) for paragraph (2)(b)(e) substitute—

“(b) he becomes liable in that benefit week to make payments, which fall due on a daily basis, in respect of the accommodation listed in paragraph (3) which he occupies as his home.”; and

(b) after regulation 57(2) insert—

“(3) The accommodation referred to in paragraph (2)(b) is—

- (a) a hostel;

(a) 1996 c.52. Section 206 was modified by S.I. 1999/3126, articles 1(2), 2 and 4.
(b) 1987 c.26 to which there are amendments which are not relevant to these Regulations.
(c) Paragraph (8) was inserted by S.I. 2005/2502 (as amended by 2006/217).
(d) S.I. 2006/214. The relevant amending instrument is S.I. 2005/2502 (as amended by S.I. 2006/217).
(e) Paragraph (2) was inserted by S.I. 2005/2502.

- (b) board and lodging accommodation where the payments are to an authority under section 206(2) of the Housing Act 1996 or section 35(2)(b) of the Housing (Scotland) Act 1987;
- (c) accommodation which the authority holds on a licence agreement where the payments are to an authority under section 206(2) of the Housing Act 1996 or section 35(2)(b) of the Housing (Scotland) Act 1987; or
- (d) accommodation outside that authority's Housing Revenue Account which the authority holds on a lease granted for a term not exceeding 10 years.

(4) In this regulation—

“board and lodging accommodation” means—

- (a) accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than a person to whom the accommodation is provided or by a member of his family) and are consumed in that accommodation or associated premises; or
- (b) accommodation provided to a person in a hotel, guest house, lodging house or some similar establishment,

but it does not include accommodation in a care home, an Abbeyfield Home, an independent hospital or a hostel; and

“Housing Revenue Account” has the same meaning as for the purposes of Part VIII of the Social Security Administration Act 1992.”

(3) In regulation 59(8)(a) (date on which change of circumstances is to take effect) omit the words “in respect of a hostel”.

Signed by authority of the Secretary of State for Work and Pensions.

6th February 2007

James Plaskitt
Parliamentary Under Secretary of State,
Department for Work and Pensions

(a) Paragraph (8) was inserted by S.I. 2005/2502.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006 (2006/213) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (2006/214).

Regulation 2 amends the Housing Benefit Regulations 2006 to provide that persons who have a daily rent liability and reside in certain types of accommodation may be entitled to housing benefit from the first day of occupation rather than the Monday following the date the claim is received. An amendment is also made to provide that in circumstances where rent is payable on a daily basis the effective date of the change of circumstances ending entitlement will be the day the change happened rather than the end of the benefit week.

Regulation 3 makes equivalent provisions in relation to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities and voluntary bodies.

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