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STATUTORY INSTRUMENTS

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**2008 No. 959**

**SOCIAL SECURITY**

**The Housing Benefit and Council Tax Benefit  
(Extended Payments) Amendment Regulations 2008**

<i>Made</i>	- - - -	<i>1st April 2008</i>
<i>Laid before Parliament</i>		<i>9th April 2008</i>
<i>Coming into force</i>	- -	<i>6th October 2008</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred upon him by section 134(2) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>, sections 5(1), 6(1), 122E(3) and 128A of the Social Security Administration Act 1992<sup>(2)</sup> and sections 32, 33 and 34(6) of the Welfare Reform Act 2007<sup>(3)</sup>.

In accordance with section 176(1)<sup>(4)</sup> 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.

This instrument contains only regulations made by virtue of, or consequential upon, sections 32 to 34 of the Welfare Reform Act 2007 and is made before the end of the period of 6 months beginning with the coming into force of those sections<sup>(5)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Housing Benefit and Council Tax Benefit (Extended Payments) Amendment Regulations 2008 and shall come into force on 6th October 2008.

(2) In these Regulations—

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- (1) 1992 c.4.  
(2) 1992 c.5. Section 5(1) was amended by section 74 of, and paragraph 79(1)(a) of Schedule 7 and Schedule 8 to, the Social Security Act 1998 (c.14) and paragraph 21(1) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (c.19). Section 6(1) was amended by paragraph 12 of Schedule 9 to the Local Government Finance Act 1992 (c.14), and Schedule 8 to the Social Security Act 1998, paragraph 21(2) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000. Section 122E was inserted by section 3 of the Social Security Administration (Fraud) Act 1997 (c.47). Section 128A was inserted by section 28(2) of the Jobseekers Act 1995 (c.18).  
(3) 2007 c.5. Regulation 34(6) is cited for the meaning of “prescribed”.  
(4) Section 176(1) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992, 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.  
(5) See section 173(5) of the Social Security Administration Act 1992. The requirement to refer Regulations to the Social Security Advisory Committee does not apply where Regulations are contained in a statutory instrument made before the end of the period of six months beginning with the coming into force of the enactment under which the regulations were made.

“the Council Tax Benefit Regulations” means the Council Tax Benefit Regulations 2006(6);  
 “the Council Tax Benefit (State Pension Credit) Regulations” means the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(7);  
 “the Housing Benefit Regulations” means the Housing Benefit Regulations 2006(8);  
 “the Housing Benefit (State Pension Credit) Regulations” means the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(9).

### **Amendments to the Housing Benefit Regulations relating to extended payments**

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

(2) For regulation 72(10) (extended payments) substitute—

#### **“Extended Payments**

72.—(1) A claimant who is entitled to housing benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the claimant or the claimant’s partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,
 and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the claimant or the claimant’s partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker’s allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of paragraph (1)(c), a claimant or a claimant’s partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker’s allowance during any period of less than five weeks in respect of which the claimant or the claimant’s partner was not entitled to any of those benefits because the claimant or the claimant’s partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

(3) For the purpose of this regulation, where a claimant or a claimant’s partner is entitled to and in receipt of joint-claim jobseeker’s allowance they shall be treated as being entitled to and in receipt of jobseeker’s allowance.

(4) A claimant must be treated as entitled to housing benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to housing benefit because the claimant vacated the dwelling occupied as the claimant’s home;

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(6) S.I. 2006/215.

(7) S.I. 2006/216.

(8) S.I. 2006/213.

(9) S.I. 2006/214.

(10) A relevant amending instrument is S.I. 2007/2868.

- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph (1)(b).

(5) This regulation shall not apply where, on the day before a claimant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations<sup>(11)</sup> (remunerative work: housing costs) applied to that claimant.

#### **Duration of extended payment period**

**72A.**—(1) Where a claimant is entitled to an extended payment, the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended payment is payable has no liability for rent, if that occurs first.

#### **Amount of extended payment**

**72B.**—(1) For any week during the extended payment period the amount of the extended payment payable to a claimant shall be the higher of—

- (a) the amount of housing benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of housing benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 72 (extended payments) did not apply to the claimant; or
- (c) the amount of housing benefit to which the claimant's partner would be entitled under the general conditions of entitlement, if regulation 72 did not apply to the claimant.

(2) Paragraph (1) is subject to paragraphs (3) to (6) and does not apply in the case of a mover.

(3) Where the last benefit week referred to in paragraph (1)(a) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(4) Where—

- (a) a claimant is entitled to an extended payment by virtue of regulation 72(4) (early vacation of dwelling); and
- (b) the last benefit week before the claimant ceased to be entitled to a qualifying income-related benefit was a week in which the claimant's eligible rent was calculated in accordance with regulation 80(3)(c)<sup>(12)</sup> (calculation of rent for a partial week),

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<sup>(11)</sup> A relevant amending instrument is [S.I. 2001/488](#).

<sup>(12)</sup> Regulation 80 was substituted by [S.I. 2007/2868](#).

the last benefit week for the purpose of calculating the amount of the extended payment under paragraph (1)(a) shall be the benefit week before the partial week.

(5) Where—

- (a) a claimant was treated as occupying two dwellings as the claimant's home under regulation 7(6) (liability to make payments in respect of two homes) at the time when the claimant's entitlement to a qualifying income-related benefit ceased; and
- (b) the claimant's liability to pay rent for either of those dwellings ceases during the extended payment period,

the amount of the extended payment for any week shall be reduced by a sum equivalent to the housing benefit which was payable in respect of that dwelling.

(6) No extended payment is payable for any rent free period as defined in regulation 81(1)(13) (rent free periods).

(7) Where a claimant is in receipt of an extended payment under this regulation and the claimant's partner makes a claim for housing benefit, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period.

#### **Extended payments – movers**

**72C.**—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of housing benefit which was payable to the mover for the last benefit week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover's liability to make payments for the new dwelling is to the second authority, the extended payment may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover's partner, makes a claim for housing benefit to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended payment from the appropriate authority,

the second authority shall reduce the weekly amount of housing benefit that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended payment until the end of the extended payment period.

(5) The reduction of housing benefit made by the second authority under paragraph (4) is subject to any entitlement the claimant may have pursuant to regulation 7(6) (liability to make payments in respect of two homes).

(6) Where the last benefit week referred to in paragraph (2) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(7) No extended payment is payable for any rent free period as defined in regulation 81(1) (rent free periods).

**Relationship between extended payment and entitlement to housing benefit under the general conditions of entitlement**

**72D.**—(1) Where a claimant’s housing benefit award would have ended when the claimant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in regulation 72(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 9 (calculation of weekly amounts and changes of circumstances) shall not apply to any extended payment payable in accordance with regulation 72B(1)(a) or 72C(2) (amount of extended payment – movers).”.

(3) For regulation 115 (information to be supplied by an authority to another authority) substitute—

**“Information to be supplied by an authority to another authority**

**115.**—(1) This regulation applies for the purposes of section 128A of the Administration Act (duty of an authority to disclose information to another authority).

(2) Information is to be disclosed by one authority to another where—

- (a) there is a mover who is or was in receipt of housing benefit from Authority “A”;
- (b) either the mover’s new dwelling is within the area of another Authority “B” or the mover is liable or treated as liable to make payments in respect of the new dwelling to housing authority B; and
- (c) the mover is entitled to an extended payment in accordance with regulation 72.

(3) Authority A shall disclose to Authority B—

- (a) the amount of the extended payment calculated in accordance with regulation 72C(2) (amount of extended payment – movers);
- (b) the date that entitlement to the extended payment will commence or has commenced;
- (c) the date that entitlement to the extended payment ceased or will cease;
- (d) the date of the move from Authority A to Authority B;
- (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 72C(3)(a) (payment of extended payment to the second authority)—
  - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
  - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
- (f) if any deduction was being made in respect of a recoverable overpayment.

(4) Authority B shall disclose to Authority A—

- (a) if a mover’s liability to make payments for the new dwelling is to Authority B; and
- (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 72C(3)(a)—
  - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
  - (ii) the date on which Authority B receives any such payment.”.

### **Amendments to the Housing Benefit Regulations relating to extended payments (qualifying contributory benefits)**

3.—(1) The Housing Benefit Regulations shall be amended as follows.

(2) For regulation 73(14) (extended payments (severe disablement allowance and incapacity benefit)) substitute—

#### **“Extended payments (qualifying contributory benefits)**

73.—(1) A claimant who is entitled to housing benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment (qualifying contributory benefits) where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant’s partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,
 and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the claimant or the claimant’s partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the claimant or the claimant’s partner was not entitled to and not in receipt of a qualifying income-related benefit in the last benefit week in which the claimant, or the claimant’s partner, was entitled to a qualifying contributory benefit.

(2) A claimant must be treated as entitled to housing benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to housing benefit because the claimant vacated the dwelling occupied as the claimant’s home;
- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph (1)(b).

#### **Duration of extended payment period (qualifying contributory benefits)**

73A.—(1) Where a claimant is entitled to an extended payment (qualifying contributory benefits), the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant’s partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant’s partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

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(14) A relevant amending instrument is [S.I. 2007/2868](#).

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended payment (qualifying contributory benefits) is payable has no liability for rent, if that occurs first.

**Amount of extended payment (qualifying contributory benefits)**

**73B.**—(1) For any week during the extended payment period the amount of the extended payment (qualifying contributory benefits) payable to a claimant shall be the higher of—

- (a) the amount of housing benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant’s partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of housing benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 73 (extended payments (qualifying contributory benefits)) did not apply to the claimant; or
- (c) the amount of housing benefit to which the claimant’s partner would be entitled under the general conditions of entitlement, if regulation 73 did not apply to the claimant.

(2) Paragraph (1) is subject to the paragraphs (3) to (6) and does not apply in the case of a mover.

(3) Where the last benefit week referred to in paragraph (1)(a) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(4) Where—

- (a) a claimant is entitled to an extended payment (qualifying contributory benefits) by virtue of regulation 73(2) (early vacation of dwelling); and
- (b) the last benefit week before the claimant ceased to be entitled to a qualifying contributory benefit was a week in which the claimant’s eligible rent was calculated in accordance with regulation 80(3)(c)(**15**) (calculation of rent for a partial week),

the last benefit week for the purpose of calculating the amount of the extended payment (qualifying contributory benefits) under paragraph (1)(a) shall be the benefit week before the partial week.

(5) Where—

- (a) a claimant was treated as occupying two dwellings as the claimant’s home under regulation 7(6) (liability to make payments in respect of two homes) at the time when the claimant’s entitlement to a qualifying contributory benefit ceased; and
- (b) the claimant’s liability to pay rent for either of those dwellings ceases during the extended payment period,

the amount of the extended payment (qualifying contributory benefits) for any week shall be reduced by a sum equivalent to the housing benefit which was payable in respect of that dwelling.

(6) No extended payment (qualifying contributory benefits) is payable for any rent free period as defined in regulation 81(1)(**16**) (rent free periods).

(7) Where a claimant is in receipt of an extended payment (qualifying contributory benefits) under this regulation and the claimant’s partner makes a claim for housing benefit, no amount

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(15) Regulation 80 was substituted by [S.I. 2007/2868](#).

(16) Regulation 81 was substituted by [S.I. 2007/2868](#).

of housing benefit shall be payable by the appropriate authority during the extended payment period.

**Extended payments (qualifying contributory benefits) – movers**

**73C.**—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment (qualifying contributory benefits) payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of housing benefit which was payable to the mover for the last benefit week before the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover’s liability to make payments for the new dwelling is to the second authority, the extended payment (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover’s partner, makes a claim for housing benefit to the second authority after the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover’s partner, is in receipt of an extended payment (qualifying contributory benefits) from the appropriate authority,

the second authority shall reduce the weekly amount of housing benefit that the mover, or the mover’s partner, is entitled to by a sum equal to the amount of the extended payment (qualifying contributory benefits) until the end of the extended payment period.

(5) The reduction of housing benefit made by the second authority under paragraph (4) is subject to any entitlement the claimant may have pursuant to regulation 7(6) (liability to make payments in respect of two homes).

(6) Where the last benefit week referred to in paragraph (2) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(7) No extended payment (qualifying contributory benefits) is payable for any rent free period as defined in regulation 81(1) (rent free periods).

**Relationship between extended payment (qualifying contributory benefits) and entitlement to housing benefit under the general conditions of entitlement**

**73D.**—(1) Where a claimant’s housing benefit award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in regulation 73(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 9 (calculation of weekly amounts and changes of circumstances) shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 73B(1)(a) or 73C(2) (amount of extended payment – movers).”.

(3) For regulation 116 (supply of information: extended payments (severe disablement allowance and incapacity benefit)) substitute—



**“Supply of information – extended payments (qualifying contributory benefits)**

**116.—**(1) This regulation applies for the purposes of section 122E(3) of the Administration Act (duty of an authority to supply information to another authority).

- (2) Information is to be disclosed by one authority to another where—
- (a) there is a mover who is or was in receipt of housing benefit from Authority “A”;
  - (b) either the mover’s new dwelling is within the area of another Authority “B” or the mover is liable or treated as liable to make payments in respect of the new dwelling to housing authority B; and
  - (c) the mover is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 73.
- (3) Authority A shall disclose to Authority B—
- (a) the amount of the extended payment (qualifying contributory benefits) calculated in accordance with regulation 73C(2) (amount of extended payment – movers);
  - (b) the date that entitlement to the extended payment will commence or has commenced;
  - (c) the date that entitlement to the extended payment ceased or will cease;
  - (d) the date of the move from Authority A to Authority B;
  - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 73C(3)(a) (payment of the extended payment to the second authority)—
    - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
    - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
  - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
- (a) if a mover’s liability to make payments for the new dwelling is to Authority B; and
  - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 73C(3)(a)—
    - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
    - (ii) the date on which Authority B receives any such payment.”.

**Extended payments – consequential amendments to the Housing Benefit Regulations**

**4.—**(1) The Housing Benefit Regulations shall be amended as follows.

- (2) In regulation 2(1)(17) (interpretation)—
- (a) for the definition of “extended payment” substitute—
    - ““extended payment” means a payment of housing benefit payable pursuant to regulation 72;
    - “extended payment period” means the period for which an extended payment is payable in accordance with regulation 72A or 73A;”;
  - (b) for the definition of “extended payment (severe disablement allowance and incapacity benefit)” substitute—

- ““extended payment (qualifying contributory benefits)” means a payment of housing benefit payable pursuant to regulation 73;”;
- (c) for the definition of “mover” substitute—
- ““mover” means a claimant who changes the dwelling occupied as the claimant’s home from a dwelling in the area of the appropriate authority to a dwelling in the area of a second authority;”;
- (d) after the definition of “the New Deal options” insert—
- ““new dwelling” means, for the purposes of the definition of “second authority” and regulations 72C, 73C, 115 and 116, the dwelling to which a claimant has moved, or is about to move, which is or will be occupied as the claimant’s new home;”;
- (e) after the definition of “the qualifying age for state pension credit” insert—
- ““qualifying contributory benefit” means—
- (a) severe disablement allowance;
- (b) incapacity benefit;
- “qualifying income-related benefit” means—
- (a) income support;
- (b) income-based jobseeker’s allowance;”;
- (f) after the definition of “Rent Officers Order” insert—
- ““second authority” means the authority to which a mover is liable to make payments for the new dwelling;”;
- (g) omit the definition of “second dwelling”.
- (3) In regulation 5 (persons who have attained the qualifying age for state pension credit)—
- (a) omit paragraph (2); and
- (b) in paragraph (3) for “paragraphs (1) and (2)” substitute “paragraph (1)”.
- (4) Omit—
- (a) regulation 77 (date on which housing benefit is to end);
- (b) regulation 78 (date on which housing benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases);
- (c) regulation 80(6)(**18**) (adjustment where in receipt of an extended payment);
- (d) regulation 89(3) (priority to extended payment claims);
- (e) Schedule 7(**19**) (extended payments of housing benefit); and
- (f) Schedule 8(**20**) (extended payments (severe disablement allowance and incapacity benefit) of housing benefit).
- (5) In Part 2 of Schedule 9 (awards where income support or an income-based jobseeker’s allowance is payable)—
- (a) in the heading to paragraph 9 after “jobseeker’s allowance”, insert “, an extended payment or an extended payment (qualifying contributory benefits)”; and
- (b) in paragraph 9 after the words “is awarded housing benefit”, insert “or a claimant is entitled to an extended payment in accordance with regulation 72 or an extended payment (qualifying contributory benefits) in accordance with regulation 73”.

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**(18)** Regulation 80 was substituted by [S.I. 2007/2868](#).

**(19)** A relevant amending instrument is [S.I. 2007/2868](#).

**(20)** A relevant amending instrument is [S.I. 2007/2868](#).

**Amendments to the Housing Benefit (State Pension Credit) Regulations relating to extended payments (qualifying contributory benefits)**

5.—(1) The Housing Benefit (State Pension Credit) Regulations shall be amended as follows.

(2) For regulation 53 (extended payments (severe disablement allowance and incapacity benefit)) substitute—

**“Extended payments (qualifying contributory benefits)**

**53.**—(1) Except in the case of a claimant who is in receipt of state pension credit, a claimant who is entitled to housing benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment (qualifying contributory benefits) where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant’s partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the claimant or the claimant’s partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased;
- (d) the claimant or the claimant’s partner was not entitled to and not in receipt of a qualifying income-related benefit in the last benefit week in which the claimant, or the claimant’s partner, was entitled to a qualifying contributory benefit.

(2) A claimant must be treated as entitled to housing benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to housing benefit because the claimant vacated the dwelling occupied as the claimant’s home;
- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph (1)(b).

**Duration of extended payment period (qualifying contributory benefits)**

**53A.**—(1) Where a claimant is entitled to an extended payment (qualifying contributory benefits), the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant’s partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant’s partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

- (a) at the end of a period of four weeks; or

- (b) on the date on which the claimant to whom the extended payment (qualifying contributory benefits) is payable has no liability for rent, if that occurs first.

**Amount of extended payment (qualifying contributory benefits)**

**53B.**—(1) For any week during the extended payment period the amount of the extended payment (qualifying contributory benefits) payable to a claimant shall be the higher of—

- (a) the amount of housing benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant’s partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of housing benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 53 (extended payments (qualifying contributory benefits)) did not apply to the claimant; or
- (c) the amount of housing benefit to which the claimant’s partner would be entitled under the general conditions of entitlement, if regulation 53 did not apply to the claimant.

(2) Paragraph (1) is subject to the paragraphs (3) to (6) and does not apply in the case of a mover.

(3) Where the last benefit week referred to in paragraph (1)(a) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(4) Where—

- (a) a claimant is entitled to an extended payment (qualifying contributory benefit) by virtue of regulation 53(2) (early vacation of dwelling); and
- (b) the last benefit week before the claimant ceased to be entitled to a qualifying contributory benefit was a week in which the claimant’s eligible rent was calculated in accordance with regulation 61(3)(c)(**21**) (calculation of rent for a partial week),

the last benefit week for the purpose of calculating the amount of the extended payment (qualifying contributory benefits) under paragraph (1)(a) shall be the benefit week before the partial week.

(5) Where—

- (a) a claimant was treated as occupying two dwellings as the claimant’s home under regulation 7(6) (liability to make payments in respect of two homes) at the time when the claimant’s entitlement to a qualifying contributory benefit ceased; and
- (b) the claimant’s liability to pay rent for either of those dwellings ceases during the extended payment period,

the amount of the extended payment (qualifying contributory benefits) for any week shall be reduced by a sum equivalent to the housing benefit which was payable in respect of that dwelling.

(6) No extended payment (qualifying contributory benefits) is payable for any rent free period as defined in regulation 62(1)(**22**) (rent free periods).

(7) Where a claimant is in receipt of an extended payment (qualifying contributory benefits) under this regulation and the claimant’s partner makes a claim for housing benefit, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period.

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(21) Regulation 61 was substituted by [S.I. 2007/2869](#).

(22) Regulation 62 was substituted by [S.I. 2007/2869](#).

### **Extended payments (qualifying contributory benefits) – movers**

**53C.**—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment (qualifying contributory benefits) payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of housing benefit which was payable to the mover for the last benefit week before the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover’s liability to make payments for the new dwelling is to the second authority, the extended payment (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover’s partner, makes a claim for housing benefit to the second authority after the mover, or the mover’s partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover’s partner, is in receipt of an extended payment(qualifying contributory benefits) from the appropriate authority,

the second authority shall reduce the weekly amount of housing benefit that the mover, or the mover’s partner, is entitled to by a sum equal to the amount of the extended payment (qualifying contributory benefits) until the end of the extended payment period.

(5) The reduction of housing benefit made by the second authority under paragraph (4) is subject to any entitlement the claimant may have pursuant to regulation 7(6) (liability to make payments in respect of two homes).

(6) Where the last benefit week referred to in paragraph (2) fell, in whole or in part, within a rent free period, the last benefit week for the purposes of that paragraph is the last benefit week that did not fall within the rent free period.

(7) No extended payment (qualifying contributory benefits) is payable for any rent free period as defined in regulation 62(1) (rent free periods).

### **Relationship between extended payment (qualifying contributory benefits) and entitlement to housing benefit under the general conditions of entitlement**

**53D.**—(1) Where a claimant’s housing benefit award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in regulation 53(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 8 (calculation of weekly amounts and changes of circumstances) shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 53B(1)(a) or 53C(2) (amount of extended payment – movers).”.

(3) For regulations 96 (information to be supplied by an authority to another authority) and 97 (supply of information: extended payments (severe disablement allowance and incapacity benefit)) substitute—

**“Information to be supplied by an authority to another authority**

**96.**—(1) This regulation applies for the purposes of section 128A of the Administration Act (duty of an authority to disclose information to another authority).

- (2) Information is to be disclosed by one authority to another where—
- (a) there is a mover who is or was in receipt of housing benefit from Authority “A”;
  - (b) either the mover’s new dwelling is within the area of another Authority “B” or the mover is liable or treated as liable to make payments in respect of the new dwelling to housing authority B; and
  - (c) the mover is entitled to an extended payment in accordance with regulation 72 of the Housing Benefit Regulations 2006.
- (3) Authority A shall disclose to Authority B—
- (a) the amount of the extended payment calculated in accordance with regulation 72C(2) of the Housing Benefit Regulations 2006 (amount of extended payment – movers);
  - (b) the date that entitlement to the extended payment will commence or has commenced;
  - (c) the date that entitlement to the extended payment ceased or will cease;
  - (d) the date of the move from Authority A to Authority B;
  - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 72C(3)(a) of the Housing Benefit Regulations 2006 (payment of extended payment to the second authority)—
    - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
    - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
  - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
- (a) if a mover’s liability to make payments for the new dwelling is to Authority B; and
  - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 72C(3)(a) of the Housing Benefit Regulations 2006—
    - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
    - (ii) the date on which Authority B receives any such payment.

**Supply of information – extended payments (qualifying contributory benefits)**

**97.**—(1) This regulation applies for the purposes of section 122E(3) of the Administration Act (duty of an authority to supply information to another authority).

- (2) Information must be disclosed by one authority to another where—
- (a) there is a mover who is or was in receipt of housing benefit from Authority “A”;
  - (b) either the mover’s new dwelling is within the area of another Authority “B” or the mover is liable or treated as liable to make payments in respect of the new dwelling to housing authority B; and
  - (c) the mover is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 53 of these Regulations or regulation 73 of the Housing Benefit Regulations 2006.
- (3) Authority A shall disclose to Authority B—

- (a) the amount of the extended payment (qualifying contributory benefits) calculated in accordance with regulation 53C(2) of these Regulations or regulation 73C(2) of the Housing Benefit Regulations 2006 (amount of extended payment – movers);
  - (b) the date that entitlement to the extended payment will commence or has commenced;
  - (c) the date that entitlement to the extended payment ceased or will cease;
  - (d) the date of the move from Authority A to Authority B;
  - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 53C(3)(a) of these Regulations or regulation 73C(3)(a) of the Housing Benefit Regulations 2006 (payment of the extended payment to the second authority)—
    - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
    - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
  - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
- (a) if a mover’s liability to make payments for the new dwelling is to Authority B; and
  - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 53C(3)(a) of these Regulations or regulation 73C(3)(a) of the Housing Benefit Regulations 2006—
    - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
    - (ii) the date on which Authority B receives any such payment.”.

**Extended Payments – consequential amendments to the Housing Benefit (State Pension Credit) Regulations**

- 6.—(1) The Housing Benefit (State Pension Credit) Regulations shall be amended as follows.
- (2) In regulation 2(1)(23) (interpretation)—
- (a) for the definition of “extended payment (severe disablement allowance and incapacity benefit)” substitute—
    - ““extended payment (qualifying contributory benefits)” means a payment of housing benefit payable pursuant to regulation 53 of these Regulations or regulation 73 of the Housing Benefit Regulations 2006;
    - “extended payment period” means the period for which an extended payment is payable in accordance with regulation 53A of these Regulations or regulation 72A or 73A of the Housing Benefit Regulations 2006;”;
  - (b) after the definition of “maximum rent (LHA)” insert—
    - ““mover” means a claimant who changes the dwelling occupied as the claimant’s home from a dwelling in the area of the appropriate authority to a dwelling in the area of a second authority;”;
  - (c) after the definition of “net profit” insert—

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(23) A relevant amending instrument is [S.I. 2007/2869](#).

““new dwelling” means, for the purposes of the definition of “second authority” and regulations 53C, 96 and 97, the dwelling to which a claimant has moved, or is about to move, which is or will be occupied as the claimant’s new home;”;

(d) after the definition of “qualifying age for state pension credit” insert—

““qualifying contributory benefit” means—

- (a) severe disablement allowance;
- (b) incapacity benefit;”;

(e) after the definition of “qualifying course” insert—

““qualifying income-related benefit” means—

- (a) income support;
- (b) income-based jobseeker’s allowance;”;

(f) after the definition of “savings credit” insert—

““second authority” means the authority to which a mover is liable to make payments for the new dwelling;”.

(3) For regulation 52 (reduction where amount payable under regulation 72 of the Housing Benefit Regulations) substitute—

**“Amount payable during extended payment period when an extended payment is payable pursuant to regulation 72 or 73 of the Housing Benefit Regulations**

**52.—**(1) This regulation applies where—

- (a) a claimant became entitled to an extended payment pursuant to regulation 72 of the Housing Benefit Regulations 2006 or an extended payment (qualifying contributory benefits) pursuant to regulation 73 of those Regulations; and
- (b) during the extended payment period, these Regulations become applicable to the claimant or the claimant’s partner in accordance with regulation 5 (persons who have attained the qualifying age for state pension credit).

(2) Where this regulation applies, the amount of the extended payment or extended payment (qualifying contributory benefits) payable to a claimant for any week during the extended payment period shall be the higher of—

- (a) the amount of the extended payment payable in accordance with regulation 72B(1) (a) of the Housing Benefit Regulations 2006 or the extended payment (qualifying contributory benefits) payable in accordance with regulation 73B(1)(a) of those Regulations, as the case may be; or
- (b) the amount of housing benefit to which a claimant would be entitled under the general conditions of entitlement of these Regulations, if regulation 72 (extended payments) or 73 (extended payments (qualifying contributory benefits)) of the Housing Benefit Regulations 2006 did not apply to the claimant; or
- (c) the amount of housing benefit to which the claimant’s partner would be entitled under the general conditions of entitlement of these Regulations, if regulation 72 or 73 of the Housing Benefit Regulations 2006 did not apply to the claimant.

(3) Where this regulation applies, no amount of housing benefit shall be payable by the appropriate authority during the extended payment period to a claimant’s partner under these Regulations for any week in the extended payment period.”.

(4) Omit—



- (a) regulation 58 (date on which housing benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases);
  - (b) regulation 61(7)(**24**) (adjustment where in receipt of an extended payment);
  - (c) regulation 70(3) (priority to extended payment claims); and
  - (d) Schedule 7(**25**) (extended payments (severe disablement allowance and incapacity benefit) of housing benefit).
- (5) In Part 2 of Schedule 8 (awards where state pension credit is payable)—
- (a) in the heading to paragraph 9 after “state pension credit” insert, “ or an extended payment (qualifying contributory benefits)”;
  - (b) after paragraph 9(2) add—
    - “(3) Where a claimant is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 53, the decision notice shall include a statement as to the matters set out in paragraph 9(1).”.

#### **Amendments to the Council Tax Benefit Regulations relating to extended payments**

- 7.—(1) The Council Tax Benefit Regulations 2006(**26**) shall be amended as follows.
- (2) For regulation 60 (extended payments) substitute—

##### **“Extended Payments**

**60.**—(1) A claimant who is entitled to council tax benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying income-related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the claimant or the claimant’s partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the claimant or the claimant’s partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker’s allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

(2) For the purpose of paragraph (1)(c), a claimant or a claimant’s partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker’s allowance during any period of less than five weeks in respect of which the claimant or the claimant’s partner was not entitled to any of those benefits because the claimant or the claimant’s partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

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(24) Regulation 61 was substituted by [S.I. 2007/2869](#).

(25) A relevant amending instrument is [S.I. 2007/2869](#).

(26) [S.I. 2006/215](#).

(3) For the purpose of this regulation, where a claimant or a claimant's partner is entitled to and in receipt of joint-claim jobseeker's allowance they shall be treated as being entitled to and in receipt of jobseeker's allowance.

(4) A claimant must be treated as entitled to council tax benefit by virtue of the general conditions of entitlement where—

- (a) the claimant ceased to be entitled to council tax benefit because the claimant vacated the dwelling in which the claimant was resident;
- (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph (1)(b).

(5) This regulation shall not apply where, on the day before a claimant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations<sup>(27)</sup> (remunerative work: housing costs) applied to that claimant.

#### **Duration of extended payment period**

**60A.**—(1) Where a claimant is entitled to an extended payment, the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying income-related benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

(3) The extended payment period ends—

- (a) at the end of a period of four weeks; or
- (b) on the date on which the claimant to whom the extended payment is payable has no liability for council tax, if that occurs first.

#### **Amount of extended payment**

**60B.**—(1) For any week during the extended payment period the amount of the extended payment payable to a claimant shall be the higher of—

- (a) the amount of council tax benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 60 (extended payments) did not apply to the claimant; or
- (c) the amount of council tax benefit to which the claimant's partner would be entitled under the general conditions of entitlement, if regulation 60 did not apply to the claimant.

(2) Paragraph (1) does not apply in the case of a mover.

(3) Where a claimant is in receipt of an extended payment under this regulation and the claimant's partner makes a claim for council tax benefit, no amount of council tax benefit shall be payable by the appropriate authority during the extended payment period.

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(27) A relevant amending instrument is [S.I. 2001/488](#).

### **Extended payments – movers**

**60C.**—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of council tax benefit which was payable to the mover for the last benefit week before the mover, or the mover’s partner, ceased to be entitled to a qualifying income-related benefit.

(3) Where a mover’s liability to pay council tax in respect of the new dwelling is to the second authority, the extended payment may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover’s partner, makes a claim for council tax benefit to the second authority after the mover, or the mover’s partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover’s partner, is in receipt of an extended payment from the appropriate authority,

the second authority shall reduce the weekly amount of council tax benefit that the mover, or the mover’s partner, is entitled to by a sum equal to the amount of the extended payment until the end of the extended payment period.

### **Relationship between extended payment and entitlement to council tax benefit under the general conditions of entitlement**

**60D.**—(1) Where a claimant’s council tax benefit award would have ended when the claimant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in regulation 60(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 7 (changes of circumstances and increases for exceptional circumstances) shall not apply to any extended payment payable in accordance with regulation 60B(1)(a) or 60C(2) (amount of extended payment – movers).”.

(3) For regulation 96 (information to be supplied by an authority to another authority) substitute—

#### **“Information to be supplied by an authority to another authority**

**96.**—(1) This regulation applies for the purposes of section 128A of the Administration Act (duty of an authority to disclose information to another authority).

(2) Information is to be disclosed by one authority to another where—

- (a) there is a mover who is or was allowed council tax benefit by appropriate Authority “A”;
- (b) the mover is liable to pay council tax in respect of the new dwelling to Authority “B”; and
- (c) the mover is entitled to an extended payment in accordance with regulation 60.

(3) Authority A shall disclose to Authority B—

- (a) the amount of the extended payment calculated in accordance with regulation 60C(2) (amount of extended payment – movers);

- (b) the date that entitlement to the extended payment will commence or has commenced;
  - (c) the date that entitlement to the extended payment ceased or will cease;
  - (d) the date of the move from Authority A to Authority B;
  - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a) (payment of the extended payment to the second authority)—
    - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
    - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
  - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
- (a) if a mover’s liability to pay council tax for the new dwelling is to Authority B; and
  - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a)—
    - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
    - (ii) the date on which Authority B receives any such payment.”.

**Amendments to the Council Tax Benefit Regulations relating to extended payments (qualifying contributory benefits)**

- 8.**—(1) The Council Tax Benefit Regulations shall be amended as follows.
- (2) For regulation 61 (extended payments (severe disablement allowance and incapacity benefit)) substitute—

**“Extended Payments (qualifying contributory benefits)**

**61.**—(1) A claimant who is entitled to council tax benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment (qualifying contributory benefits) where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant’s partner—
  - (i) commenced employment as an employed or self-employed earner;
  - (ii) increased their earnings from such employment; or
  - (iii) increased the number of hours worked in such employment,
 and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the claimant or the claimant’s partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and

- (d) the claimant or the claimant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last benefit week in which the claimant, or the claimant's partner, was entitled to a qualifying contributory benefit.
- (2) A claimant must be treated as entitled to council tax benefit by virtue of the general conditions of entitlement where—
- (a) the claimant ceased to be entitled to council tax benefit because the claimant vacated the dwelling in which the claimant was resident;
  - (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
  - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph (1)(b).

**Duration of extended payment period (qualifying contributory benefits)**

**61A.**—(1) Where a claimant is entitled to an extended payment (qualifying contributory benefits), the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

- (3) The extended payment period ends—
- (a) at the end of a period of four weeks; or
  - (b) on the date on which the claimant to whom the extended payment (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

**Amount of extended payment (qualifying contributory benefits)**

**61B.**—(1) For any week during the extended payment period the amount of the extended payment (qualifying contributory benefits) payable to a claimant shall be the higher of—

- (a) the amount of council tax benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 61 (extended payments (qualifying contributory benefits)) did not apply to the claimant; or
- (c) the amount of council tax benefit to which the claimant's partner would be entitled under the general conditions of entitlement, if regulation 61 did not apply to the claimant.

(2) Paragraph (1) does not apply in the case of a mover.

(3) Where a claimant is in receipt of an extended payment (qualifying contributory benefits) under this regulation and the claimant's partner makes a claim for council tax benefit, no amount of council tax benefit shall be payable by the appropriate authority during the extended payment period.

**Extended payments (qualifying contributory benefits) – movers**

**61C.**—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment (qualifying contributory benefit) payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of council tax benefit which was payable to the mover for the last benefit week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended payment (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover's partner, makes a claim for council tax benefit to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended payment (qualifying contributory benefits) from the appropriate authority,

the second authority shall reduce the weekly amount of council tax benefit that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended payment (qualifying contributory benefits) until the end of the extended payment period.

#### **Relationship between extended payment (qualifying contributory benefits) and entitlement to council tax benefit under the general conditions of entitlement**

**61D.**—(1) Where a claimant's council tax benefit award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in regulation 61(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 7 (changes of circumstances and increases for exceptional circumstances) shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 61B(1)(a) or 61C(2) (amount of extended payment – movers)."

(3) For regulation 97 (supply of information: extended payments (severe disablement allowance and incapacity benefit)) substitute—

#### **“Supply of information – extended payments (qualifying contributory benefits)**

**97.**—(1) This regulation applies for the purposes of section 122E(3) of the Administration Act (duty of an authority to supply information to another authority).

(2) Information is to be disclosed by one authority to another where—

- (a) there is a mover who is or was allowed council tax benefit by appropriate Authority “A”;
- (b) the mover is liable to pay council tax in respect of the new dwelling to Authority “B”; and
- (c) the mover is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 61.

(3) Authority A shall disclose to Authority B—

- (a) the amount of the extended payment calculated in accordance with regulation 61C(2) (amount of extended payment – movers);
  - (b) the date that entitlement to the extended payment will commence or has commenced;
  - (c) the date that entitlement to the extended payment ceased or will cease;
  - (d) the date of the move from Authority A to Authority B;
  - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 61C(3)(a) (payment of the extended payment to the second authority)—
    - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
    - (ii) any other information required by Authority B to enable Authority A to make the payment required in accordance with that paragraph; and
  - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
- (a) if a mover’s liability to pay council tax for the new dwelling is to Authority B; and
  - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 61C(3)(a)—
    - (i) any information required by Authority A in order to enable Authority A to make the payment in accordance with that paragraph; and
    - (ii) the date on which Authority B receives any such payment.”.

### **Extended payments – consequential amendments to the Council Tax Benefit Regulations**

9.—(1) The Council Tax Benefit Regulations shall be amended as follows.

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

- (a) for the definition of “extended payment” substitute—
  - ““extended payment” means a payment of council tax benefit payable pursuant to regulation 60;
  - “extended payment period” means the period for which an extended payment is payable in accordance with regulation 60A or 61A;”;
- (b) for the definition of “extended payment (severe disablement allowance and incapacity benefit)” substitute—
  - ““extended payment (qualifying contributory benefits)” means a payment of council tax benefit payable pursuant to regulation 61;”;
- (c) after the definition of “mobility supplement” insert—
  - ““mover” means a claimant who changes the dwelling in which the claimant is resident and in respect of which the claimant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;”;
- (d) after the definition of “the New Deal options” insert—
  - ““new dwelling” means, for the purposes of the definition of “second authority” and regulations 60C, 61C, 96 and 97, the dwelling to which a claimant has moved, or is about to move, in which the claimant is or will be resident;”;
- (e) after the definition of “qualifying age for state pension credit” insert—
  - ““qualifying contributory benefit” means—

- (a) severe disablement allowance;
  - (b) incapacity benefit;
- “qualifying income-related benefit” means—
- (a) income support;
  - (b) income-based jobseeker’s allowance;”;
- (f) after the definition of “second adult” insert—
- ““second authority” means the authority to which a mover is liable to make payments for the new dwelling;”.
- (3) In regulation 5 (persons who have attained the qualifying age for state pension credit)—
- (a) omit paragraph (2); and
  - (b) in paragraph (3) for “paragraphs (1)(b) and (2)” substitute “paragraph (1)(b)”.
- (4) In regulation 57 (maximum council tax benefit)—
- (a) in paragraph (1) for “paragraphs (2) to (5)” substitute “paragraphs (2) to (4)”; and
  - (b) omit paragraph (5).
- (5) Omit—
- (a) regulation 65 (date on which council tax benefit is to end);
  - (b) regulation 66 (date on which council tax benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases);
  - (c) regulation 75(3) (priority to extended payment claims);
  - (d) Schedule 6 (extended payments of council tax benefit); and
  - (e) Schedule 7 (extended payments (severe disablement allowance and incapacity benefit) of council tax benefit).
- (6) In Part 2 of Schedule 8 (awards where income support or an income-based jobseeker’s allowance is payable)—
- (a) in the heading to paragraph 9 after “jobseeker’s allowance”, insert “, an extended payment or an extended payment (qualifying contributory benefits)”; and
  - (b) in paragraph 9 after the words “is awarded council tax benefit”, insert “or a claimant is entitled to an extended payment in accordance with regulation 60 or an extended payment (qualifying contributory benefits) in accordance with regulation 61”.

**Amendments to the Council Tax Benefit (State Pension Credit) Regulations relating to extended payments (qualifying contributory benefits)**

**10.**—(1) The Council Tax Benefit (State Pension Credit) Regulations shall be amended as follows.

(2) For regulation 44 (extended payments (severe disablement allowance and incapacity benefit)) substitute—

**“Extended Payments (qualifying contributory benefits)**

**44.**—(1) Except in the case of a claimant who is in receipt of state pension credit, a claimant who is entitled to council tax benefit (by virtue of the general conditions of entitlement) shall be entitled to an extended payment (qualifying contributory benefits) where—

- (a) the claimant or the claimant’s partner was entitled to a qualifying contributory benefit;



- (b) entitlement to a qualifying contributory benefit ceased because the claimant or the claimant's partner—
    - (i) commenced employment as an employed or self-employed earner;
    - (ii) increased their earnings from such employment; or
    - (iii) increased the number of hours worked in such employment,and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
  - (c) the claimant or the claimant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
  - (d) the claimant or the claimant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last benefit week in which the claimant, or the claimant's partner, was entitled to a qualifying contributory benefit.
- (2) A claimant must be treated as entitled to council tax benefit by virtue of the general conditions of entitlement where—
- (a) the claimant ceased to be entitled to council tax benefit because the claimant vacated the dwelling in which the claimant was resident;
  - (b) the day on which the claimant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and
  - (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph (1)(b).

**Duration of extended payment period (qualifying contributory benefits)**

**44A.**—(1) Where a claimant is entitled to an extended payment (qualifying contributory benefits), the extended payment period starts on the first day of the benefit week immediately following the benefit week in which the claimant, or the claimant's partner, ceased to be entitled to a qualifying contributory benefit.

(2) For the purpose of paragraph (1), a claimant or a claimant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

- (3) The extended payment period ends—
- (a) at the end of a period of four weeks; or
  - (b) on the date on which the claimant to whom the extended payment (qualifying contributory benefits) is payable has no liability for council tax, if that occurs first.

**Amount of extended payment (qualifying contributory benefits)**

**44B.**—(1) For any week during the extended payment period the amount of the extended payment (qualifying contributory benefits) payable to a claimant shall be the higher of—

- (a) the amount of council tax benefit to which the claimant was entitled under the general conditions of entitlement in the last benefit week before the claimant or the claimant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax benefit to which the claimant would be entitled under the general conditions of entitlement for any benefit week during the extended payment period, if regulation 44 (extended payments (qualifying contributory benefits)) did not apply to the claimant; or

(c) the amount of council tax benefit to which the claimant's partner would be entitled under the general conditions of entitlement, if regulation 44 did not apply to the claimant.

(2) Paragraph (1) does not apply in the case of a mover.

(3) Where a claimant is in receipt of an extended payment (qualifying contributory benefits) under this regulation and the claimant's partner makes a claim for council tax benefit, no amount of council tax benefit shall be payable by the appropriate authority during the extended payment period.

#### **Extended payments (qualifying contributory benefits) – movers**

**44C.**—(1) This regulation applies—

- (a) to a mover; and
- (b) from the Monday following the day of the move.

(2) The amount of the extended payment (qualifying contributory benefit) payable from the Monday from which this regulation applies until the end of the extended payment period shall be the amount of council tax benefit which was payable to the mover for the last benefit week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

(3) Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended payment (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

(4) Where—

- (a) a mover, or the mover's partner, makes a claim for council tax benefit to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended payment (qualifying contributory benefits) from the appropriate authority,

the second authority shall reduce the weekly amount of council tax benefit that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended payment (qualifying contributory benefits) until the end of the extended payment period.

#### **Relationship between extended payment (qualifying contributory benefits) and entitlement to council tax benefit under the general conditions of entitlement**

**44D.**—(1) Where a claimant's council tax benefit award would have ended when the claimant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in regulation 44(1)(b), that award will not cease until the end of the extended payment period.

(2) Part 6 (period of entitlement, changes of circumstances and increases for exceptional circumstances) shall not apply to any extended payment (qualifying contributory benefits) payable in accordance with regulation 44B(1)(a) or regulation 44C(2) (amount of extended payment – movers).”.

(3) For regulations 81 (information to be supplied by an authority to another authority) and 82 (supply of information: extended payments (severe disablement allowance and incapacity benefit)) substitute—

**“Information to be supplied by an authority to another authority**

**81.**—(1) This regulation applies for the purposes of section 128A of the Administration Act (duty of an authority to disclose information to another authority).

- (2) Information is to be disclosed by one authority to another where—
- (a) there is a mover who is or was allowed council tax benefit by appropriate Authority “A”;
  - (b) the mover is liable to pay council tax in respect of the new dwelling to Authority “B”; and
  - (c) the mover is entitled to an extended payment in accordance with regulation 60 of the Council Tax Benefit Regulations 2006.
- (3) Authority A shall disclose to Authority B—
- (a) the amount of the extended payment calculated in accordance with regulation 60C(2) of the Council Tax Benefit Regulations 2006 (amount of extended payment – movers);
  - (b) the date that entitlement to the extended payment will commence or has commenced;
  - (c) the date that entitlement to the extended payment ceased or will cease;
  - (d) the date of the move from Authority A to Authority B;
  - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a) of the Council Tax Benefit Regulations 2006 (payment of the extended payment to second authority)—
    - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
    - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
  - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
- (a) if a mover’s liability to pay council tax for the new dwelling is to Authority B; and
  - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 60C(3)(a) of the Council Tax Benefit Regulations 2006—
    - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
    - (ii) the date on which Authority B receives any such payment.

**Supply of information – extended payments (qualifying contributory benefits)**

**82.**—(1) This regulation applies for the purposes of section 122E(3) of the Administration Act (duty of an authority to supply information to another authority).

- (2) Information is to be disclosed by one authority to another where—
- (a) there is a mover who is or was allowed council tax benefit by appropriate Authority “A”;
  - (b) the mover is liable to pay council tax in respect of the new dwelling to Authority “B”; and

- (c) the mover is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 44 of these Regulations or regulation 61 of the Council Tax Benefit Regulations 2006.
- (3) Authority A shall disclose to Authority B—
  - (a) the amount of the extended payment calculated in accordance with regulation 44C(2) of these Regulations or regulation 61C(2) of the Council Tax Benefit Regulations 2006 (amount of extended payment – movers);
  - (b) the date that entitlement to the extended payment will commence or has commenced;
  - (c) the date that entitlement to the extended payment ceased or will cease;
  - (d) the date of the move from Authority A to Authority B;
  - (e) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 44C(3)(a) of these Regulations or regulation 61C(3)(a) of the Council Tax Benefit Regulations 2006 (payment of the extended payment to the second authority)—
    - (i) the amount that Authority A will pay to Authority B in accordance with that paragraph; and
    - (ii) any other information required by Authority B to enable Authority A to make the payment in accordance with that paragraph; and
  - (f) if any deduction was being made in respect of a recoverable overpayment.
- (4) Authority B shall disclose to Authority A—
  - (a) if a mover’s liability to pay council tax for the new dwelling is to Authority B; and
  - (b) where the extended payment will be paid by Authority A to Authority B in accordance with regulation 44C(3)(a) of these Regulations or regulation 61C(3)(a) of the Council Tax Benefit Regulations 2006—
    - (i) any information required by Authority A to enable Authority A to make the payment in accordance with that paragraph; and
    - (ii) the date on which Authority B receives any such payment.”.

### **Extended payments – consequential amendments to the Council Tax Benefit (State Pension Credit) Regulations**

**11.—**(1) The Council Tax Benefit (State Pension Credit) Regulations shall be amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) for the definition of “extended payment (severe disablement allowance and incapacity benefit)” substitute—
    - ““extended payment (qualifying contributory benefits)” means a payment of council tax benefit payable pursuant to regulation 44 of these Regulations or regulation 61 of the Council Tax Benefit Regulations 2006;
    - “extended payment period” means the period for which an extended payment is payable in accordance with regulation 44A of these Regulations or regulation 60A or 61A of the Council Tax Benefit Regulations 2006;”;
  - (b) after the definition of “mobility supplement” insert—
    - ““mover” means a claimant who changes the dwelling in which the claimant is resident and in respect of which the claimant is liable to pay council tax from a

- dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;”;
- (c) after the definition of “net profit” insert—
- ““new dwelling” means, for the purposes of the definition of “second authority” and regulations 44C, 81 and 82, the dwelling to which a claimant has moved, or is about to move, in which the claimant is or will be resident ;”;
- (d) after the definition of “qualifying age for state pension credit” insert—
- ““qualifying contributory benefit” means—
- (a) severe disablement allowance;
- (b) incapacity benefit;”;
- (e) after the definition of “qualifying course” insert—
- ““qualifying income-related benefit” means—
- (a) income support;
- (b) income-based jobseeker’s allowance;”;
- (f) after the definition of “second adult” insert—
- ““second authority” means the authority to which a mover is liable to make payments for the new dwelling;”.
- (3) In regulation 40 (maximum council tax benefit)—
- (a) in paragraph (1) for “paragraphs (2) to (5)” substitute “paragraphs (2) to (4)”; and
- (b) omit paragraph (5).
- (4) For regulation 41 (reduction where amount payable under regulation 60 of the Council Tax Benefit Regulations) substitute—

**“Amount payable during extended payment period when an extended payment is payable pursuant to regulation 60 or 61 of the Council Tax Benefit Regulations**

- 41.—**(1) This regulation applies where—
- (a) a claimant became entitled to an extended payment pursuant to regulation 60 of the Council Tax Benefit Regulations 2006 or an extended payment (qualifying contributory benefits) pursuant to regulation 61 of those Regulations; and
- (b) during the extended payment period, these Regulations become applicable to the claimant or the claimant’s partner in accordance with regulation 5 (persons who have attained the qualifying age for state pension credit).
- (2) Where this regulation applies, the amount of the extended payment payable to a claimant for any week during the extended payment period shall be the higher of—
- (a) the amount of the extended payment payable in accordance with regulation 60B(1) (a) of the Council Tax Benefit Regulations 2006 or the extended payment (qualifying contributory benefits) payable in accordance with regulation 61B(1)(a) of those Regulations, as the case may be;
- (b) the amount of council tax benefit to which a claimant would be entitled under the general conditions of entitlement of these Regulations, if regulation 60 (extended payments) or regulation 61 (extended payments (qualifying contributory benefits)) of the Council Tax Benefit Regulations 2006 did not apply to the claimant; or
- (c) the amount of council tax which the claimant’s partner would be entitled to under the general conditions of entitlement of these Regulations, if regulation 60 or

regulation 61 of the Council Tax Benefit Regulations 2006 did not apply to the claimant.

(3) Where this regulation applies, no amount of council tax benefit shall be payable by the appropriate authority during the extended payment period to a claimant's partner under these Regulations for any week in the extended payment period.”.

(5) Omit—

- (a) regulation 49 (date on which council tax benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases);
- (b) regulation 60(3) (priority to extended payment claims); and
- (c) Schedule 5 (extended payments (severe disablement allowance and incapacity benefit) of council tax benefit).

(6) In Part 2 of Schedule 7 (awards where state pension credit is payable)—

- (a) in the heading to paragraph 9 after “state pension credit” insert, “or an extended payment (qualifying contributory benefits)”; and
- (b) after paragraph 9(2) add—

“(3) Where a claimant is entitled to an extended payment (qualifying contributory benefits) in accordance with regulation 44, the decision notice shall include a statement as to the matters set out in paragraph 9(1).”.

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

1st April 2008

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend:

- the Housing Benefit Regulations 2006;
- the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;
- the Council Tax Benefit Regulations 2006;
- the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006,

so as to include new provisions for extended payments. Extended payments are payments of housing benefit or council tax benefit which are payable for a limited period in certain circumstances where a claimant or the claimant's partner has ceased to be entitled to a qualifying income-related benefit or a qualifying contributory benefit.

Regulation 2 amends the Housing Benefit Regulations to provide extended payments for those who come off a qualifying income-related benefit.

Regulation 2(2) substitutes new regulations 72 to 72D for regulation 72 the Housing Benefit Regulations.

New regulation 72 sets out when an extended payment of housing benefit is payable.

Regulation 72A provides the period during which the claimant will be entitled to the extended payment, known as the extended payment period.

Regulation 72B provides how the extended payment will be calculated.

Regulation 72C provides how an extended payment will be calculated if the claimant moves to another local authority area during the course of the extended payment period.

Regulation 72D provides how the extended payment relates to the underlying housing benefit entitlement.

Regulation 2(3) makes amendments to the provisions which require local authorities to share information relating to extended payments in certain circumstances.

Regulation 3 provides equivalent extended payments for those who come off a qualifying contributory benefit.

Regulation 4 makes amendments to the Housing Benefit Regulations 2006 which are consequential upon the other amendments made by these Regulations.

Regulations 5 and 6 make similar amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 for those who come off a qualifying contributory benefit, equivalent to those made by regulations 3 and 4.

Regulations 7 to 9 make amendments to the Council Tax Benefit Regulations 2006 equivalent to those made by regulations 2 to 4.

Regulations 10 and 11 make amendments to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 equivalent to those made by regulations 5 and 6.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

An impact assessment has not been prepared for this instrument as it has no impact on business, charities or the voluntary sector.