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STATUTORY INSTRUMENTS

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**2013 No. 443**

**The Social Security (Miscellaneous  
Amendments) Regulations 2013**

**Amendments to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**8.—**(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(1)</sup> are amended as follows.

(2) After the definition of “local housing allowance” in regulation 2(1) (interpretation), insert—

““local welfare provision” means occasional financial or other assistance given by a local authority, the Scottish Ministers or the Welsh Ministers, or a person authorised to exercise any function of, or provide a service to, them, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
  - (i) arising out of an exceptional event, or exceptional circumstances; and
  - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
  - (i) in prison, hospital, a residential care establishment or other institution; or
  - (ii) homeless or otherwise living an unsettled way of life;”.

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

(a) in paragraph (8)(c)(ii)<sup>(2)</sup>, after “pending”, insert “local welfare provision or”;

(b) for paragraph (16)(c)(i)<sup>(3)</sup>, substitute—

“(i) a person to whom paragraph (16A) applies;”;

(c) after paragraph (16), insert—

“(16A) This paragraph applies to a person (“P”) who is—

- (a) detained in custody on remand pending trial;
- (b) detained pending sentence upon conviction; or
- (c) as a condition of bail required to reside—
  - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
  - (ii) in premises approved under section 13 of the Offender Management Act 2007,

and who is not also detained in custody following sentence upon conviction.”.

(4) In Schedule 6 (capital to be disregarded)—

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<sup>(1)</sup> [S.I. 2006/214](#).

<sup>(2)</sup> Paragraph (8) was amended by [S.I. 2007/2618](#) and [2008/1042](#).

<sup>(3)</sup> Paragraph (16)(c)(i) was amended by [S.I. 2008/2767](#).

- (a) in paragraph 21—
  - (i) after sub-paragraph (1)(e), insert—
    - “(f) by way of local welfare provision including arrears and payments in lieu of local welfare provision.”;
  - (ii) omit “or” at the end of sub-paragraph (2)(l)(4); and
  - (iii) after sub-paragraph (2)(m)(5) add—
    - “(n) social fund payments”; and
- (b) after paragraph 26D(6), insert—
  - “**26E.** Any payment in consequence of a reduction of council tax under section 13, 13A or 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.”.

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(4) Paragraph 21(2)(l) was inserted by S.I. 2005/2502.  
(5) Paragraph 21(2)(m) was inserted by S.I. 2008/1082.  
(6) Paragraph 26D was inserted by S.I. 2011/2425.