
STATUTORY INSTRUMENTS

2016 No. 909

The Benefit Cap (Housing Benefit and Universal Credit) (Amendment) Regulations 2016

Amendments to the Universal Credit Regulations 2013

- 3.**—(1) The Universal Credit Regulations 2013⁽¹⁾ are amended as follows.
- (2) In regulation 79 (circumstances where the benefit cap applies)—
- (a) in paragraph (1) after “relevant amount” insert “determined under regulation 80A (relevant amount)”;
 - (b) omit paragraphs (3) and (4).
- (3) In regulation 80 (manner of determining total entitlement to welfare benefits) after paragraph (2) insert—
- “(2A) Where the welfare benefit is housing benefit under section 130 of the Contributions and Benefits Act, the amount to be used is nil.”.
- (4) After regulation 80 insert—

“Relevant amount

- 80A.**—(1) The relevant amount is determined by dividing the applicable annual limit by 12.
- (2) The applicable annual limit is—
- (a) £15,410 for a single claimant resident in Greater London who is not responsible for a child or qualifying young person;
 - (b) £23,000 for—
 - (i) joint claimants where either joint claimant is resident in Greater London;
 - (ii) a single claimant resident in Greater London who is responsible for a child or qualifying young person;
 - (c) £13,400 for a single claimant not resident in Greater London who is not responsible for a child or qualifying young person;
 - (d) £20,000 for—
 - (i) joint claimants not resident in Greater London;
 - (ii) a single claimant not resident in Greater London who is responsible for a child or qualifying young person.
- (3) For the purposes of section 96 of the Act (benefit cap) and this regulation a claimant is resident in Greater London if—
- (a) where the housing costs element is included in the claimant’s award of universal credit—

(1) [S.I. 2013/376](#), to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made).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

- (i) accommodation in respect of which the claimant meets the occupation condition is in Greater London; or
 - (ii) the claimant is in receipt of housing benefit in respect of a dwelling (which has the meaning given in section 137 of the Contributions and Benefits Act) in Greater London;
 - (b) where the housing costs element is not included in the claimant’s award of universal credit—
 - (i) accommodation that the claimant normally occupies as their home is in Greater London; or
 - (ii) where there is no accommodation that the claimant normally occupies as their home, the Jobcentre Plus office to which the Secretary of State has allocated their claim is in Greater London.”.
- (5) In regulation 81(3) (reduction of universal credit) for “applicable under regulation 79(3)” substitute “determined under regulation 80A”.
- (6) In regulation 83(1) (exceptions – entitlement or receipt of certain benefits), after subparagraph (h) insert—
- “(i) a claimant, or a qualifying young person for whom a claimant is responsible, is entitled to carer’s allowance;
 - (j) the carer element is included in the award of universal credit;
 - (k) a claimant is entitled to guardian’s allowance under section 77 of the Contributions and Benefits Act.”.