
STATUTORY INSTRUMENTS

2017 No. 213

**The Housing Benefit and Universal Credit (Size Criteria)
(Miscellaneous Amendments) Regulations 2017**

Amendments to the Housing Benefit Regulations 2006

4.—(1) The Housing Benefit Regulations 2006(1) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “maximum rent (LHA)” insert—

““member of a couple who cannot share a bedroom” means a member of a couple—

(a) who is in receipt of—

(i) attendance allowance at the higher rate in accordance with section 65(3) of the Act;

(ii) the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act;

(iii) the daily living component of personal independence payment in accordance with section 78 of the 2012 Act; or

(iv) armed forces independence payment; and

(b) whom the relevant authority is satisfied is, by virtue of his or her disability, not reasonably able to share a bedroom with the other member of the couple;”;

(b) in the definition of “person who requires overnight care” in paragraph (a)(iii) after “provided” insert “or, where P is a child, the claimant has provided”;

(c) after paragraph (5) insert—

“(6) For the purpose of these Regulations, reference to a member of a couple who can share a bedroom is to a member of a couple where the other member of the couple is a member of a couple who cannot share a bedroom.”.

(3) In regulation B13 (determination of a maximum rent (social sector))—

(a) in paragraph (5)—

(i) before sub-paragraph (a) insert—

“(za) a member of a couple who cannot share a bedroom;

(zb) a member of a couple who can share a bedroom;”;

(ii) in sub-paragraph (a) omit “(within the meaning of Part 7 of the Act)”;

(b) in paragraph (6), for sub-paragraph (a) substitute—

“(a) one or more relevant persons in paragraph (9)(a), (b) or (e) is a person who requires overnight care;

(ab) one or more relevant persons in paragraph (9)(c) or (d) is a person who requires overnight care; or”;

- (c) in paragraph (7), in sub-paragraph (b), for “a sub-paragraph of paragraph (6)” substitute “paragraph (6)(b)”;
- (d) in paragraph (9), after sub-paragraph (d) insert—
 - “(e) for the purposes of paragraph (6)(a)—
 - (i) a person (other than the claimant, the claimant’s partner, P or P’s partner) who occupies the claimant’s dwelling as their home;
 - (ii) a child or young person in respect of whom a relevant person under sub-paragraphs (a) to (e)(i) is a qualifying parent or carer.”.
- (4) In regulation 13D (determination of a maximum rent (LHA))—
 - (a) in paragraph (3)—
 - (i) before sub-paragraph (a) insert—
 - “(za) a member of a couple who cannot share a bedroom;
 - (zb) a member of a couple who can share a bedroom;”;
 - (ii) in sub-paragraph (a) omit “(within the meaning of Part 7 of the Act)”;
 - (iii) in the full-out words at the end—
 - (aa) after “a child who cannot share a bedroom” insert “or a member of a couple who cannot share a bedroom”;
 - (bb) after “the child” insert “or the member of the couple”.
 - (b) in paragraph (3A), for sub-paragraph (a) substitute—
 - “(a) one or more of the following persons is a person who requires overnight care—
 - (i) the claimant;
 - (ii) the claimant’s partner;
 - (iii) a person (other than the claimant or the claimant’s partner) who occupies the claimant’s dwelling as their home;
 - (iv) a child or young person in respect of whom the claimant or the claimant’s partner is a qualifying parent or carer; or”.
- (5) In regulation 114A (information to be provided to rent officers), in paragraph (9)(ca), for “the claimant or the claimant’s partner” substitute “any person mentioned in regulation 13D(3A)(a)”.
- (6) In Schedule 2 (excluded tenancies), in paragraph 2(3)—
 - (a) for paragraph (f) substitute—
 - “(f) any person mentioned in paragraph 1A(a) of Schedule 2 to the Rent Officers Order becomes or ceases to be a person who requires overnight care where that affects the size criteria, as set out in that Schedule to that Order, applicable in the claimant’s case;”;
 - (b) in paragraph (h) after “child who cannot share a bedroom” insert “or a member of a couple who cannot share a bedroom”.