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## STATUTORY INSTRUMENTS

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### 2017 No. 376

## The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017

### Restrictions on amounts for children and young persons - consequential changes to housing benefit

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

(2) In regulation 22 (applicable amounts)—

(a) the existing text becomes paragraph (1) and for sub-paragraph (b) (of that paragraph (1)) substitute—

“(b) an amount determined in accordance with paragraph 2 of Schedule 3 in respect of up to two individuals who are either children or young persons and who are members of his family;” and

(b) at the end insert—

“(2) For the purposes of paragraph (1)(b), as it applies apart from paragraph (4), where the family includes more than two individuals who are either children or young persons, and, under paragraph 2 of Schedule 3, a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.

(3) Paragraph (4) applies where—

(a) (whether or not as part of a tax credit couple) the claimant has an award of child tax credit in respect of a child or young person who is a member of his family, and whether or not any amount is payable by way of such credit; and

(b) the total amount to be included in the applicable amount under paragraph (1) (b) as substituted by paragraph (4) would be higher than the total amount that would be included under paragraph (1)(b) apart from paragraph (4).

(4) Where this paragraph applies, for paragraph (1)(b) substitute—

“(b) an amount determined in accordance with paragraph 2 of Schedule 3 in respect of any child or young person who is a member of his family and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;”.

(5) In this regulation, “tax credit couple” means a couple as defined in section 3(5A) of the Tax Credits Act 2002(2).”.

(3) In regulation 23 (polygamous marriages)—

(a) the existing text becomes paragraph (1) and for sub-paragraph (c) (of that paragraph (1)) substitute —

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(1) [S.I. 2006/213](#). Regulations 22 and 23 were amended by [S.I. 2008/1082](#) and [2428](#), [2010/1907](#) and [2430](#) and 2017/xxxx. Paragraph 1 of Schedule 3 was amended by [S.I. 2008/1082](#) and paragraph 2(1) of that Schedule was amended by [S.I. 2006/718](#). There have been other amendments of paragraphs 1 and 2(1) of that Schedule to alter the amounts specified in them.

(2) [2002 c. 21](#). Subsection (5A) was inserted by section 254(1) of, and paragraph 144(1) and (3) of Schedule 24 to, the Civil Partnership Act 2004 (c. 33).

- “(c) an amount determined in accordance with paragraph 2 of Schedule 3 in respect of up to two individuals who are either children or young persons and for whom he or a partner of his is responsible and who are members of the same household;”;  
and
- (b) at the end insert—
- “(2) For the purposes of paragraph (1)(c), as it applies apart from paragraph (4), where the claimant and his partners are between them responsible for more than two individuals who are either children or young persons and who are members of the same household, and, under paragraph 2 of Schedule 3, a different amount applies to different individuals, the two amounts to be included in the applicable amount shall be those that result in the greatest possible total amount.
- (3) Paragraph (4) applies where—
- (a) (as part of a polygamous unit) the claimant has an award of child tax credit in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household, and whether or not any amount is payable by way of such credit; and
- (b) the total amount to be included in the applicable amount under paragraph (1)(c) as substituted by paragraph (4) would be higher than the total amount that would be included under paragraph (1)(c) apart from paragraph (4).
- (4) Where this paragraph applies, for paragraph (1)(c) substitute—
- “(c) an amount determined in accordance with paragraph 2 of Schedule 3 in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household and in respect of whom the individual element of child tax credit has been included in the determination of the maximum rate of that credit;”.
- (5) In this regulation, “polygamous unit” has the same meaning as in regulation 2 of the Tax Credits (Polygamous Marriages) Regulations 2003(3).”.
- (4) In paragraphs 1, 2(1), 4 and 30(4) of Schedule 3 (applicable amounts), after “22” and “23”, in each place where they occur, insert “(1)”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Social Security (Restrictions on Amounts for Children and Qualifying Young Persons) Amendment Regulations 2017, Section 7.