
STATUTORY INSTRUMENTS

2021 No. 546

SOCIAL SECURITY

The Housing Benefit and Universal Credit (Care Leavers and Homeless) (Amendment) Regulations 2021

<i>Made</i>	- - - -	<i>30th April 2021</i>
<i>Laid before Parliament</i>		<i>6th May 2021</i>
<i>Coming into force</i>	- -	<i>31st May 2021</i>

The Secretary of State, in exercise of the powers conferred by sections 11(4) and (5)(b), 40 and 42(2) of the Welfare Reform Act 2012⁽¹⁾ and sections 130A(2), (3) and (5), 137(1) and 175(3) of the Social Security Contributions and Benefits Act 1992⁽²⁾, makes the following Regulations.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992⁽³⁾, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

In respect of provisions relating to housing benefit, in accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to her to be representative of the authorities concerned.

In respect of provisions relating to universal credit, in accordance with section 29(7) of the Scotland Act 2016⁽⁴⁾, the Secretary of State has consulted with Scottish Ministers in the making of these Regulations.

Citation and Commencement

1. These Regulations may be cited as the Housing Benefit and Universal Credit (Care Leavers and Homeless) (Amendment) Regulations 2021 and come into force on 31st May 2021.

Amendments to the Housing Benefit Regulations 2006

2.—(1) The Housing Benefit Regulations 2006⁽⁵⁾ are amended as follows.

(1) 2012 c.5. Section 40 is cited for the meaning it gives to ‘prescribed’.
(2) 1992 c.4. Section 130A was inserted by section 30(2) of the Welfare Reform Act 2007 (c.5). Section 137(1) is cited for the meaning it gives to ‘prescribed’.
(3) 1992 c.5.
(4) 2016 c.11
(5) S.I. 2006/213. The relevant amending instruments are S.I. 2007/2868, S.I. 2010/2835, S.I. 2011/1736, S.I. 2011/1740, S.I. 2014/213 and S.I. 2017/901.

- (2) In regulation 2(1) (interpretation), in the definition of “young individual”—
 - (a) in paragraphs (b) to (f) and (i), for “22 years” substitute “25 years”;
 - (b) for paragraph (h), substitute—
 - “(h) who has attained the age of 16 years and to whom paragraph (1A) applies;”;
 - (c) after paragraph (h), insert—
 - “(ha) who has attained the age of 25 years and to whom paragraph (1C) applies;”.

Amendments to the Universal Credit Regulations 2013

- 3.—**(1) The Universal Credit Regulations 2013(6) are amended as follows.
- (2) In paragraph 29 of Schedule 4 (renters excepted from shared accommodation)—
 - (a) in sub-paragraph (2), for “22 years” substitute “25 years”;
 - (b) in sub-paragraph (4), for “25” substitute “16”.

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

30th April 2021

Will Quince
Parliamentary Under Secretary of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006 (S.I. 2006/213) (“the Housing Benefit Regulations”) and the Universal Credit Regulations 2013 (S.I. 2013/376) (“the Universal Credit Regulations”). They extend the age ranges of the exemptions from the shared accommodation rate of the Local Housing Allowance which apply to care leavers and those who have spent at least 3 months in a homeless hostel whilst receiving support to assist with community resettlement or rehabilitation.

Regulation 2 amends the definition of “young individual” in regulation 2 of the Housing Benefit Regulations, insofar as it applies to care leavers, increasing the upper age limit at which individuals can be exempted from the shared accommodation rate from 22 to 25 years. It also reduces the lower age limit to qualify for the exemption from 25 to 16 years for those who have spent at least 3 months in a homeless hostel whilst receiving support to assist with community resettlement or rehabilitation. Regulation 2 also maintains the lower age limit to access the exemption at 25 years for those that are the subject of active multi-agency management pursuant to arrangements established under the Criminal Justice Act 2003.

Regulation 3 amends paragraph 29 of Schedule 4 to the Universal Credit Regulations to increase similarly the upper age limit at which care leavers are exempted from the shared accommodation rate from 22 to 25 years. It also reduces the lower age limit to qualify for the exemption from 25 to 16 years for those who have spent at least 3 months in a homeless hostel whilst receiving support to assist with community resettlement or rehabilitation.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.