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STATUTORY INSTRUMENTS

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**1987 No. 1971**

**HOUSING, ENGLAND AND WALES  
HOUSING, SCOTLAND  
RATING AND VALUATION**

**The Housing Benefit (General) Regulations 1987**

*Made - - - - 20th November 1987*

*Coming into force*

*for the purposes of all  
the regulations to the  
extent they relate to  
cases referred to in  
regulation 1(1)(a) and  
(2)*

*1st April 1988*

*for all other purposes*

*4th April 1988*

**THE HOUSING BENEFIT (GENERAL) REGULATIONS 1987**

**PART I**

**GENERAL**

1. Citation and commencement
2. Interpretation
3. Definition of non-dependant
4. Remunerative work

**PART II**

**PROVISIONS AFFECTING ENTITLEMENT TO HOUSING BENEFIT**

5. Circumstances in which a person is or is not to be treated as occupying a dwelling as his home
6. Circumstances in which a person is to be treated as liable to make payments in respect of a dwelling
7. Circumstances in which a person is to be treated as not liable to make payments in respect of a dwelling

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### PART III

#### PAYMENTS IN RESPECT OF A DWELLING

8. Eligible housing costs
9. Rates
10. Rent
11. Restrictions on unreasonable payments
12. Restrictions on rent increases

### PART IV

#### MEMBERSHIP OF A FAMILY

13. Persons of prescribed description
14. Circumstances in which a person is to be treated as responsible or not responsible for another
15. Circumstances in which a person is to be treated as being or not being a member of the household

### PART V

#### APPLICABLE AMOUNTS

16. Applicable amounts
17. Polygamous marriages
18. Patients

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#### INCOME AND CAPITAL

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19. Calculation of income and capital of members of claimant's family and of a polygamous marriage
20. Circumstances in which income of non-dependant is to be treated as claimant's

##### CHAPTER II

###### income

21. Calculation of income on a weekly basis
22. Average weekly earnings of employed earners
23. Average weekly earnings of self-employed earners
24. Average weekly income other than earnings
25. Calculation of weekly income
26. Disregard of changes in tax, contributions etc.
27. Treatment of charitable or voluntary payments

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#### employed earners

- 28. Earnings of employed earners
- 29. Calculation of net earnings of employed earners

### CHAPTER IV

#### self-employed earners

- 30. Earnings of self-employed earners
- 31. Calculation of net profit of self-employed earners
- 32. Deduction of tax and contributions for self-employed earners

### CHAPTER V

#### other income

- 33. Calculation of income other than earnings
- 34. Capital treated as income
- 35. Notional income
- 36. Modifications in respect of child and young person

### CHAPTER VI

#### capital

- 37. Capital limit
- 38. Calculation of capital
- 39. Disregard of capital of child or young person
- 40. Income treated as capital
- 41. Calculation of capital in the United Kingdom
- 42. Calculation of capital outside the United Kingdom
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- 44. Capital jointly held
- 45. Calculation of tariff income from capital

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- 46. Interpretation
- 47. Treatment of students

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- 48. Occupying a dwelling as a person's home

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- 49. Circumstances in which certain students are to be treated as not liable to make payments in respect of a dwelling
- 50. Eligible housing costs
- 51. Eligible rent
- 52. Student partners

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- 53. Calculation of grant income
- 54. Calculation of covenant income where a contribution is assessed
- 55. Covenant income where no grant income or no contribution is assessed
- 56. Relationship with amounts to be disregarded under Schedule 4
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- 60. Disregard of changes occurring during summer vacation

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- 72. Time and manner in which claims are to be made
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- 77. Notification of determinations
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89. Circumstances in which a rate rebate may be treated as if it fell to be paid as a rent allowance
90. Frequency of payment of a rent allowance
91. Payment on account of a rent allowance
92. Payment to be made to a person entitled
93. Circumstances in which payment is to be made to a landlord
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95. Withholding of benefit
96. Payment on death of the person entitled
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#### OVERPAYMENTS

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  100. Person by whom recovery may be made
  101. Person from whom recovery may be sought
  102. Method of recovery
  103. Diminution of capital
  104. Sums to be deducted in calculating recoverable overpayments
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- Signature

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#### SCHEDULE 1 — INELIGIBLE SERVICE CHARGES

##### PART I — service charges other than for fuel

1. Ineligible service charges
  2. Amount of ineligible charges
  3. Excessive service costs
- ##### PART II — payments in respect of fuel charges
4. A service charge for fuel except a charge in respect...
  5. (1) Where a charge is ineligible to be met by...
  6. (1) Where rent is payable other than weekly, any amount...
  7. In this Schedule—“communal areas” mean areas (other than rooms)...

#### SCHEDULE 2 — APPLICABLE AMOUNTS

##### PART I — personal allowances

1. The amounts specified in column (2) below in respect of...

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2. The amounts specified in column (2) below in respect of...  
PART II — family premium
3. The amount for the purposes of regulations 16(c) and 17(d)...  
PART III — premiums
4. Except as provided in paragraph 5, the premiums specified in...
5. Subject to paragraph 6, where a claimant satisfies the conditions...
6. (1) The severe disability premium to which paragraph 13 applies...
7. For the purposes of this Part of this Schedule, once...
8. Lone Parent Premium
9. Pensioner Premium
10. Higher Pensioner Premium
11. Disability Premium
12. Additional Condition for the Higher Pensioner and Disability Premiums
13. Severe Disability Premium
14. Disabled Child Premium  
PART IV — amounts of premiums specified in part iii

SCHEDULE 3 — SUMS TO BE DISREGARDED IN THE CALCULATION OF EARNINGS

1. In the case of a claimant who has been engaged...
2. In the case of a claimant who has been engaged...
3. (1) If the calculation of the claimant's applicable amount includes...
4. If an amount by way of a lone parent premium...
5. In a case where paragraph 3 does not apply to...
6. (1) In a case to which neither paragraph 3 nor...
7. Where the claimant is engaged in one or more employments...
8. In a case to which none of the paragraphs 3...
9. Any amount or the balance of any amount which would...
10. Where a claimant is on income support, his earnings.
11. Any earnings derived from employment which are payable in a...
12. Where a payment of earnings is made in a currency...
13. Any earnings of a child or young person except earnings...
14. In the case of earnings of a young person who...
15. In this Schedule "part-time employment" means employment in which the...

SCHEDULE 4 — SUMS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

1. Any amount paid by way of tax on income which...
2. Any payment in respect of any expenses incurred by a...
3. In the case of employment as an employed earner, any...
4. Where a claimant is on income support, the whole of...
5. Any mobility allowance under section 37A of the Social Security...
6. Any concessionary payment made to compensate for the non-payment of...
7. Any mobility supplement under article 26A of the Naval, Military...
8. Any attendance allowance.
9. Any payment to the claimant as holder of the Victoria...
10. Any sum in respect of a course of study attended...
11. In the case of a claimant attending a training course...
12. Any Job Start Allowance payable under section 2(1) of the...
13. Subject to paragraph 31, £5 of any charitable payment or...
14. Subject to paragraph 33, £5 of any of the following,...
15. (1) Any income derived from capital to which the claimant...

16. Where a claimant receives income under an annuity purchased with...
17. Where the claimant makes a parental contribution in respect of...
18. (1) Where the claimant is the parent of a student...
19. Any payment made to the claimant by a child or...
20. Where the claimant occupies a dwelling as his home which...
21. Any income in kind.
22. Any income which is payable in a country outside the...
23. (1) Any payment made to the claimant in respect of...
24. Any payment made by a local authority to the claimant...
25. Any payment made by a health authority, local authority or...
26. Any payment made under section 1 of the Child Care...
27. An amount equal to any maintenance payment made by the...
28. Any payment received under an insurance policy taken out to...
29. Any payment of income which by virtue of regulation 40...
30. Any social fund payment.
31. Any payment under paragraph 2 of Schedule 6 to the...
32. Where a payment of income is made in a currency...
33. The total of a claimant's income or, if he is...

#### SCHEDULE 5 — CAPITAL TO BE DISREGARDED

1. The dwelling together with any garage, garden and outbuildings, normally...
2. Any premises acquired for occupation by the claimant which he...
3. Any sum directly attributable to the proceeds of sale of...
4. Any premises owned by the claimant occupied in whole or...
5. Where a claimant is on income support, the whole of...
6. Any reversionary interest.
7. The assets of any business owned in whole or in...
8. Any arrears of, or any concessionary payment made to compensate...
9. Any sum— (a) paid to the claimant in consequence of...
10. Any sum— (a) deposited with a housing association as defined...
11. Any personal possessions except those which have been acquired by...
12. The value of the right to receive any income under...
13. Where the funds of a trust are derived from a...
14. The value of the right to receive any income under...
15. The value of the right to receive any income which...
16. The surrender value of any policy of life insurance.
17. Where any payment of capital falls to be made by...
18. Any payment made under section 1 of the Child Care...
19. Any social fund payment.
20. Any refund of tax which falls to be deducted under...
21. Any capital which by virtue of regulation 34 (capital treated...
22. Where any payment of capital is made in a currency...

#### SCHEDULE 6 — MATTERS TO BE INCLUDED IN THE NOTICE OF DETERMINATION

##### PART I — general

1. The statement of matters to be included in any notice...
2. Every notice of determination shall include a statement as to...
3. Every notice of determination shall include a statement as to...
4. Every notice of determination following written representations in accordance with...
5. Every notice of determination following written representations in accordance with...

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6. An authority may include in the notice of determination any...
7. Parts II, III and VI of this Schedule shall apply...
8. Where a notice of determination is given following a review...  
PART II — awards where income support is payable
9. Where a person on income support is awarded housing benefit,...  
PART III — awards where no income support is payable
10. Where a person is not on income support but is...  
PART IV — awards where direct payments made to landlords
11. Where a determination has been made under regulation 93 or...  
PART V — notice where income of non-dependant is treated as claimant's
12. Where an authority makes a determination under regulation 20  
(circumstances...  
PART VI — notice where no award is made
13. Where a person is not awarded housing benefit—  
PART VII — notice where recoverable overpayment
14. Where the appropriate authority makes a determination that there is...

#### SCHEDULE 7 — CONSTITUTION OF REVIEW BOARDS

1. A Review Board appointed by an authority listed in column...
2. The members of a Review Board shall appoint one of...

Explanatory Note