
STATUTORY INSTRUMENTS

2006 No. 213

The Housing Benefit Regulations 2006

PART 9

Calculation of weekly amounts and changes of circumstances

Date on which entitlement is to commence

76.—(1) Subject to paragraph (2), a person who makes a claim and is otherwise entitled to housing benefit shall be entitled to that benefit from the benefit week following the date on which his claim is or is treated as made.

(2) Where a claimant is otherwise entitled to housing benefit and becomes liable, for the first time, to make payments in respect of the dwelling which he occupies as his home in the benefit week in which his claim is or is treated as made, he shall be so entitled from that benefit week.

Date on which housing benefit is to end

77. A claimant's entitlement to housing benefit shall cease at the end of the benefit week in which entitlement to income support or income-based jobseeker's allowance ceases where—

- (a) the claimant or his partner was entitled to and in receipt of income support or an income-based jobseeker's allowance or that claimant and his partner were entitled to and in receipt of a joint-claim jobseeker's allowance and that entitlement has ceased;
- (b) that entitlement to income support or income-based jobseeker's allowance has ceased by reason of the claimant or his partner—
 - (i) commencing employment as an employed or self-employed earner; or
 - (ii) increasing their earnings from such employment; or
 - (iii) increasing the number of hours worked in such employment;
- (c) the claimant had been entitled to and in receipt of income support or jobseeker's allowance for a continuous period of at least 26 weeks before the day on which his entitlement to income support or income-based jobseeker's allowance ceased, and for the purposes of this sub-paragraph—
 - (i) a claimant satisfies the conditions of this sub-paragraph if he has been entitled to and in receipt of a combination of income support and a jobseeker's allowance for at least 26 weeks;
 - (ii) the claimant shall be treated as having been entitled to and in receipt of income support or a jobseeker's allowance during any period of less than 5 weeks in respect of which he was not entitled to either of those because, as a consequence of his participation in an employment zone program, he was engaged in remunerative work;
 - (iii) references to the claimant include references to his partner;

- (iv) a reference to the claimant being entitled to and in receipt of a jobseeker's allowance shall include a reference to the claimant and his partner being entitled to and in receipt of a joint-claim jobseeker's allowance; and
- (d) that work, increase in earnings or, as the case may be, increase in hours is expected to last at least 5 weeks or more.

Date on which housing benefit is to end where entitlement to severe disablement allowance or incapacity benefit ceases

78.—(1) A claimant's entitlement to housing benefit shall cease at the end of the benefit week in which entitlement to severe disablement allowance or incapacity benefit ceases where—

- (a) the claimant or his partner was not entitled to and in receipt of income support but was entitled to and in receipt of severe disablement allowance or incapacity benefit and that entitlement has ceased;
- (b) that entitlement to severe disablement allowance or incapacity benefit has ceased by reason of the claimant or his partner—
 - (i) commencing employment as an employed or self-employed earner; or
 - (ii) increasing their earnings from such employment; or
 - (iii) increasing the number of hours worked in such employment;
- (c) the claimant had been entitled to and in receipt of severe disablement allowance or incapacity benefit for a continuous period of at least 26 weeks before the day on which his entitlement to severe disablement allowance or incapacity benefit ceased, and for the purposes of this sub-paragraph—
 - (i) a claimant satisfies the conditions of this sub-paragraph if he has been entitled to and in receipt of a combination of severe disablement allowance and incapacity benefit for at least 26 weeks;
 - (ii) references to the claimant include references to his partner; and
- (d) that work, increase in earnings, or as the case may be, increase in hours is expected to last at least 5 weeks or more.

Date on which change of circumstances is to take effect

79.—(1) Except in cases where either regulation 34 (disregard of changes in tax, contributions, etc) or regulation 8(3) of the Decisions and Appeals Regulations applies and subject to the following provisions of this regulation, and to regulation 80(6), a change of circumstances which affects entitlement to, or the amount of, housing benefit ("change of circumstances") shall take effect from the first day of the benefit week following the date on which the change of circumstances actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

(2) Subject to paragraphs (8) and (9) and except in a case where regulation 8(3) of the Decisions and Appeals Regulations applies, where the change of circumstances is a change in the amount of rent payable, it shall take effect from the first day of the benefit week in which it actually occurs or, in a case to which regulation 80(2)(b) applies (calculation of daily amounts), from the day on which it actually occurs.

(3) Subject to paragraphs (8) and (9), where the change of circumstances is an amendment to these Regulations that change, subject to regulation 80(6), shall take effect as follows—

(a) where the amendment is made by an order under section 150 of the Administration Act (annual up-rating of benefits)—

(i) in a case in which the claimant's weekly amount of eligible rent falls to be calculated in accordance with regulation 80(2)(b) (calculation of weekly amounts), from 1st April;

(ii) in any other case, from the first Monday in April, in the year in which that order comes into force;

(b) in respect of any other amendment, from the date on which the amendment of these Regulations comes into force in the particular case.

(4) Subject to paragraphs (8) and (9), if two or more changes of circumstances occurring in the same benefit week would, but for this paragraph, take effect in different benefit weeks in accordance with paragraphs (1), (2) or (3)(a)(i) or (b), they shall take effect from the first day of the benefit week in which they occur unless one of the changes is a change in the amount of rent payable in a case to which regulation 80(2)(b) applies, in which case they shall take effect from the day on which that change actually occurs.

(5) Where, during a benefit week commencing on the first Monday in April—

(a) a change of circumstances takes effect in accordance with paragraph (3)(a)(ii);

(b) one or more changes of circumstances occur to which paragraph (1) applies; and

(c) no other change of circumstances occurs to which this regulation applies,

any change of circumstances to which paragraph (1) applies and which occurs in that benefit week shall take effect from the first day of that benefit week.

(6) Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

(7) Without prejudice to paragraph (6), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances shall take effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of these Regulations.

(8) Paragraph (9) applies where—

(a) a change of circumstances would, but for that paragraph, take effect in accordance with paragraph (2), (3)(a)(i) or (b) or (4) on a day that is not the first day of a benefit week; and

(b) the effect of that change of circumstances is to end entitlement to housing benefit.

(9) In a case to which this paragraph applies, the change of circumstances shall take effect from the first day of the benefit week following the day on which the change of circumstances actually occurred.

Calculation of weekly amounts

80.—(1) A person's entitlement to housing benefit in any benefit week shall be calculated in accordance with the following provisions of this regulation.

(2) The weekly amount of a claimant's eligible rent shall be—

(a) subject to paragraph (3), where rent is payable at intervals of one week or a multiple thereof, the amount of eligible rent payable weekly or, where it is payable at intervals of a

multiple of a week, the amount determined by dividing the amount of eligible rent payable by the number equal to the number of weeks in respect of which it is payable; or

- (b) subject to paragraph (4), where rent is payable at intervals of one month or any other interval which is not a week or a multiple thereof, the amount determined by dividing an amount of that eligible rent by the number equal to the number of days in the period in respect of which it is payable and multiplying the quotient so obtained (referred to in paragraph (4) as the “daily rent”) by 7.
- (3) In the case of a claimant whose weekly amount of eligible rent falls to be calculated in accordance with paragraph (2)(a)—
- (a) in a case to which regulation 76(2) applies (date on which entitlement is to commence), his eligible rent for the benefit week in which he becomes liable to make payments in respect of the dwelling which he occupies as his home shall be calculated by reference to the amount of eligible rent payable in respect of a week, whether or not his liability to make those payments relates to the whole of that benefit week;
 - (b) where the amount which the claimant is liable to pay is altered during a benefit week his eligible rent for that benefit week shall be calculated by reference to the new amount of eligible rent so payable;
 - (c) where the claimant ceases to occupy as his home the dwelling in respect of which he is entitled to housing benefit, his eligible rent for the benefit week in which he ceases to be liable to make payments in respect of the dwelling which he occupies as his home shall be nil, unless he is liable to make payments in respect of that dwelling for the whole of that benefit week.
- (4) In the case of a claimant whose weekly eligible rent falls to be calculated in accordance with paragraph (2)(b)—
- (a) in a case to which regulation 76(2) (date on which entitlement is to commence) applies, his eligible rent for the benefit week in which he becomes liable to make payments in respect of the dwelling which he occupies as his home shall be calculated by multiplying his daily rent by the number equal to the number of days in that week for which he is liable to make such payments;
 - (b) where the amount of eligible rent which the claimant is liable to pay is altered during a benefit week, his eligible rent for that week shall be calculated by multiplying his old and new daily rent by the number equal to the number of days in that week which relate respectively to the old and new amounts which he is liable to pay;
 - (c) where the claimant ceases to occupy as his home the dwelling in respect of which he is entitled to housing benefit, his eligible rent for the week in which he ceases to be so liable shall be calculated by multiplying his daily rent by the number equal to the number of days in that week for which he is liable to make such payments.
- (5) In the case of a claimant whose weekly eligible rent falls to be calculated in accordance with paragraph (4)(a) or (c) by reference to the daily rent in his case, his weekly applicable amount, weekly income, the weekly amount of any non-dependant deductions and the minimum amount payable in his case shall be calculated in the same manner as his weekly eligible rent by reference to the amounts determined in his case in accordance with Parts 5 to 8 (applicable amounts, income and capital, students and amount of benefit).
- (6) Where a change in the amount of a claimant’s applicable amount, income or non-dependant deductions falls to be taken into account in the same benefit week as a change in his eligible rent to which paragraph (4)(b) applies, it shall be taken into account in that week on a daily basis in the same manner and as if it had occurred on the same day as that change in his eligible rent.
- (7) In any case where a claimant has received an extended payment or an extended payment (severe disablement allowance and incapacity benefit), his entitlement shall be adjusted in such

circumstances and by such amount as are prescribed in Part 3 of Schedule 7 or paragraph 9 of Schedule 8, as the case may be.

(8) Any amount determined under these Regulations may, if it is appropriate, be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.

Rent free periods

81.—(1) This regulation applies to a claimant for any period (referred to in this regulation as a rent free period) in, or in respect of, which he is not liable to pay rent except for any period to which regulation 8(1)(d) (waiver of rent by landlord in return for work done) applies.

(2) In the case of the beginning or ending of a claimant's rent free period—

(a) where regulation 80(2)(a) (calculation of weekly amounts) applies—

(i) his eligible rent for the benefit week in which that period begins shall be nil; and

(ii) his eligible rent for the benefit week in which that period ends shall be his weekly eligible rent determined in accordance with regulation 80(2)(a) unless the rent-free period lasts for the whole of that benefit week, in which case his eligible rent shall be nil;

(b) where regulation 80(2)(b) applies, his eligible rent for the benefit week in which the rent-free period begins and ends shall be calculated on a daily basis as if those benefit weeks were weeks to which regulation 80(4) applies.

(3) For the purpose of determining the weekly applicable amount and income of a claimant to whom this regulation applies, the weekly amount of any non-dependant deductions and the minimum amount payable in his case—

(a) in a case to which regulation 80(2)(a) applies, the amounts determined in his case in accordance with Parts 5 to 8 (applicable amounts, income and capital, students and amount of benefit) shall be multiplied by 52 or 53, whichever is appropriate, and divided by the number equal to the number of weeks in that 52 or 53 week period in respect of which he is liable to pay rent;

(b) subject to paragraph (4), in a case to which regulation 80(2)(b) applies, the amounts determined in his case in accordance with Parts 5 to 8 shall be multiplied by 365 or 366, whichever is appropriate and divided by the number of days in that 365 or 366 day period in respect of which he is liable to pay rent.

(4) In a case to which paragraph (3)(b) applies, where either regulation 80(5) or (6) also applies or it is the beginning or end of a rent-free period, the weekly amounts referred to in paragraph (3) shall first be calculated in accordance with sub-paragraph (b) of that paragraph and then determined on a daily basis in the same manner as the claimant's eligible rent.