

2013 No. 665

SOCIAL SECURITY

The Housing Benefit (Amendment) Regulations 2013

<i>Made</i> - - - -	<i>18th March 2013</i>
<i>Laid before Parliament</i>	<i>21st March 2013</i>
<i>Coming into force</i> -	<i>1st April 2013</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d), 130A(2) to (5), 137(1) and (2)(h) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a).

The Secretary of State has not referred proposals in respect of these Regulations to the Social Security Advisory Committee, as it appears to him that by reason of the urgency of the matter it is inexpedient to do so(b).

The Secretary of State has not undertaken consultation with organisations appearing to him to be representative of the authorities concerned, as it appears to him that by reason of the urgency of the matter it is inexpedient to do so(c).

**Citation and commencement**

1. These Regulations may be cited as the Housing Benefit (Amendment) Regulations 2013 and they come into force on 1st April 2013.

[Regulation 2 makes various amends to S.I. 2006/213.]

[Regulation 3 makes various amends to S.I. 2006/214.]

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

19th March 2013

*Freud*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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(a) 1992 c. 4. Section 130A was inserted by section 30(2) of the Welfare Reform Act 2007 (c. 5) and amended by section 69 of the Welfare Reform Act 2012 (c. 5). Section 175(1) and (4) were amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 137(1) is cited for the meaning of “prescribed”.  
(b) See section 173(1)(a) of the Social Security Administration Act 1992 (c. 5) (“the 1992 Act”).  
(c) See section 176(2)(a) of the 1992 Act. The amendments to section 176 are not relevant to these Regulations.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Housing Benefit Regulations 2006 (“the Housing Benefit Regulations”) and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

Regulation 2(2) inserts a definition of “member of the armed forces away on operations” into regulation 2(1) of the Housing Benefit Regulations (interpretation). This applies to members of the regular forces or reserve forces who are absent, while on operations, from the dwelling they usually occupy as their home.

It also inserts a definition of “qualifying parent or carer”. This applies to a person who is an approved foster parent (or in Scotland an approved foster carer or kinship carer) who has a bedroom in the dwelling they occupy as their home that is additional to those used by other occupiers of the dwelling (a foster child is not treated as occupying the dwelling for housing benefit purposes). It also applies where a foster child has not been placed with the person, but for a period of no more than 52 consecutive weeks. The definition also applies to a person who has a child placed with them prior to an adoption order being made.

Regulation 2(3) amends regulation B13 of the Housing Benefit Regulations, which makes provision for the determination of the amount of rent eligible to be met by way of housing benefit for claimants renting in the social sector. The amendment ensures that an additional bedroom will be included in the determination where the claimant or their partner is a qualifying parent or carer. It also amends regulation B13 to ensure that a member of the armed forces away on operations will continue to be included as an occupier when assessing the number of rooms for which housing benefit may be paid.

Regulation 2(4) makes similar amendments to regulation 13D of the Housing Benefit Regulations, which makes provision for the determination of the amount of rent eligible to be met by way of housing benefit for claimants renting in the private sector to whom the local housing allowance applies. However under regulation 13D there is a maximum of four bedrooms.

Regulation 2(5) amends regulation 14 of the Housing Benefit Regulations, which applies to private sector claimants not covered by the local housing allowance and to some social sector claimants where the local authority considers the rent to be unreasonably high. Taken in conjunction with the amendment to Schedule 2 made by regulation 2(7), this amendment ensures that a referral to a rent officer will be made if a claimant or their partner becomes, or ceases to be, a qualifying parent or carer.

Regulation 2(6) amends regulation 74 of the Housing Benefit Regulations (non-dependant deductions) so that a non-dependant deduction will not be made in respect of a member of the armed forces away on operations.

Regulation 2(7) also amends Schedule 2 to ensure that a case is not referred to a rent officer for a new determination where the only change has been that the claimant’s non-dependant has become, or ceased to be, a member of the armed forces away on operations.

Regulation 3 makes equivalent amendments to regulations 2, 13D, 14 and 55 of and Schedule 2 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. (These Regulations have no equivalent to regulation B13 of the Housing Benefit Regulations.)

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.