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STATUTORY INSTRUMENTS

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**2014 No. 212**

**SOCIAL SECURITY**

**The Housing Benefit (Transitional Provisions) (Amendment) Regulations 2014**

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| <i>Made</i>                   | - - - - | <i>4th February 2014</i> |
| <i>Laid before Parliament</i> |         | <i>5th February 2014</i> |
| <i>Coming into force</i>      | - -     | <i>3rd March 2014</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 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992<sup>(2)</sup>, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that the proposals in respect of these Regulations should not be referred to it.

In accordance with section 176(1) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

**Citation and commencement**

1. These Regulations may be cited as the Housing Benefit (Transitional Provisions) (Amendment) Regulations 2014 and come into force on 3rd March 2014.

**Amendment of the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006**

2. (1) Paragraph 4 of Schedule 3 (transitional and savings provisions) to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006<sup>(3)</sup> is amended as follows.

(2) In sub-paragraph (2)—

- (a) at the end of paragraph (a) omit “or”;
- (b) after paragraph (a) insert—

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(1) 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) was 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”.

(2) 1992 c.5.

(3) S.I. 2006/217. Paragraph 4 of Schedule 3 was substituted by S.I. 2007/2870.

- “(aa) a determination of eligible rent in a case where a person’s landlord is a registered housing association within the meaning of regulation 2 of the Housing Benefit Regulations or any case where housing benefit is payable in the form of a rent rebate unless—
- (i) the claimant or the claimant’s partner has attained the qualifying age for state pension credit, or both have attained that age;
  - (ii) a relevant authority has, on or before 31st March 2013, reduced that person’s eligible rent in accordance with regulation 13(3) of the Housing Benefit Regulations as set out in paragraph 5 of this Schedule; or
  - (iii) a relevant authority has, on or before 31st March 2013, made a determination that the person’s dwelling is larger than is reasonably required or that the person’s rent is unreasonably high in accordance with regulation 13(3) of the Housing Benefit Regulations as set out in paragraph 5 of this Schedule, but has not, in accordance with paragraph (4), (5) or (7) of that regulation, reduced that person’s eligible rent; or”.

(3) In paragraph (a) of the definition of “eligible rent” in sub-paragraph (10), after “regulations 12B (eligible rent),” insert “12BA (eligible rent and maximum rent (social sector))”.

#### **Amendment of the Housing Benefit Regulations 2006**

**3.** (1) Paragraph (1) of regulation A13 (when a maximum rent (social sector) is to be determined) of the Housing Benefit Regulations 2006(4) is amended as follows—

- (a) at the end of paragraph (1)(a) omit the “or”; and
- (b) after paragraph (1)(b) insert—
  - “; or
  - (c) an eligible rent in a case where paragraph 4 of Schedule 3 (transitional and savings provisions) to the Consequential Provisions Regulations applies.”.

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

4th February 2014

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

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(4) Regulation A13 was inserted by [S.I. 2012/3040](#).

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## EXPLANATORY NOTE

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

These Regulations amend the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217) (“the Consequential Provisions Regulations”) and the Housing Benefit Regulations 2006 (S.I. 2006/213) (the “Housing Benefit Regulations”).

Paragraph 4 of Schedule 3 to the Consequential Provisions Regulations provides transitional protection for certain housing benefit claimants. These Regulations amend the Consequential Provisions Regulations to provide that this transitional protection is not apply to claimants whose housing benefit is payable in the form of a rent rebate or whose landlord is a registered housing association.

However, the transitional protection will continue to apply:

If a relevant authority had, on or before 31<sup>st</sup> March 2013, reduced a person’s rent or made a determination that a person’s dwelling was unreasonably large or their rent was unreasonably high pursuant to regulation 13 of the Housing Benefit Regulations as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations, but had not reduced that person’s rent because the provisions in that regulation prevented it from doing so;

where the claimant’s partner or both of them have attained the qualifying age for state pension credit.

These Regulations also amend the Housing Benefit Regulations to provide that regulation A13 of those Regulations (when a maximum rent (social sector) is to be determined) shall not apply in a case where paragraph 4 of Schedule 3 to the Consequential Provisions Regulations applies.

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