

Housing Benefit Circular

Department for Work and Pensions
Caxton House, Tothill Street, London SW1H 9NA

HB A2/2014

ADJUDICATION AND OPERATIONS CIRCULAR

WHO SHOULD READ	All Housing Benefit staff
ACTION	For information
SUBJECT	The Housing Benefit (Miscellaneous Amendment) Regulations 2014

Guidance Manual

The information in this circular does affect the content of the HB/CTB Guidance Manual. Please annotate this circular number against *paragraph A6:A 6.372, BW2: W2.163, BP2: P2.163, BW3: W3142 – 3.143, W3.227 – 3.228, W3.252 and W3.420, BP3: P3.227 – 3.231, P3.252 and P3.420 – 3.422.*

Queries

- **extra copies of this circular/copies of previous circulars**, can be found at: <https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars>
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The Housing Benefit (Miscellaneous Amendments) Regulations 2014

Introduction

1. The Housing Benefit (Miscellaneous Amendments) Regulations 2014 (SI 2014/213) were laid before Parliament on 6 February 2014. Regulations 1 and 2 come into force on 31 March 2014 and Regulations 3 and 4 come into force on 1 April 2014. These Regulations amend Regulations 2, 28, 34, 38, 39, 87 and Schedule 3 of the Housing Benefit Regulations 2006 (SI 2006/213), Regulations 31, 34, 39, 40, 68 and Schedule 3 of the Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regulations 2006 (SI 2006/214) and Regulations 7 and 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (SI 2001/1002).
2. Most of the changes are minor amendments to terminology and paragraph numbering. However, there are two changes which affect Housing Benefit (HB) claimants who are currently receiving Disability Living Allowance (DLA) and are reassessed for Personal Independence Payment (PIP) and PIP claimants who are hospitalised.

DLA to PIP transition and change of circumstance

Background

3. The HB Regulations which apply when a claimant declares a change of circumstance, such as the award of a new benefit or change to the amount of benefit dictate when the change should take effect. Usually changes take effect from the start of the benefit week following the date changes actually occur. However, if a change occurs at the same time as a change in rent, or when HB is uprated as part of the annual uprating of benefits in April each year, the change takes effect from the date of the rent change or the uprating, whichever applies. In the case of awards of a new benefit however, the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (Decisions and Appeals Regulations) provide that the change is effective from the beginning of entitlement to that benefit.

Impact of changes

4. Regulations 2(2) and 2(3) of the SI 2014/213 amend Regulations 7(2) and 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001. For claimants transferring from DLA to PIP under the reassessment exercise, cessation of entitlement to DLA will dovetail with commencement of entitlement to PIP.

DLA to PIP at the same time as annual uprating

5. For claimants who transfer from DLA to PIP at the same time as annual uprating the change from DLA to PIP will take effect from 1 April if the rent is paid monthly or from the first Monday in April if rent is paid weekly.

DLA to PIP at the same time as any other change

6. For claimants who transfer from DLA to PIP at the same time as they notify the local authority of a change to their rental amount or any other change of circumstance the change will take effect from the first day after entitlement to DLA ends.

Hospitalisation: HB disability premiums and child care disregard

7. SI 2014/213 also makes amendments so that disability premium, severe disability premium, enhanced disability premium, disabled child premium and rules relating to the disregard of child care charges may continue when a claimant who is also in receipt of PIP enters hospital. This brings PIP claimants into line with the way that DLA claimants are treated when they enter hospital. The amendments are required to clarify that it is only people already receiving PIP when they enter hospital who are covered by the relevant provision, not those who claim PIP when in hospital.

Minor changes to definitions and paragraph numbering

8. SI 2014/213 also makes some minor changes to definitions to paragraph numbering:
 - Regulation 3(2) corrects the paragraph numbering in the definition of 'young individual' in regulation 2(1) of SI 2006/213
 - Regulations 3(4) and 4(3) substitute 'national insurance contributions' for 'social security contributions' in the HB and HB (State Pension Credit) regulations
 - Regulations 3(5) and 4(4) substitute 'decision' for 'determination' in the HB and HB (State Pension Credit) Regulations to ensure consistency of terminology in the HB Regulations.