



Department
for Work &
Pensions

Housing Policy Division
3rd Floor
Caxton House
Tothill Street
London SW1H 9NA

Phone 0207 449 5343
Fax -
Mobile If required
www.gov.uk

Denise Whitehead
Social Security Advisory Committee
5th Floor
Caxton House
London
SW1W 9NA

19 January 2016

Dear Denise,

DRAFT REGULATIONS FOR CONSIDERATION

The purpose of this letter is to ask the Committee, in accordance with section 172 of the Social Security Administration Act 1992, to consider proposals to amend the following sets of Regulations:

- The Housing Benefit Regulations 2006 (2006/213); and
- The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (2006/214).
- the State Pension Credit Regulations (SI 2002/1792)

I attach an annex to this letter with a note that covers the proposed amendments. Also attached separately are the draft Regulations, Keeling version of the proposed changes and Equality Analysis (including family tests and child poverty tool) for both Housing Benefit and Pension Credit.

I hope this letter, together with the explanatory memorandum, will be helpful to the Committee in deciding whether these Regulations require formal reference.

We are currently consulting with the Local Authority Associations on the draft regulations, and are asking for any comments by 8th February.

Yours sincerely

Darran Nuttall
Housing Policy Division

The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016

These amendments are intended to make changes to so that the period of allowable absence from outside Great Britain (GB) is reduced, generally from 13 weeks to 4 weeks.

It is a condition of entitlement to Housing Benefit (HB) and Pension Credit (PC) that claimants are in Great Britain.

HB has a general temporary absence rule meaning that HB can continue for a maximum of 13 weeks, where the period of absence does not, or is not expected to exceed 13 weeks, and the person intends returning to the dwelling and has not sub-let it.

If the period of absence is expected to last more than 13 weeks, HB stops immediately. Within this rule, HB does not distinguish between absences from home within GB or outside GB

PC has a parallel rule which however is specific to absences outside of GB. This allows entitlement to continue for absences outside of GB for up to 13 weeks where the absence is unlikely to exceed 52 weeks.

The policy, announced as part of the Chancellor's Autumn Statement, is to restrict temporary absences from GB in both benefits to four weeks.