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About this volume

About this chapter

- 1 This chapter contains overview information about this volume, including
 - what this volume contains
 - how to tell which group of claimants a paragraph relates to
 - definition of
 - working age
 - pensioner

What this volume contains

- 2 This volume is divided into two parts
 - Part A
 - An overview
 - Claims
 - Liability to make payments and occupying the home
 - Eligible rent
 - Calculating benefit
 - Deciding and paying benefit
 - Single homeless people and hostel dwellers
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 - Assessment of capital
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How to tell which group of claimants a paragraph relates to

- 3 With the introduction of Pension Credit in 2003, the rules covering working age and pensioner claimants are sometimes different.
- 4 To help you identify when different rules within a section apply, we have used the following method
- paragraph numbers beginning with '**W**' relate to working age claimants only, for example W2.120. See *Definition of 'working age'* later in this chapter
 - paragraph numbers beginning with '**P**' relate to pensioners, for example P2.120. See *Definition of 'pensioner'* later in this chapter
- 5 Within a section when
- different rules apply to each group, paragraphs relating to working age claimants will **always** come first
 - the rules apply to **only** one group, and there are no corresponding rules for the other group, only those paragraphs are shown using the appropriate prefix
 - there is a mixture of W and P paragraphs, for clarity paragraphs may show
 - Wx.xx Does not relate to working age claimants
 - Px.xx Does not relate to pensioners
 - the rules apply to **all** claimants, paragraphs numbers will not have a prefix

Part B

- 6 Part B is structured differently. For clarity the chapters have been separated into **W** and **P** sections, for example
- Chapter **BW1** deals with Assessment of capital for working age claimants, see *Definition of 'working age'* later in this chapter
 - Chapter **BP1** deals with Assessment of capital for pensioners, see *Definition of 'pensioner'* later in this chapter

Definition of 'working age'

- 7 For the purposes of this manual, the term 'working age' means a person who has not reached the qualifying age for Pension Credit.

Definition of 'pensioner'

- 8 For the purposes of this manual, the term 'pensioner' means a person who has reached the qualifying age for Pension Credit which is age 60 up to 5 April 2010 but from 6 April 2010 to 5 April 2020 it gradually increases to age 65, see *Annex A* of this chapter for a timetable of the changes.
- 9 *Annex B* of this chapter contains a timetable showing State Pension qualifying dates for the extension of the State Pension age from age 65 for all to age 68 for all. These changes will be introduced between 2024 and 2046. It will also apply to the maximum age up to which IS, JSA, ESA and working age HB/CTB are payable and the earliest qualification start date for HB/CTB(SPC) and Pension Credit.

10-99

State Pension age equalisation and the earliest start date for pension age HB/CTB and Pension Credit (guarantee credit) for men and women

Note: The date in the third column will also be the day after the latest date that working age HB/CTB and IS will be payable to all customers and ESA and JSA to women.

Customer date of birth	Female pension age date	Earliest date that the customer (male or female) can qualify for pension age HB/CTB and Pension Credit (guarantee credit)
06/04/50 – 05/05/50	06/05/2010	06/05/2010
06/05/50 – 05/06/50	06/07/2010	06/07/2010
06/06/50 – 05/07/50	06/09/2010	06/09/2010
06/07/50 – 05/08/50	06/11/2010	06/11/2010
06/08/50 – 05/09/50	06/01/2011	06/01/2011
06/09/50 – 05/10/50	06/03/2011	06/03/2011
06/10/50 – 05/11/50	06/05/2011	06/05/2011
06/11/50 – 05/12/50	06/07/2011	06/07/2011
06/12/50 – 05/01/51	06/09/2011	06/09/2011
06/01/51 – 05/02/51	06/11/2011	06/11/2011
06/02/51 – 05/03/51	06/01/2012	06/01/2012
06/03/51 – 05/04/51	06/03/2012	06/03/2012
06/04/51 – 05/05/51	06/05/2012	06/05/2012
06/05/51 – 05/06/51	06/07/2012	06/07/2012
06/06/51 – 05/07/51	06/09/2012	06/09/2012
06/07/51 – 05/08/51	06/11/2012	06/11/2012
06/08/51 – 05/09/51	06/01/2013	06/01/2013
06/09/51 – 05/10/51	06/03/2013	06/03/2013
06/10/51 – 05/11/51	06/05/2013	06/05/2013
06/11/51 – 05/12/51	06/07/2013	06/07/2013
06/12/51 – 05/01/52	06/09/2013	06/09/2013
06/01/52 – 05/02/52	06/11/2013	06/11/2013
06/02/52 – 05/03/52	06/01/2014	06/01/2014
06/03/52 – 05/04/52	06/03/2014	06/03/2014
06/04/52 – 05/05/52	06/05/2014	06/05/2014
06/05/52 – 05/06/52	06/07/2014	06/07/2014
06/06/52 – 05/07/52	06/09/2014	06/09/2014
06/07/52 – 05/08/52	06/11/2014	06/11/2014
06/08/52 – 05/09/52	06/01/2015	06/01/2015
06/09/52 – 05/10/52	06/03/2015	06/03/2015
06/10/52 – 05/11/52	06/05/2015	06/05/2015
06/11/52 – 05/12/52	06/07/2015	06/07/2015

continued

About this volume

Annex A

Customer date of birth	Female pension age date	Earliest date that the customer (male or female) can qualify for pension age HB/CTB and Pension Credit (guarantee credit)
06/12/52 – 05/01/53	06/09/2015	06/09/2015
06/01/53 – 05/02/53	06/11/2015	06/11/2015
06/02/53 – 05/03/53	06/01/2016	06/01/2016
06/03/53 – 05/04/53	06/03/2016	06/03/2016
06/04/53 – 05/05/53	06/05/2016	06/05/2016
06/05/53 – 05/06/53	06/07/2016	06/07/2016
06/06/53 – 05/07/53	06/09/2016	06/09/2016
06/07/53 – 05/08/53	06/11/2016	06/11/2016
06/08/53 – 05/09/53	06/01/2017	06/01/2017
06/09/53 – 05/10/53	06/03/2017	06/03/2017
06/10/53 – 05/11/53	06/05/2017	06/05/2017
06/11/53 – 05/12/53	06/07/2017	06/07/2017
06/12/53 – 05/01/54	06/09/2017	06/09/2017
06/01/54 – 05/02/54	06/11/2017	06/11/2017
06/02/54 – 05/03/54	06/01/2018	06/01/2018
06/03/54 – 05/04/54	06/03/2018	06/03/2018
06/04/54 – 05/05/54	06/05/2018	06/05/2018
06/05/54 – 05/06/54	06/07/2018	06/07/2018
06/06/54 – 05/07/54	06/09/2018	06/09/2018
06/07/54 – 05/08/54	06/11/2018	06/11/2018
06/08/54 – 05/09/54	06/01/2019	06/01/2019
06/09/54 – 05/10/54	06/03/2019	06/03/2019
06/10/54 – 05/11/54	06/05/2019	06/05/2019
06/11/54 – 05/12/54	06/07/2019	06/07/2019
06/12/54 – 05/01/55	06/09/2019	06/09/2019
06/01/55 – 05/02/55	06/11/2019	06/11/2019
06/02/55 – 05/03/55	06/01/2020	06/01/2020
06/03/55 – 05/04/55	06/03/2020	06/03/2020
06/04/55	06/04/2020	06/04/2020

Extension of State Pension Age from 2024 timetable

Male or female date of birth	Date that they will reach pension age	Pension age (in years and months)
Increase from 65 to 66		
6 April 1959 to 5 May 1959	6 May 2024	65.1 – 65.0
6 May 1959 to 5 June 1959	6 July 2024	65.2 – 65.1
6 June 1959 to 5 July 1959	6 September 2024	65.3 – 65.2
6 July 1959 to 5 August 1959	6 November 2024	65.4 – 65.3
6 August 1959 to 5 September 1959	6 January 2025	65.5 – 65.4
6 September 1959 to 5 October 1959	6 March 2025	65.6 – 65.5
6 October 1959 to 5 November 1959	6 May 2025	65.7 – 65.6
6 November 1959 to 5 December 1959	6 July 2025	65.8 – 65.7
6 December 1959 to 5 January 1960	6 September 2025	65.9 – 65.8
6 January 1960 to 5 February 1960	6 November 2025	65.10 – 65.9
6 February 1960 to 5 March 1960	6 January 2026	65.11 – 65.10
6 March 1960 to 5 April 1960	6 March 2026	66.0 – 65.11
6 April 1960 to 5 April 1968	66th birthday	66.0

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Annex B

Male or female date of birth	Date that they will reach pension age	Pension age (in years and months)
Increase from 66 to 67		
6 April 1968 to 5 May 1968	6 May 2034	66.1 – 66.0
6 May 1968 to 5 June 1968	6 July 2034	66.2 – 66.1
6 June 1968 to 5 July 1968	6 September 2034	66.3 – 66.2
6 July 1968 to 5 August 1968	6 November 2034	66.4 – 66.3
6 August 1968 to 5 September 1968	6 January 2035	66.5 – 66.4
6 September 1968 to 5 October 1968	6 March 2035	66.6 – 66.5
6 October 1968 to 5 November 1968	6 May 2035	66.7 – 66.6
6 November 1968 to 5 December 1968	6 July 2035	66.8 – 66.7
6 December 1968 to 5 January 1969	6 September 2035	66.9 – 66.8
6 January 1969 to 5 February 1969	6 November 2035	66.10 – 66.9
6 February 1969 to 5 March 1969	6 January 2036	66.11 – 66.10
6 March 1969 to 5 April 1969	6 March 2036	67.0 – 66.11
6 April 1969 to 5 April 1977	67th birthday	67

Male or female date of birth	Date that they will reach pension age	Pension age (in years and months)
Increase from 67 to 68		
6 April 1977 to 5 May 1977	6 May 2044	67.1 – 67.0
6 May 1977 to 5 June 1977	6 July 2044	67.2 – 67.1
6 June 1977 to 5 July 1977	6 September 2044	67.3 – 67.2
6 July 1977 to 5 August 1977	6 November 2044	67.4 – 67.3
6 August 1977 to 5 September 1977	6 January 2045	67.5 – 67.4
6 September 1977 to 5 October 1977	6 March 2045	67.6 – 67.5
6 October 1977 to 5 November 1977	6 May 2045	67.7 – 67.6
6 November 1977 to 5 December 1977	6 July 2045	67.8 – 67.7
6 December 1977 to 5 January 1978	6 September 2045	67.9 – 67.8
6 January 1978 to 5 February 1978	6 November 2045	67.10 – 67.9
6 February 1978 to 5 March 1978	6 January 2046	67.11 – 67.10
6 March 1978 to 5 April 1978	6 March 2046	68.0 – 67.11
6 April 1978 onwards	68th birthday	68

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A1 An overview

About this chapter

- 1.00 This chapter contains overview information about
- Housing Benefit (HB) legislation and what is covered by the different Acts of Parliament that make up the HB legislation, see *HB legislation and what it covers* later in this chapter
 - Council Tax Benefit (CTB) legislation, see *Legislation covering CTB* later in this chapter
 - the main elements to calculating the HB amount and when an HB applicable amount needs to be calculated, see *Calculating the HB amount* later in this chapter
 - the administration and structure of the CTB scheme, see *Administration of the CTB scheme* and *Structure of the CTB scheme* later in this chapter
 - liaison between the Local Authority (LA) and the relevant Department for Work and Pensions (DWP) office, see *Liaison between LA and DWP offices* later in this chapter

1.01-1.19

What is HB?

- 1.20 HB
- is an income related benefit
 - was introduced in April 1988 following a wide-ranging review of social security
- 1.21 The purpose of HB is to provide help in paying their rent to people with a low income.
- 1.22 HB is called rent allowance for claimants in private or housing association tenancies, and rent rebate for claimants in LA tenancies.

1.23-1.49

What is CTB?

- 1.50 CTB is a benefit available to help people meet their Council Tax (CT) liability. It can be awarded to people who have a low income and is similar in structure to the Community Charge Benefit (CCB) Scheme, which it replaced, and the HB scheme.
- 1.51 CTB is made up of two different types of benefit
- maximum CTB
 - second adult rebate, known in regulations as alternative maximum CTB

1.52-1.99

1.100-1.149

HB legislation and what it covers

- 1.100 The primary legislation covering HB entitlement is contained in the
- Social Security Administration Act 1992 (consolidating act) as amended
 - Social Security Contributions and Benefits Act 1992 (consolidating act) as amended
- 1.101 These Acts contain certain HB provisions originally contained in the Social Security Act 1986. This Act was largely repealed in 1992.
- 1.102 The provisions governing HB are contained in regulations made by the Secretary of State for Social Security and laid before Parliament. The regulations covering HB are the Housing Benefit Regulations 2006.

1.103-1.119

Social Security Contributions and Benefits Act 1992

- 1.120 This act sets out the following basic conditions of entitlement to benefit
- S.130 SSCBA 1992*
- 1 the claimant must be liable for payments on accommodation occupied as their home in Great Britain, see *A3 Liability to make payments and occupying the home* and *A4 Eligible rent* later in this part
 - 2 there must be a maximum HB which applies to the claimant, see *A5 Calculating benefit* later in this part
 - 3 either
 - ~ the claimant's income must not exceed their needs - expressed as 'the applicable amount', see *BW3* or *BP3 Assessment of needs* later in this manual, or
 - ~ if income does exceed the applicable amount, some maximum HB must remain after application of the HB taper, see *A5 HB taper* later in this part
 - 4 the claimant's capital must not be more than a specified amount, see *BW1* or *BP1 Assessment of capital* later in this manual

S.134 SSCBA 1992

1.121-1.149

Social Security Administration Act 1992

1.150 This act provides for two types of assistance with rent, which together are known as HB. The two types are

S.134 SSAA 1992

- **rent rebates** - for local authority tenants
- **rent allowances** - for private/housing association tenants

1.151-1.179

Modifications to the statutory scheme

1.180 The Social Security Administration Act 1992 gives the Secretary of State (S of S) the power to make regulations allowing LAs to modify the HB scheme by resolution. The only regulation made so far is for War Disablement Pension and War Widows' Pension.

s.134

1.181 An LA may modify the HB scheme by resolution, allowing a disregard of the whole or part of any war disablement pension or war widow's pension payable.

1.182 A resolution modifying the HB scheme does not apply to CTB and vice versa. Having made such a modification, an LA may at any time revoke or vary it.

SSA 1992, s.134(10)(a)

1.183-1.199

Financial provisions

1.200 The Act provides for the S of S for Social Security to pay subsidies to LAs for part of the costs of the HB scheme. This is done in a Subsidy Order which is amended annually.

1.201-1.219

HB information system

1.220 The HB information system is designed to

- monitor LAs' administration and costs
- provide a basis for calculating subsidy, and
- inform policy making and development of the scheme as a whole

1.221-1.249

1.250-1.400

Legislation covering CTB

1.250 CT replaced CC and was introduced in England, Scotland and Wales from 1 April 1993 by the Local Government Finance Act (LGFA) 1992.

1.251 Help paying CT is available through CTB using powers provided in the 1992 Act, as amended by Schedule 9 to the LGFA 1992.

1.252-1.299

Evidence of identity (NINOs)

1.300 An identity check is essential for every HB/CTB claim. Before assessing a claim, you must be satisfied of the claimant's identity. This is satisfied by the claimant providing their National Insurance Number (NINO). However, for Income Support (IS)/income-based Jobseeker's Allowance (JSA(IB))/Pension Credit cases, evidence of a claimant's identity may be held by the DWP. This evidence is acceptable for HB/CTB purposes and can be copied to the LA. For more information about evidence of identity, see

- *D1 Confirming/allocating NINOs* later in this manual
- *HB/CTB Security Guidance*

1.301 If the claimant's partner has no right to be in the UK see *D1 Confirming/allocating NINOs, Claimants partner has no right to be in the UK* later in this manual.

1.302-1.399

Calculating the HB amount

1.400 The main elements in the HB calculation are

- the claimant's eligible rent converted to a weekly figure
- the deductions which apply for any non-dependants living with the claimant, see *BW3* or *BP3 Assessment of needs* and *C1 Aggregation of needs and resources* later in this manual
- if the claimant is not in receipt of IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit), the
 - applicable amount, and
 - weekly *net* income including tariff income, see *BW2* or *BP2 Assessment of income* later in this manual

1.401 The first thing to establish is whether the claimant is on IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit). If the claimant

- does receive IS/JSA(IB)/Pension Credit (guarantee credit or guarantee and savings credit)
 - there is no need to calculate the HB applicable amount or net income as anyone on IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit) is automatically entitled to maximum HB, see *A5 Claimant receives IS, JSA(IB) or Pension Credit (guarantee credit or guarantee and savings credit)* later in this part
- does not receive IS/JSA(IB)/Pension Credit (guarantee credit or guarantee and savings credit), and their weekly net income

S.134(8) & S.139(6) SSAA

- is equal to or less than their HB applicable amount, they are entitled to maximum HB
- exceeds their HB applicable amount, maximum HB is reduced by a percentage of the difference. This percentage is called the HB taper and is currently 65%, see *A5 HB taper* later in this part

S.130(3); SSCBA 1992

1.402 In all cases, if the claimant is entitled to less than a specified amount per benefit week, no benefit is payable, see *A5 Minimum HB/CTB payable* later in this part.

1.403 The method of calculating benefit is explained in detail in *A5 Calculating the benefit* later in this part.

1.404-1.449

Administration of the CTB Scheme

1.450 The CTB Scheme is administered by **appropriate** authorities, that is levying LAs in Scotland and billing LAs in England and Wales, but they may delegate this responsibility to other authorities. Administration of the scheme by appropriate LAs is subject to the relevant statutory requirements.

1.451-1.499

1.500-1.999

Structure of the CTB Scheme

1.500 People who are liable to pay CT for any day can claim CTB for that day.

s.131 SSCBA

1.501 The maximum benefit of 100 per cent of liability may be awarded to people who

- receive
 - IS
 - JSA(IB), or
 - the guarantee credit element of Pension Credit
- have financial resources equal to or less than their IS, JSA(IB) or Pension Credit (guarantee credit or guarantee credit and savings credit) level

1.502 Benefit of less than 100% of liability may be awarded to people whose financial resources are greater than their IS/JSA(IB) levels or who receive Pension Credit (savings credit) only, see *A5 Calculating benefit* later in this part.

1.503 CTB is modelled as closely as practicable on the HB and CCB schemes that it replaced. The arrangements for assessing capital, net weekly income and personal and family circumstances are almost the same.

1.504-1.549

Liaison between LAs and DWP offices

1.550 Effective liaison between LAs and DWP offices is essential in view of the transactions between them on cases when an HB claimant also receives IS, JSA(IB) or Pension Credit. Without close co-operation, there will be duplication of effort both for claimants and staff, with all the resulting frustration this is likely to cause. See *D1 Liaison with local DWP offices* later in this manual for the arrangements for ensuring smooth contacts between the two offices, including information about

- aspects of HB and CTB that need close working between the LA and the DWP office
- liaison officers in both the DWP office and the LAs
- liaison forms used by the DWP office

1.551-1.999