

STATUTORY INSTRUMENTS

2016 No.

SOCIAL SECURITY

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

Made - - - - ***

Laid before Parliament ***

Coming into force - - 1st April 2016

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(d), 130(1)(a), 130A(2), 137(1) and (2) and 175(3), (4) and (5) of the Social Security Contributions and Benefits Act 1992(a) and sections 1(5), 12(3) and 17(1) and (2) of the State Pension Credit Act 2002(b).

In accordance with section 172(1) of the Social Security Administration Act 1992(c), the Secretary of State has referred these Regulations to the Social Security Advisory Committee.

OR [In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Social Security Advisory Committee has agreed 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(d) 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 and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016 and come into force on [1st April 2016].

Amendments to the Housing Benefit Regulations 2006

2.—(1) Regulation 7 of the Housing Benefit Regulations 2006 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)(e) is amended as follows.

(2) In paragraph (11) after “residential accommodation” insert “in Great Britain”.

(3) For paragraph (13) substitute—

(a) 1992 c.4. Section 175(3) is applied to provisions of the State Pension Credit Act 2002 (c.16) by section 19(1) of that Act.
(b) 2002 c.16.
(c) 1992 c.5.
(d) Section 176(1) was amended by Schedule 9, paragraph 23 to the Local Government Finance Act 1992 (c.14), Schedule 13, paragraph 3(4) to the Housing Act 1996 (c.52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000 (c.19).
(e) S.I. 2006/213. Regulation 7 was amended by S.I. 2013/443. There are other amendments to regulation 7 that are not relevant to this instrument.

“(13) Subject to paragraph (17), a person who is temporarily absent from a dwelling they occupy as their home within Great Britain shall be treated as occupying that dwelling as his home whilst he is temporarily absent therefrom, for a period not exceeding 13 weeks beginning with the first day of that absence from the home, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence from the home is unlikely to exceed 13 weeks.”.

(4) After paragraph (13) insert—

“(13A) Subject to paragraphs (13B), (13D), (13E) and (17), a person who is temporarily absent from a dwelling he occupies as his home and is absent outside Great Britain shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence is unlikely to exceed 4 weeks.

(13B) A person who is temporarily absent from a dwelling he occupies as his home and is absent outside of Great Britain as a member of the armed forces away on operations, a mariner or a continental shelf worker shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 26 weeks beginning with the first day of that absence from Great Britain, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence is unlikely to exceed 26 weeks.

(13C) This paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the temporary absence from Great Britain is in connection with the death of the—
 - (i) person’s partner or a child or young person for whom he or his partner is responsible;
 - (ii) person’s close relative;
 - (iii) close relative of the person’s partner; or
 - (iv) close relative of a child or young person for whom the person or their partner is responsible;
- (c) the person intends to return to occupy the dwelling as his home; and
- (d) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let.

(13D) A person to whom paragraph (13C) applies shall be treated as occupying a dwelling he is absent from as his home whilst he is temporarily absent for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain.

(13E) The period of absence in paragraph (13D) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks.”.

(5) Paragraph (16) is amended as follows—

- (a) after “dwelling he normally occupies as his home” omit “(“absence”)”;
- (b) in sub-paragraph (c) for “the United Kingdom” in paragraphs (iii), (iv), (v) and (vii) substitute “Great Britain”;

(c) for sub-paragraph (d) substitute—

“(d) in the case of—

- (i) an absence within Great Britain, the period of absence is unlikely to exceed or in exceptional circumstances is unlikely to substantially exceed, 52 weeks;
- (ii) an absence from Great Britain by a person to whom any of sub-paragraphs (c)(ii), (iii) or (vii) apply, the period of absence from Great Britain is unlikely to exceed or in exceptional circumstances is unlikely to substantially exceed, 26 weeks; or
- (iii) an absence from Great Britain to which paragraph (ii) does not apply, the period of absence from Great Britain is unlikely to exceed or in exceptional circumstances is unlikely to substantially exceed, 4 weeks.”.

(6) For paragraph (17) substitute—

“(17) A person to whom paragraph (16) applies shall be treated as occupying the dwelling he normally occupies as his home—

- (a) with respect to absence within Great Britain, during a period of absence not exceeding 52 weeks beginning with the first day of the absence from the home;
- (b) with respect to absence outside Great Britain, in the case of a person to whom any of sub-paragraphs (c)(ii), (iii) or (vii) of paragraph (16) apply, during a period of absence not exceeding 26 weeks beginning with the first day of the absence from Great Britain; or
- (c) with respect to absence outside Great Britain, in the case of a person to whom sub-paragraph (b) does not apply, during a period of absence not exceeding 4 weeks beginning with the first day of the absence from Great Britain.”.

(7) Paragraph (18) is amended as follows—

(a) before the definition of “medically approved” insert—

““continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998(a);

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964(b) as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;”;

(b) after the definition of “patient” insert—

““prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;”.

(a) 1998 c.17.

(b) 1964 c.29.

Amendments to the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006

3.—(1) Regulation 7 of the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006 (circumstances in which a person is or is not to be treated as occupying a dwelling as his home)(a) is amended as follows.

(2) In paragraph (11) after “residential accommodation” insert “in Great Britain”.

(3) For paragraph (13) substitute—

“(13) Subject to paragraph (17), a person who is temporarily absent from a dwelling they occupy as their home within Great Britain shall be treated as occupying that dwelling as his home whilst he is temporarily absent therefrom, for a period not exceeding 13 weeks beginning with the first day of that absence from the home, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence from the home is unlikely to exceed 13 weeks.”.

(4) After paragraph (13) insert—

“(13A) Subject to paragraphs (13B), (13D), (13E) and (17), a person who is temporarily absent from a dwelling he occupies as his home and is absent outside Great Britain shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence is unlikely to exceed 4 weeks.

(13B) A person who is temporarily absent from a dwelling he occupies as his home and is absent outside of Great Britain as a member of the armed forces away on operations, a mariner or a continental shelf worker shall be treated as occupying that dwelling as his home whilst he is temporarily absent, for a period not exceeding 26 weeks beginning with the first day of that absence from Great Britain, provided that—

- (a) the person intends to return to occupy the dwelling as his home;
- (b) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let; and
- (c) the period of absence is unlikely to exceed 26 weeks.

(13C) This paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the temporary absence from Great Britain is in connection with the death of the—
 - (i) person’s partner or a child or young person for whom he or his partner is responsible;
 - (ii) person’s close relative;
 - (iii) close relative of the person’s partner; or
 - (iv) close relative of a child or young person for whom the person or their partner is responsible;
- (c) the person intends to return to occupy the dwelling as his home; and

(a) S.I. 2006/214. Regulation 7 was amended by S.I. 2013/443. There are other amendments to regulation 7 that are not relevant to this instrument.

- (d) the part of the dwelling normally occupied by the person has not been let or, as the case may be, sub-let.

(13D) A person to whom paragraph (13C) applies shall be treated as occupying a dwelling he is absent from as his home whilst he is temporarily absent for a period not exceeding 4 weeks beginning with the first day of that absence from Great Britain.

(13E) The period of absence in paragraph (13D) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks.”.

(5) Paragraph (16) is amended as follows—

- (a) after “dwelling he normally occupies as his home” omit “(“absence”)”;
- (b) in sub-paragraph (c) for “the United Kingdom” in paragraphs (iii), (iv), (v) and (vii) substitute “Great Britain”;
- (c) for sub-paragraph (d) substitute—
 - “(d) in the case of—
 - (i) an absence within Great Britain, the period of absence is unlikely to exceed or in exceptional circumstances is unlikely to substantially exceed, 52 weeks;
 - (ii) an absence from Great Britain by a person to whom any of sub-paragraphs (c)(ii), (iii) or (vii) apply, the period of absence from Great Britain is unlikely to exceed or in exceptional circumstances is unlikely to substantially exceed, 26 weeks; or
 - (iii) an absence from Great Britain to which paragraph (ii) does not apply, the period of absence from Great Britain is unlikely to exceed or in exceptional circumstances is unlikely to substantially exceed, 4 weeks.”.

(6) For paragraph (17) substitute—

“(17) A person to whom paragraph (16) applies shall be treated as occupying the dwelling he normally occupies as his home—

- (a) with respect to absence within Great Britain, during a period of absence not exceeding 52 weeks beginning with the first day of the absence from the home;
- (b) with respect to absence outside Great Britain, in the case of a person to whom any of sub-paragraphs (c)(ii), (iii) or (vii) of paragraph (16) apply, during a period of absence not exceeding 26 weeks beginning with the first day of the absence from Great Britain; or
- (c) with respect to absence outside Great Britain, in the case of a person to whom sub-paragraph (b) does not apply, during a period of absence not exceeding 4 weeks beginning with the first day of the absence from Great Britain.”.

(7) Paragraph (18) is amended as follows—

- (a) before the definition of “medically approved” insert—
 - ““continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998;
 - “designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
 - “mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—
 - (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;”;
- (b) after the definition of “patient” insert—
 - ““prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;”.

Amendments to the State Pension Credit Regulations 2002

- 4.—(1) The State Pension Credit Regulations 2002(a) are amended as follows.
- (2) For regulation 3 (persons temporarily absent from Great Britain) substitute—

“Persons temporarily absent from Great Britain

3.—(1) A claimant’s entitlement to state pension credit during periods of temporary absence from Great Britain is to continue if—

- (a) while absent from Great Britain the claimant continues to satisfy the other conditions of entitlement to state pension credit; and
- (b) either—
 - (i) the absence is not expected to exceed, and does not exceed, 4 weeks; or
 - (ii) paragraph (3) applies.

(2) The period of 4 weeks in paragraph (1)(b) may be extended by up to a further 4 weeks if the temporary absence is in connection with the death of—

- (a) the claimant’s partner or a child or qualifying young person normally living with the claimant; or
- (b) a close relative of the claimant, or of their partner or of a child or qualifying young person normally living with the claimant,

and the Secretary of State considers that it would be unreasonable to expect the claimant to return to Great Britain within the first 4 weeks.

(3) This paragraph applies where the absence is not expected to exceed, and does not exceed, 26 weeks and is solely in connection with—

- (a) the claimant undergoing—
 - (i) treatment for an illness or physical or mental impairment by, or under the supervision of, a qualified practitioner; or
 - (ii) medically approved convalescence or care as a result of treatment for an illness or physical or mental impairment, where the claimant had that illness or impairment before leaving Great Britain; or
- (b) the claimant accompanying their partner or a child or qualifying young person normally living with the claimant for treatment or convalescence or care as mentioned in sub-paragraph (a).

(4) In this regulation and in regulation 5—

“medically approved” means certified by a registered medical practitioner;

“qualified practitioner” means a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.”.

- (3) Omit regulation 3A (persons temporarily absent from Great Britain on 6th October 2008).

(a) S.I. 2002/1792.

- (4) Omit regulation 4 (persons receiving treatment outside Great Britain).
- (5) Insert regulation 4A—

“Meaning of “qualifying young person”

4A.—(1) a person who has reached the age of 16 but not the age of 20—

- (a) up to, but not including, the 1st September following their 16th Birthday; and
- (b) up to, but not including, the 1st September following their 19th Birthday, if they are enrolled on, or accepted for, approved training or a course of education—
 - (i) which is not a course of advanced education within the meaning of regulation 12(3) of the Universal Credit Regulations 2013^(a);
 - (ii) which is provided at a school or college or provided elsewhere but approved by the Secretary of State for the purposes of regulation 5 of the Universal Credit Regulations 2013; and
 - (iii) where the average time spent during term time in receiving tuition, engaging in practical work or supervised study or taking examinations exceeds 12 hours per week.

(2) Where the young person is aged 19, they must have started the education or training or been enrolled on or accepted for it before reaching that age.

(3) The education or training referred to in paragraph (1) does not include education or training provided by means of employment.

(4) “Approved training” means training in pursuance of arrangements made under section 2(1) of the Employment and Training Act 1973^(b) or section 2(3) of the Enterprise and New Towns (Scotland) Act 1990^(c) which is approved by the Secretary of State for the purposes of regulation 5 of the Universal Credit Regulations 2013.

(5) A person who is receiving universal credit, a contributory employment and support allowance, a contribution-based jobseeker’s allowance, an income-related employment and support allowance, an income-based jobseeker’s allowance or income support is not a qualifying young person.”.

(6) In regulation 5 (persons treated as being or not being members of the same household)—

- (a) in paragraph (1)(d) for “temporary” substitute “temporarily”;
- (b) in paragraph (1)(f) for “13 weeks” substitute “4 weeks where the absence is not expected to exceed, and does not exceed, 4 weeks, unless this period is extended in accordance with paragraphs (1A) or (1B)”;
- (c) for paragraph (1A) substitute—

“(1A) The period of 4 weeks specified in paragraph (1)(f) may be extended by up to a further 4 weeks if the absence from Great Britain is in connection with the death of—

- (a) a child or qualifying young person normally living with the person; or
- (b) a close relative of the person, or of their partner or of a child or qualifying young person normally living with the person,

and the Secretary of State considers that it would be unreasonable to expect the person to return to Great Britain within the first 4 weeks.

(1B) The period of 4 weeks specified in paragraph (1)(f) may be extended up to 26 weeks where the absence is not expected to exceed, and does not exceed, 26 weeks and is solely in connection with—

- (a) the person undergoing—

(a) S.I. 2013/376.
(b) 1973 c.50.
(c) 1990 c.35.

- (i) treatment for an illness or physical or mental impairment by, or under the supervision of, a qualified practitioner; or
- (ii) medically approved convalescence or care as a result of treatment for an illness or physical or mental impairment, where the person had that illness or impairment before leaving Great Britain; or
- (b) the person accompanying their partner or a child or qualifying young person normally living with the person for treatment or convalescence or care as mentioned in sub-paragraph (a).”.

(7) In paragraph 2(2)(f) of Schedule I (circumstances in which persons are treated as being or not being severely disabled) after “qualifying young person” insert “within the meaning of regulation 4A” and for “for the purposes of Part IX of the 1992 Act” substitute “as defined in section 40 of the 2012 Act”.

(8) In paragraph 1(8) of Schedule III, after “In regulations” insert “3,”.

(9) In Schedule V (income from capital)—

- (a) in paragraph 6(2)(c) after “qualifying young person” insert “within the meaning of regulation 4A” and for “for the purposes of Part IX of the 1992 Act” substitute “as defined in section 40 of the 2012 Act”;
- (b) in paragraph 15(8) in the definition of “child” after “qualifying young person” insert “within the meaning of regulation 4A” and for “for the purposes of Part IX of the Contributions and Benefits Act (child benefit)” substitute “as defined in section 40 of the 2012 Act”.

(10) In paragraph 1(2)(b) of Schedule VI (sums disregarded from claimant’s earnings), after “qualifying young person” insert “within the meaning of regulation 4A” and for “for the purposes of Part IX of the 1992 Act” substitute “as defined in section 40 of the 2012 Act”.

Transitional provision

5.—(1) Regulations 2 and 3 shall not apply in respect of a person who is temporarily absent from Great Britain on [1st April 2016] until that person returns to Great Britain unless the person is—

- (a) a member of the armed forces away on operations;
- (b) a continental shelf worker; or
- (c) a mariner.

(2) Regulation 4 shall not apply in respect of a person who is temporarily absent from Great Britain on [1st April 2016] until that person returns to Great Britain.

(3) In this regulation—

“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any activity mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;

“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

- (a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and
- (b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;

“member of the armed forces away on operations” means a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006)(a) who is absent, while on operations, from the dwelling usually occupied as their home; and

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998.”.

Date _____ *Name*
Minister of State
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 7 of the Housing Benefit Regulations 2006 (S.I. 2006/213) (“the Housing Benefit Regulations”), regulation 7 of the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214) and the State Pension Credit Regulations 2002 (S.I. 2002/1792) (“the State Pension Credit Regulations”).

Regulation 7(11) of the Housing Benefit Regulations provides that a person who enters residential accommodation on a trial basis for the purpose of ascertaining whether the accommodation satisfies his needs, can receive housing benefit in respect of his former dwelling for up to 13 weeks. Regulation 2(2) of these Regulations amends regulation 7(11) of the Housing Benefit Regulations to provide that that regulation will only apply where the person enters residential accommodation in Great Britain.

Regulation 7(13) of the Housing Benefit Regulations provides that a person can be treated as occupying a dwelling which they are temporarily absent from as their home, for a period not exceeding 13 weeks, provided that: the person intends to return to occupy the dwelling, the dwelling is not let or, as the case may be, sub-let, and the period of absence is unlikely to exceed 13 weeks. Regulation 7(13) currently makes no distinction between absences within and outside of Great Britain. Regulation 2(3) of these Regulations amends regulation 7(13) so that that regulation only applies to people who are temporarily absent from their home and who are absent within Great Britain.

Regulation 2(4) inserts new provisions into regulation 7 of the Housing Benefit Regulations which reduce the period that a person will be treated as occupying a dwelling from which they are temporarily absent as their home to 4 weeks when the person is absent from Great Britain beginning on the first day of their absence from Great Britain. However, if the absence from Great Britain is in connection with the death of: a partner, child or young person for whom they or their partner are responsible, their or their partner’s close relative, or a close relative of a child or young person for whom they or their partner are responsible, then the period of absence may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return within the first 4 weeks.

Regulation 2(4) further provides that if the person is a member of the armed forces away on operations, a mariner or a continental shelf worker the person will be treated as occupying the dwelling as their home, whilst they are temporarily absent, for up to 26 weeks if they are absent from Great Britain beginning on the first day of their absence from Great Britain.

Regulation 2(5) of these Regulations amends regulation 7(16) of the Housing Benefit Regulations in two ways. Firstly, it substitutes “Great Britain” for “the United Kingdom” in paragraphs (iii),

(a) 2006 c.52.

(iv), (v) and (vii). Secondly, it amends paragraph (16)(d) to reduce the period that the absence is unlikely to exceed where the person is absent from Great Britain, to 26 weeks if the person is a person to whom any of sub-paragraphs (c)(ii), (iii) or (vii) apply or 4 weeks in any other case, beginning on the first day of their absence from Great Britain. The period remains at 52 weeks where the person is absent from the dwelling and remains within Great Britain.

Regulation 2(6) of these Regulations amends regulation 7(17) of the Housing Benefit Regulations to provide that where a person to whom regulation 7(16) applies is absent from Great Britain then they will be treated as occupying the dwelling as their home for up to 4 weeks unless they are a person to whom any of paragraphs (16)(c)(ii), (iii) and (vii) of regulation 7 of the Housing Benefit Regulations applies, in which case they can be treated as occupying the dwelling for up to 26 weeks beginning on the first day of their absence from Great Britain. The period remains at 52 weeks where the person is absent from the dwelling and remains within Great Britain.

Regulation 2(7) of these Regulations makes amendments to regulation 7 which are consequential to these changes.

Regulation 3 makes similar amendments to the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations 2006.

Regulation 3 of the State Pension Credit Regulations currently allows for a claimant's entitlement to State Pension Credit to continue where the claimant is outside of Great Britain for up to 13 weeks, the period of absence is unlikely to exceed 52 weeks and the claimant continues to satisfy the other conditions of entitlement during their absence. Regulation 4(2) inserts new regulation 3 into the State Pension Credit Regulations which replaces this 13 week period with a 4 week period providing that the absence is not expected to exceed, and does not exceed, 4 weeks. This 4 week period can be extended by a further 4 weeks where the absence is in connection with the death of the claimant's partner, or a child or qualifying young person normally living with the claimant, or the death of a close relative of one of these. New regulation 3(3) allows for a claim to continue for up to 26 weeks where the claimant is undergoing medical treatment or is accompanying a partner or a child or qualifying young person normally living with the claimant for medical treatment.

Regulation 4(5) inserts a definition of "qualifying young person" into the State Pension Credit Regulations.

Regulation 5 of the State Pension Credit Regulations currently allows for a claimant's partner to continue to be treated as being a member of the claimant's household (and therefore for a claimant to claim State Pension Credit at the couple's rate) for up to 13 weeks. Regulation 4(6) amends this so that the claimant's partner is subject to the same rules on temporary absence as the claimant.

Regulation 4(7), 4(9) and (10) makes changes to certain Schedules to the State Pension Credit Regulations so that the definitions of "qualifying young person" and "child" cross-refer to regulation 4A of those Regulations and section 40 of the Welfare Reform Act 2012 (c.12) respectively.

Regulation 4(8) applies the provisions relating to polygamous marriages to regulation 3 of the State Pension Credit Regulations.

Regulation 5 makes transitional provision such that the amendments in Regulations 2 and 3 do not apply in respect of a person who is temporarily absent from Great Britain on 1 April 2016 until they return to Great Britain unless the person is a member of the armed forces away on operations, a continental shelf worker or a mariner. The amendments in regulation 4 do not apply to a person who is temporarily absent from Great Britain on 1 April 2016 until the person returns to Great Britain.

[An impact assessment has not been produced for this instrument as it has no new impact on business or civil society organisations.]