

---

STATUTORY INSTRUMENTS

---

**2009 No.**

**SOCIAL SECURITY**

**The Housing Benefit Amendment (No. 2) Regulations 2009**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</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), (3), (5) and (6), 137(1) and 175(1), (3), (4) and (6) of the Contributions and Benefits Act 1992(1).

[The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(2).

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 Amendment (No. 2) Regulations 2009 and shall come into force on 5th April 2010.

**Amendment of the Housing Benefit Regulations 2006**

2.—(1) The Housing Benefit Regulations 2006(3) shall be amended as follows.

(2) In regulation 13D(6)(b)(4) (determination of a maximum rent (LHA)) omit “plus £15”.

(3) In paragraph 6 of Schedule 10 (former pathfinder authorities), in the inserted regulation 12I (basic transitional protection in the second and subsequent years after 7th April 2008), in paragraph (2)(b)(ii) omit “plus £15”.

**Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

3.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(5) shall be amended as follows.

---

(1) 1992 c.4. Section 130A was inserted by s. 30 of the Welfare Reform Act 2007 (c.5). Section 137(1) is an interpretation provision and is cited for the meaning of the word “prescribed”.  
(2) See sections 170 and 172(1)(b) of the Social Security Administration Act 1992.  
(3) S.I. 2006/213.  
(4) Regulation 13D was inserted by S.I. 2007/2868 and was amended by S.I. 2009/614.  
(5) S.I. 2006/214.

## Annex B

(2) In regulation 13D(6)(b)(6) (determination of a maximum rent (LHA)) omit “plus £15”.

(3) In paragraph 6 of Schedule 9 (former pathfinder authorities), in the inserted regulation 12I (basic transitional protection in the second and subsequent years after 7th April 2008), in paragraph (2)(b)(ii) omit “plus £15”.

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

Date

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

### **EXPLANATORY NOTE**

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

These Regulations amend the Housing Benefit Regulations 2006 and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

Regulation 2 amends regulation 13D of the Housing Benefit Regulations 2006. This provides for the calculation of a maximum rent (LHA). Regulation 2 also amends regulation 12I, which appears in Schedule 10 to the Housing Benefit Regulations 2006. This provides transitional protection for certain claimants who were in pathfinder authorities before the national rollout of the local housing allowance. The amendments remove the provisions that allow claimants to receive up to £15 more than their actual rent.

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

[Impact assessment].

---

(6) Regulation 13D was inserted by S.I. 2007/2869 and was amended by S.I. 2009/614.