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STATUTORY INSTRUMENTS

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**2013 No. 546**

**SOCIAL SECURITY**

**The Benefit Cap (Housing Benefit)  
(Amendment) Regulations 2013**

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| <i>Made</i>                   | - - - - | <i>8th March 2013</i>  |
| <i>Laid before Parliament</i> |         | <i>12th March 2013</i> |
| <i>Coming into force</i>      | - -     | <i>15th April 2013</i> |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 96(1), (4)(a) and (c) and (10) and 97(1) of the Welfare Reform Act 2012<sup>(1)</sup>.

In accordance with section 176(1) of the Social Security Administration Act 1992<sup>(2)</sup>, 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 Benefit Cap (Housing Benefit) (Amendment) Regulations 2013 and come into force on 15th April 2013.

**Amendment of the Benefit Cap (Housing Benefit) Regulations 2012**

2.—(1) The Benefit Cap (Housing Benefit) Regulations 2012<sup>(3)</sup> are amended as follows.

(2) In regulation 2(5), insofar as it inserts regulation 75C of the Housing Benefit Regulations 2006<sup>(4)</sup> (manner of calculating the amount of welfare benefits), for paragraph (2) substitute—

“(2) Where the welfare benefit is housing benefit, the relevant authority—

- (a) where the dwelling is exempt accommodation within the meaning paragraph 4(10) of Schedule 3 to the Consequential Provisions Regulations, must use the amount of nil; and

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(1) 2012 c.5. Section 96(10) is cited for the meaning of “prescribed”.

(2) 1992 c.5. Section 176(1) is 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.

(3) S.I. 2012/2994.

(4) S.I. 2006/213.

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(b) in any other case, must not take account of any reduction under regulation 75D and must use the amount to which the claimant would be entitled by virtue of section 130 of the Act.”.

(3) In regulation 2(5), insofar as it inserts regulation 75F(1) of the Housing Benefit Regulations 2006 (exception to the benefit cap: receipt of specified benefit), after sub-paragraph (f) add—

“(g) the claimant is receiving universal credit.”.

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

8th March 2013

*Freud*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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## EXPLANATORY NOTE

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

These Regulations amend the Benefit Cap (Housing Benefit) Regulations 2012 (“the 2012 Regulations”). The 2012 Regulations insert provisions in the Housing Benefit Regulations 2006 ([S.I. 2006/213](#)) (“the Housing Benefit Regulations”) to introduce a cap on the total amount of benefits to which a person is entitled.

Regulation 75C of the Housing Benefit Regulations (inserted by the 2012 Regulations) makes provision for the calculation of welfare benefits (as defined in the inserted regulation 75G of the Housing Benefit Regulations) when applying the benefit cap. Regulation 2(2) of these Regulations substitutes a new paragraph (2) in regulation 75C so that where the welfare benefit is housing benefit, the local authority will use the amount of nil in any case where the dwelling is exempt accommodation within the meaning paragraph 4(10) Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 ([S.I. 2006/217](#)).

Regulation 2(3) of these Regulations adds a new sub-paragraph (g) to regulation 75F(1) of the Housing Benefit Regulations (inserted by the 2012 Regulations). This will exempt a claimant who is receiving universal credit (which will already have been subject to the benefit cap) from the benefit cap in housing benefit.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.