STATUTORY INSTRUMENTS

2025 No. 988

SOCIAL SECURITY

The Housing Benefit (Habitual Residence) (Amendment) Regulations 2025

Made - - - -	*1st September 2025*
Laid before Parliament	*3rd September 2025*
Coming into force - -	*21st October 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 123(1)(d), 137(2)(i) and 175(1) and (3) of the Social Security 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, in accordance with section 173(1)(b) of the Social Security Administration Act 1992(**2**).

The Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned, in accordance with section 176(1)(a) of the Social Security Administration Act 1992(**3**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Housing Benefit (Habitual Residence) (Amendment) Regulations 2025 and come into force on 21st October 2025.

(2) These Regulations extend to England and Wales and Scotland.

Amendment of the Housing Benefit Regulations 2006

2. In regulation 10 of the Housing Benefit Regulations 2006 (persons from abroad)(**4**), for paragraph (3B)(k) substitute—

(**1**) 1992 c. 4. Section 175(1) was amended by paragraph 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). See section 137(1) for the definition of "prescribed".
(**2**) 1992 c. 5.
(**3**) Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and was repealed, to the extent that it related to council tax benefit, by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5).
(**4**) S.I. 2006/213, amended by S.I. 2006/1026, 2528, 2008/1082, 2009/362, 2013/2536, 2014/539, 902, 2019/872, 2020/683, 1309, 2021/1034, 2022/344, 990, 2023/532, 1144 and 2025/884.

“(k) in receipt of income support, an income-related employment and support allowance or universal credit;”.

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

Stephen Timms
Minister of State
Department for Work and Pensions

1st September 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 10 of the Housing Benefit Regulations 2006 (S.I. 2006/213) and apply to individuals claiming housing benefit.

Under regulation 10 of the Housing Benefit Regulations 2006, an individual claiming housing benefit who is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland is a person from abroad and treated as not having a liability to make payments in respect of the dwelling they occupy as the home. As a result, such an individual is not entitled to housing benefit. However, regulation 10(3B) of the Housing Benefit Regulations 2006 specifies circumstances in which an individual is not considered a person from abroad when claiming housing benefit, whether or not they are so habitually resident.

These Regulations amend regulation 10(3B) to ensure that, where an individual is already receiving universal credit, there is no need to consider whether or not they are habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, when deciding whether they are a person from abroad for the purposes of housing benefit. Any determination as to whether they are habitually resident (or subject to one of the other exceptions from the need to consider whether they are habitually resident), will already have been made when the claim for universal credit was allowed.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary sector or community bodies is foreseen.