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This Statutory Instrument has been made in consequence of defects in S.I. 2026/753 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2026 No. 978

SOCIAL SECURITY

The Housing Benefit (Earned Income Disregards) (Amendment) (No. 2) Regulations 2026

Made - - - -	*at 9.15 a.m. on 7th September 2026*
Laid before Parliament	*at 2.30 p.m. on 7th September 2026*
Coming into force - -	*2nd October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 123(1)(d), 136(3) and (5)(b), 137(1) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(**1**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992 ("the Administration Act")(**2**), 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)(a) of the Administration Act(**3**), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Housing Benefit (Earned Income Disregards) (Amendment) (No. 2) Regulations 2026 and come into force on 2nd October 2026.

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

(**1**) 1992 c. 4; sections 123, 136 and 137 were repealed, to the extent that they related to council tax benefit, by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5); section 137(1) is cited for the meaning it gives to "prescribed"; section 175(1) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).

(**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Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14) and was repealed, to the extent that it related to council tax benefit, by Part 1 of Schedule 14 to the Welfare Reform Act 2012.

Amendments to the Housing Benefit (Earned Income Disregards) (Amendment) Regulations 2026

2.—(1) The Housing Benefit (Earned Income Disregards) (Amendment) Regulations 2026(**4**) are amended as follows.

(2) In regulation 2 (amendments to the Housing Benefit Regulations 2006), for paragraph (4) substitute—

"(4) In Schedule 4 (sums to be disregarded in the calculation of earnings)—

(a) In paragraph 17(**5**), in sub-paragraph (3)(a), after "paragraphs 3 to 10A" insert "and 18";

(b) After paragraph 17, insert—

"**18.—.**—(1) Where—

(a) the claimant is resident in accommodation specified in paragraph 3A or paragraph 3B of Schedule 1 to the Universal Credit Regulations 2013 (meaning of payments in respect of accommodation)(**6**); and

(b) the claimant, or, if the claimant has a partner, the claimant or their partner, is an employed earner or self-employed earner,

the amount specified in sub-paragraph (2); but, notwithstanding regulation 25 (calculation of income and capital of members of claimant's family and of a polygamous marriage), if this paragraph applies to a claimant, where the claimant has a partner, it shall not apply to their partner except where, and to the extent that, the earnings of the claimant which are to be disregarded under this paragraph are less than the amount specified in sub-paragraph (2).

(2) Where the claimant—

(a) is a single claimant who—

(i) has not attained the age of 25 years, £61.41;

(ii) has attained the age of 25 years, £77.73;

(b) is a lone parent who—

(i) has not attained the age of 25 years, £61.41;

(ii) has attained the age of 25 years, £77.73;

(c) has a partner, where—

(i) the claimant and their partner have not attained the age of 18 years, £97.33;

(ii) the claimant or their partner has attained the age of 18 years but the claimant and their partner have not attained the age of 25 years, £61.53;

(iii) the claimant or their partner has attained the age of 25 years, £119.70."".

(**4**) S.I. 2026/753.
(**5**) S.I. 2006/213, amended by S.I. 2010/2449; there are other amending instruments but none is relevant.
(**6**) S.I. 2013/376. Paragraph 3A was inserted by S.I. 2014/771. Paragraph 3B was inserted by S.I. 2018/65.

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

Stephen Timms
Minister of State
Department for Work and Pensions

at 9.15 a.m. on 7th September 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit (Earned Income Disregards) (Amendment) Regulations 2026 (S.I. 2026/753) ("the Earned Income Disregards Regulations") to clarify and extend the application of the earnings disregards introduced by those regulations to claimants of housing benefit.

Regulation 2 substitutes paragraph (4) of regulation 2 of the Earned Income Disregards Regulations. This substitution will ensure that the Earned Income Disregards Regulations amend paragraph 17 of Schedule 4 to the Housing Benefit Regulations 2006 ("the Housing Benefit Regulations") (S.I. 2006/213) so that the new earnings disregards are taken into account when calculating the disregard threshold used in paragraph 17(3).

This substitution will also ensure that the new earnings disregards inserted by the Earned Income Disregards Regulations apply to lone parents. It removes any requirement for the claimant to be engaged in remunerative work (a term which imposes a minimum average hours requirement) in order to be eligible for the new disregard, and instead requires a claimant, or their partner, to be an employed earner or self-employed earner. It also provides for the applicable disregard amount to be shared between partners, where a claimant's earnings are less than the total disregard amount. It also clarifies what disregard amount applies where a claimant and their partner are under 18 years of age.

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.