



# Person who Requires Overnight Care

## Regulation 2 of the Housing Benefit Regulations 2006

“person who requires overnight care” means a person (“P”) -

- a) who–
  - i) is in receipt of attendance allowance;
  - ii) is in receipt of the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act;
    - iia) is in receipt of the daily living component of personal independence payment in accordance with section 78 of the 2012 Act;
    - iib) is in receipt of armed forces independence payment; or
  - iii) although not satisfying either paragraph (i), (ii), (iia) or (iib) above has provided the relevant authority with such certificates, documents, information or evidence as are sufficient to satisfy the authority that P requires overnight care; and
- b) whom the relevant authority is satisfied reasonably requires, and has in fact arranged, that one or more people who do not occupy as their home the dwelling to which the claim or award for housing benefit relates should–
  - i) be engaged in providing overnight care for P;
  - ii) regularly stay overnight at the dwelling for that purpose; and
  - iii) be provided with the use of a bedroom in that dwelling additional to those used by the persons who occupy the dwelling as their home,
- but, in a case where P is treated as occupying a dwelling which P does not actually occupy, paragraph (b)(ii) and (iii) are to be treated as satisfied where the relevant authority is satisfied that the dwelling contains such an additional bedroom and that P did or will reasonably so require and so arrange at such time as P actually occupied or occupies the dwelling.