STATUTORY INSTRUMENTS

2026 No. 271

SOCIAL SECURITY, ENGLAND AND WALES

The Discretionary Financial Assistance and Discretionary Housing Payments (Amendment and Revocation) Regulations 2026

Made - - - -	*at 9.20 a.m. on 11th March 2026*
Laid before Parliament	*at 2.30 p.m. on 11th March 2026*
Coming into force - -	*1st April 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 140B(1), 140C(1), (1A), (2) and (4) and 189(4), (5) and (6) of the Social Security Administration Act 1992 ("the Administration Act")(**a**) and sections 69(1), (2), (4), (5) and (7) and 70(2), (3), (4), (6) and (7) of the Child Support, Pensions and Social Security Act 2000(**b**).

In accordance with section 189(8) of the Administration Act(**c**), the Secretary of State has obtained the consent of the Treasury.

In accordance with section 173(1)(b) of the Administration Act, 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)(aa) and 176(1)(b) of the Administration Act(**d**), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

(**a**) 1992 c. 5. Sections 140B and 140C were inserted by paragraph 4 of Schedule 12 to the Housing Act 1996 (c. 52). Section 140B(1) was amended by paragraph 7 of Schedule 1 to the Social Security Administration (Fraud) Act 1997 (c. 47). Section 140C(1A) was inserted by paragraph 37 of Schedule 7 to the Local Government Act 2003 (c. 26). Sections 140B and 140C were repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5) so far as they relate to the abolition of council tax benefit. There are amendments to section 189(4), (5) and (6) which are not relevant to this instrument.

(**b**) 2000 c. 19. Section 69(1) was amended by paragraph 55 of Schedule 2 to the Welfare Reform Act 2012. Section 70(2) was amended by Schedule 8 to the Local Government Act 2003.

(**c**) Relevant amendments were made by paragraph 3(5) of Schedule 13 to the Housing Act 1996 and paragraph 3 of Schedule 4 to the Tax Credits Act 2002 (c. 21).

(**d**) Section 176(1)(aa) was inserted by section 69(6) of the Child Support, Pensions and Social Security Act 2000. Section 176(1)(b) was amended by paragraph 3(4) of Schedule 13 to the Housing Act 1996.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Discretionary Financial Assistance and Discretionary Housing Payments (Amendment and Revocation) Regulations 2026 and come into force on 1st April 2026.

(2) These Regulations extend to England and Wales.

(3) Regulation 1 applies to England and Wales.

(4) Regulation 2 applies to England only.

(5) Regulation 3 applies to Wales only.

Revocations

2. The Regulations and Orders specified in the first column of the table in the Schedule are revoked to the extent specified in the third column of that table.

Amendment of the Discretionary Housing Payments (Grants) Order 2001

3.—(1) The Discretionary Housing Payments (Grants) Order 2001(**a**) is amended as follows.

(2) In article 3 (claims), in paragraph (3)(a) omit "in the case of a relevant authority in England and Wales,".

(3) Omit article 7 (limit on total expenditure).

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

Stephen Timms
Minister of State
Department for Work and Pensions

At 9.20 a.m. on 11th March 2026

We consent,

Christian Wakeford
Gen Kitchen
Two of the Lords Commissioners of His Majesty's Treasury

10th March 2026

(**a**) S.I. 2001/2340; relevant amending instrument is S.I. 2014/1667.

SCHEDULE

Regulation 2

Regulations and Orders revoked in relation to England

Regulations and Orders revoked	Reference	Extent of revocation
The Discretionary Financial Assistance Regulations 2001	S.I. 2001/1167	The whole regulations
The Social Security (Breach of Community Order) (Consequential Amendments) Regulations 2001	S.I. 2001/1711	Regulation 2(6)
The Discretionary Housing Payments (Grants) Order 2001	S.I. 2001/2340	The whole order
The Social Security (Loss of Benefit) (Consequential Amendments) Regulations 2002	S.I. 2002/490	Regulation 10
The Discretionary Housing Payments (Grants) Amendment Order 2004	S.I. 2004/2329	The whole order
The Discretionary Housing Payments (Grants) Amendment Order 2005	S.I. 2005/2052	The whole order
The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006	S.I. 2006/217	Paragraph 18 of Schedule 2
The Housing Benefit (Loss of Benefit) (Pilot Scheme) (Supplementary) Regulations 2007	S.I. 2007/2474	Regulation 9
The Discretionary Financial Assistance (Amendment) Regulations 2008	S.I. 2008/637	The whole regulations
The Discretionary Housing Payments (Grants) Amendment Order 2008	S.I. 2008/1167	The whole order
The Welfare Reform Act 2009 (Section 26) (Consequential Amendments) Regulations 2010	S.I. 2010/424	Regulation 5
The Jobseeker's Allowance (Sanctions for Failure to Attend) Regulations 2010	S.I. 2010/509	Regulation 4(3)
The Social Security (Loss of Benefit) Amendment Regulations 2010	S.I. 2010/1160	Regulation 8
The Jobseeker's Allowance (Work for Your Benefit Pilot Scheme) Regulations 2010	S.I. 2010/1222	Regulation 19(1)(c)
The Jobseeker's Allowance (Mandatory Work Activity Scheme) Regulations 2011	S.I. 2011/688	Regulation 17(1)(c)
The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013	S.I. 2013/458	The entries in Schedule 1 that relate to the Discretionary Financial Assistance Regulations 2001
The Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013	S.I. 2013/1139	The whole regulations

Regulations and Orders revoked	Reference	Extent of revocation
The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2014	S.I. 2014/1667	Article 2(2)
The Universal Credit (Miscellaneous Amendments, Saving and Transitional Provision) Regulations 2018	S.I. 2018/65	Regulation 2
The Income-related Benefits (Subsidy to Authorities) and Discretionary Housing Payments (Grants) Amendment Order 2021	S.I. 2021/1031	Article 8

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations revokes, in relation to England, the Discretionary Financial Assistance Regulations 2001 (S.I. 2001/1167), which provide relevant authorities with a power to make discretionary housing payments and regulate the amount of the payments, how claims for payments are to be made and the procedures to be followed by local authorities. It also revokes the Discretionary Housing Payments (Grants) Order 2001 (S.I. 2001/2340) ("the 2001 Order"), which sets out the basis on which local authorities may claim and be paid grants to reimburse the cost of making discretionary housing payments. It also revokes provisions amending those Regulations and that Order. Those Regulations and that Order continue to have effect in relation to Wales.

Regulation 3 amends article 3 of the 2001 Order, in relation to Wales, to remove the reference to 'a relevant authority in England and Wales' as the 2001 Order is revoked in relation to England. It also omits article 7 of the 2001 Order so that there is no limit on the expenditure on discretionary housing payments of local authorities in Wales for the financial year commencing on 1st April 2026 and subsequent financial years.

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.

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