

SCHEDULE 2

Regulation 3(2)(b)

Circumstances in which a claimant is, or is to be treated as, liable to make owner-occupier payments

PART 1

Legacy benefit claimants and SPC claimants

Application of Part 1

1. This Part applies to legacy benefit claimants and SPC claimants.

Liable or treated as liable to make payments

2.—(1) A claimant is liable to make owner-occupier payments where in the case of a single claimant, the claimant or the claimant's partner (if any), or, in the case of joint claimants, either member of the couple, has a liability to make the payments.

- (2) A claimant is to be treated as liable to make owner-occupier payments where—

- (a) all of the following conditions are met—

- (i) the person who is liable to make the payments is not doing so,
- (ii) the claimant has to make the payments in order to continue occupation of the relevant accommodation, and
- (iii) it is reasonable in all the circumstances to treat the claimant as liable to make the payments; or

- (b) all of the following conditions are met—

- (i) the claimant in practice shares the responsibility for the owner-occupier payments with other members of the household, none of whom are close relatives of, in the case of a single claimant, the claimant or the claimant's partner (if any), or, in the case of joint claimants, either member of the couple,
- (ii) one or more of those members is liable to meet those payments, and
- (iii) it is reasonable in all the circumstances to treat that member as sharing responsibility.

- (3) Where any one or more, but not all, members of the claimant's family are affected by a trade dispute, the owner-occupier payments shall be treated as wholly the responsibility of those members of the family not so affected.

- (4) For the purposes of sub-paragraph (3), "trade dispute" has the meaning given in Article 127 of the Trade Union and Labour Relations (Northern Ireland) Order 1995(1).

Treated as not liable to make payments

3. A claimant is to be treated as not liable to make owner-occupier payments where the liability to make the payments is owed to a person who is a member of the claimant's household.

(1) [S.I. 1995/1980 \(N.I. 12\)](#).

PART 2

UC claimants

Application of Part 2

4. This Part applies to UC claimants.

Liable or treated as liable to make payments

5.—(1) A claimant is liable to make owner-occupier payments where in the case of a single claimant, the claimant or the claimant's partner (if any), or, in the case of joint claimants, either member of the couple, has a liability to make the payments.

- (2) A claimant is to be treated as liable to make owner-occupier payments where—
- (a) the person who is liable to make the payments is a child or qualifying young person for whom the claimant is responsible;
 - (b) all of the following conditions are met—
 - (i) the person who is liable to make the payments is not doing so,
 - (ii) the claimant has to make the payments in order to continue occupation of the relevant accommodation,
 - (iii) the claimant's circumstances are such that it would be unreasonable to expect them to make other arrangements, and
 - (iv) it is otherwise reasonable in all the circumstances to treat the claimant as liable to make the payments; or
 - (c) the claimant—
 - (i) has a liability to make the payments which is waived by the person ("P") to whom the liability is owed, and
 - (ii) the waiver of that liability is by way of reasonable compensation for reasonable repair or re-decoration works carried out by the claimant to the relevant accommodation which P would otherwise have carried out or been required to carry out.
- (3) Sub-paragraph (1) does not apply to a person in a polygamous marriage who is a single claimant by virtue of regulation 3(3) of the UC Regulations⁽²⁾.

Treated as not liable to make payments

6. A claimant is to be treated as not liable to make owner-occupier payments—
- (a) where the liability to make the payments is owed to a person who is a member of the claimant's household;
 - (b) in respect of any amount which represents an increase in the sum that would otherwise be payable and is the result of—
 - (i) outstanding arrears of any payment or charge in respect of the relevant accommodation,
 - (ii) outstanding arrears of any payment or charge in respect of other accommodation previously occupied by the claimant, or
 - (iii) any other unpaid liability to make a payment or charge; or

(2) There have been amendments to regulation 3 which are not relevant to these Regulations.

- (c) where the Department is satisfied that the liability to make the owner-occupier payments was contrived in order to secure the offer of loan payments or increase the amount of each loan payment.