

## SCHEDULE 2

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.

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(1) S.I. 1995/1980 (N.I. 12).