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STATUTORY INSTRUMENTS

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**2013 No. 376**

**The Universal Credit Regulations 2013**

**PART 4**

**ELEMENTS OF AN AWARD**

*Housing costs*

**The housing costs element**

**25.**—(1) Paragraphs (2) to (4) specify for the purposes of section 11 of the Act (award of universal credit to include an amount in respect of any liability of a claimant to make payments in respect of the accommodation they occupy as their home)—

- (a) what is meant by payments in respect of accommodation (see paragraph (2));
  - (b) the circumstances in which a claimant is to be treated as liable or not liable to make such payments (see paragraph (3));
  - (c) the circumstances in which a claimant is to be treated as occupying or not occupying accommodation and in which land used for the purposes of any accommodation is to be treated as included in the accommodation (see paragraph (4)).
- (2) The payments in respect of accommodation must be—
- (a) payments within the meaning of paragraph 2 of Schedule 1 (“rent payments”);
  - <sup>F1</sup>(b) .....
  - (c) payments within the meaning of paragraph 7 of that Schedule (“service charge payments”).
- (3) The circumstances of the liability to make the payments must be such that—
- (a) the claimant (or either joint claimant)—
    - (i) has a liability to make the payments which is on a commercial basis, or
    - (ii) is treated under Part 1 of Schedule 2 as having a liability to make the payments; and
  - (b) none of the provisions in Part 2 of that Schedule applies to treat the claimant (or either joint claimant) as not being liable to make the payments.
- (4) The circumstances in which the accommodation is occupied must be such that—
- (a) the claimant is treated under Part 1 of Schedule 3 as occupying the accommodation as their home (including any land used for the purposes of the accommodation which is treated under that Part as included in the accommodation); and
  - (b) none of the provisions in Part 2 of that Schedule applies to treat the claimant as not occupying that accommodation.
- (5) References in these Regulations—
- (a) to the housing costs element are to the amount to be included in a claimant's award under section 11 of the Act;

- (b) to a claimant who meets the payment condition, the liability condition or the occupation condition are, respectively, to any claimant in whose case the requirements of paragraph (2), (3) or (4) are met (and any reference to a claimant who meets all of the conditions specified in this regulation is to be read accordingly).

#### Textual Amendments

- F1** Reg. 25(2)(b) omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(a)**

#### Amount of the housing costs element – renters and owner-occupiers

**26.**—(1) This regulation provides for the amount to be included in an award in respect of an assessment period in which the claimant meets all the conditions specified in regulation 25.

- (2) Schedule 4 has effect in relation to any claimant where—
- the claimant meets all of those conditions; and
  - the payments for which the claimant is liable are rent payments (whether or not service charge payments are also payable).
- (3) Schedule 5 has effect in relation to any claimant where—
- the claimant meets all of those conditions; and
  - the payments for which the claimant is liable are—
    - <sup>F2</sup>.....
    - service charge payments <sup>F3</sup>....
- (4) Where both paragraphs (2) and (3) apply in relation to a claimant who occupies accommodation under a shared ownership tenancy—
- an amount is to be calculated under each of Schedules 4 and 5; and
  - the amount of the claimant's housing cost element is the aggregate of those amounts.
- (5) But where, in a case to which paragraph (4) applies, there is a liability for service charge payments, the amount in respect of those payments is to be calculated under Schedule 4.
- (6) “Shared ownership tenancy” means—
- in England and Wales, a lease granted on payment of a premium calculated by reference to a percentage of the value of accommodation or the cost of providing it;
  - in Scotland, an agreement by virtue of which the tenant of accommodation of which the tenant and landlord are joint owners is the tenant in respect of the landlord's interest in the accommodation or by virtue of which the tenant has the right to purchase the accommodation or the whole or part of the landlord's interest in it.

#### Textual Amendments

- F2** Reg. 26(3)(b)(i) omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(b)**
- F3** Word in reg. 26(3)(b)(ii) omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(c)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Universal Credit Regulations 2013,  
Cross Heading: Housing costs.