

## 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 section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(1)</sup>.

##### 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) 1992 c. 52.

## 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) <sup>F1</sup>Sub-paragraph (1)] does not apply to a person in a polygamous marriage who is a single claimant by virtue of regulation 3(4) of the UC Regulations<sup>(2)</sup>.

**F1** Words in Sch. 2 para. 5(3) substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(15)**

#### 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;

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

**Changes to legislation:** *There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations 2017, SCHEDULE 2. (See end of Document for details)*

- (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
- (c) where the Secretary of State 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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations 2017, SCHEDULE 2.