

Status: Point in time view as at 27/05/2020. This version of this part contains provisions that are prospective.
Changes to legislation: Social Security (Scotland) Act 2018, PART 1 is up to date with all changes known to be in force on or before 05 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 26/07/2021

SCHEDULE 9 HOUSING ASSISTANCE REGULATIONS

PROSPECTIVE

PART 1

ELIGIBILITY

CHAPTER 1

ELIGIBILITY IS TO DEPEND ON BEING TREATED IN CERTAIN WAYS UNDER THE WELFARE REFORM ACT 2012 OR OTHERWISE NEEDING ASSISTANCE WITH HOUSING COSTS

- 1 (1) Subject to sub-paragraph (2) and paragraph 2, the regulations must be framed so that an individual's eligibility in respect of a given period depends on meeting the conditions described in either—
- (a) sub-paragraph (3), or
 - (b) sub-paragraph (4).
- (2) The regulations need not be framed so that eligibility depends on meeting the conditions described in sub-paragraph (3) or (4) if it is not (or is no longer) possible for circumstances to arise enabling the conditions described in the sub-paragraph to be met.
- (3) The conditions referred to in sub-paragraph (1)(a) are—
- (a) the individual is entitled to an award of universal credit in respect of the period in question,
 - (b) an amount under section 11 of the Welfare Reform Act 2012 (housing costs) is to be included in the calculation of that award,
 - (c) the amount relates to the individual's liability to make payments in respect of accommodation in the social rented sector other than temporary accommodation,
 - (d) were it not for regulations made by the Scottish Ministers by virtue of section 29(2) of the Scotland Act 2016, the amount would be lower on account of its being reduced due to the number of bedrooms in the property that the individual lives in,
 - (e) as a result of being entitled to more than would otherwise be the case because of the regulations referred to in paragraph (d), the value of the assistance to which the individual is entitled under an enactment is reduced in accordance with regulations under section 96 of the Welfare Reform Act 2012 (benefit cap).
- (4) The conditions referred to in sub-paragraph (1)(b) are—

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- (a) the individual is entitled to an award of universal credit in respect of the period in question,
 - (b) during that period, the individual is—
 - (i) 18 years of age or over, but
 - (ii) not more than 21 years of age,
 - (c) no amount under section 11 of the Welfare Reform Act 2012 is to be included in the calculation of the award, and
 - (d) an amount under that section would fall to be included in the calculation, in respect of accommodation in Scotland, if the individual were older.
- (5) The regulations are to define “accommodation in the social rented sector” and “temporary accommodation” for the purpose of determining entitlement to housing assistance under provision made in accordance with paragraph 1(3).
- 2 (1) The regulations may be framed so that, despite the conditions described in paragraph 1 not being met in relation to a given period, an individual may nevertheless be eligible in respect of that period.
- (2) Where the regulations allow an individual to be eligible in respect of a period in relation to which the conditions described in paragraph 1 are not met, they must be framed so that the individual's eligibility depends on the individual needing assistance to meet housing costs in a connection with a property that is not owned (wholly or partly) by the individual.
- (3) For the purpose of sub-paragraph (2), an individual is not an owner of property if, in relation to the property, the individual is party to a shared ownership agreement within the meaning of section 83(3) of the Housing (Scotland) Act 2001.
- (4) If provision of the kind described in this paragraph is made, the regulations are to set out, for the purpose of determining entitlement to housing assistance—
- (a) a definition of “housing costs”,
 - (b) the circumstances in which an individual is to be regarded as needing assistance to meet housing costs.

CHAPTER 2

FURTHER CRITERIA

Participation in education

- 3 The regulations may make an individual's eligibility depend on—
- (a) whether or not the individual, or anyone who lives with the individual, is in education, and
 - (b) the length of time the individual, or someone who lives with the individual, spends over a given period in education.

Residence and presence

- 4 The regulations may make an individual's eligibility depend on the individual being resident and present in a particular place.

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Age

- 5 The regulations may make an individual's eligibility depend on the age of either or both—
- (a) the individual, and
 - (b) anyone who lives with the individual.

Financial circumstances

- 6 The regulations may make an individual's eligibility depend on the financial circumstances of either or both—
- (a) the individual, and
 - (b) anyone who lives with the individual.

Receipt of, or eligibility for, other types of State assistance

- 7 The regulations may make an individual's eligibility depend on either or both the individual and anyone who lives with the individual—
- (a) being, or not being, in receipt of another type of assistance (whether under this Act or another enactment),
 - (b) being, or not being, eligible or entitled to receive such assistance.

Application within specified period

- 8 The regulations may provide that an individual ceases to be eligible in respect of a given period unless, by a deadline specified in the regulations—
- (a) the individual has applied for housing assistance in respect of the period, or
 - (b) the Scottish Ministers have become required to make a determination of the individual's entitlement to housing assistance in respect of the period by regulations under section 52.

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