

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Social Security (Scotland) Act 2018, PART 2 is up to date with all changes known to be in force on or before 28 December 2023. 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) View outstanding changes

SCHEDULE 9 HOUSING ASSISTANCE REGULATIONS

PART 2

ASSISTANCE TO BE GIVEN

CHAPTER 1

VALUE

PROSPECTIVE

Cases where paragraph 1(3) conditions met

- 9
- (1) The regulations must provide for the value of housing assistance to be given in a case to which this paragraph applies to be the amount described in sub-paragraph (3).
 - (2) This paragraph applies to a case in which an individual is entitled to housing assistance in respect of a given period by virtue of meeting the conditions described in paragraph 1(3).
 - (3) The amount referred to in sub-paragraph (1) is the lower of—
 - (a) the difference between—
 - (i) the amount under section 11 of the Welfare Reform Act 2012 included in the calculation of the individual's universal credit award for the period in question, and
 - (ii) the amount that would have been included under that section in the calculation were it not for the regulations referred to in paragraph 1(3)(d), or
 - (b) the amount by which the value of the assistance to which the individual is entitled from the Secretary of State in respect of the period in question is reduced in accordance with regulations under section 96 of the Welfare Reform Act 2012.
 - (4) Sub-paragraph (1) does not apply if, by virtue of paragraph 1(2), the regulations need not provide for eligibility to depend on the conditions described in paragraph 1(3) being met.

PROSPECTIVE

Cases where paragraph 1(3) conditions not met

- 10
- In a case to which paragraph 9 does not apply, the regulations may make the value of housing assistance that is to be given to an individual depend on—
- (a) the age of either or both—
 - (i) the individual, and
 - (ii) anyone who lives with the individual,

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- (b) the financial circumstances of either or both—
- (i) the individual, and
 - (ii) anyone who lives with the individual.

[^{F1}Power to set value of assistance as nil

Textual Amendments

F1 Sch. 9 para. 10A inserted (26.7.2021) by [Social Security Administration and Tribunal Membership \(Scotland\) Act 2020 \(asp 18\)](#), ss. **13(5)(a)**, 18(2)(3); S.S.I. 2021/232, reg. 2(g)

- 10A (1) Provision may be made in the regulations for the value of the housing assistance that is to be given to an individual in respect of a period to be £0, but—
- (a) such provision must be framed so as to apply by reference to at least one of the following matters—
 - (i) the individual being resident and present in a particular place during the period,
 - (ii) the individual being in receipt of another type of assistance (whether under this Act or another enactment) during the period, and
 - (b) the Scottish Ministers may only make such provision where they consider that it would be in the interests of the individuals to whom it applies to be entitled to housing assistance with a value of £0 in respect of a period rather than not being entitled to housing assistance at all.
- (2) Nothing in sub-paragraph (1)(a) is to be taken to preclude provision being framed so as to apply by reference to further matters in addition to those mentioned there.]

PROSPECTIVE

CHAPTER 2

FORM

Meeting liabilities

- 11 The regulations may provide for housing assistance that is to be given to an individual to be given (in whole or in part) by way of—
- (a) payment to another person in order to meet, or contribute towards meeting, any liability the individual has to that person,
 - (b) deduction from any liability the individual has to the Scottish Ministers under section 63.

Restriction on giving assistance in a form other than money

- 12 (1) The regulations may allow housing assistance to be given to an individual in a form other than money only if the individual (or a person acting on the individual's behalf) has agreed to the assistance being given in that form.

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- (2) If the regulations include provision of the kind mentioned in sub-paragraph (1), they must allow an individual (or a person acting on the individual's behalf) to withdraw agreement to being given housing assistance in a form other than money at any time.
- (3) Despite sub-paragraph (1), the regulations may provide for housing assistance to be given (in whole or in part) by way of deduction, at a reasonable level, from any liability the individual has to the Scottish Ministers under section 63 if the individual has unreasonably refused to agree to the assistance being given in that form.
- (4) For the purpose of sub-paragraph (3), “reasonable level” means a level that is reasonable having regard to the financial circumstances of the individual.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81(4C) inserted by [2021 asp 20 s. 2\(a\)](#)
- s. 85D inserted by [2020 asp 18 s. 2\(6\)](#)