

SCHEDULE 4

Housing costs element for renters

PART 5

Social rented sector other than temporary accommodation

The calculation of the housing costs element under this Part

Determining the amount from which HCC deductions are to be made: joint tenants

35.—(1) This paragraph applies where, in respect of the accommodation occupied by the renter, one or more persons other than the renter is liable to make relevant payments which are of the same description as those for which the renter is liable and which are to be taken into account under paragraph 6.

(2) Amount S referred to in paragraph 33 is to be found as follows.

Step 1

Determine the total of all relevant payments referred to in sub-paragraph (1) for which the renter and others are liable in respect of the accommodation taken as a whole (applying paragraphs 31 and 32(3) and (4) as necessary).

Step 2

Determine the period in respect of which each relevant payment is payable and, in accordance with paragraph 7, determine the amount of the payment in respect of a month.

Step 3

Add together all of the amounts determined in step 2 in relation to all relevant payments.

Step 4

Find amount S in accordance with whichever of sub-paragraphs (3) to (5) applies in the renter's case. The result is amount S from which the sum of the housing costs contributions are to be deducted under paragraph 33.

(3) Where the only persons liable to make relevant payments are listed persons, amount S is the amount resulting from step 3 in sub-paragraph (2) less the amount of the under-occupation deduction (if any) required by paragraph 36.

(4) Where the persons liable for the relevant payments are one or more listed persons and one or more other persons, amount S is to be found by the applying the formula—

$$\left(\frac{A}{B}\right) \times C$$

where—

“A” is the amount resulting from step 3 in sub-paragraph (2),

“B” is the total number of all persons (including listed persons) liable to make the relevant payments, and

“C” is the number of listed persons.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Universal Credit Regulations 2013 No. 376

(5) If the Secretary of State is satisfied that it would be unreasonable to determine amount S in accordance with sub-paragraph (4), amount S is to be determined in such manner as the Secretary of State considers appropriate in all the circumstances, having regard (among other things) to the number of persons liable and the proportion of the relevant payments for which each of them is liable.