

SCHEDULE 4

Housing costs element for renters

PART 4

Private rented sector and temporary accommodation

Further provisions about size criteria for cases to which this Part applies

Four bedroom limit

26. In calculating the amount of a renter’s housing costs element under paragraph 22, no renter is entitled to more than 4 bedrooms.

Specified renters entitled to shared accommodation only

27.—(1) In calculating the amount of a renter’s housing costs element under paragraph 22, any specified renter (within the meaning of paragraph 28) is entitled to shared accommodation only.

(2) “Shared accommodation” means the category of accommodation specified in paragraph 1(a) of Schedule 1 to the Rent Officers Order 2013.

Meaning of “specified renters”

28.—(1) For the purposes of paragraph 27, “specified renter” means a renter in respect of whom all of the following conditions are met.

(2) The first condition is that the renter is a single person (or a member of a couple claiming as a single person) who—

- (a) is under 35 years old; and
- (b) is not an excepted person under paragraph 29.

(3) The second condition is that the renter is not responsible for any children or qualifying young persons.

(4) The third condition is that no person is a non-dependant in relation to the renter.

Renters excepted from shared accommodation

29.—(1) “Excepted person” means any renter (“E”) who falls within any of sub-paragraphs (2) to (9).

(2) In relation to England and Wales, E is at least 18 but under 22 years old and—

- (a) was formerly provided with accommodation under section 20 of the Children Act 1989(1) (which makes provision for local authorities to provide accommodation for certain children); and
- (b) was living in such accommodation on E’s 16th birthday.

(3) In relation to Scotland, E is at least 18 but under 22 years old and—

(1) 1989 c.41. Section 20 was amended by section 139(1) of, and paragraph 59 of Schedule 3 to, and Schedule 5 to, the Adoption and Children Act 2002 (c.38) and section 53(2) of the Children Act 2004 (c.31).

- (a) was previously provided with accommodation by a local authority under section 25 of the Children (Scotland) Act 1995(2) (provision of accommodation for children etc); and
 - (b) was living in that accommodation on E's 16th birthday.
- (4) E is at least 25 but under 35 years old and—
- (a) has, for a total of at least 3 months (whether or not continuously), lived in one or more hostels for homeless people; and
 - (b) whilst E was living in such a hostel, was offered and has accepted services which the Secretary of State considers are intended to assist E to be rehabilitated or resettled within the community.
- (5) E is under 35 years old and is in receipt of—
- (a) the care component of disability living allowance at the middle or highest rate;
 - (b) attendance allowance; or
 - (c) the daily living component of personal independence payment.
- (6) In relation to England and Wales, E is under 35 years old and is the subject of active multi-agency management pursuant to arrangements established by a responsible authority under section 325(2) of the Criminal Justice Act 2003 (arrangements for assessing etc. risks posed by certain offenders)(3).
- (7) In relation to Scotland, E is under 35 years old and is the subject of active multi-agency risk management pursuant to arrangements established by the responsible authorities under section 10(1) of the 2005 Act (arrangements for assessing and managing risks posed by certain offenders).
- (8) In relation to Scotland, E is under 35 years old and—
- (a) section 10(1) of the 2005 Act does not apply to E by reason only of the fact that section 10(1)(b) or (d) has not been brought fully into force; and
 - (b) E is considered by the Secretary of State to be a person who may cause serious harm to the public at large.
- (9) In relation to Scotland, E is under 35 years old and—
- (a) section 10(1) of the 2005 Act does not apply to E by reason only of the fact that section 10(1)(e) has not been brought fully into force; and
 - (b) by reason of an offence of which E has been convicted, E is considered by the Secretary of State to be a person who may cause serious harm to the public at large.
- (10) In this paragraph—
- “the 2005 Act” means the Management of Offenders etc. (Scotland) Act 2005(4);
 - “care home”, “registered charity” and “voluntary organisation” have the meaning given in Schedule 1;
 - “hostel” means a building—
 - (a) in which there is provided, for persons generally or for a class of persons, domestic accommodation, otherwise than in separate and self-contained premises, and either board or facilities for the preparation of food adequate to the needs of those persons, or both; and
 - (b) which—

(2) 1995 c.36.

(3) 2003 c.44. Section 10(1) was amended by S.I. 2008/ 912. See “MAPPA Guidance (2012) Version 4” published in May 2012 by the Secretary of State.

(4) 2005 asp 14. See Justice and Communities Circular JD/01/2012, “Sections 10 and 11 of the Management of Offenders etc. (Scotland) Act 2005: Multi Agency Public Protection Arrangements (MAPPA) National Guidance 2012”, Version 1, published by Scottish Ministers in January 2012.

- (i) is managed or owned by a provider of social housing other than a local authority, or
 - (ii) is operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or agency or a local authority, or
 - (iii) is managed by a voluntary organisation or a registered charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community; and
- (c) which is not a care home;

“hostel for homeless people” means a hostel the main purpose of which is to provide accommodation together with care, support or supervision for homeless people with a view to assisting such persons to be rehabilitated or resettled within the community.