

## SCHEDULE 1

Article 2

### MEANING OF HOUSEHOLDER

1. In relation to England and Wales, householder means a person who is—
  - (a) a freeholder;
  - (b) in the case of England only, a leaseholder with a term of 21 years or more unexpired at the time the specified reduction is promoted; or
  - (c) a tenant, including a sub-tenant, who has—
    - (i) a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976(1);
    - (ii) a statutory tenancy under the Rent Act 1977(2);
    - (iii) a secure tenancy under Part IV of the Housing Act 1985(3) or an introductory tenancy under Chapter I of Part V of the Housing Act 1996(4);
    - (iv) a licence to occupy which meets the conditions in paragraph 12(a) and (b) Schedule 1 to the Housing Act 1985(5) (almshouse licences); or
    - (v) an assured agricultural occupancy under Part I of the Housing Act 1988(6), at the time the action is promoted to him.
- 2.—(1) In relation to Scotland, householder means a person who is the owner or tenant of a dwelling.
  - (2) For the purposes of this paragraph—
    - (a) “owner” includes any person who under the Land Clauses Acts(7) would be enabled to sell and convey land to promoters of an undertaking;
    - (b) “tenant” includes a person who—
      - (i) is a service occupant;
      - (ii) has a licence to occupy a dwelling; or
      - (iii) is a cottar within the meaning of section 12(5) of the Crofters (Scotland) Act 1993(8), and, in any case, a sub-tenant.

## SCHEDULE 2

Article 2

### BENEFITS AND CREDITS

1. In this Schedule—

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- (1) 1976 c.80; sections 2 and 3 make provision for protected occupancy and section 4 for statutory tenancy. Section 3 has been amended by section 76(3) of the Housing Act 1980 (c.51) and section 81 of and Schedule 8 to the Civil Partnership Act 2004 (c.33), section 4 by those provisions and section 155 and paragraph 72 of Schedule 23 to the Rent Act 1977 (c.42) and sections 39 and 140 of and Schedule 4 (Part II) and Schedule 18 to the Housing Act 1988 (c.50). Section 5 was last amended by sections 128 and 137 of and Schedule 6 to the Criminal Justice and Police Act 2001 (c.16). There are other amendments to the 1976 Act not relevant to these Regulations.
  - (2) 1977 c.42, as last amended by paragraph 94 of Part I of Schedule 4 to the Constitutional Reform Act 2005 (c.4).
  - (3) 1985 c.68.
  - (4) 1996 c.52, as last amended by paragraphs 256 to 258 of Part 1 of Schedule 4 to the Constitutional Reform Act 2005.
  - (5) Paragraph 12 of Schedule 1 to the Housing Act 1985 was amended by section 78(1) of and paragraph 12 of Schedule 6 to the Charities Act 1992 (c.41).
  - (6) 1988 c.50.
  - (7) Defined in Schedule 1 to the Interpretation Act 1978 (c.30).
  - (8) 1993 c.44.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“the 1983 Order” means the Naval, Military and Air Forces etc. (Disablement and Death) Services Pensions Order 1983**(9)**;

“the 1983 Scheme” means the Personal Injuries (Civilians) Scheme 1983**(10)**;

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992**(11)**;

“attendance allowance” means—

- (a) an attendance allowance payable under section 64 of the 1992 Act;
- (b) an increase of an allowance payable in respect of constant attendance under a scheme under, or having effect under, paragraph 4 of Schedule 8 to the 1992 Act;
- (c) a payment made under article 14, 15 or 16 of the 1983 Scheme or any analogous payment;
- (d) any payment based on the need for attendance which is paid with a war disablement pension; or
- (e) any payment intended to compensate for the non-payment of a payment, allowance or pension mentioned in any of paragraphs (a) to (d) of this definition;

“constant attendance allowance” means an allowance payable under regulations made under paragraph 7(2)(b) of Schedule 8 to the 1992 Act;

“mobility supplement” means a supplement payable under article 26A of the 1983 Order or under article 25A of the 1983 Scheme (including payment intended to compensate for the non-payment of such a supplement);

“war disablement pension” means—

- (f) any retired pay, pension, or allowance granted in respect of disablement—
  - (i) under powers conferred by or under the Air Forces (Constitution) Act 1917**(12)**, the Personal Injuries (Emergency Provisions) Act 1939**(13)**, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939**(14)**, the Polish Resettlement Act 1947**(15)** or section 151 of the Reserve Forces Act 1980**(16)**; or
  - (ii) under article 10 of the 1983 Order;
- (g) without prejudice to paragraph (a) of this definition, any retired pay or pension to which any of paragraphs (a) to (f) of section 64(1) of the Income Tax (Earning and Pensions) Act 2003**(17)** applies.

2. The benefits relevant for the purposes of paragraph (a) of the definition of the priority group in article 2 are—

- (a) council tax benefit**(18)**;
- (b) housing benefit;
- (c) income support;
- (d) an income-based jobseeker’s allowance**(19)**;

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**(9)** S.I. 1983/883; relevant amending instruments are 1983/1116, 1983/1521, 1986/592, 1990/1308, 1991/766, 1992/710, 1993/598, 1995/766, 1996/1638, 1997/286 and 2001/409.

**(10)** S.I. 1983/686; relevant amending instruments are S.I. 1983/1164, 1983/1540, 1984/1289, 1986/628, 1990/1300, 1991/708, 1992/702, 1995/455, 1997/812 and 2001/420.

**(11)** 1992 c.4.

**(12)** 1917 c.51 (7 & 8 Geo. 5).

**(13)** 1939 c.82 (2 & 3 Geo. 6).

**(14)** 1939 c.83 (2 & 3 Geo. 6).

**(15)** 1947 c.19 (10 & 11 Geo. 6).

**(16)** 1980 c.9.

**(17)** 2003 c.1.

**(18)** Council tax benefit, housing benefit and income support are provided for in Part VII of the 1992 Act.

**(19)** Jobseeker’s allowance is provided for in Part I of the Jobseeker’s Act 1995 (c.18); see in particular section 1(4) for a definition of “income-based jobseeker’s allowance”.

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- (e) an attendance allowance;
- (f) a disability living allowance(20);
- (g) a war disablement pension which includes—
  - (i) a mobility supplement; or
  - (ii) a constant attendance allowance;
- (h) a disablement pension(21) which includes a constant attendance allowance; and
- (i) state pension credit(22).

3. The credits relevant for the purposes of paragraph (b) of the definition of priority group in article 2 are—

- (a) child tax credit(23); and
- (b) working tax credit.

### SCHEDULE 3

Articles 15, 19, and 20

#### CARBON CO-EFFICIENT VALUES

<i>Fuel Source</i>	<i>Carbon Co-efficient value<sup>(1)</sup></i>
Coal	0.2996
Electricity	0.4308
Gas	0.1899
Liquid petroleum gas	0.2140
Oil	0.2493
Wood	0.0249

(1) In kilograms of carbon dioxide per kilowatt hour

(20) Disability living allowance is provided for in Part III of the Social Security Contributions and Benefits Act 1992 (c.4); see in particular section 71.

(21) Disablement pensions are provided for in Part V of the 1992 Act; see in particular section 103.

(22) State pension credit is provided for in the State Pension Credit Act 2002 (c.16).

(23) Child tax credit and working tax credit are provided for in Part I of the Tax Credits Act 2002 (c.21).