
STATUTORY INSTRUMENTS

2013 No. 2828

**The Housing Benefit and Universal Credit (Size Criteria)
(Miscellaneous Amendments) Regulations 2013**

Amendment of the Universal Credit Regulations 2013

- 4.—(1) Schedule 4 to the Universal Credit Regulations 2013⁽¹⁾ is amended as follows.
- (2) In paragraph 9—
- (a) in sub-paragraph (2) after “if the person” insert “normally”;
 - (b) after sub-paragraph (2)(f) insert—
 - “(g) a child or qualifying young person for whom no-one in the renter’s extended benefit unit is responsible.”.
- (3) For paragraph 12⁽²⁾ substitute—

“Additional room

- 12.—(1) A renter is entitled to an additional bedroom if they satisfy any of the following conditions—
- (a) the overnight care condition (see sub-paragraph (3));
 - (b) the foster parent condition (see sub-paragraphs (4) and (5)); or
 - (c) the disabled child condition (see sub-paragraph (6)).
- (2) Sub-paragraph (1) applies subject to sub-paragraphs (7) to (9).
- (3) A renter satisfies the overnight care condition if—
- (a) they are in receipt of—
 - (i) the care component of disability living allowance at the middle or highest rate;
 - (ii) attendance allowance; or
 - (iii) the daily living component of personal independence payment;
 - (b) one or more persons who do not live in the renter’s accommodation are engaged to provide overnight care for the renter and to stay overnight in the accommodation on a regular basis; and
 - (c) overnight care is provided under arrangements entered into for that purpose.
- (4) A renter satisfies the foster parent condition if the renter is—
- (a) a foster parent; or
 - (b) an adopter with whom a child has been placed for adoption.
- (5) For the purposes of sub-paragraph (4) “foster parent” includes a person who would be a foster parent, but for the fact that they do not currently have any child placed with them, provided that any period since the date when their last placement ended (or, if they have not

(1) [S.I. 2013/376](#).

(2) Paragraph 12 was amended by [S.I. 2013/803](#).

yet had a child placed with them, since the date when they were approved to be a foster parent) does not exceed 12 months.

(6) A renter satisfies the disabled child condition if they or another member of their extended benefit unit are responsible for a child who would (but for the provisions of this paragraph) be expected to share a bedroom and that child is—

- (a) in receipt of the care component of disability living allowance at the middle or highest rate; and
- (b) by virtue of their disability, not reasonably able to share a room with another child.

(7) Where a renter, or one or both of joint renters, satisfy—

- (a) the overnight care condition; or
- (b) the foster parent condition,

or both, they are entitled to one additional bedroom by virtue of satisfying each condition.

(8) Where a renter, or one or both of joint renters, satisfy the disabled child condition in relation to one or more children, they are entitled to as many additional bedrooms as are necessary to ensure that each such child has their own bedroom.

(9) Where a renter, or one or both of joint renters, satisfy two or more of—

- (a) the overnight care condition;
- (b) the foster parent condition; or
- (c) the disabled child condition,

the total number of additional bedrooms they are entitled to is determined by adding together the number of additional bedrooms which they are entitled to by virtue of satisfying each of those conditions.”.