

SCHEDULE 1

Regulation 25(2)

Meaning of payments in respect of accommodation

General

Interpretation

1. In this Schedule—

“approved premises” means premises approved by the Secretary of State under section 13 of the Offender Management Act 2007 ^{M1} (which contains provision for the approval etc. of premises providing accommodation for persons granted bail in criminal proceedings or for or in connection with the supervision or rehabilitation of persons convicted of offences);

“care home”—

(a) in England ^{F1} ..., means a care home within the meaning of section 3 of the Care Standards Act 2000 ^{M2};

(aa) [^{F2}in Wales, means a place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;]

(b) in Scotland, means a care home service within the meaning of paragraph 2 of Schedule 12 to the Public Services Reform (Scotland) Act 2010 ^{M3}; and

(c) in [^{F3}any of the above cases], includes an independent hospital;

[^{F4}“exempt accommodation” has the meaning given in paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006;]

“housing association” has the meaning given by section 1(1) of the Housing Associations Act 1985 ^{M4};

“independent hospital”—

(a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 ^{M5} that is not a health service hospital as defined by that section;

(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000 ^{M6};

(c) in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978 ^{M7};

“registered charity” means a charity entered in the register of charities maintained under Part 4 of the Charities Act 2011 ^{M8} or a body entered on the register of charities maintained under the Charities and Trustee Investment (Scotland) Act 2005 ^{M9};

“shared ownership tenancy” has the meaning given in regulation 26(6);

“tent” means a moveable structure that is designed or adapted (solely or mainly) for the purpose of sleeping in a place for any period and that is not a caravan, a mobile home or a houseboat;

^{F5}
...

“voluntary organisation” means a body (other than a public or local authority) whose activities are carried on otherwise than for profit.

Textual Amendments

- F1** Words in Sch. 1 para. 1 omitted (2.4.2018) by virtue of [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018](#) (S.I. 2018/228), regs. 1, **14(3)(a)**
- F2** Words in Sch. 1 para. 1 inserted (2.4.2018) by [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018](#) (S.I. 2018/228), regs. 1, **14(3)(b)**
- F3** Words in Sch. 1 para. 1 substituted (2.4.2018) by [The Social Security and Child Support \(Regulation and Inspection of Social Care \(Wales\) Act 2016\) \(Consequential Provision\) Regulations 2018](#) (S.I. 2018/228), regs. 1, **14(3)(c)**
- F4** Words in Sch. 1 para. 1 substituted (3.11.2014) by [The Housing Benefit and Universal Credit \(Supported Accommodation\) \(Amendment\) Regulations 2014](#) (S.I. 2014/771), regs. 1(3), **2(2)(a)(i)**
- F5** Words in Sch. 1 para. 1 omitted (3.11.2014) by virtue of [The Housing Benefit and Universal Credit \(Supported Accommodation\) \(Amendment\) Regulations 2014](#) (S.I. 2014/771), regs. 1(3), **2(2)(a)(ii)**

Marginal Citations

- M1** 2007 c.21.
- M2** 2000 c.14. Section 3 was amended by section 95 of, and paragraph 4 of Schedule 5 to, the [Care Standards Act 2008](#) (c.14).
- M3** 2010 asp 8.
- M4** 1985 c.69. An amendment to section 1(1) which was inserted by section 3 of, and paragraph 6 of Schedule 2 to, the [Housing \(Scotland\) Act 1988](#) (c.43) was repealed by section 112 of, and paragraph 11 of Schedule 10 to, the [Housing \(Scotland\) Act 2001](#) (asp 10).
- M5** 2006 c.41.
- M6** 2000 c.14. Section 2 was amended by section 103 of the [Health and Social Care \(Community Health and Standards\) Act 2003](#) (c.43); section 2 of, and paragraph 199 of Schedule 1 to, the [National Health Service \(Consequential Provisions\) Act 2006](#) (c.43); section 95 of, and paragraph 3 of Schedule 5 to, the [Health and Social Care Act 2008](#) (c.14); and by [S.I. 2001/3968](#) and [2008/2352](#).
- M7** 1978 c.29. Section 10F was inserted by section 108 of the [Public Services Reform \(Scotland\) Act 2010](#) (asp 8).
- M8** 2011 c.25.
- M9** 2005 asp10.

Rent payments

Rent payments

2. “Rent payments” are such of the following as are not excluded by paragraph 3—
- (a) payments of rent;
 - (b) payments for a licence or other permission to occupy accommodation;
 - (c) mooring charges payable for a houseboat;
 - (d) in relation to accommodation which is a caravan or mobile home, payments in respect of the site on which the accommodation stands;
 - (e) contributions by residents towards maintaining almshouses (and essential services in them) provided by a housing association which is—
 - (i) a registered charity, or
 - (ii) an exempt charity within Schedule 3 to the Charities Act 2011.

Payments excluded from being rent payments

3. The following are excluded from being “rent payments”—
- (a) payments of ground rent;
 - (b) payments in respect of a tent or the site on which a tent stands;
 - (c) payments in respect of approved premises;
 - (d) payments in respect of a care home;
 - ^{F6}(e)
 - (f) payments which are owner-occupier payments [^{F7}within the meaning of Schedule 1 of the Loans for Mortgage Regulations 2017];
 - (g) payments which are service charge payments within the meaning of paragraph 7;
 - ^{F8}(h) payments in respect of accommodation specified in paragraph 3A];
 - ^{F9}(i) payments in respect of accommodation specified in paragraph 3B.]

Textual Amendments

- F6** Sch. 1 para. 3(e) omitted (3.11.2014) by virtue of [The Housing Benefit and Universal Credit \(Supported Accommodation\) \(Amendment\) Regulations 2014 \(S.I. 2014/771\)](#), regs. 1(3), **2(2)(b)(i)**
- F7** Words in Sch. 1 para. 3(f) substituted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(e)(i)**
- F8** Sch. 1 para. 3(h) added (3.11.2014) by [The Housing Benefit and Universal Credit \(Supported Accommodation\) \(Amendment\) Regulations 2014 \(S.I. 2014/771\)](#), regs. 1(3), **2(2)(b)(ii)**
- F9** Sch. 1 para. 3(i) inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(12)(a)** (with reg. 8(2)(3))

^{F10}Specified accommodation

3A.—(1) The accommodation referred to in paragraph 3(h) is accommodation to which one or more of the following sub-paragraphs applies.

- (2) This sub-paragraph applies to accommodation which is exempt accommodation.
- (3) This sub-paragraph applies to accommodation—
 - (a) which is provided by a relevant body;
 - (b) into which the claimant has been admitted in order to meet a need for care, support or supervision; and
 - (c) where the claimant receives care, support or supervision.
- (4) This sub-paragraph applies to accommodation which—
 - (a) is provided by a local authority or a relevant body to the claimant because the claimant has left the home as a result of domestic violence; and
 - (b) consists of a building, or part of a building, which is used wholly or mainly for the non-permanent accommodation of persons who have left their homes as a result of domestic violence.
- (5) This sub-paragraph applies to accommodation—
 - (a) which would be a hostel within the meaning of paragraph 29(10) (renters excepted form shared accommodation) of Schedule 4 (housing costs element for renters) but for it being owned or managed by a local authority; and

- (b) where the claimant receives care, support or supervision.
- (6) In this paragraph—
 - “domestic violence” has the meaning given in regulation 98 (victims of domestic violence);
 - “relevant body” means a—
 - (a) council for a county in England for each part of which there is a district council;
 - (b) housing association;
 - (c) registered charity; or
 - (d) voluntary organisation.]

Textual Amendments

F10 Sch. 1 para. 3A inserted (3.11.2014) by [The Housing Benefit and Universal Credit \(Supported Accommodation\) \(Amendment\) Regulations 2014 \(S.I. 2014/771\)](#), regs. 1(3), 2(2)(e)

[^{F11}Temporary Accommodation

3B.—(1) The accommodation referred to in paragraph (3)(i) is accommodation which falls within Case 1 or Case 2.

- (2) Case 1 is where—
 - (a) rent payments are payable to a local authority;
 - (b) the local authority makes the accommodation available to the renter—
 - (i) to discharge any of the local authority's functions under Part II of the Housing (Scotland) Act 1987 , Part VII of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014 , or
 - (ii) to prevent the person being or becoming homeless within the meaning of Part II of the Housing (Scotland) Act 1987, Part VII of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014; and
 - (c) the accommodation is not exempt accommodation.
- (3) Case 2 is where—
 - (a) rent payments are payable to a provider of social housing other than a local authority;
 - (b) that provider makes the accommodation available to the renter in pursuance of arrangements made with it by a local authority—
 - (i) to discharge any of the local authority's functions under Part II of the Housing (Scotland) Act 1987, Part VII of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014, or
 - (ii) to prevent the person being or becoming homeless within the meaning of Part II of the Housing (Scotland) Act 1987, Part VII of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014; and
 - (c) the accommodation is not exempt accommodation.
- (4) Sub-paragraph (1) applies irrespective of whether the renter is also liable to make service charge payments.
- (5) In sub-paragraph (3), “provider of social housing” has the meaning given in paragraph 2 of Schedule 4.]

Textual Amendments

F11 Sch. 1 para. 3B inserted (11.4.2018) by [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(12)(b)** (with reg. 8(2)(3))

Owner-occupier payments

Owner-occupier payments

^{F12}4.

Textual Amendments

F12 Sch. 1 paras. 4-6 omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(e)(ii)**

Meaning of “loan interest payments”

^{F12}5.

Textual Amendments

F12 Sch. 1 paras. 4-6 omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(e)(ii)**

Meaning of “alternative finance payments”

^{F12}6.

Textual Amendments

F12 Sch. 1 paras. 4-6 omitted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 5(e)(ii)**

Service charge payments

Service charge payments

7.—(1) “Service charge payments” are payments which—

- (a) fall within sub-paragraph (2);
- (b) are not excluded by sub-paragraph (3); and
- (c) in any case to which paragraph 8 applies, meet all of the conditions set out in that paragraph.

(2) The payments falling within this sub-paragraph are payments of amounts which are, in whole or in part—

- (a) payments of, or towards, the costs of or charges for providing services or facilities for the use or benefit of persons occupying accommodation; or

- (b) fairly attributable to the costs of or charges for providing such services or facilities connected with accommodation as are available for the use or benefit of persons occupying accommodation.
- (3) Payments are excluded by this sub-paragraph where—
 - (a) [^{F13}a qualifying loan within the meaning of regulation 2 of the Loans for Mortgage Interest Regulations 2017] was taken out for the purposes of making the payments; or
 - (b) the services or facilities to which the payments relate are provided for the use or benefit of any person occupying—
 - (i) a tent,
 - (ii) approved premises,
 - (iii) a care home, or
 - (iv) exempt accommodation.
- (4) It is irrelevant for the purposes of sub-paragraph (2)—
 - (a) whether or not the payments are separately identified as relating to the costs or charges referred to in sub-paragraph (2);
 - (b) whether they are made in addition to or as part of any other payment (including a payment that would otherwise be regarded as a rent payment within the meaning of paragraph 2);
 - (c) whether they are made under the same or a different agreement as that under which the accommodation is occupied.

Textual Amendments

F13 Words in Sch. 1 para. 7(3)(a) substituted (with effect in accordance with regs. 19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), [Sch. 5 para. 5\(e\)\(iii\)](#)

Additional conditions: social rented sector renters and owner-occupiers

8.—(1) This paragraph applies for the purposes of calculating the amount of housing costs element to be included in a claimant's award of universal credit but only as regards calculations made under—

- (a) Part 5 of Schedule 4 (social rented sector^{F14} ...); or
- (b) Schedule 5 (housing costs element for owner-occupiers).
- (2) The following are the conditions referred to in paragraph 7(1)(c).
- (3) The first condition is that making the payments is a condition on which the right to occupy the accommodation depends.
- (4) The second condition is that the payments fall within one or more of the following categories:

Category A - Payments to maintain the general standard of the accommodation

Payments within this category are for—

- (a) (a) the external cleaning of windows, but only in relation to upper floors of a multi-storey building;
- (b) (b) other internal or external maintenance or repair of the accommodation, but only where the payments are separately identifiable as relating to such maintenance or repair and payable by—
 - (i) a claimant who occupies accommodation under a shared ownership tenancy, or

- (ii) a claimant in whose case any amount of housing costs element to be included in their award in respect of those payments would fall to be calculated under Schedule 5.

Category B - Payments for the general upkeep of areas of communal use

Payments within this category are for ongoing maintenance or cleaning of, and the supply of water, fuel or any other commodity relating to the common use of, internal or external areas, including areas for reasonable facilities (such as laundry rooms or children's play areas).

Category C - Payments in respect of basic communal services

Payments within this category are for provision, ongoing maintenance, cleaning or repair in connection with basic services generally available to all persons living in the accommodation (such as refuse collection, communal lifts, secure building access or wireless or television aerials to receive a service free of charge).

Category D – Accommodation-specific charges

Payments within this category are specific to the particular accommodation occupied by a claimant but are limited to payments for the use of essential items contained in it (such as furniture or domestic appliances).

(5) The third condition is that the costs and charges to which the payments relate are of a reasonable amount and relate to services or facilities of such description as it is reasonable to provide.

(6) The fourth condition is that the payments are none of the following—

- (a) payments to the extent that they relate to the costs of or charges for providing services or facilities in respect of which payments out of public funds might otherwise be made (irrespective of whether the claimant has any entitlement to payments so made);
- (b) payments in connection with the use of an asset which result in the transfer of the asset or any interest in it;
- (c) payments to the extent that they relate to the costs of or charges for providing food, medical services or personal services (including personal care) of any description.

(7) Payments that are not service charge payments within the meaning of paragraph 7 by reason only that they fail to meet any of the conditions set out in sub-paragraphs (3) to (6) are nevertheless to be treated as if they were such service charge payments for the purposes of paragraphs 3(g) and 4(2).

Textual Amendments

F14 Words in Sch. 1 para. 8(1)(a) omitted (11.4.2018) by virtue of [The Universal Credit \(Miscellaneous Amendments, Saving and Transitional Provision\) Regulations 2018 \(S.I. 2018/65\)](#), regs. 1(4), **3(12)(c)** (with reg. 8(2)(3))

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations 2013, SCHEDULE 1.