
STATUTORY INSTRUMENTS

2021 No. 991

The Domestic Abuse Support (Relevant Accommodation and Housing Benefit and Universal Credit Sanctuary Schemes) (Amendment) Regulations 2021

PART 3

Housing Benefit and Universal Credit: Sanctuary Schemes

Amendments to the Housing Benefit Regulations 2006

3.—(1) In regulation A13 of the Housing Benefit Regulations 2006⁽¹⁾—

(a) after paragraph (2)(e) insert—

“(f) where—

- (i) domestic violence has been inflicted upon or threatened against the claimant or a member of the claimant’s household (“the victim”) by that person’s partner or former partner, or by a relative;
- (ii) the victim is not living at the same address as the person who inflicted or threatened the domestic violence, except where that person is a young person as defined in regulation 19 and is a dependant of a member of the claimant’s household; and
- (iii) the claimant provides evidence from a person acting in an official capacity which demonstrates that the claimant is living in a property adapted under a sanctuary scheme and—
 - (aa) the victim’s circumstances are consistent with those of a person who has had domestic violence inflicted upon or threatened against them; and
 - (bb) the victim has made contact with the person acting in an official capacity in relation with such an incident.”;

(b) after paragraph (4) insert—

“(5) In this regulation—

“domestic violence” has the meaning given to it in regulation 75H of these regulations;

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002⁽²⁾;

⁽¹⁾ [S.I. 2006/213](#). Regulation A13 was inserted by [S.I. 2012/3040](#).

⁽²⁾ [2002 c. 17](#); section 25(3) was amended by paragraph 17(1) to (3) of Schedule 10 to the Health and Social Care Act [2008 \(c. 14\)](#), paragraph 56(b) of Part 2 of Schedule 15 to the Health and Social Care Act [2012 \(c. 7\)](#) and paragraphs 1 and 2(1) and (2) of Schedule 4 to the Children and Social Work Act [2017 \(c. 16\)](#).

“household” means the persons who the relevant authority are satisfied are occupying the claimant’s dwelling as their home;

“person acting in an official capacity” means a health care professional, a police officer, a registered social worker, the victim’s employer, a representative of the victim’s trade union, or any public, voluntary, or charitable body which has had direct contact with the victim in connection with domestic violence;

“provider of social housing” has the meaning given in regulation 12 of these Regulations;

“registered social worker” means a person registered as a social worker in a register maintained by—

- (a) Social Work England;
- (b) Social Care Wales;
- (c) The Scottish Social Services Council; or
- (d) the Northern Ireland Social Care Council;

“relative” has the meaning given by section 63(1) of the Family Law Act 1996⁽³⁾

“sanctuary scheme” means a scheme operated by a provider of social housing enabling victims of domestic violence to remain in their homes through the installation of additional security to the property or the perimeter of the property at which the victim resides.”.

Amendments to the Universal Credit Regulations 2013

4. In paragraph 36 of Schedule 4 to the Universal Credit Regulations 2013⁽⁴⁾, after sub-paragraph (5) insert—

- (a) “(6) No deduction for under occupation is to be made in calculating the amount of a renter’s housing cost element under this part where—
 - (i) domestic violence has been inflicted upon or threatened against the claimant or a member of the claimant’s extended benefit unit⁽⁵⁾ (“the victim”) by that person’s partner or former partner, or by a relative;
 - (ii) the victim is not living at the same address as the person who inflicted or threatened the domestic violence, except where that person is a qualifying young person and is a dependant of a member of the claimant’s extended benefit unit; and
 - (iii) the claimant provides evidence from a person acting in an official capacity which demonstrates that the claimant is living in a property adapted under a sanctuary scheme and—
 - (aa) the victim’s circumstances are consistent with those of a person who has had domestic violence inflicted upon or threatened against them; and
 - (bb) the victim has made contact with the person acting in an official capacity in relation to such an incident;
- (b) in this paragraph—

(3) 1996 c. 27; section 63(1) was amended by paragraph 41 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c. 28) and paragraph 14 of Schedule 9 to the Civil Partnership Act 2004 (c. 33). Other amendments have been made but are not relevant to this instrument.

(4) S.I. 2013/376.

(5) “Extended benefit unit” is defined in paragraph 2 of Schedule 4 to the Universal Credit Regulations 2013 (S.I. 2013/376).

“domestic violence” and “person acting in an official capacity” have the meaning given to them in regulation 98(4)(6) of these Regulations;

“relative” has the meaning given by section 63(1) of the Family Law Act 1996;

“sanctuary scheme” means a scheme operated by a provider of social housing enabling victims of domestic violence to remain in their homes through the installation of additional security to the property or the perimeter of the property at which the victim resides.”.

Transitional provision

5.—(1) When an amendment made by regulation 4 applies in respect of an existing award of universal credit, that amendment has effect for the purpose of that award—

- (a) on 1st October 2021, if there is an assessment period for the award that begins on that day; or
- (b) if sub-paragraph (a) does not apply, on the first day of the next assessment period for the award beginning after 1st October 2021.

(2) In paragraph (1)—

“assessment period” has the meaning given by regulation 21 of the Universal Credit Regulations 2013(7);

“existing award of universal credit” means an award of universal credit that exists on 1st October 2021.

(6) Relevant amending instrument is [S.I. 2013/1508](#).

(7) [S.I. 2103/376](#). Relevant amending instruments are [S.I. 2014/2887](#) and [2018/65](#).