STATUTORY INSTRUMENTS

2014 No. 771

SOCIAL SECURITY

The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014

Made - - - -	*19th March 2014*
Laid before Parliament	*20th March 2014*
Coming into force in accordance with regulation 1	

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 11(3)(a), 42(1) and (2), 96(1), (4)(a) and (10) and 97(1) of the Welfare Reform Act 2012(**a**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**b**), the Secretary of State has obtained the agreement of the Social Security Advisory Committee that the proposals in respect of these Regulations should not be referred to it.

In accordance with section 176(1)(**c**) of the Social Security Administration Act 1992, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

Citation and commencement

1.—(1) These Regulations may be cited as the Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014.

(2) This regulation and regulation 3 come into force on 10th April 2014.

(3) Regulation 2 comes into force on 3rd November 2014.

Amendment of the Universal Credit Regulations 2013

2.—(1) The Universal Credit Regulations 2013(**d**) are amended as follows.

(2) In Schedule 1 (meaning of payments in respect of accommodation)—

(a) in paragraph 1 (interpretation)—

(i) for the definition of "exempt accommodation" substitute—

(**a**) 2012 c.5. Section 96(10) is cited for the meaning of "prescribed" and "regulations".
(**b**) *See* sections 170 and 172(1)(b) of the Social Security Administration Act 1992.
(**c**) Section 176(1) was amended by Schedule 9, paragraph 23 to the Local Government Finance Act 1992 (c.14), Schedule 13, paragraph 3(4) to the Housing Act 1996 (c.52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000.
(**d**) S.I. 2013/376.

""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(**a**);";

(ii) omit the definition of "upper-tier county council".

(b) in paragraph 3 (payments excluded from being rent payments)—

(i) omit paragraph (e);

(ii) after paragraph (g) add—

"(h) payments in respect of accommodation specified in paragraph 3A.";

(c) after paragraph 3 insert—

"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)(**b**);

"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".

(**a**) S.I. 2006/217.

(**b**) The definition of "domestic violence" was substituted by S.I. 2013/1508.

(3) In Schedule 4 (housing costs element for renters) in paragraph 2 (interpretation)(**a**) for the definition of "exempt accommodation" substitute—

> ""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(**b**);".

Amendment of the Housing Benefit Regulations 2006

3.—(1) The Housing Benefit Regulations 2006(**c**) are amended as follows.

(2) In regulation 75C(2)(a) (manner of calculating the amount of welfare benefits) for "exempt accommodation within the meaning paragraph 4(10) of Schedule 3 to the Consequential Provisions Regulations" substitute "accommodation specified in regulation 75H (specified accommodation)".

(3) After regulation 75G (interpretation) insert—

"Specified accommodation

75H.—(1) The accommodation referred to in regulation 75C(2)(a) is accommodation to which one or more of the following paragraphs applies.

(2) This paragraph applies to accommodation which is exempt accommodation within the meaning of paragraph 4(10) of Schedule 3 to the Consequential Provisions Regulations.

(3) This 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 paragraph applies to accommodation which—

(a) is provided by a relevant 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 paragraph applies to accommodation—

(a) which would be a hostel within the meaning of regulation 2(1) (interpretation) but for it being owned or managed by a relevant authority; and

(b) where the claimant receives care, support or supervision.

(6) In this regulation—

"coercive behaviour" means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten the victim;

"controlling behaviour" means an act designed to make a person subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour;

"domestic violence" means any incident, or pattern of incidents, of controlling behaviour, coercive behaviour, violence or abuse, including but not limited to—

(**a**) There is an amendment to paragraph 2 which is not relevant to this instrument.
(**b**) S.I. 2006/217.
(**c**) S.I. 2006/213. Regulations 75C and 75G were inserted by S.I. 2012/2994. Paragraph (2)(a) of regulation 75C was amended by S.I. 2013/546.

(a) psychological abuse;

(b) physical abuse;

(c) sexual abuse;

(d) emotional abuse;

(e) financial abuse,

regardless of the gender or sexuality of the victim;

"relevant body" means a—

(a) council for a county in England for each part of whose area there is a district council;

(b) housing association;

(c) registered charity; or

(d) voluntary organisation.".

Signed by authority of the Secretary of State for Work and Pensions

Freud
Parliamentary Under Secretary of State
Department for Work and Pensions

19th March 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Housing Benefit Regulations 2006 and the Universal Credit Regulations 2013 ("the Universal Credit Regulations").

Paragraph 3 of Schedule 1 to the Universal Credit Regulation lists types of accommodation in respect of which no housing costs element is payable. Regulation 2 of these Regulations amends paragraph 3 to remove the provision referring to exempt accommodation and adds a new category of specified accommodation. This is accommodation for which housing benefit will be payable. A new paragraph 3A has been inserted listing these types of accommodation. It includes exempt accommodation, the definition of which in paragraph 1 has been amended to link directly to paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217) ("the Consequential Provisions Regulations"). It also lists three additional categories of accommodation:

- accommodation provided by a county council, housing association, registered charity or voluntary organisation in which the claimant has been placed in order to meet an identifiable need for care, support or supervision and where the claimant receives that care, support or supervision;
- refuges for victims of domestic violence where these are managed by local authorities, county councils, housing associations, registered charities or voluntary organisations;
- hostel accommodation provided by local authorities where care, support or supervision is also provided.

Regulation 2(3) amends the definition of exempt accommodation in Schedule 4 to the Universal Credit Regulations so that it aligns with the definition in Schedule 1.

Regulation 3 amends the Housing Benefit Regulations 2006 so that when a local authority calculates the amount of a claimant's welfare benefits for the purposes of applying the benefit cap under Part 8A of those Regulations, it uses an amount of nil in respect of housing benefit for cases where housing costs are met by way of housing benefit rather than universal credit. This includes the three categories of accommodation listed above and exempt accommodation within the meaning of paragraph 4(10) of Schedule 3 to the Consequential Provisions.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

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