

SCHEDULE 1

Article 2

Help to heat group eligibility

1. The benefits referred to in the definition of “help to heat group” in article 2 are—
 - (a) child benefit under Part 9 of the 1992 Act(1);
 - (b) child tax credit under section 8 of the Tax Credits Act 2002(2);
 - (c) guarantee credit (and for this purpose “guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act 2002(3));
 - (d) housing benefit under Part 7 of the 1992 Act(4);
 - (e) income-based jobseeker’s allowance within the meaning of section 1 of the Jobseekers Act 1995(5);
 - (f) income-related allowance within the meaning of section 1 of the Welfare Reform Act 2007(6);
 - (g) income support under Part 7 of the 1992 Act(7);
 - (h) savings credit (and for this purpose “savings credit” is to be construed in accordance with sections 1 and 3 of the State Pension Credit Act 2002(8));
 - (i) universal credit under Part 1 of the Welfare Reform Act 2012(9);
 - (j) working tax credit under section 10 of the Tax Credits Act 2002(10).
2. The condition as to income in paragraph 3 is specified in relation to child benefit.
3. Where the person claiming child benefit is—
 - (a) a single claimant, the condition as to income is that the claimant’s annual income from all sources does not exceed the amount set out in the first row of the table in the column corresponding to the number of children or qualifying young persons for whom the claimant is responsible;
 - (b) a member of a couple, the condition as to income is that the couple’s combined annual income from all sources does not exceed the amount set out in the second row of the table in the column corresponding to the number of children or qualifying young persons for whom at least one member of the couple is responsible.

(1) See sections 141 and 145A. Section 141 was amended by section 1 of the Child Benefit Act 2005 (c. 6). Section 145A was inserted by section 55 of the Tax Credits Act 2002 (c. 21) and was amended by Schedule 24 to the Civil Partnership Act 2004 (c. 33), Schedule 1 to the Child Benefit Act 2005 and S.I. 2019/1458.

(2) 2002 c. 21. Section 8 is prospectively repealed by Schedule 14 to the Welfare Reform Act 2012 (c. 5).

(3) 2002 c. 16. Section 2 was amended by Schedule 24 to the Civil Partnership Act 2004.

(4) See section 130. That section was amended by Schedule 3 to the Local Government Finance Act 1992 (c. 14), Schedule 19 to the Housing Act 1996 (c. 52) and Schedules 5 and 8 to the Welfare Reform Act 2007 (c. 5). It is prospectively repealed by Schedule 14 to the Welfare Reform Act 2012.

(5) 1995 c. 18. Section 1 was amended by Schedules 7 and 13 to the Welfare Reform and Pensions Act 1999 (c. 30), Schedule 24 to the Civil Partnership Act 2004 and Schedule 3 to the Welfare Reform Act 2007. It was also amended by sections 44 and 49 of, and Schedule 14 to, the Welfare Reform Act 2012 and these amendments have been brought into force for certain purposes. It is prospectively amended by section 61 of the Welfare Reform Act 2012.

(6) 2007 c. 5. Section 1 which establishes an allowance known as employment and support allowance, was amended by sections 50, 52 and 53 of the Welfare Reform Act 2012. It was also amended by section 54 of, and Schedules 3 and 14 to, the Welfare Reform Act 2012 and these amendments have been brought into force for certain purposes. It is prospectively amended by section 62 of the Welfare Reform Act 2012.

(7) See section 124. That section was amended by Schedules 2 and 3 to the Jobseekers Act 1995, Schedule 8 to the Welfare Reform and Pensions Act 1999, Schedules 2 and 3 to the State Pension Credit Act 2002, Schedule 24 to the Civil Partnership Act 2004, Schedules 3 and 8 to the Welfare Reform Act 2007, section 3 of the Welfare Reform Act 2009 (c. 24) and section 59 of the Welfare Reform Act 2012. Part 7 is prospectively repealed by Schedule 14 to the Welfare Reform Act 2012.

(8) Section 3 was substituted by Schedule 12 to the Pensions Act 2014 (c. 19).

(9) See section 1.

(10) Section 10 is prospectively repealed by Schedule 14 to the Welfare Reform Act 2012.

Table

| <i>Type of claimant</i> | <i>Number of children or qualifying young persons</i> | | | |
|-------------------------|---|----------|----------|------------------|
| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4 or more</i> |
| Single claimant | £19,900 | £24,800 | £29,600 | £34,500 |
| Member of a couple | £27,500 | £32,300 | £37,200 | £42,000 |

4. For the purposes of paragraph 3, whether a person is responsible for a child or qualifying young person is to be determined in accordance with Part 9 of the 1992 Act⁽¹¹⁾.

5. In this Schedule—

“1992 Act” means the Social Security Contributions and Benefits Act 1992⁽¹²⁾;

“child” and “qualifying young person” have the same meaning as in Part 9 of the 1992 Act⁽¹³⁾;

“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;

“single claimant” means a person who is not a member of a couple.

SCHEDULE 2

Article 2

Domestic premises which are social housing

1. Domestic premises in England and Wales are “social housing” if the premises are let below the market rate and—

- (a) the relevant interest in those premises is registered as belonging to a social landlord; or
- (b) if no relevant interest in the premises has been registered, the premises are let by a social landlord other than under a lease granted pursuant to Part 5 of the Housing Act 1985⁽¹⁴⁾.

2. Domestic premises in Scotland are “social housing” if the premises are let below the market rate and—

- (a) the relevant interest in the premises is registered as belonging to a social landlord; or

⁽¹¹⁾ See section 143. That section was amended by section 72 of the Child Support, Pensions and Social Security Act 2000 (c. 19), Schedule 24 to the Civil Partnership Act 2004, Schedules 1 and 2 to the Child Benefit Act 2005, S.I. 2013/1465 and 2016/413.

⁽¹²⁾ 1992 c. 4.

⁽¹³⁾ See section 142. That section was amended by section 1 of the Child Benefit Act 2005.

⁽¹⁴⁾ 1985 c. 68. Part 5 was amended by section 83 of the Housing Act 1988 (c. 50), sections 104, 105, 108 to 120 of, and Schedules 21 and 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), Schedules 16 and 18 to the Government of Wales Act 1998 (c. 38), Schedule 5 to the Commonhold and Leasehold Reform Act 2002 (c. 15), sections 180 to 190, 192, 193 of, and Schedule 16 to, the Housing Act 2004 (c. 34), Schedules 11 and 13 to the Land Registration Act 2002 (c. 9), Schedules 19 and 22 to the Localism Act 2011 (c. 20), section 100 of, and Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), the Abolition of the Right to Buy and Associated Rights (Wales) Act 2018 (anaw 1), S.I. 1996/2325, 2010/866 and 2019/110. There are other amendments which are not relevant.

- (b) if no relevant interest in the premises has been registered, the premises are let by a social landlord other than under a lease granted pursuant to sections 61 to 84 of the Housing (Scotland) Act 1987**(15)**, as modified by section 84A of that Act**(16)**.

3. In this Schedule—

“relevant interest” means—

- (a) in respect of premises in England and Wales—
- (i) the freehold estate, unless the whole of the premises have been let under a registered lease; or
 - (ii) the leasehold estate, unless the whole of the premises have been further let under a registered lease;
- (b) in respect of premises in Scotland—
- (i) the owner’s interest or right, unless the whole of the premises have been let under a registered lease; or
 - (ii) the lessee’s interest under a lease, unless the whole of the premises have been further let under a registered lease;

“social landlord” means—

- (a) in respect of premises in England—
- (i) a local housing authority, within the meaning of section 1 of the Housing Act 1985**(17)**;
 - (ii) a housing association, within the meaning of section 5 of the Housing Act 1985**(18)**;
 - (iii) a housing trust, within the meaning of section 6 of the Housing Act 1985; or
 - (iv) a charity, within the meaning of section 1 of the Charities Act 2011**(19)**;
- (b) in respect of premises in Scotland, a person so described in section 165 of the Housing (Scotland) Act 2010**(20)**;
- (c) in respect of premises in Wales—
- (i) a local housing authority, within the meaning of section 1 of the Housing Act 1985;
 - (ii) a housing association, within the meaning of section 5 of the Housing Act 1985;
 - (iii) a housing trust, within the meaning of section 6 of the Housing Act 1985;
 - (iv) a charity, within the meaning of section 1 of the Charities Act 2011;
 - (v) a person listed in section 80(1) of the Housing Act 1985**(21)**; or

(15) 1987 c. 26. Sections 61 to 84 were amended by sections 3 and 65 of, and Schedules 2, 8, 9 and 10 to, the Housing (Scotland) Act 1988 (c. 43), sections 168 and 176 of, and Schedules 11 and 12 to, the Local Government and Housing Act 1989 (c. 42), sections 144, 145, 157 of, and Schedule 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28), Schedules 13 and 14 to the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 2 to the Planning (Consequential Provisions) (Scotland) Act 1997 (c. 11), Schedule 18 to the Government of Wales Act 1998 (c. 38), sections 42 to 49, 51 and 108 of, and Schedule 10 to, the Housing (Scotland) Act 2001 (asp 10), Schedule 7 to the Water Industry (Scotland) Act 2002 (asp 3), sections 140 to 144 of the Housing (Scotland) Act 2010 (asp 17), section 113 of the Housing (Scotland) Act 2006 (asp 1) and S.I. 2000/2040. Sections 61 to 81 and 84 are repealed by section 1 of the Housing (Scotland) Act 2014 (asp 14), subject to savings made by S.S.I. 2014/264.

(16) Section 84A was inserted by section 178 of the Local Government and Housing Act 1989 (c. 42). It was amended by paragraph 13 of Schedule 10 to the Housing (Scotland) Act 2001. Section 84A is repealed by section 1 of the Housing (Scotland) Act 2014, subject to savings made by S.S.I. 2014/264.

(17) Section 1 was amended by Schedule 8 to the Local Government (Wales) Act 1994 (c. 19).

(18) Section 5 was amended by S.I. 1996/2325, S.I. 2010/866 and Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c. 14).

(19) 2011 c. 25.

(20) 2010 asp 17. There are amendments to section 165 which are not relevant.

(21) Section 80(1) was amended by section 83 of, and Schedule 18 to, the Housing Act 1988 (c. 50), Schedules 16 and 18 to the Government of Wales Act 1998 (c. 38), Schedules 19 and 22 to the Localism Act 2011 (c. 20), S.I. 2008/3002 and 2010/866.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Electricity and Gas (Energy Company Obligation) Order 2022 No. 875*

(vi) a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996⁽²²⁾.

4. For the purposes of this Schedule—

- (a) in respect of premises in England and Wales, a lease or relevant interest is registered if it is registered in the register of title maintained by Her Majesty's Land Registry;
- (b) in respect of premises in Scotland, a lease or relevant interest is registered if it is—
 - (i) registered in the Land Register of Scotland; or
 - (ii) recorded in the Register of Sasines.

(22) 1996 c. 52. Chapter 1 of Part 1 was amended by Schedules 16 and 18 to the Government of Wales Act 1998, Schedule 8 to the Charities Act 2006 (c. 50), section 61 of, and Schedule 16 to, the Housing and Regeneration Act 2008 (c. 17), Schedule 4 to the Co-operative and Community Benefit Societies Act 2014 (c. 14), S.I. 2009/1941 and 2013/496. There are other amendments which are not relevant.