

## SCHEDULE 2 **S**

Article 2

### SIZE CRITERIA

1. One bedroom or room suitable for living in shall be allowed for each of the following categories of occupier (and each occupier shall come within only the first category for which he is eligible)—

- [<sup>F1</sup>(za) a member of a couple who cannot share a bedroom;
- (zb) a member of a couple who can share a bedroom;]
- (a) [<sup>F2</sup>a couple]<sup>F3</sup> ...;
- (b) a person who is not a child;
- [<sup>F4</sup>(ba) a child who cannot share a bedroom;]
- (c) two children of the same sex;
- (d) two children who are less than ten years old;
- (e) a child.

[<sup>F5</sup>but the claimant is only entitled to a bedroom in respect of a child who cannot share a bedroom [<sup>F6</sup>or a member of a couple who cannot share a bedroom] if there is a bedroom in the dwelling occupied as the home that is additional to those to which the claimant would be entitled if the child [<sup>F7</sup>or the member of the couple] were able to share a bedroom.]

#### Textual Amendments

- F1** Sch. 2 para. 1(za)(zb) inserted (1.4.2017) by [The Housing Benefit and Universal Credit \(Size Criteria\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/213\)](#), regs. 1(1), **3(2)(a)**
- F2** Words in Sch. 2 para. 1(a) substituted (5.12.2005) by [The Civil Partnership \(Pensions, Social Security and Child Support\) \(Consequential, etc. Provisions\) Order 2005 \(S.I. 2005/2877\)](#), art. 1, **Sch. 3 para. 30** (with art. 3)
- F3** Words in Sch. 2 para. 1(a) omitted (1.4.2017) by virtue of [The Housing Benefit and Universal Credit \(Size Criteria\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/213\)](#), regs. 1(1), **3(2)(b)**
- F4** Sch. 2 para. 1(ba) inserted (4.12.2013) by [The Rent Officers \(Housing Benefit Functions\) Amendment \(No. 2\) Order 2013 \(S.I. 2013/2827\)](#), arts. 1, **3(2)(a)(i)**
- F5** Words in Sch. 2 para. 1 added (4.12.2013) by [The Rent Officers \(Housing Benefit Functions\) Amendment \(No. 2\) Order 2013 \(S.I. 2013/2827\)](#), arts. 1, **3(2)(a)(ii)**
- F6** Words in Sch. 2 para. 1 inserted (1.4.2017) by [The Housing Benefit and Universal Credit \(Size Criteria\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/213\)](#), regs. 1(1), **3(2)(c)(i)**
- F7** Words in Sch. 2 para. 1 inserted (1.4.2017) by [The Housing Benefit and Universal Credit \(Size Criteria\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/213\)](#), regs. 1(1), **3(2)(c)(ii)**

[<sup>F8</sup>**1A.** One additional bedroom is allowed where on the application for the determination—

- (a) [<sup>F9</sup>one or more of the following persons is stated as being a person who requires overnight care—
  - (i) the tenant;
  - (ii) the tenant's partner;
  - (iii) a person (other than the tenant or the tenant's partner) who occupies the dwelling as their home;
  - (iv) a child or young person in respect of whom the tenant or the tenant's partner is a qualifying parent or carer; or]

*Changes to legislation:* There are currently no known outstanding effects for the *The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997, SCHEDULE 2.* (See end of Document for details)

- (b) the tenant or the tenant’s partner is (or both of them are) stated as being a qualifying parent or carer.]

**Textual Amendments**

- F8** Sch. 2 para. 1A-para. 1B substituted for Sch. 2 para. 1A (1.4.2013) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2013 \(S.I. 2013/666\)](#), arts. 1, **3(2)(a)**
- F9** Sch. 2 para. 1A(a) substituted (1.4.2017) by [The Housing Benefit and Universal Credit \(Size Criteria\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/213\)](#), regs. 1(1), **3(3)**

[<sup>F8</sup>**1B.** Two additional bedrooms are allowed where sub-paragraphs (a) and (b) of paragraph 1A both apply.]

**Textual Amendments**

- F8** Sch. 2 para. 1A-para. 1B substituted for Sch. 2 para. 1A (1.4.2013) by [The Rent Officers \(Housing Benefit Functions\) Amendment Order 2013 \(S.I. 2013/666\)](#), arts. 1, **3(2)(a)**

2. The number of rooms (excluding any allowed under paragraph 1) suitable for living in allowed are—

- (a) if there are less than four occupiers, one;
- (b) if there are more than three and less than seven occupiers, two; and
- (c) in any other case, three.

[<sup>F10</sup>**3.** In this Schedule “child who cannot share a bedroom”<sup>F11</sup>, “couple”, “member of a couple who cannot share a bedroom”]” and “qualifying parent or carer” have the meaning given by regulation 2(1) of the Housing Benefit Regulations [<sup>F12</sup>and reference to a member of a couple who can share a bedroom is to be construed in accordance with regulation 2(6) of those Regulations].]

**Textual Amendments**

- F10** Sch. 2 para. 3 substituted (4.12.2013) by [The Rent Officers \(Housing Benefit Functions\) Amendment \(No. 2\) Order 2013 \(S.I. 2013/2827\)](#), arts. 1, **3(2)(b)**
- F11** Words in Sch. 2 para. 3 inserted (1.4.2017) by [The Housing Benefit and Universal Credit \(Size Criteria\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/213\)](#), regs. 1(1), **3(4)(a)**
- F12** Words in Sch. 2 para. 3 inserted (1.4.2017) by [The Housing Benefit and Universal Credit \(Size Criteria\) \(Miscellaneous Amendments\) Regulations 2017 \(S.I. 2017/213\)](#), regs. 1(1), **3(4)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Rent Officers (Housing Benefit Functions) (Scotland) Order 1997, SCHEDULE 2.