

## SCHEDULE 1

Regulation 11

### Ineligible service charges

## PART 1

### Service charges other than for fuel

#### Ineligible service charges

1. The following service charges shall not be eligible to be met by housing benefit—
  - (a) charges in respect of day-to-day living expenses including, in particular, all provision of—
    - (i) subject to paragraph 2 meals (including the preparation of meals or provision of unprepared food);
    - (ii) laundry (other than the provision of premises or equipment to enable a person to do his own laundry);
    - [<sup>F1</sup>(iii) leisure items such as either sports facilities (except a children's play area), or television rental, licence and subscription fees (except radio relay charges and charges made in respect of the conveyance and installation and maintenance of equipment for the conveyance of a television broadcasting service);]
    - (iv) cleaning of rooms and windows except cleaning of—
      - (aa) communal areas; or
      - (bb) the exterior of any windows where neither the claimant nor any member of his household is able to clean them himself,  
where a payment is not made in respect of such cleaning by a local authority (including, in relation to England, a county council) or the [<sup>F2</sup>Welsh Ministers] to the claimant or his partner, or to another person on their behalf; and
    - (v) transport;
  - (b) charges in respect of—
    - (i) the acquisition of furniture or household equipment; and
    - (ii) the use of such furniture or equipment where that furniture or household equipment will become the property of the claimant by virtue of an agreement with the landlord;
  - (c) charges in respect of the provision of an emergency alarm system;
  - (d) charges in respect of medical expenses (including the cost of treatment or counselling related to mental disorder, mental handicap, physical disablement or past or present alcohol or drug dependence);
  - (e) charges in respect of the provision of nursing care or personal care (including assistance at meal-times or with personal appearance or hygiene);
  - (f) charges in respect of general counselling or of any other support services, whoever provides those services;
  - (g) charges in respect of any services not specified in sub-paragraphs (a) to (f) which are not connected with the provision of adequate accommodation.

**Status:** Point in time view as at 22/11/2010.

**Changes to legislation:** There are currently no known outstanding effects for the The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, SCHEDULE 1. (See end of Document for details)

#### Textual Amendments

- F1** Sch. 1 para. 1(a)(iii) substituted (2.4.2007) by [Social Security \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/719\)](#), regs. 1(2), **7(3)**
- F2** Words in Sch. 1 para. 1(a)(iv) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **6(7)**

#### Amount ineligible for meals

**2.—(1)** Where a charge for meals is ineligible to be met by housing benefit under paragraph 1, the amount ineligible in respect of each week shall be the amount specified in the following provisions of this paragraph.

(2) Subject to sub-paragraph (4), where the charge includes provision for at least three meals a day, the amount shall be—

- (a) for a single claimant, [<sup>F3</sup>£23.35];
- (b) if the claimant is a member of a family—
  - (i) for the claimant and for each member of his family aged 16 or over, [<sup>F3</sup>£23.35];
  - (ii) for each member of his family under age 16, [<sup>F3</sup>£11.80].

(3) Except where sub-paragraph (5) applies and subject to sub-paragraph (4), where the charge includes provision for less than three meals a day, the amount shall be—

- (a) for a single claimant, [<sup>F3</sup>£15.50];
- (b) if the claimant is a member of a family—
  - (i) for the claimant and for each member of his family aged 16 or over, [<sup>F3</sup>£15.50];
  - (ii) for each member of his family under age 16, [<sup>F3</sup>£7.80].

(4) For the purposes of sub-paragraphs (2)(b) and (3)(b), a person attains the age of 16 on the first Monday in September following his 16th birthday.

(5) Where the charge for meals includes the provision of breakfast only, the amount for the claimant and, if he is a member of a family, for the claimant and for each member of his family, shall be [<sup>F3</sup>£2.85].

(6) Where a charge for meals includes provision for meals for a person who is not a member of the claimant's family sub-paragraphs (2) to (5) shall apply as if that person were a member of the claimant's family.

(7) For the avoidance of doubt where the charge does not include provision for meals for a claimant or, as the case may be, a member of his family, sub-paragraphs (2) to (5) shall not apply in respect of that person.

#### Textual Amendments

- F3** Sums in Sch. 1 para. 2 substituted (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), **20(4)**

#### Amount of ineligible charges

**3.—(1)** Subject to paragraph 2 where an ineligible service charge is not separated from or separately identified within other payments made by the occupier in respect of the dwelling, the

appropriate authority shall apportion such charge as is fairly attributable to the provision of that service, having regard to the cost of comparable services and such portion of those payments shall be ineligible to be met by housing benefit.

(2) Subject to paragraph 2, where the relevant authority considers that the amount of any ineligible service charge which is separately identified within other payments made by the occupier in respect of the dwelling is unreasonably low having regard to the service provided, it shall substitute a sum for the charge in question which it considers represents the value of the services concerned and the amount so substituted shall be ineligible to be met by housing benefit.

(3) In sub-paragraph (2) the expression “ineligible service charge” includes any service charge which does not qualify as a periodical payment under regulation 12(1)(e) (rent).

(4) In any other case, the whole amount of the ineligible service charge shall be ineligible to be met by housing benefit.

### **Excessive service costs**

4. Subject to paragraph 2, where the relevant authority considers that the amount of a service charge to which regulation 12(1)(e) (rent) applies is excessive in relation to the service provided for the claimant or his family, having regard to the cost of comparable services, it shall make a deduction from that charge of the excess and the amount so deducted shall be ineligible to be met by housing benefit.

## **PART 2**

### **Payments in respect of fuel charges**

5. A service charge for fuel except a charge in respect of services for communal areas shall be ineligible to be met by housing benefit.

- 6.—(1) Where a charge is ineligible to be met by housing benefit under paragraph 5—
- (a) in the calculation of entitlement to a rent rebate; or
  - (b) in the calculation of entitlement to a rent allowance if the amount of the charge is specified or is otherwise readily identifiable (except where the amount of the charge is unrealistically low in relation to the fuel provided or the charge cannot readily be distinguished from a charge for a communal area),

the amount ineligible to be met by housing benefit shall be the full amount of the service charge.

(2) In any other case, subject to sub-paragraphs (3) and (4) and paragraph 7, the amount ineligible to be met by housing benefit shall be the following amounts in respect of each week—

- (a) for heating (other than hot water) [<sup>F4</sup>£21.55];
- (b) for hot water [<sup>F5</sup>£2.50];
- (c) for lighting [<sup>F6</sup>£1.75];
- (d) for cooking [<sup>F7</sup>£2.50].

(3) Where the accommodation occupied by the claimant or, if he is a member of a family, by the claimant and the members of his family, consists of one room only, the amount ineligible to be met by housing benefit in respect of each week where heating only is, or heating and either hot water or lighting (or both) are, provided, shall be one-half of the aggregate of the amounts specified in sub-paragraphs (2)(a), (b) and (c).

**Status:** Point in time view as at 22/11/2010.

**Changes to legislation:** There are currently no known outstanding effects for the The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, SCHEDULE 1. (See end of Document for details)

(4) In a case to which sub-paragraph (2) or (3) applies, if a claimant provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, the amount ineligible to be met by housing benefit under this paragraph shall be that estimated amount.

#### Textual Amendments

- F4** Word in Sch. 1 para. 6(2)(a) substituted (for specified purposes and with effect in accordance with art. 1(3)(a) 6 of the amending S.I., in force in so far as not already in force and with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(i), **20(6)(a)**
- F5** Word in Sch. 1 para. 6(2)(b) substituted (for specified purposes and with effect in accordance with art. 1(3)(a) 6 of the amending S.I., in force in so far as not already in force and with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(i), **20(6)(b)**
- F6** Word in Sch. 1 para. 6(2)(c) substituted (for specified purposes and with effect in accordance with art. 1(3)(a) 6 of the amending S.I., in force in so far as not already in force and with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(i), **20(6)(c)**
- F7** Word in Sch. 1 para. 6(2)(d) substituted (for specified purposes and with effect in accordance with art. 1(3)(a) 6 of the amending S.I., in force in so far as not already in force and with effect in accordance with art. 1(3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(i), **20(6)(b)**

#### Modifications etc. (not altering text)

- C1** Sch. 1 para. 6(2)(a) sum confirmed (1.4.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(j), **20(6)(a)**
- C2** Sch. 1 para. 6(2)(a) sum confirmed (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), **20(5)(a)**
- C3** Sch. 1 para. 6(2)(b) sum confirmed (1.4.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(j), **20(6)(b)**
- C4** Sch. 1 para. 6(2)(b) sum confirmed (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), **20(5)(b)**
- C5** Sch. 1 para. 6(2)(c) sum confirmed (1.4.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(j), **20(6)(c)**
- C6** Sch. 1 para. 6(2)(c) sum confirmed (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), **20(5)(c)**
- C7** Sch. 1 para. 6(2)(d) sum confirmed (1.4.2008 for specified purposes, 7.4.2008 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2008 \(S.I. 2008/632\)](#), arts. 1(2)(j), **20(6)(b)**
- C8** Sch. 1 para. 6(2)(d) sum confirmed (1.4.2010 for specified purposes, 5.4.2010 in so far as not already in force) by [The Social Security Benefits Up-rating Order 2010 \(S.I. 2010/793\)](#), arts. 1(2)(j), **20(5)(b)**

7.—(1) Where rent is payable other than weekly, any amount ineligible to be met by housing benefit which is specified in this Schedule as a weekly amount shall—

- (a) where rent is payable in multiples of a week, be multiplied by the number equal to the number of weeks in respect of which it is payable; or
- (b) in any other case, be divided by 7 and multiplied by the number of days in the period to be used by the relevant authority for the purpose of calculating the claimant's weekly eligible rent under regulation 61 (calculation of weekly amounts).

(2) In a case to which regulation 62 applies (rent free periods), any amount ineligible to be met by housing benefit which is specified in this Schedule as a weekly amount shall, where appropriate, be converted in accordance with sub-paragraph (1) and shall—

**Status:** Point in time view as at 22/11/2010.

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- (a) where rent is payable weekly, or in multiples of a week, be multiplied by 52 or 53, whichever is appropriate, and divided by the number equal to the number of weeks in that 52 or 53 week period in respect of which he is liable to pay rent; or
  - (b) in any other case, be multiplied by 365 or 366, whichever is appropriate, and divided by the number of days in that 365 or 366 day period in respect of which he is liable to pay rent.
- 8.** In this Schedule—

“communal areas” mean areas (other than rooms) of common access (including halls and passageways) and rooms of common use in sheltered accommodation;

“fuel” includes gas and electricity and a reference to a charge for fuel includes a charge for fuel which includes an amount in respect of the facility of providing it other than a specified amount for the provision of a heating system.

**Status:**

Point in time view as at 22/11/2010.

**Changes to legislation:**

There are currently no known outstanding effects for the The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, SCHEDULE 1.