

SCHEDULE 2

Excluded tenancies

[^{F1}3.—[^{F2}(1) Subject to [^{F3}sub-paragraphs (1A) and (2)], this paragraph applies where the landlord is—

- (a) a registered housing association;
- (b) a county council, with regard to gypsies' and travellers' caravan or mobile home sites and caravans or mobile homes provided on those sites; or
- (c) a housing authority, with regard to caravan or mobile home sites or houseboat moorings, payments in respect of which are to take the form of a rent allowance in accordance with regulation 72A(3).

[^{F4}(1A) In relation to a profit-making registered provider of social housing, sub-paragraph (1) (a) only applies to its social housing (within the meaning of sections 68 to 77 of the Housing and Regeneration Act 2008).]

(2) Sub-paragraph (1) does not apply where the local authority considers that—

- (a) the claimant occupies a dwelling larger than is reasonably required by the claimant and any others who occupy that dwelling (including any non-dependants of the claimant and any person paying rent to the claimant); or
- (b) the rent payable for that dwelling is unreasonably high.

(3) Where the circumstances set out in head (a) or (b) of sub-paragraph (2) exist, the authority must state this in their application for a determination.

(4) In this Schedule “gypsies and travellers” means—

- (a) persons with a cultural tradition of nomadism or of living in a caravan; and
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including—
 - (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and
 - (ii) members of an organised group of travelling show people or circus people (whether or not travelling together as such).]]

Textual Amendments

- F1** Sch. 2 substituted (with application in accordance with reg. 1(5)(6)(7) of the amending S.I.) by [Housing Benefit \(State Pension Credit\) \(Local Housing Allowance and Information Sharing\) Amendment Regulations 2007 \(S.I. 2007/2869\)](#), regs. 1(3), **18**
- F2** Sch. 2 para. 3 substituted (6.4.2009) by [The Housing Benefit and Council Tax Benefit \(Amendment\) \(No. 2\) Regulations 2008 \(S.I. 2008/2824\)](#), regs. 1(2), **3(3)(4)**
- F3** Words in Sch. 2 para. 3(1) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) \(No. 2\) Order 2010 \(S.I. 2010/671\)](#), art. 1(2), **Sch. 1 para. 60** (with Sch. 2); S.I. 2010/862, art. 2
- F4** Sch. 2 para. 3(1A) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) \(No. 2\) Order 2010 \(S.I. 2010/671\)](#), art. 1(2), **Sch. 1 para. 61** (with Sch. 2); S.I. 2010/862, art. 2

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, Paragraph 3.