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HOUSING, ENGLAND

LOCAL AUTHORITIES, ENGLAND

SOCIAL SECURITY

**The Domestic Abuse Support (Relevant Accommodation and
Housing Benefit and Universal Credit Sanctuary Schemes)
(Amendment) Regulations 2021**

Made - - - - *6th September 2021*

Laid before Parliament *9th September 2021*

Coming into force *1st October 2021*

The Secretary of State makes these Regulations in exercise of the power in section 57(2) of the Domestic Abuse Act 2021(a).

In respect of the provisions in regulation 2, in accordance with section 57(11) of that Act, the Secretary of State has consulted the Domestic Abuse Commissioner, relevant local authorities, and such other persons as the Secretary of State considers appropriate.

The Secretary of State also makes these Regulations in exercise of the powers in sections 123(1)(d), 130A(2) and (5), and 175(3) of the Social Security Contributions and Benefits Act 1992(b), and sections 11(4) and 42(2) of the Welfare Reform Act 2012(c).

In accordance with Section 173(1)(b) of the Social Security Administration Act 1992(d), the Social Security Advisory Committee has agreed that the proposals in Part 3 of these Regulations should not be referred to it.

In respect of provisions in regulation 3, in accordance with section 176(1) of the Social Security Administration Act 1992(e) the Secretary of State has consulted with organisations appearing to them to be representative of the authorities concerned.

(a) 2021 c. 17.
(b) 1992 c. 4. Section 130A was inserted by the Welfare Reform Act 2007 (c. 5) and paragraph (5) of that section was substituted by the Welfare Reform Act 2012. Section 137(1) is cited for the meaning of “prescribed”.
(c) 2012 c. 5.
(d) 1992 c. 5.
(e) Section 176(1) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c. 52) and section 69(6) of the Child Support, Pensions and Social Security Act 2000 (c. 19).

In respect of provisions in regulations 4 and 5, in accordance with section 29(7) of the Scotland Act 2016(a), the Secretary of State has consulted with Scottish Ministers in the making of these Regulations.

PART 1

Introduction

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Domestic Abuse Support (Relevant Accommodation and Housing Benefit and Universal Credit Sanctuary Schemes) (Amendment) Regulations 2021.

- (2) These Regulations come into force on 1st October 2021.
- (3) This Part and Part 3 of these Regulations extend to England and Wales and Scotland.
- (4) Part 2 of these Regulations extends to England and Wales but applies in England only.

PART 2

Relevant accommodation

Specification of relevant accommodation

2.—(1) Accommodation is relevant accommodation for the purposes of section 57(2) of the Domestic Abuse Act 2021 if it is of the description specified in paragraph (2) or (3).

- (2) Accommodation which—
 - (a) is provided by a local housing authority, a private registered provider of social housing(b) or a registered charity whose objects include the provision of support to victims of domestic abuse;
 - (b) is of a description specified in paragraph (4); and
 - (c) is not bed and breakfast accommodation.
- (3) Accommodation which is part of a sanctuary scheme.
- (4) Accommodation is of a specified description for the purposes of paragraph (2)(b) if it is—
 - (a) refuge accommodation;
 - (b) specialist safe accommodation;
 - (c) dispersed accommodation;
 - (d) second stage accommodation; or
 - (e) other accommodation designated by the local housing authority, private registered provider of social housing or registered charity as domestic abuse emergency accommodation.
- (5) In this regulation—

“bed and breakfast accommodation” means temporary accommodation (whether or not breakfast is included)—

 - (a) which is not separate and self-contained accommodation; and
 - (b) in which any one or more of the following amenities is shared by more than one household—

(a) 2016 c. 11.

(b) See section 80(3)(a) of the Housing and Regeneration Act 2008 (c. 17).

- (i) a toilet,
- (ii) personal washing facilities,
- (iii) cooking facilities,

but does not include accommodation which is owned or managed by a local housing authority, a non-profit registered provider of social housing or a voluntary organisation (as such an organisation is defined in section 180(3) of the Housing Act 1996^(a));

“dispersed accommodation” means self-contained accommodation provided to a victim of domestic abuse with a similar level of domestic abuse support to that provided in refuge accommodation;

“local housing authority” has the same meaning as in section 1 of the Housing Act 1985^(b);

“non-profit registered provider of social housing” has the same meaning as in section 115(10) of the Housing and Regeneration Act 2008;

“refuge accommodation” means accommodation used wholly or mainly for providing accommodation to victims of domestic abuse where domestic abuse support tied to that accommodation is provided for victims;

“registered charity” means a charity registered under section 30(1) of the Charities Act 2011^(c);

“sanctuary scheme” means a scheme operated by a local housing authority or a private registered provider of social housing, enabling victims of domestic abuse to remain in their own homes through the installation of additional security to the property or the perimeter of the property at which the victim resides;

“second stage accommodation” means accommodation provided to a person who is moving on from one of the other forms of accommodation described in paragraph (4) that provides domestic abuse support for a fixed period to enable the person to move to accommodation that is not of the description in paragraph (4);

“specialist safe accommodation” means accommodation which provides dedicated specialist domestic abuse support to victims of domestic abuse who share relevant protected characteristics under the Equality Act 2010^(d) or who share one or more vulnerabilities requiring additional support.

PART 3

Housing Benefit and Universal Credit: Sanctuary Schemes

Amendments to the Housing Benefit Regulations 2006

3.—(1) In regulation A13 of the Housing Benefit Regulations 2006^(e)—

(a) after paragraph (2)(e) insert—

“(f) where—

- (i) domestic violence has been inflicted upon or threatened against the claimant or a member of the claimant’s household (“the victim”) by that person’s partner or former partner, or by a relative;
- (ii) the victim is not living at the same address as the person who inflicted or threatened the domestic violence, except where that person is a young person

(a) 1996 c. 52.
(b) 1985 c. 68.
(c) 2011 c. 25.
(d) 2010 c. 15.
(e) S.I. 2006/213. Regulation A13 was inserted by S.I. 2012/3040.

as defined in regulation 19 and is a dependant of a member of the claimant's household; and

(iii) the claimant provides evidence from a person acting in an official capacity which demonstrates that the claimant is living in a property adapted under a sanctuary scheme and—

(aa) the victim's circumstances are consistent with those of a person who has had domestic violence inflicted upon or threatened against them; and

(bb) the victim has made contact with the person acting in an official capacity in relation with such an incident.”;

(b) after paragraph (4) insert—

“(5) In this regulation—

“domestic violence” has the meaning given to it in regulation 75H of these regulations;

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(a);

“household” means the persons who the relevant authority are satisfied are occupying the claimant's dwelling as their home;

“person acting in an official capacity” means a health care professional, a police officer, a registered social worker, the victim's employer, a representative of the victim's trade union, or any public, voluntary, or charitable body which has had direct contact with the victim in connection with domestic violence;

“provider of social housing” has the meaning given in regulation 12 of these Regulations;

“registered social worker” means a person registered as a social worker in a register maintained by—

- (a) Social Work England;
- (b) Social Care Wales;
- (c) The Scottish Social Services Council; or
- (d) the Northern Ireland Social Care Council;

“relative” has the meaning given by section 63(1) of the Family Law Act 1996(b)

“sanctuary scheme” means a scheme operated by a provider of social housing enabling victims of domestic violence to remain in their homes through the installation of additional security to the property or the perimeter of the property at which the victim resides.”.

Amendments to the Universal Credit Regulations 2013

4. In paragraph 36 of Schedule 4 to the Universal Credit Regulations 2013(c), after subparagraph (5) insert—

“(6) (a) No deduction for under occupation is to be made in calculating the amount of a renter's housing cost element under this part where—

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- (a) 2002 c. 17; section 25(3) was amended by paragraph 17(1) to (3) of Schedule 10 to the Health and Social Care Act 2008 (c. 14), paragraph 56(b) of Part 2 of Schedule 15 to the Health and Social Care Act 2012 (c. 7) and paragraphs 1 and 2(1) and (2) of Schedule 4 to the Children and Social Work Act 2017 (c. 16).
 - (b) 1996 c. 27; section 63(1) was amended by paragraph 41 of Schedule 10 to the Domestic Violence, Crime and Victims Act 2004 (c. 28) and paragraph 14 of Schedule 9 to the Civil Partnership Act 2004 (c. 33). Other amendments have been made but are not relevant to this instrument.
 - (c) S.I. 2013/376.

- (i) domestic violence has been inflicted upon or threatened against the claimant or a member of the claimant’s extended benefit unit^(a) (“the victim”) by that person’s partner or former partner, or by a relative;
 - (ii) the victim is not living at the same address as the person who inflicted or threatened the domestic violence, except where that person is a qualifying young person and is a dependant of a member of the claimant’s extended benefit unit; and
 - (iii) the claimant provides evidence from a person acting in an official capacity which demonstrates that the claimant is living in a property adapted under a sanctuary scheme and—
 - (aa) the victim’s circumstances are consistent with those of a person who has had domestic violence inflicted upon or threatened against them; and
 - (bb) the victim has made contact with the person acting in an official capacity in relation to such an incident;
- (b) in this paragraph—

“domestic violence” and “person acting in an official capacity” have the meaning given to them in regulation 98(4)(b) of these Regulations;

“relative” has the meaning given by section 63(1) of the Family Law Act 1996;

“sanctuary scheme” means a scheme operated by a provider of social housing enabling victims of domestic violence to remain in their homes through the installation of additional security to the property or the perimeter of the property at which the victim resides.”.

Transitional provision

5.—(1) When an amendment made by regulation 4 applies in respect of an existing award of universal credit, that amendment has effect for the purpose of that award—

- (a) on 1st October 2021, if there is an assessment period for the award that begins on that day; or
- (b) if sub-paragraph (a) does not apply, on the first day of the next assessment period for the award beginning after 1st October 2021.

(2) In paragraph (1)—

“assessment period” has the meaning given by regulation 21 of the Universal Credit Regulations 2013(c);

“existing award of universal credit” means an award of universal credit that exists on 1st October 2021.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

6th September 2021

Eddie Hughes
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local Government

(a) “Extended benefit unit” is defined in paragraph 2 of Schedule 4 to the Universal Credit Regulations 2013 (S.I. 2013/376).
 (b) Relevant amending instrument is S.I. 2013/1508.
 (c) S.I. 2103/376. Relevant amending instruments are S.I. 2014/2887 and 2018/65.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 57 of the Domestic Abuse Act 2021 requires local authorities to ensure that the need for accommodation-based support to victims of domestic abuse in their area is assessed. Accommodation-based support is defined in that section as support, in relation to domestic abuse, provided to victims of domestic abuse, or their children, who reside in relevant accommodation. Regulation 2 of these Regulations specify what types of accommodation are relevant accommodation.

Regulation 3 amends regulation A13 of the Housing Benefit Regulations 2006 to include an exception from under-occupancy deductions for any housing benefit claimant who is living in a social sector rented property that is adapted under a sanctuary scheme as a result of a member of that household having had domestic violence threatened or inflicted upon them. It also inserts definitions for terms used in the amendment.

Regulation 4 amends paragraph 36 of Schedule 4 to the Universal Credit Regulations 2013 to include an equivalent exception from under-occupancy deductions for Universal Credit claimants living in social rented sector properties adapted under a sanctuary scheme.

Regulation 5 provides that the regulation relating to universal credit has effect on 1st October 2021 if a claimant's assessment period begins on that day and, if it does not, on the first date of a claimant's next assessment period following 1st October 2021.

An impact assessment has not been produced for this instrument as no impact is foreseen on the private or voluntary sectors.

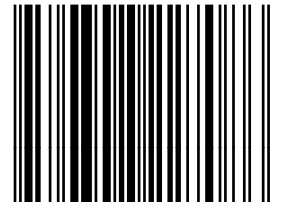
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