

## SCHEDULE 1

Article 2

### AFFORDABLE WARMTH GROUP ELIGIBILITY

1. The benefits referred to in the definition of affordable warmth group in article 2 are—
  - (a) child tax credit<sup>(1)</sup> and has a relevant income of £15,860 or less (where “relevant income” has the same meaning as in Part 1 of the Tax Credits Act 2002<sup>(2)</sup>);
  - (b) income-related employment and support allowance<sup>(3)</sup> and—
    - (i) receiving a work-related activity or support component; or
    - (ii) has parental responsibility for a qualifying child; or
    - (iii) is in receipt of a qualifying component;
  - (c) income-based job seeker’s allowance<sup>(4)</sup> and—
    - (i) has parental responsibility for a qualifying child; or
    - (ii) is in receipt of a qualifying component;
  - (d) income support<sup>(5)</sup> and—
    - (i) has parental responsibility for a qualifying child; or
    - (ii) is in receipt of a qualifying component; or
  - (e) state pension credit<sup>(6)</sup>;
  - (f) working tax credit and has a relevant income of £15,860 or less and—
    - (i) has parental responsibility for a qualifying child; or
    - (ii) is in receipt of a disabled worker element or severe disability element; or
    - (iii) is aged 60 years or over.
2. In paragraph 1—
  - (a) “qualifying child” means, in relation to a person in receipt of an allowance, income support or working tax credit, a child who ordinarily resides with that person and who—
    - (i) is under the age of 16; or
    - (ii) is 16 or over but under the age of 20 and in full-time education (other than higher education within the meaning of section 579(1) of the Education Act 1996<sup>(7)</sup>);
  - (b) “qualifying component” means—
    - (i) child tax credit which includes a disability or severe disability element;
    - (ii) a disabled child premium;
    - (iii) a disability premium, enhanced disability premium or severe disability premium; or
    - (iv) a pensioner premium, higher pensioner premium or enhanced pensioner premium;
  - (c) “parental responsibility” has the same meaning as in section 3 of the Children Act 1989<sup>(8)</sup>.

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(1) Child tax credit and working tax credit are provided for in Part I of the Tax Credits Act 2002 (c.21).

(2) 2002 (c.21).

(3) See Part 1 of the Welfare Reform Act 2007 (c.5).

(4) See section 1(1) and (4) of the Jobseekers Act 1995 (c 18).

(5) See section 124 of the Social Security Contributions and Benefits Act 1992 (c 4).

(6) See section 1(1) of the State Pension Credit Act 2002 (c.16).

(7) 1996 c.56.

(8) 1989 c.41.

## SCHEDULE 2

Article 2

## MEANING OF HOUSEHOLDER

1. In relation to England and Wales, householder means a person who is, in relation to a dwelling,
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- (a) a freeholder;
  - (b) in the case of England only, a leaseholder with a term of 21 years or more unexpired at the time the specified reduction is promoted; or
  - (c) a tenant, including a sub-tenant, who has—
    - (i) a protected occupancy or statutory tenancy under the Rent (Agriculture) Act 1976<sup>(9)</sup>;
    - (ii) a statutory tenancy under the Rent Act 1977<sup>(10)</sup>;
    - (iii) a secure tenancy under Part IV of the Housing Act 1985<sup>(11)</sup> or an introductory tenancy under Chapter I of Part V of the Housing Act 1996<sup>(12)</sup>;
    - (iv) a licence to occupy which meets the conditions in paragraph 12(a) and (b) Schedule 1 to the Housing Act 1985<sup>(13)</sup> (almshouse licences); or
    - (v) an assured agricultural occupancy under Part I of the Housing Act 1988<sup>(14)</sup>, at the time the action is promoted to him.
- 2.—(1) In relation to Scotland, householder means a person who is the owner or tenant of a dwelling.
- (2) For the purposes of this paragraph—
- (a) “owner” includes any person who under the Land Clauses Acts<sup>(15)</sup> would be enabled to sell and convey land to promoters of an undertaking;
  - (b) “tenant” includes a person who—
    - (i) is a service occupant;
    - (ii) has a licence to occupy a dwelling; or
    - (iii) is a cottar within the meaning of section 12(5) of the Crofters (Scotland) Act 1993<sup>(16)</sup>,
 and, also includes in each case, a sub-tenant.

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(9) 1976 (c.80); sections 2 and 3 make provision for protected occupancy and section 4 for statutory tenancy. Section 3 has been amended by section 76(3) of the Housing Act 1980 (c.51) and section 81 of and paragraph 9 of Schedule 8 to the Civil Partnership Act 2004 (c.33), section 4 by those provisions and section 155 and paragraph 72 of Schedule 23 to the Rent Act 1977 (c.42) and sections 39 and 140 of and Schedule 4 (Part II paragraphs 11 and 12) and Schedule 18 to the Housing Act 1988 (c.50). Section 5 was last amended by sections 128 and 137 of and Schedule 6 to the Criminal Justice and Police Act 2001 (c.16). There are other amendments to the 1976 Act not relevant to these Regulations.

(10) 1977 (c.42), as last amended by paragraph 94 of Part I of Schedule 4 to the Constitutional Reform Act 2005 (c.4).

(11) 1985 (c.68).

(12) 1996 c.52, as last amended by paragraphs 256 to 258 of Part 1 of Schedule 4 to the Constitutional Reform Act 2005.

(13) Paragraph 12 of Schedule 1 to the Housing Act 1985 was amended by section 78(1) of and paragraph 12 of Schedule 6 to the Charities Act 1992 (c.41).

(14) 1988 (c.50).

(15) Defined in Schedule 1 to the Interpretation Act 1978 (c.30).

(16) 1993 (c.44).