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STATUTORY INSTRUMENTS

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**2013 No. 630**

**The Universal Credit (Consequential, Supplementary,  
Incidental and Miscellaneous Provisions) Regulations 2013**

**PART 2**

**AMENDMENTS OF PRIMARY LEGISLATION**

**Amendment of the Housing Act 2004**

**18.**—(1) The Housing Act 2004<sup>(1)</sup> is amended as follows.

(2) In section 73 (other consequences of operating unlicensed HMOs : rent repayment orders)—

(a) in subsection (5), before “housing benefit” insert “relevant award or awards of universal credit or the”;

(b) in subsection (6), for paragraph (b) substitute—

“(b) that—

(i) one or more relevant awards of universal credit have been paid (to any person); or

(ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with the occupation of a part or parts of the HMO,

during any period during which it appears to the tribunal that such an offence was being committed.”;

(c) after subsection (6), insert—

“(6A) In subsection (6)(b)(i), “relevant award of universal credit” means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) ([S.I. 2013/376](#)) or any corresponding provision replacing that Schedule, in respect of periodical payments payable in connection with the occupation of a part or parts of the HMO.”;

(d) in subsection (8)(a), for the words from “housing benefit” to the end substitute—

“(i) one or more relevant awards of universal credit, or

(ii) housing benefit paid in connection with occupation of a part or parts of the HMO.”;

(e) in subsection (10)—

(i) in the definition of “the appropriate person”, before “housing benefit” insert “universal credit or”;

(ii) for the definition of “periodical payments” substitute—

- ““periodical payments” means—
- (a) payments in respect of which an amount under section 11 of the Welfare Reform Act 2012 may be included in the calculation of an award of universal credit, as referred to in paragraph 3 of Schedule 4 to the Universal Credit Regulations 2013 (“relevant payments”) (S.I. 2013/376) or any corresponding provision replacing that paragraph; and
  - (b) periodical payments in respect of which housing benefit may be paid by virtue of regulation 12 of the Housing Benefit Regulations 2006 or any corresponding provision replacing that regulation;”;
- (f) in subsection (11)(b), before “housing benefit” insert “universal credit or”.
- (3) In section 74 (further provision about rent repayment orders)—
- (a) in subsection (2)—
    - (i) for paragraph (b) substitute—
      - “(b) that—
        - (i) one or more relevant awards of universal credit (as defined in section 73(6A)) were paid (whether or not to the appropriate person), or
        - (ii) housing benefit was paid (whether or not to the appropriate person) in respect of periodical payments payable in connection with occupation of a part or parts of the HMO,
          - during any period during which it appears to the tribunal that such an offence was being committed in relation to the HMO in question;”;
      - (ii) in the closing words, for “an amount equal to the total amount of housing benefit paid as mentioned in paragraph (b)” substitute “the amount mentioned in subsection (2A)”;
  - (b) after subsection (2) insert—
    - “(2A) The amount referred to in subsection (2) is—
      - (a) an amount equal to—
        - (i) where one relevant award of universal credit was paid as mentioned in subsection (2)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or
        - (ii) if more than one such award was paid as mentioned in subsection (2)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or
      - (b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (2)(b)(ii), (as the case may be)”.
- (c) in subsection (3), for “total amount of housing benefit paid as mentioned in that paragraph” substitute “amount mentioned in subsection (2A)”;
- (d) in subsection (6)(b)(i), after “payments of” insert “relevant awards of universal credit or”;
- (e) in subsection (7)—

- (i) in paragraph (a), before “housing benefit” insert “relevant awards of universal credit, ”; and
  - (ii) in paragraph (b), for the words from “any amount” to the end substitute—
    - “(i) where one or more relevant awards of universal credit were payable during the period in question, the amount mentioned in subsection (2A)(a) in respect of the award or awards that related to the occupation of the part of the HMO occupied by him during that period; or
    - (ii) any amount of housing benefit payable in respect of the occupation of the part of the HMO occupied by him during the period in question”; and
  - (f) in subsections (9)(a) and (15)(a), before “housing benefit” insert “universal credit or”.
- (4) In section 96 (other consequences of operating unlicensed houses : rent repayment orders)—
- (a) in subsection (5), before “housing benefit” insert “relevant award or awards of universal credit or the”;
  - (b) in subsection (6), for paragraph (b) substitute—
    - “(b) that—
    - (i) one or more relevant awards of universal credit have been paid (to any person); or
    - (ii) housing benefit has been paid (to any person) in respect of periodical payments payable in connection with the occupation of the whole or any part or parts of the house,during any period during which it appears to the tribunal that such an offence was being committed.”;
  - (c) after subsection (6), insert—

“(6A) In subsection (6)(b)(i), “relevant award of universal credit” means an award of universal credit the calculation of which included an amount under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, in respect of periodical payments payable in connection with the occupation of the whole or any part or parts of the house.”;
  - (d) in subsection (8)(a), for the words from “housing benefit” to the end substitute—
    - “(i) one or more relevant awards of universal credit, or
    - (ii) housing benefit paid in connection with occupation of the whole or any part or parts of the house”;
  - (e) in subsection (10)—
    - (i) in the definition of “the appropriate person”, before “housing benefit” insert “universal credit or”;
    - (ii) for the definition of “periodical payments” substitute—

““periodical payments” means—

      - (a) payments in respect of which an amount under section 11 of the Welfare Reform Act 2012 may be included in the calculation of an award of universal credit, as referred to in paragraph 3 of Schedule 4 to the Universal Credit Regulations 2013 (“relevant payments”) (S.I. 2013/376) or any corresponding provision replacing that paragraph; and

- (b) periodical payments in respect of which housing benefit may be paid by virtue of regulation 12 of the Housing Benefit Regulations 2006 or any corresponding provision replacing that regulation;”;
  - (f) in subsection (11)(b), before “housing benefit” insert “universal credit or”.
- (5) In section 97 (further provision about rent repayment orders)—
  - (a) in subsection (2)—
    - (i) for paragraph (b) substitute—
      - “(b) that—
        - (i) one or more relevant awards of universal credit (as defined in section 96(6A)) were paid (whether or not to the appropriate person), or
        - (ii) housing benefit was paid (whether or not to the appropriate person) in respect of periodical payments payable in connection with occupation of the whole or any part or parts of the house, during any period during which it appears to the tribunal that such an offence was being committed in relation to the house;”;
      - (ii) in the closing words, for “an amount equal to the total amount of housing benefit paid as mentioned in paragraph (b)” substitute “the amount mentioned in subsection (2A)”;
    - (b) after subsection (2) insert—
      - “(2A) The amount referred to in subsection (2) is—
        - (a) an amount equal to—
          - (i) where one relevant award of universal credit was paid as mentioned in subsection (2)(b)(i), the amount included in the calculation of that award under section 11 of the Welfare Reform Act 2012, calculated in accordance with Schedule 4 to the Universal Credit Regulations 2013 (housing costs element for renters) (S.I. 2013/376) or any corresponding provision replacing that Schedule, or the amount of the award if less; or
          - (ii) if more than one such award was paid as mentioned in subsection (2)(b)(i), the sum of the amounts included in the calculation of those awards as referred to in sub-paragraph (i), or the sum of the amounts of those awards if less, or
        - (b) an amount equal to the total amount of housing benefit paid as mentioned in subsection (2)(b)(ii), (as the case may be)”.
      - (c) in subsection (3), for “total amount of housing benefit paid as mentioned in that paragraph” substitute “amount mentioned in subsection (2A);
      - (d) in subsection (6)(b)(i), after “payments of” insert “relevant awards of universal credit or”;
      - (e) in subsection (7)—
        - (i) in paragraph (a), before “housing benefit” insert “relevant awards of universal credit, ”; and
        - (ii) in paragraph (b), for the words from “any amount” to the end substitute—
          - “(i) where one or more relevant awards of relevant universal credit were payable during the period in question, the amount mentioned in subsection (2A)(a) in respect of the award or awards that related to the occupation of the part of the HMO occupied by him during that period; or

- (ii) any amount of housing benefit payable in respect of the occupation of the part of the HMO occupied by him during the period in question”; and
- (f) in subsections (9)(a) and (15)(a), before “housing benefit” insert “universal credit or”.