



Jersey

## **INCOME SUPPORT (AMENDMENT No. 10) (JERSEY) REGULATIONS 2014**

### **Arrangement**

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#### **Regulation**

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## **INCOME SUPPORT (AMENDMENT No. 10) (JERSEY) REGULATIONS 2014**

*Made*

*18th February 2014*

*Coming into force*

*7th April 2014*

**THE STATES**, in pursuance of Articles 5 and 18 of the Income Support (Jersey) Law 2007<sup>1</sup>, have made the following Regulations –

### **1 Interpretation**

In these Regulations, “principal Regulations” mean the Income Support (Jersey) Regulations 2007<sup>2</sup>.

### **2 Regulation 1 amended**

In Regulation 1 of the principal Regulations –

- (a) after the definition “person required to seek work” there shall be inserted the following definition –

“ ‘private sector housing’ means housing that is not social housing;”;

- (b) after the definition “residential care” there shall be inserted the following definition –

“ ‘social housing’ means housing that is provided by any of the following –

- (a) the States, such housing being under the control of the Minister for Housing;
- (b) a company prescribed under Article 2 of the Social Housing (Transfer) (Jersey) Law 2013<sup>3</sup>;
- (c) Jersey Homes Trust;
- (d) Les Vaux Housing Trust;
- (e) Christians Together in Jersey Housing Trust;
- (f) FB Cottages Housing Trust;”.

### 3 Schedule 1 amended

In Schedule 1 to the principal Regulations –

- (a) in paragraph 1(4) for the words “paragraph 4(6)(b)” there shall be substituted the words “paragraph 4(10)(c) or (11)(c)”;
- (b) after paragraph 1(4) there shall be inserted the following sub-paragraph –
  - “(4A) If a housing component is calculated under paragraph 4(12)(a) in respect of a household, the basic component under Article 5(2)(d) shall be multiplied by H/B where H and B have the same values used to calculate the housing component under paragraph 4(12)(a) in respect of that household.”;
- (c) for paragraph 4 there shall be substituted the following paragraph –

#### “4 Rates of housing component

- (1) If the dwelling occupied is private sector housing occupied under the terms of a lease or licence by an eligible household, the housing component payable is whichever is the lowest of the following –
  - (a) the actual weekly rent payable;
  - (b) if the dwelling is appropriate to the needs of the eligible household, the rate payable under sub-paragraph (2) in respect of a dwelling of that description; or
  - (c) if the dwelling is not appropriate to the needs of the eligible household, the rate payable under sub-paragraph (2) in respect of a dwelling of a description that is appropriate to the needs of the eligible household.
- (2) The rates payable under this sub-paragraph are –

(a) in the case of a hostel	£80.64
(b) in the case of lodgings or a bedsit	£125.30
(c) in the case of a flat with 1 bedroom	£181.30
(d) in the case of a flat with 2 bedrooms	£235.48
(e) in the case of a flat with 3 or more bedrooms	£242.20
(f) in the case of a house with 1 bedroom	£208.88
(g) in the case of a house with 2 bedrooms	£273.56
(h) in the case of a house with 3 bedrooms	£324.24
(i) in the case of a house with 4 bedrooms	£341.25
(j) in the case of a house with 5 or more bedrooms	£387.87
- (3) If the dwelling occupied is social housing occupied under a lease or licence by an eligible household and –

- (a) the dwelling is appropriate to the needs of the eligible household; and
- (b) the actual weekly rent payable is no more than is reasonable having regard to –
  - (i) the fact that the dwelling is social housing, and
  - (ii) the value of the property on the open rental market,the housing component payable is the actual weekly rent payable.

(4) If –

- (a) the dwelling occupied is social housing;
- (b) the dwelling is occupied under a lease or licence by an eligible household;
- (c) the dwelling is appropriate to the needs of the eligible household; and
- (d) the actual weekly rent is more than is reasonable having regard to –
  - (i) the fact that the dwelling is social housing, and
  - (ii) the value of the property on the open rental market,

the rate is the rate payable under sub-paragraph (13) in respect of a dwelling of that description.

(5) If the dwelling occupied is social housing and is not appropriate to the needs of the eligible household, the rate payable is whichever amount is the lower of the following –

- (a) the rate payable under sub-paragraph (13) in respect of a dwelling of a description that is appropriate to the needs of the eligible household; or
- (b) the actual weekly rent payable.

(6) If a dwelling that an eligible household occupies is owned by a member of the household, the housing component payable is –

- (a) if the dwelling is appropriate to the needs of the eligible household, the rate payable under sub-paragraph (7) in respect of a dwelling of that description; or
- (b) if the dwelling is not appropriate to the needs of the eligible household, the rate payable under sub-paragraph (7) in respect of a dwelling of a description that is appropriate to the needs of the eligible household.

(7) The rates payable under this sub-paragraph are –

- (a) in the case of a bedsit or flat with 1 or 2 bedrooms £6.02
- (b) in the case of a flat with 3 bedrooms £8.54
- (c) in the case of a flat with 4 or more bedrooms £12.11

- (d) in the case of a house with 1 bedroom £6.02
- (e) in the case of a house with 2 bedrooms £8.54
- (f) in the case of a house with 3 or more bedrooms £12.11.

(8) In this paragraph a dwelling (or part of a dwelling for the purposes of sub-paragraph (12)), is appropriate to the needs of an eligible household –

- (a) if it is no larger than is reasonably necessary for that household;
- (b) if, having regard to all the circumstances, it would be unreasonable to expect the household to move from that dwelling; or
- (c) where –
  - (i) it has become larger than is reasonably necessary for the household because the household has become smaller within the last 12 months, and
  - (ii) the household is taking all reasonable steps to find alternative accommodation that is appropriate to the needs of the household.

(9) If an eligible household ('first household') shares a dwelling with one or more other households which include either or both of the following –

- (a) another household (whether or not an eligible household) which is part of the same family unit as the first household; or
- (b) another household (whether or not an eligible household) which is not part of the same family unit as the first household,

the amount of housing component is determined in accordance with sub-paragraph (10), (11) or (12), as the case requires.

(10) If a dwelling is shared by 2 or more households, each household being an eligible household and all the households sharing the dwelling being part of the same family unit, the housing component is determined under sub-paragraph (1), (3), (4), (5) or (6), as the case requires, subject to the following –

- (a) a dwelling is appropriate to the needs of the household if it is no larger than is reasonably necessary for all the households sharing the dwelling, or if, having regard to all the circumstances, it would be unreasonable to expect all or any of them to move from that dwelling;
- (b) only one housing component is payable in respect of the dwelling; and
- (c) the component is divided equally between all the households entitled to it.

(11) If a dwelling is shared by 2 or more households at least one of which is not an eligible household but where all of the households

sharing the dwelling are part of the same family unit, the housing component is determined under sub-paragraph (1), (3) (4), (5) or (6) as the case requires, subject to the following –

- (a) a dwelling is appropriate to the needs of the household if it is no larger than is reasonably necessary for all the eligible households sharing the dwelling (or the eligible household, if there is only one), or if, having regard to all the circumstances, it would be unreasonable to expect all or any of the eligible households (or the eligible household, if there is only one) to move from that dwelling;
- (b) only one housing component is payable in respect of the dwelling; and
- (c) where there is more than one eligible household, the component is divided equally between all the eligible households entitled to it.

(12) If a dwelling is shared by 2 or more households, such households not being part of the same family unit, the housing component that is payable to each eligible household is determined in accordance with clause (a) or (b), as the case requires –

(a) in the case of an eligible household that occupies a dwelling under a lease or licence the housing component is whichever amount described in sub-clause (i) or (ii) is the lower –

- (i) the actual weekly rent payable by the household, or
- (ii) the amount calculated as follows –

$H/B \times C$

Where –

H is the number of bedrooms comprised in the part of the dwelling that is occupied by the eligible household if such part is appropriate to the needs of the household, or, if not appropriate, the number of bedrooms comprised in a part of dwelling that is appropriate to such needs;

B is the total number of bedrooms that are comprised in the dwelling;

C is –

- (i) in the case of private sector housing, the rate payable under sub-paragraph (2), or
- (ii) in the case of social housing, the rate payable under sub-paragraph (13),

for a dwelling of a description that refers to the total number of bedrooms that are comprised in the dwelling;

(b) in the case of an eligible household that owns a dwelling –

- (i) if the dwelling is appropriate to the needs of the eligible household, the housing component is the rate

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payable under sub-paragraph (7) in respect of a dwelling of that description, or

- (ii) if the dwelling is not appropriate to the needs of the eligible household, the housing component is the rate payable under sub-paragraph (7) in respect of a dwelling of a description that is appropriate to the needs of the eligible household.

(13) The rates payable under this sub-paragraph are –

(a)	in the case of a hostel	£80.64
(b)	in the case of lodgings or a bedsit	£118.65
(c)	in the case of a flat with 1 bedroom	£171.78
(d)	in the case of a flat with 2 bedrooms	£223.09
(e)	in the case of a flat with 3 or more bedrooms	£229.46
(f)	in the case of a house with 1 bedroom	£197.89
(g)	in the case of a house with 2 bedrooms	£259.14
(h)	in the case of a house with 3 bedrooms	£307.16
(i)	in the case of a house with 4 bedrooms	£323.33
(j)	in the case of a house with 5 or more bedrooms	£367.43

”;

- (d) in paragraph 11(1)(c) the words “or (d)” shall be deleted.

#### 4 Citation and commencement

These Regulations may be cited as the Income Support (Amendment No. 10) (Jersey) Regulations 2014 and shall come into force on 7th April 2014.

**A.H. HARRIS**

*Deputy Greffier of the States*



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- <sup>1</sup> *chapter 26.550*  
<sup>2</sup> *chapter 26.550.30*  
<sup>3</sup> *L.12/2013*