

19-22: New exceptions to the shared accommodation rate

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Introduction

1. This memo gives guidance on The Housing Benefit and Universal Credit (Victims of Domestic Abuse and Victims of Modern Slavery) (Amendment) Regulations 2022, which come into force on 1 October 2022¹

[1 The HB and UC \(Victims of Domestic Abuse and Victims of Modern Slavery\) \(Amdt\) Regs 2022 SI 2022 No.942](#)

Changes

- 2 When considering entitlement to a housing costs element, a specified renter¹ is entitled to the shared accommodation rate² only. However, there are several exceptions³ and these regulations extend the scope of the exceptions to include victims of domestic violence over the age of 16 and victims of modern slavery.

[1 UC Regs, Sch 4 para 28; 2 para 27; 3 para 29](#)

Victims of Domestic Violence

- 3 This exception applies to a claimant (“the victim”) who is under 35 years of age who,
 1. after the age of 16 had domestic violence inflicted upon or threatened against them by their partner or former partner, or by a relative and

2. provides evidence to the relevant authority from a person acting in an official capacity which demonstrates that

- i) the victim's circumstances are consistent with their having had domestic violence inflicted upon or threatened against them, and
- ii) the victim has contacted a person acting in an official capacity in relation to such an incident.

Victims of Modern Slavery

4 An exemption applies to a claimant who has been the subject of a positive conclusive grounds determination relating to modern slavery.

Definitions

“competent authority” means a person who is a competent authority within the meaning of the Trafficking Convention;

“compulsory labour”, “forced labour”, “servitude” and “slavery” have the same meaning as in Article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 as it has effect for the time being in relation to the United Kingdom;

“person acting in an official capacity” means a health care professional, a police officer, a registered social worker, the victim’s employer, or any public, voluntary, or charitable body which has had direct contact with the victim in connection with domestic violence¹

[1 UC Regs, reg 98\(4\)](#)

“positive conclusive grounds determination relating to modern slavery” means a determination made by a competent authority that an individual is a victim of trafficking in human beings, slavery, servitude or forced or compulsory labour;

“the Trafficking Convention” means the Council of Europe Convention on Action against Trafficking in Human Beings (done at Warsaw on 16th May 2005);

“trafficking in human beings” has the same meaning as in the Trafficking Convention.

Annotations

Please annotate the number of this memo (ADM Memo 19-22) against the following ADM paragraphs:

[F3212, F3232, F3234](#)

Contacts

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [7/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: September
2022