



R(H) 6/08 [CH/1246/2007 & Ch/1247/2007 - Interim Decision

Case law

Case law date	17/10/2007
Commission/Judge	Commissioner Turnbull

Definition of “exempt accommodation” - “provided by”

In this case the claimant raised a highly technical argument seeking to show that the phrase “provided by” in the statutory definition for “exempt accommodation” had a broader meaning than that indicated by the approach taken by Commissioner Turnbull following his ruling in R(H) 2/07. The claimant sought to rely on an amendment to the definition made in 2003. This replaced the phrase: “*where care, support or supervision is provided by, or on behalf of, that body to the occupants of that accommodation*” with the different formation, namely: “*where that body or a person acting on its behalf also provides the claimant with care, support or supervision.*” The claimant submitted that the amendment made a change of substance and that it meant that the definition should be interpreted to mean that it is sufficient that the care, support or supervision be provided either by the landlord or by some person who acts in some respect (i.e. not necessarily in providing care etc) on behalf of the landlord. Commissioner Turnbull disagreed, saying that the amendment did not alter the natural meaning of the definition, namely that the care, support or supervision must be provided either by or on behalf of the landlord and that there was nothing to suggest that the Parliamentary draftsmen intended to change the meaning in the manner suggested by the claimant.