

2015 No. 1647

SOCIAL SECURITY

**The Social Security (Housing Costs Amendments) Regulations
2015**

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| <i>Made</i> | - - - - | <i>7th September 2015</i> |
| <i>Laid before Parliament</i> | | <i>10th September 2015</i> |
| <i>Coming into force</i> | - - | <i>1st April 2016</i> |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a), 135(1), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 4(5), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(b), sections 4(2)(a), 24(1) and 25(2), (3) and (5) of the Welfare Reform Act 2007(c) and sections 11(4) and (5)(b), 40, 42(1), (2) and (3) of, and paragraph 1 of Schedule 6 to, the Welfare Reform Act 2012(d).

The Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it(e).

Citation and commencement

1. These Regulations may be cited as the Social Security (Housing Costs Amendments) Regulations 2015 and come into force on 1st April 2016.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(f) are amended as follows, subject to regulation 8 (saving provision).

(2) In Schedule 3 (housing costs)(g)—

- (a) in paragraph 1(2) (housing costs), omit the definition of “existing housing costs” and “new housing costs”;
- (b) omit paragraph 6 (existing housing costs);
- (c) omit paragraph 7 (transitional protection);

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- (a) 1992 c. 4. Section 137(1) is an interpretation provision and is cited for the meaning of “prescribed”. Section 175(1) is amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2).
 - (b) 1995 c. 18. Section 35(1) is an interpretation provision and is cited for the meaning of “regulations”.
 - (c) 2007 c. 5. Section 24(1) is an interpretation provision and is cited for the meaning of “prescribed” and “regulations”.
 - (d) 2012 c. 5. Section 40 is an interpretation provision and is cited for the meaning of “prescribed”.
 - (e) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).
 - (f) S.I. 1987/1967.
 - (g) Schedule 3 was modified by S.I. 1995/516 and 2008/3195. S.I. 2008/3195 is revoked by regulation 7(1) of these Regulations, subject to regulation 7(2) and regulation 8 (savings). Relevant amendments were made to Schedule 3 by S.I. 1995/1613 and 2927, 1996/206, 1997/2305, 1999/1921, 2001/3651 and 488, 2002/841, 2004/2825 and 2008/1554.

- (d) in paragraph 8 (new housing costs)—
 - (i) in sub-paragraphs (1) and (1A), omit “new”;
 - (ii) omit sub-paragraphs (2) to (5); and
 - (iii) for the heading, substitute “Housing costs”;
- (e) in paragraph 9 (general exclusions from paragraphs 6 and 8)—
 - (i) in sub-paragraph (1), for “Paragraphs 6 and 8” substitute “Paragraph 8”; and
 - (ii) in the heading, for “paragraphs 6 and 8” substitute “paragraph 8”;
- (f) in paragraph 10 (the calculation for loans), for “existing housing costs or, as the case may be, new housing costs” substitute “housing costs”;
- (g) in paragraph 11 (general provisions applying to new and existing housing costs)—
 - (i) omit sub-paragraphs (2) and (3); and
 - (ii) in the heading, omit “new and existing”;
- (h) in paragraph 13(9) (excessive housing costs), for “paragraphs 6 and 8” substitute “paragraph 8”; and
- (i) in paragraph 14 (linking rule)—
 - (i) in sub-paragraph (3AA)(a), omit “6(1) or”;
 - (ii) in sub-paragraph (9), omit paragraph (a); and
 - (iii) in sub-paragraph (13), omit “6(1)(a), 6(1)(b) or”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3.—(1) The Jobseeker’s Allowance Regulations 1996(a) are amended as follows, subject to regulation 8 (saving provision).

- (2) In Schedule 2 (housing costs)(b)—
 - (a) in paragraph 1(2) (housing costs), omit the definition of “existing housing costs” and “new housing costs”;
 - (b) omit paragraph 6 (existing housing costs);
 - (c) in paragraph 7 (new housing costs)—
 - (i) in sub-paragraphs (1) and (2), omit “new”;
 - (ii) omit sub-paragraphs (3) to (7); and
 - (iii) for the heading, substitute “Housing costs”;
 - (d) in paragraph 8 (general exclusions from paragraphs 6 and 7)—
 - (i) in sub-paragraph (1), for “Paragraphs 6 and 7” substitute “Paragraph 7”; and
 - (ii) in the heading, for “Paragraphs 6 and 7” substitute “Paragraph 7”;
 - (e) in paragraph 9 (the calculation for loans), for “existing housing costs or, as the case may be, new housing costs” substitute “housing costs”;
 - (f) in paragraph 10 (general provisions applying to new and existing housing costs)—
 - (i) omit sub-paragraphs (1) and (2); and
 - (ii) in the heading, omit “new and existing”;
 - (g) in paragraph 12(9) (excessive housing costs), for “paragraphs 6 and 7” substitute “paragraph 7”;
 - (h) in paragraph 13 (linking rule)—

(a) S.I. 1996/207.

(b) Schedule 2 was modified by S.I. 2008/3195. S.I. 2008/3195 is revoked by regulation 7(1) of these Regulations, subject to regulation 7(2) and regulation 8 (savings). Relevant amendments were made to Schedule 2 by S.I. 1996/1516, 1997/2305, 1999/192, 2000/1978, 2001/488 and 3651, 2002/841, 2004/2825 and 2008/1554.

- (i) in sub-paragraph (4A)(a), omit “6(1) or”;
- (ii) in sub-paragraph (11), omit paragraph (a); and
- (iii) in sub-paragraph (15), omit “6(1)(a), 6(1)(b) or”;
- (i) in paragraph 18 (continuity with income support or income-related employment and support allowance), omit sub-paragraph (1)(a).

Employment and Support Allowance Regulations 2008

4.—(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows, subject to regulation 8 (saving provision).

(2) In Schedule 6 (housing costs)(b)—

- (a) in paragraph 1(2) (housing costs), omit the definition of “existing housing costs” and “new housing costs”;
- (b) omit paragraph 8 (existing housing costs);
- (c) in paragraph 9 (new housing costs)—
 - (i) in sub-paragraphs (1) and (2), omit “new”;
 - (ii) omit sub-paragraphs (4) to (7); and
 - (iii) for the heading, substitute “Housing costs”;
- (d) in paragraph 10 (general exclusions from paragraphs 8 and 9)—
 - (i) in sub-paragraph (1), for “Paragraphs 8 and 9” substitute “Paragraph 9”; and
 - (ii) in the heading, for “paragraphs 8 and 9” substitute “paragraph 9”;
- (e) in paragraph 11 (the calculation for loans), for “existing housing costs or, as the case may be, new housing costs” substitute “housing costs”;
- (f) in paragraph 12 (general provisions applying to new and existing housing costs)—
 - (i) omit sub-paragraphs (1) and (2); and
 - (ii) in the heading, omit “new and existing”;
- (g) in paragraph 14(9) (excessive housing costs), for “paragraphs 8 and 9” substitute “paragraph 9”;
- (h) in paragraph 15 (linking rule)—
 - (i) in sub-paragraph (6)(a), omit “8(1) or”;
 - (ii) in sub-paragraph (14), omit paragraph (a); and
 - (iii) in sub-paragraph (18), omit “8(1)(a), 8(1)(b) or”;
- (i) in paragraph 20 (continuity with income support, an income-based jobseeker’s allowance or state pension credit), omit sub-paragraph (1)(a).

Amendment of the Universal Credit Regulations 2013

5.—(1) The Universal Credit Regulations 2013(c) are amended as follows, subject to regulation 8 (saving provision).

(2) In Schedule 5 (housing costs element for owner-occupiers), in paragraph 5(2)(a) and (b) (no housing costs element under this Schedule for qualifying period), for “3” substitute “9”.

(a) S.I. 2008/794.

(b) Schedule 6 was modified by S.I. 2008/3195. S.I. 2008/3195 was revoked by regulation 7(1) of these Regulations, subject to regulation 7(2) and regulation 8 (savings).

(c) S.I. 2013/376.

Amendment of the Universal Credit (Transitional Provisions) Regulations 2014

6.—(1) The Universal Credit (Transitional Provisions) Regulations 2014(a) are amended as follows, subject to regulation 8 (saving provision).

(2) In regulation 29 (support for housing costs), in paragraph (5)(b), for “91” substitute “273”.

Revocation

7.—(1) The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008(b) are revoked, subject to sub-paragraph (2) and regulation 8 (saving provision).

(2) The following provisions (which are relevant to the capital limit for eligible loans and the limitation applicable to eligible loans in the case of a jobseeker’s allowance) are not revoked—

- (a) regulation 1 (citation, commencement and interpretation);
- (b) regulation 3 (application);
- (c) regulation 4(c) (modification of the Employment and Support Allowance Regulations);
- (d) regulation 5(c) (modification of the Income Support Regulations);
- (e) regulation 6(a) and (d) (modification of the Jobseeker’s Allowance Regulations);
- (f) regulation 8 (application and interpretation);
- (g) regulation 9(f)(iii) (modification of the Employment and Support Allowance Regulations);
- (h) regulation 10(f)(iii) (modification of the Income Support Regulations);
- (i) regulation 11(b) and (g)(iii) (modification of the Jobseeker’s Allowance Regulations); and
- (j) regulation 12 (modifications relating to certain persons who claim State Pension Credit).

Saving provision

8.—(1) This regulation applies to a person (“P”) where, for the purpose of determining whether P’s entitlement to a relevant benefit includes an amount for housing costs, the Secretary of State determines that P is entitled or required to be treated as entitled to one or more relevant benefits for a continuous period which includes 31st March 2016.

(2) Where this regulation applies to P, the provisions of—

- (a) Schedule 6 to the Employment and Support Allowance Regulations 2008;
- (b) Schedule 3 to the Income Support (General) Regulations 1987; and
- (c) Schedule 2 to the Jobseeker’s Allowance Regulations 1996,

as modified by the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 are to have effect in relation to P as if the amendments made by regulations 2 to 4 of these Regulations and the revocation made by regulation 7(1) had not been made.

(3) Where this regulation applies to P, the provisions of Schedule 5 to the Universal Credit Regulations 2013 are to have effect in relation to P as if the amendments made by regulations 5 and 6 of these Regulations had not been made.

(4) In this regulation, “relevant benefit” means—

- (a) an employment and support allowance under Part 1 of the Welfare Reform Act 2007;
- (b) income support under the Income Support (General) Regulations 1987;
- (c) a jobseeker’s allowance under the Jobseeker’s Allowance Regulations 1996; and

(a) S.I. 2014/1230.

(b) S.I. 2008/3195. S.I. 2008/3195 was amended by S.I. 2009/3257.

(d) universal credit under Part 1 of the Welfare Reform Act 2012.

Signed by authority of the Secretary of State for Work and Pensions.

7th September 2015

Freud
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Employment and Support Allowance Regulations 2008 (S.I. 2008/794), the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207) to increase the waiting period before housing costs (including help with mortgage interest) can be met to 39 weeks from 13 weeks (regulations 2 to 4). They also amend the Universal Credit Regulations 2012 (S.I. 2013/376) to increase the waiting period before housing costs can be met to 9 assessment periods from 3 (regulation 5). This is subject to savings for certain claimants (regulation 8). The definition of "qualifying period" in the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) is amended to reflect the change to the waiting period in universal credit (regulation 6).

Regulation 7 revokes provisions in the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195) ("the Special Arrangements Regulations"), except for those that are relevant to the capital limit for eligible loans, the 104 week limit applicable to eligible loans in the case of a jobseeker's allowance and the modifications relating to claimants of state pension credit. This is also subject to savings (regulation 8).

The 13 week waiting period introduced by the Special Arrangements Regulations is saved in respect of claimants who are in a waiting period for housing costs on 31st March 2016 (regulation 8).

The Special Arrangements Regulations modified the provisions relating to the housing costs that can be met by an employment and support allowance, income support or a jobseeker's allowance by:

- reducing the 26 week or the 39 week waiting period before housing costs may be met to 13 weeks;
- providing that the maximum appropriate amount for qualifying loans was £200,000 instead of £100,000;
- providing that no amount may be met in respect of interest on a qualifying loan where a jobseeker's allowance claimant has been in receipt of interest on a qualifying loan for 104 weeks except where the person was previously entitled to income support or an employment and support allowance within a period of 12 weeks or less; and
- modifying the State Pension Credit Regulations 2002 (S.I. 2002/1792) with the result that the maximum appropriate amount for qualifying loans was £200,000 in the case of some claimants who had previously been awarded an employment and support allowance, income support or a jobseeker's allowance.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

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