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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 426**

**The Social Security (Housing Costs Special Arrangements)  
(Amendment) Regulations (Northern Ireland) 2009**

**Amendment of regulation 8 of the principal Regulations**

4. For regulation 8 (application and interpretation) of the principal Regulations substitute—

“8.—(1) This Part applies on and after 5th January 2010 to a person (“C”) who—

- (a) claims a relevant benefit after 4th January 2009, and
- (b) satisfies any of the following conditions.

(2) The first condition is that Part 2 applied to C at any time.

(3) The second condition is that this Part (as it has effect on and after 5th January 2010) applied to C in relation to a previous award.

(4) The third condition is that—

- (a) neither C nor C’s partner has been awarded a relevant benefit as the result of an earlier claim (whether the award was made before or on or after 5th January 2009);
- (b) neither C nor C’s partner is in receipt of state pension credit before the date on which C’s claim is made or treated as made, and
- (c) C does not fall to be treated under a linking rule as being in continuous receipt of the benefit to which C’s claim relates in respect of a period which begins on or before 4th January 2009 and which ends immediately before the date on which C’s claim is made or is treated as made.

(5) The fourth condition is that—

- (a) C is not in receipt of a relevant benefit immediately before the date on which a claim made by C after 4th January 2009 is made or treated as made;
- (b) neither C nor C’s partner is in receipt of state pension credit before that claim is made or treated as made;
- (c) C or C’s partner was awarded a relevant benefit as the result of a claim made or treated as made before that claim, and
- (d) C does not fall to be treated under a linking rule as being in continuous receipt of a relevant benefit during the period which falls immediately between the date on which a claim to which this provision relates is made or treated as made and the last period to occur before that date in respect of which C was in receipt of a relevant benefit (whether as a single person or as a member of a couple or polygamous marriage).

(6) The fifth condition is that—

- (a) C or C’s partner is in receipt of state pension credit before the date on which any claim for a relevant benefit made by C or C’s partner after 4th January 2009 is made or treated as made, and

- (b) none of the following provisions apply in relation to any such claim—
    - (i) paragraph 1A(1A)(1) (previous entitlement to income-based jobseeker’s allowance, income-related employment and support allowance or state pension credit) of Schedule 3 (housing costs) to the Income Support Regulations;
    - (ii) paragraph 1A(1ZA)(2) or (1B)(3) (previous entitlement to income support, income-related employment and support allowance or state pension credit) of Schedule 2 (housing costs) to the Jobseeker’s Allowance Regulations;
    - (iii) paragraph 3(2)(4) (previous entitlement to other income-related benefits) of Schedule 6 (housing costs) to the Employment and Support Allowance Regulations.
  - (7) In this regulation—
    - a “linking rule” means a provision of—
      - (a) paragraph 14 (linking rule) of Schedule 3 (housing costs) to the Income Support Regulations;
      - (b) paragraph 13 (linking rule) of Schedule 2 (housing costs) to the Jobseeker’s Allowance Regulations; or (as the case may be)
      - (c) paragraph 15 (linking rules) of Schedule 6 (housing costs) to the Employment and Support Allowance Regulations;
- “partner” has the same meaning as in regulation 1(2)(5) (citation, commencement and interpretation) of the Jobseeker’s Allowance Regulations.”.

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(1) Paragraph 1A(1A) was inserted by regulation 2(3)(a)(iii) of [S.R. 2007 No. 475](#)  
(2) Paragraph 1A(1ZA) was inserted by regulation 4(a)(iii) of [S.R. 2007 No. 475](#)  
(3) Paragraph 1A(1B) was inserted by regulation 4(a)(iv) of [S.R. 2007 No. 475](#)  
(4) Paragraph 3(2) was amended by regulation 3(30)(b) of [S.R. 2008 No. 413](#)  
(5) The definition of “partner” was amended by paragraph 1 of Schedule 2 to, [S.R. 2000 No. 350](#) and paragraph 23(2)(c) of Schedule 3 to, [S.R. 2005 No. 536](#)