

## SCHEDULE 9

Regulation 35

### DEDUCTIONS FROM BENEFIT AND DIRECT PAYMENT TO THIRD PARTIES

#### Interpretation

1.—<sup>[F1]</sup> In this Schedule—

<sup>[F2]</sup>“the Community Charges Regulations” means the Community Charges (Deductions from Income Support (No.2) Regulations 1990;

“the Community Charges (Scotland) Regulations” means the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989;

<sup>[F3]</sup>“contribution-based jobseeker’s allowance” <sup>[F4]</sup>(except where used in sub-paragraph (2)(b)) means any contribution-based jobseeker’s allowance which does not fall within the definition of “specified benefit”;

<sup>[F5]</sup>“contributory employment and support allowance” <sup>[F6]</sup>(except where used in sub-paragraph (3)(b)) means any contributory employment and support allowance which does not fall within the definition of “specified benefit”

“the Council Tax Regulations” means the Council Tax (Deductions from Income Support) Regulations 1993;

“family” in the case of a claimant who is not a member of a family means that claimant <sup>[F7]</sup>and for the purposes of state pension credit “a family” comprises the claimant, his partner, any additional partner to whom section 12(1)(c) of the 2002 Act applies and any person who has not attained the age of 19, is treated as a child for the purposes of section 142 of the Contributions and Benefits Act and lives with the claimant or the claimant’s partner;

<sup>[F8]</sup>“the Fines Regulations” means the Fines (Deductions from Income Support) Regulations 1992.]

<sup>[F9]</sup>“5 per cent. of the personal allowance for a single claimant aged not less than 25” means where the percentage is not a multiple of 5 pence the sum obtained by rounding that 5 per cent. to the next higher such multiple;]

<sup>[F10]</sup><sup>[F11]</sup>“hostel” means a building—

- (a) in which there is provided for persons generally, or for a class of persons, accommodation, otherwise than in separate and self-contained premises, and either board or facilities of a kind set out in paragraph 4A(1)(d) below adequate to the needs of those persons and—
- (b) which is—
  - (i) managed by or owned by a housing association registered with <sup>[F12]</sup>the Regulator of Social Housing or the Welsh Ministers];
  - (ii) <sup>[F13]</sup>managed or owned by a registered social landlord which is registered in accordance with <sup>[F14]</sup>Part 2 of the Housing (Scotland) Act 2010];
  - (iii) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or a local authority; or
  - (iv) managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community, and
- (c) which is not—
  - (i) a care home;

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- (ii) an independent hospital; or
- (iii) an establishment run by the Abbeyfield Society including all bodies corporate or incorporated which are affiliated to that Society, and
- (d) in sub-paragraph (b)(iv) above, “voluntary organisation” shall mean a body the activities of which are carried out otherwise than for profit, but shall not include any public or local authority;]]

[<sup>F15</sup>“housing authority” means a local authority, a new town corporation, <sup>F16</sup>... or the Development Board for Rural Wales;]

[<sup>F17</sup>“the Housing Benefit Regulations” mean the Housing Benefit Regulations 2006;]

[<sup>F17</sup>“the Housing Benefit (State Pension Credit) Regulations” mean the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

[<sup>F18</sup>“housing costs” means any housing costs met under—

- (a) Schedule 3 to the Income Support Regulations but—
  - (i) excludes costs under paragraph 17(1)(f) of that Schedule (tents and tent sites); and
  - (ii) includes costs under paragraphs 17(1)(a) (ground rent <sup>F19</sup>...) and 17(1)(c) (rentcharges) of that Schedule but only when they are paid with costs under paragraph 17(1)(b) of that Schedule (service charges); or
- (b) Schedule 2 to the Jobseeker’s Allowance Regulations but—
  - (i) excludes costs under paragraph 16(1)(f) of that Schedule (tents and tent sites); and
  - (ii) includes costs under paragraphs 16(1)(a) (ground rent <sup>F19</sup>... ) and 16(1)(c) (rentcharges) of that Schedule but only when they are paid with costs under paragraph 16(1)(b) of that Schedule (service charges);]
- (c) [<sup>F20</sup>Schedule II to the State Pension Credit Regulations but—
  - (i) excludes costs under paragraph 13(1)(f) of that Schedule (tents and sites); and
  - (ii) includes costs under paragraphs 13(1)(a) (ground rent <sup>F19</sup>... ) and 13(1)(c) (rent charges) of that Schedule but only when they are paid with costs under paragraph 13(1)(b) of that Schedule (service charges);][<sup>F21</sup>or]
- (d) [<sup>F21</sup>Schedule 6 to the Employment and Support Allowance Regulations but—
  - (i) excludes costs under paragraph 18(1)(f) of that Schedule (tents and tent sites); and
  - (ii) includes costs under paragraph 18(1)(a) (ground rent) and 18(1)(c) (rent charges) of that Schedule but only where they are paid with costs under paragraph 18(1)(b) of that Schedule (service charges);]

<sup>F22</sup> ...

“the Income Support Regulations” means the Income Support (General) Regulations 1987 <sup>M1</sup>;

[<sup>F23</sup>“integration loan which is recoverable by deductions” means an integration loan which is made under the Integration Loans for Refugees and Others Regulations 2007 and which is recoverable from the recipient by deductions from a specified benefit under regulation 9 of those Regulations]

“miscellaneous accommodation costs” has the meaning assigned by paragraph 4(1);

[<sup>F24</sup>“moratorium debt” has the same meaning as in regulation 6 of the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020;]

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...

“personal allowance for a single claimant aged not less than 25 years” means the amount specified [F26: in connection with income support and state pension credit] in [F27: paragraph 1(1) (e)] of column 2 of Schedule 2 to the Income Support Regulations [F28: or, [F29: in connection with jobseeker’s allowance], paragraph 1(1)(e) of Schedule 1 to the Jobseeker’s Allowance Regulations][F30: or, in connection with employment and support allowance, paragraph 1(1)(b) of Schedule 4 to the Employment and Support Allowance Regulations];

F31  
...

“rent” has the meaning assigned to it in the Housing Benefit Regulations and, for the purposes of this Schedule—

- (a) includes any water charges which are paid with or as part of the rent;
- (b) where in a particular case a claimant's rent includes elements which would not otherwise fall to be treated as rent, references to rent shall include those elements; and
- (c) references to “rent” include references to part only of the rent; and

“[F32: specified benefit” means—

- (a) [F33: income support or, where in respect of any period it is paid together with any incapacity benefit or severe disablement allowance—
  - (i) in a combined payment;
  - (ii) in part to the beneficiary and in part to another person in accordance with regulation 34; or
  - (iii) by means of two or more instruments of payment,income support and incapacity benefit or severe disablement allowance if the income support alone is insufficient for the purposes of this Schedule;]
- (b) F34F35 ...][F36: and
- (c) subject to sub-paragraph (2), jobseeker’s allowance;]
- (d) [F37: [F38: state pension credit or, where in respect of any period it is paid together with any retirement pension][F35: , state pension under Part 1 of the Pensions Act 2014], incapacity benefit or severe disablement allowance—
  - (i) in a combined payment;
  - (ii) in part to the beneficiary and in part to another person in accordance with regulation 34; or
  - (iii) by means of two or more instruments of payment,state pension credit and retirement pension][F35: , state pension under Part 1 of the Pensions Act 2014], incapacity benefit or severe disablement allowance if the state pension credit alone is insufficient for the purposes of this Schedule;]]
- (e) [F39: subject to sub-paragraph (3), employment and support allowance;]

F40  
...

[F41: “water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991;
- (b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002;]

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[<sup>F42</sup>“water undertaker” means a company which has been appointed under section 11(1) of the Water Act 1989 to be the water or sewerage undertaker for any area in England and Wales [<sup>F43</sup>or in respect of any area in Scotland, Scottish Water].]

[<sup>F44</sup>(2) For the purposes of the definition of “specified benefit” in sub-paragraph (1), “jobseeker’s allowance” means—

(a) income-based jobseeker’s allowance; and

[<sup>F45</sup>(b) contribution-based jobseeker’s allowance where—

(i) both income-based jobseeker’s allowance and contribution-based jobseeker’s allowance are in payment and the income-based jobseeker’s allowance alone is insufficient for the purposes of this Schedule; or

(ii) if there was no entitlement to contribution-based jobseeker’s allowance, there would be entitlement to income-based jobseeker’s allowance at the same rate.]]

[<sup>F46</sup>(3) For the purposes of the definition of “specified benefit” in sub-paragraph (1) “employment and support allowance” means—

(a) income-related employment and support allowance; and

[<sup>F47</sup>(b) contributory employment and support allowance where—

(i) both income-related employment and support allowance and contributory employment and support allowance are in payment and the income-related employment and support allowance alone is insufficient for the purposes of this Schedule; or

(ii) if there was no entitlement to a contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate.]]

### Textual Amendments

- F1** Sch. 9 para. 1(1) substituted for Sch. 9 para. 1 (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(2)(a)**
- F2** Words in Sch. 9 para. 1 inserted (1.4.1993) by [The Deductions from Income Support \(Miscellaneous Amendment\) Regulations 1993 \(S.I. 1993/495\)](#), regs. 1(1), **2(2)(a)**
- F3** Words in Sch. 9 para. 1(1) inserted (7.10.1996) by [The Social Security \(Jobseekers Allowance Consequential Amendments\) \(Deductions\) Regulations 1996 \(S.I. 1996/2344\)](#), regs. 1(1), **25(2)**
- F4** Words in Sch. 9 para. 1(1) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **8(a)(i)**
- F5** Words in Sch. 9 para. 1(1) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(2)(a)(i)**
- F6** Words in Sch. 9 para. 1(1) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **8(a)(ii)**
- F7** Words in Sch. 9 para. 1(1) added (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(a)(i)**
- F8** Words in Sch. 9 para. 1 inserted (1.4.1993) by [The Deductions from Income Support \(Miscellaneous Amendment\) Regulations 1993 \(S.I. 1993/495\)](#), regs. 1(1), **2(2)(b)**
- F9** Words in Sch. 9 para. 1 substituted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **12(1)(a)**
- F10** Words in Sch. 9 para. 1 inserted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **12(1)(b)**
- F11** Words in Sch. 9 para. 1(1) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), regs. 1, **13(3)(a)**

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- F12** Words in Sch. 9 para. 1(1) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2010 (S.I. 2010/671), art. 1(2), **Sch. 1 para. 11** (with Sch. 2); S.I. 2010/862, art. 2
- F13** Words in Sch. 9 para. 1(1) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **3(2)(a)(i)**
- F14** Words in Sch. 9 para. 1(1) substituted (1.4.2012) by The Housing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2012 (S.I. 2012/700), art. 1(3), **Sch. para. 10**
- F15** Words in Sch. 9 para. 1 inserted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **12(1)(c)**
- F16** Words in Sch. 9 para. 1(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **3(2)(a)(ii)**
- F17** Words in Sch. 9 para. 1(1) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 2(3)(a)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F18** Words in Sch. 9 para. 1(1) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(a)(i)**
- F19** Words in Sch. 9 para. 1(1) omitted (11.4.2005) by virtue of The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(2)(a)**
- F20** Words in Sch. 9 para. 1(1) added (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(ii)**
- F21** Words in Sch. 9 para. 1(1) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(a)(ii)**
- F22** Words in Sch. 9 para. 1(1) omitted (11.4.2005) by virtue of The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(2)(b)**
- F23** Words in Sch. 9 para. 1(1) inserted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(a)**
- F24** Words in Sch. 9 para. 1(1) inserted (4.5.2021) by The Social Security (Claims and Payments) (Amendment) Regulations 2021 (S.I. 2021/456), regs. 1(1), **2(2)**
- F25** Words in Sch. 9 para. 1(1) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(a) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F26** Words in Sch. 9 para. 1(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(iv)**
- F27** Words in Sch. 9 para. 1 substituted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **12(1)(f)**
- F28** Words in Sch. 9 para. 1(1) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(a)(iv)**
- F29** Words in Sch. 9 para. 1(1) substituted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(iv)**
- F30** Words in Sch. 9 para. 1(1) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(a)(iv)**
- F31** Words in Sch. 9 para. 1 omitted (27.2.1989) by virtue of The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 (S.I. 1989/136), regs. 1(1), **2(7)(a)(ii)**
- F32** Words in Sch. 9 para. 1 substituted (4.4.1996) by The Social Security (Claims and Payments Etc.) Amendment Regulations 1996 (S.I. 1996/672), regs. 1, **2(7)**
- F33** Words in Sch. 9 para. 1(1) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(2)(c)(i)**

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- F34** Words in Sch. 9 para. 1 omitted (23.10.2002) by virtue of The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2441), regs. 1(1)(a), **12(b)** (with reg. 15)
- F35** Words in Sch. 9 para. 1(1) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(19)(a)**
- F36** Words in Sch. 9 para. 1(1) inserted and omitted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(a)(iii)**
- F37** Words in Sch. 9 para. 1(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(v)**
- F38** Words in Sch. 9 para. 1(1) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(2)(c)(ii)**
- F39** Words in Sch. 9 para. 1(1) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(a)(v)**
- F40** Words in Sch. 9 para. 1(1) omitted (11.4.2011) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **4(2)(a)**
- F41** Words in Sch. 9 para. 1(1) substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **15(4)(a)(i)**
- F42** Words in Sch. 9 para. 1 added (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **12(1)(g)**
- F43** Words in Sch. 9 para. 1(1) added (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **15(4)(a)(ii)**
- F44** Sch. 9 para. 1(2) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(b)**
- F45** Sch. 9 para. 1(2)(b) substituted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **8(b)**
- F46** Sch. 9 para. 1(3) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(b)**
- F47** Sch. 9 para. 1(3)(b) substituted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **8(c)**

#### Modifications etc. (not altering text)

- C1** Sch. 9 para. 1(1) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), art. 1(1), **Sch. para. 1** (with art. 6)

#### Marginal Citations

- M1** S.I. 1987/1967.

## General

2.—(1) The specified benefit may be paid direct to a third party in accordance with the following provisions of this Schedule in discharge of a liability of the beneficiary or his partner to that third party in respect of—

- (a) housing costs;
- (b) miscellaneous accommodation costs;
- [<sup>F48</sup>(bb) hostel payments;]
- (c) service charges for fuel, and rent not falling within head (a) above;
- (d) fuel costs; <sup>F49</sup> ...
- (e) water charges [<sup>F50</sup>; and]

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[<sup>F51</sup>(f) payments in place of payments of child support maintenance under section 43(1) of the Child Support Act 1991 and regulation 28 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992.]

(2) No payment to a third party may be made under this Schedule unless the amount of the beneficiary's award of the specified benefit is not less than the total of the amount otherwise authorised to be so paid under this Schedule plus 10 pence.

(3) A payment to be made to a third party under this Schedule shall be made, at such intervals as the Secretary of State may direct, on behalf of and in discharge (in whole or in part) of the obligation of the beneficiary or, as the case may be, of his partner, in respect of which the payment is made.

**Textual Amendments**

- F48** Sch. 9 para. 2(1)(bb) inserted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **13**
- F49** Word in Sch. 9 para. 2(1)(d) omitted (1.4.1993) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 1993 \(S.I. 1993/478\)](#), regs. 1, **2(a)**
- F50** Word in Sch. 9 para. 2(1)(e) inserted (1.4.1993) by [The Social Security \(Claims and Payments\) Amendment Regulations 1993 \(S.I. 1993/478\)](#), regs. 1, **2(a)**
- F51** Sch. 9 para. 2(1)(f) inserted (1.4.1993) by [The Social Security \(Claims and Payments\) Amendment Regulations 1993 \(S.I. 1993/478\)](#), regs. 1, **2(a)**

**Housing costs**

3.—(1) Subject to [<sup>F52</sup>sub-paragraphs (4) to (6)] and paragraph 8, where a beneficiary who has been awarded the specified benefit or his partner is in debt for any item of housing costs which continues to be applicable to the beneficiary in the determination of his applicable amount [<sup>F53</sup>or appropriate minimum guarantee], the [<sup>F54</sup>Secretary of State] may, if in [<sup>F55</sup>his] opinion it would be in the interests of the family to do so, determine that the amount of the award of the specified benefit (“the amount deductible”) calculated in accordance with the following sub-paragraphs shall be paid in accordance with sub-paragraph 2(3).

(2) [<sup>F56</sup>Subject to sub-paragraphs (2A) and (3)], the amount deductible shall be such weekly aggregate of the following as is appropriate:—

- (a) in respect of any debt to which sub-paragraph (1) applies, or where the debt owed is in respect of an amount which includes more than one item of housing costs, a weekly amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 <sup>F57</sup>... for such period as it is necessary to discharge that debt, so however that in aggregate the weekly amount calculated under this sub-paragraph shall not exceed 3 times that 5 per cent.;

- (b) for each such debt—

<sup>F58</sup>(i) .....

- (ii) [<sup>F59</sup>for any housing item] , the actual weekly cost necessary in respect of continuing needs for the relevant items,

and the [<sup>F60</sup>Secretary of State] may direct that, when the debt is discharged [<sup>F61</sup>or is a moratorium debt], the amount determined under sub-paragraph (b) shall be the amount deductible.

[<sup>F62</sup>(2A) Where a payment falls to be made to a third party in accordance with this Schedule, and—

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- (a) more than one item of housing costs falls to be taken into account in determining the beneficiary’s applicable amount [<sup>F63</sup>or appropriate minimum guarantee]; and
- (b) in accordance with <sup>F64</sup>...[<sup>F65</sup>paragraph 18] of Schedule 3 to the Income Support Regulations[<sup>F66</sup>or, as the case may be, <sup>F64</sup>... paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations][<sup>F67</sup>or <sup>F68</sup>... paragraph 14 of Schedule II to the State Pension Credit Regulations][<sup>F69</sup>or <sup>F70</sup>... paragraph 19 of Schedule 6 to the Employment and Support Allowance Regulations] an amount is not allowed or a deduction falls to be made from the amount to be met by way of housing costs,  
 then in calculating the amount deductible, the weekly aggregate ascertained in accordance with sub-paragraph (2) shall be reduced by an amount determined by applying the formula—

$$C \times \frac{B}{A}$$

where—

- A = housing costs;
- B = the item of housing costs which falls to be paid to a third party under this Schedule;
- C = the sum which is not allowed or falls to be deducted in accordance with <sup>F64</sup>[<sup>F65</sup>... paragraph 18] of Schedule 3 to the Income Support Regulations[<sup>F66</sup>or, as the case may be, paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations][<sup>F67</sup>or paragraph 5(9) or (12) or paragraph 14 of Schedule II to the State Pension Credit Regulations][<sup>F71</sup>or paragraph 6(10) or (13) or paragraph 19 of Schedule 6 to the Employment and Support Allowance Regulations].]

(3) Where the aggregate amount calculated under sub-paragraph (2) is such that paragraph 2(2) would operate to prevent any payment under this paragraph being made that aggregate amount shall be adjusted so that 10 pence of the award is payable to the beneficiary.

[<sup>F72</sup>(4) Sub-paragraph (1) shall not apply to any debt which is for any item of housing costs and is less than half the annual amount due to be paid by the beneficiary or his partner in respect of that item, unless, in the opinion of the Secretary of State it is in the overriding interests of the family that paragraph (1) should apply.]

- <sup>F73</sup>(5) .....
- <sup>F73</sup>(6) .....

**Textual Amendments**

- F52** Words in Sch. 9 para. 3(1) substituted (25.5.1992 for specified purposes and with effect in accordance with reg. 1(3)(4)) by [The Social Security \(Claims and Payments\) Amendment Regulations 1992 \(S.I. 1992/1026\)](#), reg. 1(3)(4), **5(2)(a)**
- F53** Words in Sch. 9 para. 3(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(b)(i)**

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- F54** Words in Sch. 9 para. 3(1) substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), reg. 3(1), **Sch. 3 para. 12(a)**
- F55** Word in Sch. 9 para. 3(1) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 6 para. 16(a)** (with reg. 3(1)(b), Schs. 21-23)
- F56** Words in Sch. 9 para. 3(2) substituted (25.5.1992 for specified purposes and with effect in accordance with reg. 1(3)(4)) by The Social Security (Claims and Payments) Amendment Regulations 1992 (S.I. 1992/1026), reg. 1(3)(4), **5(2)(b)**
- F57** Words in Sch. 9 para. 3(2)(a) omitted (11.4.1988) by virtue of The Social Security (Claims and Payments) Amendment Regulations 1988 (S.I. 1988/522), regs. 1(1), **11(2)**
- F58** Sch. 9 para. 3(2)(b)(i) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(i) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F59** Words in Sch. 9 para. 3(2)(b)(ii) substituted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(ii) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F60** Words in Sch. 9 para. 3(2) substituted (18.10.1999 for specified purposes) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), reg. 3(1), **Sch. 3 para. 12(a)**
- F61** Words in Sch. 9 para. 3(2) inserted (4.5.2021) by The Social Security (Claims and Payments) (Amendment) Regulations 2021 (S.I. 2021/456), regs. 1(1), **2(3)**
- F62** Sch. 9 para. 3(2A) inserted (25.5.1992 for specified purposes and with effect in accordance with reg. 1(3)(4)) by The Social Security (Claims and Payments) Amendment Regulations 1992 (S.I. 1992/1026), reg. 1(3)(4), **5(2)(c)**
- F63** Words in Sch. 9 para. 3(2A)(a) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(b)(i)**
- F64** Words in Sch. 9 para. 3(2A)(b) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(iii)(aa) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F65** Words in Sch. 9 para. 3(2A) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Income Support and Claims and Payments) Amendment Regulations 1995 (S.I. 1995/1613), reg. 1(1), **Sch. 2 para. 3**
- F66** Words in Sch. 9 para. 3(2A) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(c)**
- F67** Words in Sch. 9 para. 3(2A) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(b)(ii)**
- F68** Words in Sch. 9 para. 3(2A)(b) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(iii)(bb) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F69** Words in Sch. 9 para. 3(2A)(b) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(3)(a)**
- F70** Words in Sch. 9 para. 3(2A)(b) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(iii)(cc) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F71** Words in Sch. 9 para. 3(2A) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(3)(b)**
- F72** Sch. 9 para. 3(4) substituted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)

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**F73** Sch. 9 para. 3(5)(6) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(v) (as inserted) (6.4.2018) by virtue of [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(18)(e)** (with regs. 19-21)

**Miscellaneous accommodation costs**

4.—(1) [F74 Where an award of income support[F75, jobseeker’s allowance[F76, state pension credit or employment and support allowance]]—

(a) [F77 in the case of income support] is made to a person [F78 residing in a care home, an Abbeyfield Home or an independent hospital] as defined in regulation [F79 2(1)] of the Income Support Regulations [F80 or, [F81 in the case of jobseeker’s allowance] regulation 1(3) of the Jobseeker’s Allowance Regulations][F82 or in the case of employment and support allowance, regulation 2(1) of the Employment and Support Allowance Regulations], or]

[F83 (b) in the case of income support, jobseeker’s allowance or employment and support allowance, is made to person who is in accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947 (provision by the Secretary of State of accommodation in camps); or]

[F83 (c) in the case of state pension credit, is made to a person residing in—

- (i) a care home as defined in regulation 1(2) of the State Pension Credit Regulations;
- (ii) an independent hospital as defined in regulation 1(2) of those Regulations;
- (iii) an establishment run by the Abbeyfield Society (including all bodies corporate or incorporate which are affiliated to the Society); or
- (iv) accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947 where the person requires personal care,]

([F84 or to a person who is only temporarily absent from such accommodation]) the [F85 Secretary of State] may determine that an amount of the specified benefit shall be paid direct to the person or body to whom the charges in respect of that accommodation are payable [F86 hereafter in this paragraph referred to as “miscellaneous accommodation costs], but, [F87 except in a case where accommodation is provided under section 3(1) of, and Part II of the Schedule to, the Polish Resettlement Act 1947] or where the accommodation is [F88 run by a voluntary organisation either for purposes similar to the purposes for which resettlement units are provided] or which provides facilities for alcoholics or drug addicts, only if the [F85 Secretary of State] is satisfied that the beneficiary has failed to budget for the charges and that it is in the interests of the family.

[F89 (2) Subject to sub-paragraphs (3) and (3A), the amount of any payment of income support, jobseeker’s allowance[F90, state pension credit or employment and support allowance] to a third party determined under sub-paragraph (1) shall be—

(a) in a case where the beneficiary is not in accommodation as specified in [F91 sub-paragraph (1)(c)(ii)],

F92(i) . . . . .

F92(ii) . . . . .

an amount equal to the award of income support, jobseeker’s allowance[F93, guarantee credit or employment and support allowance] payable to the claimant but excluding an amount, if any, which when added to any other income of the beneficiary as determined in accordance with regulation 28 of the Income Support Regulations, regulation 93 of the Jobseeker’s Allowance Regulations[F94, regulation 90 of the Employment and Support

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Allowance Regulations] or regulation 17 of the State Pension Credit Regulations will equal the amount prescribed in respect of personal expenses in sub-paragraph (2A); and

- (b) in any other case, the amount of the award of income support, jobseeker's allowance<sup>[F95]</sup>, guarantee credit or employment and support allowance], excluding the amount allowed by sub-paragraph (2A) in respect of personal expenses.]

<sup>[F89]</sup>(2A) The amount in respect of personal expenses where a beneficiary is in accommodation referred to in paragraphs 4(1)(a) <sup>[F96]</sup>, (b) or (c)] shall be—

- (a) for a single person the sum of <sup>[F97]</sup>£29.75];
- (b) for a couple where both members of the couple are in such accommodation, <sup>[F97]</sup>£29.75] or each member;
- (c) for a member of a polygamous marriage where more than one member is in such accommodation, <sup>[F97]</sup>£29.75] for each member in such accommodation.]

<sup>[F89]</sup>(3) This sub-paragraph shall apply where an award is made of—

- (a) income support calculated in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks); or
- (b) jobseeker's allowance calculated in accordance with Part XI of the Jobseeker's Allowance Regulations (part-weeks); <sup>F98</sup> ...
- (c) state pension credit for a period of less than a week calculated under regulation 13A of the State Pension Credit Regulations (part-weeks), or a part week payment of state pension credit calculated otherwise; <sup>[F99]</sup>or]

<sup>[F99]</sup>(d) employment and support allowance for a period of less than a week calculated in accordance with Part 14 of the Employment and Support Allowance Regulations (periods of less than a week).]

<sup>[F89]</sup>(3A) Where sub-paragraph (3) applies then the amount of any payment to a third party determined under sub-paragraph (1) shall be an amount calculated in accordance with sub-paragraph (2)(a) or (b) as appropriate except that in respect of—

- (a) the income of the beneficiary, if any; and
- (b) the amount allowed for personal expenses by sub-paragraph (2A) above,

the amount shall be the amount used in the calculation under the provisions listed in sub-paragraph (3)(a), (b) or (c), divided by 7 and multiplied by the number of days in the part-week and no payment shall be made to a third party where the Secretary of State certifies it would be impracticable to do so in that particular case.]

<sup>[F100]</sup>(4) Where the amount calculated under sub-paragraphs <sup>[F101]</sup>(2) or (3A)] is such that paragraph 2(2) would operate to prevent any payment under this paragraph being made the amount shall be adjusted so that 10 pence of the award is payable to the beneficiary.]

#### Textual Amendments

**F74** Words in Sch. 9 para. 4(1) substituted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), reg. 1(1), [Sch. 1 para. 8\(1\)](#)

**F75** Words in Sch. 9 para. 4(1) substituted (6.10.2003) by [The Social Security \(Third Party Deductions and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2325\)](#), regs. 1, [2\(2\)\(a\)](#)

**F76** Words in Sch. 9 para. 4(1) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), [26\(4\)\(a\)\(i\)](#)

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- F77** Words in Sch. 9 para. 4(1)(a) inserted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(b)(i)**
- F78** Words in Sch. 9 para. 4(1)(a) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, 13(3)(b)(i)(aa)
- F79** Word in Sch. 9 para. 4(1)(a) substituted (8.4.2002) by The Social Security Amendment (Residential Care and Nursing Homes) Regulations 2002 (S.I. 2002/398), regs. 1, **2(3)(a)(i)**
- F80** Words in Sch. 9 para. 4(1)(a) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(d)(ii)**
- F81** Words in Sch. 9 para. 4(1)(a) substituted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(b)(ii)**
- F82** Words in Sch. 9 para. 4(1)(a) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(a)(ii)**
- F83** Sch. 9 para. 4(1)(b)(c) substituted for Sch. 9 para. 4(1)(b) (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **5(3)(a)**
- F84** Words in Sch. 9 para. 4(1) substituted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(d)(i)**
- F85** Words in Sch. 9 para. 4(1) substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), reg. 3(1), **Sch. 3 para. 12(a)**
- F86** Words in Sch. 9 para. 4(1) inserted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(d)(ii)**
- F87** Words in Sch. 9 para. 4(1) substituted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(d)(iii)**
- F88** Words in Sch. 9 para. 4(1) substituted (27.2.1989) by The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 (S.I. 1989/136), regs. 1(1), **2(7)(b)(i)(bb)**
- F89** Sch. 9 para. 4(2)-(3A) substituted for Sch. 9 para. 4(2) (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(e)**
- F90** Words in Sch. 9 para. 4(2) substituted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(b)(i)**
- F91** Words in Sch. 9 para. 4(2)(a) substituted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **5(3)(b)**
- F92** Sch. 9 para. 4(2)(a)(i)(ii) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, **13(3)(b)(ii)**
- F93** Words in Sch. 9 para. 4(2)(a) substituted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(b)(ii)(aa)**
- F94** Words in Sch. 9 para. 4(2)(a) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(b)(ii)(bb)**
- F95** Words in Sch. 9 para. 4(2)(b) substituted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(b)(iii)**
- F96** Words in Sch. 9 para. 4(2A) substituted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **5(3)(c)**
- F97** Sum in Sch. 9 para. 4(2A) substituted (10.4.2023) by The Social Security Benefits Up-rating Regulations 2023 (S.I. 2023/340), regs. 1(1), **6**
- F98** Word in Sch. 9 para. 4(3)(b) omitted (27.7.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(c)(i)**
- F99** Sch. 9 para. 4(3)(d) and word added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(c)(ii)**
- F100** Sch. 9 para. 4(4) inserted (27.2.1989) by The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 (S.I. 1989/136), regs. 1(1), **2(7)(b)(iii)**

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**F101** Words in Sch. 9 para. 4(4) substituted (6.10.2003) by [The Social Security \(Third Party Deductions and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2325\)](#), regs. 1, **2(2)(f)**

**[<sup>F102</sup>Hostel payments**

**4A.—(1)** This paragraph applies to a beneficiary if—

(a) [<sup>F103</sup>the beneficiary] has been awarded specified benefit; and

[<sup>F104</sup>(b) either the beneficiary or the beneficiary’s partner—

(i) is resident in a hostel and has claimed housing benefit in the form of a rent rebate or rent allowance; or

(ii) is resident in approved premises under section 13 of the Offender Management Act 2007; and]

<sup>F105</sup>(c) .....

(d) the charge for [<sup>F106</sup>the hostel or approved premises, as the case may be,] includes a payment, whether direct or indirect, for one or more of the following services—

(i) water;

(ii) a service charge for fuel;

(iii) meals;

(iv) laundry;

(v) cleaning (other than communal areas).

(2) Subject to sub-paragraph (3) below, where a beneficiary <sup>F107</sup>... has been awarded specified benefit the [<sup>F108</sup>Secretary of State] may determine that an amount of specified benefit shall be paid to the person or body to whom the charges referred to in sub-paragraph (1)(d) above are or would be payable.

(3) The amount of any payment to a third party under this paragraph shall be either—

(a) the aggregate of the amounts determined by a housing authority in accordance with the provisions specified in sub-paragraph (4); or

(b) if no amount has been determined under paragraph (a) of this subparagraph, an amount which the [<sup>F109</sup>Secretary of State] estimates to be the amount which is likely to be so determined.

[<sup>F110</sup>(4) The provisions referred to in sub-paragraph (3)(a) above are [<sup>F111</sup>regulation 12B(5)] of, and paragraphs 1(a)(ii) and (iv), 2, 3, 4 and either 6(1)(b) or 6(2) or 6(3) or 6(4) of Schedule 1 to, the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations.]

<sup>F112</sup>(5) .....

(6) [<sup>F113</sup>Where—

(a) an award of income support is calculated in accordance with regulation 73(1) of the Income Support Regulations (calculation of income support for part-weeks); <sup>F114</sup>...

(b) an award of jobseeker’s allowance is calculated in accordance with regulation 150(1) of the Jobseeker’s Allowance Regulations (amount of a jobseeker’s allowance payable), [<sup>F115</sup>or]]

[ an award of employment and support allowance is calculated in accordance with <sup>F115</sup>(c) regulation 165 of the Employment and Support Allowance Regulations (entitlement of less than a week etc.),]

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the amount of any payment of income support or, as the case may be, jobseeker's allowance [<sup>F116</sup>or employment and support allowance] payable to a third party determined under sub-paragraph (2) above shall be an amount calculated in accordance with sub-paragraph (3)(a) or (b) above divided by 7 and multiplied by the number of days in the part-week, and no payment shall be made to a third party under this sub-paragraph where the Secretary of State certifies that it would be impracticable to do so in that particular case.]

#### Textual Amendments

- F102** Sch. 9 para. 4A inserted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **15**
- F103** Words in Sch. 9 para. 4A(1)(a) substituted (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(a)**
- F104** Sch. 9 para. 4A(1)(b) substituted (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(b)**
- F105** Sch. 9 para. 4A(1)(c) omitted (13.7.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(c)**
- F106** Words in Sch. 9 para. 4A(1)(d) substituted (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(d)**
- F107** Words in Sch. 9 para. 4A(2) omitted (16.11.1992) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(4)(a)**
- F108** Words in Sch. 9 para. 4A(2) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F109** Words in Sch. 9 para. 4A(3) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F110** Sch. 9 para. 4A(4) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 2(3)(b)(i)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F111** Words in Sch. 9 para. 4A(4) substituted (with application in accordance with reg. 1(3)-(5) of the amending S.I.) by [The Housing Benefit \(Local Housing Allowance, Miscellaneous and Consequential\) Amendment Regulations 2007 \(S.I. 2007/2870\)](#), regs. 1(2), **2(a)**
- F112** Sch. 9 para. 4A(5) omitted (6.3.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 2(3)(b)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F113** Sch. 9 para. 4A(6) substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), **regs. 1, 2(26)(g)**
- F114** Word in Sch. 9 para. 4A(6)(a) omitted (27.7.2008) by virtue of [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(5)(a)(i)**
- F115** Sch. 9 para. 4A(6)(c) and word inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(5)(a)(ii)**
- F116** Words in Sch. 9 para. 4A(6) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(5)(b)**

#### Service charges for fuel, and rent not falling within paragraph 2(1)(a)

- 5.—(1) Subject to paragraph 8, this paragraph applies to a beneficiary if—
- (a) he has been awarded the specified benefit; and

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- (b) he or his partner is entitled to housing benefit in the form of a rent rebate or rent allowance [<sup>F117</sup>or is resident in approved premises under section 13 of the Offender Management Act 2007]; and
- (c) [<sup>F118</sup>unless sub-paragraph (1A) applies,] he or his partner has arrears of rent which equal or exceed four times the full weekly rent payable and—
  - (i) there are arrears of rent in respect of at least 8 weeks and the landlord has requested the Secretary of State to make payments in accordance with this paragraph; or
  - (ii) there are arrears of rent in respect of less than 8 weeks and in the opinion of the [<sup>F119</sup>Secretary of State] it is in the overriding interests of the family that payments shall be made in accordance with this paragraph.

[<sup>F120</sup>(1A) This sub-paragraph applies where the rent includes charges for services included under paragraph 4A(1)(d) and the arrears for these services exceed £100.00.]

[<sup>F121</sup>(1B) For the purposes of sub-paragraphs (1) and (1A), references to “rent” include charges incurred in respect of accommodation in approved premises under section 13 of the Offender Management Act 2007.]

[<sup>F122</sup>(2) For the purposes of sub-paragraph (1) arrears of rent do not include any amount which falls to be deducted under regulation 74 of the Housing Benefit Regulations (non-dependant deductions) or, as the case may be, regulation 55 of the Housing Benefit (State Pension Credit) Regulations (non-dependant deductions) when assessing a person’s housing benefit.]

(3) [<sup>F123</sup>The][<sup>F124</sup>Secretary of State] shall determine that a weekly amount of the specified benefit awarded to the beneficiary shall be paid to his or his partner's landlord if—

- (a) he or his partner is entitled to housing benefit and in calculating that benefit a deduction is made under [<sup>F125</sup>[<sup>F126</sup>regulation 12B(2)] of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations] in respect of either or both of water charges or service charges for fuel; and
- (b) the amount of the beneficiary's award is not less than the amount of the deduction,

and the amount to be so paid shall be equal to the amount of the deduction.

<sup>F127</sup>(4) .....

[<sup>F128</sup>(5) A determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraphs (3) and (6) exceeds [<sup>F129</sup>a sum calculated in accordance with paragraph 8(4);]

<sup>F130</sup>[<sup>F131</sup>(5A)] .....

(6) In a case to which sub-paragraph (1) [<sup>F132</sup>or (1A)] applies the [<sup>F133</sup>Secretary of State] may determine that a weekly amount of the specified benefit awarded to that beneficiary equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 <sup>F134</sup>... shall be paid to his landlord<sup>F135</sup>, or the person or body to whom charges are payable in respect of the residence of the beneficiary or the beneficiary's partner in approved premises under section 13 of the Offender Management Act 2007,] until the debt is discharged.

[<sup>F136</sup>(7) Immediately after the discharge of any arrears of rent to which sub-paragraph (1) [<sup>F137</sup>or (1A)] applies and in respect of which a determination has been made under sub-paragraph (6) the [<sup>F138</sup>Secretary of State] may, if satisfied that it would be in the interests of the family to do so, direct that an amount, equal to the amount by which the eligible rent is to be reduced by virtue of [<sup>F139</sup>[<sup>F140</sup>regulation 12B(2)] of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations] in respect of charges for water or service charges for fuel or both, shall be deductible.]

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## Textual Amendments

- F117** Words in Sch. 9 para. 5(1)(b) added (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(7)(a)**
- F118** Words in Sch. 9 para. 5(1)(c) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(a)(i)**
- F119** Words in Sch. 9 para. 5(1) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F120** Sch. 9 para. 5(1A) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(a)(ii)**
- F121** Sch. 9 para. 5(1B) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(7)(b)**
- F122** Sch. 9 para. 5(2) substituted (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **4(2)(b)**
- F123** Word in Sch. 9 para. 5(3) substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(7)(c)**
- F124** Words in Sch. 9 para. 5(3) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F125** Words in Sch. 9 para. 5(3)(a) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 2(3)(c)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F126** Words in Sch. 9 para. 5(3)(a) substituted (with application in accordance with reg. 1(3)-(5) of the amending S.I.) by [The Housing Benefit \(Local Housing Allowance, Miscellaneous and Consequential\) Amendment Regulations 2007 \(S.I. 2007/2870\)](#), regs. 1(2), **2(b)**
- F127** Sch. 9 para. 5(4) omitted (6.3.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 2(3)(c)(iii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F128** Sch. 9 para. 5(5) substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(26)(f)**
- F129** Words in Sch. 9 para. 5(5) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(a)(i)**
- F130** Sch. 9 para. 5(5A) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(a)(ii)**
- F131** Sch. 9 para. 5(5A) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(c)**
- F132** Words in Sch. 9 para. 5(6) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(a)(iii)**
- F133** Words in Sch. 9 para. 5(6) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F134** Words in Sch. 9 para. 5(6) omitted (1.11.1991) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **16**
- F135** Words in Sch. 9 para. 5(6) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(7)(d)**
- F136** Sch. 9 para. 5(7) inserted (16.11.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(5)**
- F137** Words in Sch. 9 para. 5(7) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(a)(iv)**

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**F138** Words in Sch. 9 para. 5(7) substituted (18.10.1999 for specified purposes) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), reg. 3(1), **Sch. 3 para. 12(a)**

**F139** Words in Sch. 9 para. 5(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 2(3)(c)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)

**F140** Words in Sch. 9 para. 5(7) substituted (with application in accordance with reg. 1(3)-(5) of the amending S.I.) by The Housing Benefit (Local Housing Allowance, Miscellaneous and Consequential) Amendment Regulations 2007 (S.I. 2007/2870), regs. 1(2), **2(b)**

## Fuel costs

6.—(1) [<sup>F141</sup>Subject to sub-paragraphs [<sup>F142</sup>(3A), (6) and (6A)]] and paragraph 8, where a beneficiary who has been awarded the specified benefit or his partner is in debt for any [<sup>F143</sup>fuel item] to an amount not less than the rate of personal allowance for a single claimant aged not less than 25 and continues to require [<sup>F144</sup>the fuel in respect of which the debt arose (“the relevant fuel”)], the [<sup>F145</sup>Secretary of State], if in its opinion it would be in the interests of the family to do so, may determine that the amount of the award of the specified benefit (“the amount deductible”) calculated in accordance with the following paragraphs shall be paid to the person or body to whom payment is due in accordance with paragraph 2(3).

(2) The amount deductible shall, in respect of any fuel item, be such weekly aggregate of the following as is appropriate:—

[<sup>F146</sup>(a) in respect of each debt to which sub-paragraph (1) applies (“the original debt”), a weekly amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 for such period as is necessary to discharge the original debt, but the aggregate of the amounts, calculated under this paragraph shall not exceed twice 5 per cent. of the personal allowance for a single claimant aged not less than 25;]

(b) except where current consumption is paid for by other means (for example pre-payment meter), an amount [<sup>F147</sup>not more than] the estimated average weekly cost necessary to meet the continuing needs for [<sup>F148</sup>the relevant fuel], varied, when appropriate, in accordance with sub-paragraph (4)(a)[<sup>F149</sup>, plus such weekly amount as is required to meet any payments required to be made under a green deal plan within the meaning of section 1 of the Energy Act 2011 (“the 2011 Act)].

[<sup>F150</sup>(3A) The Secretary of State may only include an amount under sub-paragraph (2)(b) in the amount deductible if—

(a) an application for a determination under sub-paragraphs (1) or (4)(a) is made by the person or body to whom payment is due; and

(b) except where the application is for a reduction in the amount deductible, the beneficiary consents to the application.]

[<sup>F151</sup>(3) . . . . .]

(4) Where an amount is being paid direct to a person or body on behalf of the beneficiary or his partner in accordance with a determination under sub-paragraph (1) and [<sup>F152</sup>a decision which embodies that determination falls to be superseded]—

(a) where since the date of that determination the average weekly cost estimated for the purpose of sub-paragraph (2)(b) has either exceeded or has proved insufficient to meet the actual cost of continuing consumption so that in respect of the continuing needs for [<sup>F153</sup>the relevant fuel] the beneficiary or his partner is in credit or, as the case may be, a further debt has accrued, the [<sup>F145</sup>Secretary of State] may determine that the weekly amount

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calculated under that paragraph shall, for a period of 26 weeks <sup>F154</sup>or such longer period as may be reasonable in the circumstances of the case], be adjusted so as to take account of that credit or further debt;

- (b) where an original debt in respect of any fuel item has been discharged <sup>F155</sup>or is a moratorium debt] the <sup>F145</sup>Secretary of State] may determine that the amount deductible in respect of that fuel item shall be the amount determined under sub-paragraph (2)(b).

<sup>F156</sup>(5) .....

<sup>F157</sup>(6) Subject to paragraph 8, a determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraph (2) exceeds <sup>F158</sup>a sum calculated in accordance with paragraph 8(4);]

<sup>F159</sup>(6A) .....

<sup>F160</sup>(7) .....

<sup>F161</sup>(8) In this paragraph, “fuel item” means—

- (a) any charge for mains gas, including for the reconnection of mains gas; and
- (b) any charge for mains electricity, including any charge for the disconnection or reconnection of mains electricity and including any payments required to be made under a green deal plan within the meaning of section 1 of the 2011 Act.]

**Textual Amendments**

- F141** Words in Sch. 9 para. 6(1) substituted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(d)(i)**
- F142** Words in Sch. 9 para. 6(1) substituted (1.4.2023) by [The Social Security Benefits \(Claims and Payments\) \(Amendment\) Regulations 2023 \(S.I. 2023/232\)](#), regs. 1(1), **2(2)** (with reg. 1(3))
- F143** Words in Sch. 9 para. 6(1) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(a)(i)**
- F144** Words in Sch. 9 para. 6(1) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(a)(ii)**
- F145** Words in Sch. 9 para. 6(1) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F146** Sch. 9 para. 6(2)(a) substituted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **17(a)**
- F147** Words in Sch. 9 para. 6(2)(b) substituted (1.4.2023) by [The Social Security Benefits \(Claims and Payments\) \(Amendment\) Regulations 2023 \(S.I. 2023/232\)](#), regs. 1(1), **2(3)** (with reg. 1(3))
- F148** Words in Sch. 9 para. 6(2)(b) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(b)**
- F149** Words in Sch. 9 para. 6(2)(b) added (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(c)**
- F150** Sch. 9 para. 6(3A) inserted (1.4.2023) by [The Social Security Benefits \(Claims and Payments\) \(Amendment\) Regulations 2023 \(S.I. 2023/232\)](#), regs. 1(1), **2(4)** (with reg. 1(3))
- F151** Sch. 9 para. 6(3) omitted (1.11.1991) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **17(b)**
- F152** Words in Sch. 9 para. 6(4) substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), **Sch. 6 para. 16(b)** (with reg. 3(1)(b), Schs. 21-23)
- F153** Words in Sch. 9 para. 6(4)(a) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(d)**

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- F154** Words in Sch. 9 para. 6(4)(a) inserted (16.11.1992) by The Social Security (Miscellaneous Provisions) Amendment (No. 2) Regulations 1992 (S.I. 1992/2595), regs. 1(1)(a), **8(6)**
- F155** Words in Sch. 9 para. 6(4)(b) inserted (4.5.2021) by The Social Security (Claims and Payments) (Amendment) Regulations 2021 (S.I. 2021/456), regs. 1(1), **2(4)**
- F156** Sch. 9 para. 6(5) omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **17(b)**
- F157** Sch. 9 para. 6(6) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(g)**
- F158** Words in Sch. 9 para. 6(6) substituted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(b)(i)**
- F159** Sch. 9 para. 6(6A) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(b)(ii)**
- F160** Sch. 9 para. 6(7) omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **17(b)**
- F161** Sch. 9 para. 6(8) added (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **3(e)**

#### Modifications etc. (not altering text)

- C2** Sch. 9 para. 6 modified (temp.) (26.4.2022) by The Social Security Benefits (Claims and Payments) (Modification) Regulations 2022 (S.I. 2022/428), regs. 1(1), **3** (with reg. 1(3)(4))

## Water charges

[<sup>F1627</sup>—(1) This paragraph does not apply where water charges are paid with rent; and in this paragraph “original debt” means the debt to which sub-paragraph (2) applies, [<sup>F163</sup>including any disconnection or reconnection charges and any other costs (including legal costs) arising out of that debt].

(2) Where a beneficiary or his partner is liable, whether directly or indirectly, for water charges and is in debt for those charges, the [<sup>F164</sup>Secretary of State] may determine, subject to paragraph 8, that a weekly amount of the specified benefit shall be paid either to a water undertaker to whom that debt is owed, or to the person or body authorised to collect water charges for that undertaker, [<sup>F165</sup>but only if [<sup>F166</sup>the Secretary of State] is satisfied that the beneficiary or his partner has failed to budget for those charges, and that it would be in the interests of the family to make the determination.]

(3) Where water charges are determined by means of a water meter, the weekly amount to be paid under sub-paragraph (2) shall be the aggregate of—

- (a) in respect of the original debt, an amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 years; and
- (b) the amount which the [<sup>F167</sup>Secretary of State] estimates to be the average weekly cost necessary to meet the continuing need for water consumption.

(4) Where the sum estimated in accordance with sub-paragraph (3)(b) proves to be greater or less than the average weekly cost necessary to meet the continuing need for water consumption so that a beneficiary or his partner accrues a credit, or as the case may be a further debt, the [<sup>F168</sup>Secretary of State] may determine that the sum so estimated shall be adjusted for a period of 26 weeks [<sup>F169</sup>or such longer period as may be reasonable in the circumstances of the case] to take account of that credit or further debt.

(5) Where water charges are determined other than by means of a water meter the weekly amount to be paid under sub-paragraph (2) shall be the aggregate of—

- (a) the amount referred to in sub-paragraph (3)(a); and

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- (b) an amount equal to the weekly cost necessary to meet the continuing need for water consumption.
- (6) When the original debt in respect of water charges is discharged [<sup>F170</sup>or is a moratorium debt], the [<sup>F171</sup>Secretary of State] may direct that the amount deductible shall be—
  - (a) where water charges are determined by means of a water meter, the amount determined under sub-paragraph (3)(b) taking into account any adjustment that may have been made in accordance with sub-paragraph (4); and
  - (b) in any other case, the amount determined under sub-paragraph (5)(b).
- (7) Where the beneficiary or his partner is in debt to two water undertakers—
  - (a) only one weekly amount under sub-paragraph (3)(a) or (5)(a) shall be deducted; and
  - (b) a deduction in respect of an original debt for sewerage shall only be made after the whole debt in respect of an original debt for water has been paid; and
  - (c) deductions in respect of continuing charges for both water and for sewerage may be made at the same time.
- (8) [<sup>F172</sup>Subject to paragraph 8 (maximum amount of payments to third parties), a determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraphs (3), (4), (5) and (6) exceeds [<sup>F173</sup>a sum calculated in accordance with sub-paragraph 8(4);]]

<sup>F174</sup>[<sup>F175</sup>(9)] .....

**Textual Amendments**

- F162** Sch. 9 para. 7 substituted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **18**
- F163** Words in Sch. 9 para. 7(1) substituted (3.10.1994) by [The Social Security \(Claims and Payments\) Amendment Regulations 1994 \(S.I. 1994/2319\)](#), regs. 1(1), **7(3)**
- F164** Words in Sch. 9 para. 7(2) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F165** Words in Sch. 9 para. 7(2) substituted (16.11.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(7)(a)**
- F166** Words in Sch. 9 para. 7(2) substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), **Sch. 6 para. 16(c)** (with reg. 3(1)(b), Schs. 21-23)
- F167** Words in Sch. 9 para. 7(3)(b) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F168** Words in Sch. 9 para. 7(4) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F169** Words in Sch. 9 para. 7(4) inserted (16.11.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(7)(b)**
- F170** Words in Sch. 9 para. 7(6) inserted (4.5.2021) by [The Social Security \(Claims and Payments\) \(Amendment\) Regulations 2021 \(S.I. 2021/456\)](#), regs. 1(1), **2(5)**
- F171** Words in Sch. 9 para. 7(6) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 12(a)**
- F172** Sch. 9 para. 7(8) substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(26)(h)**

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- F173** Words in Sch. 9 para. 7(8) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(c)(i)**
- F174** Sch. 9 para. 7(9) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(c)(ii)**
- F175** Sch. 9 para. 7(9) added (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(e)**

## Payments in place of payments of child support maintenance

<sup>F176</sup>**7A.** . . . . .

### Textual Amendments

- F176** Sch. 9 para. 7A omitted (4.7.2019) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1084\)](#), regs. 1(3), 4

## Arrears of child support maintenance

<sup>F177</sup>**7B.** . . . . .

### Textual Amendments

- F177** Sch. 9 para. 7B omitted (4.7.2019) by virtue of [The Child Support \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/1084\)](#), regs. 1(3), 4

## [<sup>F178</sup>Eligible loans

**7C.—(1)** In this paragraph—

“borrower” means a person who has, either solely or jointly, entered into a loan agreement with an eligible lender in respect of an eligible loan and who is, for the time being, entitled to an eligible benefit;

“eligible lender” means—

- (a) a body registered under section 1 of the Industrial and Provident Societies Act 1965 (societies which may be registered);
- (b) a credit union within the meaning of section 1 of the Credit Unions Act 1979 (registration under the Industrial and Provident Societies Act 1965);
- (c) a charitable institution within the meaning of section 58(1) of the Charities Act 1992 (interpretation of Part II);
- (d) a body entered on the Scottish Charity Register under section 3 of the Charities and Trustee Investment (Scotland) Act 2005 (Scottish Charities Register),
- (e) [<sup>F179</sup>a community interest company within the meaning of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004,]

which, except for a credit union, is licensed under the Consumer Credit Act 1974 and which may be determined by the Secretary of State as an appropriate body to which payments on behalf of the borrower may be made in respect of loans made by that body;

“eligible loan” means a loan made by a lender, who is at that time an eligible lender, to a borrower except a loan—

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- (a) which is secured by a charge or pledge;
- (b) which is for the purpose of business or self-employment; or
- (c) which was made by means of a credit card;

“loan agreement” means an agreement between the eligible lender and the borrower in respect of an eligible loan.

(2) In this paragraph “eligible benefit” means—

- (a) carer’s allowance;
- (b) the following contributory benefits—
  - (i) incapacity benefit;
  - (ii) retirement pension; <sup>F180</sup> ...
    - [ state pension under Part 1 of the Pensions Act 2014; or]
  - <sup>F181</sup>(iii)
- (c) the following benefits—
  - (i) income support;
  - (ii) jobseeker’s allowance;
  - (iii) state pension credit.
    - [ employment and support allowance.]
  - <sup>F182</sup>(iv)

(3) Where the conditions set out in sub-paragraph (4) are met the Secretary of State may deduct a sum from an eligible benefit to which the borrower is entitled equal to 5 per cent. of the personal allowance for a [<sup>F183</sup>single claimant] aged not less than 25 and pay that sum to the eligible lender towards discharge of the sum owing under the loan agreement at the date of the application.

(4) The conditions referred to in sub-paragraph (3) are—

- (a) the borrower has failed to make payments as agreed with the eligible lender for a period of 13 weeks before the date of the application and has not resumed making payments;
- (b) the borrower has given his written permission to the eligible lender to provide to the Secretary of State personal data within the meaning of section 1 of the Data Protection Act 1998 (basic interpretive provisions);
- (c) the eligible lender has agreed that no interest or other charge will be added to the amount owed at the date of the application;
- (d) no sum is being deducted under this paragraph;
- (e) no sum is being deducted from the borrower’s eligible benefit under section 71(8) of the 1992 Act (overpayments-general) at the date of the application; and
- (f) no sum is being deducted from the borrower’s eligible benefit under section 78 of the 1992 Act (recovery of social fund awards) at the date of the application.

(5) The Secretary of State shall notify the borrower and the eligible lender in writing of a decision to make a deduction under this paragraph.

(6) The Secretary of State may make deductions under this paragraph only if the borrower is entitled to an eligible benefit throughout any benefit week.

<sup>F184</sup>(6A) The Secretary of State shall not make deductions from a benefit mentioned in sub-paragraph (2) where the borrower is in receipt of any benefit within the meaning of “eligible benefit” in paragraph 11(8) (eligible loans) of Schedule 6 (deductions from benefit and direct payment to

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third parties) to the 2013 Regulations unless the amount of benefit mentioned in that definition is insufficient to meet the deduction.]

(7) The Secretary of State shall not make deductions from a benefit mentioned in sub-paragraph (2)(a) where the borrower is in receipt of another eligible benefit unless that benefit is one mentioned in sub-paragraph (2)(b) and is insufficient to enable the deduction to be made or is a benefit mentioned in sub-paragraph (2)(c) and the amount is insufficient to meet the deduction plus 10 pence.

(8) The Secretary of State shall not make deductions from a benefit mentioned in sub-paragraph (2)(b) where the borrower is in receipt of a benefit mentioned in sub-paragraph (2)(c) unless the amount of that benefit is insufficient to meet the deduction plus 10 pence.

(9) The Secretary of State shall cease making deductions from an eligible benefit [<sup>F185</sup>under this paragraph] if—

- (a) there is no longer sufficient entitlement to an eligible benefit to enable him to make the deduction;
- (b) entitlement to all eligible benefits has ceased;
- (c) a sum is deducted from the borrower's eligible benefit under section 71(8) of the 1992 Act;
- (d) an eligible lender notifies the Secretary of State that he no longer wishes to accept payments by deductions;
- (e) the borrower's liability to make payment in respect of the eligible loan has ceased;
- (f) the lender has ceased to be an eligible lender; or
- (g) the borrower no longer resides in Great Britain.

(10) The sums deducted from an eligible benefit by the Secretary of State under this paragraph shall be paid to the eligible lender.

(11) The Secretary of State shall notify the borrower in writing of the total of sums deducted by him under any application—

- (a) on receipt of a written request for such information from the borrower; or
- (b) on the termination of deductions.

(12) Where a deduction is made under this paragraph from a specified benefit, paragraph 8 (maximum amount of payment to third parties) is to have effect as if—

- (a) in sub-paragraph (1) for “and 7A” there were substituted “, 7A and 7C”; and
- (b) in sub-paragraph (2) for “and 7” there were substituted “, 7 and 7C”.]

#### Textual Amendments

**F178** Sch. 9 para. 7C inserted (27.12.2006) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2006 (S.I. 2006/3188), regs. 1, **2(3)(a)**

**F179** Words in Sch. 9 para. 7C(1) inserted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **3(2)(b)(i)**

**F180** Word in Sch. 9 para. 7C(2)(b)(ii) omitted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by virtue of The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(19)(b)(i)**

**F181** Sch. 9 para. 7C(2)(b)(iii) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(19)(b)(ii)**

**F182** Sch. 9 para. 7C(2)(c)(iv) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(7)**

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- F183** Words in Sch. 9 para. 7C(3) substituted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(b)(ii)**
- F184** Sch. 9 para. 7C(6A) inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **2(3)**
- F185** Words in Sch. 9 para. 7C(9) inserted (30.4.2010) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2010 \(S.I. 2010/870\)](#), regs. 1, **2(2)(a)**

### **[<sup>F186</sup>Integration loans**

**7D.** Subject to paragraphs 2(2), 8 and 9, where a person has an integration loan which is recoverable by deductions, any weekly amount payable shall be equal to 5 per cent. of the personal allowance of a single claimant aged not less than 25 years, including where the loan is a joint loan.]

### **Textual Amendments**

- F186** Sch. 9 para. 7D inserted (31.7.2007) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2007 \(S.I. 2007/1866\)](#), regs. 1, **2(b)**

### **[<sup>F187</sup>Tax credits overpayment debts and self-assessment debts**

**7E.—(1)** In this paragraph—

“self-assessment debt” means any debt which—

- (a) has arisen from submission of a self-assessment to Her Majesty’s Revenue and Customs under section 9 of the Taxes Management Act 1970 (returns to include self-assessment); and
- (b) is recoverable under Part 6 of that Act;

“tax credits overpayment debt” means any debt which is recoverable under section 29 of the Tax Credits Act 2002 (recovery of overpayments).

(2) Where the conditions set out in sub-paragraph (3) are met, the Secretary of State may deduct from a specified benefit to which the beneficiary is entitled a sum which is up to a maximum of 3 times 5 per cent of the personal allowance for a single claimant aged not less than 25 and pay that sum to Her Majesty’s Revenue and Customs towards discharge of any outstanding tax credits overpayment debt or self-assessment debt owed by the beneficiary to Her Majesty’s Revenue and Customs.

(3) The conditions mentioned in sub-paragraph (2) are—

- (a) that the beneficiary has given written consent to Her Majesty’s Revenue and Customs for deductions to be made from a specified benefit towards discharge of any outstanding tax credits overpayment debt or self-assessment debt owed by the beneficiary to Her Majesty’s Revenue and Customs; and
- (b) no sum is being deducted under this paragraph.

(4) The Secretary of State shall cease making deductions from a specified benefit under this paragraph if—

- (a) there is no longer sufficient entitlement to a specified benefit to enable deductions to be made;
- (b) entitlement to all specified benefits has ceased;
- (c) the beneficiary withdraws consent for the Secretary of State to make deductions from a specified benefit; or

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- (d) the beneficiary is no longer liable to repay any tax credits overpayment debt or self-assessment debt.
- (5) The Secretary of State shall notify the beneficiary in writing of the total sums deducted under this paragraph—
  - (a) on receipt of a written request for such information from the beneficiary; or
  - (b) on the termination of deductions.
- (6) Where a deduction is made under this paragraph from a specified benefit, paragraph 8 (maximum amount of payment to third parties) is to have effect as if—
  - (a) in sub-paragraph (1) for “and 7A” there were substituted “, 7A and 7E”; and
  - (b) in sub-paragraph (2) for “and 7D” there were substituted “, 7D and 7E”.]

**Textual Amendments**  
**F187** Sch. 9 para. 7E inserted (30.4.2010) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2010 \(S.I. 2010/870\)](#), regs. 1, **2(2)(b)**

**Maximum amount of payments to third parties**

**8.—(1)** The maximum aggregate amount payable under [<sup>F188</sup>paragraphs] 3(2)(a), 5(6), 6(2)(a) [<sup>F189</sup>, 7(3)(a) [<sup>F190</sup>, 7(5)(a) and 7A]]<sup>F191</sup>...[<sup>F192</sup>, and][<sup>F193</sup>regulation 5 of the Council Tax Regulations and regulation 4 of the Fines Regulations][<sup>F194</sup>, and in respect of an integration loan which is recoverable by deductions] shall not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years.

(2) The maximum [<sup>F195</sup>aggregate] amount payable under [<sup>F196</sup>paragraphs 3(2)(a), 5, 6[<sup>F197</sup>,7 and 7D]] shall not without the consent of the beneficiary, exceed [<sup>F198</sup>a sum calculated in accordance with sub-paragraph (4);]

<sup>F199</sup>[<sup>F200</sup>(2A)] .....

<sup>F201</sup>[<sup>F202</sup>(3)] .....

[<sup>F203</sup>(4) The sum referred to in sub-paragraph (2) is—

- (a) where the claimant or partner does not receive child tax credit, 25 per cent of—
  - (i) in the case of income support, the applicable amount for the family as is awarded under sub-paragraphs (a) to (d) of regulation 17(1) (applicable amounts) or sub-paragraphs (a) to (e) of regulation 18(1) (polygamous marriages) of the Income Support Regulations;
  - (ii) in the case of jobseeker’s allowance, the applicable amount for the family as is awarded under paragraphs (a) to (e) of regulation 83 (applicable amounts) or sub-paragraphs (a) to (f) of regulation 84(1) (polygamous marriages) of the Jobseeker’s Allowance Regulations;<sup>F204</sup>...
  - (iii) in the case of state pension credit, the appropriate minimum guarantee less any housing costs under Schedule 2 to the State Pension Credit Regulations 2002 which may be applicable in the particular case; or
  - [ in the case of an employment and support allowance, the applicable amount for the
- <sup>F205</sup>[<sup>F206</sup>(iv) family as is awarded under paragraph (1)(a) and (b) of regulation 67 (prescribed amounts) or paragraph (1)(a) to (c) of regulation 68 (polygamous marriages) of the Employment and Support Allowance Regulations; or]]

(b) where the claimant or his partner receives child tax credit, 25 per cent of the sum of—

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- (i) the amount mentioned in [<sup>F207</sup> sub-paragraphs (a)(i) to (iv)], which applies to the claimant;
- (ii) the amount of child benefit awarded to him or his partner by the Board under Part 2 of the Tax Credits Act 2002; and
- (iii) the amount of child tax credit awarded to him or his partner by the Board under section 8 of that Act.]

### Textual Amendments

- F188** Words in Sch. 9 para. 8(1) substituted (8.4.1996) by The Child Support (Maintenance Assessments and Special Cases) and Social Security (Claims and Payments) Amendment Regulations 1996 (S.I. 1996/481), regs. 1(1), **6**
- F189** Words in Sch. 9 para. 8(1) substituted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **19(a)**
- F190** Words in Sch. 9 para. 8(1) substituted (1.4.1993) by The Deductions from Income Support (Miscellaneous Amendment) Regulations 1993 (S.I. 1993/495), regs. 1(1), **2(3)(a)**
- F191** Words in Sch. 9 para. 8(1) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(2)(a)**
- F192** Words in Sch. 9 para. 8(1) inserted (1.4.1993) by The Deductions from Income Support (Miscellaneous Amendment) Regulations 1993 (S.I. 1993/495), regs. 1(1), **2(3)(b)**
- F193** Words in Sch. 9 para. 8(1) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(4)**
- F194** Words in Sch. 9 para. 8(1) inserted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(c)(i)**
- F195** Words in Sch. 9 para. 8(2) inserted (5.12.1990) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1990 (S.I. 1990/2208), regs. 1(1)(c), **16(3)(a)**
- F196** Words in Sch. 9 para. 8(2) substituted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **19(b)(i)**
- F197** Words in Sch. 9 para. 8(2) substituted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(c)(ii)**
- F198** Words in Sch. 9 para. 8(2) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(d)(i)**
- F199** Sch. 9 para. 8(2A) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(d)(ii)**
- F200** Sch. 9 para. 8(2A) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(f)**
- F201** Sch. 9 para. 8(3) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(2)(b)**
- F202** Sch. 9 para. 8(3) inserted (25.5.1992 for specified purposes and for specified purposes and with effect in accordance with reg. 1(3)(4)) by The Social Security (Claims and Payments) Amendment Regulations 1992 (S.I. 1992/1026), **reg. 1(3)(4)**, 5(3)(b)
- F203** Sch. 9 para. 8(4) added (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(d)(iii)**
- F204** Word in Sch. 9 para. 8(4)(a)(ii) omitted (27.7.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(8)(a)**
- F205** Sch. 9 para. 8(4)(a)(iv) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(8)(b)**
- F206** Sch. 9 para. 8(4)(a)(iv) substituted (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 1(2), **Sch. 4 para. 67** (with reg. 3)

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**F207** Words in Sch. 9 para. 8(4)(b)(i) substituted (1.4.2012) by [The Social Security \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/757\)](#), regs. 1(4), **15(4)(b)**

**Modifications etc. (not altering text)**

**C3** Sch. 9 para. 8 modified by SI 2010/1907 Sch. 2 para. 21(b)(ii) (as amended) (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **17(10)**

**Priority as between certain debts**

9.—<sup>F208</sup>(1) .....

<sup>F208</sup>(1A) Where in any one week—

- (a) more than one of paragraphs 3 to [<sup>F209</sup>7A, 7C or 7E] are applicable to the beneficiary; or
- (b) one or more of those paragraphs are applicable to the beneficiary and one or more of the following provisions, namely, Schedule 9A, regulation 2 of the Community Charges Regulations, [<sup>F210</sup>regulation 3 of the Community Charges Regulations, regulation 3 of the Community Charges (Scotland) Regulations, regulation 4 of the Fines Regulations<sup>F211</sup>, regulation 5 of the Council Tax Regulations and regulation 9 of the Integration Loans for Refugees and Others Regulations 2007] also applies; and
- (c) the amount of the specified benefit which may be made to third parties is insufficient to meet the whole of the liabilities for which provision is made;

the order of priorities specified in sub-paragraph (1)(B) shall apply.

(1B) The order of priorities which shall apply in sub-paragraph (1)(A) is—

<sup>F212</sup>(za) .....

- (a) any liability mentioned in paragraph 3 (housing costs)<sup>F213</sup>, paragraph 4 (miscellaneous accommodation costs) or paragraph 4A (hostel payments)];
- (b) any liability mentioned in paragraph 5 (service charges for fuel and rent not falling within paragraph 2(1)(a));
- (c) any liability mentioned in paragraph 6 (fuel costs);
- (d) any liability mentioned in paragraph 7 (water charges);
- (e) any liability mentioned in [<sup>F214</sup>regulation 3 of the Community Charges Regulations (deductions from income support etc.), regulation 3 of the Community Charges (Scotland) Regulations (deductions from income support etc.) or any liability mentioned in regulation 5 of the Council Tax Regulations (deductions from debtor’s income support etc.)];
- (f) any liability mentioned in [<sup>F215</sup>regulation 4 of the Fines Regulations (deductions from offender’s income support etc.)];
- (g) any liability mentioned in paragraph 7A (payments in place of payments of child support maintenance).]

<sup>F216</sup>(ga) any liability to repay an integration loan which is recoverable by deductions.]

<sup>F217</sup>(h) any liability mentioned in paragraph 7C (liability in respect of loans).]

<sup>F218</sup>(i) any liability mentioned in paragraph 7E (tax credits overpayment debts and self-assessment debts).]

<sup>F219</sup>(2) .....

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(3) As between liabilities for items of gas or electricity the [<sup>F220</sup>Secretary of State] shall give priority to whichever liability it considers it would, having regard to the circumstances and to any requests of the beneficiary, be appropriate to discharge.

<sup>F221</sup>(4) .....

**Textual Amendments**

- F208** Sch. 9 para. 9(1A)(1B) substituted for Sch. 9(1) (1.4.1993) by The Deductions from Income Support (Miscellaneous Amendment) Regulations 1993 (S.I. 1993/495), regs. 1(1), **2(4)**
- F209** Words in Sch. 9 para. 9(1A)(a) substituted (30.4.2010) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2010 (S.I. 2010/870), regs. 1, **2(2)(c)(i)**
- F210** Words in Sch. 9 para. 9(1A)(b) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(5)(a)**
- F211** Words in Sch. 9 para. 9(1A)(b) substituted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(d)(i)**
- F212** Sch. 9 para. 9(1B)(za) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(2)(d)**
- F213** Words in Sch. 9 para. 9(1B)(a) added (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **3(2)(b)**
- F214** Words in Sch. 9 para. 9(1B)(e) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(5)(b)**
- F215** Words in Sch. 9 para. 9(1B)(f) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(5)(c)**
- F216** Sch. 9 para. 9(1A)(ga) inserted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(d)(ii)**
- F217** Sch. 9 para. 9(1B)(h) added (27.12.2006) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2006 (S.I. 2006/3188), regs. 1, **2(3)(b)(ii)**
- F218** Sch. 9 para. 9(1B)(i) added (30.4.2010) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2010 (S.I. 2010/870), regs. 1, **2(2)(c)(ii)**
- F219** Sch. 9 para. 9(2) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(c) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F220** Words in Sch. 9 para. 9(3) substituted (18.10.1999 for specified purposes) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), reg. 3(1), **Sch. 3 para. 12(a)**
- F221** Sch. 9 para. 9(4) omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **20**

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**Changes and effects yet to be applied to :**

- Sch. 9 para. 4(2A) sum substituted by [S.I. 2024/386 reg. 5](#)