
STATUTORY INSTRUMENTS

1995 No. 2927

The Social Security (Income Support, Claims and Payments and Adjudication) Amendment Regulations 1995

Amendment of Schedule 3 to the Income Support Regulations

5.—(1) Schedule 3 to the Income Support Regulations⁽¹⁾ (housing costs) shall be amended in accordance with the following paragraphs.

(2) In paragraph 1 (housing costs)—

- (a) in sub-paragraph (2), in the definition of “existing housing costs”, “to a third party” shall be omitted;
- (b) in head (b) of sub-paragraph (3), “who is a non-dependant but” shall be omitted.

(3) In head (c) of sub-paragraph (11) of paragraph 3 (circumstances in which a person is to be treated as occupying a dwelling as his home), in part (x), for “from another” there shall be substituted “, or by a person”.

(4) In paragraph 4 (housing costs not met)—

(a) for sub-paragraph (4), there shall be substituted the following sub-paragraph—

“(4) The “relevant period” for the purposes of this paragraph is any period during which the person to whom the loan was made —

- (a) is entitled to income support, or
- (b) is living as a member of a family one of whom is entitled to income support,

together with any linked period, that is to say a period falling between two such periods of entitlement to income support separated by not more than 26 weeks.”;

(b) in sub-paragraph (8), “new” shall be omitted;

(c) in sub-paragraph (11), for “in accordance with this Schedule” there shall be substituted “by way of housing costs”.

(5) In paragraph 6 (existing housing costs)—

(a) in sub-paragraph (1), for “in receipt of” in both places where those words occur, there shall be substituted “entitled to”;

(b) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) For the purposes of sub-paragraph (1), the eligible capital for the time being owing shall be determined on the date the existing housing costs are first met and thereafter on each anniversary of that date.”.

(6) In sub-paragraph (7) of paragraph 7 (transitional protection), after “2nd October 1995”, there shall be inserted “provided the claim is made not more than 12 weeks after the last day of entitlement to housing costs relating to a claim made by the person to whom sub-paragraph (6) applies”.

(7) In paragraph 8 (new housing costs)—

(a) in sub-paragraph (1), for “in receipt of” there shall be substituted “entitled to”;

(1) Schedule 3 was substituted by S.I.1995/1613.

(b) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) For the purposes of sub-paragraph (1), the eligible capital for the time being owing shall be determined on the date the new housing costs are first met and thereafter on each anniversary of that date.”.

(8) In paragraph 11 (general provisions applying to new and existing housing costs)—

(a) sub-paragraph (1) shall be omitted;

(b) in sub-paragraph (3), for “Sub-paragraphs (1) and (2) do” there shall be substituted “Sub-paragraph (2) does”;

(c) after sub-paragraph (9) there shall be inserted the following sub-paragraphs—

“(10) Where in any case the amount for the time being specified for the purposes of sub-paragraph (5) is exceeded and there are two or more loans to be taken into account under either or both paragraphs 15 and 16, then the amount of eligible interest in respect of each of those loans to the extent that the loans remain outstanding shall be determined as if each loan had been reduced to a sum equal to the qualifying portion of that loan.

(11) For the purposes of sub-paragraph (10), the qualifying portion of a loan shall be determined by applying the following formula—

$$R \times \frac{S}{T}$$

where—

R = the amount for the time being specified for the purposes of sub-paragraph (4);
 S = the amount of the outstanding loan to be taken into account;
 T = the aggregate of all outstanding loans to be taken into account under paragraphs 15 and 16.”.

(9) In paragraph 12 (the standard rate), sub-paragraph (4) shall be omitted.

(10) In paragraph 14 (linking rule)—

(a) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(3A) Where, for the purposes of sub-paragraphs (1) and (3), a person is treated as being in receipt of income support, for a certain period, he shall be treated as being entitled to income support for the same period.”;

(b) in sub-paragraph (5), for “less” there shall be substituted “more”;

(c) after sub-paragraph (5), there shall be inserted the following sub-paragraphs—

“(5A) Subject to sub-paragraph (5B), a person to whom sub-paragraph (4) applies and who is either a person to whom paragraph 4 of Schedule 1(2) applies (persons with caring responsibilities not required to be available for employment) or a lone parent shall, for the purposes of this Schedule, be treated as entitled to income support throughout any period of not more than 39 weeks following the refusal of a claim for income support made by or on behalf of that person.

(5B) Sub-paragraph (5A) shall not apply in relation to a person mentioned in that sub-paragraph who, during the period referred to in that sub-paragraph—

(a) is engaged in, or is treated as engaged in, remunerative work or whose partner is engaged in, or is treated as engaged in, remunerative work;

(b) is treated as not available for employment by virtue of regulation 10(1)(h)(3) (circumstances in which students are not treated as available for employment);

(2) Paragraph 4 was substituted by S.I. 1991/1559 and amended by S.I. 1991/2742.

(3) Regulation 10(1)(h) was substituted by S.I. 1990/1549 and amended by S.I. 1990/1657.

- (c) is temporarily absent from Great Britain, other than in the circumstances specified in regulation 4(2) and (3)(4) (temporary absence from Great Britain).”;
 - (d) in sub-paragraph (6)—
 - (i) for “sub-paragraph (5) applies” there shall be substituted “sub-paragraphs (5) and (5A) apply”,
 - (ii) for “sub-paragraph (5)” there shall be substituted “sub-paragraphs (5) and (5A)”,
 - (iii) for “less” there shall be substituted “more”;
 - (e) sub-paragraph (7) shall be omitted;
 - (f) in sub-paragraph (9), for “in receipt of” in both places where those words occur, there shall be substituted “entitled to”.
- (11) In paragraph 18 (non-dependant deductions)—
- (a) in head (a) of sub-paragraph (1)—
 - (i) after “any”, there shall be inserted “remunerative”,
 - (ii) “for which payment is made or which is done in expectation of payment” shall be omitted;
 - (b) in sub-paragraph (2), before “work” there shall be inserted “remunerative”;
 - (c) in sub-paragraph (8), before “work” there shall be inserted “remunerative”.