

SCHEDULES

SCHEDULE 2

Regulations 83(f) and 84(1)(g)

HOUSING COSTS

Modifications etc. (not altering text)

- C1** Sch. 2 para. 4A applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(2), **6(a)** (with regs. 3, 7)
- C2** Sch. 2 para. 4A applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(b)** (with reg. 8)

Housing Costs

1.—(1) Subject to the following provisions of this Schedule, the housing costs applicable to a claimant are those costs—

- (a) which he or, where he is a member of a family, he or any member of that family is, in accordance with paragraph 2, liable to meet in respect of the dwelling occupied as the home which he or any other member of his family is treated as occupying; and
- (b) which qualify [^{F1}under paragraph 16].

(2) In this Schedule—

“housing costs” means those costs to which sub-paragraph (1) refers;

F2 ...

F2 ...

F3 ...

(3) For the purposes of this Schedule a disabled person is a person—

- (a) in respect of whom a disability premium, a disabled child premium, a pensioner premium where the claimant's partner has attained the age of 75 or a higher pensioner premium is included in his applicable amount or the applicable amount of a person living with him; or
- (b) who, had he in fact been entitled to a jobseeker's allowance or to income support, would have had included in his applicable amount a disability premium, a disabled child premium, a pensioner premium where the claimant's partner has attained the age of 75 or a higher pensioner premium; or
- (c) who satisfies the requirements of paragraph 9 A of Schedule 2 to the Income Support [^{F4}Regulations]^{F5} (pensioner premium for person aged 75 or over)^{F6; F7} ...
- (d) who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002^{F8} or

^{F9}(e) who—

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- (i) is in receipt of an employment and support allowance which includes an amount under section 2(2)^{F10} ... or 4(4)^{F10} ... of the Welfare Reform Act [^{F11}(component) [^{F12}or who is a member of the work-related activity group]]; or
- (ii) would be entitled to an employment and support allowance ^{F13}..., but for the application of section 1A of that Act (duration of contributory allowance)]]^{F14}; or
- (f) who is entitled to an award of universal credit [^{F15}and has limited capability for work or limited capability for work and work-related activity as construed in accordance with regulations 39 and 40 of the Universal Credit Regulations 2013].]

(4) For the purposes of sub-paragraph (3), a person shall not cease to be a disabled person on account of his being disqualified for receiving benefit or treated as capable of work by virtue of the operation of section 171E of the Benefits Act ^{F16} (incapacity for work, disqualification etc.) [^{F17}or disqualified for receiving employment and support allowance or treated as not having limited capability for work in accordance with regulations made under section 18 of the Welfare Reform Act (disqualification)].

Textual Amendments

- F1** Words in Sch. 2 para. 1(1)(b) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(i)**
- F2** Words in Sch. 2 para. 1(2) omitted (1.4.2016) by virtue of The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, **3(2)(a)** (with reg. 8)
- F3** Words in Sch. 2 para. 1(2) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(ii)**
- F4** Word in Sch. 2 para. 1(3)(c) substituted (7.10.1996) by The Jobseeker's Allowance (Amendment) Regulations 1996 (S.I. 1996/1516), reg. 1(1), **Sch. Pt. 2**
- F5** Paragraph 9A was inserted by S.I. 1989/534.
- F6** Sch. 2 para. 1(3)(d) and word inserted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(3), **13(11)(a)**
- F7** Word in Sch. 2 para. 1(3)(c) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(a)(i)(aa)**
- F8** Sch. 2 para. 1(3)(e) and word added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(a)(i)(bb)**
- F9** Sch. 2 para. 1(3)(e) substituted (1.5.2012) by The Employment and Support Allowance (Duration of Contributory Allowance) (Consequential Amendments) Regulations 2012 (S.I. 2012/913), regs. 1(2), **4**
- F10** Words in Sch. 2 para. 1(3)(e)(i) omitted (3.4.2017) by virtue of The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 3(3)(a)(i)(aa)** (with Sch. 2 paras. 1-7)
- F11** Word in Sch. 2 para. 1(3)(e)(i) substituted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 3(3)(a)(i)(bb)** (with Sch. 2 paras. 1-7)
- F12** Words in Sch. 2 para. 1(3)(e)(i) inserted (23.6.2017) by The Employment and Support Allowance (Miscellaneous Amendments and Transitional and Savings Provision) Regulations 2017 (S.I. 2017/581), regs. 1, **3** (with reg. 10)
- F13** Words in Sch. 2 para. 1(3)(e)(ii) omitted (3.4.2017) by virtue of The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 3(3)(a)(ii)** (with Sch. 2 paras. 1-7)
- F14** Sch. 2 para. 1(3)(f) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **30(7)(a)**

F15 Words in Sch. 2 para. 1(3)(f) substituted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 12**

F16 Section 171E was inserted by the Social Security (Incapacity for Work) Act 1994 (c.18), **section 6(1)**.

F17 Words in Sch. 2 para. 1(4) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(a)(ii)**

Modifications etc. (not altering text)

C3 Sch. 2 para. 1(2) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(a)** (with reg. 8)

[^{F18}^{F19}Previous entitlement to income support^{F20}, income-related employment and support allowance] or state pension credit]

1A.—(1) Where a claimant or his partner was in receipt of or was treated as being in receipt of income support [^{F21}or income-related employment and support allowance] not more than 12 weeks before one of them becomes entitled to income-based jobseeker's allowance or, where the claimant or his partner is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

- (a) the applicable amount for income support [^{F21}or income-related employment and support allowance] included an amount in respect of housing costs [^{F22}under paragraph 17 of Schedule 3] to the Income Support Regulations [^{F23}or [^{F24}under paragraph 18 of Schedule 6] to the Employment and Support Allowance Regulations]; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income-based jobseeker's allowance shall be the applicable amount in respect of those costs current when entitlement to income support [^{F21}or income-related employment and support allowance] was last determined.

[^{F25}(1ZA) Where a claimant or his partner was in receipt of state pension credit not more than 12 weeks before one of them becomes entitled to income-based jobseeker's allowance or, where the claimant or his partner is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

- (a) the appropriate minimum guarantee included an amount in respect of housing costs [^{F26}under paragraph 13 of Schedule II] to the State Pension Credit Regulations 2002; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income-based jobseekers allowance shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.]

[^{F27}(1A) Where either member of a joint-claim couple was in receipt of or treated as being in receipt of income support [^{F21}or income-related employment and support allowance] not more than 12 weeks before the couple becomes entitled to a joint-claim jobseeker's allowance, or, where either member is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

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- (a) the applicable amount for income support [^{F21}or income-related employment and support allowance] included an amount in respect of housing costs [^{F28}under paragraph 17 of Schedule 3] to the Income Support Regulations [^{F29}or [^{F30}under paragraph 18 of Schedule 6] to the Employment and Support Allowance Regulations]; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for joint-claim jobseeker's allowance shall be the applicable amount in respect of those costs current when entitlement to income support [^{F21}or income-related employment and support allowance] was last determined.]

[^{F31}(1B) Where either member of a joint-claim couple was in receipt of state pension credit not more than 12 weeks before the couple becomes entitled to a joint-claim jobseeker's allowance, or, where either member is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

- (a) the appropriate minimum guarantee included an amount in respect of housing costs [^{F32}under paragraph 13 of Schedule II] to the State Pension Credit Regulations 2002; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for joint-claim jobseeker's allowance shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.]

(2) Where, in the period since housing costs were last calculated for income support [^{F21}or income-related employment and support allowance][^{F33}or (as the case may be) state pension credit], there has been a change of circumstances, other than a reduction in the amount of an outstanding loan, which increases or reduces those costs, the amount to be met under this Schedule shall, for the purposes of the claim for income-based jobseeker's allowance, be recalculated so as to take account of that change.]

Textual Amendments

- F18** Sch. 2 para. 1A inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), regs. 1, **3(2)(a)**
- F19** Sch. 2 para. 1A heading substituted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **4(2)(a)(i)**
- F20** Words in Sch. 2 para. 1A heading inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(b)(i)**
- F21** Words in Sch. 2 para. 1A inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(b)(ii)**
- F22** Words in Sch. 2 para. 1A(1)(a) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 3(f)(iii)(aa)**
- F23** Words in Sch. 2 para. 1A(1)(a) added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(b)(iii)**
- F24** Words in Sch. 2 para. 1A(1)(a) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 3(f)(iii)(bb)**
- F25** Sch. 2 para. 1A(1ZA) added (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **4(2)(a)(iii)**

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- F26** Words in Sch. 2 para. 1A(1ZA)(a) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(iv)**
- F27** Sch. 2 para. 1A(1A) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(2)**
- F28** Words in Sch. 2 para. 1A(1A)(a) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(v)(aa)**
- F29** Words in Sch. 2 para. 1A(1A)(a) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(b)(iv)**
- F30** Words in Sch. 2 para. 1A(1A)(a) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(v)(bb)**
- F31** Sch. 2 para. 1A(1B) added (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(a)(iv)**
- F32** Words in Sch. 2 para. 1A(1B)(a) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(vi)**
- F33** Words in Sch. 2 para. 1A(2) inserted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(a)(v)**

Circumstances in which a person is liable to meet housing costs

2.—(1) A person is liable to meet housing costs where—

- (a) the liability falls upon him or his partner [^{F34}or, where that person is a member of a joint-claim couple, the other member of that couple,] but not where the liability is to a member of the same household as the person on whom the liability falls;
- (b) because the person liable to meet the housing costs [^{F35}is not meeting them], the claimant has to meet those costs in order to continue to live in the dwelling occupied as the home and it is reasonable in all the circumstances to treat the claimant as liable to meet those costs;
- (c) he in practice shares the housing costs with other members of the household none of whom are close relatives either of the claimant or his partner, [^{F34}or, where that person is a member of a joint-claim couple, the other member of that couple,] and
 - (i) one or more of those members is liable to meet those costs, and
 - (ii) it is reasonable in the circumstances to treat him as sharing responsibility.

(2) Where any one or more, but not all, members of the claimant's family are affected by a trade dispute, the housing costs shall be treated as wholly the responsibility of those members of the family not so affected.

Textual Amendments

- F34** Words in Sch. 2 para. 2(1)(a)(c) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(3)**
- F35** Words in Sch. 2 para. 2(1)(b) substituted (7.10.1996) by The Jobseeker's Allowance (Amendment) Regulations 1996 (S.I. 1996/1516), reg. 1(1), **Sch. Pt. 2**

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Circumstances in which a person is to be treated as occupying a dwelling as his home

3.—(1) Subject to the following provisions of this paragraph, a person shall be treated as occupying as his home the dwelling normally occupied as his home by himself or, if he is a member of a family, by himself and his family and he shall not be treated as occupying any other dwelling as his home.

(2) In determining whether a dwelling is the dwelling normally occupied as the claimant's home for the purposes of sub-paragraph (1) regard shall be had to any other dwelling occupied by the claimant or by him and his family whether or not that other dwelling is in Great Britain.

(3) Subject to sub-paragraph (4), where a single claimant or a lone parent is a full-time student or is on a training course and is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case, analogous payments) in respect of either (but not both) the dwelling which he occupies for the purpose of attending his course of study or his training course or, as the case may be, the dwelling which he occupies when not attending his course, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(4) A full-time student shall not be treated as occupying a dwelling as his home for any week of absence from it, other than an absence occasioned by the need to enter hospital for treatment, outside the period of study, if the main purpose of his occupation during the period of study would be to facilitate attendance on his course.

(5) Where a claimant has been required to move into temporary accommodation by reason of essential repairs being carried out to the dwelling normally occupied as his home and he is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case, analogous payments) in respect of either (but not both) the dwelling normally occupied or the temporary accommodation, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make those payments.

(6) Where a person is liable to make payments in respect of two (but not more than two) dwellings, he shall be treated as occupying both dwellings as his home only—

- (a) where he has left and remains absent from the former dwelling occupied as the home through fear of violence in that dwelling or by a former member of his family and it is reasonable that housing costs should be met in respect of both his former dwelling and his present dwelling occupied as the home; or
- (b) in the case of a couple or a member of a polygamous marriage where a partner is a full-time student or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and reasonable that housing costs should be met in respect of both dwellings; or
- (c) in the case where a person has moved into a new dwelling occupied as the home, except where sub-paragraph (5) applies, for a period not exceeding four benefit weeks [^{F36}from the first day of the benefit week in which the move occurs] if his liability to make payments in respect of two dwellings is unavoidable.

(7) Where—

- (a) a person has moved into a dwelling and was liable to make payments in respect of that dwelling before moving in; and
- (b) he had claimed a jobseeker's allowance before moving in and either that claim has not yet been determined or it has been determined but an amount has not been included under this Schedule and if the claim has been refused a further claim has been made within four weeks of the date on which the claimant moved into the new dwelling occupied as the home; and

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- (c) the delay in moving into the dwelling in respect of which there was liability to make payments before moving in was reasonable and—
 - (i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of the claimant or any member of his family; or
 - [^{F37}(ii) the move was delayed pending [^{F38}local welfare provision or] the outcome of an application under Part 8 of the Benefits Act for a social fund payment to meet a need arising out of the move or in connection with setting up the home in the dwelling, and—
 - (aa) a member of the claimant's family is aged five or under,
 - (bb) the claimant's applicable amount includes a premium under paragraph 10, 11, 12, 13, 15 or 16 of Schedule 1 (applicable amounts), or
 - (cc) a child tax credit is paid for a member of the claimant's family who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002; or]
 - (iii) the person became liable to make payments in respect of the dwelling while he was a patient or was in residential accommodation,

he shall be treated as occupying the dwelling as his home for any period not exceeding four weeks immediately prior to the date on which he moved into the dwelling and in respect of which he was liable to make payments.

- (8) This sub-paragraph applies to a person who enters residential accommodation—
 - (a) for the purpose of ascertaining whether the accommodation suits his needs; and
 - (b) with the intention of returning to the dwelling which he normally occupies as his home should, in the event, the residential accommodation prove not to suit his needs,

and while in the accommodation, the part of the dwelling which he normally occupies as his home is not let, or as the case may be, sub-let to another person.

(9) A person to whom sub-paragraph (8) applies shall be treated as occupying the dwelling he normally occupies as his home during any period (commencing with the day he enters the accommodation) not exceeding 13 weeks in which the person is resident in the accommodation, but only in so far as the total absence from the dwelling does not exceed 52 weeks.

(10) A person, other than a person to whom sub-paragraph (11) applies, shall be treated as occupying a dwelling as his home throughout any period of absence not exceeding 13 weeks, if, and only if—

- (a) he intends to return to occupy the dwelling as his home; and
- (b) the part of the dwelling normally occupied by him has not been let or, as the case may be, sub-let to another person; and
- (c) the period of absence is unlikely to exceed 13 weeks.

(11) This sub-paragraph applies to a person whose absence from the dwelling he normally occupies as his home is temporary and—

- (a) he intends to return to occupy the dwelling as his home; and
- (b) while the part of the dwelling which is normally occupied by him has not been let or, as the case may be, sub-let; and
- (c) he is—

[^{F39}(i) required, as a condition of bail, to reside—

- (aa) in a dwelling, other than the dwelling he occupies as his home; or

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- (bb) in premises approved under [^{F40}section 13 of the Offender Management Act 2007], or
- (ii) resident in a hospital or similar institution as a patient and is treated under regulation 55 as capable of work, or
 - (iii) undergoing or, as the case may be, his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation, or
 - (iv) following, in the United Kingdom or elsewhere, a training course, or
 - (v) undertaking medically approved care of a person residing in the United Kingdom or elsewhere, or
 - (vi) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment, or
 - (vii) a person who is, whether in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation, or
 - (viii) a full-time student to whom sub-paragraph (3) or (6)(b) does not apply, or
 - (ix) a person other than a person to whom sub-paragraph (8) applies, who is receiving care provided in residential accommodation, or
 - (x) a person to whom sub-paragraph (6)(a) does not apply and who has left the dwelling he occupies as his home through fear of violence in that dwelling or by a person who was formerly a member of [^{F41}his] family, and
- (d) the period of his absence is unlikely to exceed a period of 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.
- (12) A person to whom sub-paragraph (11) applies is to be treated as occupying the dwelling he normally occupies as his home during any period of absence not exceeding 52 weeks beginning with the first day of that absence.
- (13) In this paragraph—
- (a) “medically approved” means certified by a registered medical practitioner;
 - (b) “patient” means a person who is undergoing medical or other treatment as an in-patient in a hospital or similar institution;
 - [^{F42}(c) “residential accommodation” means accommodation which is a care home, an Abbeyfield Home or an independent hospital;]
 - (d) “training course” means such a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, [^{F43}Skills Development Scotland,] Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

Textual Amendments

- F36** Words in Sch. 2 para. 3(6)(c) inserted (8.1.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2006 \(S.I. 2006/3274\)](#), regs. 1, **3**
- F37** Sch. 2 para. 3(7)(c)(ii) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **13(11)(b)**
- F38** Words in Sch. 2 para. 3(7)(c)(ii) inserted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **4(11)(a)**

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- F39** Sch. 2 para. 3(11)(c)(i) substituted (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **6(a)**
- F40** Words in Sch. 2 para. 3(11)(c)(ii)(bb) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(10)(a)**
- F41** Word in Sch. 2 para. 3(11)(c)(x) substituted (7.10.1996) by The Jobseeker's Allowance (Amendment) Regulations 1996 (S.I. 1996/1516), reg. 1(1), **Sch. Pt. 2**
- F42** Sch. 2 para. 3(13)(c) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 9(a)**
- F43** Words in Sch. 2 para. 3(13)(d) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **4(3)(i)**

Housing costs not met

- 4.—(1) No amount may be met under the provisions of this Schedule—
- (a) in respect of housing benefit expenditure; or
 - (b) where [^{F44}a claimant] is [^{F45}living in a care home, an Abbeyfield Home or an independent hospital except where he is living in such a home or hospital]during a temporary absence from the dwelling he occupies as his home and in so far as they relate to temporary absences, the provisions of paragraph 3(8) to (12) apply to him during that absence.

- F⁴⁶(2)
- F⁴⁶(3)
- F⁴⁶(4)
- F⁴⁶[^{F47}(4A)]
- F⁴⁶[^{F48}(4B)]
- F⁴⁶(5)
- F⁴⁶(6)
- F⁴⁶(7)
- F⁴⁶(8)
- F⁴⁶(9)
- F⁴⁶(10)
- F⁴⁶(11)
- F⁴⁶(12)

Textual Amendments

- F44** Words in Sch. 2 para. 4 substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(4)(a)**
- F45** Sch. 2 para. 4(1)(b) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 9(b)**
- F46** Sch. 2 para. 4(2)-(12) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(vii)**
- F47** Sch. 2 para. 4(4A) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **13(2)**

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F48 Sch. 2 para. 4(4B) inserted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, 4(2)(b)

Apportionment of housing costs

- 5.—(1) Where the dwelling occupied as the home is a composite hereditament and—
- (a) before 1st April 1990 for the purposes of section 48(5) of the General Rate Act 1967^{F49} (reduction of rates on dwellings), it appeared to a rating authority or it was determined in pursuance of sub-section (6) of section 48 of that Act that the hereditament, including the dwelling occupied as the home, was a mixed hereditament and that only a proportion of the rateable value of the hereditament was attributable to use for the purpose of a private dwelling; or
 - (b) in Scotland, before 1st April 1989 an assessor acting pursuant to section 45(1) of the Water (Scotland) Act 1980^{F50} (provision as to valuation roll) has apportioned the net annual value of the premises including the dwelling occupied as the home between the part occupied as a dwelling and the remainder,

the amounts applicable under this Schedule shall be such proportion of the amounts applicable in respect of the hereditament or premises as a whole as is equal to the proportion of the rateable value of the hereditament attributable to the part of the hereditament used for the purposes of a private tenancy or, in Scotland, the proportion of the net annual value of the premises apportioned to the part occupied as a dwelling house.

(2) subject to sub-paragraph (1) and the following provisions of this paragraph, where the dwelling occupied as the home is a composite hereditament, the amount applicable under this Schedule shall be the relevant fraction of the amount which would otherwise be applicable under this Schedule in respect of the dwelling occupied as the home.

(3) For the purposes of sub-paragraph (2), the relevant fraction shall be obtained in accordance with the formula—

$$\frac{A}{A+B}$$

where— “A” is the current market value of the claimant’s interest in that part of the composite hereditament which is domestic property within the meaning of section 66 of the Act of 1988;

“B” is the current market value of the claimant’s interest in that part of the composite hereditament which is not domestic property within that section.

(4) In this paragraph—

“composite hereditament” means—

- (a) as respects England and Wales, any hereditament which is shown as a composite hereditament in a local non-domestic rating list;
- (b) as respects Scotland, any lands and heritages entered in the valuation roll which are part residential subjects within the meaning of section 26(1) of the Act of 1987;

“local non-domestic rating list” means a list compiled and maintained under section 41(1) of the Act of 1988;

“the Act of 1987” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987^{F51};

“the Act of 1988” means the Local Government Finance Act 1988^{F52}.

(5) Where responsibility for expenditure which relates to housing costs met under this Schedule is shared, the amounts applicable shall be calculated by reference to the appropriate proportion of that expenditure for which the claimant is responsible.

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Textual Amendments

- F49** 1967 c.9; sections 48(5) and (6) were amended by the Local Government, Planning. and Land Act 1980 (c.65), **section 33**; section 48(6) was also amended by the Rates Act 1984 (c.33), **section 16** and Schedule 1, paragraph 10.
- F50** 1980 c.45.
- F51** 1987 c.47.
- F52** 1988 c.41.

Modifications etc. (not altering text)

- C4** Sch. 2 para. 5(3): sum confirmed (coming into force in accordance with art. 1(2)(k) of the amending S.I.) by The Social Security Benefits Up-rating Order 2017 (S.I. 2017/260), arts. 1(2)(k), 24(1)(8), **Sch. 12**

Existing housing costs

^{F53}6.

Textual Amendments

- F53** Sch. 2 para. 6 omitted (1.4.2016) by virtue of The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, **3(2)(b)** (with reg. 8)

Modifications etc. (not altering text)

- C5** Sch. 2 para. 6(1)(c): sum maintained (coming into force in accordance with art. 1(2)(k) of the amending S.I.) by The Social Security Benefits Up-rating Order 2017 (S.I. 2017/260), arts. 1(2)(k), 24(1)(8), **Sch. 12**
- C6** Sch. 2 para. 6(1)(b): sum maintained (coming into force in accordance with art. 1(2)(k) of the amending S.I.) by The Social Security Benefits Up-rating Order 2017 (S.I. 2017/260), arts. 1(2)(k), 24(1)(8), **Sch. 12**

[^{F54}Housing costs]

7.—(1) ^{F55}Subject to the provisions of this Schedule, the ... housing costs to be met in any particular case are—

- (a) where the claimant has been entitled to a jobseeker's allowance for a continuous period of 39 weeks or more, an amount—

^{F56}(i)

- (ii) equal to any payments which qualify under paragraph 16(1)(a) to (c);

- (b) in any other case, nil.

^{F57}(2)

^{F58}(2A)

^{F59}(2B)

^{F60}(3)

^{F60}(4)

^{F60}(5)

^{F60}(6)

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^{F60}(7)

Textual Amendments	
F54	Sch. 2 para. 7 heading substituted (1.4.2016) by The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, 3(2)(c)(iii) (with reg. 8)
F55	Word in Sch. 2 para. 7(1)(2) omitted (1.4.2016) by virtue of The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, 3(2)(c)(i) (with reg. 8)
F56	Sch. 2 para. 7(1)(a)(i) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), Sch. 5 para. 3(f)(viii)
F57	Sch. 2 para. 7(2) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), Sch. 5 para. 3(f)(viii)
F58	Sch. 2 para. 7(2A) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), Sch. 5 para. 3(f)(viii)
F59	Sch. 2 para. 7(2B) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), Sch. 5 para. 3(f)(viii)
F60	Sch. 2 para. 7(3)-(7) omitted (1.4.2016) by virtue of The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, 3(2)(c)(ii) (with reg. 8)
Modifications etc. (not altering text)	
C7	Sch. 2 para. 7 applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), 11(d)(i)(aa) (with reg. 8)
C8	Sch. 2 para. 7(1)(2) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), 11(d)(i)(bb) (with reg. 8)
C9	Sch. 2 para. 7(1) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), 11(d)(ii) (with reg. 8)
C10	Sch. 2 para. 7(1) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(2), 6(c) (with regs. 3, 7)
C11	Sch. 2 para. 7(1)(b): sum confirmed (coming into force in accordance with art. 1(2)(k) of the amending S.I.) by The Social Security Benefits Up-rating Order 2017 (S.I. 2017/260), arts. 1(2)(k), 24(1)(8), Sch. 12

General exclusions from [^{F61}Paragraph 7]

- 8.—(1) [^{F62}Paragraph 7] shall not apply where—
- (a) the claimant or his partner [^{F63}or either member of a joint-claim couple][^{F64}has attained the qualifying age for state pension credit];
 - (b) the housing costs are payments—
 - (i) under a co-ownership agreement;
 - (ii) under or relating to a tenancy or licence of a Crown tenant; or
 - (iii) where the dwelling occupied as the home is a tent, in respect of the tent and the site on which it stands.
- (2) In a case falling within sub-paragraph (1), the housing costs to be met are—
- (a) where head (a) of sub-paragraph (1) applies, an amount—
 - ^{F65}(i)

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- (ii) equal to the payments which qualify under paragraph 16;
- (b) where head (b) of sub-paragraph (1) applies, an amount equal to the payments which qualify under paragraph 16(1)(d) to (f).

Textual Amendments

- F61** Words in Sch. 2 para. 8 heading substituted (1.4.2016) by The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, **3(2)(d)(ii)** (with reg. 8)
- F62** Words in Sch. 2 para. 8(1) substituted (1.4.2016) by The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, **3(2)(d)(i)** (with reg. 8)
- F63** Words in Sch. 2 para. 8(1)(a) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(7)**
- F64** Words in Sch. 2 para. 8(1)(a) substituted (6.4.2010) by The Social Security (Equalisation of State Pension Age) Regulations 2009 (S.I. 2009/1488), regs. 1, **14(2)**
- F65** Sch. 2 para. 8(2)(a)(i) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(ix)**

Modifications etc. (not altering text)

- C12** Sch. 2 para. 8 applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(e)(i)** (with reg. 8)
- C13** Sch. 2 para. 8(1) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(e)(ii)** (with reg. 8)

The calculation for loans

F669.

Textual Amendments

- F66** Sch. 2 paras. 9-12 omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(x)**

General provisions applying to ... housing costs

10.

Modifications etc. (not altering text)

- C14** Sch. 2 para. 10(4)(b): sum confirmed for certain purposes (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(7)**

The standard rate

F6611.

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Textual Amendments
F66 Sch. 2 paras. 9-12 omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), Sch. 5 para. 3(f)(x)

Excessive Housing Costs

F66 12.

Textual Amendments
F66 Sch. 2 paras. 9-12 omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), Sch. 5 para. 3(f)(x)

Linking rule

- 13.—(1) Subject to [F67sub-paragraph (2A)] for the [F68purposes] of this Schedule—
- (a) a person shall be treated as being in receipt of a jobseeker’s allowance during the following periods—
 - (i) any period in respect of which it was subsequently held, on appeal or [F69revision], that he was so entitled to a jobseeker’s allowance; and
 - (ii) any period of 12 weeks or less [F70or, as the case may be, 52 weeks or less,] in respect of which he was not in receipt of a jobseeker’s allowance and which fell immediately between periods in respect of which F71 ...;
 - [F72(aa) he was, or was treated as being, in receipt of a jobseeker’s allowance,
 - (bb) he was treated as entitled to a jobseeker’s allowance for the purposes of sub-paragraphs (5), (6) and (7), or
 - (cc) (i) above applies;]
 - (b) a person shall be treated as not being in receipt of a jobseeker’s allowance during any period other than a period to which (a)(ii) above applies in respect of which it is subsequently held on appeal[F73, revision or supersession] that he was not so entitled;
 - (c) where—
 - (i) the claimant was a member of a couple or a polygamous marriage; and
 - (ii) his partner was, in respect of a past period, in receipt of a jobseeker’s allowance for himself and the claimant; and
 - (iii) the claimant is no longer a member of that couple or polygamous marriage; and
 - (iv) the claimant made his claim for a jobseeker’s allowance within twelve weeks [F74or, as the case may be, 52 weeks,] of ceasing to be a member of that couple or polygamous marriage,

he shall be treated as having been in receipt of a jobseeker’s allowance for the same period as his former partner had been or had been treated, for the purposes of this Schedule, as having been;
 - (d) where the claimant’s partner’s applicable amount was determined in accordance with paragraph 1(1) (single claimant) or paragraph 1(2) (lone parent) of Schedule 1 (applicable amounts) in respect of a past period, provided that the claim was made within twelve weeks

[^{F75}or, as the case may be, 52 weeks,] of the claimant and his partner becoming one of a couple or polygamous marriage, the claimant shall be treated as having been in receipt of a jobseeker's allowance for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;

[^{F76}(dd) where the applicable amount of a member of a joint-claim couple was determined in accordance with paragraph 1(1) (single claimant) or paragraph 1(2) (lone parent) of Schedule 1 (applicable amounts) in respect of a past period, provided that the claim was made within twelve weeks of the joint-claimant becoming a member of the joint-claim couple, the joint-claim couple shall be treated as having been in receipt of a jobseeker's allowance for the same period as that member of the joint-claim couple had been treated, for the purposes of this Schedule, as having been;]

(e) where the claimant is a member of a couple or a polygamous marriage and his partner was, in respect of a past period, in receipt of a jobseeker's allowance for himself and the claimant, and the claimant has begun to receive a jobseeker's allowance as a result of an election by the members of the couple or polygamous marriage, he shall be treated as having been in receipt of a jobseeker's allowance for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;

[^{F77}(ee) where the claimant—

(i) is a member of a couple or a polygamous marriage and the claimant's partner was, immediately before the participation by any member of that couple or polygamous marriage in an employment programme specified in regulation 75(1)(a)(ii)^{F78}, in the Intensive Activity Period specified in regulation 75(1)(a)(iv)^{F79} ...]^{F80} or in the Flexible New Deal], in receipt of income-based jobseeker's allowance and his applicable amount included an amount for the couple or for the partners of the polygamous marriage; and

(ii) has, immediately after that participation in that programme, begun to receive income-based jobseeker's allowance as a result of an election under regulation 4(3B) of the Claims and Payments Regulations by the members of the couple or polygamous marriage,

the claimant shall be treated as having been in receipt of a jobseeker's allowance for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;]

(f) where—

(i) the claimant was a member of a family of a person (not being a former partner) entitled to a jobseeker's allowance and at least one other member of that family was a child or young person; and

(ii) the claimant becomes a member of another family which includes that child or young person; and

(iii) the claimant made his claim for a jobseeker's allowance within 12 weeks [^{F81}or, as the case may be, 52 weeks,] of the date on which the person entitled to a jobseeker's allowance mentioned in head(i) above ceased to be so entitled,

the claimant shall be treated as being in receipt of a jobseeker's allowance for the same period as that person had been or had been treated, for the purposes of this Schedule, as having been.

^{F82}(2)

[^{F83}(2A) Where a joint-claim jobseeker's allowance is payable to one member of a joint-claim couple in accordance with section 3B, both members of the couple shall be treated as receiving, or having received, a jobseeker's allowance for the purpose of this paragraph.

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(2B) Where both joint-claimants claiming a jobseeker's allowance in respect of themselves have not been in receipt of a jobseeker's allowance for a period before they became a joint-claim couple, sub-paragraph (1) shall have effect in respect of that couple in relation to the period which is most favourable to the couple for the purposes of this Schedule.]

[^{F84}(3) For the purposes of this Schedule, where a claimant has ceased to be entitled to a jobseeker's allowance because he or his partner [^{F85}or, where a claimant is a member of a joint-claim couple, the other member of that couple] is participating in arrangements for training made under section 2 of the Employment and Training Act 1973 or attending a course at an employment rehabilitation centre established under that section [^{F86}or under the Enterprise and New Towns (Scotland) Act 1990], he shall be treated as if he had been in receipt of a jobseeker's allowance for the period during which he or his partner [^{F85}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was participating in such a course.]

[^{F87}(3A) For the purposes of this Schedule, a claimant who has ceased to be entitled to a jobseeker's allowance because—

- (a) that claimant or his partner [^{F88}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was participating in an employment programme specified in regulation 75(1)(a)(ii) [^{F89}in the Intensive Activity Period specified in regulation 75(1)(a)(iv) ^{F90}...][^{F91}or in an employment zone programme][^{F92}or in the Flexible New Deal], and
- (b) in consequence of such participation the claimant or his partner [^{F88}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was engaged in remunerative work or failed to satisfy the condition specified either in section 2(1)(c)[^{F93}, 3(1)(a) or 3A (1)(a)],

shall be treated as if he had been in receipt of a jobseeker's allowance for the period during which he or his partner [^{F88}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was participating in that programme [^{F94}or activity].]

(4) Where, for the purposes of sub-paragraphs [^{F95}(1), (3) and (3A)], a person is treated as being in receipt of a jobseeker's allowance, for a certain period, he shall[^{F96}, subject to sub-paragraph (4A)], be treated as being entitled to a jobseeker's allowance for the same period.

^{F97}(4A)

(5) For the purposes of this Schedule, sub-paragraph (6) applies where a person is not entitled to an income-based jobseeker's allowance by reason only that he has—

- (a) capital exceeding [^{F98}£16,000]; or
- (b) income [^{F99}equal to or] exceeding the applicable amount which applies in his case; or
- [^{F100}(b) a personal rate of contribution-based jobseeker's allowance that is equal to, or exceeds, the applicable amount in his case; or]
- (c) both capital exceeding [^{F101}£16,000] and income exceeding the applicable amount which applies in his case.

(6) A person to whom sub-paragraph (5) applies shall be treated as entitled to a jobseeker's allowance throughout any period of not more than 39 weeks which comprises only days—

- (a) on which he is entitled to a contribution-based jobseeker's allowance, statutory sick pay [^{F102}, incapacity benefit or contributory employment and support allowance]; or
- (b) on which he is, although not entitled to any of the benefits mentioned in head (a) above, entitled to be credited with earnings equal to the lower earnings limit for the time being in force in accordance with [^{F103}regulation 8A or 8B of the Social Security (Credits) Regulations 1975].

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(7) Subject to sub-paragraph (8), a person to whom sub-paragraph (5) applies and who is either a person to whom regulation 13(4) applies (persons with caring responsibilities) or a lone parent shall, for the purposes of this Schedule, be treated as entitled to a jobseeker's allowance throughout any period of not more than 39 weeks following the refusal of a claim for a jobseeker's allowance made by or on behalf of that person.

(8) Sub-paragraph (7) 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 [F10415(1)(a)] (circumstances in which students are not treated as available for employment);
- (c) is temporarily absent from Great Britain, other than in the circumstances specified in regulation 50 (temporary absence from Great Britain).

(9) In a case where—

- (a) sub-paragraphs (6) and (7) apply solely by virtue of sub-paragraph (5)(b), and
- (b) the claimant's income includes payments under a policy taken out to insure against the risk that the policy holder is unable to meet [F105any payment which qualifies under paragraph 16] ,

sub-paragraphs (6) and (7) shall have effect as if for the words "throughout any period of not more than 39 weeks" there are substituted the words "throughout any period that payments are made in accordance with the terms of the policy".

(10) This sub-paragraph applies—

- (a) to a person who claims a jobseeker's allowance, or in respect of whom a jobseeker's allowance is claimed, and who—
 - (i) received payments under a policy of insurance taken out to insure against loss of employment, and those payments are exhausted; and
 - (ii) had a previous award of a jobseeker's allowance where the applicable amount included an amount by way of housing costs; and
- (b) where the period in respect of which the previous award of a jobseeker's allowance was payable ended not more than 26 weeks before the date the claim was made.

(11) Where sub-paragraph (10) applies, in determining—

- [F106(a)]
- (b) for the purposes of paragraph 7(1) whether a claimant has been entitled to a jobseeker's allowance for a continuous period of 39 weeks or more,

any week falling between the date of the termination of the previous award and the date of the new claim shall be ignored.

[F107(12) Where the claimant's partner to whom this paragraph applies is a welfare to work beneficiary, sub-paragraphs (1)(a)(ii), [F108(1)(c)(iv),] (1)(d) and (1)(f)(iii) shall apply to him as if for the words "twelve weeks" there were substituted the words "[F109104 weeks]".]

[F110(13) For the purposes of sub-paragraph (1)(a)(ii), (1)(c)(iv), (1)(d) and (1)(f)(iii), the relevant period shall be—

- (a) 52 weeks in the case of a person to whom sub-paragraph (14) applies;
- (b) subject to sub-paragraph (12), 12 weeks in any other case.

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(14) This sub-paragraph applies, subject to sub-paragraph (15), in the case of a person who, on or after 9th April 2001, has ceased to be entitled to a jobseeker's allowance because he or his partner or, where that person is a member of a joint-claim couple, the other member of that couple—

- (a) has commenced employment as an employed earner or as a self-employed earner or has increased the hours in which he is engaged in such employment;
- (b) is taking active steps to establish himself in employment as an employed earner or as a self-employed earner under any scheme for assisting persons to become so employed which is mentioned in regulation 19(1)(r)(i) to (iii); or
- (c) is participating in—
 - (i) a New Deal option;
 - (ii) an employment zone programme;
 - (iii) the self-employment route, [^{F111}or
 - (iv) the Intensive Activity Period specified in regulation 75(1)(a)(iv) or the Intensive Activity Period for 50 plus,]

and, as a consequence, [^{F112}that person, their partner or, where that person is a member of a joint-claim couple, the other member of that couple, was engaged in remunerative work or had income equal to or in excess of the amount of earnings calculated under regulation 56 or the applicable amount determined in accordance with regulations 83 to 86C, whichever applies].

(15) Sub-paragraph (14) shall only apply to the extent that immediately before the day on which the person ceased to be entitled to an income-based jobseeker's allowance or the joint-claim couple of which he was a member ceased to be entitled to a joint-claim jobseeker's allowance, his housing costs were being met in accordance with paragraph ^{F113}...7(1)(a) or would have been so met but for any non-dependant deduction under paragraph 17.]

[^{F114}(16) For the purpose of determining whether the linking rules set out in this paragraph apply in a case where a claimant's former partner was entitled to state pension credit, any reference to income-based jobseeker's allowance in this Schedule shall be taken to include also a reference to state pension credit.]

Textual Amendments

- F67** Words in Sch. 2 para. 13(1) substituted (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **7(7)(a)**
- F68** Word in Sch. 2 para. 13(1) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F69** Word in Sch. 2 para. 13(1)(a)(i) substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 11**
- F70** Words in Sch. 2 para. 13(1)(a)(ii) inserted (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) Regulations 2001 \(S.I. 2001/488\)](#), regs. 1(1), **12(b)(i)(aa)**
- F71** Words in Sch. 2 para. 13(1)(a)(ii) omitted (7.10.1996) by virtue of [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **29(4)**
- F72** Sch. 2 para. 13(1)(a)(ii), (aa)-(cc) inserted (7.10.1996) by [The Jobseeker's Allowance and Income Support \(General\) \(Amendment\) Regulations 1996 \(S.I. 1996/1517\)](#), regs. 1, **29(4)**
- F73** Words in Sch. 2 para. 13(1)(b) substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), **Sch. 12 para. 10**
- F74** Words in Sch. 2 para. 13(1)(c)(iv) inserted (9.4.2001) by [The Social Security \(Miscellaneous Amendments\) Regulations 2001 \(S.I. 2001/488\)](#), regs. 1(1), **12(b)(i)(bb)**

- F75** Words in Sch. 2 para. 13(1)(d) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(i)(cc)**
- F76** Sch. 2 para. 13(1)(dd) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(b)**
- F77** Sch. 2 para. 13(1)(ee) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **13(3)(a)**
- F78** Words in Sch. 2 para. 13(1)(ee)(i) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **11(b)(i)**
- F79** Words in Sch. 2 para. 13(1)(ee)(i) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(15)**
- F80** Words in Sch. 2 para. 13(1)(ee)(i) inserted (5.10.2009) by The Social Security (Flexible New Deal) Regulations 2009 (S.I. 2009/480), regs. 1(3), **2(12)(a)**
- F81** Words in Sch. 2 para. 13(1)(f)(iii) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(i)(dd)**
- F82** Sch. 2 para. 13(2) omitted (11.4.2011) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **7(7)(b)**
- F83** Sch. 2 para. 13(2A)(2B) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(c)**
- F84** Sch. 2 para. 13(3) substituted (7.4.1997) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **4(2)**
- F85** Words in Sch. 2 para. 13(3) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(d)**
- F86** Words in Sch. 2 para. 13(3) inserted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(10)(c)**
- F87** Sch. 2 para. 13(3A) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **13(3)(b)**
- F88** Words in Sch. 2 para. 13(3A) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(e)(i)**
- F89** Words in Sch. 2 para. 13(3A)(a) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **11(b)(ii)(aa)**
- F90** Words in Sch. 2 para. 13(3A)(a) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(15)**
- F91** Words in Sch. 2 para. 13(3A)(a) inserted (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **4(4)(d)**
- F92** Words in Sch. 2 para. 13(3A)(a) inserted (5.10.2009) by The Social Security (Flexible New Deal) Regulations 2009 (S.I. 2009/480), regs. 1(3), **2(12)(b)**
- F93** Words in Sch. 2 para. 13(3A)(b) substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(e)(ii)**
- F94** Words in Sch. 2 para. 13(3A) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **11(b)(ii)(bb)**
- F95** Words in Sch. 2 para. 13(4) substituted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **13(3)(c)**
- F96** Words in Sch. 2 para. 13(4) inserted (2.8.1999) by The Income Support (General) and Jobseeker's Allowance Amendment Regulations 1999 (S.I. 1999/1921), regs. 1, **2(2)(a)**
- F97** Sch. 2 para. 13(4A) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(xi)(aa)**
- F98** Word in Sch. 2 para. 13(5)(a) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(b), **3(7)**
- F99** Words in Sch. 2 para. 13(5)(b) inserted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), **reg. 7(7)(c)**

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- F100** Sch. 2 para. 13(5)(bb) inserted (28.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2538), regs. 1, **2(12)(b)**
- F101** Word in Sch. 2 para. 13(5)(c) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(b), **3(7)**
- F102** Words in Sch. 2 para. 13(6)(a) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(e)**
- F103** Words in Sch. 2 para. 13(6)(b) substituted (5.4.1999) by The Social Security Benefits (Miscellaneous Amendments) Regulations 1999 (S.I. 1999/714), **reg. 2(2)(a)**
- F104** Word in Sch. 2 para. 13(8)(b) substituted (9.7.2008) by The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 (S.I. 2008/1826), regs. 1, **3(5)**
- F105** Words in Sch. 2 para. 13(9)(b) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(xi)(bb)**
- F106** Sch. 2 para. 13(11)(a) omitted (1.4.2016) by virtue of The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, **3(2)(h)(ii)** (with reg. 8)
- F107** Sch. 2 para. 13(12) added (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **14(4)**
- F108** Words in Sch. 2 para. 13(12) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(ii)**
- F109** Words in Sch. 2 para. 13(12) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **13(10)(b)**
- F110** Sch. 2 para. 13(13)(14)(15) added (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(iii)**
- F111** Sch. 2 para. 13(14)(c)(iv) and word added (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(2), **11(b)(iii)**
- F112** Words in Sch. 2 para. 13(14) substituted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **10(13)(b)**
- F113** Words in Sch. 2 para. 13(15) omitted (1.4.2016) by virtue of The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, **3(2)(h)(iii)** (with reg. 8)
- F114** Sch. 2 para. 13(16) added (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **30(b)**

Modifications etc. (not altering text)

- C15** Sch. 2 para. 13(11) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(2), **6(e)(ii)** (with regs. 3, 7)
- C16** Sch. 2 para. 13(11) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(2), **6(e)(i)** (with regs. 3, 7)
- C17** Sch. 2 para. 13(11) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(i)(iii)** (with reg. 8)
- C18** Sch. 2 para. 13(15) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(i)(iv)** (with reg. 8)

Loans on residential property

^{F115}**14.**

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Textual Amendments

F115 Sch. 2 para. 15 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 3(f)(xii)**

Loans for repairs and improvements to the dwelling occupied as the home

F115 15.

Textual Amendments

F115 Sch. 2 para. 15 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 3(f)(xii)**

[^{F116}Housing costs]

16.—(1) Subject to the deduction specified in sub-paragraph (2) and the reductions applicable in sub-paragraph (5), there shall be met under this paragraph the amounts, calculated on a weekly basis, in respect of the following housing costs—

- (a) payments by way of rent or ground rent relating to a long tenancy^{F117} ...;
- (b) service charges;
- (c) payments by way of the rentcharge within the meaning of section 1 of the Rentcharges Act 1977^{F118};
- (d) payments under a co-ownership scheme;
- (e) payments under or relating to a tenancy or licence of a Crown tenant;
- (f) where the dwelling occupied as the home is a tent, payments in respect of the tent and the site on which it stands.

(2) Subject to sub-paragraph (3), the deductions to be made from the weekly amounts to be met under this paragraph are—

- (a) where the costs are inclusive of any of the items mentioned in [^{F119}paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations 2006] (payment in respect of fuel charges), the deductions prescribed in that paragraph unless the claimant provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, in which case the estimated amount;
- (b) where the costs are inclusive of ineligible service charges within the meaning of [^{F120}paragraph 1 of Schedule 1 to the Housing Benefit Regulations 2006] (ineligible service charges) the amounts attributable to those ineligible service charges or where that amount is not separated from or separately identified within the housing costs to be met under this paragraph, such part of the payments made in respect of those housing costs which are fairly attributable to the provision of those ineligible services having regard to the costs of comparable services;
- (c) any amount for repairs and improvements, and for this purpose the expression “repairs and improvements” has [^{F121}the meaning in sub-paragraph (6)] .

(3) Where arrangements are made for the housing costs, which are met under this paragraph and which are normally paid for a period of 52 weeks, to be paid instead for a period of 53 weeks, or to be paid irregularly, or so that no such costs are payable or collected in certain periods, or so that

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the costs for different periods in the year are of different amounts, the weekly amount shall be the amount payable for the year divided by 52.

- (4) Where the claimant or a member of his family—
- (a) pays for reasonable repairs or redecoration to be carried out to the dwelling they occupy; and
 - (b) that work was not the responsibility of the claimant or any member of his family; and
 - (c) in consequence of that work being done, the costs which are normally met under this paragraph are waived,

then those costs shall, for a period not exceeding 8 weeks, be treated as payable.

(5) Where in England and Wales an amount calculated on a weekly basis in respect of housing costs specified in sub-paragraph (1)(e) (Crown tenants) includes water charges, that amount shall be reduced—

- (a) where the amount payable in respect of water charges is known, by that amount;
- (b) in any other case, by the amount which would be the likely weekly water charge had the property not been occupied by a Crown tenant.

[^{F122}(6) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;
- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible.]

Textual Amendments

F116 Words in [Sch. 2 para. 16](#) heading substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), [reg. 1\(2\)\(a\)](#), [Sch. 5 para. 3\(f\)\(xiii\)\(aa\)](#)

F117 Words in [Sch. 2 para. 16\(1\)\(a\)](#) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), [regs. 1\(3\)](#), [13\(11\)\(e\)](#)

F118 [1977 c.30](#)

- F119** Words in Sch. 2 para. 16(2)(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. 8(4)(a)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F120** Words in Sch. 2 para. 16(2)(b) 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. 8(4)(b)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F121** Words in Sch. 2 para. 16(2)(c) substituted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(xiii)(bb)**
- F122** Sch. 2 para. 16(6) inserted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(xiii)(cc)**

Non-dependant deductions

17.—(1) Subject to the following provisions of this paragraph, the following deductions from the amount to be met under the preceding paragraphs of this Schedule in respect of housing costs shall be made—

- [^{F123}(a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, [^{F124}£100.65]
- [^{F123}(b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, [^{F125}£15.60]

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies because he is in remunerative work, where the claimant satisfies [^{F126}the Secretary of State] that the non-dependant's gross weekly income is—

- (a) less than [^{F127}£143.00] the deduction to be made under this paragraph shall be the deduction specified in sub-paragraph (1)(b);
- (b) not less than [^{F128}£143.00] but less than [^{F129}£209.00] the deduction to be made under this paragraph shall be [^{F130}£35.85]
- (c) not less than [^{F131}£209.00] but less than [^{F132}£272.00] the deduction to be made under this paragraph shall be [^{F133}£49.20]
- [^{F134}(d) not less than [^{F135}£272.00] but less than [^{F136}£363.00] the deduction to be made under this paragraph shall be [^{F137}£80.55]]
- [^{F134}(e) not less than [^{F138}£363.00] but less than [^{F139}£451.00] the deduction to be made under this paragraph shall be [^{F140}£91.70]]

[^{F141}(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.]

(3) Only one deduction shall be made under this paragraph in respect of a couple or, as the case may be, the members of a polygamous marriage, and where, but for this sub-paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other member, the higher amount shall be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of a couple or, as the case may be, a polygamous marriage, regard shall be had, for the purpose of sub-paragraph (2), to the couple's or, as the case may be, all the members of the polygamous marriage's, joint weekly income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a couple or members of a polygamous marriage), the deduction

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in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the housing costs in respect of the dwelling occupied as the home payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying the dwelling occupied as the home of the claimant, if the claimant or any partner of his is—

- (a) [^{F142}severely sight impaired or blind or treated as severely sight impaired or blind] within the meaning of paragraph 14(1)(h) and (2) of Schedule 1 (additional condition for the higher pensioner and disability premiums); or
- (b) receiving in respect of himself either—
 - (i) an attendance allowance, or
 - (ii) the care component of the disability living allowance^{F143, F144} ...
 - (iii) the daily living component of personal independence payment^{F145}, or
 - (iv) armed forces independence payment.]

(7) No deduction shall be made in respect of a non-dependant—

- (a) if, although he resides with the claimant, it appears to [^{F146}the Secretary of State] that the dwelling occupied as his home is normally elsewhere; or
- ^{F147}(b) if he is in receipt of [^{F148}a training allowance paid in connection with [^{F149}youth training] established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or]]
- (c) if he is a full-time student during a period of study or, if he is not in remunerative work, during a recognised summer vacation appropriate to his course; or
- (d) if he is aged under 25 and in receipt of [^{F150}an income-based jobseeker's allowance] or income support; or
- (e) in respect of whom a deduction in the calculation of a rent rebate or allowance falls to be made under [^{F151}regulation 74 of the Housing Benefit Regulations 2006] (non-dependant deductions); or
- (f) to whom, but for paragraph (5) of regulation 2 (definition of non-dependant) paragraph (4) of that regulation would apply; or
- (g) if he is not residing with the claimant because he has been a patient for a period in excess of [^{F152}52] weeks, or is a prisoner, and for these purposes—
 - ^{F153}(i) “patient” has the meaning given in paragraph 3(13)(b) and “prisoner” has the meaning given in regulation 85(4), and]
 - ^{F153}(ii) in calculating any period of 52 weeks as a patient, any two or more distinct periods separated by one or more intervals each not exceeding 28 days shall be treated as a single period; ^{F154} ...]
- ^{F155}(h) if he is in receipt of state pension credit^{F156} or
 - (i) he is aged less than 25 and is in receipt of employment and support allowance [^{F157}income-related] which does not include an amount under section 4(4) ^{F158} ... of the Welfare Reform Act ^{F158} ... [^{F159}(component) and is not a member of the work-related activity group]]^{F160}; or
 - (j) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income]

(8) In the case of a non-dependant to whom sub-paragraph (2) applies because he is in remunerative work, there shall be disregarded from his gross income—

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- (a) any attendance allowance [^{F161}, disability living allowance or personal independence payment][^{F162}, armed forces independence payment] received by him;
- (b) any payment made under [^{F163}or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments)(No.2) Trust, the Fund, the Eileen Trust [^{F164}, MFET Limited][^{F165}, the Skipton Fund, the Caxton Foundation][^{F166}, the Scottish Infected Blood Support Scheme][^{F167}, an approved blood scheme][^{F168}, the London Emergencies Trust, the We Love Manchester Emergency Fund] or the Independent Living [^{F169}Fund (2006)] which, had his income fallen to be calculated under regulation 103 (calculation of income other than earnings), would have been disregarded under paragraph 22 of Schedule 7 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under regulation 103 would have been disregarded under paragraph 41 of Schedule 7 (payments made under certain trusts and certain other payments).
- ^{F170}(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother's pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.]
- ^{F171}(9) For the purposes of sub-paragraph (7)(j), "earned income" has the meaning given in regulation 52 of the Universal Credit Regulations 2013.]]]

Textual Amendments

- F123** Sch. 2 para. 17(1)(a)(b) substituted for Sch. 2 para. 17(1)(a)-(c) (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **6(b)(i)**
- F124** Sum in Sch. 2 para. 17(1)(a) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(a)**
- F125** Sum in Sch. 2 para. 17(1)(b) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(b)**
- F126** Words in Sch. 2 para. 17(2) 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), art. 3(1), **Sch. 12 para. 2**
- F127** Sum in Sch. 2 para. 17(2)(a) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(c)**
- F128** Sum in Sch. 2 para. 17(2)(b) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(d)(ii)**
- F129** Sum in Sch. 2 para. 17(2)(b) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(d)(iii)**
- F130** Sum in Sch. 2 para. 17(2)(b) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(d)(i)**
- F131** Sum in Sch. 2 para. 17(2)(c) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(e)(ii)**
- F132** Sum in Sch. 2 para. 17(2)(c) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(e)(iii)**
- F133** Sum in Sch. 2 para. 17(2)(c) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(e)(i)**
- F134** Sch. 2 para. 17(2)(d)(e) added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Non-Dependant Deductions) Regulations 1996 (S.I. 1996/2518), regs. 1(1)(c), **4(b)**
- F135** Sum in Sch. 2 para. 17(2)(d) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(f)(ii)**

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- F136** Sum in Sch. 2 para. 17(2)(d) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(f)(iii)**
- F137** Sum in Sch. 2 para. 17(2)(d) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(f)(i)**
- F138** Sum in Sch. 2 para. 17(2)(e) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(g)(ii)**
- F139** Sum in Sch. 2 para. 17(2)(e) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(g)(iii)**
- F140** Sum in Sch. 2 para. 17(2)(e) substituted (coming into force in accordance with art. 1(3)(i) of the amending S.I.) by The Social Security Benefits Up-rating Order 2019 (S.I. 2019/480), arts. 1(3)(i), **25(8)(g)(i)**
- F141** Sch. 2 para. 17(2A) inserted (with effect in accordance with regs. 19-21 of the amending S.I.) by The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(xiv)**
- F142** Words in Sch. 2 para. 17(6)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(3)(b)**
- F143** Sch. 2 para. 17(6)(b)(iii) and word inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 16(8)(a)**
- F144** Word in Sch. 2 para. 17(6)(b) omitted (8.4.2013) by virtue of The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 10(8)(a)**
- F145** Sch. 2 para. 17(6)(b)(iv) and word inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 10(8)(b)**
- F146** Words in Sch. 2 para. 17(7)(a) 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), art. 3(1), **Sch. 12 para. 2**
- F147** Sch. 2 para. 17(7)(b) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(5)**
- F148** Words in Sch. 2 para. 17(7)(b) substituted (28.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2538), regs. 1, **2(12)(c)(ii)**
- F149** Words in Sch. 2 para. 17(7)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(10)(e)**
- F150** Words in Sch. 2 para. 17(7)(d) substituted (7.4.1997) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **4(3)**
- F151** Words in Sch. 2 para. 17(7)(e) 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. 8(4)(c)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F152** Word in Sch. 2 para. 17(7)(g) substituted (coming into force in accordance with reg. 1(f) of the amending S.I.) by The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1195), regs. 1(f), **6(4)**
- F153** Words in Sch. 2 para. 17(7)(g)(i)(ii) substituted (for specified purposes and with effect in accordance with reg. 1(d) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 6(4)**
- F154** Word in Sch. 2 para. 17(7)(g) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(f)(i)**
- F155** Sch. 2 para. 17(7)(h) added (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **6(b)(ii)(bb)**
- F156** Sch. 2 para. 17(7)(i) and word added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(f)(ii)**

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- F157** Words in Sch. 2 para. 17(7)(i) inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **4(11)(b)**
- F158** Word in Sch. 2 para. 17(7)(i) omitted (3.4.2017) by virtue of The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 3(3)(b)(i)** (with Sch. 2 paras. 1-7)
- F159** Words in Sch. 2 para. 17(7)(i) inserted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 3(3)(b)(ii)** (with Sch. 2 paras. 1-7)
- F160** Sch. 2 para. 17(7)(j) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **30(7)(b)(i)**
- F161** Words in Sch. 2 para. 17(8)(a) substituted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 16(8)(b)**
- F162** Words in Sch. 2 para. 17(8)(a) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 10(8)(c)**
- F163** Words in Sch. 2 para. 17(8)(b) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **4(8)(d)**
- F164** Words in Sch. 2 para. 17(8)(b) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **4(3)(e)**
- F165** Words in Sch. 2 para. 17(8)(b) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **10(9)**
- F166** Words in Sch. 2 para. 17(8)(b) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **4(3)(d)**
- F167** Words in Sch. 2 para. 17(8)(b) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **3(3)(d)**
- F168** Words in Sch. 2 para. 17(8)(b) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **3(3)(d)**
- F169** Words in Sch. 2 para. 17(8)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(7)(d)**
- F170** Sch. 2 para. 17(8)(d) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **3(4)**
- F171** Sch. 2 para. 17(9) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **30(7)(b)(ii)**

Continuity with Income Support [^{F172}or income-related employment and support allowance]

18.—(1) For the purpose of providing continuity between income support [^{F173}or income-related employment and support allowance] and a jobseeker's allowance—

- ^{F174}(a)
- (b) had the award of a jobseeker's allowance been an award of income support and the housing costs which would then have been met would have included an additional amount met in accordance with paragraph 7 of Schedule 3 to the Income Support Regulations (add back), an amount equal to that additional amount shall be added to the housing costs to be met under this Schedule, but that amount shall be subject to the same qualifications and limitations as it would have been had the award been of income support; and
- (c) for the purposes of any linking rule [^{F175}or for determining whether any qualifying or other period is satisfied], any reference to a jobseeker's allowance in this Schedule shall be taken also to include a reference to income support [^{F176}or income-related employment and support allowance].

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F177(2)

Textual Amendments

- F172 Words in Sch. 2 para. 18 heading added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(g)(i)**
- F173 Words in Sch. 2 para. 18(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(g)(ii)(aa)**
- F174 Sch. 2 para. 18(1)(a) omitted (1.4.2016) by virtue of The Social Security (Housing Costs Amendments) Regulations 2015 (S.I. 2015/1647), regs. 1, **3(2)(i)** (with reg. 8)
- F175 Words in Sch. 2 para. 18(1)(c) inserted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(6)**
- F176 Words in Sch. 2 para. 18(1)(c) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(g)(ii)(bb)**
- F177 Sch. 2 para. 18(2) omitted (with effect in accordance with regs. 19-21 of the amending S.I.) by virtue of The Loans for Mortgage Interest Regulations 2017 (S.I. 2017/725), reg. 1(2)(a), **Sch. 5 para. 3(f)(xv)**

Rounding of Fractions

19. Where any calculation made under this Schedule results in a fraction of a penny, that fraction shall be treated as a penny.

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Changes and effects yet to be applied to :

- Sch. 2 para. 17(8)(a) comma substituted for word by S.I. 2022/177 art. 5(8)(b)(i)
- Sch. 2 para. 16(6) inserted by S.I. 2017/725 Sch. 5 para. 3(f)(xiii)(cc)
- Sch. 2 para. 17(2A) inserted by S.I. 2017/725 Sch. 5 para. 3(f)(xiv)
- Sch. 2 para. 4(2)-(12) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(vii)
- Sch. 2 para. 7(1)(a)(i) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(viii)
- Sch. 2 para. 7(2) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(viii)
- Sch. 2 para. 7(2A) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(viii)
- Sch. 2 para. 7(2B) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(viii)
- Sch. 2 para. 8(2)(a)(i) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(ix)
- Sch. 2 para. 9-12 omitted by S.I. 2017/725 Sch. 5 para. 3(f)(x)
- Sch. 2 para. 13(4A) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(xi)(aa)
- Sch. 2 para. 14(5) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(xii)
- Sch. 2 para. 18(2) omitted by S.I. 2017/725 Sch. 5 para. 3(f)(xv)
- Sch. 2 para. 17(2)(a) sum confirmed by S.I. 2021/162 art. 27(8)(c)
- Sch. 2 para. 17(2)(b) sum confirmed by S.I. 2021/162 art. 27(8)(d)(ii)
- Sch. 2 para. 17(2)(b) sum confirmed by S.I. 2021/162 art. 27(8)(d)(iii)
- Sch. 2 para. 17(2)(c) sum confirmed by S.I. 2021/162 art. 27(8)(e)(ii)
- Sch. 2 para. 17(2)(c) sum confirmed by S.I. 2021/162 art. 27(8)(e)(iii)
- Sch. 2 para. 17(2)(d) sum confirmed by S.I. 2021/162 art. 27(8)(f)(ii)
- Sch. 2 para. 17(2)(d) sum confirmed by S.I. 2021/162 art. 27(8)(f)(iii)
- Sch. 2 para. 17(2)(e) sum confirmed by S.I. 2021/162 art. 27(8)(g)(ii)
- Sch. 2 para. 17(2)(e) sum confirmed by S.I. 2021/162 art. 27(8)(g)(iii)
- Sch. 2 para. 10(4) sum confirmed for specified purposes by S.I. 2020/234 art. 27(7)
- Sch. 2 para. 10(4) sum confirmed for specified purposes by S.I. 2021/162 art. 27(7)
- Sch. 2 para. 10(4) sum confirmed for specified purposes by S.I. 2022/292 art. 27(7)
- Sch. 2 para. 17(1)(a) sum substituted by S.I. 2020/234 art. 27(8)(a)
- Sch. 2 para. 17(1)(b) sum substituted by S.I. 2020/234 art. 27(8)(b)
- Sch. 2 para. 17(2)(a) sum substituted by S.I. 2020/234 art. 27(8)(c)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2020/234 art. 27(8)(d)(i)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2020/234 art. 27(8)(d)(ii)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2020/234 art. 27(8)(d)(iii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2020/234 art. 27(8)(e)(i)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2020/234 art. 27(8)(e)(ii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2020/234 art. 27(8)(e)(iii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2020/234 art. 27(8)(f)(i)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2020/234 art. 27(8)(f)(ii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2020/234 art. 27(8)(f)(iii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2020/234 art. 27(8)(g)(i)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2020/234 art. 27(8)(g)(ii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2020/234 art. 27(8)(g)(iii)
- Sch. 2 para. 17(1)(a) sum substituted by S.I. 2021/162 art. 27(8)(a)
- Sch. 2 para. 17(1)(b) sum substituted by S.I. 2021/162 art. 27(8)(b)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2021/162 art. 27(8)(d)(i)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2021/162 art. 27(8)(e)(i)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2021/162 art. 27(8)(f)(i)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2021/162 art. 27(8)(g)(i)
- Sch. 2 para. 17(1)(a) sum substituted by S.I. 2022/292 art. 27(8)(a)
- Sch. 2 para. 17(1)(b) sum substituted by S.I. 2022/292 art. 27(8)(b)
- Sch. 2 para. 17(2)(a) sum substituted by S.I. 2022/292 art. 27(8)(c)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2022/292 art. 27(8)(d)(i)

- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2022/292 art. 27(8)(d)(ii)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2022/292 art. 27(8)(d)(iii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2022/292 art. 27(8)(e)(i)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2022/292 art. 27(8)(e)(ii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2022/292 art. 27(8)(e)(iii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2022/292 art. 27(8)(f)(i)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2022/292 art. 27(8)(f)(ii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2022/292 art. 27(8)(f)(iii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2022/292 art. 27(8)(g)(i)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2022/292 art. 27(8)(g)(ii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2022/292 art. 27(8)(g)(iii)
- Sch. 2 para. 17(1)(a) sum substituted by S.I. 2023/316 art. 27(7)(a)
- Sch. 2 para. 17(1)(b) sum substituted by S.I. 2023/316 art. 27(7)(b)
- Sch. 2 para. 17(2)(a) sum substituted by S.I. 2023/316 art. 27(7)(c)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2023/316 art. 27(7)(d)(i)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2023/316 art. 27(7)(d)(ii)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2023/316 art. 27(7)(d)(iii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2023/316 art. 27(7)(e)(i)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2023/316 art. 27(7)(e)(ii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2023/316 art. 27(7)(e)(iii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2023/316 art. 27(7)(f)(i)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2023/316 art. 27(7)(f)(ii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2023/316 art. 27(7)(f)(iii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2023/316 art. 27(7)(g)(i)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2023/316 art. 27(7)(g)(ii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2023/316 art. 27(7)(g)(iii)
- Sch. 2 para. 17(1)(a) sum substituted by S.I. 2024/242 art. 26(7)(a)
- Sch. 2 para. 17(1)(b) sum substituted by S.I. 2024/242 art. 26(7)(b)
- Sch. 2 para. 17(2)(a) sum substituted by S.I. 2024/242 art. 26(7)(c)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2024/242 art. 26(7)(d)(i)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2024/242 art. 26(7)(d)(ii)
- Sch. 2 para. 17(2)(b) sum substituted by S.I. 2024/242 art. 26(7)(d)(iii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2024/242 art. 26(7)(e)(i)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2024/242 art. 26(7)(e)(ii)
- Sch. 2 para. 17(2)(c) sum substituted by S.I. 2024/242 art. 26(7)(e)(iii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2024/242 art. 26(7)(f)(i)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2024/242 art. 26(7)(f)(ii)
- Sch. 2 para. 17(2)(d) sum substituted by S.I. 2024/242 art. 26(7)(f)(iii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2024/242 art. 26(7)(g)(i)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2024/242 art. 26(7)(g)(ii)
- Sch. 2 para. 17(2)(e) sum substituted by S.I. 2024/242 art. 26(7)(g)(iii)
- Sch. 2 para. 17(8)(b) words inserted by S.I. 2020/618 reg. 3(10)(a)
- Sch. 2 para. 17(8)(b) words inserted by S.I. 2020/618 reg. 3(10)(b)
- Sch. 2 para. 17(8)(b) words inserted by S.I. 2021/1405 reg. 3(6)
- Sch. 2 para. 17(8)(a) words inserted by S.I. 2021/786 Sch. 3 para. 9(b)
- Sch. 2 para. 17(8)(a) words inserted by S.I. 2022/177 art. 5(8)(b)(ii)
- Sch. 2 para. 1(2) words omitted by S.I. 2017/725 Sch. 5 para. 3(f)(ii)
- Sch. 2 para. 1(1)(b) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(i)
- Sch. 2 para. 1A(1A)(a) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(v)(aa)
- Sch. 2 para. 1A(1A)(a) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(v)(bb)
- Sch. 2 para. 1A(1B)(a) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(vi)
- Sch. 2 para. 1A(1ZA)(a) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(iv)
- Sch. 2 para. 13(9)(b) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(xi)(bb)
- Sch. 2 para. 16 heading words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(xiii)(aa)
- Sch. 2 para. 16(2)(c) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(xiii)(bb)
- Sch. 2 para. 17(8)(b) words substituted by S.I. 2023/640 reg. 3(6)
- Regulations amendment to earlier affecting provision S.I. 2020/409, reg. 6(2) by S.I. 2021/476 reg. 4(6)

- Regulations modified (temp.) by S.I. 2020/409 reg. 2(2)(b)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. A1 para. 3(a)(va) inserted by S.I. 2021/786 Sch. 3 para. 6(c)
- Sch. A1 para. 3(a)(via) inserted by S.I. 2022/177 art. 5(6)(d)
- Sch. 1 para. 15A(1ZA)(aa) inserted by S.I. 2021/786 Sch. 3 para. 7(3)
- Sch. 1 para. 16(1)(aza) inserted by S.I. 2021/786 Sch. 3 para. 7(4)(a)
- Sch. 1 para. 14(1)(caa) inserted by S.I. 2022/177 art. 5(7)(b)
- Sch. 1 para. 14(1)(fb) inserted by S.I. 2022/177 art. 5(7)(c)
- Sch. 1 para. 14(1)(g)(iv) and word inserted by S.I. 2022/177 art. 5(7)(e)
- Sch. 1 para. 15(5)(ab) inserted by S.I. 2022/177 art. 5(7)(j)
- Sch. 1 para. 15A(1ZA)(ba) inserted by S.I. 2022/177 art. 5(7)(k)
- Sch. 1 para. 16(1)(ac) inserted by S.I. 2022/177 art. 5(7)(l)
- Sch. 1 para. 20H(1)(caa) inserted by S.I. 2022/177 art. 5(7)(o)
- Sch. 1 para. 20H(1)(gb) inserted by S.I. 2022/177 art. 5(7)(p)
- Sch. 1 para. 20H(1)(h)(iv) and word inserted by S.I. 2022/177 art. 5(7)(r)
- Sch. 1 para. 20I(4)(d) and semi-colon inserted by S.I. 2022/177 art. 5(7)(v)
- Sch. 1 para. 8(1)(c) inserted by S.I. 2023/1218 art. 8(9)(a)(iii)
- Sch. 1 para. 20D(1)(c) inserted by S.I. 2023/1218 art. 8(9)(e)(iii)
- Sch. 1 para. 4(1)(a) sum substituted by S.I. 2014/516 art. 19(1)art. 19(4)(a)
- Sch. 1 para. 4(1)(b) sum substituted by S.I. 2014/516 art. 19(1)art. 19(4)(b)
- Sch. 1 para. 20(3) sum substituted by S.I. 2014/516 art. 19(1)(5)Sch. 10
- Sch. 1 para. 20(7) sum substituted by S.I. 2014/516 art. 19(1)(5)Sch. 10
- Sch. 1 para. 20(8) sum substituted by S.I. 2014/516 art. 19(1)(5)Sch. 10
- Sch. 1 para. 20M(2) sum substituted by S.I. 2014/516 art. 19(1)(6)Sch. 11
- Sch. 1 para. 20M(3) sum substituted by S.I. 2014/516 art. 19(1)(6)Sch. 11
- Sch. 1 para. 20M(5) sum substituted by S.I. 2014/516 art. 19(1)(6)Sch. 11
- Sch. 1 para. 20M(6) sum substituted by S.I. 2014/516 art. 19(1)(6)Sch. 11
- Sch. 1 para. 2(1)(a) sum substituted by S.I. 2020/234 art. 27(3)(b)
- Sch. 1 para. 2(1)(b) sum substituted by S.I. 2020/234 art. 27(3)(b)
- Sch. 1 para. 4(1)(a) sum substituted by S.I. 2020/234 art. 27(4)(a)
- Sch. 1 para. 4(1)(b) sum substituted by S.I. 2020/234 art. 27(4)(b)
- Sch. 1 para. 2(1)(a) sum substituted by S.I. 2021/162 art. 27(3)(b)
- Sch. 1 para. 2(1)(b) sum substituted by S.I. 2021/162 art. 27(3)(b)
- Sch. 1 para. 4(1)(a) sum substituted by S.I. 2021/162 art. 27(4)(a)
- Sch. 1 para. 4(1)(b) sum substituted by S.I. 2021/162 art. 27(4)(b)
- Sch. 1 para. 2(1)(a) sum substituted by S.I. 2022/292 art. 27(3)(b)
- Sch. 1 para. 2(1)(b) sum substituted by S.I. 2022/292 art. 27(3)(b)
- Sch. 1 para. 4(1)(a) sum substituted by S.I. 2022/292 art. 27(4)(a)
- Sch. 1 para. 4(1)(b) sum substituted by S.I. 2022/292 art. 27(4)(b)
- Sch. 1 para. 2(1)(a) sum substituted by S.I. 2023/316 art. 27(3)(b)
- Sch. 1 para. 2(1)(b) sum substituted by S.I. 2023/316 art. 27(3)(b)
- Sch. 1 para. 4(1)(a) sum substituted by S.I. 2023/316 art. 27(4)(a)
- Sch. 1 para. 4(1)(b) sum substituted by S.I. 2023/316 art. 27(4)(b)
- Sch. 1 para. 2(1)(a) sum substituted by S.I. 2024/242 art. 26(3)(b)
- Sch. 1 para. 2(1)(b) sum substituted by S.I. 2024/242 art. 26(3)(b)
- Sch. 1 para. 4(1)(a) sum substituted by S.I. 2024/242 art. 26(4)(a)
- Sch. 1 para. 4(1)(b) sum substituted by S.I. 2024/242 art. 26(4)(b)
- Sch. 1 para. 20(4) sums substituted by S.I. 2014/516 art. 19(1)(5)Sch. 10
- Sch. 1 para. 20(5) sums substituted by S.I. 2014/516 art. 19(1)(5)Sch. 10
- Sch. 1 para. 20(6) sums substituted by S.I. 2014/516 art. 19(1)(5)Sch. 10
- Sch. 1 para. 20(9) sums substituted by S.I. 2014/516 art. 19(1)(5)Sch. 10
- Sch. 1 para. 20M(4) sums substituted by S.I. 2014/516 art. 19(1)(6)Sch. 11

- Sch. 1 para. 20(6)(b)(i) words inserted by S.I. 2023/1218 art. 8(9)(d)(i)
- Sch. 1 para. 20(6)(b)(ii) words inserted by S.I. 2023/1218 art. 8(9)(d)(ii)
- Sch. 1 para. 20M(4)(i) words inserted by S.I. 2023/1218 art. 8(9)(h)(i)
- Sch. 1 para. 20M(4)(ii) words inserted by S.I. 2023/1218 art. 8(9)(h)(ii)
- Sch. 1 para. 20I(4)(d) words substituted by S.I. 2022/530 art. 3(2)(a)
- Sch. 1 Pt. 4B table substituted by S.I. 2020/234 art. 27(6)Sch. 10
- Sch. 1 Pt. 4B table substituted by S.I. 2021/162 art. 27(6)Sch. 10
- Sch. 1 Pt. 4B table substituted by S.I. 2022/292 art. 27(6)Sch. 10
- Sch. 1 Pt. 4B table substituted by S.I. 2023/316 art. 27(6)Sch. 10
- Sch. 1 Pt. 4B table substituted by S.I. 2024/242 art. 26(6)Sch. 10
- Sch. 2 para. 17(6)(b)(iia) and word inserted by S.I. 2021/786 Sch. 3 para. 9(a)
- Sch. 2 para. 17(6)(b)(iiaa) inserted by S.I. 2022/177 art. 5(8)(a)
- Sch. 2 para. 14(c)(iv) words omitted by S.I. 2008/698 reg. 4(15)
- Sch. 2 para. 1A(1)(a) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(iii)(aa)
- Sch. 2 para. 1A(1)(a) words substituted by S.I. 2017/725 Sch. 5 para. 3(f)(iii)(bb)
- Sch. 3 para. 1(2) words substituted by S.I. 2004/2825 reg. 2(5)
- Sch. 4 para. 10(1)(a) word substituted by S.I. 2001/1785 reg. 3(c)(i)
- Sch. 4 para. 10(1)(b) word substituted by S.I. 2001/1785 reg. 3(c)(ii)
- Sch. 7 para. 80 inserted by S.I. 2020/482 art. 4(2)
- Sch. 7 para. 41(1A) inserted by S.I. 2020/618 reg. 3(11)(b)(ii)
- Sch. 7 para. 81 inserted by S.I. 2020/989 art. 10(2)
- Sch. 7 para. 82 inserted by S.I. 2021/886 art. 12(2)
- Sch. 7 para. 83 inserted by S.I. 2023/1218 art. 8(12)
- Sch. 7 para. 41(1A)(d) inserted by S.I. 2023/640 reg. 3(7)(a)
- Sch. 7 para. 41(1A) substituted by S.I. 2021/1405 reg. 3(7)(b)(i)
- Sch. 8 para. 65(1) Sch. 8 para. 65 renumbered as Sch. 8 para. 65(1) by S.I. 2023/134 Sch. para. 3(b)(i)
- Sch. 8 para. 27(1A) inserted by S.I. 2020/618 reg. 3(12)(a)(ii)
- Sch. 8 para. 70 inserted by S.I. 2020/989 art. 3(2)
- Sch. 8 para. 71 inserted by S.I. 2020/989 art. 16(2)
- Sch. 8 para. 12A inserted by S.I. 2023/134 Sch. para. 3(a)
- Sch. 8 para. 65(2) inserted by S.I. 2023/134 Sch. para. 3(b)(ii)
- Sch. 8 para. 27(5A) inserted by S.I. 2023/894 reg. 2(1)(b)(2)
- Sch. 8 para. 27(1A) words inserted by S.I. 2021/1405 reg. 3(8)(a)(i)
- Sch. 8 para. 27(1A) words inserted by S.I. 2023/640 reg. 3(8)(a)
- Sch. 8 para. 12(1)(a) words substituted by S.I. 2020/482 art. 4(3)
- Sch. 8 para. 12(1)(a) words substituted by S.I. 2020/989 art. 10(3)
- Sch. 8 para. 12(1)(a) words substituted by S.I. 2021/886 art. 12(3)
- reg. 13(3A)(a) words inserted by 2020 c. 17 Sch. 24 para. 318
- reg. 15(1)(b) amendment to earlier affecting provision S.I. 2020/409, reg. 6(2) by S.I. 2021/476 reg. 4(6)
- reg. 15(1)(b) words omitted (temp.) by S.I. 2020/409 reg. 4
- reg. 15(1)(bc) substituted by S.I. 2020/354 reg. 8(3)
- reg. 51(3)(c)(iva) inserted by S.I. 2021/786 Sch. 3 para. 3(c)
- reg. 51(3)(c)(va) inserted by S.I. 2022/177 art. 5(3)(c)
- reg. 85A(3A)(c) and word inserted by S.I. 2020/1372 reg. 10(2)(b)
- reg. 85A(3B) inserted by S.I. 2020/683 reg. 3(2)(a)
- reg. 85A(4)(h)(iv) and word inserted by S.I. 2021/1034 reg. 2(3)(b)(4)
- reg. 85A(4)(zza)(zzb) inserted by S.I. 2021/1034 reg. 2(2)(4)
- reg. 85A(4)(zzb) word substituted by S.I. 2022/344 reg. 2(2)reg. 2(5)(b)
- reg. 85A(4)(zcc) inserted by S.I. 2022/344 reg. 2(3)reg. 2(5)(b)
- reg. 85A(4)(zcc)(i) word omitted by S.I. 2022/990 reg. 2(1)(a)reg. 2(2)(b)
- reg. 85A(4)(zcc)(iii) inserted by S.I. 2022/990 reg. 2(1)(c)reg. 2(2)(b)
- reg. 85A(4)(zcc)(ii) word inserted by S.I. 2022/990 reg. 2(1)(b)reg. 2(2)(b)
- reg. 85A(4)(zcd) inserted by S.I. 2023/532 reg. 2(1)reg. 2(2)(b)
- reg. 85A(4)(zce) inserted by S.I. 2023/1144 reg. 2(1)reg. 2(2)(b)
- reg. 85A(4)(zcd) inserted by S.I. 2020/683 reg. 3(2)(c)
- reg. 85A(4)(zce)(zfe) inserted by S.I. 2020/1309 reg. 55(2)(b)

- reg. 85A(5) inserted by S.I. 2020/683 reg. 3(2)(d)
- reg. 85A(6) inserted by S.I. 2020/1309 reg. 55(2)(c)
- reg. 105(10A)(ab) inserted by S.I. 2020/618 reg. 3(3)(b)
- reg. 105(10A)(ac)(ad) inserted by S.I. 2021/1405 reg. 3(3)
- reg. 105(10A)(ae) inserted by S.I. 2023/640 reg. 3(3)
- reg. 110(10)(ab) inserted by S.I. 2020/618 reg. 3(4)(a)
- reg. 110(10)(ab) word omitted by S.I. 2021/1405 reg. 3(4)(a)
- reg. 110(10)(ac)(ad) inserted by S.I. 2021/1405 reg. 3(4)(b)
- reg. 110(10)(ad) word omitted by S.I. 2023/640 reg. 3(4)(a)
- reg. 110(10)(ae) inserted by S.I. 2023/640 reg. 3(4)(b)
- reg. 113(3B) inserted by S.I. 2020/618 reg. 3(5)(c)
- reg. 113(3B) words substituted by S.I. 2021/1405 reg. 3(5)
- reg. 113(3B)(d)(e) inserted by S.I. 2023/640 reg. 3(5)
- reg. 137A words omitted by S.I. 2020/618 reg. 3(9)
- reg. 140(1)(h)(iiia) inserted by S.I. 2021/786 Sch. 3 para. 4(c)
- reg. 140(1)(h)(iva) inserted by S.I. 2022/177 art. 5(4)(c)
- reg. 146A(1)(e)(iiia) inserted by S.I. 2021/786 Sch. 3 para. 5(c)
- reg. 146A(1)(e)(iva) inserted by S.I. 2022/177 art. 5(5)(c)