
STATUTORY INSTRUMENTS

1997 No. 2305

SOCIAL SECURITY

**The Social Security (Miscellaneous
Amendments) (No. 4) Regulations 1997**

Made - - - - *24th September 1997*
Laid before Parliament *1st October 1997*
Coming into force - - *22nd October 1997*

The Secretary of State for Social Security, in exercise of the powers conferred on her by sections 135(1), 137(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(1), sections 5(1)(i), 61(1) and (2), 189(1) and (3) to (5) and 191 of the Social Security Administration Act 1992(2) and sections 4(5), 35(1) and 36(1), (2) and (4) of the Jobseekers Act 1995(3) and of all other powers enabling her in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations shall not be referred to it(4), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 4) Regulations 1997 and shall come into force on 22nd October 1997.

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(5) shall be amended in accordance with the following paragraph.

(2) In Schedule 3 (housing costs)(6)—

(a) after paragraph 1 the following paragraph shall be inserted—

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- (1) 1992 c. 4; section 137(1) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.
(2) 1992 c. 5; sections 5 and 61 are applied to jobseeker’s allowance by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraphs 39 and 45; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.
(3) 1995 c. 18; section 35(1) is an interpretation provision and is cited because of the meanings ascribed to the words “prescribed” and “regulations”.
(4) See the Social Security Administration Act 1992 sections 170 and 173(1)(b); paragraph 67 of Schedule 2 to the Jobseekers Act 1995 added that Act to the list of “relevant enactments” in respect of which regulations must be referred to the Committee. Section 173(7) defines “regulations”.
(5) S.I. 1987/1967; relevant amending instruments S.I. 1995/1613 and 2927.
(6) Schedule 3 was substituted by S.I. 1995/1613.

“Previous entitlement to income-based jobseeker’s allowance

1A.—(1) Where a claimant or his partner was in receipt of or was treated as being in receipt of income-based jobseeker’s allowance not more than 12 weeks before one of them becomes entitled to income support or, where the claimant or his partner is a person to whom paragraph 14(2) or (8) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

- (a) the applicable amount for that allowance included an amount in respect of housing costs under paragraph 14 or 15 of Schedule 2 to the Jobseeker’s Allowance Regulations 1996(7); 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 support shall be the applicable amount in respect of those costs current when entitlement to income-based jobseeker’s allowance was last determined.

(2) Where, in the period since housing costs were last calculated for income-based jobseeker’s allowance, 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 support, be recalculated so as to take account of that change.”;

- (b) in paragraph 6(1A)(8) (existing housing costs) after the words “sub-paragraph (1)” there shall be inserted the words “and subject to sub-paragraph (1B)”;
- (c) after paragraph 6(1A) the following sub-paragraph shall be inserted—

“(1B) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income-based jobseeker’s allowance and one of them becomes entitled to income support in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.”;

- (d) in paragraph 8(1A)(9) (new housing costs) after the words “sub-paragraph (1)” there shall be inserted the words “and subject to sub-paragraph (1B)”;
- (e) after paragraph 8(1A) the following sub-paragraph shall be inserted—

“(1B) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income-based jobseeker’s allowance and one of them becomes entitled to income support in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3.—(1) The Jobseeker’s Allowance Regulations 1996(10) shall be amended in accordance with the following paragraph.

- (2) In Schedule 2 (housing costs)—

(7) S.I. 1996/207.

(8) Paragraph 6(1A) was inserted in Schedule 3 by S.I. 1995/2927.

(9) Paragraph 8(1A) was inserted in Schedule 3 by S.I. 1995/2927.

(10) S.I. 1996/207 to which there are amendments which are not relevant to these Regulations.

- (a) after paragraph 1 the following paragraph shall be inserted—

“Previous entitlement to income support

1A.—(1) Where a claimant or his partner was in receipt of or was treated as being in receipt of income support 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 included an amount in respect of housing costs under paragraph 15 or 16 of Schedule 3 to the Income Support 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 was last determined.

(2) Where, in the period since housing costs were last calculated for income support, 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.”;

- (b) in paragraph 6(2) (existing housing costs) after the words “sub-paragraph (1)” there shall be inserted the words “and subject to sub-paragraph (3)”;
- (c) after paragraph 6(2) the following sub-paragraph shall be added—

“(3) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income support and one of them becomes entitled to income-based jobseeker’s allowance in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.”;

- (d) in paragraph 7(2) (new housing costs) after the words “sub-paragraph (1)” there shall be inserted the words “and subject to sub-paragraph (2A)”;
- (e) after paragraph 7(2) the following sub-paragraph shall be inserted—

“(2A) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income support and one of them becomes entitled to income-based jobseeker’s allowance in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.”.

Amendment of the Social Security (Adjudication) Regulations 1995

4. The Social Security (Adjudication) Regulations 1995(11) shall be amended in the following manner—

- (a) in regulation 63(7) (review in income support cases) at the beginning there shall be inserted the words “Subject to regulation 63B (further provision on reviews of income support cases and jobseeker’s allowance cases),”;

- (b) in regulation 63A(9)(12) (review in jobseeker's allowance cases) at the beginning there shall be inserted the words "Subject to regulation 63B (further provision on reviews of income support cases and jobseeker's allowance cases) and,";
- (c) after regulation 63A the following regulation shall be inserted—

“Further provision on reviews in income support cases and jobseeker’s allowance cases—

63B. Where, in any case to which regulation 63(7) or 63A(9) applies (reviews of housing costs on the anniversaries of the date on which a claimant's mortgage interest costs are first met for income support or jobseeker's allowance), a claimant has been continuously in receipt of or treated as having been continuously in receipt of income support or jobseeker's allowance, or one of those benefits followed by the other, and he or his partner continues to receive either benefit, the anniversary to which those paragraphs refer shall be the anniversary of the earliest date on which benefit (whether income support or jobseeker's allowance) in respect of those mortgage interest costs became payable.”.

Amendment of the Social Security (Claims and Payments) Regulations 1987

5.—(1) The Social Security (Claims and Payments) Regulations 1987(13) shall be amended in accordance with the following paragraph.

(2) In paragraph 10 of Schedule 9A (deductions of mortgage interest from benefit and payment to qualifying lenders—provision of information)—

- (a) at the beginning of both sub-paragraphs (2) and (3) there shall be inserted the words “Subject to sub-paragraph (4),”;
- (b) after sub-paragraph (3) there shall be added the following sub-paragraph—

“(4) Where a claimant or his partner is a person to whom either paragraph 1A of Schedule 3 to the Income Support (General) Regulations 1987 (housing costs) or paragraph 1A of Schedule 2 to the Jobseeker's Allowance Regulations 1996 (housing costs) refers, the information to which sub-paragraphs (2) and (3)(b) refer shall be provided at the request of the Secretary of State on the anniversary of the date on which the housing costs in respect of mortgage interest were first brought into account in determining the applicable amount of the person concerned.”.

Signed by authority of the Secretary of State for Social Security.

24th September 1997

Keith Bradley
Parliamentary Under-Secretary of State,
Department of Social Security

(12) Regulation 63A was inserted by S.I. 1996/1518; relevant amending instruments S.I. 1996/2306 and 2659.
(13) S.I. 1987/1968; Schedule 9A was inserted by S.I.1992/1026; relevant amending instrument S.I. 1996/1460.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Income Support (General) Regulations 1987 (S.I. [1987/1967](#)), the Jobseeker's Allowance Regulations 1996 (S.I. [1996/207](#)), the Social Security (Adjudication) Regulations 1995 (S.I. [1995/1801](#)) and the Social Security (Claims and Payments) Regulations 1987 (S.I. [1987/1968](#)).

These Regulations provide that in cases where an amount in respect of mortgage interest is included in a person's or his partner's applicable amount for income support or income-based jobseeker's allowance and the person concerned ceases to receive one of those benefits but becomes entitled to the other benefit within a period of 12 weeks or, in certain cases 26 weeks, or less, that amount shall form part of his applicable amount with respect to the other benefit and shall be recalculated on the anniversary of the date on which housing costs were first met as part of the benefit to which he was first entitled. Further provision is made with respect to the recalculation of mortgage interest upon other changes of circumstances.

These Regulations do not impose a charge on business.