
STATUTORY INSTRUMENTS

2008 No. 3195

**The Social Security (Housing Costs Special Arrangements)
(Amendment and Modification) Regulations 2008**

PART 3

Modifications relating to certain persons who
claim a relevant benefit after 4th January 2009

Application and interpretation

- [^{F18}8.—(1) This Part applies on and after 5th January 2010 to a person (“C”) who—
- (a) claims a relevant benefit after 4th January 2009; and
 - (b) satisfies any of the following conditions.
- (2) The first condition is that Part 2 applied to C at any time.
- (3) The second condition is that this Part (as it has effect on and after 5th January 2010) applied to C in relation to a previous award.
- (4) The third condition is that—
- (a) neither C nor C’s partner has been awarded a relevant benefit as the result of an earlier claim (whether the award was made before or on or after 5th January 2009);
 - (b) neither C nor C’s partner is in receipt of state pension credit before the date on which C’s claim is made or treated as made; and
 - (c) C does not fall to be treated under a linking rule as being in continuous receipt of the benefit to which C’s claim relates in respect of a period which begins on or before 4th January 2009 and which ends immediately before the date on which C’s claim is made or is treated as made.
- (5) The fourth condition is that—
- (a) C is not in receipt of a relevant benefit immediately before the date on which a claim made by C after 4th January 2009 is made or treated as made;
 - (b) neither C nor C’s partner is in receipt of state pension credit before that claim is made or treated as made;
 - (c) C or C’s partner was awarded a relevant benefit as the result of a claim made or treated as made before that claim; and
 - (d) C does not fall to be treated under a linking rule as being in continuous receipt of a relevant benefit during the period which falls immediately between the date on which a claim to which this provision relates is made or treated as made and the last period to occur before that date in respect of which C was in receipt of a relevant benefit (whether as a single person or as a member of a couple or polygamous marriage).
- (6) The fifth condition is that—

- (a) C or C’s partner is in receipt of state pension credit before the date on which any claim for a relevant benefit made by C or C’s partner after 4th January 2009 is made or treated as made; and
 - (b) none of the following provisions apply in relation to any such claim—
 - (i) paragraph 3(2) (previous entitlement to other income-related benefits) of Schedule 6 (housing costs) to the Employment and Support Allowance Regulations;
 - (ii) paragraph 1A(1A) (previous entitlement to income-based jobseeker’s allowance, income-related employment and support allowance or state pension credit) of Schedule 3 (housing costs) to the Income Support Regulations;
 - (iii) paragraph 1A(1ZA) or (1B) (previous entitlement to income support, income-related employment and support allowance or state pension credit) of Schedule 2 (housing costs) to the Jobseeker’s Allowance Regulations.
- (7) In this regulation—
- a “linking rule” means a provision of—
 - (a) paragraph 15 (linking rule) of Schedule 6 (housing costs) to the Employment and Support Allowance Regulations,
 - (b) paragraph 14 (linking rule) of Schedule 3 (housing costs) to the Income Support Regulations, or (as the case may be)
 - (c) paragraph 13 (linking rule) of Schedule 2 (housing costs) to the Jobseeker’s Allowance Regulations;
- “partner” has the same meaning as in regulation 1(3) (citation, commencement and interpretation) of the Jobseeker’s Allowance Regulations.]

F1 Reg. 8 substituted (5.1.2010) by Social Security (Housing Costs Special Arrangements) (Amendment) Regulations 2009 (S.I. 2009/3257), regs. 1(2), 4

Modification of the Employment and Support Allowance Regulations

9. Schedule 6 (housing costs) to the Employment and Support Allowance Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 1(2) (housing costs) the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) paragraph 8 (existing housing costs) were omitted;
- (c) in paragraph 9 (new housing costs)—
 - (i) the reference to “new” were omitted—
 - (aa) in the heading, and
 - (bb) in sub-paragraphs (1) and (2),
 - (ii) in sub-paragraph (1) the reference to “39” were to “13”,
 - (iii) sub-paragraphs (4) to (7) were omitted;
- (d) in paragraph 10 (general exclusions from paragraphs 8 and 9)—
 - (i) in the heading “paragraph 9” were substituted for “paragraphs 8 and 9”,
 - (ii) in sub-paragraph (1) “Paragraph 9” were substituted for “Paragraphs 8 and 9”;
- (e) in paragraph 11 (the calculation for loans) the reference to “existing housing costs, or as the case may be, new housing costs” were to “housing costs”;
- (f) in paragraph 12 (general provisions applying to new and existing housing costs)—

- (i) [F²for the heading there were substituted “General provisions applying to housing costs”];
- (ii) [F²sub-paragraphs (1) and (2) were omitted;]
- (iii) in sub-paragraph (4), the reference to “£100,000” were to “£200,000”;
- (g) in paragraph 14(9) (excessive housing costs) “paragraph 9” were substituted for “paragraphs 8 and 9”;
- (h) in paragraph 15 (linking rule)—
 - (i) in sub-paragraph (2) the reference to “paragraph 8(1)(a)(i) or” were omitted;
 - (ii) in sub-paragraph (6)(a) the reference to “8(1) or” were omitted;
 - (iii) for sub-paragraph (14) there were substituted—

“(14) Where sub-paragraph (13) applies, in determining for the purposes of paragraph 9(1) whether a person has been entitled to an income-related allowance for a continuous period of 13 weeks or more, any week falling between the date of the termination of the previous award and the date of the new claim is to be ignored.”;
 - (iv) in sub-paragraph (18) the reference to “8(1)(a), 8(1)(b) or” were omitted;
- (i) in paragraph 20 (continuity with income support, an income-based jobseeker's allowance or state pension credit) sub-paragraph (1)(a) were omitted.

F2 Instrument revoked in part (1.4.2016) by [The Social Security \(Housing Costs Amendments\) Regulations 2015 \(S.I. 2015/1647\)](#), [reg. 7](#) (with [reg. 8](#))

Modification of the Income Support Regulations

10. Schedule 3 (housing costs) to the Income Support Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 1(2) (housing costs) ^{M1} the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) paragraph 6 (existing housing costs) were omitted;
- (c) in paragraph 8 (new housing costs)—
 - (i) the reference to “new” were omitted—
 - (aa) in the heading, and
 - (bb) in sub-paragraphs (1) and (1A),
 - (ii) in sub-paragraph (1) the reference to “39” were to “13”,
 - (iii) sub-paragraphs (2) to (5) were omitted;
- (d) in paragraph 9 (general exclusions from paragraphs 6 and 8) ^{M2}—
 - (i) in the heading “paragraph 8” were substituted for “paragraphs 6 and 8”,
 - (ii) in sub-paragraph (1) “Paragraph 8” were substituted for “Paragraphs 6 and 8”;
- (e) in paragraph 10 (the calculation for loans) ^{M3} the reference to “existing housing costs, or as the case may be, new housing costs” were to “housing costs”;
- (f) in paragraph 11 (general provisions applying to new and existing housing costs)—
 - (i) [F²for the heading there were substituted “General provisions applying to housing costs”];
 - (ii) [F²sub-paragraphs (2) and (3) were omitted;]

- (iii) in sub-paragraph (5), the reference to “£100,000” were to “£200,000”;
- (g) in paragraph 13(9) (excessive housing costs) ^{M4}“paragraph 8” were substituted for “paragraphs 6 and 8”;
- (h) in paragraph 14 (linking rule)—
 - (i) in sub-paragraph (2) ^{M5}“paragraph 6(1)(a)(i) or” were omitted,
 - (ii) in sub-paragraph (3AA)(a) ^{M6} the reference to “6(1) or” were omitted,
 - (iii) for sub-paragraph (9) there were substituted—
 - “(9) Where sub-paragraph (8) applies, in determining for the purposes of paragraph 8(1) whether a person has been entitled to income support for a continuous period of 13 weeks or more, any week falling between the date of the termination of the previous award and the date of the new claim is to be ignored.”;
 - (iv) in sub-paragraph (13) ^{M7} the reference to “6(1)(a), 6(1)(b) or” were omitted.

F2 Instrument revoked in part (1.4.2016) by [The Social Security \(Housing Costs Amendments\) Regulations 2015 \(S.I. 2015/1647\)](#), [reg. 7](#) (with [reg. 8](#))

Marginal Citations

- M1** Head (a) in the definition of “existing housing costs” was substituted by [S.I. 2004/2825](#).
- M2** Paragraph 9 was amended by [S.I. 2002/3019](#).
- M3** Paragraph 10 was substituted by [S.I. 2001/3651](#) and amended by [S.I. 2004/2825](#).
- M4** Paragraph 13 was amended by [S.I. 1999/3178](#).
- M5** Paragraph 14(2) was amended by S.Is. 1999/3178 and 2001/158.
- M6** Paragraph 14(3AA) was inserted by [S.I. 1999/1921](#) and amended by [S.I. 2006/2378](#).
- M7** Paragraph 14(13) was amended by [S.I. 2002/841](#).

Modification of the Jobseeker's Allowance Regulations

11. Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 1(2) (housing costs) ^{M8} the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) after paragraph 4 (housing costs not met) there were inserted—

^{F3}“Housing costs: limitation applicable to qualifying loans

4A.—(1) Except as mentioned below, no amount may be met in respect of housing costs under paragraph 14 or 15 after the claimant has been in receipt of housing costs under either or both of those paragraphs (“relevant housing costs”) for a cumulative total of 104 weeks, beginning on or after 5th January 2009.

(2) Sub-paragraphs (3) to [^{F4}(7)] apply for the purposes of sub-paragraph (1).

(3) No week in which the appropriate amount specified in paragraph 10(4) is £100,000 in relation to the claimant is to count towards the 104 week total.

(4) Where sub-paragraph (5) applies to the claimant, relevant housing costs awarded to him in respect of a previous award of a jobseeker's allowance are to be disregarded.

(5) This sub-paragraph applies to the claimant where he does not fall to be treated under paragraph 13 (linking rule) as being in receipt of a jobseeker's allowance for a continuous period beginning with the first day of the last period in respect of which he was not in

receipt of a jobseeker's allowance and ending immediately before his most recent claim is made or is treated as made.

(6) Sub-paragraph (1) does not apply where—

- (a) the claimant or his partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was entitled to an employment and support allowance or income support before one of them becomes entitled to a jobseeker's allowance; and
- (b) 12 weeks or less has elapsed since the last day of that entitlement and the first day of entitlement to a jobseeker's allowance.]

[^{F5}(7) In determining whether the exemption provided for in sub-paragraph (6) applies, where the claimant or his partner or, if the claimant is a member of a joint-claim couple, the other member of the couple was in receipt of a jobseeker's allowance immediately before becoming entitled to income support by virtue of regulation 6(6) of the Income Support Regulations, no account shall be taken of entitlement arising by virtue of that regulation.”].

(c) [^{F2}paragraph 6 (existing housing costs) were omitted;]

(d) [^{F2}in paragraph 7 (new housing costs)—

(i) the reference to “new” were omitted—

(aa) in the heading, and

(bb) in sub-paragraphs (1) and (2),

(ii) in sub-paragraph (1) the reference to “39” were to “13”,

(iii) sub-paragraphs (3) to (7) were omitted;]

(e) [^{F2} in paragraph 8 (general exclusions from paragraphs 6 and 7) —

(i) in the heading “paragraph 7” were substituted for “paragraphs 6 and 7”;

(ii) in sub-paragraph (1) “Paragraph 7” were substituted for “Paragraphs 6 and 7”];

(f) [^{F2} in paragraph 9 (the calculation for loans) the reference to “existing housing costs, or as the case may be, new housing costs” were to “housing costs”;]

(g) in paragraph 10 (general provisions applying to new and existing housing costs)—

(i) [^{F2}for the heading there were substituted “General provisions applying to housing costs”];

(ii) [^{F2}sub-paragraphs (1) and (2) were omitted;]

(iii) in sub-paragraph (4), the reference to “£100,000” were to “£200,000”;

(h) in paragraph 12(9) (excessive housing costs) ^{M9} “paragraph 7” were substituted for “paragraphs 6 and 7”;

(i) in paragraph 13 (linking rule)—

(i) in sub-paragraph (2) ^{M10} the reference to “paragraph 6(1)(a)(i) or” were omitted,

(ii) in sub-paragraph (4A)(a) ^{M11} the reference to “6(1) or” were omitted,

(iii) for sub-paragraph (11) there were substituted—

“(11) Where sub-paragraph (10) applies, in determining for the purposes of paragraph 7(1) whether a person has been entitled to a jobseeker's allowance for a continuous period of 13 weeks or more, any week falling between the date of the termination of the previous award and the date of the new claim is to be ignored.”;

(iv) in sub-paragraph (15) ^{M12} the reference to “6(1)(a), 6(1)(b) or” were omitted;

(j) in paragraph 18 (continuity with income support)^{M13} sub-paragraph (1)(a) were omitted.

- F2** Instrument revoked in part (1.4.2016) by [The Social Security \(Housing Costs Amendments\) Regulations 2015 \(S.I. 2015/1647\)](#), [reg. 7](#) (with [reg. 8](#))
- F3** Reg. 11(b)(Words in the inserted reg 4A) substituted (5.1.2010) by [Social Security \(Housing Costs Special Arrangements\) \(Amendment\) Regulations 2009 \(S.I. 2009/3257\)](#), [regs. 1\(2\)](#), [5](#)
- F4** Word in reg. 11(b) substituted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), [regs. 1\(2\)](#), [26\(3\)\(a\)](#)
- F5** Words in reg. 11(b) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), [regs. 1\(2\)](#), [26\(3\)\(b\)](#)

Marginal Citations

- M8** The definition of “existing housing costs” was substituted by [S.I. 2004/2825](#) .
- M9** Paragraph 12 was amended by [S.I. 1999/2860](#) .
- M10** Paragraph 13(2) was amended by S.Is. 1999/2860 and 2001/158.
- M11** Paragraph 13(4A) was inserted by [S.I. 1999/1921](#) and amended by [S.I. 2006/2378](#) .
- M12** Paragraph 13(15) was amended by [S.I. 2002/841](#) .
- M13** Paragraph 18 was amended by S.Is. 1996/1517 and 2008/1554.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008, PART 3.