
STATUTORY INSTRUMENTS

2017 No. 725

The Loans for Mortgage Interest Regulations 2017

Citation and commencement

- 1.—(1) These Regulations may be cited as the Loans for Mortgage Interest Regulations 2017.
- (2) These Regulations come into force—
- (a) for the purposes of regulations 18 to 21, on 6th April 2018;
 - (b) for all other purposes, on 27th July 2017.

Interpretation

- 2.—(1) In these Regulations—
- “the Act” means the Welfare Reform and Work Act 2016;
- [^{F1}“alternative finance arrangements” has the meaning given in paragraph 5(4) of Schedule 1 to these Regulations;]
- “alternative finance payments” has the meaning given in paragraph 5(3) of Schedule 1 to these Regulations;
- “applicable amount” means—
- (a) in the case of employment and support allowance, the claimant’s weekly applicable amount under regulations 67 to 70 of the ESA Regulations⁽¹⁾;
 - (b) in the case of income support, the claimant’s weekly applicable amount under regulations 17 to 21AA of the IS Regulations⁽²⁾;
 - (c) in the case of jobseeker’s allowance, the claimant’s weekly applicable amount under regulations 83 to 86C of the JSA Regulations⁽³⁾;
 - (d) in the case of an SPC claimant, the claimant’s weekly appropriate minimum guarantee under section 2 of the State Pension Credit Act 2002⁽⁴⁾;
 - (e) in the case of a UC claimant, the maximum amount of a claimant’s award of universal credit under regulation 23(1) of the UC Regulations⁽⁵⁾;
- “assessment period” has the meaning given in regulation 21 of the UC Regulations⁽⁶⁾;
- “benefit unit” means a single claimant and his or her partner (if any) or joint claimants;
- “benefit week” has the meaning given—

(1) S.I. 2008/794. Regulation 67 was amended by S.I. 2009/3228 and 2017/204.

(2) S.I. 1987/1967. Regulation 17 was amended by S.I. 1988/1445, 1989/1678, 1991/387, 2003/455, 2005/2687, 2006/588 and 2009/3228.

(3) S.I. 1996/207. Regulation 83 was amended by S.I. 2003/455 and 1121 and 2009/3228. Regulation 84 was amended by S.I. 1996/1516, 2001/3767, 2003/455 and 1121 and 2009/3228. Regulations 86A and 86B were amended by S.I. 2000/1978, 2001/3767, 2003/1121 and 2009/3228.

(4) 2002 c. 6. Section 2 is amended by paragraph 14 of Schedule 24 to the Civil Partnership Act 2004 (c. 33).

(5) S.I. 2013/376. Regulation 23(1) was amended by S.I. 2017/204.

(6) Regulation 21 was amended by S.I. 2014/2887 and 2015/1362.

- (a) in the case of employment and support allowance, in regulation 2 of the ESA Regulations⁽⁷⁾;
- (b) in the case of income support, in paragraph 4 of Schedule 7 to the Claims and Payment Regulations⁽⁸⁾;
- (c) in the case of jobseeker’s allowance, in regulation 1 of the JSA Regulations⁽⁹⁾;
- (d) in the case of state pension credit, in regulation 1 of the SPC Regulations⁽¹⁰⁾;

“charge by way of legal mortgage” has the meaning given in section 132(1) of the Land Registration Act 2002⁽¹¹⁾;

“child” means a person under the age of 16;

“claimant” means a single claimant or each of joint claimants;

“Claims and Payment Regulations” means the Social Security (Claims and Payments) Regulations 1987⁽¹²⁾;

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or, if any of the preceding persons is one member of a couple, the other member of that couple;

[^{F2}“conveyancer” means—

- (a) in England and Wales, a conveyancer within the meaning of rule 217A of the Land Registration Rules 2003;
- (b) in Scotland, a solicitor or advocate within the meaning of section 65 of the Solicitors (Scotland) Act 1980, or a conveyancing practitioner as defined in section 23 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990;]

“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household;
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple or civil partners;

“disabled person” has the meaning given—

- (a) in the case of employment and support allowance, in paragraph 1(3) of Schedule 6 to the ESA Regulations⁽¹³⁾;
- (b) in the case of income support, in paragraph 1(3) of Schedule 3 to the IS Regulations⁽¹⁴⁾;
- (c) in the case of jobseeker’s allowance, in paragraph 1(3) of Schedule 2 to the JSA Regulations⁽¹⁵⁾;
- (d) in the case of state pension credit, in paragraph 1(2)(a) of Schedule 2 to the SPC Regulations⁽¹⁶⁾;
- (e) in the case of universal credit, in paragraph 14(3) of Schedule 3 to these Regulations;

“dwelling”—

(7) There have been amendments to regulation 2 which are not relevant to these Regulations.

(8) S.I. 1987/1968. Paragraph 4 was amended by S.I. 1988/522.

(9) Regulation 2 was amended by S.I. 2009/604 and other amending instruments which are not relevant to these Regulations.

(10) There have been amendments to regulation 1 which are not relevant to these Regulations.

(11) 2002 c. 9.

(12) S.I. 1987/1968.

(13) Paragraph 1(3) was amended by S.I. 2012/913, 2013/630 and 2017/204.

(14) Paragraph 1(3) was amended by S.I. 1995/2927, 2006/2378, 2008/1554, 2012/913, 2013/630 and 2017/204.

(15) Paragraph 1(3) was amended by S.I. 1989/534, 1996/1516, 2006/2378, 2008/1554, 2012/913, 2013/630 and 2017/204.

(16) Paragraph 1(2)(a) was amended by S.I. 2002/3197, 2005/3360, 2006/718, 2008/1554, 2012/913, 2013/388, 591 and 630, 2014/2888 and 2017/204.

(a) in England and Wales, means a dwelling within the meaning of Part 1 of the Local Government Finance Act 1992⁽¹⁷⁾;

(b) in Scotland, means a dwelling within the meaning of Part 2 of that Act;

“earned income” has the meaning given in Chapter 2 of Part 6 of the UC Regulations;

“ESA Regulations” means the Employment and Support Allowance Regulations 2008⁽¹⁸⁾;

“existing claimant” means a claimant who is entitled to a qualifying benefit, including an amount for owner-occupier payments, on 5th April 2018;

“financial year” has the meaning given in section 25(2) of the Budget Responsibility and National Audit Act 2011⁽¹⁹⁾;

“income” means any income which is, or which is treated as, an individual’s, including payments which are treated as earnings, and which is not disregarded, under—

(a) in the case of employment and support allowance, Part 10 of the ESA Regulations;

(b) in the case of income support, Part 5 of the IS Regulations;

(c) in the case of jobseeker’s allowance, Part 8 of the JSA Regulations;

(d) in the case of state pension credit, Part 3 of the SPC Regulations;

“IS Regulations” means the Income Support (General) Regulations 1987⁽²⁰⁾;

[^{F3}“joint claimants”—

(a) in the case of jobseeker’s allowance means—

(i) members of a joint-claim couple who have jointly made a claim for, and are entitled to, income-based jobseeker’s allowance; or

(ii) members of a joint-claim couple who have made a claim for, but are not entitled to, such a benefit by reason only that they have income—

(aa) equal to or exceeding the applicable amount, but

(bb) less than the sum of that applicable amount and the amount of a loan payment applicable to the joint-claim couple;

(b) in the case of universal credit means members of a couple who have jointly made a claim for, and are entitled to, universal credit;]

“joint-claim couple” has the meaning in section 1(4) of the Jobseekers Act 1995;

“JSA Regulations” means the Jobseeker’s Allowance Regulations 1996⁽²¹⁾;

“legacy benefit” means income-related employment and support allowance, income support or income-based jobseeker’s allowance;

“legacy benefit claimant” means a claimant who is entitled to^{F4}, or is treated as entitled to,] a legacy benefit;

“legal estate” means any of the legal estates set out in section 1(1) of the Law of Property Act 1925⁽²²⁾;

(17) 1992 c. 14.

(18) S.I. 2008/794. The Regulations have been modified in their application to certain claimants by S.I. 2008/3195, as amended by S.I. 2009/3257.

(19) 2011 c. 4.

(20) S.I. 1987/1967. The Regulations have been modified in their application to certain claimants by S.I. 2008/3195, as amended by S.I. 2009/3257.

(21) S.I. 1996/207. The Regulations have been modified in their application to certain claimants by S.I. 2008/3195, as amended by S.I. 2009/3257.

(22) 1925 c. 20.

“legal owner” means the owner, whether alone or with others, of a legal estate or, in Scotland, a heritable or registered interest, in the relevant accommodation;

“loan agreement” means an agreement entered into by a single claimant and his or her partner (if any), or each joint claimant, and the Secretary of State, which sets out the terms and conditions upon which the loan payments are made to the claimant;

“loan payments” means one or more payments, calculated under regulation 10, in respect of a claimant’s liability to make owner-occupier payments in respect of the relevant accommodation;

“loan payments offer date” means the day on which the Secretary of State sends the loan agreement to a claimant;

“Modified Rules” means the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008⁽²³⁾;

“new claimant partner” has the meaning given in regulation 7 of the Transitional Provisions Regulations ⁽²⁴⁾;

“non-dependant” has the meaning given—

- (a) in the case of employment and support allowance, in regulation 71 of the ESA Regulations;
- (b) in the case of income support, in regulation 3 of the IS Regulations⁽²⁵⁾;
- (c) in the case of jobseeker’s allowance, in regulation 2 of the JSA Regulations⁽²⁶⁾;
- (d) in the case of state pension credit, in paragraph 1(4) of Schedule 2 to the SPC Regulations;

“owner-occupier payments” has the meaning given in regulation 3(2)(a);

“partner” means—

- (a) where a claimant is a member of a couple, the other member of that couple;
- (b) where a claimant is married polygamously to two or more members of the claimant’s household, all such members;

“person who lacks capacity”—

- (a) in England and Wales, has the meaning given in section 2 of the Mental Capacity Act 2005⁽²⁷⁾;
- (b) in Scotland, means a person who is incapable under section 1(6) of the Adults with Incapacity (Scotland) Act 2000⁽²⁸⁾;

“polygamous marriage” means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy;

“qualifying benefit” means income-related employment and support allowance, income support, income-based jobseeker’s allowance, state pension credit or universal credit;

“qualifying lender” has the meaning given in section 19(7) of the Act;

“qualifying loan” means—

- (a) in the case of a legacy benefit or state pension credit, a loan which qualifies under paragraph 2(2) or (4) of Schedule 1 to these Regulations;

⁽²³⁾ S.I. 2008/3195. The Regulations were amended by S.I. 2009/3257.

⁽²⁴⁾ S.I. 2014/1230. Regulation 7 was amended by S.I. 2014/2887.

⁽²⁵⁾ Regulation 3 was amended by S.I. 1988/1445, 1989/534 and 1678, 1990/1776, 1991/2334, 1994/3061 and 1995/516.

⁽²⁶⁾ There have been amendments to regulation 2 which are not relevant to these Regulations.

⁽²⁷⁾ 2005 c. 9.

⁽²⁸⁾ 2000 asp 4.

(b) in the case of universal credit, a loan which qualifies under paragraph 5(2) of Schedule 1 to these Regulations;

“qualifying period” means a period of—

(a) [^{F5}three] consecutive assessment periods in which a claimant has been entitled to universal credit;

(b) 39 consecutive weeks in which a claimant—

(i) has been entitled to a legacy benefit; or

(ii) is treated as having been entitled to such a benefit under —

(aa) paragraph 14 of Schedule 3 to the IS Regulations(**29**);

(bb) paragraph 13 of Schedule 2 to the JSA Regulations(**30**); or

(cc) paragraph 15 of Schedule 6 to the ESA Regulations(**31**);

“qualifying young person” has the meaning given—

(a) in the case of a legacy benefit, in section 142 of the Social Security Contributions and Benefits Act 1992(**32**);

(b) in the case of state pension credit, in regulation 4A of the SPC Regulations(**33**);

(c) in the case of universal credit, in regulation 5 of the UC Regulations;

“relevant accommodation” means the accommodation which the claimant occupies, or is treated as occupying, as the claimant’s home under Schedule 3;

“relevant date”, apart from in regulation 21, means the first day with respect to which a claimant’s liability to make owner-occupier payments is met by a loan payment;

[^{F6}“single claimant” means—

(a) an individual who has made a claim for, and is entitled to, a qualifying benefit;

(b) an individual who has made a claim for, but is not entitled to, a legacy benefit or state pension credit by reason only that the individual has, or, if the individual is a member of a couple, they have, income—

(i) equal to or exceeding the applicable amount, but

(ii) less than the sum of that applicable amount and the amount of a loan payment applicable to the individual;]

“single person” means an individual who is not a member of a couple;

“SPC claimant” means a claimant who is entitled to[^{F7}, or is treated as entitled to,] state pension credit;

“SPC Regulations” means the State Pension Credit Regulations 2002(**34**);

“standard security” has the meaning in Part 2 of the Conveyancing and Feudal Reform (Scotland) Act 1970(**35**);

(29) Paragraph 14 was amended by S.I. 1995/2927, 1996/206 and 1944, 1997/2863, 1998/2231, 1999/714, 1921 and 3178, 2000/724 and 1981, 2001/488 and 1029, 2002/841 and 3019, 2005/2465, 2006/2378, 2008/698, 1554, 2428 and 2767 and 2011/674 .

(30) Paragraph 13 was amended by S.I. 1996/1516, 1517 and 2538, 1997/827 and 2863, 1998/2231, 1999/714, 1921 and 2860, 2000/724 and 1978, 2001/488 and 1029, 2002/841 and 3019, 2005/2465, 2006/2378, 2008/698, 1554, 1826 and 2767, 2009/480 and 2011/674 and 2425.

(31) Paragraph 15 was amended by S.I. 2008/2428, 2011/674, 2425 and 2428, 2013/388 and 599 and 2015/1647.

(32) 1992 c. 4. Section 142 was substituted by section 1(2) of the Child Benefit Act 2005 (c. 6).

(33) Regulation 4A was inserted by S.I. 2016/624.

(34) S.I. 2002/1792. The Regulations have been modified in their application to certain claimants by S.I. 2008/3195, as amended by S.I. 2009/3257.

(35) 1970 c. 35.

“transitional end day” has the meaning given in regulations 19(1)^[F8], 19A(1) and (5)] and 20(2);
 “Transitional Provisions Regulations” means the Universal Credit (Transitional Provisions) Regulations 2014⁽³⁶⁾;

“UC claimant” means a claimant who is entitled to universal credit;

“UC Regulations” means the Universal Credit Regulations 2013⁽³⁷⁾; and

“unearned income” has the meaning given in Chapter 3 of Part 6 of the UC Regulations.

(2) For the purposes of these Regulations, a reference to—

(a) entitlement to a qualifying benefit is to be read as a reference to entitlement as determined under the ESA Regulations, IS Regulations, JSA Regulations, SPC Regulations and UC Regulations;

[^{F9}(aa) a person being treated as entitled to a qualifying benefit is to be read as a reference to a person who satisfies sub-paragraph (a)(ii) of the definition of “joint claimants” or sub-paragraph (b) of the definition of “single claimant”, except in the definition of “qualifying period”, regulation 21(5)(b) and paragraph 3 of Schedule 1;]

(b) the claimant’s family or to being a member of the claimant’s family means a reference to the claimant’s partner and any child or qualifying young person who is the responsibility of the claimant or the claimant’s partner, where that child or qualifying young person is a member of the claimant’s household;

(c) a person being responsible for a child or qualifying young person is to be read as a reference to a person being treated as responsible for a child or qualifying young person in the circumstances specified in—

(i) in the case of employment and support allowance, regulation 156(10) of the ESA Regulations⁽³⁸⁾;

(ii) in the case of income support, regulation 15 of the IS Regulations⁽³⁹⁾;

(iii) in the case of jobseeker’s allowance, regulation 77 of the JSA Regulations⁽⁴⁰⁾;

(iv) in the case of state pension credit and universal credit, regulation 4 of the UC Regulations⁽⁴¹⁾;

(d) a person being a member of a household is to be read as a reference to a person being treated as a member of the household in the circumstances specified in—

(i) in the case of employment and support allowance, in regulation 156 of the ESA Regulations⁽⁴²⁾;

(ii) in the case of income support, in regulation 16 of the IS Regulations⁽⁴³⁾;

(iii) in the case of jobseeker’s allowance, in regulation 78 of the JSA Regulations⁽⁴⁴⁾;

(iv) in the case of state pension credit and universal credit, in regulation 5 of the SPC Regulations⁽⁴⁵⁾;

(36) S.I. 2014/1230.

(37) S.I. 2013/376.

(38) Regulation 156(10) was amended by S.I. 2008/2428, 2011/1740 and 2015/643.

(39) Regulation 15 was amended by S.I. 1993/2119 and 2002/2402.

(40) Regulation 77 was amended by S.I. 2002/2402.

(41) Regulation 4 was amended by S.I. 2013/1508.

(42) Regulation 156 was amended by S.I. 2008/2428, 2011/1740 and 2015/643.

(43) Regulation 16 was amended by S.I. 1988/663, 1989/534, 1990/547, 1992/468 and 3147, 1993/2119, 1996/206 and 1944, 2005/445, 2078 and 2687, 2006/2378, 2011/1740 and 2015/643.

(44) Regulation 78 was amended by S.I. 1996/1516 and 1517, 2000/1978, 2005/2687, 2006/588 and 2378, 2008/1554, 2011/1740, and 2015/643.

(45) Regulation 5 was amended by S.I. 2002/1792, 3019 and 3197, 2003/2274, 2005/445, 2078 and 2687, 2006/2378, 2008/2424 and 2016/624.

- (e) a person being engaged in remunerative work is to be read as a reference to a person being treated as engaged in remunerative work—
- (i) in the case of employment and support allowance, in regulations 41 to 43 of the ESA Regulations(46);
 - (ii) in the case of income support, in regulations 5 and 6 of the IS Regulations(47);
 - (iii) in the case of jobseeker’s allowance, in regulations 51 to 53 of the JSA Regulations(48);
 - (iv) in the case of state pension credit, in paragraph 2 of Schedule 2 to the SPC Regulations(49).

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| <p>F1 Words in reg. 2 inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(2)(a)</p> <p>F2 Words in reg. 2 inserted (15.3.2021) by The Loans for Mortgage Interest (Amendment) Regulations 2021 (S.I. 2021/131), regs. 1(b), 2(2)</p> <p>F3 Words in reg. 2 substituted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(2)(b)</p> <p>F4 Words in reg. 2 inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(2)(c)</p> <p>F5 Word in reg. 2(1) substituted (3.4.2023) by The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), 2(2)</p> <p>F6 Words in reg. 2 substituted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(2)(d)</p> <p>F7 Words in reg. 2 inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(2)(e)</p> <p>F8 Words in reg. 2 inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(2)(f)</p> <p>F9 Reg. 2(2)(aa) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(2)(g)</p> |
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The offer of loan payments

3.—(1) The Secretary of State may make an offer of loan payments to a claimant in respect of any owner-occupier payments the claimant is, or is to be treated as, liable to make in respect of the accommodation which the claimant is, or is to be treated as, occupying as the claimant’s home^{F10}....

(2) For the purposes of paragraph (1)—

(a) owner-occupier payments are—

- (i) in the case of a legacy benefit claimant or SPC claimant, payments within the meaning of Part 1 of Schedule 1;
- (ii) in the case of a UC claimant, payments within the meaning of Part 2 of Schedule 1;

(b) the circumstances in which a claimant is, or is to be treated as, liable to make owner-occupier payments are—

- (i) in the case of a legacy benefit claimant or SPC claimant, the circumstances specified in Part 1 of Schedule 2;

(46) Regulation 43 was amended by S.I. 2009/3228, 2013/2536 and 2014/3255.

(47) Regulation 5 was amended by S.I. 1988/663, 1445 and 2022, 1990/547, 1991/1559, 1993/2119, 1995/516, 1996/1944, 1999/3178, 2000/681, 2001/488, 2002/2689, 2007/2618, 2008/698 and 2014/3255. Regulation 6 was amended by S.I. 1999/2556, 2000/681, 2003/1589, 2004/963, 2007/3183, 2008/1554, 2009/3228 and 2010/641.

(48) Regulation 53 was amended by S.I. 2009/3228, 2013/2536, 2014/3255 and 2015/389.

(49) Paragraph 2 was amended by S.I. 2002/3197, 2003/2274 and 2014/3255.

- (ii) in the case of a UC claimant, the circumstances specified in Part 2 of Schedule 2;
- (c) the circumstances in which a claimant is, or is to be treated as, occupying accommodation as the claimant’s home are—
 - (i) in the case of a legacy benefit claimant or SPC claimant, the circumstances specified in Part 2 of Schedule 3;
 - (ii) in the case of a UC claimant, the circumstances specified in Part 3 of Schedule 3.
- (3) Where the liability for owner-occupier payments is shared with a person not in the benefit unit, the claimant shall be, or shall be treated as, liable to make owner-occupier payments by reference to the appropriate proportion of the payments for which the claimant is responsible.

^{F11}(4)

<p>F10 Words in reg. 3(1) omitted (3.4.2023) by virtue of The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), 2(3)(a)</p> <p>F11 Reg. 3(4) omitted (3.4.2023) by virtue of The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), 2(3)(b)</p>
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Acceptance of loan payments offer

4. The offer of loan payments is accepted where the Secretary of State has received the loan agreement signed by, in the case of a single claimant, the claimant and his or her partner (if any), or, in the case of joint claimants, each member of the couple, and the documents referred to in regulation 5(2).

Conditions to meet before the loan payments can be made

- 5.—(1) The Secretary of State may make the loan payments if—
 - (a) the loan payments offer is accepted in accordance with regulation 4; and
 - (b) the conditions in paragraph (2) are met.
- (2) The conditions are—
 - (a) in England and Wales—
 - (i) where all of the legal owners are within the benefit unit, each legal owner has executed a charge by way of legal mortgage in favour of the Secretary of State in respect of the relevant accommodation;
 - (ii) where one or more legal owners are not within the benefit unit, each legal owner within the benefit unit (if any) has executed an equitable charge in respect of their beneficial interest in the relevant accommodation;
 - (b) in Scotland, each legal owner within the benefit unit has executed a standard security in respect of his or her interest in the relevant accommodation;
 - (c) the Secretary of State has obtained the written consent referred to in paragraph (3); and
 - (d) the information condition in regulation 6 is met within the period of 6 months ending with the day on which the loan payments offer is accepted.
- (3) The consent required by paragraph (2)(c) is consent given in writing to the creation of the charge or, in Scotland, the standard security by any person in the benefit unit in occupation of the relevant accommodation, who is not a legal owner.

Information condition

6.—(1) The information condition is that the Secretary of State has provided relevant information about the loan payments to a single claimant and his or her partner (if any) or each joint claimant.

(2) For the purposes of this regulation, “relevant information” is information about the loan payments which must include—

- (a) a summary of the terms and conditions included within the loan agreement;
- (b) where the circumstances in regulation 5(2)(a)(i) or (b) apply, an explanation that the Secretary of State will seek to obtain a charge or, in Scotland, a standard security in respect of the relevant accommodation;
- (c) an explanation of the consent referred to in regulation 5(3); and
- (d) information as to where a single claimant and his or her partner (if any) or each joint claimant can obtain further information and independent legal and financial advice regarding loan payments.

Time of each loan payment

7. Each loan payment shall be made—

(a) in the case of a UC claimant, at monthly intervals in arrears; and

[^{F12}(b) in the case of a legacy benefit claimant or SPC claimant, at 4 weekly intervals in arrears.]

F12 Reg. 7(b) substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(3)**

Period covered by loan payments

8.—(1) The period in respect of which the loan payments shall be made shall begin on the later of—

(a) 6th April 2018;

(b) in the case of a UC claimant or legacy benefit claimant, [^{F13}, except where sub-paragraph (ba) or (bb) applies,] the day after the day on which the qualifying period ends;

[^{F14}(ba) in the case of a couple where one member is an SPC claimant receiving loan payments, the first day of entitlement to universal credit as a couple;

(bb) in the case of a couple where one member was formerly an SPC claimant receiving loan payments, the first day of entitlement to universal credit as a couple, if the first day of that entitlement is within the period of one month beginning with the day on which the entitlement to state pension credit ended;]

[^{F15}(c) in the case of an [^{F16}SPC claimant (who is not in a couple)], the first day of entitlement to state pension credit;]

(d) the transitional end day[^{F17};

(e) a date requested by the claimant.]

[^{F18}(2) If the day referred to in [^{F19}sub-paragraphs (a), (b), (c) and (e) of paragraph (1)] is not the first day of the claimant’s benefit week, in the case of a legacy benefit claimant or SPC claimant, or assessment period, in the case of a UC claimant, the day referred to shall be the first day of the first benefit week or first assessment period that begins after that date.]

[^{F20}(3) In this regulation, “couple” means a couple entitled to universal credit as joint claimants under regulation 3(2)(a) of the UC Regulations.]

- F13** Words in reg. 8(1)(b) inserted (3.4.2023) by The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), **2(4)(a)(i)**
- F14** Reg. 8(1)(ba)(bb) inserted (3.4.2023) by The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), **2(4)(a)(ii)**
- F15** Reg. 8(1)(c) substituted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(4)(a)**
- F16** Words in reg. 8(1)(c) substituted (3.4.2023) by The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), **2(4)(a)(iii)**
- F17** Reg. 8(1)(e) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(4)(b)**
- F18** Reg. 8(2) substituted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(4)(c)**
- F19** Words in reg. 8(2) substituted (3.4.2023) by The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), **2(4)(b)**
- F20** Reg. 8(3) inserted (3.4.2023) by The Loans for Mortgage Interest (Amendment) Regulations 2023 (S.I. 2023/226), regs. 1(1), **2(4)(c)**

Duration of loan payments

9.—(1) Subject to paragraph (2), loan payments shall continue to be made indefinitely at the intervals specified in regulation 7.

(2) If one of the circumstances in paragraph (3) occurs, the Secretary of State shall terminate the loan payments immediately but subject to paragraph (4).

(3) The circumstances are that—

- (a) the claimant ceases to be entitled to^{F21}, or treated as entitled to, a qualifying benefit;
- (b) the claimant ceases to be, or to be treated as, liable to make owner-occupier payments under Schedule 2;
- (c) the claimant ceases to be, or to be treated as, occupying the relevant accommodation under Schedule 3;
- (d) the loan agreement is terminated in accordance with its terms;

^{F22}(e)

(4) The Secretary of State shall make the loan payments direct to the claimant for the period specified in paragraph (6) if—

- (a) a claimant ceases to be entitled to a legacy benefit by reason that, in the case of a single claimant, the claimant or his or her partner (if any), or, in the case of joint claimants, either member of the couple, is engaged in remunerative work; and
- (b) the conditions in paragraph (5) are met.

(5) The conditions are that, in the case of a single claimant, the claimant or his or her partner (if any), or, in the case of joint claimants, either member of the couple—

- (a) is engaged in remunerative work which is expected to last for a period of no less than 5 weeks;
- (b) is still liable or treated as liable to make owner-occupier payments under Schedule 2;
- (c) has, for a continuous period of 26 weeks ending with the day on which he or she commences the work referred to in sub-paragraph (a), been entitled to a legacy benefit; and
- (d) was, on the day before the day on which he or she commenced the work referred to in sub-paragraph (a), receiving loan payments under these Regulations.

(6) The period specified is the period of 4 weeks commencing with the day on which the relevant person is first engaged in remunerative work.

[^{F23}(7) If a legacy benefit claimant ceases to be entitled to, or treated as entitled to, a legacy benefit (“the old entitlement”) but becomes entitled, or treated as entitled, again to the benefit (“the new entitlement”) within the period of 52 weeks beginning with the day on which the claimant ceased to be entitled, or treated as entitled, to the old entitlement, and the claimant wishes to receive loan payments on the basis of the new entitlement, there is no requirement for the claimant to serve a new qualifying period.

(8) If a UC claimant ceases to be entitled to universal credit (“the old entitlement”) but becomes entitled again to universal credit (“the new entitlement”) within the period of 6 months beginning with the day on which the claimant ceased to be entitled to the old entitlement, and the claimant wishes to receive loan payments on the basis of the new entitlement, there is no requirement for the claimant to serve a new qualifying period.]

- F21** Words in reg. 9(3)(a) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(5)(a)**
- F22** Reg. 9(3)(e) omitted (3.4.2023) by virtue of [The Loans for Mortgage Interest \(Amendment\) Regulations 2023 \(S.I. 2023/226\)](#), regs. 1(1), **2(5)(a)**
- F23** Reg. 9(7)(8) substituted for reg. 9(7) (3.4.2023) by [The Loans for Mortgage Interest \(Amendment\) Regulations 2023 \(S.I. 2023/226\)](#), regs. 1(1), **2(5)(b)**

Calculation of each loan payment

10. Subject to any deduction under regulation 14 [^{F24}or 14A], each loan payment shall be the aggregate of the amounts resulting from regulations 11 and 12.

- F24** Words in reg. 10 inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(6)**

Calculation in respect of qualifying loans

11.—(1) Subject to paragraphs (3) and (4), the amount to be included in each loan payment for owner-occupier payments which are payments of interest on qualifying loans is determined as follows.

Step 1

Determine the amount of capital for the time being owing in connection with each qualifying loan to which the owner-occupier payments relate.

Step 2

If there is more than one qualifying loan, add together the amounts determined in step 1.

Step 3

Determine the identified amount which is the lower of—

- (a) (a) the amount resulting from step 1 or 2; and
- (b) (b) the capital limit specified in paragraph (2)(a) or (b).

If both amounts in (a) and (b) are the same, that is the identified amount.

Step 4

In respect of a legacy benefit claimant or SPC claimant, apply the following formula to achieve a weekly sum—

$$\frac{A \times SR}{52} - I$$

In respect of a UC claimant, apply the following formula to achieve a monthly sum —

$$\frac{A \times SR}{12} - I$$

In either case—

“A” is the identified amount in step 3,

“SR” is the standard rate that applies at the end of the calculation (see regulation 13), and

“I” is the amount of any income, in the case of a legacy benefit or SPC claimant, or unearned income, in the case of a UC claimant, above the claimant’s applicable amount.

The result is the amount to be included in each loan payment for owner-occupier payments which are payments of interest on qualifying loans.

(2) The capital limit is—

(a) £200,000—

(i) in the case of a legacy benefit claimant or SPC claimant where the Modified Rules apply;

(ii) in the case of a UC claimant;

(b) £100,000 in all other cases.

(3) In the application of paragraph (2) to a qualifying loan (or any part of a qualifying loan) which was taken out for the purpose of making necessary adaptations to the accommodation to meet the needs of a disabled person—

(a) the qualifying loan (or the part of the qualifying loan) is to be disregarded for the purposes of steps 2 and 3; and

(b) “A” in step 4 is to be read as the amount resulting from step 1 in respect of the qualifying loan (or the sum of those amounts if there is more than one qualifying loan taken out for the purpose of making such adaptations) plus the amount (if any) resulting from step 3 in relation to any other qualifying loan or loans.

(4) Subject to paragraph (5), any variation in the amount of capital for the time being owing in connection with a qualifying loan is not to be taken into account after the relevant date until such time as the Secretary of State recalculates the amount which shall occur—

(a) on the first anniversary of the relevant date; and

(b) in respect of any variation after the first anniversary, on the next anniversary which follows the date of the variation.

(5) In respect of an existing claimant, the Secretary of State shall recalculate the amount of capital owing in connection with a qualifying loan on the anniversary of the date on which the claimant’s qualifying benefit first included an amount for owner-occupier payments.

Calculation in respect of alternative finance payments

12.—(1) The amount to be included in each loan payment for owner-occupier payments which are alternative finance payments is determined as follows.

Step 1

Determine the purchase price of the accommodation to which the alternative finance payments relate.

Step 2

Determine the identified amount which is the lower of—

- (a) (a) the amount resulting from step 1; and
- (b) (b) the capital limit specified in paragraph (2)(a) or (b).

If both amounts are the same, that is the identified amount.

Step 3

In respect of an SPC claimant, apply the following formula to achieve a weekly sum—

$$\frac{A \times SR}{52} - I$$

In respect of a UC claimant, apply the following formula to achieve a monthly sum—

$$\frac{A \times SR}{12} - I$$

In either case—

“A” is the identified amount in step 2,

“SR” is the standard rate that applies at the date of the calculation (see regulation 13), and

“I” is the amount of any income, in the case of an SPC claimant, or unearned income, in the case of a UC claimant, above the claimant’s applicable amount.

The result is the amount to be included in each loan payment for owner-occupier payments which are alternative finance payments.

(2) The capital limit is—

- (a) £200,000 in the case of an SPC claimant where the Modified Rules apply or a UC claimant;
- (b) £100,000 in all other cases.

(3) For the purposes of paragraph (1), “purchase price” means the price paid by a party to the alternative finance arrangements other than the claimant in order to acquire the interest in the accommodation to which those arrangements relate less—

- (a) the amount of any initial payment made by the claimant in connection with the acquisition of that interest; and
- (b) the amount of any subsequent payments made by the claimant or any partner to another party to the alternative finance arrangements before—
 - (i) the relevant date; or
 - (ii) in the case of an existing claimant, the date on which the claimant’s qualifying benefit first included an amount for owner-occupier payments,

which reduce the amount owed by the claimant under the alternative finance arrangements.

(4) Subject to paragraph (5), any variation in the amount for the time being owing in connection with alternative finance arrangements is not to be taken into account after the relevant date until such time as the Secretary of State recalculates the amount which shall occur—

- (a) on the first anniversary of the relevant date; and
- (b) in respect of any variation after the first anniversary, on the next anniversary which follows the date of the variation.

(5) In respect of an existing claimant, the Secretary of State shall recalculate the amount for the time being owing [^{F25}in connection with alternative finance arrangements] on the anniversary of the date on which the claimant's qualifying benefit first included an amount for owner-occupier payments.

F25 Words in reg. 12(5) substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(7)**

Standard rate to be applied under regulations 11 and 12

13.—(1) The standard rate is the average mortgage rate published by the Bank of England which has effect on the 5th April 2018.

(2) The standard rate is to be varied each time that paragraph (3) applies.

(3) This paragraph applies when, on any reference day, the Bank of England publishes an average mortgage rate which differs by 0.5 percentage points or more from the standard rate that applies on that reference day (whether it applies by virtue of paragraph (1) or by virtue of a previous application of this paragraph).

(4) The average mortgage rate published on that reference day then becomes the new standard rate in accordance with paragraph (5).

(5) Any variation in the standard rate by virtue of paragraphs (2) to (4) shall come into effect at the end of the period of 6 weeks beginning with the day referred to in paragraph (3).

(6) At least 7 days before a variation of the standard rate comes into effect under paragraph (5), the Secretary of State must arrange for notice to be published on a publicly accessible website of—

- (a) the new standard rate; and
- (b) the day on which the new standard rate comes into effect under paragraph (5).

(7) For the purposes of this Regulation—

“average mortgage rate” means the effective interest rate (non-seasonally adjusted) of United Kingdom resident banks and building societies for loans to households secured on dwellings, published by the Bank of England in respect of the most recent period specified for that rate at the time of publication; and

“reference day” means any day falling on or after 6th April 2018.

Non-dependant deductions

14.—(1) In the case of a legacy benefit claimant or SPC claimant, a deduction from each loan payment shall be made in respect of any non-dependant in accordance with paragraph (2).

(2) The amount to be deducted is calculated as follows.

Step 1

Identify the amount which is the sum of the loan payment calculated under regulation 10 and the amount of housing costs (if any) paid to a claimant under—

- (a) (a) paragraph 17 of Schedule 3 to the IS Regulations(**50**);
- (b) (b) paragraph 16 of Schedule 2 to the JSA Regulations(**51**);
- (c) (c) paragraph 18 of Schedule 6 to the ESA Regulations; or

(50) Paragraph 17 was amended by [S.I. 2006/217](#) and [2378](#).

(51) Paragraph 16 was amended by [S.I. 2006/217](#) and [2378](#).

- (d) (d) paragraph 13 of Schedule 2 to the SPC Regulations(52).

Step 2

Identify the total amount of the non-dependant deductions applicable to the claimant under—

- (a) (a) paragraph 18 of Schedule 3 to the IS Regulations(53);
(b) (b) paragraph 17 of Schedule 2 to the JSA Regulations(54);
(c) (c) paragraph 19 of Schedule 6 to the ESA Regulations(55); or
(d) (d) paragraph 14 of Schedule 2 to the SPC Regulations(56).

Step 3

Identify the proportion of the non-dependant deductions applicable to the loan payment and housing costs (if any) in Step 1 by applying the formula—

$$A \times (B \div C)$$

where—

- “A” is the total amount of the non-dependant deductions identified in Step 2,
“B” is the amount of the loan payment calculated under regulation 10, and
“C” is the amount identified in Step 1.

The result is the amount of the non-dependant deduction to be made from each loan payment in the case of a legacy benefit claimant or SPC claimant.

[^{F26}Insurance payment deduction

14A.—(1) In the case of a legacy benefit claimant or UC claimant, where the claimant or the claimant’s partner is in receipt of a payment under a policy of insurance taken out to insure against the risk of being unable to maintain owner-occupier payments within the meaning of Schedule 1, a deduction from the loan payment calculated under regulation 10 shall be made equal to the amount received in respect of owner-occupier payments.

(2) Where the amount referred to in paragraph (1) is equal to or more than the loan payment, the amount of the loan payment shall be zero.]

F26 Reg. 14A inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), 2(8)

Interest

15.—(1) The Secretary of State shall charge interest on the sum of the loan payments until the earlier of—

- (a) the day on which the loan payments and accrued interest are repaid in full;
(b) the event referred to in regulation 16(1)(c)]^{F27};

(52) Paragraph 13 was amended by S.I. 1987/1967, 1996/207, 2002/3019, 2006/2378, 2008/794 and 2017/524.

(53) Paragraph 18 was amended by S.I. 1995/2927, 1996/2518, 2004/2327, 2005/3360, 2006/217, 2008/1553 and 2767, 2010/641, 2011/2425, 2013/388, 443, 591 and 630, 2014/2888 and 2017/204 and 329.

(54) Paragraph 17 was amended by S.I. 1996/1517 and 2538, 1997/827, 1999/2518 and 2860, 2003/1195, 2004/2327, 2005/3360, 2006/217, 2008/1554 and 2767, 2010/641, 2011/2425, 2013/388, 443, 591 and 630, 2014/2888, 2017/204, 260 and 329.

(55) Paragraph 19 was amended by S.I. 2008/2428, 2013/388, 591 and 630, 2014/2888 and 2017/204.

(56) Paragraph 14 was amended by S.I. 1987/1968, 2002/3197, 2003/526, 1195 and 2274, 2004/552 and 2327, 2005/522 and 3360, 2006/645 and 2378, 2007/668, 2008/632, 1554 and 2767, 2009/497, 2010/641 and 793, 2011/821 and 2425, 2012/780, 2013/388, 443, 574, 591 and 630, 2014/516 and 2888, 2015/457, 2016/242, 2017/204, 260 and 329.

(c) where the conditions in paragraph (1A) are met, the day on which the Secretary of State sends a completion statement to the claimant.]

[^{F28}(1A) The conditions are—

- (a) the claimant requests a completion statement from the Secretary of State in order to repay all of the outstanding amount in accordance with regulation 16(8) and (9); and
- (b) the outstanding amount is paid within 30 days beginning with the day on which the completion statement is sent by the Secretary of State to the claimant.

(1B) Where regulation 16(3) applies, the Secretary of State shall continue to charge interest on the outstanding amount until the day referred to in regulation 15(1).]

(2) Interest at the relevant rate shall accrue daily, with effect from the first day a loan payment is made to a qualifying lender or the claimant under regulation 17, and shall be added to the outstanding amount at the end of each month (or part month).

(3) The relevant rate is the interest rate for the relevant period.

(4) For the purposes of this regulation and [^{F29}regulations 16 and 16A], the outstanding amount is the sum of the loan payments and interest which has been charged under paragraph (1).

[^{F30}(4A) For the purposes of this regulation, a “completion statement” means a written statement setting out the outstanding amount owed by the claimant to the Secretary of State.]

(5) The interest rate referred to in paragraph (3) is the weighted average interest rate on conventional gilts specified in the most recent report published before the start of the relevant period by the Office for Budget Responsibility under section 4(3) of the Budget Responsibility and National Audit Act 2011(⁵⁷).

(6) The relevant period is the period starting on—

- (a) 1st January and ending on 30th June in any year; or
- (b) 1st July and ending on 31st December in any year.

F27 Reg. 15(1)(c) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(9)(a)**

F28 Reg. 15(1A)(1B) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(9)(b)**

F29 Words in reg. 15(4) substituted (15.3.2021) by [The Loans for Mortgage Interest \(Amendment\) Regulations 2021 \(S.I. 2021/131\)](#), regs. 1(b), **2(3)**

F30 Reg. 15(4A) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(9)(c)**

Repayment

16.—(1) [^{F31}Subject to regulation 16A, the outstanding amount] shall become immediately due and payable, together with any further interest which accrues on that amount under regulation 15, where one of the following events occurs—

- (a) the relevant accommodation is sold;
- (b) legal or beneficial title in, or in Scotland, heritable or registered title to, the relevant accommodation is transferred, assigned or otherwise disposed of, unless paragraph (3) applies;

[^{F32}(c) in the case of—

- (i) a claimant who is the sole legal owner of the relevant accommodation or the legal owner of the accommodation with someone other than a partner, the claimant's death;
 - (ii) a claimant with a partner who is the sole legal owner of the relevant accommodation or the legal owner of the accommodation with someone other than the claimant, the partner's death; or
 - (iii) a claimant and partner who are both legal owners (whether or not with anyone else) of the relevant accommodation, the death of the last member of the couple.]
- (2) Subject to paragraphs (4) to (7), repayment shall occur—
- (a) in the event described in paragraph (1)(a) or (b), from the proceeds of sale, transfer, assignment or disposition;
 - (b) in the event described in paragraph (1)(c), from the relevant person's estate.
- (3) This paragraph applies where legal or beneficial title is transferred to—
- (a) the claimant's partner, following the death of the claimant, where the partner is in occupation of the relevant accommodation; or
 - [^{F33}(aa) the claimant, following the death of the claimant's partner, where the claimant is in occupation of the relevant accommodation; or]
 - (b) the claimant, from a former spouse or civil partner, under a court order or an agreement for maintenance where the claimant is in occupation of the relevant accommodation.
- (4) Where, in England and Wales—
- (a) the Secretary of State has a charge by way of legal mortgage over the relevant accommodation; and
 - (b) there is insufficient equity available in the relevant accommodation to discharge the outstanding amount,
- repayment shall be limited to the amount of available equity in the relevant accommodation after any prior ranking charges by way of legal mortgage have been repaid, and, in the event described in paragraph (1)(c), this shall be taken to be the amount of equity at the date of death of the relevant person.
- (5) Where, in England and Wales—
- (a) the Secretary of State has an equitable charge over one legal owner's equitable interest in the relevant accommodation, repayment shall be limited to the amount of that legal owner's equitable interest in the relevant accommodation and, in the event described in paragraph (1)(c), this shall be taken to be the value of that equitable interest at the date of death of the relevant person;
 - (b) the Secretary of State has an equitable charge over more than one legal owner's equitable interest in the relevant accommodation, repayment shall be limited to the sum of the equitable interests in the relevant accommodation of all legal owners within the benefit unit and, in the event described in paragraph (1)(c), this shall be taken to be the value of those equitable interests at the date of death of the relevant person.
- (6) Where, in Scotland—
- (a) the Secretary of State has a standard security over the whole or part of the relevant accommodation; and
 - (b) there is insufficient equity available in the whole or part of the relevant accommodation over which the standard security is held,
- repayment shall be limited to the amount of available equity in the whole or part of the relevant accommodation over which the standard security is held after any prior ranking standard securities

have been repaid, and, in the event described in paragraph (1)(c), this shall be taken to be the amount of equity at the date of death of the relevant person.

(7) In the event that the relevant accommodation is sold or legal or beneficial title in, or in Scotland, heritable or registered title to, the relevant accommodation is transferred, assigned or otherwise disposed of for less than market value, the disposal shall be treated as if it occurred at market value for the purposes of repayment.

(8) Subject to paragraph (9), a claimant shall be permitted to repay some or all of the outstanding amount before an event in paragraph (1) occurs if the amount of each repayment is equal to or more than £100.

(9) Where the outstanding amount is less than £100, a claimant shall be permitted to repay that sum in full in one repayment.

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| <p>F31 Words in reg. 16(1) substituted (15.3.2021) by The Loans for Mortgage Interest (Amendment) Regulations 2021 (S.I. 2021/131), regs. 1(b), 2(4)</p> <p>F32 Reg. 16(1)(c) substituted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(10)(a)</p> <p>F33 Reg. 16(3)(aa) inserted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), 2(10)(b)</p> |
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^{F34}Transferring the loan between properties

16A.—(1) Subject to paragraph (6), where the conditions in paragraphs (2) and (3) are met, regulation 16 (repayment) applies in relation to the new property referred to in paragraph (2) instead of in relation to the relevant accommodation (“Property 1”).

(2) The first condition is that the claimant or the claimant’s partner informs the Secretary of State that it is proposed to sell Property 1, and requests that the outstanding amount be transferred from Property 1 to a new property (“Property 2”).

(3) The second condition is that prior to the completion of the sale of Property 1—

- (a) the conveyancer dealing with the sale of the property has provided a written undertaking to the Secretary of State to do the following—
 - (i) to discharge the charge (in England and Wales), if any, or standard security (in Scotland), if any, in favour of the Secretary of State; and
 - (ii) to transfer the outstanding amount to the conveyancer for the claimant or the claimant’s partner, if not also acting on their behalf; and
- (b) the conveyancer for the claimant or the claimant’s partner has provided a written undertaking to the Secretary of State to do the following—
 - (i) to register a new charge (in England and Wales) or standard security (in Scotland) in favour of the Secretary of State for the outstanding amount in respect of Property 2; and
 - (ii) if completion of the sale and completion of the purchase do not happen simultaneously to hold the outstanding amount to the order of the Secretary of State until completion of the purchase of Property 2.

(4) Where the Secretary of State meets the reasonable costs incurred by the conveyancer for the claimant or the claimant’s partner for the purpose of transferring the loan from Property 1 to Property 2—

- (a) these costs may be added to the outstanding amount of the loan; and

- (b) any costs added to the outstanding amount are to be considered as a loan payment for the purpose of accruing interest under regulation 15.
- (5) For the purposes of sub-paragraphs (a)(ii) and (b)(ii) of paragraph (3)—
 - (a) in England and Wales, where the available equity in Property 1 as referred to in regulation 16(4), or, as the case may be, the amount of the equitable interest or interests, as referred to in regulation 16(5), is or are less than the outstanding amount, the reference in those sub-paragraphs to the outstanding amount is a reference to the available equity or to the amount of the equitable interest or interests, as the case may be; and
 - (b) in Scotland, where the available equity in the whole or part of Property 1 over which the standard security is held, as referred to in regulation 16(6), is less than the outstanding amount, the reference in those sub-paragraphs to the outstanding amount is a reference to the available equity.
- (6) If completion in respect of Property 2 does not take place within twelve weeks beginning with the date that completion of the sale of Property 1 occurs or by such later date as the Secretary of State may agree then paragraph (1) does not apply and the outstanding amount under regulation 16, together with any future interest which accrues on that amount under regulation 15, shall be immediately due and payable.
- (7) For the purposes of this regulation references to a claimant includes a former claimant.
- (8) Where, under paragraph (1), the provisions of regulation 16 apply in relation to Property 2, this regulation applies as if any reference to the relevant accommodation were a reference to Property 2 (with no limit to the number of times this regulation may be treated as applying in relation to a new property).]

F34 Reg. 16A inserted (15.3.2021) by [The Loans for Mortgage Interest \(Amendment\) Regulations 2021 \(S.I. 2021/131\)](#), regs. 1(b), **2(5)**

Direct payments to qualifying lenders

- 17.**—(1) Where the circumstances specified in paragraph (2) are met, the loan payments must be made by the Secretary of State direct to a claimant's lender.
- (2) The circumstances referred to in paragraph (1) are that—
 - (a) money was lent to the claimant in respect of which owner-occupier payments in respect of the relevant accommodation are payable to a qualifying lender; and
 - (b) those owner-occupier payments are taken into account in calculating the amount of each loan payment under regulation 10.
 - (3) Where the circumstances in paragraph (2) are not met, the loan payments must be made to the claimant.
 - (4) Schedule 4 has effect in relation to payments made under paragraph (1).

[^{F35}Consequential amendments

- 18.**—(1) Subject to paragraph (2) and regulations 19, 19A and 20, the amendments in Schedule 5 have effect.
- (2) The amendments made by Part 2 of Schedule 5 to the Social Security and Child Support (Decisions and Appeals) Regulations 1999 do not apply in relation to any decision or determination about an amount for owner-occupier payments under the substantive regulations as those regulations applied without the amendments made by Part 1 of Schedule 5.

(3) In this regulation, the “substantive regulations” means the ESA Regulations, IS Regulations, JSA Regulations, SPC Regulations and UC Regulations.]

F35 Reg. 18 substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(11)**

[^{F36}Transitional provision: loan offer made before 6th April 2018

19.—(1) Subject to regulation 20, in relation to an existing claimant in a case where the loan payments offer date occurs before 6th April 2018, the amendments made by Schedule 5 shall be treated as though they did not have effect until the earlier of the following days (where that day occurs after 6th April 2018) (“the transitional end day”)—

- (a) the day referred to in paragraph (2);
 - (b) the day after the day on which entitlement to a qualifying benefit ends.
- (2) The day referred to is the later of—
- (a) in the case of—
 - (i) a legacy benefit claimant or SPC claimant, where 6th April 2018 is not the first day of the claimant’s benefit week, the first day of the first benefit week that begins after 6th April 2018; or
 - (ii) a UC claimant, where 6th April 2018 is not the first day of the claimant’s assessment period, the first day of the first assessment period that begins after 6th April 2018;
 - (b) the relevant day in paragraph (3).
- (3) The relevant day is the day after the day that is the earlier of—
- (a) the day on which the Secretary of State receives notification from the claimant that the claimant does not wish to accept the offer of loan payments;
 - (b) the last day of the period of 4 weeks, beginning with the day after the day on which the Secretary of State has received both the loan agreement and the documents referred to in regulation 5(2), duly executed, where both the loan agreement and the documents are received within the period of 6 weeks beginning with the loan payments offer date; or
 - (c) the last day of the period of 6 weeks, beginning with the loan payments offer date, where the Secretary of State has not received both the loan agreement and the documents referred to in regulation 5(2), duly executed, within that period.
- (4) Where in the case of—
- (a) a legacy benefit claimant or SPC claimant, the relevant day referred to in paragraph (3) is not the first day of the claimant’s benefit week, then the relevant day shall be the first day of the first benefit week that begins after the relevant day; or
 - (b) a UC claimant, the relevant day referred to in paragraph (3) is not the first day of the claimant’s assessment period, then the relevant day shall be the first day of the first assessment period that begins after the relevant day.]

F36 Regs. 19-20 substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(12)**

[^{F36}Transitional provision: loan offer made on or after 6th April 2018

19A.—(1) Subject to regulation 20 and paragraph (4), in relation to an existing claimant in a case where the loan payments offer date does not occur before 6th April 2018, the amendments made by

Schedule 5 shall be treated as though they did not have effect until the earlier of the following days (where that day occurs after 6th April 2018) (“the transitional end day”)—

- (a) the relevant day in paragraph (2);
 - (b) the day after the day on which entitlement to a qualifying benefit ends;
 - (c) the day after the day on which the Secretary of State receives notification from the claimant that the claimant does not wish to receive loan payments.
- (2) The relevant day is—
- (a) 7th May 2018; or
 - (b) where the loan payments offer date occurs before 7th May 2018, the relevant day in regulation 19(3)(b) and (c) and (4).
- (3) Where in the case of—
- (a) a legacy benefit claimant or SPC claimant, the day referred to in paragraph (1)(c), or the relevant day as referred to in paragraph (2)(a), is not the first day of the claimant’s benefit week, then that day or that relevant day is the first day of the first benefit week that begins after that day or that relevant day; or
 - (b) a UC claimant, the day referred to in paragraph (1)(c), or the relevant day as referred to in paragraph (2)(a), is not the first day of the claimant’s assessment period, then that day or that relevant day is not the first day of the first assessment period that begins after that day or that relevant day.
- (4) Paragraphs (1) to (3) do not apply in relation to an existing claimant where, as at the end of 5th April 2018—
- (a) the Secretary of State, or a person authorised to exercise functions of the Secretary of State, has, before 19th March 2018 made a request to the claimant, whether orally or in writing, to provide information that is needed in order for the Secretary of State or that person to—
 - (i) take steps to ascertain whether the claimant wishes to receive an offer of loan payments or not; or
 - (ii) be able to send to the claimant the loan agreement and documents referred to in regulation 5(2); and
 - (b) the claimant has not provided that information to the Secretary of State or that person.
- (5) Subject to regulation 20, in the case of an existing claimant referred to in paragraph (4), where 6th April 2018 is not the first day of the claimant’s benefit week, in the case of a legacy benefit or SPC claimant, or assessment period, in the case of a UC claimant, the amendments made by Schedule 5 shall be treated as though they did not have effect until the first day of the first benefit week or first assessment period that begins after that date (“the transitional end day”).]

F36 Regs. 19-20 substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(12)**

[^{F36}Transitional provision: persons who lack capacity or may lack capacity identified before 6th April 2018

20.—(1) Paragraph (2) applies in relation to an existing claimant where, before 6th April 2018—

- (a) the Secretary of State believes that the claimant is a person who lacks capacity to make some or all decisions about accepting an offer of loan payments; or
- (b) on the basis of information received by the Secretary of State, the Secretary of State suspects that the claimant is a person who may lack such capacity,

(a “relevant claimant”).

(2) In relation to a relevant claimant, the amendments made by Schedule 5 shall be treated as though they were not in force until the day that is the earlier of (“the transitional end day”)—

- (a) the relevant day in paragraph (3) or (8);
- (b) the day after the day on which entitlement to a qualifying benefit ends.

(3) Subject to paragraph (8), the relevant day is the later of—

- (a) 5th November 2018;
- (b) where, in a case where paragraph (1)(b) applies, the Secretary of State believes before 5th November 2018 that the claimant is a person who lacks capacity as referred to in paragraph (1)(a), the day after the last day of the period of 6 weeks beginning with the day on which the Secretary of State forms that belief;
- (c) where an application for a decision referred to in paragraph (7) is made before the later of 5th November 2018 and the relevant day under sub-paragraph (b), the day after the day specified in paragraph (4).

(4) The specified day is—

- (a) the last day of the period of 6 weeks beginning with the day on which a person referred to in paragraph (7) (“relevant person”) makes a decision referred to in paragraph (7); or
- (b) the last day of the period of 6 weeks beginning with the day on which a relevant person receives notification that the application for such a decision is withdrawn.

(5) Where more than one application for a decision as referred to in paragraph (7) is made to a relevant person within the period referred to in paragraph (3)(c), then the periods in paragraph (4) do not start to run until the relevant person has made a decision with respect to the last of the applications to be dealt with, or the relevant person receives notification that all of the applications are withdrawn.

(6) Where an application for a decision as referred to in paragraph (7) is made to more than one relevant person within the period referred to in paragraph (3)(c), then, where the specified day under paragraph (4) would be different as between the applications made to the different relevant persons, the specified day is the later of the two days.

(7) The decisions referred to are—

- (a) in England and Wales—
 - (i) a decision by the Court of Protection whether or not to appoint a deputy under section 16(2) of the Mental Capacity Act 2005 with power to act on the claimant’s behalf in respect of accepting an offer of loan payments;
 - (ii) a decision by the Court of Protection whether or not, by making an order under section 16(2) of the Mental Capacity Act 2005, to decide on behalf of the claimant to accept an offer of loan payments; or
 - (iii) a decision by the Public Guardian whether or not to register a lasting power of attorney under the Mental Capacity Act 2005 where the power includes power to act on the claimant’s behalf with respect to accepting an offer of loan payments; or
- (b) in Scotland—
 - (i) a decision by the sheriff whether or not to make an order under section 58 of the Adults with Incapacity (Scotland) Act 2000 to appoint a guardian with power to act on the claimant’s behalf with respect to accepting an offer of loan payments;
 - (ii) a decision by the sheriff whether or not, by making an intervention order under section 53 of the Adults with Incapacity (Scotland) Act 2000, to decide on behalf of the claimant to accept an offer of loan payments; or

- (ii) a decision by the sheriff or the Court of Session whether or not to make an order under the Judicial Factors Act 1849 to appoint a judicial factor with power to act on the claimant's behalf with respect to accepting an offer of loan payments.
- (8) Where, in a case where paragraph (1)(b) applies, the Secretary of State believes before 5th November 2018 that the claimant is not a person who lacks capacity as referred to in paragraph (1)(a), the relevant day is the day after the earlier of—
 - (a) the day specified in paragraph (9);
 - (b) the day on which the Secretary of State receives notification from the claimant that the claimant does not wish to receive loan payments.
- (9) The specified day is—
 - (a) the last day of the period of 6 weeks beginning with the day on which the Secretary of State forms the belief in paragraph (8); or
 - (b) where the loan payments offer date occurs during the period in sub-paragraph (a), the day referred to in regulation 19(3)(b) and (c) and (4).
- (10) Where in the case of—
 - (a) a legacy benefit claimant or SPC claimant, the relevant day referred to in paragraph (3) or (8) is not the first day of the claimant's benefit week, then the relevant day shall be the first day of the first benefit week that begins after the relevant day; or
 - (b) a UC claimant, the relevant day in paragraph (3) or (8) is not the first day of the claimant's assessment period, then the relevant day shall be the first day of the first assessment period that begins after the relevant day.]

F36 Regs. 19-20 substituted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(12)**

Transition from legacy benefit to universal credit

- 21.—**(1) Paragraph (3) applies where—
- (a) an award of universal credit is made to a claimant who—
 - (i) was entitled to^{F37}, or was treated as entitled to,] a legacy benefit (a “relevant award”) at any time during the period of one month ending with the day on which the claim for universal credit was made or treated as made (or would have been so entitled were it not for termination of that award by virtue of an order made under section 150(3) of the Welfare Reform Act 2012⁽⁵⁸⁾ or the effect of the Transitional Provisions Regulations ⁽⁵⁹⁾); or
 - (ii) was at any time during the period of one month ending with the day on which the claim for universal credit was made or treated as made, the partner of a person (“P”) who was at that time entitled to^{F38}, or treated as entitled to,] a relevant award, where the award of universal credit is not a joint award to the claimant and P;
 - (b) on the relevant date—
 - (i) the relevant award included an amount in respect of housing costs under—
 - (aa) paragraphs 14 to 16 of Schedule 2 to the JSA Regulations⁽⁶⁰⁾;

⁽⁵⁸⁾ 2012 c. 5.

⁽⁵⁹⁾ S.I. 2014/1230.

⁽⁶⁰⁾ Paragraph 15 was amended by S.I. 2008/2767. Paragraph 16 was amended by S.I. 2006/217 and 2378. The Regulations have been modified in their application to certain claimants by S.I. 2008/3195, as amended by S.I. 2009/3257 and 2011/2425.

- (bb) paragraphs 16 to 18 of Schedule 6 to the ESA Regulations; or
 - (cc) paragraphs 15 to 17 of Schedule 3 to the IS Regulations⁽⁶¹⁾; or
 - (ii) the claimant was entitled to loan payments under these Regulations; and
 - (c) the amendments made by Schedule 5 apply in relation to the award of universal credit.
- (2) In this regulation, the “relevant date” means—
- (a) where paragraph (1)(a)(i) applies and the claimant was not entitled to^{F39}, or treated as entitled to,] the relevant award on the date on which the claim for universal credit was made or treated as made, the date on which the relevant award terminated;
 - (b) where paragraph (1)(a)(i) applies, the claimant is not a new claimant partner and he or she was entitled to^{F40}, or treated as entitled to,] the relevant award on the date on which the claim for universal credit was made, that date;
 - (c) where paragraph (1)(a)(i) applies, the claimant is a new claimant partner and he or she was entitled to^{F41}, or treated as entitled to,] the relevant award on the date on which the claim for universal credit was treated as made, that date;
 - (d) where paragraph (1)(a)(ii) applies, the date on which the claimant ceased to be the partner of P or, if earlier, the date on which the relevant award terminated.
- (3) Where this paragraph applies, regulation 8(1)(b) does not apply.
- (4) Paragraph (5) applies where paragraph (1)(a) applies and the amendments made by Schedule 5 apply in relation to the award of universal credit, but—
- (a) the relevant award did not include an amount in respect of housing costs because the claimant’s entitlement (or, as the case may be, P’s entitlement) was nil by virtue of—
 - (i) paragraph 7(1)(b) of Schedule 2 to the JSA Regulations⁽⁶²⁾;
 - (ii) paragraph 9(1)(b) of Schedule 6 to the ESA Regulations⁽⁶³⁾; or
 - (iii) paragraph 8(1)(b) of Schedule 3 to the IS Regulations⁽⁶⁴⁾; or
 - (b) the amendments made by Schedule 5 applied in relation to the relevant award but the claimant was not entitled to loan payments by virtue of regulation 8(1)(b).
- (5) Where this paragraph applies—
- (a) the definition of “qualifying period” in regulation 2(1) does not apply; and
 - (b) “qualifying period” means the period of 273 days starting with the first day on which the claimant (or, as the case may be, P) was entitled to the relevant award, taking into account any period which was treated as a period of continuing entitlement under—
 - (i) paragraph 13 of Schedule 2 to the JSA Regulations⁽⁶⁵⁾;
 - (ii) paragraph 15 of Schedule 6 to the ESA Regulations⁽⁶⁶⁾; or
 - (iii) paragraph 14 of Schedule 3 to the IS Regulations⁽⁶⁷⁾,

⁽⁶¹⁾ Paragraph 16 was amended by [S.I. 2008/2767](#). Paragraph 17 was amended by [S.I. 2006/217](#) and [2378](#).

⁽⁶²⁾ Paragraph 7(1)(b) was amended by [S.I. 2015/1647](#).

⁽⁶³⁾ Paragraph 9(1) was amended by [S.I. 2015/1647](#).

⁽⁶⁴⁾ Paragraph 8(1)(b) was amended by [S.I. 1995/2927](#) and [2015/1647](#).

⁽⁶⁵⁾ Paragraph 13 was amended by [S.I. 1996/1516](#), [1517](#) and [2538](#), [1997/827](#) and [2863](#), [1998/2231](#), [1999/714](#), [1921](#) and [2860](#), [2000/724](#) and [1978](#), [2001/488](#) and [1029](#), [2002/841](#) and [3019](#), [2005/2465](#), [2006/2378](#), [2008/698](#), [1554](#), [1826](#) and [2767](#), [2009/480](#) and [2011/674](#) and [2425](#).

⁽⁶⁶⁾ Paragraph 15 was amended by [S.I. 2008/2428](#), [2011/674](#), [2425](#) and [2428](#) and [2013/388](#) and [591](#).

⁽⁶⁷⁾ Paragraph 14 was amended by [S.I. 1995/2927](#), [1996/206](#) and [1944](#), [1997/2863](#), [1998/2231](#), [1999/714](#), [1921](#) and [3178](#), [2000/724](#) and [1981](#), [2001/488](#) and [1029](#), [2002/841](#) and [3019](#), [2005/2465](#), [2006/2378](#), [2008/698](#), [1554](#), [2428](#) and [2767](#) and [2011/674](#).

provided that, throughout that part of the qualifying period after the award of universal credit is made, receipt of universal credit is continuous and the claimant otherwise qualifies for loan payments under these Regulations.

- (6) Paragraph (7) applies where—
- (a) a claimant has an award of universal credit which becomes subject to the amendments made by Schedule 5; and
 - (b) regulation 29 of the Transitional Provisions Regulations⁽⁶⁸⁾ applied in relation to the award.
- (7) Where this paragraph applies—
- (a) where paragraph (3) of regulation 29 of the Transitional Provisions Regulations applied in relation to the award, regulation 8(1)(b) does not apply; and
 - (b) where paragraph (5) of regulation 29 of the Transitional Provisions Regulations applied in relation to the award, paragraph (5) of this regulation applies in relation to the award.

- F37** Words in reg. 21(1)(a)(i) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(13)(a)(i)**
- F38** Words in reg. 21(1)(a)(ii) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(13)(a)(ii)**
- F39** Words in reg. 21(2)(a) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(13)(b)(i)**
- F40** Words in reg. 21(2)(b) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(13)(b)(ii)**
- F41** Words in reg. 21(2)(c) inserted (6.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(2), **2(13)(b)(iii)**

Delegation

22. A function of the Secretary of State under these Regulations may be exercised by a person authorised for that purpose by the Secretary of State.

Signed by authority of the Secretary of State for Work and Pensions

Caroline Dinéage
Parliamentary Under-Secretary of State
Department for Work and Pensions

⁽⁶⁸⁾ Regulation 29 was amended by [S.I. 2015/1647](#)

Changes to legislation:

There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations 2017.