

[^{F1}SCHEDULE 3

HOUSING COSTS

Textual Amendments

- F1** Sch. 3 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995 \(S.I. 1995/1613\)](#), reg. 1(1), [Sch. 1](#)

Modifications etc. (not altering text)

- C1** Sch. 3 applied (with modifications) (S.) (6.10.2003) by [The National Health Service \(Travelling Expenses and Remission of Charges\) \(Scotland\) \(No. 2\) Regulations 2003 \(S.S.I. 2003/460\)](#), reg. 1, [sch. Pt. II](#) Table B (with reg. 13)

Housing Costs

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

- (a) which he or, where he is a member of a family, he or any member of that family is, in accordance with paragraph 2, liable to meet in respect of the dwelling occupied as the home which he or any other member of his family is treated as occupying, and
- (b) which qualify under paragraphs 15 to 17.

(2) In this Schedule—

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

“existing housing costs” means housing costs arising under an agreement entered into before 2nd October 1995, or under an agreement entered into after 1st October 1995 (“the new agreement”)—

[^{F2}(a) which replaces an existing agreement, provided that the person liable to meet the housing costs—

- (i) remains the same in both agreements, or
- (ii) where in either agreement more than one person is liable to meet the housing costs, the person is liable to meet the housing costs in both the existing agreement and the new agreement;]

(b) where the existing agreement was entered into before 2nd October 1995; and

(c) which is for a loan of the same amount as or less than the amount of the loan under the agreement it replaces, and for this purpose any amount payable ^{F3}... to arrange the new agreement and included in the loan shall be disregarded;

“new housing costs” means housing costs arising under an agreement entered into after 1st October 1995 other than an agreement referred to in the definition of “existing housing costs”;

“standard rate” means the rate for the time being [^{F4}determined in accordance with] paragraph 12.

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

- (a) in respect of whom a disability premium, a disabled child premium, a pensioner premium for persons aged 75 or over or a higher pensioner premium is included in his applicable amount or the applicable amount of a person living with him; or

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Changes to legislation: There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Paragraph 1. (See end of Document for details)

- (b) ^{F5} ... who, had he in fact been entitled to income support, would have had included in his applicable amount a disability premium, a disabled child premium, a pensioner premium for persons aged 75 or over or a higher pensioner premium [^{F6}; or
- (c) who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002.]

[^{F7}(d) who—

- (i) is in receipt of an employment and support allowance which includes an amount under section 2(2) or (3) or 4(4) or (5) of the Welfare Reform Act (components); or
- (ii) would be entitled to an employment and support allowance including an amount of a work-related activity component under section 2(3) of that Act (amount of contributory allowance: work-related activity component), but for the application of section 1A of that Act (duration of contributory allowance).]

(4) For the purposes of sub-paragraph (3), a person shall not cease to be a disabled person on account of his being disqualified for receiving benefit or treated as capable of work by virtue of the operation of section 171E of the Contributions and Benefits Act (incapacity for work, disqualification etc.) [^{F8}or disqualified for receiving employment and support allowance or treated as not having limited capability for work in accordance with regulations made under section 18 of the Welfare Reform Act (disqualification)].]

Textual Amendments

- F2** Words in Sch. 3 para. 1(2) substituted (28.11.2004) by [The Social Security \(Housing Costs Amendments\) Regulations 2004 \(S.I. 2004/2825\)](#), regs. 1(2)(a), **2(5)**
- F3** Words in Sch. 3 para. 1(2) omitted (12.12.1995) by virtue of [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(2)(a)**
- F4** Words in Sch. 3 para. 1(2) substituted (28.11.2004) by [The Social Security \(Housing Costs Amendments\) Regulations 2004 \(S.I. 2004/2825\)](#), regs. 1(2)(a), **2(2)**
- F5** Words in Sch. 3 para. 1(3) omitted (12.12.1995) by virtue of [The Social Security \(Income Support, Claims and Payments and Adjudication\) Amendment Regulations 1995 \(S.I. 1995/2927\)](#), **regs. 1(1), 5(2)(b)**
- F6** Sch. 3 para. 1(3)(c) and word inserted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **5(8)(a)**
- F7** Sch. 3 para. 1(3)(d) substituted (1.5.2012) by [The Employment and Support Allowance \(Duration of Contributory Allowance\) \(Consequential Amendments\) Regulations 2012 \(S.I. 2012/913\)](#), regs. 1(2), **3(2)**
- F8** Words in Sch. 3 para. 1(4) added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **2(11)(a)(ii)**

Modifications etc. (not altering text)

- C1** Sch. 3 para. 1(2) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **10(a)** (with reg. 8)

Status:

Point in time view as at 01/05/2012. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Income Support (General) Regulations 1987, Paragraph 1.