

SCHEDULES

SCHEDULE 2

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

HOUSING COSTS

Modifications etc. (not altering text)

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

Housing Costs

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

- (a) which he or, where he is a member of a family, he or any member of that family is, in accordance with paragraph 2, liable to meet in respect of the dwelling occupied as the home which he or any other member of his family is treated as occupying; and
- (b) which qualify under paragraphs 14 to 16.

(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”)—

[^{F1}(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 the purpose of determining the amount of the loan under the new agreement, any sum payable 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 [^{F2}determined in accordance with] paragraph 11.

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

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- (a) in respect of whom a disability premium, a disabled child premium, a pensioner premium where the claimant's partner has attained the age of 75 or a higher pensioner premium is included in his applicable amount or the applicable amount of a person living with him; or
- (b) who, had he in fact been entitled to a jobseeker's allowance or to income support, would have had included in his applicable amount a disability premium, a disabled child premium, a pensioner premium where the claimant's partner has attained the age of 75 or a higher pensioner premium; or
- (c) who satisfies the requirements of paragraph 9 A of Schedule 2 to the Income Support [F3Regulations]^{F4} (pensioner premium for person aged 75 or over)^{F5, F6} ...
- (d) who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002^{F7} or
- (e) who 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).]
- (4) For the purposes of sub-paragraph (3), a person shall not cease to be a disabled person on account of his being disqualified for receiving benefit or treated as capable of work by virtue of the operation of section 171E of the Benefits Act ^{F8} (incapacity for work, disqualification etc.) [^{F9}or disqualified for receiving employment and support allowance or treated as not having limited capability for work in accordance with regulations made under section 18 of the Welfare Reform Act (disqualification)].

Textual Amendments

- F1** Sch. 2 para. 1(2)(a) substituted (28.11.2004) by [The Social Security \(Housing Costs Amendments\) Regulations 2004 \(S.I. 2004/2825\)](#), **reg. 2(5)**
- F2** Words in Sch. 2 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)**
- F3** Word in Sch. 2 para. 1(3)(c) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**
- F4** Paragraph 9A was inserted by S.I. 1989/534.
- F5** Sch. 2 para. 1(3)(d) and word inserted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **13(11)(a)**
- F6** Word in Sch. 2 para. 1(3)(c) omitted (27.10.2008) by virtue of [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(a)(i)(aa)**
- F7** Sch. 2 para. 1(3)(e) and word added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(a)(i)(bb)**
- F8** Section 171E was inserted by the [Social Security \(Incapacity for Work\) Act 1994 \(c.18\)](#), **section 6(1)**.
- F9** Words in Sch. 2 para. 1(4) added (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(a)(ii)**

Modifications etc. (not altering text)

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

[^{F10}^{F11}Previous entitlement to income support^{F12}, income-related employment and support allowance] or state pension credit]

1A.—(1) Where a claimant or his partner was in receipt of or was treated as being in receipt of income support [^{F13}or income-related employment and support allowance] not more than 12 weeks before one of them becomes entitled to income-based jobseeker's allowance or, where the claimant

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or his partner is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

- (a) the applicable amount for income support [^{F13}or income-related employment and support allowance] included an amount in respect of housing costs under [^{F14}paragraphs 15 to 17] of Schedule 3 to the Income Support Regulations [^{F15}or paragraphs 16 to 18 of Schedule 6 to the Employment and Support Allowance Regulations]; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income-based jobseeker's allowance shall be the applicable amount in respect of those costs current when entitlement to income support [^{F13}or income-related employment and support allowance] was last determined.

[^{F16}(1ZA) Where a claimant or his partner was in receipt of state pension credit not more than 12 weeks before one of them becomes entitled to income-based jobseeker's allowance or, where the claimant or his partner is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

- (a) the appropriate minimum guarantee included an amount in respect of housing costs under paragraphs 11 to 13 of Schedule II to the State Pension Credit Regulations 2002; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

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

[^{F17}(1A) Where either member of a joint-claim couple was in receipt of or treated as being in receipt of income support [^{F13}or income-related employment and support allowance] not more than 12 weeks before the couple becomes entitled to a joint-claim jobseeker's allowance, or, where either member is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

- (a) the applicable amount for income support [^{F13}or income-related employment and support allowance] included an amount in respect of housing costs under paragraph 15 or 16 of Schedule 3 to the Income Support Regulations [^{F18}or paragraphs 16 or 17 of schedule 6 to the Employment and Support Allowance Regulations]; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for joint-claim jobseeker's allowance shall be the applicable amount in respect of those costs current when entitlement to income support [^{F13}or income-related employment and support allowance] was last determined.]

[^{F19}(1B) Where either member of a joint-claim couple was in receipt of state pension credit not more than 12 weeks before the couple becomes entitled to a joint-claim jobseeker's allowance, or, where either member is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

- (a) the appropriate minimum guarantee included an amount in respect of housing costs under paragraphs 11 to 13 of Schedule II to the State Pension Credit Regulations 2002; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

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

(2) Where, in the period since housing costs were last calculated for income support [^{F13}or income-related employment and support allowance][^{F20}or (as the case may be) state pension credit], there has been a change of circumstances, other than a reduction in the amount of an outstanding loan, which increases or reduces those costs, the amount to be met under this Schedule shall, for the purposes of the claim for income-based jobseeker's allowance, be recalculated so as to take account of that change.]

Textual Amendments

- F10** Sch. 2 para. 1A inserted (22.10.1997) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 1997 (S.I. 1997/2305), regs. 1, **3(2)(a)**
- F11** Sch. 2 para. 1A heading substituted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(a)(i)**
- F12** Words in Sch. 2 para. 1A heading inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(b)(i)**
- F13** Words in Sch. 2 para. 1A inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(b)(ii)**
- F14** Words in Sch. 2 para. 1A(1)(a) substituted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(a)(ii)**
- F15** Words in Sch. 2 para. 1A(1)(a) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(b)(iii)**
- F16** Sch. 2 para. 1A(1ZA) added (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(a)(iii)**
- F17** Sch. 2 para. 1A(1A) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(2)**
- F18** Words in Sch. 2 para. 1A(1A)(a) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(b)(iv)**
- F19** Sch. 2 para. 1A(1B) added (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(a)(iv)**
- F20** Words in Sch. 2 para. 1A(2) inserted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(a)(v)**

Circumstances in which a person is liable to meet housing costs

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

- (a) the liability falls upon him or his partner [^{F21}or, where that person is a member of a joint-claim couple, the other member of that couple,] but not where the liability is to a member of the same household as the person on whom the liability falls;
- (b) because the person liable to meet the housing costs [^{F22}is not meeting them], the claimant has to meet those costs in order to continue to live in the dwelling occupied as the home and it is reasonable in all the circumstances to treat the claimant as liable to meet those costs;
- (c) he in practice shares the housing costs with other members of the household none of whom are close relatives either of the claimant or his partner, [^{F21}or, where that person is a member of a joint-claim couple, the other member of that couple,] and
 - (i) one or more of those members is liable to meet those costs, and
 - (ii) it is reasonable in the circumstances to treat him as sharing responsibility.

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

Textual Amendments

- F21** Words in Sch. 2 para. 2(1)(a)(c) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 54(3)**
- F22** Words in Sch. 2 para. 2(1)(b) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

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

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

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

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

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

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

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

- (a) where he has left and remains absent from the former dwelling occupied as the home through fear of violence in that dwelling or by a former member of his family and it is reasonable that housing costs should be met in respect of both his former dwelling and his present dwelling occupied as the home; or
- (b) in the case of a couple or a member of a polygamous marriage where a partner is a full-time student or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and reasonable that housing costs should be met in respect of both dwellings; or
- (c) in the case where a person has moved into a new dwelling occupied as the home, except where sub-paragraph (5) applies, for a period not exceeding four benefit weeks ^{F23}from

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the first day of the benefit week in which the move occurs] if his liability to make payments in respect of two dwellings is unavoidable.

(7) Where—

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

- (i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of the claimant or any member of his family; or

- [^{F24}(ii) the move was delayed pending the outcome of an application under Part 8 of the Benefits Act for a social fund payment to meet a need arising out of the move or in connection with setting up the home in the dwelling, and—

- (aa) a member of the claimant's family is aged five or under,

- (bb) the claimant's applicable amount includes a premium under paragraph 10, 11, 12, 13, 15 or 16 of Schedule 1 (applicable amounts), or

- (cc) a child tax credit is paid for a member of the claimant's family who is disabled or severely disabled for the purposes of section 9(6) (maximum rate) of the Tax Credits Act 2002; or]

- (iii) the person became liable to make payments in respect of the dwelling while he was a patient or was in residential accommodation,

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

(8) This sub-paragraph applies to a person who enters residential accommodation—

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

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

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

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

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

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

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

[^{F25}(i) required, as a condition of bail, to reside—

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

(bb) in premises approved under [^{F26}section 13 of the Offender Management Act 2007], or]

- (ii) resident in a hospital or similar institution as a patient and is treated under regulation 55 as capable of work, or
 - (iii) undergoing or, as the case may be, his partner or his dependent child is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation, or
 - (iv) following, in the United Kingdom or elsewhere, a training course, or
 - (v) undertaking medically approved care of a person residing in the United Kingdom or elsewhere, or
 - (vi) undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment, or
 - (vii) a person who is, whether in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than residential accommodation, or
 - (viii) a full-time student to whom sub-paragraph (3) or (6)(b) does not apply, or
 - (ix) a person other than a person to whom sub-paragraph (8) applies, who is receiving care provided in residential accommodation, or
 - (x) a person to whom sub-paragraph (6)(a) does not apply and who has left the dwelling he occupies as his home through fear of violence in that dwelling or by a person who was formerly a member of [^{F27}his] family, and
- (d) the period of his absence is unlikely to exceed a period of 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(12) A person to whom sub-paragraph (11) applies is to be treated as occupying the dwelling he normally occupies as his home during any period of absence not exceeding 52 weeks beginning with the first day of that absence.

(13) In this paragraph—

- (a) “medically approved” means certified by a registered medical practitioner;
- (b) “patient” means a person who is undergoing medical or other treatment as an in-patient in a hospital or similar institution;
- [^{F28}(c) “residential accommodation” means accommodation which is a care home, an Abbeyfield Home or an independent hospital;]
- (d) “training course” means such a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, [^{F29}Skills Development Scotland,] Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

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Textual Amendments

- F23** Words in Sch. 2 para. 3(6)(c) inserted (8.1.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2006 (S.I. 2006/3274), regs. 1, **3**
- F24** Sch. 2 para. 3(7)(c)(ii) substituted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(3), **13(11)(b)**
- F25** Sch. 2 para. 3(11)(c)(i) substituted (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **6(a)**
- F26** Words in Sch. 2 para. 3(11)(c)(ii)(bb) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(10)(a)**
- F27** Word in Sch. 2 para. 3(11)(c)(x) substituted (7.10.1996) by The Jobseeker's Allowance (Amendment) Regulations 1996 (S.I. 1996/1516), reg. 1(1), **Sch. Pt. 2**
- F28** Sch. 2 para. 3(13)(c) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), reg. 1, **Sch. 2 para. 9(a)**
- F29** Words in Sch. 2 para. 3(13)(d) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583), regs. 1(2), **4(3)(i)**

Housing costs not met

- 4.—(1) No amount may be met under the provisions of this Schedule—
- (a) in respect of housing benefit expenditure; or
 - (b) where [^{F30}a claimant] is [^{F31}living in a care home, an Abbeyfield Home or an independent hospital except where he is living in such a home or hospital]during a temporary absence from the dwelling he occupies as his home and in so far as they relate to temporary absences, the provisions of paragraph 3(8) to (12) apply to him during that absence.
- (2) Subject to the following provisions of this paragraph, loans which, apart from this paragraph, qualify under paragraph 14 shall not so qualify where the loan was incurred during the relevant period and was incurred—
- (a) after 7th October 1996, or
 - (b) after 2nd May 1994 and the housing costs applicable to that loan were not met in income support by virtue of the former paragraph 5A of Schedule 3 to the Income Support Regulations ^{F32} or paragraph 4(2)(a) of that Schedule in any one or more of the 26 weeks [^{F33}preceding] 7th October 1996, or
 - (c) subject to sub-paragraph (3), in the 26 weeks preceding 7th October 1996 by a person—
 - (i) who was not at that time entitled to income support; and
 - [^{F34}(ii) who becomes, or whose partner becomes or, where that person is a member of a joint-claim couple, that couple become, entitled to a jobseeker's allowance after 6th October 1996 and that entitlement is within 26 weeks of an earlier entitlement to income support for the claimant or his partner or, as the case may be, either member of the joint-claim couple.]
- (3) Sub-paragraph (2)(c) shall not apply in respect of a loan where [^{F30}a claimant] has interest payments on that loan met without restrictions under an award of income support in respect of a period commencing before 7th October 1996.
- (4) The "relevant period" for the purposes of this paragraph is any period during which the person to whom the loan was made—
- (a) is entitled to a jobseeker's allowance, or

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(b) is living as a member of a family one of whom is entitled to a jobseeker's allowance, together with any linked period, that is to say a period falling between two such periods of entitlement to a jobseeker's allowance, separated by not more than 26 weeks.

[^{F35}(4A) For the purposes of sub-paragraph (4), a person shall be treated as entitled to a jobseeker's allowance during any period when he[^{F36}, his partner or, where that person is a member of a joint-claim couple, the other member of that couple] was not so entitled because—

- (a) that person[^{F36}, his partner or, where that person is a member of a joint-claim couple, the other member of that couple] was participating in an employment programme specified in regulation 75(1)(a)(ii)[^{F37}, in the Intensive Activity Period specified in regulation 75(1)(a)(iv) ^{F38}...]; and
- (b) in consequence of such participation that person[^{F36}, his partner or, where that person is a member of a joint-claim couple, the other member of that couple], was engaged in remunerative work or failed to satisfy the condition specified either in section 2(1)(c)[^{F39}, 3(1)(a) or 3A(1)(a)].

[^{F40}(4B) A person treated by virtue of paragraph 13 as being in receipt of a jobseeker's allowance for the purposes of this Schedule is not to be treated as entitled to a jobseeker's allowance for the purposes of sub-paragraph (4).]

(5) For the purposes of sub-paragraph (4)—

- (a) any week in the period of 26 weeks ending on 7th October 1996 on which there arose an entitlement to income support shall be taken into account in determining when the relevant period commences; and
- (b) two or more periods of entitlement and any intervening linked periods shall together form a single relevant period.

(6) Where the loan to which sub-paragraph (2) refers has been applied—

- (a) for paying off an earlier loan, and that earlier loan qualified under paragraph 14 [^{F41}during the relevant period]; or
- [^{F42}(b) to finance the purchase of a property where an earlier loan, which qualified under paragraphs 14 and 15 during the relevant period in respect of another property, is paid off (in whole or in part) with monies received from the sale of that property;]

then the amount of the loan to which sub-paragraph (2) applies is the amount (if any) by which the new loan exceeds the earlier loan.

(7) Notwithstanding the preceding provisions of this paragraph, housing costs shall be met in any case where a claimant satisfies any of the conditions specified in sub-paragraphs (8) to (11) below, but—

- (a) those costs shall be subject to any additional limitations imposed by the sub-paragraph; and
- (b) where [^{F30}a claimant] satisfies the conditions in more than one of these sub-paragraphs, only one sub-paragraph shall apply in his case and the one that applies shall be the one most favourable to him [^{F43}or, as the case may be, to the joint-claim couple of which he is a member].

(8) The conditions specified in this sub-paragraph are that—

- (a) during the relevant period [^{F30}a claimant] or a member of his family acquires an interest ("the relevant interest") in a dwelling which he then occupies or continues to occupy as his home; and
- (b) in the week preceding the week in which the relevant interest was acquired, housing benefit was payable to [^{F30}a claimant] or a member of his family;

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so however that the amount to be met by way of housing costs shall initially not exceed the aggregate of—

- (i) the housing benefit payable in the week mentioned at sub-paragraph (8)(b); and
- (ii) any amount included in the applicable amount of [F30a claimant] or a member of his family in accordance with regulation 83(f)[F44, 84(1)(g), 86A(d) or 86B(e)] in that week;

and shall be increased subsequently only to the extent that it is necessary to take account of any increase, arising after the date of the acquisition, in the standard rate or in any housing costs which qualify under paragraph 16 (other housing costs).

(9) The condition specified in this sub-paragraph is that the loan was taken out, or an existing loan increased, to acquire alternative accommodation more suited to the special needs of a disabled person than the accommodation which was occupied before the acquisition by [F30a claimant].

(10) The conditions specified in this sub-paragraph are that—

- (a) the loan commitment increased in consequence of the disposal of the dwelling occupied as the home and the acquisition of an alternative such dwelling; and
- (b) the change of dwelling was made solely by reason of the need to provide separate sleeping accommodation for [F45persons] of different sexes aged 10 or over [F45but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible].

(11) The conditions specified in this sub-paragraph are that—

- (a) during the relevant period [F30a claimant] or a member of his family acquires an interest ("the relevant interest") in a dwelling which he then occupies as his home; and
- (b) in the week preceding the week in which the relevant interest was acquired, the applicable amount of [F30a claimant] or a member of his family included an amount determined by reference to paragraph 16 and did not include any amount specified in paragraph 14 or paragraph 15;

so however that the amount to be met by way of housing costs shall initially not exceed the amount so determined, and shall be increased subsequently only to the extent that it is necessary to take account of any increase, arising after the date of acquisition, in the standard rate or in any housing costs which qualify under paragraph 16 (other housing costs).

(12) The following provisions of this Schedule shall have effect subject to the provisions of this paragraph.

Textual Amendments

- F30** Words in Sch. 2 para. 4 substituted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 54(4)(a)**
- F31** Sch. 2 para. 4(1)(b) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 2 para. 9(b)**
- F32** Paragraph 5A of Schedule 3 was inserted by [S.I. 1994/1004](#) and is revoked by regulation 3 of and Schedule 4 to [S.I. 1995/1613](#).
- F33** Word in Sch. 2 para. 4(2)(b) substituted (28.10.1996) by [The Social Security and Child Support \(Jobseeker's Allowance\) \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/2538\)](#), regs. 1, **2(12)(a)**
- F34** Sch. 2 para. 4(2)(c)(ii) substituted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 54(4)(b)**
- F35** Sch. 2 para. 4(4A) inserted (5.1.1998) by [The Social Security Amendment \(New Deal\) Regulations 1997 \(S.I. 1997/2863\)](#), regs. 1(1), **13(2)**

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- F36** Words in Sch. 2 para. 4(4A) substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(4)(c)(i)**
- F37** Words in Sch. 2 para. 4(4A)(a) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **11(a)**
- F38** Words in Sch. 2 para. 4(4A)(a) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(15)**
- F39** Words in Sch. 2 para. 4(4A)(b) substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(4)(c)(ii)**
- F40** Sch. 2 para. 4(4B) inserted (17.12.2007) by The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(b)**
- F41** Words in Sch. 2 para. 4(6)(a) inserted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(2)(a)**
- F42** Sch. 2 para. 4(6)(b) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(2)(b)**
- F43** Words in Sch. 2 para. 4(7)(b) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(4)(d)**
- F44** Words in Sch. 2 para. 4(8)(ii) substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(4)(e)**
- F45** Words in Sch. 2 para. 4(10)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(10)(b)**

Apportionment of housing costs

- 5.—(1) Where the dwelling occupied as the home is a composite hereditament and—
- (a) before 1st April 1990 for the purposes of section 48(5) of the General Rate Act 1967^{F46} (reduction of rates on dwellings), it appeared to a rating authority or it was determined in pursuance of sub-section (6) of section 48 of that Act that the hereditament, including the dwelling occupied as the home, was a mixed hereditament and that only a proportion of the rateable value of the hereditament was attributable to use for the purpose of a private dwelling; or
 - (b) in Scotland, before 1st April 1989 an assessor acting pursuant to section 45(1) of the Water (Scotland) Act 1980^{F47} (provision as to valuation roll) has apportioned the net annual value of the premises including the dwelling occupied as the home between the part occupied as a dwelling and the remainder,

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

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

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

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

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

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

(4) In this paragraph—

"composite hereditament" means—

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

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

"the Act of 1987" means the Abolition of Domestic Rates Etc. (Scotland) Act 1987^{F48};

"the Act of 1988" means the Local Government Finance Act 1988^{F49}.

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

Textual Amendments

F46 1967 c.9; sections 48(5) and (6) were amended by the Local Government, Planning, and Land Act 1980 (c.65), **section 33**; section 48(6) was also amended by the Rates Act 1984 (c.33), **section 16** and Schedule 1, paragraph 10.

F47 1980 c.45.

F48 1987 c.47.

F49 1988 c.41.

Modifications etc. (not altering text)

C4 Sch. 2 para. 5(3) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), 24(8), **Sch. 16**

Existing housing costs

6.—(1) Subject to the provisions of this Schedule the existing housing costs to be met in any particular case are—

- (a) where the claimant has been entitled to a jobseeker's allowance for a continuous period of 26 weeks or more, the aggregate of—
 - (i) an amount determined in the manner set out in paragraph 9 by applying the standard rate to the eligible capital for the time being owing in connection with a loan which qualifies under paragraph 14 or 15; and
 - (ii) an amount equal to any payments which qualify under paragraph 16(1)(a) to (c);
- (b) where the claimant has been entitled to a jobseeker's allowance for a continuous period of not less than 8 weeks but less than 26 weeks, an amount which is half the amount which would fall to be met by applying the provisions of sub-paragraph (a);
- (c) in any other case, nil.

(2) For the purposes of sub-paragraph (1) [^{F50}and subject to sub-paragraph (3)], the eligible capital for the time being owing shall be determined on the date the existing housing costs are first met and thereafter on each anniversary of that date.

[^{F51}(3) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income support [^{F52}, state pension credit or income-related employment and support allowance] and one of them becomes entitled to income-based jobseeker's allowance in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.]

[^{F53}(4) Where either member of a joint-claim couple ceases to be in receipt of or treated as being in receipt of income support [^{F54} or income-related employment and support allowance] and that couple then become entitled to a joint-claim jobseeker's allowance in a case to which paragraph 1A(1A) applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned either member of the couple was first entitled to.]

Textual Amendments

- F50** Words in Sch. 2 para. 6(2) inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), regs. 1, **3(2)(b)**
- F51** Sch. 2 para. 6(3) added (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), regs. 1, **3(2)(c)**
- F52** Words in Sch. 2 para. 6(3) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(c)(i)**
- F53** Sch. 2 para. 6(4) added (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 54(5)**
- F54** Words in Sch. 2 para. 6(4) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(c)(ii)**

Modifications etc. (not altering text)

- C5** Sch. 2 para. 6 applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **11(c)** (with reg. 8)
- C6** Sch. 2 para. 6(1) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(2), **6(b)** (with regs. 3, 7)
- C7** Sch. 2 para. 6(1)(b) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(j)(ii), 24(8), **Sch. 16**
- C8** Sch. 2 para. 6(1)(c) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(j)(ii), 24(8), **Sch. 16**

New housing costs

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

- (a) where the claimant has been entitled to a jobseeker's allowance for a continuous period of 39 weeks or more, an amount—
- (i) determined in the manner set out in paragraph 9 by applying the standard rate to the eligible capital for the time being owing in connection with a loan which qualifies under paragraph 14 or 15; and
- (ii) equal to any payments which qualify under paragraph 16(1)(a) to (c);
- (b) in any other case, nil.

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(2) For the purposes of sub-paragraph (1) [^{F55}and subject to sub-paragraph (2A)], the eligible capital for the time being owing shall be determined on the date the new housing costs are first met and thereafter on each anniversary of that date.

[^{F56}(2A) Where a claimant or his partner ceases to be in receipt of or treated as being in receipt of income support [^{F57}or income-related employment and support allowance] and one of them becomes entitled to income-based jobseeker's allowance in a case to which paragraph 1A applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or his partner was first entitled.]

[^{F58}(2B) Where either member of a joint-claim couple ceases to be in receipt of or treated as being in receipt of income support [^{F59}or income-related employment and support allowance] and that couple then become entitled to a joint-claim jobseeker's allowance in a case to which paragraph 1A(1A) applies, the eligible capital for the time being owing shall be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned either member of the couple was first entitled to.]

(3) This sub-paragraph applies to a claimant who at the time the claim is made has been refused payments under a policy of insurance on the grounds that—

- (a) the claim under the policy is the outcome of a pre-existing medical condition which, under the terms of the policy, does not give rise to any payment by the insurer; or
- (b) he was infected by the Human Immunodeficiency Virus,

and the policy was taken out to insure against the risk of being unable to maintain repayments on a loan which is secured by a mortgage or a charge over land, or (in Scotland) by a heritable security.

(4) This sub-paragraph applies subject to [^{F60}sub-paragraph (7)] where a person claims a jobseeker's allowance because of—

- (a) the death of a partner; or
- (b) being abandoned by his partner,

and where the persons family includes a child.

(5) This sub-paragraph applies to a person who at the time the claim is made is engaged in caring for a person who falls within any of the circumstances specified in [^{F61}heads (i) to (iv) of sub-paragraph (c)] of paragraph (3) of regulation 51 (remunerative work).

(6) In the case of a claimant to whom sub-paragraph (3), (4) or (5) applies, any new housing costs shall be met as though they were existing housing costs and paragraph 6 applied to them.

(7) Sub-paragraph(4) shall cease to apply to a person who subsequently becomes one of a couple.

Textual Amendments

F55 Words in Sch. 2 para. 7(2) inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), regs. 1, **3(2)(d)**

F56 Sch. 2 para. 7(2A) inserted (22.10.1997) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 1997 \(S.I. 1997/2305\)](#), regs. 1, **3(2)(e)**

F57 Words in Sch. 2 para. 7(2A) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(d)(i)**

F58 Sch. 2 para. 7(2B) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 54(6)**

F59 Words in Sch. 2 para. 7(2B) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **3(25)(d)(ii)**

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F60 Words in Sch. 2 para. 7(4) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

F61 Words in Sch. 2 para. 7(5) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

Modifications etc. (not altering text)

C9 Sch. 2 para. 7 applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **11(d)(i)(aa)** (with reg. 8)

C10 Sch. 2 para. 7(1)(2) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **11(d)(i)(bb)** (with reg. 8)

C11 Sch. 2 para. 7(1) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **11(d)(ii)** (with reg. 8)

C12 Sch. 2 para. 7(1) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(2), **6(c)** (with regs. 3, 7)

C13 Sch. 2 para. 7(1)(b) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by [The Social Security Benefits Up-rating Order 2009 \(S.I. 2009/497\)](#), arts. 1(2)(j)(ii), 24(8), **Sch. 16**

C14 Sch. 2 para. 7(3)-(7) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **11(d)(iii)** (with reg. 8)

General exclusions from paragraphs 6 and 7

8.—(1) Paragraphs 6 and 7 shall not apply where—

- (a) the claimant or his partner [^{F62}or either member of a joint-claim couple] is aged 60 or over;
- (b) the housing costs are payments—
 - (i) under a co-ownership agreement;
 - (ii) under or relating to a tenancy or licence of a Crown tenant; or
 - (iii) where the dwelling occupied as the home is a tent, in respect of the tent and the site on which it stands.

(2) In a case falling within sub-paragraph (1), the housing costs to be met are—

- (a) where head (a) of sub-paragraph (1) applies, an amount—
 - (i) determined in the manner set out in paragraph 9 by applying the standard rate to the eligible capital for the time being owing in connection with a loan which qualifies under paragraph 14 or 15; and
 - (ii) equal to the payments which qualify under paragraph 16;
- (b) where head (b) of sub-paragraph (1) applies, an amount equal to the payments which qualify under paragraph 16(1)(d) to (f).

Textual Amendments

F62 Words in Sch. 2 para. 8(1)(a) inserted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 54(7)**

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Modifications etc. (not altering text)

- C15** Sch. 2 para. 8 applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(e)(i)** (with reg. 8)
- C16** Sch. 2 para. 8(1) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(e)(ii)** (with reg. 8)

The calculation for loans

^{F63}9. The weekly amount of existing housing costs or, as the case may be, new housing costs to be met under this Schedule in respect of a loan which qualifies under paragraph 14 or 15 shall be calculated by applying the formula—

$A \times B52$

where—

- A = the amount of the loan which qualifies under paragraph 14 or 15;
 B = the standard rate for the time being [^{F64}applicable in respect of that loan].]

Textual Amendments

- F63** Sch. 2 para. 9 substituted (10.12.2001) by The Income Support (General) and Jobseeker's Allowance Amendment Regulations 2001 (S.I. 2001/3651), regs. 1, **2(2)**
- F64** Words in Sch. 2 para. 9 substituted (28.11.2004) by The Social Security (Housing Costs Amendments) Regulations 2004 (S.I. 2004/2825), regs. 1(2)(a), **2(3)(b)**

Modifications etc. (not altering text)

- C17** Sch. 2 para. 9 sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), 24(8), **Sch. 16**

General provisions applying to new and existing housing costs

10.—(1) Where a person enters into a new agreement in respect of a dwelling and an agreement entered into before 2nd October 1995 ("the earlier agreement") continues in force independently of the new agreement, then—

- (a) the housing costs applicable to the new agreement shall be calculated by reference to the provisions of paragraph 7 (new housing costs);
- (b) the housing costs applicable to the earlier agreement shall be calculated by reference to the [^{F65}provisions] of paragraph 6 (existing housing costs);

and the resulting amounts shall be aggregated.

(2) Sub-paragraph (1) does not apply in the case of a claimant to whom paragraph 8 applies.

(3) Where for the time being a loan exceeds, or in a case where more than one loan is to be taken into account, the aggregate of those loans exceeds the appropriate amount specified in sub-paragraph (4), then the amount of the loan or, as the case may be, the aggregate amount of those loans, shall for the purposes of this Schedule, be the appropriate amount.

(4) Subject to the following provisions of this paragraph, the appropriate amount is £100,000.

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(5) Where a person is treated under paragraph 3(6) (payments in respect of two dwellings) as occupying two dwellings as his home, then the restrictions imposed by sub-paragraph (3) shall be applied separately to the loans for each dwelling.

(6) In a case to which paragraph 5 (apportionment of housing costs) applies, the appropriate amount for the purposes of sub-paragraph (3) shall be the lower of—

(a) a sum determined by applying the formula—

$$P \times Q,$$

where—P = the relevant fraction for the purposes of paragraph 5, and

Q = the amount or, as the case may be, the aggregate amount for the time being of any loan or loans which qualify under this Schedule; or

(b) the sum for the time being specified in sub-paragraph (4).

(7) In a case to which paragraph 14(3) or 15(3) (loans which qualify in part only) applies, the appropriate amount for the purposes of sub-paragraph (3) shall be the lower of—

(a) a sum representing for the time being the part of the loan applied for the purposes specified in paragraph 14(1) or (as the case may be) paragraph 15(1); or

(b) the sum for the time being specified in sub-paragraph (4).

(8) In the case of any loan to which paragraph 15(2)(k) (loan taken out and used for the purpose of adapting a dwelling for the special needs of a disabled person) applies the whole of the loan, to the extent that it remains unpaid, shall be disregarded in determining whether the amount for the time being specified in sub-paragraph (4) is exceeded.

(9) Where in any case the amount for the time being specified for the purposes of sub-paragraph (4) is exceeded and there are two or more loans to be taken into account under either or both [F66 paragraphs 14 and 15], then the amount of eligible interest in respect of each of those loans to the extent that the loans remain outstanding shall be determined as if each loan had been reduced to a sum equal to the qualifying portion of that loan.

(10) For the purposes of sub-paragraph (9), the qualifying portion of a loan shall be determined by applying the following formula—

$$\frac{R \times S}{T}$$

where—R = the amount for the time being specified for the purposes of sub-paragraph (4);

S = the amount of the outstanding loan to be taken into account;

T = the aggregate of all outstanding loans to be taken into account under paragraphs 14 and 15.

Textual Amendments

F65 Word in Sch. 2 para. 10(1)(b) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

F66 Words in Sch. 2 para. 10(9) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

Modifications etc. (not altering text)

C18 [Sch. 2 para. 10](#) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **11(g)(i)** (with reg. 8)

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- C19** Sch. 2 para. 10(1)(2) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(g)(ii)** (with reg. 8)
- C20** Sch. 2 para. 10(4) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(g)(iii)** (with reg. 8)
- C21** Sch. 2 para. 10(4) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), 24(8), **Sch. 16**
- C22** Sch. 2 para. 10(6)(a) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), 24(8), **Sch. 16**
- C23** Sch. 2 para. 10(10) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), 24(8), **Sch. 16**

The standard rate

[^{F67}**11.**—(1) The standard rate is the rate of interest applicable per annum to a loan which qualifies under this Schedule.]

[^{F68}(2) The standard rate is to be 6.08%.]

^{F69}(3)

^{F70}(4)

^{F70}(5)

^{F70}(6)

Textual Amendments

- F67** Sch. 2 para. 11(1)-(6) substituted for Sch. 2 para. 11 (28.11.2004) by The Social Security (Housing Costs Amendments) Regulations 2004 (S.I. 2004/2825), regs. 1(2)(a), **2(4)(b)**
- F68** Sch. 2 para. 11(2) substituted (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **2(1)(c)(2)(a)**
- F69** Sch. 2 para. 11(3) omitted (5.1.2009) by virtue of The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **2(1)(c)(2)(b)**
- F70** Sch. 2 para. 11(4)-(6) omitted (17.12.2007) by virtue of The Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 (S.I. 2007/3183), regs. 1, **4(2)(c)(ii)**

Modifications etc. (not altering text)

- C24** Sch. 2 para. 11(2) sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), 24(8), **Sch. 16**

Excessive Housing Costs

12.—(1) Housing costs which, apart from this paragraph, fall to be met under this Schedule shall be met only to the extent specified in sub-paragraph (3) where—

- (a) the dwelling occupied as the home, excluding any part which is let, is larger than is required by the claimant and his family and any child or young person to whom regulation 78(4) applies (foster children) and any other non-dependants having regard, in particular, to suitable alternative accommodation occupied by a household of the same size; or

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- (b) the immediate area in which the dwelling occupied as the home is located is more expensive than other areas in which suitable alternative accommodation exists; or
 - (c) the outgoings of the dwelling occupied as the home which are met under paragraphs 14 to 16 are higher than the outgoings of suitable alternative accommodation in the area.
- (2) For the purposes of heads (a) to (c) of sub-paragraph (1), no regard shall be had to the capital value of the dwelling occupied as the home.
- (3) Subject to the following provisions of this paragraph, the amount of the loan which falls to be met shall be restricted and the excess over the amounts which the claimant would need to obtain suitable alternative accommodation shall not be allowed.
- (4) Where, having regard to the relevant factors, it is not reasonable to expect the claimant and his family to seek alternative cheaper accommodation, no restriction shall be made under sub-paragraph (3).
- (5) In sub-paragraph (4) "the relevant factors" are—
- (a) the availability of suitable accommodation and the level of housing costs in the area; and
 - (b) the circumstances of the family including in particular the age and state of health of its members, the employment prospects of the claimant and, where a change in accommodation is likely to result in a change of school, the effect on the education of any child or young person who is a member of his family, or any child or young person who is not treated as part of his family by virtue of regulation 78(4) (foster children).
- (6) Where sub-paragraph (4) does not apply and the claimant (or other member of the family) was able to meet the financial commitments for the dwelling occupied as the home when these were entered into, no restriction shall be made under this paragraph during the first 26 weeks of any period of entitlement to a jobseeker's allowance nor during the next 26 weeks if and so long as the claimant uses his best endeavours to obtain cheaper accommodation or, as the case may be, no restriction shall be made under this paragraph on [F71 suppression] during the 26 weeks from the date of the [F71 suppression] nor during the next 26 weeks if and so long as the claimant uses his best endeavours.
- (7) For the purposes of calculating any period of 26 weeks referred to in sub-paragraph (6), and for those purposes only, a person shall be treated as entitled to a jobseeker's allowance for any period of 12 weeks or less in respect of which he was not in receipt of a jobseeker's allowance and which fell immediately between periods in respect of which he was in receipt thereof.
- (8) Any period in respect of which—
- (a) a jobseeker's allowance was paid to a person, and
 - (b) it was subsequently determined on appeal[F72, revision or supersession] that he was not entitled to a jobseeker's allowance for that period,
- shall be treated for the purposes of sub-paragraph (7) as a period in respect of which he was not in receipt of a jobseeker's allowance.
- (9) Heads (c) to (f) of sub-paragraph (1) of paragraph 13 shall apply to sub-paragraph (7) as they apply to paragraphs 6 and 7 but with the modification that the words "Subject to sub-paragraph (2)" are omitted and as if references to "the claimant" were references to the person mentioned in sub-paragraph (7).

Textual Amendments

- F71** Words in Sch. 2 para. 12(6) substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 5](#)

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F72 Words in Sch. 2 para. 12(8)(b) substituted (18.10.1999) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), art. 3(1), [Sch. 12 para. 10](#)

Modifications etc. (not altering text)

C25 [Sch. 2 para. 12\(9\)](#) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **11(h)** (with reg. 8)

Linking rule

- 13.—**(1) Subject to [^{F73}sub-paragraphs (2) and (2A)] for the [^{F74}purposes] of this Schedule—
- (a) a person shall be treated as being in receipt of a jobseeker's allowance during the following periods—
- (i) any period in respect of which it was subsequently held, on appeal or [^{F75}revision], that he was so entitled to a jobseeker's allowance; and
- (ii) any period of 12 weeks or less [^{F76}or, as the case may be, 52 weeks or less,] in respect of which he was not in receipt of a jobseeker's allowance and which fell immediately between periods in respect of which ^{F77}...;
- [^{F78}(aa) he was, or was treated as being, in receipt of a jobseeker's allowance,
- (bb) he was treated as entitled to a jobseeker's allowance for the purposes of sub-paragraphs (5), (6) and (7), or
- (cc) (i) above applies;]
- (b) a person shall be treated as not being in receipt of a jobseeker's allowance during any period other than a period to which (a)(ii) above applies in respect of which it is subsequently held on appeal[^{F79}, revision or supersession] that he was not so entitled;
- (c) where—
- (i) the claimant was a member of a couple or a polygamous marriage; and
- (ii) his partner was, in respect of a past period, in receipt of a jobseeker's allowance for himself and the claimant; and
- (iii) the claimant is no longer a member of that couple or polygamous marriage; and
- (iv) the claimant made his claim for a jobseeker's allowance within twelve weeks [^{F80}or, as the case may be, 52 weeks,] of ceasing to be a member of that couple or polygamous marriage,
- he shall be treated as having been in receipt of a jobseeker's allowance for the same period as his former partner had been or had been treated, for the purposes of this Schedule, as having been;
- (d) where the claimant's partner's applicable amount was determined in accordance with paragraph 1(1) (single claimant) or paragraph 1(2) (lone parent) of Schedule 1 (applicable amounts) in respect of a past period, provided that the claim was made within twelve weeks [^{F81}or, as the case may be, 52 weeks,] of the claimant and his partner becoming one of a couple or polygamous marriage, the claimant shall be treated as having been in receipt of a jobseeker's allowance for the same period as his partner had been or had been treated, for the purposes of this Schedule, as having been;
- [^{F82}(dd) where the applicable amount of a member of a joint-claim couple was determined in accordance with paragraph 1(1) (single claimant) or paragraph 1(2) (lone parent) of

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Schedule 1 (applicable amounts) in respect of a past period, provided that the claim was made within twelve weeks of the joint-claimant becoming a member of the joint-claim couple, the joint-claim couple shall be treated as having been in receipt of a jobseeker's allowance for the same period as that member of the joint-claim couple had been treated, for the purposes of this Schedule, as having been;]

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

[^{F83}(ee) where the claimant—

- (i) is a member of a couple or a polygamous marriage and the claimant's partner was, immediately before the participation by any member of that couple or polygamous marriage in an employment programme specified in regulation 75(1)(a)(ii)^{F84}, in the Intensive Activity Period specified in regulation 75(1)(a)(iv)^{F85} ...], in receipt of income-based jobseeker's allowance and his applicable amount included an amount for the couple or for the partners of the polygamous marriage; and
- (ii) has, immediately after that participation in that programme, begun to receive income-based jobseeker's allowance as a result of an election under regulation 4(3B) of the Claims and Payments Regulations by the members of the couple or polygamous marriage,

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

(f) where—

- (i) the claimant was a member of a family of a person (not being a former partner) entitled to a jobseeker's allowance and at least one other member of that family was a child or young person; and
- (ii) the claimant becomes a member of another family which includes that child or young person; and
- (iii) the claimant made his claim for a jobseeker's allowance within 12 weeks [^{F86}or, as the case may be, 52 weeks,] of the date on which the person entitled to a jobseeker's allowance mentioned in head(i) above ceased to be so entitled,

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

(2) Where a claimant, with the care of a child, has ceased to be in receipt of a jobseeker's allowance in consequence of the payment of child support maintenance under the Child Support Act 1991 ^{F87} and immediately before ceasing to be so in receipt an amount determined in accordance with paragraph 6(1)(a)(i) or paragraph 7(1)(a)(i) was applicable to him, then—

- (a) if the child support maintenance [^{F88}calculation] concerned is terminated or replaced on [^{F89}suppression] by a lower [^{F88}calculation] in consequence of the coming into force on or after 18th April 1995 of regulations made under the Child Support Act 1991; or
- (b) where the child support maintenance [^{F88}calculation] concerned is an [^{F90}interim maintenance decision or default maintenance decision] and, in circumstances other than those referred to in head (a), it is terminated or replaced after termination by another

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[^{F90}interim maintenance decision or default maintenance decision] or by a maintenance [^{F88}calculation] made in accordance with Part I of Schedule 1 to the Child Support Act 1991, in either case of a lower amount than the [^{F88}calculation] concerned,

sub-paragraph (1)(a)(ii) shall apply to him as if for the words "any period of 12 weeks or less" there were substituted the words "any period of 26 weeks or less".

[^{F91}(2A) Where a joint-claim jobseeker's allowance is payable to one member of a joint-claim couple in accordance with section 3B, both members of the couple shall be treated as receiving, or having received, a jobseeker's allowance for the purpose of this paragraph.

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

[^{F92}(3) For the purposes of this Schedule, where a claimant has ceased to be entitled to a jobseeker's allowance because he or his partner [^{F93}or, where a claimant is a member of a joint-claim couple, the other member of that couple] is participating in arrangements for training made under section 2 of the Employment and Training Act 1973 or attending a course at an employment rehabilitation centre established under that section [^{F94}or under the Enterprise and New Towns (Scotland) Act 1990], he shall be treated as if he had been in receipt of a jobseeker's allowance for the period during which he or his partner [^{F93}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was participating in such a course.]

[^{F95}(3A) For the purposes of this Schedule, a claimant who has ceased to be entitled to a jobseeker's allowance because—

- (a) that claimant or his partner [^{F96}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was participating in an employment programme specified in regulation 75(1)(a)(ii) [^{F97}in the Intensive Activity Period specified in regulation 75(1)(a)(iv) ^{F98}...][^{F99}or in an employment zone programme], and
- (b) in consequence of such participation the claimant or his partner [^{F96}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was engaged in remunerative work or failed to satisfy the condition specified either in section 2(1)(c)[^{F100}, 3(1)(a) or 3A (1)(a)],

shall be treated as if he had been in receipt of a jobseeker's allowance for the period during which he or his partner [^{F96}or, where a claimant is a member of a joint-claim couple, the other member of that couple] was participating in that programme [^{F101}or activity].]

(4) Where, for the purposes of sub-paragraphs [^{F102}(1), (3) and (3A)], a person is treated as being in receipt of a jobseeker's allowance, for a certain period, he shall [^{F103}, subject to sub-paragraph (4A),] be treated as being entitled to a jobseeker's allowance for the same period.

(4A) [^{F104}Where the appropriate amount of a loan exceeds the amount specified in paragraph 10(4), sub-paragraph (4) shall not apply except—

- (a) or the purposes of paragraph 6(1) or 7(1); or
- (b) where a person has ceased to be in receipt of a jobseeker's allowance for a period of [^{F105}104 weeks] or less because he or his partner is a welfare to work beneficiary.]

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

- (a) capital exceeding [^{F106}£16,000]; or
- (b) income exceeding the applicable amount which applies in his case; or

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- [^{F107}(bb) a personal rate of contribution-based jobseeker's allowance that is equal to, or exceeds, the applicable amount in his case; or]
- (c) both capital exceeding [^{F108}£16,000] and income exceeding the applicable amount which applies in his case.
- (6) A person to whom sub-paragraph (5) applies shall be treated as entitled to a jobseeker's allowance throughout any period of not more than 39 weeks which comprises only days—
- (a) on which he is entitled to a contribution-based jobseeker's allowance, statutory sick pay [^{F109}, incapacity benefit or contributory employment and support allowance]; or
- (b) on which he is, although not entitled to any of the benefits mentioned in head (a) above, entitled to be credited with earnings equal to the lower earnings limit for the time being in force in accordance with [^{F110}regulation 8A or 8B of the Social Security (Credits) Regulations 1975].
- (7) Subject to sub-paragraph (8), a person to whom sub-paragraph (5) applies and who is either a person to whom regulation 13(4) applies (persons with caring responsibilities) or a lone parent shall, for the purposes of this Schedule, be treated as entitled to a jobseeker's allowance throughout any period of not more than 39 weeks following the refusal of a claim for a jobseeker's allowance made by or on behalf of that person.
- (8) Sub-paragraph (7) shall not apply in relation to a person mentioned in that sub-paragraph who, during the period referred to in that sub-paragraph—
- (a) is engaged in, or is treated as engaged in, remunerative work or whose partner is engaged in, or is treated as engaged in, remunerative work;
- (b) is treated as not available for employment by virtue of regulation [^{F111}15(1)(a)] (circumstances in which students are not treated as available for employment);
- (c) is temporarily absent from Great Britain, other than in the circumstances specified in regulation 50 (temporary absence from Great Britain).
- (9) In a case where—
- (a) sub-paragraphs (6) and (7) apply solely by virtue of sub-paragraph (5)(b), and
- (b) the claimant's income includes payments under a policy taken out to insure against the risk that the policy holder is unable to meet any loan or payment which qualifies under paragraphs 14 to 16,
- sub-paragraphs (6) and (7) shall have effect as if for the words "throughout any period of not more than 39 weeks" there are substituted the words "throughout any period that payments are made in accordance with the terms of the policy".
- (10) This sub-paragraph applies—
- (a) to a person who claims a jobseeker's allowance, or in respect of whom a jobseeker's allowance is claimed, and who—
- (i) received payments under a policy of insurance taken out to insure against loss of employment, and those payments are exhausted; and
- (ii) had a previous award of a jobseeker's allowance where the applicable amount included an amount by way of housing costs; and
- (b) where the period in respect of which the previous award of a jobseeker's allowance was payable ended not more than 26 weeks before the date the claim was made.
- (11) Where sub-paragraph (10) applies, in determining—
- (a) for the purposes of paragraph 6(1) whether a person has been entitled to a jobseeker's allowance for a continuous period of 26 weeks or more; or

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(b) for the purposes of paragraph 7(1) whether a claimant has been entitled to a jobseeker's allowance for a continuous period of 39 weeks or more, any week falling between the date of the termination of the previous award and the date of the new claim shall be ignored.

[^{F112}(12) Where the claimant's partner to whom this paragraph applies is a welfare to work beneficiary, sub-paragraphs (1)(a)(ii), [^{F113}(1)(c)(iv),] (1)(d) and (1)(f)(iii) shall apply to him as if for the words "twelve weeks" there were substituted the words "[^{F114}104 weeks]".]

[^{F115}(13) For the purposes of sub-paragraph (1)(a)(ii), (1)(c)(iv), (1)(d) and (1)(f)(iii), the relevant period shall be—

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

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

- (a) has commenced employment as an employed earner or as a self-employed earner or has increased the hours in which he is engaged in such employment;
- (b) is taking active steps to establish himself in employment as an employed earner or as a self-employed earner under any scheme for assisting persons to become so employed which is mentioned in regulation 19(1)(r)(i) to (iii); or
- (c) is participating in—
 - (i) a New Deal option;
 - (ii) an employment zone programme;
 - (iii) the self-employment route, [^{F116}or
 - (iv) the Intensive Activity Period specified in regulation 75(1)(a)(iv) or the Intensive Activity Period for 50 plus,]

and, as a consequence, he or his partner was engaged in remunerative work or failed to satisfy the conditions specified in section 2(1)(c) or 3(1)(a) or the joint-claim couple of which he was a member failed to satisfy the condition in section 3A(1)(a).

(15) Sub-paragraph (14) shall only apply to the extent that immediately before the day on which the person ceased to be entitled to an income-based jobseeker's allowance or the joint-claim couple of which he was a member ceased to be entitled to a joint-claim jobseeker's allowance, his housing costs were being met in accordance with paragraph 6(1)(a)[^{F117}, 6(1)(b)] or 7(1)(a) or would have been so met but for any non-dependant deduction under paragraph 17.]

[^{F118}(16) For the purpose of determining whether the linking rules set out in this paragraph apply in a case where a claimant's former partner was entitled to state pension credit, any reference to income-based jobseeker's allowance in this Schedule shall be taken to include also a reference to state pension credit.]

Textual Amendments

- F73** Words in Sch. 2 para. 13(1) substituted (19.3.2001) by [The Jobseeker's Allowance \(Joint Claims\) Regulations 2000 \(S.I. 2000/1978\)](#), reg. 1(1), **Sch. 2 para. 54(8)(a)**
- F74** Word in Sch. 2 para. 13(1) substituted (7.10.1996) by [The Jobseeker's Allowance \(Amendment\) Regulations 1996 \(S.I. 1996/1516\)](#), reg. 1(1), **Sch. Pt. 2**

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- F75** Word in Sch. 2 para. 13(1)(a)(i) substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), art. 3(1), **Sch. 12 para. 11**
- F76** Words in Sch. 2 para. 13(1)(a)(ii) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(i)(aa)**
- F77** Words in Sch. 2 para. 13(1)(a)(ii) omitted (7.10.1996) by virtue of The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(4)**
- F78** Sch. 2 para. 13(1)(a)(ii), (aa)-(cc) inserted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(4)**
- F79** Words in Sch. 2 para. 13(1)(b) substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), art. 3(1), **Sch. 12 para. 10**
- F80** Words in Sch. 2 para. 13(1)(c)(iv) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(i)(bb)**
- F81** Words in Sch. 2 para. 13(1)(d) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(i)(cc)**
- F82** Sch. 2 para. 13(1)(dd) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(b)**
- F83** Sch. 2 para. 13(1)(ee) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **13(3)(a)**
- F84** Words in Sch. 2 para. 13(1)(ee)(i) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **11(b)(i)**
- F85** Words in Sch. 2 para. 13(1)(ee)(i) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(15)**
- F86** Words in Sch. 2 para. 13(1)(f)(iii) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(i)(dd)**
- F87** 1991 c.48.
- F88** Word in Sch. 2 para. 13(2) substituted (3.3.2003 for specified purposes) by The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158), regs. 1(3), **7(3)(a)** (with reg. 10); S.I. 2003/192, art. 3(1), Sch.
- F89** Word in Sch. 2 para. 13(2)(a) substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), art. 3(1), **Sch. 12 para. 5**
- F90** Words in Sch. 2 para. 13(2)(b) substituted (3.3.2003 for specified purposes) by The Child Support (Consequential Amendments and Transitional Provisions) Regulations 2001 (S.I. 2001/158), regs. 1(3), **7(3)(b)** (with reg. 10); S.I. 2003/192, art. 3(1), Sch.
- F91** Sch. 2 para. 13(2A)(2B) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(c)**
- F92** Sch. 2 para. 13(3) substituted (7.4.1997) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **4(2)**
- F93** Words in Sch. 2 para. 13(3) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(d)**
- F94** Words in Sch. 2 para. 13(3) inserted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(10)(c)**
- F95** Sch. 2 para. 13(3A) inserted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **13(3)(b)**
- F96** Words in Sch. 2 para. 13(3A) inserted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(e)(i)**
- F97** Words in Sch. 2 para. 13(3A)(a) inserted (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **11(b)(ii)(aa)**
- F98** Words in Sch. 2 para. 13(3A)(a) omitted (14.4.2008) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **4(15)**

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- F99** Words in Sch. 2 para. 13(3A)(a) inserted (3.4.2000) by The Social Security Amendment (Employment Zones) Regulations 2000 (S.I. 2000/724), regs. 1(1), **4(4)(d)**
- F100** Words in Sch. 2 para. 13(3A)(b) substituted (19.3.2001) by The Jobseeker's Allowance (Joint Claims) Regulations 2000 (S.I. 2000/1978), reg. 1(1), **Sch. 2 para. 54(8)(e)(ii)**
- F101** Words in Sch. 2 para. 13(3A) added (9.4.2001) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(1), **11(b)(ii)(bb)**
- F102** Words in Sch. 2 para. 13(4) substituted (5.1.1998) by The Social Security Amendment (New Deal) Regulations 1997 (S.I. 1997/2863), regs. 1(1), **13(3)(c)**
- F103** Words in Sch. 2 para. 13(4) inserted (2.8.1999) by The Income Support (General) and Jobseeker's Allowance Amendment Regulations 1999 (S.I. 1999/1921), regs. 1, **2(2)(a)**
- F104** Sch. 2 para. 13(4A) inserted (2.8.1999) by The Income Support (General) and Jobseeker's Allowance Amendment Regulations 1999 (S.I. 1999/1921), regs. 1, **2(2)(b)**
- F105** Words in Sch. 2 para. 13(4A)(b) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **13(10)(b)**
- F106** Word in Sch. 2 para. 13(5)(a) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(b), **3(7)**
- F107** Sch. 2 para. 13(5)(bb) inserted (28.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2538), regs. 1, **2(12)(b)**
- F108** Word in Sch. 2 para. 13(5)(c) substituted (with effect in accordance with reg. 1(6) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(6)(b), **3(7)**
- F109** Words in Sch. 2 para. 13(6)(a) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(e)**
- F110** Words in Sch. 2 para. 13(6)(b) substituted (5.4.1999) by The Social Security Benefits (Miscellaneous Amendments) Regulations 1999 (S.I. 1999/714), **reg. 2(2)(a)**
- F111** Word in Sch. 2 para. 13(8)(b) substituted (9.7.2008) by The Social Security (Students Responsible for Children or Young Persons) Amendment Regulations 2008 (S.I. 2008/1826), regs. 1, **3(5)**
- F112** Sch. 2 para. 13(12) added (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **14(4)**
- F113** Words in Sch. 2 para. 13(12) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(ii)**
- F114** Words in Sch. 2 para. 13(12) substituted (9.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(7), **13(10)(b)**
- F115** Sch. 2 para. 13(13)(14)(15) added (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **12(b)(iii)**
- F116** Sch. 2 para. 13(14)(c)(iv) and word added (coming into force in accordance with reg. 1(2) of the amending S.I.) by The Social Security Amendment (New Deal) Regulations 2001 (S.I. 2001/1029), regs. 1(2), **11(b)(iii)**
- F117** Word in Sch. 2 para. 13(15) inserted (8.4.2002) by The Social Security (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/841), regs. 1(1), **6**
- F118** Sch. 2 para. 13(16) added (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **30(b)**

Modifications etc. (not altering text)

- C26** Sch. 2 para. 13(2) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(i)** (with reg. 8)
- C27** Sch. 2 para. 13(4A)(a) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(i)(ii)** (with reg. 8)

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- C28** Sch. 2 para. 13(11) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(2), **6(e)(ii)** (with regs. 3, 7)
- C29** Sch. 2 para. 13(11) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(2), **6(e)(i)** (with regs. 3, 7)
- C30** Sch. 2 para. 13(11) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(i)(iii)** (with reg. 8)
- C31** Sch. 2 para. 13(15) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(i)(iv)** (with reg. 8)

Loans on residential property

14.—(1) A loan qualifies under this paragraph where the loan was taken out to defray monies applied for any of the following purposes—

- (a) acquiring an interest in the dwelling occupied as the home; or
- (b) paying off another loan to the extent that the other loan would have qualified under head (a) above had the loan not been paid off.

(2) For the purposes of this paragraph, references to a loan include also a reference to money borrowed under a hire purchase agreement for any purpose specified in heads (a) and (b) of sub-paragraph (1) above.

(3) Where a loan is applied only in part for the purposes specified in heads (a) and (b) of sub-paragraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.

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

15.—(1) A loan qualifies under this paragraph where the loan was taken out, with or without security, for the purpose of—

- (a) carrying out repairs and improvements to the dwelling occupied as the home;
- (b) paying any service charge imposed to meet the cost of repairs and improvements to the dwelling occupied as the home;
- (c) paying off another loan to the extent that the other loan would have qualified under head (a) or (b) of this sub-paragraph had the loan not been paid off,

and the loan was used for that purpose, or is used for that purpose within 6 months of the date of receipt or such further period as may be reasonable in the particular circumstances of the case.

(2) In sub-paragraph (1) “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of the building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;

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- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for [^{F119}persons] of different sexes aged 10 or over [^{F119}but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible].

(3) Where a loan is applied only in part for the purposes specified in sub-paragraph (1), only that portion of the loan which is applied for that purpose shall qualify under this paragraph.

Textual Amendments

F119 Words in [Sch. 2 para. 15\(2\)\(l\)](#) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **4(10)(d)**

Other housing costs

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

- (a) payments by way of rent or ground rent relating to a long tenancy^{F120} ...;
- (b) service charges;
- (c) payments by way of the rentcharge within the meaning of section 1 of the Rentcharges Act 1977^{F121};
- (d) payments under a co-ownership scheme;
- (e) payments under or relating to a tenancy or licence of a Crown tenant;
- (f) where the dwelling occupied as the home is a tent, payments in respect of the tent and the site on which it stands.

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

- (a) where the costs are inclusive of any of the items mentioned in [^{F122}paragraph 6(2) of Schedule 1 to the Housing Benefit Regulations 2006] (payment in respect of fuel charges), the deductions prescribed in that paragraph unless the claimant provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, in which case the estimated amount;
- (b) where the costs are inclusive of ineligible service charges within the meaning of [^{F123}paragraph 1 of Schedule 1 to the Housing Benefit Regulations 2006] (ineligible service charges) the amounts attributable to those ineligible service charges or where that amount is not separated from or separately identified within the housing costs to be met under this paragraph, such part of the payments made in respect of those housing costs which are fairly attributable to the provision of those ineligible services having regard to the costs of comparable services;
- (c) any amount for repairs and improvements, and for this purpose the expression “repairs and improvements” has the same meaning it has in paragraph 15(2).

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

(4) Where the claimant or a member of his family—

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

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

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

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

Textual Amendments

F120 Words in Sch. 2 para. 16(1)(a) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), regs. 1(3), **13(11)(c)**

F121 1977 c.30

F122 Words in Sch. 2 para. 16(2)(a) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 8(4)(a)** (with regs. 2, 3, Sch. 3, Sch. 4)

F123 Words in Sch. 2 para. 16(2)(b) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 8(4)(b)** (with regs. 2, 3, Sch. 3, Sch. 4)

Non-dependant deductions

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

[^{F124}(a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, £47.75;]

[^{F124}(b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, £7.40.]

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies because he is in remunerative work, where the claimant satisfies [^{F125}the Secretary of State] that the non-dependant's gross weekly income is—

(a) less than [^{F126}£120.00], the deduction to be made under this paragraph shall be the deduction specified in sub-paragraph (1)(b);

(b) not less than [^{F127}£120.00] but less than [^{F127}£178.00] the deduction to be made under this paragraph shall be £17.00;

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(c) not less than [^{F128}£178.00] but less than [^{F128}£231.00] the deduction to be made under this paragraph shall be £23.35.

[^{F129}(d) not less than [^{F130}£231.00] but less than [^{F130}£306.00] deduction to be made under this paragraph shall be £38.20;]

[^{F129}(e) not less than [^{F131}£306.00] but less than [^{F131}£382.00] the deduction to be made under this paragraph shall be £43.50.]

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

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

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are a couple or members of a polygamous marriage), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the housing costs in respect of the dwelling occupied as the home payable by each of them.

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

(a) blind or treated as blind within the meaning of paragraph 14(1)(h) and (2) of Schedule 1 (additional condition for the higher pensioner and disability premiums); or

(b) receiving in respect of himself either—

(i) an attendance allowance, or

(ii) the care component of the disability living allowance.

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

(a) if, although he resides with the claimant, it appears to [^{F132}the Secretary of State] that the dwelling occupied as his home is normally elsewhere; or

[^{F133}(b) if he is in receipt of [^{F134}a training allowance paid in connection with [^{F135}youth training] established under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or]]

(c) if he is a full-time student during a period of study or, if he is not in remunerative work, during a recognised summer vacation appropriate to his course; or

(d) if he is aged under 25 and in receipt of [^{F136}an income-based jobseeker's allowance] or income support; or

(e) in respect of whom a deduction in the calculation of a rent rebate or allowance falls to be made under [^{F137}regulation 74 of the Housing Benefit Regulations 2006] (non-dependant deductions); or

(f) to whom, but for paragraph (5) of regulation 2 (definition of non-dependant) paragraph (4) of that regulation would apply; or

(g) if he is not residing with the claimant because he has been a patient for a period in excess of [^{F138}52] weeks, or is a prisoner, and for these purposes—

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- [^{F139}(i) “patient” has the meaning given in paragraph 3(13)(b) and “prisoner” has the meaning given in regulation 85(4), and]
- [^{F139}(ii) in calculating any period of 52 weeks as a patient, any two or more distinct periods separated by one or more intervals each not exceeding 28 days shall be treated as a single period; ^{F140}...]
- [^{F141}(h) if he is in receipt of state pension credit][^{F142}or
- (i) he is aged less than 25 and is in receipt of employment and support allowance which does not include an amount under section 4(4) or (5) of the Welfare Reform Act (components)]
- (8) In the case of a non-dependant to whom sub-paragraph (2) applies because he is in remunerative work, there shall be disregarded from his gross income—
- (a) any attendance allowance or disability living allowance received by him;
- (b) any payment made under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments)(No.2) Trust, the Fund, the Eileen Trust or the Independent Living [^{F143}Fund (2006)] which, had his income fallen to be calculated under regulation 103 (calculation of income other than earnings), would have been disregarded under paragraph 22 of Schedule 7 (income in kind); and
- (c) any payment which, had his income fallen to be calculated under regulation 103 would have been disregarded under paragraph 41 of Schedule 7 (payments made under certain trusts and certain other payments).

Textual Amendments

- F124** Sch. 2 para. 17(1)(a)(b) substituted for Sch. 2 para. 17(1)(a)-(c) (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **6(b)(i)**
- F125** Words in Sch. 2 para. 17(2) substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), art. 3(1), **Sch. 12 para. 2**
- F126** Sum in Sch. 2 para. 17(2)(a) substituted (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(c)**
- F127** Sums in Sch. 2 para. 17(2)(b) substituted (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(d)**
- F128** Sums in Sch. 2 para. 17(2)(c) substituted (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(e)**
- F129** Sch. 2 para. 17(2)(d)(e) added (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Non-Dependant Deductions) Regulations 1996 (S.I. 1996/2518), regs. 1(1)(c), **4(b)**
- F130** Sums in Sch. 2 para. 17(2)(d) substituted (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(f)**
- F131** Sums in Sch. 2 para. 17(2)(e) substituted (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(g)**
- F132** Words in Sch. 2 para. 17(7)(a) substituted (18.10.1999) by The Social Security Act 1998 (Commencement No. 11, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/2860), art. 3(1), **Sch. 12 para. 2**

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- F133** Sch. 2 para. 17(7)(b) substituted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(5)**
- F134** Words in Sch. 2 para. 17(7)(b) substituted (28.10.1996) by The Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2538), regs. 1, **2(12)(c)(ii)**
- F135** Words in Sch. 2 para. 17(7)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(10)(e)**
- F136** Words in Sch. 2 para. 17(7)(d) substituted (7.4.1997) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **4(3)**
- F137** Words in Sch. 2 para. 17(7)(e) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 8(4)(c)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F138** Word in Sch. 2 para. 17(7)(g) substituted (coming into force in accordance with reg. 1(f) of the amending S.I.) by The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1195), regs. 1(f), **6(4)**
- F139** Words in Sch. 2 para. 17(7)(g)(i)(ii) substituted (for specified purposes and with effect in accordance with reg. 1(d) of the amending S.I.) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), **reg. 6(4)**
- F140** Word in Sch. 2 para. 17(7)(g) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(f)(ii)**
- F141** Sch. 2 para. 17(7)(h) added (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **6(b)(ii)(bb)**
- F142** Sch. 2 para. 17(7)(i) and word added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(f)(ii)**
- F143** Words in Sch. 2 para. 17(8)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **4(7)(d)**

Modifications etc. (not altering text)

- C32** Sch. 2 para. 17(1)(a): sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(a)**
- C33** Sch. 2 para. 17(1)(b): sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(b)**
- C34** Sch. 2 para. 17(2)(b): sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(d)**
- C35** Sch. 2 para. 17(2)(c): sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(e)**
- C36** Sch. 2 para. 17(2)(d): sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(f)**
- C37** Sch. 2 para. 17(2)(e): sum confirmed (with effect in accordance with art. 1(2)(j)(ii) (3)(a) 6 of the amending S.I.) by The Social Security Benefits Up-rating Order 2009 (S.I. 2009/497), arts. 1(2)(j)(ii), **24(7)(g)**

Continuity with Income Support [^{F144}or income-related employment and support allowance]

18.—(1) For the purpose of providing continuity between income support [^{F145}or income-related employment and support allowance] and a jobseeker's allowance—

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- (a) any housing costs which would, had the claimant been entitled to income support, have been existing housing costs and not new housing costs shall, notwithstanding the preceding provisions of this Schedule, be treated as existing housing costs, and any qualifications or limitations which would have applied to those costs had the award been an award of income support shall likewise apply to the costs in so far as they are met in jobseeker's allowance;
- (b) had the award of a jobseeker's allowance been an award of income support and the housing costs which would then have been met would have included an additional amount met in accordance with paragraph 7 of Schedule 3 to the Income Support Regulations (add back), an amount equal to that additional amount shall be added to the housing costs to be met under this Schedule, but that amount shall be subject to the same qualifications and limitations as it would have been had the award been of income support; and
- (c) for the purposes of any linking rule [^{F146}or for determining whether any qualifying or other period is satisfied], any reference to a jobseeker's allowance in this Schedule shall be taken also to include a reference to income support [^{F147}or income-related employment and support allowance].
- (2) Any loan which, had the claimant been entitled to income support and not a jobseeker's allowance, would have been a qualifying loan for the purposes of Schedule 3 to the Income Support Regulations by virtue of regulation 3 of the Income Support (General) Amendment and Transitional Regulations 1995 ^{F148} shall be treated also as a qualifying loan for the purposes of paragraph 14 or 15, as the case may be, of this Schedule; and for the purpose of determining whether a claimant would satisfy the provision of regulation 3(2) of those Regulations, a person in receipt of an income-based jobseeker's allowance shall be treated as being in receipt of income support.

Textual Amendments

- F144** Words in Sch. 2 para. 18 heading added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(g)(i)**
- F145** Words in Sch. 2 para. 18(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(g)(ii)(aa)**
- F146** Words in Sch. 2 para. 18(1)(c) inserted (7.10.1996) by The Jobseeker's Allowance and Income Support (General) (Amendment) Regulations 1996 (S.I. 1996/1517), regs. 1, **29(6)**
- F147** Words in Sch. 2 para. 18(1)(c) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **3(25)(g)(ii)(bb)**
- F148** S.I. 1995/2287

Modifications etc. (not altering text)

- C38** Sch. 2 para. 18(1)(a) applied (with modifications) (5.1.2009) by The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (S.I. 2008/3195), regs. 1(3), **11(j)** (with reg. 8)

Rounding of Fractions

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

Status:

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