

## SCHEDULE 2

### AMENDMENTS TO THE PRINCIPAL REGULATIONS

**54.**—(1) Schedule 2 (housing costs) shall be amended in accordance with the following sub-paragraphs.

(2) In paragraph 1A(1) (previous entitlement to income support), after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) Where either member of a joint-claim couple was in receipt of or treated as being in receipt of income support 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 included an amount in respect of housing costs under paragraph 15 or 16 of Schedule 3 to the Income Support Regulations; and
- (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for joint-claim jobseeker’s allowance shall be the applicable amount in respect of those costs current when entitlement to income support was last determined.”.

(3) In paragraph 2(1) (circumstances in which a person is liable to meet housing costs), in both heads (a) and (c), after the words “or his partner” there shall be inserted the words “or, where that person is a member of a joint-claim couple, the other member of that couple,”.

(4) In paragraph 4 (housing costs not met)—

(a) for the words “the claimant” wherever those words occur, there shall be substituted the words “a claimant”;

(b) for sub-paragraph (2)(c)(ii) there shall be substituted the following—

“(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.”;

(c) in sub-paragraph (4A)(2)—

(i) for the words “or his partner”, wherever those words occur, there shall be substituted the words “, his partner or, where that person is a member of a joint-claim couple, the other member of that couple”;

(ii) in paragraph (b), for the words “or in section 3(1)(a)” there shall be substituted the words “, 3(1)(a) or 3A(1)(a)”;

(d) in sub-paragraph (7)(b), after the words “most favourable to him” there shall be inserted the words “or, as the case may be, to the joint-claim couple of which he is a member”;

(e) in sub-paragraph (8)(ii), for the words “or 84(1)(g)” there shall be substituted the words “, 84(1)(g), 86A(d) or 86B(e)”.

(5) At the end of paragraph 6 (existing housing costs) there shall be added the following sub-paragraph—

---

(1) Paragraph 1A was inserted by S.I.1997/2305.

(2) Paragraph 4(4A) was inserted by S.I. 1997/2863.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

“(4) Where either member of a joint-claim couple ceases to be in receipt of or treated as being in receipt of income support 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.”.

(6) After paragraph 7(2A)(3) (new housing costs) there shall be inserted the following sub-paragraph—

“(2B) Where either member of a joint-claim couple ceases to be in receipt of or treated as being in receipt of income support 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.”.

(7) In paragraph 8(1)(a) (general exclusions from paragraphs 6 and 7), after the words “or his partner” there shall be inserted the words “or either member of a joint-claim couple”.

(8) In paragraph 13 (linking rule)—

(a) in sub-paragraph (1), for the words “sub-paragraph (2)” there shall be substituted the words “sub-paragraphs (2) and (2A)”;

(b) after sub-paragraph (1)(d), there shall be inserted the following paragraph—

“(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 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;”;

(c) after sub-paragraph (2) there shall be inserted the following sub-paragraphs—

“(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.”;

(d) in sub-paragraph (3), after the words “or his partner”, in both places where those words occur, there shall be inserted the words “or, where a claimant is a member of a joint-claim couple, the other member of that couple”;

(e) in sub-paragraph (3A)—

(i) after the words “or his partner”, wherever those words occur, there shall be inserted the words “or, where a claimant is a member of a joint-claim couple, the other member of that couple”;

(ii) in head (b), for the words “or in section 3(1)(a)” there shall be substituted the words “, 3(1)(a) or 3A (1)(a)”.

---

(3) Paragraph 7(2A) was inserted by S.I. [1997/2305](#).

*Document Generated: 2024-05-05*

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*