

## SCHEDULE 6

### HOUSING COSTS

#### Previous entitlement to other income-related benefits

3.—(1) Where the claimant or the claimant's partner was in receipt of, or was treated as being in receipt of, an income-based jobseeker's allowance or income support not more than 12 weeks before one of them becomes entitled to an income-related allowance or, where the claimant or the claimant's partner is a person to whom paragraph 15(2) or (13) (linking rules) refers, not more than 26 weeks before becoming so entitled and—

- (a) the applicable amount for that income-based jobseeker's allowance or income support included an amount in respect of housing costs [<sup>F1</sup>under paragraphs 14 to 16 of Schedule 2][<sup>F1</sup>under paragraph 16 of Schedule 2] to the Jobseeker's Allowance Regulations or, as the case may be, [<sup>F1</sup>paragraphs 15 to 17 of Schedule 3][<sup>F1</sup>paragraph 17 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 an income-related allowance is to be the applicable amount in respect of those costs current when entitlement to an income-based jobseeker's allowance or income support was last determined.

(2) Where a claimant or the claimant's partner was in receipt of state pension credit not more than 12 weeks before one of them becomes entitled to [<sup>F2</sup>an income-related allowance] or, where the claimant or the claimant's partner is a person to whom paragraph 15(2) or (13) (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 [<sup>F3</sup>under paragraphs 11 to 13 of Schedule 2][<sup>F3</sup>under paragraph 13 of Schedule 2] to the State Pension Credit Regulations 2002 <sup>F4</sup>; 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 an income-related allowance is to be the applicable amount in respect of those costs current when entitlement to state pension credit was last determined.

(3) Where, in the period since housing costs were last calculated for an income-based jobseeker's allowance, income support 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 must, for the purposes of the claim for an income-related allowance, be recalculated so as to take account of that change.

#### Textual Amendments

- F1** Words in Sch. 6 para. 3(1)(a) substituted (with effect in accordance with regs.19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 1(c)(iii)(aa)**
- F2** Words in Sch. 6 para. 3(2) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **16(c)**
- F3** Words in Sch. 6 para. 3(2)(a) substituted (with effect in accordance with regs.19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 1(c)(iii)(bb)**

**Changes to legislation:** *There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 3. (See end of Document for details)*

**F4** [S.I. 2002/1792](#), the relevant amending instruments are [S.I. 2002/3019](#), [S.I. 2006/718](#) and [S.I. 2006/2378](#).

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