

[^{F1}SCHEDULE 9A

[^{F2}Regulations 34A and 34B]

DEDUCTIONS OF MORTGAGE INTEREST FROM
BENEFIT AND PAYMENT TO QUALIFYING LENDERS

Textual Amendments

- F1** Sch. 9A inserted (25.5.1992 for specified purposes and for specified purposes and with effect in accordance with reg. 1(3)(4)) by [The Social Security \(Claims and Payments\) Amendment Regulations 1992 \(S.I. 1992/1026\)](#), reg. 1(3)(4), **6**
- F2** Words in Sch. 9A heading substituted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(a)**

Interpretation

1. In this Schedule—

^{F3}
...

^{F3}
...

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

[^{F4}“relevant benefits” means—

- (a) [^{F5}income support, or income support and any incapacity benefit or severe disablement allowance where—
- (i) either benefit is paid with income support in a combined payment in respect of any period; and
 - (ii) the income support alone is insufficient for the purpose of this Schedule;]

(b) ^{F6}... [^{F7}and

(c) income-based jobseeker’s allowance;]^{F8} ...

(ca) [^{F9}contribution-based jobseeker’s allowance where—

 - (i) both income-based jobseeker’s allowance and contribution-based jobseeker’s allowance are in payment, and
 - (ii) the income-based jobseeker’s allowance alone is insufficient for the purposes of this Schedule;]

(d) [^{F10}[^{F11}state pension credit, or state pension credit and any retirement pension, incapacity benefit or severe disablement allowance where—

 - (i) one of those benefits is paid with state pension credit in a combined payment in respect of any period; and
 - (ii) the state pension credit alone is insufficient for the purpose of this Schedule;]] [^{F12}and]

(e) [^{F12}income-related employment and support allowance;]

(f) [^{F13}contributory employment and support allowance where—

 - (i) both income-related employment and support allowance and contributory employment and support allowance are in payment, and

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- (ii) the income-related employment and support allowance alone is insufficient for the purposes of this Schedule;]

^{F14} ...;]

“specified part” shall be construed in accordance with paragraph 3.

Textual Amendments

- F3** Words in Sch. 9A para. 1 omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(3)(a)**
- F4** Words in Sch. 9A para. 1 substituted (4.4.1996) by The Social Security (Claims and Payments Etc.) Amendment Regulations 1996 (S.I. 1996/672), regs. 1, **2(8)(a)**
- F5** Words in Sch. 9A para. 1 substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **4(a)**
- F6** Words in Sch. 9A para. 1 omitted (23.10.2002) by virtue of The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2441), regs. 1(1)(a), **13(b)** (with reg. 15)
- F7** Words in Sch. 9A para. 1 inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(27)(a)(ii)**
- F8** Word in Sch. 9A para. 1(c) omitted (27.7.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(2)(a)**
- F9** Words in Sch. 9A para. 1 inserted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2010 (S.I. 2010/2429), **reg. 3(a)**
- F10** Words in Sch. 9A para. 1 inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(a)**
- F11** Words in Sch. 9A para. 1 substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **4(b)**
- F12** Sch. 9A para. 1(e) and word added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(2)(b)**
- F13** Words in Sch. 9A para. 1 inserted (for specified purposes and with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2010 (S.I. 2010/2429), **reg. 3(b)**
- F14** Words in Sch. 9A para. 1 omitted (11.4.2011) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **4(3)**

Specified circumstances [^{F15}for the purposes of regulation 34A]

[^{F16}2. The circumstances referred to in regulation 34A are that—

- (a) [^{F17}[^{F18}the amount to be met under—

- (i) Schedule 3 to the Income Support Regulations; or
(ii) Schedule 2 to the Jobseeker’s Allowance Regulations; or
(iii) Schedule II to the State Pension Credit Regulations;][^{F19}or]

[^{F19}(iv) Schedule 6 to the Employment and Support Allowance Regulations.]

by reference to the standard rate ^{F20}... and, in the case of income support, to any amount payable in accordance with paragraph 7 of Schedule 3 to the Income Support Regulations;]

- (b) the relevant benefits to which a relevant beneficiary is entitled are payable in respect of a period of 7 days or a multiple of such a period.]

Textual Amendments

- F15** Words in Sch. 9A para. 2 heading added (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(b)**
- F16** Sch. 9A para. 2 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995 \(S.I. 1995/1613\)](#), reg. 1(1), **Sch. 2 para. 6**
- F17** Sch. 9A para. 2(a) substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(27)(b)**
- F18** Words in Sch. 9A para. 2(a) substituted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(2)(b)**
- F19** Sch. 9A para. 2(a)(iv) and word added (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **27(3)**
- F20** Words in Sch. 9A para. 2(a) omitted (28.11.2005) by virtue of [The Social Security \(Housing Costs Amendments\) Regulations 2004 \(S.I. 2004/2825\)](#), regs. 1(2)(b), **3(a)**

[^{F21}Specified circumstances for the purposes of regulation 34B

2A.—(1) The circumstances referred to in regulation 34B are that—

- (a) the relevant beneficiary is entitled to a savings credit as construed in accordance with sections 1 and 3 of the 2002 Act and not to a guarantee credit; and
- (b) sub-paragraphs (a) and (b) of paragraph 2 apply.

(2) The further circumstances referred to in that regulation are that—

- (a) the relevant beneficiary has requested the Secretary of State in writing to make such payments to the qualifying lender; or
- (b) the Secretary of State has determined that it would be in the relevant beneficiary's interests, or in the interests of his family, to make such payments to the qualifying lender.

(3) In making the determination referred to in sub-paragraph (2)(b), the Secretary of State shall have regard to whether or not the relevant beneficiary is in arrears with his payments to the qualifying lender.

(4) For the purposes of sub-paragraph (2)(b), “a family” comprises the relevant beneficiary, his partner, any additional partner to whom section 12(1)(c) of the 2002 Act applies and any person who has not attained the age of [^{F22}20], is treated as a child for the purposes of section 142 of the Contributions and Benefits Act and lives with the relevant beneficiary or the relevant beneficiary's partner.]

Textual Amendments

- F21** Sch. 9A para. 2A inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(c)**
- F22** Word in Sch. 9A para. 2A(4) substituted (17.12.2007) by [The Social Security \(Housing Costs and Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/3183\)](#), regs. 1, **2(2)**

Specified part of relevant benefit

3.—[^{F23}(1) Subject to the following provisions of this paragraph, the part of any relevant benefits which, as determined by the [^{F24}Secretary of State in accordance with regulation 34A, shall be

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paid] directly to the qualifying lender (“the specified part”) is^{F25}, in the case of income support,] a sum equal to the amount of mortgage interest to be met in accordance with paragraphs 6 and 8 to 10 of Schedule 3 to the Income Support Regulations (housing costs) together with an amount (if any) determined under paragraph 7 of that Schedule (transitional protection) [^{F25}or, in the case of jobseeker’s allowance, equal to the amount of mortgage interest to be met in accordance with paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations]^{F26}or, in the case of employment and support allowance, a sum equal to the amount of mortgage interest to be met in accordance with paragraphs 8 to 11 of Schedule 6 to the Employment and Support Allowance Regulations].]

[
^{F27}(1A) Subject to the following provisions of this paragraph, the part of state pension credit which, as determined by the Secretary of State in accordance with regulation 34A, shall be paid directly to the qualifying lender [^{F28}or, in accordance with regulation 34B, may be paid directly to the qualifying lender], is a sum equal to the amount of mortgage interest to be met under paragraph 7 of Schedule II to the State Pension Credit Regulations.]

^{F23}(2)

(3) Where, in determining a relevant beneficiary’s applicable amount for the purposes of income support [^{F29}income-based jobseeker's allowance or income-related employment and support allowance]^{F30}or a relevant beneficiary’s appropriate minimum guarantee in state pension credit]—

- (a) a sum in respect of housing costs is brought into account in addition to a sum in respect of mortgage interest; and
- (b) in accordance with [^{F31}paragraph 4(8) or (11) or paragraph 18] of Schedule 3 to the Income Support Regulations^{F32}or, as the case may be [^{F33}paragraph 5(9) or (12) or paragraph 14 of Schedule II to the State Pension Credit Regulations or], paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations]^{F34}or paragraph 6(10) or (13) or 19 of Schedule 6 to the Employment and Support Allowance Regulations] an amount is not allowed or a deduction falls to be made from the amount to be met under [^{F35}either of those Schedules],

then the specified part referred to in [^{F36}sub-paragraph (1) or (1A)] of this paragraph is the mortgage interest minus a sum calculated by applying the formula—

C×BA

[^{F31}where—

- A = housing costs within the meaning of paragraph 1 of Schedule 3 to the Income Support Regulations^{F37}or, as the case may be [^{F38}paragraph 1 of Schedule II to the State Pension Credit Regulations or], paragraph 1 of Schedule 2 to the Jobseeker’s Allowance Regulations]^{F39}or paragraph 1 of Schedule 6 to the Employment and Support Allowance Regulations];
- B = the housing costs to be met in accordance with paragraphs 6 and 8 to 10 of Schedule 3 to the Income Support Regulations (housing costs) together with an amount (if any) determined under paragraph 7 of that Schedule (transitional protection) [^{F37}or, as the case may be [^{F40}paragraph 7 of Schedule II to the State Pension Credit Regulations or], paragraphs 6 to 9 of Schedule 2 to the Jobseeker’s Allowance Regulations]^{F41}or paragraphs 8 to 11 of Schedule 6 to the Employment and Support Allowance Regulations]; and
- C = the sum which is not allowed or falls to be deducted in accordance with paragraph 18 of Schedule 3 to the Income Support Regulations^{F37}or, as the case may be [^{F42}paragraph 5(9) or (12) or paragraph 14 of Schedule II to the State Pension Credit Regulations or], paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance

Regulations]]^{F43} or paragraph 19 of Schedule 6 to the Employment and Support Allowance Regulations].]

(4) [^{F44}Except where the relevant benefit is state pension credit,] where a payment is being made under a policy of insurance taken out by a beneficiary to insure against the risk of his being unable to maintain repayments of mortgage interest to a qualifying lender, then the amount of any relevant benefits payable to that lender shall be reduced by a sum equivalent to so much of the amount payable under the policy of insurance as represents payments in respect of mortgage interest.

^{F45}(5)

^{F46}(6)

^{F47}(7)

(8) Where the amount of any relevant benefits to which a relevant beneficiary is entitled is less than the sum which would, but for this sub-paragraph, have been the specified part, then the specified part shall be the amount of any relevant benefits to which the relevant beneficiary is entitled less 10p.

[
^{F48}(9) In the case of a person to whom regulation 6(5) of the Income Support Regulations applies, no part of any relevant benefit shall be paid directly by the Secretary of State to a qualifying lender.]

[
^{F49}(10) In sub-paragraph (1), the relevant benefits do not include in the case of state pension credit [^{F50}but not in a case to which sub-paragraph (11) applies,] so much of any additional amount which is applicable in the claimant’s case under Schedule II to the State Pension Credit Regulations (housing costs) in respect of a period before the decision awarding state pension credit was made.]

[
^{F51}(11) This sub-paragraph applies where the last day on which either the claimant or his partner were entitled to income support or to an income-based jobseeker’s allowance was no more than twelve weeks before—

- (a) except where paragraph (b) applies, the first day of entitlement to state pension credit; or
- (b) where the claim for state pension credit was treated as made on a day earlier than the day on which it was actually made (“the actual date”), the day which would have been the first day of entitlement to state pension credit had the claim been treated as made on the actual date.]

Textual Amendments

- F23** Sch. 9A para. 3(1) substituted for Sch. 9A para. 3(1) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995](#) (S.I. 1995/1613), reg. 1(1), **Sch. 2 para. 7(a)**
- F24** Words in Sch. 9A para. 3(1) substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999](#) (S.I. 1999/3178), reg. 3(1)(a), **Sch. 6 para. 17** (with reg. 3(1)(b), Schs. 21-23)
- F25** Words in Sch. 9A para. 3(1) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996](#) (S.I. 1996/1460), regs. 1, **2(27)(c)**
- F26** Words in Sch. 9A para. 3(1) added (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008](#) (S.I. 2008/1554), regs. 1(2)(a), **27(4)(a)**
- F27** Sch. 9A para. 3(1A) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002](#) (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(i)**

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- F28** Words in Sch. 9A para. 3(1A) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No. 2) Regulations 2002 (S.I. 2002/3197), regs. 1(1)(a), **5(5)(d)(i)**
- F29** Words in Sch. 9A para. 3(3) substituted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(4)(b)(i)**
- F30** Words in Sch. 9A para. 3 inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(ii)(aa)**
- F31** Words in Sch. 9A para. 3(3)(b) (5) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Income Support and Claims and Payments) Amendment Regulations 1995 (S.I. 1995/1613), reg. 1(1), **Sch. 2 para. 7(b)(c)**
- F32** Words in Sch. 9A para. 3(3)(b) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(27)(c)**
- F33** Words in Sch. 9A para. 3(b) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(ii)(bb)**
- F34** Words in Sch. 9A para. 3(3)(b) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(4)(b)(ii)**
- F35** Words in Sch. 9A para. 3(3)(b) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(27)(c)**
- F36** Words in Sch. 9A para. 3 substituted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(ii)(aa)**
- F37** Words in Sch. 9A para. 3(3) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(27)(c)(ii)-(iv)**
- F38** Words in Sch. 9A para. 3 inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(ii)(cc)**
- F39** Words in Sch. 9A para. 3(3) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(4)(b)(iii)**
- F40** Words in Sch. 9A para. 3 inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(ii)(dd)**
- F41** Words in Sch. 9A para. 3(3) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(4)(b)(iv)**
- F42** Words in Sch. 9A para. 3 inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(ii)(ee)**
- F43** Words in Sch. 9A para. 3(3) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(4)(b)(v)**
- F44** Words in Sch. 9A para. 3(4) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(iii)**
- F45** Sch. 9A para. 3(5) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(3)(b)**
- F46** Sch. 9A para. 3(6) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(3)(b)**
- F47** Sch. 9A para. 3(7) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Social Security (Income Support and Claims and Payments) Amendment Regulations 1995 (S.I. 1995/1613), reg. 1(1), **Sch. 2 para. 7(d)**
- F48** Sch. 9A para. 3(9) added (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **11(3)**
- F49** Sch. 9A para. 3(10) added (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(c)(iv)**
- F50** Words in Sch. 9A para. 3(10) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No. 2) Regulations 2002 (S.I. 2002/3197), regs. 1(1)(a), **5(5)(d)(ii)**

F51 Sch. 9A para. 3(11) added (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(d)(iii)**

Direct payment: more than one loan

4.—(1) This paragraph applies where the borrower is liable to pay mortgage interest in respect of two or more different loans.

^{F52}(2) Subject to the following provisions of this paragraph, the Secretary of State shall pay to the qualifying lender or, if there is more than one qualifying lender, to each qualifying lender—

- (a) a sum equal to the mortgage interest determined by reference to paragraph 12 of Schedule 3 to the Income Support Regulations ^{F53}or, as the case may be ^{F54}paragraph 9 of Schedule II to the State Pension Credit Regulations or], paragraph 11 of Schedule 2 to the Jobseeker's Allowance Regulations^{F55}or paragraph 13 of Schedule 6 to the Employment and Support Allowance Regulations] (standard rate) in respect of each loan made by that lender; plus
- (b) any amount payable in accordance with paragraph 7 of Schedule 3 to the Income Support Regulations (transitional protection) attributable to the particular loan; ^{F56}...

^{F57}(c)]

(3) If, by virtue of deductions made under either paragraph 3(2) or 3(3), the specified part is less than the amount payable by the borrower in respect of mortgage interest, then the sum payable under sub-paragraph (2)(a) shall be minus such proportion of the sum subtracted under those sub-paragraphs as is attributable to the particular loan.

(4) Paragraph 3(4) shall apply to reduce the amount payable to a qualifying lender mentioned in sub-paragraph (2) above as it applies to reduce the amount of any relevant benefits payable to a qualifying lender under paragraph 3.

(5) Where the specified part is the part referred to in paragraph 3(8), the Secretary of State shall pay the specified part directly to the qualifying lenders to whom mortgage interest is payable by the borrower in order of the priority of mortgages or (in Scotland) in accordance with the preference in ranking of heritable securities.

Textual Amendments

- F52** Sch. 9A para. 4(2) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995 \(S.I. 1995/1613\)](#), reg. 1(1), **Sch. 2 para. 8**
- F53** Words in Sch. 9A para. 4(2)(a) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(27)(d)**
- F54** Words in Sch. 9A para. 4(2)(a) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(2)(d)**
- F55** Words in Sch. 9A para. 4(2)(a) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **27(5)**
- F56** Words in Sch. 9A para. 4(2)(b) omitted (7.4.1997) by virtue of [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/827\)](#), regs. 1(1), **7(3)(c)**
- F57** Sch. 9A para. 4(2)(c) omitted (7.4.1997) by virtue of [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 1997 \(S.I. 1997/827\)](#), regs. 1(1), **7(3)(c)**

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[^{F58}Application of payment where it exceeds borrower’s actual mortgage interest

4A.—(1) Subject to sub-paragraph (2), insofar as the sum paid to a qualifying lender under this Schedule in respect of a particular loan exceeds the borrower’s liability in respect of the mortgage interest payable on that loan the excess shall be applied by that lender in the following order of priority—

- (a) first, towards the discharge of any liability for arrears of mortgage interest in respect of that loan;
- (b) second, towards the discharge of any liability to repay the principal sum, or any other sum payable by the borrower to that lender, in respect of that loan.

(2) Where the borrower is liable to pay mortgage interest to the same qualifying lender in respect of two or more different loans, insofar as the sum paid to that lender under this Schedule in respect of one of those loans (“loan A”) exceeds the borrower’s liability in respect of the mortgage interest payable on that loan the excess shall be applied by that lender in the following order of priority—

- (a) first, towards the discharge of any liability for arrears of mortgage interest payable in respect of loan A;
- (b) second, towards the discharge of any liability to repay the principal sum, or any other sum payable by the borrower to that lender, in respect of loan A or (insofar as that liability is not already discharged by the application of any other sum paid to the qualifying lender under this Schedule) any of the other loans.]

Textual Amendments
F58 Sch. 9A para. 4A inserted (8.4.2010) by [The Social Security \(Claims and Payments\) Amendment Regulations 2010 \(S.I. 2010/796\)](#), regs. 1, **2(3)**

Relevant benefits

^{F59}5.

Textual Amendments
F59 Sch. 9A para. 5 omitted (4.4.1996) by virtue of [The Social Security \(Claims and Payments Etc.\) Amendment Regulations 1996 \(S.I. 1996/672\)](#), regs. 1, **2(8)(b)**

Time and manner of payments

6. Payments to qualifying lenders under regulation 34A [^{F60}or 34B] and this Schedule shall be made in arrears at intervals of 4 weeks.

Textual Amendments
F60 Words in Sch. 9A para. 6 inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(e)**

Fees payable by qualifying lenders

7. For the purposes of defraying the expenses of the Secretary of State in administering the making of payments under regulation 34A [^{F61}or 34B] and this Schedule a qualifying lender shall pay

to the Secretary of State a fee of [^{F62}£0.44] in respect of each payment made under regulation 34A [^{F61} or 34B] and this Schedule.

Textual Amendments

- F61** Words in Sch. 9A para. 7 inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(e)**
- F62** Word in Sch. 9A para. 7 substituted (1.4.2016) by [The Social Security \(Fees Payable by Qualifying Lenders\) \(Amendment\) Regulations 2016 \(S.I. 2016/228\)](#), regs. 1, 2

Qualifying lenders

8. The following bodies and persons shall be qualifying lenders—
- (a) the [^{F63}Regulator of Social Housing];
 - ^{F64}[.....]
 - ^{F65}(aa)
 - (aaa) [^{F66}the Greater London Authority];
 - (b) Housing for Wales;
 - [^{F67}(c) Communities Scotland;]
 - (d) the Development Board for Rural Wales; and
 - (e) any body incorporated under the Companies Act 1985 whose main objects include the making of loans secured by a mortgage of or a charge over land or (in Scotland) by a heritable security.

Textual Amendments

- F63** Words in Sch. 9A para. 8(a) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) \(No. 2\) Order 2010 \(S.I. 2010/671\)](#), art. 1(2), **Sch. 1 para. 12** (with Sch. 2); S.I. 2010/862, art. 2
- F64** Sch. 9A para. 8(aa) omitted (1.4.2012) by virtue of [The Localism Act 2011 \(Regulation of Social Housing\) \(Consequential Provisions\) Order 2012 \(S.I. 2012/641\)](#), art. 1(2)(3), **2(3)** (with art. 3)
- F65** Sch. 9A para. 8(aa) inserted (1.12.08) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) \(No. 2\) Order 2008 \(S.I. 2008/2831\)](#), art. 1, Sch. 1 para 4
- F66** Sch. 9A para. 8(aaa) inserted (1.4.2012) by [The Localism Act 2011 \(Housing and Regeneration Functions in Greater London\) \(Consequential, Transitional and Saving Provisions\) \(No. 2\) Order 2012 \(S.I. 2012/702\)](#), art. 1, **Sch. 1 para. 6** (with Sch. 2)
- F67** Sch. 9A para. 8(c) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **6**

Modifications etc. (not altering text)

- C1** Sch. 9A para. 8 modified (1.12.2008) by [The Transfer of Housing Corporation Functions \(Modifications and Transitional Provisions\) Order 2008 \(S.I. 2008/2839\)](#), art. 1(1), **Sch. para. 1** (with art. 6)

Election not to be regarded as a qualifying lender

9.—(1) A body which, or a person who, would otherwise be a qualifying lender may elect not to be regarded as such for the purposes of these Regulations by giving notice of election under this paragraph to the Secretary of State in accordance with sub-paragraphs (2) and (3).

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- (2) Subject to sub-paragraph (3), notice of election shall be given in writing—
- (a) in the case of the financial year 1992 to 1993, before 23rd May 1992 and shall take effect on that date; and
 - (b) in the case of any other financial year, before 1st February in the preceding year and shall take effect on 1st April following the giving of the notice.

(3) A body which, or a person who, becomes a qualifying lender during a financial year and who wishes to elect not to be regarded as such for the purposes of these Regulations shall give notice of election in writing within a period of six weeks from the date on which the person or body became a qualifying lender.

(4) ^{F68}Neither regulation 34A nor 34B shall] apply to a body which, or a person who, becomes a qualifying lender during a financial year for a period of six weeks from the date on which the person or body became a qualifying lender unless, either before the start of that period or at any time during that period, the person or body notifies the Secretary of State in writing that this sub-paragraph should not apply.

(5) A body which, or a person who, has made an election under this paragraph may revoke that election by giving notice in writing to the Secretary of State before 1st February in any financial year and the revocation shall take effect on the 1st April following the giving of the notice.

(6) Where a notice under this paragraph is sent by post it shall be treated as having been given on the day it was posted.

Textual Amendments

F68 Words in Sch. 9A para. 9(4) substituted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), 5(5)(f)

Provision of information

10.—(1) A qualifying lender shall provide the Secretary of State with information relating to—

- (a) the mortgage interest payable by a borrower;
- (b) the amount of the loan;
- (c) the purpose for which the loan is made;
- (d) the amount outstanding on the loan on which the mortgage interest is payable;
- (e) any change in the amount of interest payable by the borrower;

at the times specified in sub-paragraphs (2) and (3).

^{F69}(2) Subject to sub-paragraph (4), the information referred to in heads (a), (b), (c) and (d) of sub-paragraph (1) shall be provided at the request of the Secretary of State when a claim for—

- (a) income support^{F70}, employment and support allowance] or income-based jobseeker's allowance is made and a sum in respect of mortgage interest is to be brought into account in determining the applicable amount; or
- (b) state pension credit is made and a sum in respect of housing costs is applicable in the claimant's case in accordance with regulation 6(6)(c) of the State Pension Credit Regulations.]

(3) ^{F71}Subject to sub-paragraph (4),] the information referred to in heads (d) and (e) of sub-paragraph (1) shall be provided at the request of the Secretary of State—

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- (a) when a claim for income support^[F72], employment and support allowance^[F73], state pension credit^[F74] or income-based jobseeker's allowance] ceases to be paid to a relevant beneficiary; and
- (b) once every 12 months notwithstanding that, in relation to head (d), the information may already have been provided during the period of 12 months preceding the date of the Secretary of State's request.

[^{F75}(4) Where a claimant or his partner is a person to whom either paragraph 1A of Schedule 3 to the Income Support (General) Regulations 1987 (housing costs)^[F76], paragraph 3 of Schedule 6 to the Employment and Support Allowance Regulations (housing costs) or paragraph 1A of Schedule 2 to the Jobseeker's Allowance Regulations 1996 (housing costs) refers, the information to which sub-paragraphs (2) and (3)(b) refer shall be provided at the request of the Secretary of State on the anniversary of the date on which the housing costs in respect of mortgage interest were first brought into account in determining the applicable amount of the person concerned.]

Textual Amendments

- F69** Sch. 9A para. 10(2) substituted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(e)(i)**
- F70** Words in Sch. 9A para. 10(2)(a) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(6)(a)**
- F71** Words in Sch. 9A para. 10(3) inserted (22.10.1997) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 1997 (S.I. 1997/2305), regs. 1, **5(2)(a)**
- F72** Words in Sch. 9A para. 10(3)(a) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(6)(b)**
- F73** Words in Sch. 9A para. 10(3)(a) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(2)(e)(ii)**
- F74** Words in Sch. 9A para. 10(3)(a) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(27)(e)(ii)**
- F75** Sch. 9A para. 10(4) inserted (22.10.1997) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 1997 (S.I. 1997/2305), regs. 1, **5(2)(b)**
- F76** Words in Sch. 9A para. 10(4) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **27(6)(c)**

Recovery of sums wrongly paid

11.—(1) Where sums have been paid to a qualifying lender under regulation 34A ^[F77] or 34B] which ought not to have been paid for one or both of the reasons mentioned in sub-paragraph (2) of this paragraph, the qualifying lender shall, at the request of the Secretary of State, repay the sum overpaid.

(2) The reasons referred to in sub-paragraph (1) of this paragraph are—

(a) that—

- (i) the rate at which the borrower pays mortgage interest has been reduced ^[F78] or the rate ^[F79] determined in accordance with] paragraph 12 of Schedule 3 to the Income Support Regulations ^[F80] or, as the case may be, paragraph 11 of Schedule 2 to the Jobseeker's Allowance Regulations^[F81], or paragraph 13 of Schedule 6 to the Employment and Support Allowance Regulations^[F82] or paragraph 9 of Schedule II

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to the State Pension Credit Regulations] (standard rate) has been reduced] or the amount outstanding on the loan has reduced, and

(ii) as a result of this reduction the applicable amount of the relevant beneficiary has also been reduced, but

(iii) no corresponding reduction was made to the specified part; or

(b) subject to paragraph (3), that the relevant beneficiary has ceased to be entitled to any relevant benefits.

(3) A qualifying lender shall only repay sums which ought not to have been paid for the reason mentioned in sub-paragraph (2)(b) of this paragraph if the Secretary of State has requested that lender to repay the sums within a period of 4 weeks starting with the last day on which the relevant beneficiary was entitled to any relevant benefits.]

Textual Amendments

- F77** Words in Sch. 9A para. 11(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(g)(i)**
- F78** Words in Sch. 9A para. 11(2)(a)(i) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Income Support and Claims and Payments\) Amendment Regulations 1995 \(S.I. 1995/1613\)](#), reg. 1(1), **Sch. 2 para. 9**
- F79** Words in Sch. 9A para. 11(2)(a)(i) substituted (28.11.2004) by [The Social Security \(Housing Costs Amendments\) Regulations 2004 \(S.I. 2004/2825\)](#), regs. 1(2)(a), **3(b)**
- F80** Words in Sch. 9A para. 11(2)(a)(i) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(27)(f)**
- F81** Words in Sch. 9A para. 11(2)(a)(i) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **27(7)**
- F82** Words in Sch. 9A para. 11(2)(a)(i) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), regs. 1(1)(a), **5(5)(g)(ii)**

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Changes to legislation:

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