

SCHEDULE 2

Regulation 3

Amendments to Schedules 9 and 9A to the Social Security Claims and Payments) Regulations 1987

1. The provisions of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987(1) shall be amended in accordance with paragraphs 2 and 3 below.

2. In paragraph 1 (interpretation)—

(a) for the definition of “housing costs.” there shall be substituted the following definition—

““housing costs” means any housing costs met under Schedule 3 to the Income Support Regulations but—

(i) excludes costs under paragraph 17(1)(f) of that Schedule (tents and tent sites); and

(ii) includes costs under paragraphs 17(1)(a) (ground rent and feu duty) and 17(1)(c) (rentcharges) of that Schedule only when paid with costs under paragraph 17(1)(b) of that Schedule (service charges);”;

(b) for the definition of “mortgage payment”, there shall be substituted the following definition—

““mortgage payment” means the aggregate of any payments which fall to be met under Schedule 3 to the Income Support Regulations in accordance with paragraphs 6 to 10 of that Schedule (housing costs to be met in income support) on a loan which qualifies under paragraph 15 or 16 of that Schedule, but less any amount deducted under paragraph 18 of that Schedule (non-dependant deductions);”.

3. In paragraph 3(2A)(2), for the words “paragraph 10 or paragraph 11” there shall be substituted the words “paragraph 18”, and for the words “paragraph 10 or, as the case may be, paragraph 11” there shall be substituted the words “paragraph 4(8) or (11) or paragraph 18”.

4. In a case where, on 1st October 1995, a claimant’s housing costs were limited to 50 per cent. of the eligible interest in accordance with paragraph 7(1)(b)(ii) of Schedule 3 to the Income Support Regulations as then in force, then for so long as that paragraph would have continued to apply to him had it remained in force, the provisions of Schedule 9 shall apply to him as if the amendments made to it by paragraphs 2 and 3 above had not been made.

5. The provisions of Schedule 9A to the Social Security (Claims and Payments) Regulations 1987(3) shall be amended in accordance with paragraphs 6 to 9 below.

6. For paragraph 2 (specified circumstances) there shall be substituted the following paragraph—

“Specified circumstances

2. The circumstances referred to in regulation 34A are that—

(a) the amount to be met under Schedule 3 to the Income Support Regulations is determined by reference to the standard rate (whether at the full rate or a lesser rate) and to any amount payable in accordance with paragraph 7 of that Schedule (transitional protection); and

(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.”.

(1) [S. I.1987/1968](#).

(2) Paragraph 2A was inserted by [S. I.1992/102](#).

(3) [S. I. 1987/1968](#); Schedule 9A was inserted by [S. I. 1992/1026](#)

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7. In paragraph 3 (specified part of relevant benefit)—

(a) for sub-paragraphs (1) and (2) there shall be substituted the following sub-paragraph—

“(1) Subject to the following provisions of this paragraph, the part of any relevant benefits which, as determined by the adjudicating authority in accordance with regulation 34A, shall be paid by the Secretary of State directly to the qualifying lender (“the specified part”) is 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).”;

(b) in sub-paragraph (3)—

(i) in head (b) for the words “paragraph 10 or paragraph 11” there shall be substituted the words “paragraph 4(8) or (11) or paragraph 18”;

(ii) for the words following the formula

$$C \times \frac{B}{A}$$

“ , there shall be substituted the words—”

“where—

A = housing costs within the meaning of paragraph 1 of Schedule 3 to the income Support 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); 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.”;

(c) in sub-paragraph (5) for the words “Subject to sub-paragraphs (6), (7) and (8)” there shall be substituted the words “Subject to sub-paragraphs (6) and (8)”;

(d) sub-paragraph (7) shall be omitted.

8. In paragraph 4 (direct payment: more than one loan), for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(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 (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; plus

(c) any additional amount attributable to a particular loan which may, under paragraph 3(5), have been taken into account in calculating the specified part.”.

9. In paragraph 11, in sub-paragraph (2)(a)(i), after the words “interest has been reduced”, there shall be inserted the words “or the rate specified in paragraph 12 of Schedule 3 to the Income Support Regulations (standard rate) has been reduced”.

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