
STATUTORY INSTRUMENTS

2008 No. 3195

**The Social Security (Housing Costs Special Arrangements)
(Amendment and Modification) Regulations 2008**

PART 2

Modifications relating to certain claimants who are
entitled to a relevant benefit on 4th January 2009

Application

3.—(1) This Part applies in relation to a person who—

- (a) is entitled to a relevant benefit on 4th January 2009; and
- (b) on or after that date falls within paragraph (3) or (4).

(2) This Part ceases to apply in relation to a person who makes a further claim to the same, or claims another, relevant benefit after 4th January 2009.

(3) A person falls within this paragraph if, apart from these Regulations, the housing costs to be met in the benefit week that includes 4th January 2009 would be nil in that person's case because he or she has not been entitled to the relevant benefit concerned for the period mentioned in subparagraph (1)(a) in any of the following provisions—

- (a) paragraph 8 (existing housing costs) or paragraph 9 (new housing costs)(1) of Schedule 6 to the Employment and Support Allowance Regulations;
- (b) paragraph 6 (existing housing costs)(2) or paragraph 8 (new housing costs)(3) of Schedule 3 to the Income Support Regulations;
- (c) paragraph 6 (existing housing costs)(4) or paragraph 7 (new housing costs)(5) of Schedule 2 to the Jobseeker's Allowance Regulations.

(4) A person falls within this paragraph if he or she has been entitled to a relevant benefit for a continuous period, which includes 4th January 2009, for at least 8 weeks but less than 26 weeks under any of the provisions mentioned in paragraph (5) as in force apart from these Regulations.

(5) The provisions are—

- (a) paragraph 8(1)(b) (existing housing costs) or paragraph 9(6) (new housing costs) of Schedule 6 to the Employment and Support Allowance Regulations;
- (b) paragraph 6(1)(b) (existing housing costs) or paragraph 8(4) (new housing costs) of Schedule 3 to the Income Support Regulations;
- (c) paragraph 6(1)(b) (existing housing costs) or paragraph 7(6) (new housing costs) of Schedule 2 to the Jobseeker's Allowance Regulations.

(1) Paragraph 9 was amended by [S.I. 2008/2428](#).

(2) Paragraph 6 was amended by S.Is. [1995/2927](#), [1997/2305](#), [2002/3019](#) and [2008/1554](#).

(3) Paragraph 8 was amended by S.Is. [1995/2927](#), [1996/206](#), [1997/2305](#), [2002/3019](#) and [2008/1554](#).

(4) Paragraph 6 was amended by S.Is. [1997/2305](#), [2000/1978](#), [2002/3019](#) and [2008/1554](#).

(5) Paragraph 7 was amended by S.Is. [1996/1516](#), [1997/2305](#), [2000/1978](#) and [2008/2428](#).

Modification of the Employment and Support Allowance Regulations

4. Schedule 6 (housing costs) to the Employment and Support Allowance Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 8(1) (existing housing costs) the reference to “26” were to “13” in each place it appears;
- (b) in paragraph 9(1) (new housing costs) the reference to “39” were to “13”;
- (c) in paragraph 12(4) (general provisions applying to new and existing housing costs)(6) the reference to “£100,000” were to “£200,000”;
- (d) in paragraph 15(14) (linking rule)(7)—
 - (i) in head (a) the reference to “26” were to “13”;
 - (ii) in head (b) the reference to “39” were to “13”.

Modification of the Income Support Regulations

5. Schedule 3 (housing costs) to the Income Support Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 6(1) (existing housing costs) the reference to “26” were to “13” in each place it appears;
- (b) in paragraph 8(1) (new housing costs) the reference to “39” were to “13”;
- (c) in paragraph 11(5) (general provisions applying to new and existing housing costs)(8) the reference to “£100,000” were to “£200,000”;
- (d) in paragraph 14(9) (linking rule)—
 - (i) in head (a) the reference to “26” were to “13”;
 - (ii) in head (b) the reference to “39” were to “13”.

Modification of the Jobseeker’s Allowance Regulations

6. Schedule 2 (housing costs) to the Jobseeker’s Allowance Regulations applies in relation to a person to whom this Part applies as if—

- (a) after paragraph 4 (housing costs not met)(9) there were inserted—

“Housing costs: limitation applicable to qualifying loans

4A.—(1) Subject to sub-paragraphs (2) and (3), no amount may be met in respect of housing costs under paragraph 14 or 15 where the claimant has been in receipt of housing costs under either or both of those paragraphs for a total of 104 weeks.

(2) No week in which the appropriate amount specified in paragraph 10(4) is £100,000 in relation to that claimant is to count towards the 104 week total.

(3) Sub-paragraph (1) does not apply where—

- (a) the claimant or his or her partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was previously entitled to income support or employment and support allowance; and

(6) Paragraph 12 was amended by S.I. 2008/2428.

(7) Paragraph 15 was amended by S.I. 2008/2428.

(8) Paragraph 11 was amended by S.I. 1995/2927.

(9) Paragraph 4 was amended by S.Is. 1996/1517, 1996/2538, 1997/2863, 2000/1978, 2005/2687, 2007/3183 and 2008/698.

- (b) 12 weeks or less has elapsed since the last day of that entitlement and the first day of entitlement to a jobseeker's allowance.”.
- (b) in paragraph 6(1) (existing housing costs) the reference to “26” were to “13” in each place it appears;
- (c) in paragraph 7(1) (new housing costs) the reference to “39” were to “13”;
- (d) in paragraph 10(4) (general provisions applying to new and existing housing costs)(10) the reference to “£100,000” were to “£200,000”;
- (e) in paragraph 13(11) (linking rule)—
 - (i) in head (a) the reference to “26” were to “13”;
 - (ii) in head (b) the reference to “39” were to “13”.

Saving

7. Nothing in this Part is to affect the applicable amount of a person to whom this Part applies in respect of—

- (a) any period ending before the date on which these Regulations come into force, or
- (b) any period ending after that date throughout which he or she is entitled to the relevant benefit concerned for a continuous period that does not exceed 12 weeks.

(10) Paragraph 10 was amended by [S.I. 1996/1516](#).