
STATUTORY INSTRUMENTS

2008 No. 3195

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

PART 3

Modifications relating to certain persons who
claim a relevant benefit after 4th January 2009

Application and interpretation

- 8.**—(1) This Part applies in relation to a person who—
- (a) claims a relevant benefit after 4th January 2009; and
 - (b) falls within any of paragraphs (2) to (4).
- (2) A claimant falls within this paragraph if Part 2 applied to him at any time.
- (3) A claimant falls within this paragraph if he or she—
- (a) is entitled to a relevant benefit; or
 - (b) was previously entitled to a relevant benefit at any time after 4th January 2009; and
 - (c) in either case the entitlement is not or was not immediately preceded by a linked period.
- (4) A claimant falls within this paragraph if—
- (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 in receipt of state pension credit;
 - (b) the claimant—
 - (i) is entitled to a relevant benefit; or
 - (ii) was previously entitled to a relevant benefit at any time after 4th January 2009; and
 - (c) none of the following provisions apply or applied in relation to the entitlement referred to in sub-paragraph (b)(i) or (ii).
- (5) The provisions are—
- (a) paragraph 3(2) (previous entitlement to other income-related benefits) of Schedule 6 to the Employment and Support Allowance Regulations;
 - (b) paragraph 1A(1A) (previous entitlement to income-based jobseeker's allowance, income-related employment and support allowance or state pension credit)(1) of Schedule 3 to the Income Support Regulations;
 - (c) paragraph 1A(1ZA) or (1B) (previous entitlement to income support, income-related employment and support allowance or state pension credit)(2) of Schedule 2 to the Jobseeker's Allowance Regulations.

(1) Paragraph 1A was inserted by [S.I. 1997/2305](#) and was amended by S.Is. [2007/3183](#), [2008/1554](#).

(2) Paragraph 1A was inserted by [S.I. 1997/2305](#) and was amended by S.Is. [2007/3183](#), [2008/1554](#).

(6) In this Part—

“joint-claim couple” has the meaning given in section 1(4) of the Jobseekers Act 1995;
 “linked period” means a period in respect of which the claimant was required to be treated as being in receipt of a relevant benefit under the provisions of—

- (a) paragraph 15 (linking rule) of Schedule 6 to the Employment and Support Allowance Regulations;
- (b) paragraph 14 (linking rule) of Schedule 3 to the Income Support Regulations; or (as the case maybe)
- (c) paragraph 13 (linking rule) of Schedule 2 to the Jobseeker’s Allowance Regulations.

Modification of the Employment and Support Allowance Regulations

9. 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 1(2) (housing costs) the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) paragraph 8 (existing housing costs) were omitted;
- (c) in paragraph 9 (new housing costs)—
 - (i) the reference to “new” were omitted—
 - (aa) in the heading, and
 - (bb) in sub-paragraphs (1) and (2),
 - (ii) in sub-paragraph (1) the reference to “39” were to “13”,
 - (iii) sub-paragraphs (4) to (7) were omitted;
- (d) in paragraph 10 (general exclusions from paragraphs 8 and 9)—
 - (i) in the heading “paragraph 9” were substituted for “paragraphs 8 and 9”,
 - (ii) in sub-paragraph (1) “Paragraph 9” were substituted for “Paragraphs 8 and 9”;
- (e) in paragraph 11 (the calculation for loans) the reference to “existing housing costs, or as the case may be, new housing costs” were to “housing costs”;
- (f) in paragraph 12 (general provisions applying to new and existing housing costs)—
 - (i) for the heading there were substituted “General provisions applying to housing costs”;
 - (ii) sub-paragraphs (1) and (2) were omitted;
 - (iii) in sub-paragraph (4), the reference to “£100,000” were to “£200,000”;
- (g) in paragraph 14(9) (excessive housing costs) “paragraph 9” were substituted for “paragraphs 8 and 9”;
- (h) in paragraph 15 (linking rule)—
 - (i) in sub-paragraph (2) the reference to “paragraph 8(1)(a)(i) or” were omitted;
 - (ii) in sub-paragraph (6)(a) the reference to “8(1) or” were omitted;
 - (iii) for sub-paragraph (14) there were substituted—
 - “(14) Where sub-paragraph (13) applies, in determining for the purposes of paragraph 9(1) whether a person has been entitled to an income-related allowance for a continuous period of 13 weeks or more, any week falling between the date of the termination of the previous award and the date of the new claim is to be ignored.”;
 - (iv) in sub-paragraph (18) the reference to “8(1)(a), 8(1)(b) or” were omitted;

- (i) in paragraph 20 (continuity with income support, an income-based jobseeker's allowance or state pension credit) sub-paragraph (1)(a) were omitted.

Modification of the Income Support Regulations

10. 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 1(2) (housing costs)(3) the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) paragraph 6 (existing housing costs) were omitted;
- (c) in paragraph 8 (new housing costs)—
 - (i) the reference to “new” were omitted—
 - (aa) in the heading, and
 - (bb) in sub-paragraphs (1) and (1A),
 - (ii) in sub-paragraph (1) the reference to “39” were to “13”,
 - (iii) sub-paragraphs (2) to (5) were omitted;
- (d) in paragraph 9 (general exclusions from paragraphs 6 and 8)(4)—
 - (i) in the heading “paragraph 8” were substituted for “paragraphs 6 and 8”,
 - (ii) in sub-paragraph (1) “Paragraph 8” were substituted for “Paragraphs 6 and 8”;
- (e) in paragraph 10 (the calculation for loans)(5) the reference to “existing housing costs, or as the case may be, new housing costs” were to “housing costs”;
- (f) in paragraph 11 (general provisions applying to new and existing housing costs)—
 - (i) for the heading there were substituted “General provisions applying to housing costs”;
 - (ii) sub-paragraphs (2) and (3) were omitted;
 - (iii) in sub-paragraph (5), the reference to “£100,000” were to “£200,000”;
- (g) in paragraph 13(9) (excessive housing costs)(6) “paragraph 8” were substituted for “paragraphs 6 and 8”;
- (h) in paragraph 14 (linking rule)—
 - (i) in sub-paragraph (2)(7) “paragraph 6(1)(a)(i) or” were omitted,
 - (ii) in sub-paragraph (3AA)(a)(8) the reference to “6(1) or” were omitted,
 - (iii) for sub-paragraph (9) there were substituted—
 - “(9) Where sub-paragraph (8) applies, in determining for the purposes of paragraph 8(1) whether a person has been entitled to income support for a continuous period of 13 weeks or more, any week falling between the date of the termination of the previous award and the date of the new claim is to be ignored.”;
 - (iv) in sub-paragraph (13)(9) the reference to “6(1)(a), 6(1)(b) or” were omitted.

(3) Head (a) in the definition of “existing housing costs” was substituted by [S.I. 2004/2825](#).

(4) Paragraph 9 was amended by [S.I. 2002/3019](#).

(5) Paragraph 10 was substituted by [S.I. 2001/3651](#) and amended by [S.I. 2004/2825](#).

(6) Paragraph 13 was amended by [S.I. 1999/3178](#).

(7) Paragraph 14(2) was amended by [S.Is. 1999/3178](#) and [2001/158](#).

(8) Paragraph 14(3AA) was inserted by [S.I. 1999/1921](#) and amended by [S.I. 2006/2378](#).

(9) Paragraph 14(13) was amended by [S.I. 2002/841](#).

Modification of the Jobseeker's Allowance Regulations

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

- (a) in paragraph 1(2) (housing costs)(**10**) the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) after paragraph 4 (housing costs not met) 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, beginning with the last day on which he or she became entitled to a jobseeker's allowance that was not immediately preceded by a linked period.

(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
- (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.”.

- (c) paragraph 6 (existing housing costs) were omitted;
- (d) in paragraph 7 (new housing costs)—
 - (i) the reference to “new” were omitted—
 - (aa) in the heading, and
 - (bb) in sub-paragraphs (1) and (2),
 - (ii) in sub-paragraph (1) the reference to “39” were to “13”,
 - (iii) sub-paragraphs (3) to (7) were omitted;
- (e) in paragraph 8 (general exclusions from paragraphs 6 and 7)(**11**)—
 - (i) in the heading “paragraph 7” were substituted for “paragraphs 6 and 7”;
 - (ii) in sub-paragraph (1) “Paragraph 7” were substituted for “Paragraphs 6 and 7”;
- (f) in paragraph 9 (the calculation for loans)(**12**) the reference to “existing housing costs, or as the case may be, new housing costs” were to “housing costs”;
- (g) in paragraph 10 (general provisions applying to new and existing housing costs)—
 - (i) for the heading there were substituted “General provisions applying to housing costs”;
 - (ii) sub-paragraphs (1) and (2) were omitted;
 - (iii) in sub-paragraph (4), the reference to “£100,000” were to “£200,000”;
- (h) in paragraph 12(9) (excessive housing costs)(**13**) “paragraph 7” were substituted for “paragraphs 6 and 7”;

(10) The definition of “existing housing costs” was substituted by S.I. 2004/2825.

(11) Paragraph 8 was amended by S.I. 2000/1978.

(12) Paragraph 9 was substituted by S.I. 2001/3651.

(13) Paragraph 12 was amended by S.I. 1999/2860.

- (i) in paragraph 13 (linking rule)—
 - (i) in sub-paragraph (2)(**14**) the reference to “paragraph 6(1)(a)(i) or” were omitted,
 - (ii) in sub-paragraph (4A)(a)(**15**) the reference to “6(1) or” were omitted,
 - (iii) for sub-paragraph (11) there were substituted—
 - “(11) Where sub-paragraph (10) applies, in determining for the purposes of paragraph 7(1) whether a person has been entitled to a jobseeker’s allowance for a continuous period of 13 weeks or more, any week falling between the date of the termination of the previous award and the date of the new claim is to be ignored.”;
 - (iv) in sub-paragraph (15)(**16**) the reference to “6(1)(a), 6(1)(b) or” were omitted;
- (j) in paragraph 18 (continuity with income support)(**17**) sub-paragraph (1)(a) were omitted.

(14) Paragraph 13(2) was amended by S.Is. [1999/2860](#) and [2001/158](#).

(15) Paragraph 13(4A) was inserted by [S.I. 1999/1921](#) and amended by [S.I. 2006/2378](#).

(16) Paragraph 13(15) was amended by [S.I. 2002/841](#).

(17) Paragraph 18 was amended by S.Is. [1996/1517](#) and [2008/1554](#).