
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

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)^{MI} the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) after paragraph 4 (housing costs not met) there were inserted—

[^{F1}“Housing costs: limitation applicable to qualifying loans

4A.—(1) Except as mentioned below, no amount may be met in respect of housing costs under paragraph 14 or 15 after the claimant has been in receipt of housing costs under either or both of those paragraphs (“relevant housing costs”) for a cumulative total of 104 weeks, beginning on or after 5th January 2009.

(2) Sub-paragraphs (3) to [^{F2}(7)] apply for the purposes of sub-paragraph (1).

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

(4) Where sub-paragraph (5) applies to the claimant, relevant housing costs awarded to him in respect of a previous award of a jobseeker's allowance are to be disregarded.

(5) This sub-paragraph applies to the claimant where he does not fall to be treated under paragraph 13 (linking rule) as being in receipt of a jobseeker's allowance for a continuous period beginning with the first day of the last period in respect of which he was not in receipt of a jobseeker's allowance and ending immediately before his most recent claim is made or is treated as made.

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

- (a) the claimant or his partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was entitled to an employment and support allowance or income support before one of them becomes entitled to a jobseeker's 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.]

[^{F3}(7) In determining whether the exemption provided for in sub-paragraph (6) applies, where the claimant or his partner or, if the claimant is a member of a joint-claim couple, the other member of the couple was in receipt of a jobseeker's allowance immediately before becoming entitled to income support by virtue of regulation 6(6) of the Income Support Regulations, no account shall be taken of entitlement arising by virtue of that regulation."].

- (c) [^{F4}paragraph 6 (existing housing costs) were omitted;]
- (d) [^{F4}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) [^{F4} in paragraph 8 (general exclusions from paragraphs 6 and 7) —
 - (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) [^{F4} in paragraph 9 (the calculation for loans) 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) [^{F4}for the heading there were substituted “General provisions applying to housing costs”;
 - (ii) [^{F4}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) ^{M2} “paragraph 7” were substituted for “paragraphs 6 and 7”;
- (i) in paragraph 13 (linking rule)—
 - (i) in sub-paragraph (2) ^{M3} the reference to “paragraph 6(1)(a)(i) or” were omitted,
 - (ii) in sub-paragraph (4A)(a) ^{M4} 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) ^{M5} the reference to “6(1)(a), 6(1)(b) or” were omitted;
- (j) in paragraph 18 (continuity with income support) ^{M6} sub-paragraph (1)(a) were omitted.

Textual Amendments

- F1** Reg. 11(b)(Words in the inserted reg 4A) substituted (5.1.2010) by [Social Security \(Housing Costs Special Arrangements\) \(Amendment\) Regulations 2009 \(S.I. 2009/3257\)](#), regs. 1(2), **5**
- F2** Word in reg. 11(b) substituted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **26(3)(a)**
- F3** Words in reg. 11(b) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **26(3)(b)**

Changes to legislation: There are currently no known outstanding effects for the *The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008, Section 11. (See end of Document for details)*

F4 Instrument revoked in part (1.4.2016) by [The Social Security \(Housing Costs Amendments\) Regulations 2015 \(S.I. 2015/1647\)](#), **reg. 7** (with reg. 8)

Marginal Citations

- M1** The definition of “existing housing costs” was substituted by [S.I. 2004/2825](#) .
- M2** Paragraph 12 was amended by [S.I. 1999/2860](#) .
- M3** Paragraph 13(2) was amended by S.Is. 1999/2860 and 2001/158.
- M4** Paragraph 13(4A) was inserted by [S.I. 1999/1921](#) and amended by [S.I. 2006/2378](#) .
- M5** Paragraph 13(15) was amended by [S.I. 2002/841](#) .
- M6** Paragraph 18 was amended by S.Is. 1996/1517 and 2008/1554.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008, Section 11.