
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

- [^{F18}8.—(1) This Part applies on and after 5th January 2010 to a person (“C”) who—
- (a) claims a relevant benefit after 4th January 2009; and
 - (b) satisfies any of the following conditions.
- (2) The first condition is that Part 2 applied to C at any time.
- (3) The second condition is that this Part (as it has effect on and after 5th January 2010) applied to C in relation to a previous award.
- (4) The third condition is that—
- (a) neither C nor C’s partner has been awarded a relevant benefit as the result of an earlier claim (whether the award was made before or on or after 5th January 2009);
 - (b) neither C nor C’s partner is in receipt of state pension credit before the date on which C’s claim is made or treated as made; and
 - (c) C does not fall to be treated under a linking rule as being in continuous receipt of the benefit to which C’s claim relates in respect of a period which begins on or before 4th January 2009 and which ends immediately before the date on which C’s claim is made or is treated as made.
- (5) The fourth condition is that—
- (a) C is not in receipt of a relevant benefit immediately before the date on which a claim made by C after 4th January 2009 is made or treated as made;
 - (b) neither C nor C’s partner is in receipt of state pension credit before that claim is made or treated as made;
 - (c) C or C’s partner was awarded a relevant benefit as the result of a claim made or treated as made before that claim; and
 - (d) C does not fall to be treated under a linking rule as being in continuous receipt of a relevant benefit during the period which falls immediately between the date on which a claim to which this provision relates is made or treated as made and the last period to occur before that date in respect of which C was in receipt of a relevant benefit (whether as a single person or as a member of a couple or polygamous marriage).
- (6) The fifth condition is that—

- (a) C or C's partner is in receipt of state pension credit before the date on which any claim for a relevant benefit made by C or C's partner after 4th January 2009 is made or treated as made; and
 - (b) none of the following provisions apply in relation to any such claim—
 - (i) paragraph 3(2) (previous entitlement to other income-related benefits) of Schedule 6 (housing costs) to the Employment and Support Allowance Regulations;
 - (ii) paragraph 1A(1A) (previous entitlement to income-based jobseeker's allowance, income-related employment and support allowance or state pension credit) of Schedule 3 (housing costs) to the Income Support Regulations;
 - (iii) paragraph 1A(1ZA) or (1B) (previous entitlement to income support, income-related employment and support allowance or state pension credit) of Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations.
- (7) In this regulation—
- a "linking rule" means a provision of—
- (a) paragraph 15 (linking rule) of Schedule 6 (housing costs) to the Employment and Support Allowance Regulations,
 - (b) paragraph 14 (linking rule) of Schedule 3 (housing costs) to the Income Support Regulations, or (as the case may be)
 - (c) paragraph 13 (linking rule) of Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations;
- "partner" has the same meaning as in regulation 1(3) (citation, commencement and interpretation) of the Jobseeker's Allowance Regulations.]

Textual Amendments

- F1** [Reg. 8](#) substituted (5.1.2010) by [Social Security \(Housing Costs Special Arrangements\) \(Amendment\) Regulations 2009 \(S.I. 2009/3257\)](#), regs. 1(2), 4

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 8.