

## SCHEDULE 6

### HOUSING COSTS

#### **[<sup>F1</sup>New housing costs][<sup>F1</sup>Housing costs]]**

9.—(1) Subject to the provisions of this Schedule, the [<sup>F2</sup>new] housing costs to be met in any particular case are—

(a) where the claimant has been entitled to an employment and support allowance for a continuous period of 39 weeks or more, an amount—

(i) [<sup>F3</sup>determined in the manner set out in paragraph 11 by applying the standard rate to the eligible capital for the time being owing in connection with a loan which qualifies under paragraph 16 or 17; and]

(ii) equal to any payments which qualify under paragraph 18(1)(a) to (c);

(b) in any other case, nil.

(2) [<sup>F3</sup>For the purposes of sub-paragraph (1) and subject to sub-paragraph (3), the eligible capital for the time being owing is to be determined on the date the [<sup>F2</sup>new] housing costs are first met and thereafter on each anniversary of that date.]

(3) Where a claimant or that claimant's partner ceases to be in receipt of or treated as being in receipt of income support, income-based jobseeker's allowance or state pension credit and one of them becomes entitled to an income-related allowance in a case to which [<sup>F4</sup>paragraph 3] applies, the eligible capital for the time being owing is to be recalculated on each anniversary of the date on which the housing costs were first met for whichever of the benefits concerned the claimant or that claimant's partner was first entitled.

(4) [<sup>F5</sup>This sub-paragraph applies to a claimant who at the time the claim is made—

(a) is a person who is described in paragraph 4 or 5 of Schedule 1B of the Income Support Regulations (person caring for another person);

(b) is detained in custody pending trial or sentence upon conviction; or

(c) has been refused payments under a policy of insurance on the ground that—

(i) the claim under the policy is the outcome of a pre-existing medical condition which, under the terms of the policy, does not give rise to any payment by the insurer; or

(ii) that claimant was infected by the Human Immunodeficiency Virus;

(iii) and the policy was taken out to insure against the risk of being unable to maintain repayments on a loan which is secured by a mortgage or a charge over land, or (in Scotland) by a heritable security.]

(5) [<sup>F5</sup>This sub-paragraph applies subject to sub-paragraph (7) where a person claims an income-related allowance because of—

(a) the death of a partner; or

(b) being abandoned by that claimant's partner,

and where that claimant's family includes a child.]

(6) [<sup>F5</sup>In the case of a claimant to whom sub-paragraph (4) or (5) applies, any new housing costs are to be met as though they were existing housing costs and paragraph 8 (existing housing costs) applied to them.]

(7) [<sup>F5</sup>Sub-paragraph (5) must cease to apply to a claimant who subsequently becomes one of a couple.]

**Changes to legislation:** There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 9. (See end of Document for details)

### Textual Amendments

- F1** Sch. 6 para. 9 heading substituted (1.4.2016) by [The Social Security \(Housing Costs Amendments\) Regulations 2015 \(S.I. 2015/1647\)](#), regs. 1, **4(2)(c)(iii)** (with reg. 8)
- F2** Word in Sch. 6 para. 9(1)(2) omitted (1.4.2016) by virtue of [The Social Security \(Housing Costs Amendments\) Regulations 2015 \(S.I. 2015/1647\)](#), regs. 1, **4(2)(c)(i)** (with reg. 8)
- F3** Sch. 6 para. 9(1)(a)(i)(2) omitted (with effect in accordance with regs.19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 1(c)(v)**
- F4** Words in Sch. 6 para. 9(3) substituted (27.10.2008) by [The Employment and Support Allowance \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/2428\)](#), regs. 1(2), **16(e)**
- F5** Sch. 6 para. 9(4)-(7) omitted (1.4.2016) by virtue of [The Social Security \(Housing Costs Amendments\) Regulations 2015 \(S.I. 2015/1647\)](#), regs. 1, **4(2)(c)(ii)** (with reg. 8)

### Modifications etc. (not altering text)

- C1** Sch. 6 para. 9 applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), 9(c)(aa)(i) (with reg. 8)
- C2** Sch. 6 para. 9(1) applied (with modifications) (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(2), **4(b)** (with regs. 3, 7)
- C3** Sch. 6 para. 9(1) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **9(c)(ii)** (with reg. 8)
- C4** Sch. 6 para. 9(1)(2) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **9(c)(bb)(i)** (with reg. 8)
- C5** Sch. 6 para. 9(1)(b) sum maintained (coming into force in accordance with art. 1(2)(m) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2017 \(S.I. 2017/260\)](#), arts. 1(2)(m), 26(1)(5), **Sch. 15**
- C6** Sch. 6 para. 9(4)-(7) applied (with modifications) (5.1.2009) by [The Social Security \(Housing Costs Special Arrangements\) \(Amendment and Modification\) Regulations 2008 \(S.I. 2008/3195\)](#), regs. 1(3), **9(c)(iii)** (with reg. 8)

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance Regulations 2008, Paragraph 9.