
STATUTORY INSTRUMENTS

2009 No. 3257

The Social Security (Housing Costs Special Arrangements) (Amendment) Regulations 2009

Amendment of regulation 8 of the principal Regulations

4. For regulation 8 (application and interpretation) of the principal Regulations substitute—

- “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—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) paragraph 3(2) (previous entitlement to other income-related benefits) of Schedule 6 (housing costs) to the Employment and Support Allowance Regulations⁽¹⁾;
 - (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⁽²⁾;
 - (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⁽³⁾.
- (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⁽⁴⁾.”

(1) Paragraph 3(2) was amended by [S.I. 2008/2428](#).

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

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

(4) Relevant amending instruments are: [S.Is. 2000/1978](#) and [2005/2877](#).