

SCHEDULE 5

Regulation 18

Consequential amendments

[^{F1}PART 1

General]

Textual Amendments

F1 Sch. 5 Pt. 1 heading inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(a)**

1. The ESA Regulations are amended as follows—

- (a) in regulation 67(1), in sub-paragraph (c) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (b) in regulation 68(1), in sub-paragraph (d) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (c) in Schedule 6—
 - (i) in paragraph 1(1)(b), for “under paragraph 16 to 18” substitute “under paragraph 18”;
 - (ii) in paragraph 1(2), omit the definition of “standard rate”;
 - (iii) in paragraph 3—
 - (aa) in sub-paragraph (1)(a), for “under paragraphs 14 to 16 of Schedule 2” substitute “under paragraph 16 of Schedule 2” and for “paragraphs 15 to 17 of Schedule 3” substitute “paragraph 17 of Schedule 3”;
 - (bb) in paragraph (2)(a), for “under paragraphs 11 to 13 of Schedule 2” substitute “under paragraph 13 of Schedule 2”;
 - (iv) in paragraph 6, omit sub-paragraphs (2) to (14);
 - (v) in paragraph 9, omit sub-paragraphs (1)(a)(i) and (2);
 - (vi) in paragraph 10, omit sub-paragraph (2)(a)(i);
 - (vii) omit paragraphs 11 to 14;
 - (viii) in paragraph 15—
 - (aa) omit sub-paragraph (6);
 - (bb) in sub-paragraph (12)(b), for “any loan or payment which qualifies under paragraphs 16 to 18” substitute “any payment which qualifies under paragraph 18”;
 - (ix) omit paragraphs 16 and 17;
 - (x) in paragraph 18—
 - (aa) for the heading substitute “Housing costs”;
 - (bb) in sub-paragraph (2)(c), for “the same meaning it has in paragraph 17(2)” substitute “the meaning in sub-paragraph (6)”;
 - (cc) after sub-paragraph (5) insert—
 - “(6) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with

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a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;
- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant's partner is responsible.”;

(xi) in paragraph 19, after sub-paragraph (2) insert—

“(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”; and

(xii) in paragraph 20, omit sub-paragraph (2)^{F2};

(d) in Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

(i) for paragraph 31 substitute—

“**31.** Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations 2017 (legacy benefit claimants and SPC claimants) and used to meet such repayments.”; and

(ii) in paragraph 32—

(aa) in sub-paragraph (1)(a) for “under Schedule 6” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(bb) for sub-paragraph (1)(b) substitute—

“(b) any charge which qualifies in accordance with paragraph 18 of Schedule 6 (housing costs) to these Regulations or any interest payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations, to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);”;

- (cc) in sub-paragraph (1)(c) for “under paragraph 16 or 17 of Schedule 6” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;
- (dd) after sub-paragraph (2) insert—
 - “(3) In this paragraph—
 - (a) “Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations 2017;
 - (b) “loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.”.]

Textual Amendments

F2 Sch. 5 para. 1(d) inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(b)**

2. The IS Regulations are amended as follows—

- (a) in regulation 6(5)(c)—
 - (i) in paragraph (i), for “under paragraphs 15 to 17” substitute “under paragraph 17”;
 - (ii) in paragraph (ii), for “under paragraphs 14 to 16” substitute “under paragraph 16”;
 - (iii) in paragraph (iii), for “under paragraphs 16 to 18” substitute “under paragraph 18”;
- (b) in regulation 17(1), in sub-paragraph (e) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (c) in regulation 18(1), in sub-paragraph (f) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
- (d) in Schedule 3—
 - (i) in paragraph 1(1)(b), for “under paragraphs 15 to 17” substitute “under paragraph 17”;
 - (ii) in paragraph 1(2), the definition of “standard rate” is omitted;
 - (iii) in paragraph 1A(1)(a)—
 - (aa) for “under paragraph 14 to 16 of Schedule 2” substitute “under paragraph 16 of Schedule 2”; and
 - (bb) for “paragraphs 16 to 18 of Schedule 6” substitute “paragraph 18 of Schedule 6”;
 - (iv) in paragraph 1A(1A)(a), for “under paragraphs 11 to 13 of Schedule II” substitute “paragraph 13 of Schedule II”;
 - (v) in paragraph 4, omit sub-paragraphs (2) to (12);
 - (vi) in paragraph 8, omit sub-paragraphs (1)(a)(i), (1A) and (1B);
 - (vii) in paragraph 9, omit sub-paragraph (2)(a)(i);
 - (viii) omit paragraphs 10 to 13;
 - (ix) in paragraph 14—
 - (aa) omit sub-paragraph (3AA);
 - (bb) in sub-paragraph (6)(b), for “any loan or payment which qualifies under paragraphs 15 to 17” substitute “any payment which qualifies under paragraph 17”;

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- (x) omit paragraphs 15 and 16;
- (xi) in paragraph 17—
 - (aa) for the heading substitute “Housing costs”;
 - (bb) in sub-paragraph (2)(c), for “the same meaning it has in paragraph 16(2)” substitute “the meaning in sub-paragraph (6);
 - (cc) after sub-paragraph (5) insert—

“(6) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

 - (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
 - (b) repairs to existing heating system;
 - (c) damp proof measures;
 - (d) provision of ventilation and natural lighting;
 - (e) provision of drainage facilities;
 - (f) provision of facilities for preparing and cooking food;
 - (g) provision of insulation of the dwelling occupied as the home;
 - (h) provision of electric lighting and sockets;
 - (i) provision of storage facilities for fuel or refuse;
 - (j) repairs of unsafe structural defects;
 - (k) adapting a dwelling for the special needs of a disabled person; or
 - (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible.”; and
- (xii) in paragraph 18, after sub-paragraph (2) insert—

“(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”^{F3};
- (e) in Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
 - (i) for paragraph 29 substitute—

“**29.** Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations 2017 (legacy benefit claimants and SPC claimants) and used to meet such repayments.”; and
 - (ii) in paragraph 30—
 - (aa) in sub-paragraph (1)(a) for “under Schedule 3 (housing costs)” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;
 - (bb) for sub-paragraph (1)(b) substitute—

- “(b) any charge which qualifies in accordance with paragraph 17 of Schedule 3 (housing costs) to these Regulations or any interest payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations, to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);”;
- (cc) in sub-paragraph (1)(c) for “under paragraph 15 or 16 of Schedule 3” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”; and
- (dd) after sub-paragraph (2) insert—
 - “(3) In this paragraph—
 - (a) “Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations 2017;
 - (b) “loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.”.]

Textual Amendments

F3 Sch. 5 para. 2(e) inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(c)**

3. The JSA Regulations are amended as follows—
- (a) in regulation 83, in paragraph (f) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
 - (b) in regulation 84(1), in paragraph (g) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
 - (c) in regulation 86A, in paragraph (d) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
 - (d) in regulation 86B, in paragraph (e) for “mortgage interest payments or such other housing costs as are prescribed” substitute “housing costs as prescribed”;
 - (e) omit regulation 87(4) and (5);
 - (f) in Schedule 2—
 - (i) in paragraph 1(1)(b), for “under paragraph 14 to 16” substitute “under paragraph 16”;
 - (ii) in paragraph 1(2), omit the definition of “standard rate” ;
 - (iii) in paragraph 1A(1)(a)—
 - (aa) for “under paragraph 15 to 17 of Schedule 3” substitute “under paragraph 17 of Schedule 3”; and
 - (bb) for “paragraphs 16 to 18 of Schedule 6” substitute “under paragraph 18 of Schedule 6”;
 - (iv) in paragraph 1A(1ZA)(a), for “under paragraphs 11 to 13 of Schedule II” substitute “under paragraph 13 of Schedule II”;
 - (v) in paragraph 1A(1A)(a)—
 - (aa) for “under paragraph 15 or 16 of Schedule 3” substitute “under paragraph 17 of Schedule 3”; and

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- (bb) for “paragraphs 16 or 17 of schedule 6” substitute “under paragraph 18 of Schedule 6”;
- (vi) in paragraph 1A(1B)(a), for “under paragraphs 11 to 13 of Schedule II” substitute “under paragraph 13 of Schedule II”;
- (vii) in paragraph 4, omit sub-paragraphs (2) to (12);
- (viii) in paragraph 7, omit sub-paragraphs (1)(a)(i), (2), (2A) and (2B);
- (ix) in paragraph 8, omit sub-paragraph (2)(a)(i);
- (x) omit paragraphs 9 to 12;
- (xi) in paragraph 13—
 - (aa) omit sub-paragraph (4A);
 - (bb) in sub-paragraph (9)(b), for “any loan or payment which qualifies under paragraphs 14 to 16” substitute “any payment which qualifies under paragraph 16”;
- (xii) omit paragraphs 14 and 15;
- (xiii) in paragraph 16—
 - (aa) for the heading substitute “Housing costs”;
 - (bb) in sub-paragraph (2)(c), for “the same meaning it has in paragraph 15(2)” substitute “the meaning in sub-paragraph (6)”;
 - (cc) after sub-paragraph (5) insert—

“(6) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

 - (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
 - (b) repairs to existing heating system;
 - (c) damp proof measures;
 - (d) provision of ventilation and natural lighting;
 - (e) provision of drainage facilities;
 - (f) provision of facilities for preparing and cooking food;
 - (g) provision of insulation of the dwelling occupied as the home;
 - (h) provision of electric lighting and sockets;
 - (i) provision of storage facilities for fuel or refuse;
 - (j) repairs of unsafe structural defects;
 - (k) adapting a dwelling for the special needs of a disabled person; or
 - (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible.”;
- (xiv) in paragraph 17, after sub-paragraph (2) insert—

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“(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”; and

(xv) in paragraph 18, omit sub-paragraph (2)^{F4};

(g) in Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
(i) for paragraph 30 substitute—

“**30.** Any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations 2017 (legacy benefit claimants and SPC claimants) and used to meet such repayments.”; and

(ii) in paragraph 31—

(aa) in sub-paragraph (1)(a) for “under Schedule 2 (housing costs)” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(bb) for sub-paragraph (1)(b) substitute—

“(b) any charge which qualifies in accordance with paragraph 16 of Schedule 2 (housing costs) to these Regulations or any interest payment on a loan which qualifies under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations, to the extent that the charge or payment is not met under these Regulations or by loan payments (as the case may be);”;

(cc) in sub-paragraph (1)(c) for “under paragraph 14 or 15 of Schedule 2” substitute “under Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations”;

(dd) after sub-paragraph (2) insert—

“(3) In this paragraph—

(a) “Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations 2017;

(b) “loan payments” has the meaning given in the Loans for Mortgage Interest Regulations.”.]

Textual Amendments

F4 Sch. 5 para. 3(g) inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(d)**

4. Schedule 2 of the SPC Regulations is amended as follows—

(a) in paragraph 1—

(i) in sub-paragraph (1)(b), for “under paragraphs 11 to 13” substitute “under paragraph 13”;

(ii) omit sub-paragraph (2);

(b) in paragraph 5, omit sub-paragraphs (2) to (13);

(c) omit paragraphs 7 to 12;

(d) in paragraph 13—

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Changes to legislation: There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations 2017, SCHEDULE 5. (See end of Document for details)

- (i) for the heading substitute “Housing costs”;
 - (ii) in sub-paragraph (2)(c), for “the same meaning it has in paragraph 12(2)” substitute “the meaning in sub-paragraph (7)”;
 - (iii) after sub-paragraph (6) insert—
 - “(7) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—
 - (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
 - (b) repairs to existing heating system;
 - (c) damp proof measures;
 - (d) provision of ventilation and natural lighting;
 - (e) provision of drainage facilities;
 - (f) provision of facilities for preparing and cooking food;
 - (g) provision of insulation of the dwelling occupied as the home;
 - (h) provision of electric lighting and sockets;
 - (i) provision of storage facilities for fuel or refuse;
 - (j) repairs of unsafe structural defects;
 - (k) adapting a dwelling for the special needs of a disabled person; or
 - (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible.”; and
 - (e) in paragraph 14, after sub-paragraph (2) insert—
 - “(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.”.
5. The UC Regulations are amended as follows—
- (a) omit regulation 25(2)(b);
 - (b) omit regulation 26(3)(b)(i);
 - (c) in regulation 26(3)(b)(ii), omit “only”;
 - (d) omit regulation 66(1)(h)(ii);
 - (e) in Schedule 1—
 - (i) in paragraph 3(f), for “within the meaning of paragraph 4” substitute “within the meaning of Schedule 1 of the Loans for Mortgage Regulations 2017”;
 - (ii) omit paragraphs 4 to 6;
 - (iii) in paragraph 7(3)(a), for “a loan that falls within paragraph 5” substitute “a qualifying loan within the meaning of regulation 2 of the Loans for Mortgage Interest Regulations 2017”;
 - (f) in Schedule 5—
 - (i) in paragraph 2, omit the definitions of “alternative finance arrangements”, “alternative finance payments”, “loan interest payments” and “standard rate”;

- (ii) for paragraph 3(1), substitute—
 - “(1) “Relevant payments” means one or more payments which are service charge payments.”;
 - (iii) omit paragraph 3(2);
 - (iv) in paragraph 9, for “the aggregate of the amounts resulting from paragraphs 10, 11 and 13” substitute “the amount resulting from paragraph 13”; and
 - (v) omit paragraphs 10, 11 and 12.
6. Regulation 29 of the Transitional Provisions Regulations is amended as follows—
- (a) in paragraph (1)(b)(i), for “paragraphs 14 to 16 of Schedule 2” substitute “paragraph 16 of Schedule 2”;
 - (b) in paragraph (1)(b)(ii), for “paragraphs 16 to 18 of Schedule 6” substitute “paragraph 18 of Schedule 6”; and
 - (c) in paragraph (1)(b)(iii), for “paragraphs 15 to 17 of Schedule 3” substitute “paragraph 17 of Schedule 3”.

[^{F57}—(1) The Claims and Payment Regulations are amended as follows.

(2) Omit regulations 34A (deductions of mortgage interest which shall be made from benefit and paid to qualifying lenders) and 34B (deductions of mortgage interest which may be made from benefits and paid to qualifying lenders in other cases).

(3) In regulation 35 (deductions which may be made from benefit and paid to third parties), omit “Except as provided for in regulation 34A and Schedule 9A,”.

(4) In Schedule 9 (deductions from benefit and direct payment to third parties)—

- (a) in paragraph 1(1), omit the definition of “mortgage payment”;
- (b) in paragraph 3—
 - (i) omit sub-paragraph (2)(b)(i);
 - (ii) in sub-paragraph (2)(b)(ii), for “for any other housing item” substitute “for any housing item”;
 - (iii) in sub-paragraph (2A)(b)—
 - (aa) in both places where the words occur omit “paragraph 4(8) or (11) or”;
 - (bb) omit “paragraph 5(9) or (12) or”;
 - (cc) omit “paragraph 6(10) or (13) or”;
 - (iv) for sub-paragraph (4) substitute—

“(4) Sub-paragraph (1) shall not apply to any debt which is for any item of housing costs and is less than half the annual amount due to be paid by the beneficiary or his partner in respect of that item, unless, in the opinion of the Secretary of State it is in the overriding interests of the family that paragraph (1) should apply.”;

- (v) omit sub-paragraphs (5) and (6);
- (c) in paragraph 9, omit sub-paragraph (2).

(5) Omit Schedule 9A (deductions of mortgage interest from benefit and payment to qualifying lenders).]

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Changes to legislation: There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations 2017, SCHEDULE 5. (See end of Document for details)

Textual Amendments

F5 Sch. 5 paras. 7-10 inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(e)**

[^{F5}8. The Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 are amended as follows—

- (a) omit regulation 59 (direct payment to lender of deductions in respect of interest on secured loans);
- (b) in regulation 60 (deductions which may be made from benefit and paid to third parties), omit “Except as provided for in regulation 59 and Schedule 5,”;
- (c) omit Schedule 5 (direct payment to lender of deductions in respect of interest on secured loans);
- (d) in Schedule 6 (deductions from benefit and direct payment to third parties), omit paragraph 6(5) and (6).]

Textual Amendments

F5 Sch. 5 paras. 7-10 inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(e)**

[^{F5}9.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005 are amended as follows.

- (2) In regulation 3 (interpretation), in paragraph (1)—
 - (a) in the appropriate place insert—
 - ““owner-occupier loan payments” means loan payments made under the Loans for Mortgage Interest Regulations 2017;”;
 - (b) after paragraph (4) insert—
 - “(5) For the purposes of these Regulations, a person being treated as entitled to a benefit has the meaning given to it in regulation 2(2)(aa) of the Loans for Mortgage Interest Regulations 2017.”.
- (3) In regulation 5 (entitlement), in paragraph (2)—
 - (a) omit “or” between sub-paragraphs (f) and (g);
 - (b) after sub-paragraph (g) insert—
 - “; or
 - (h) owner-occupier loan payments and is treated as entitled to a benefit specified in sub-paragraphs (a) to (c) and (f).”.
- (4) In regulation 7 (funeral payments: entitlement), in paragraph (4)(a)—
 - (a) omit “or” between sub-paragraphs (viii) and (ix);
 - (b) after sub-paragraph (ix) insert—
 - “; or
 - (x) owner-occupier loan payments and is treated as entitled to a benefit specified in sub-paragraphs (i) to (iii) and (viii).”.]

Textual Amendments

F5 Sch. 5 paras. 7-10 inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(e)**

[^{F5}10.—(1) The Social Fund Cold Weather Payments (General) Regulations 1988 are amended as follows.

- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—
- (a) in the definition of “claimant” after “universal credit” insert “or who is in receipt of owner-occupier loan payments”;
 - (b) in the appropriate place insert—
““owner-occupier loan payments” means loan payments made under the Loans for Mortgage Interest Regulations 2017;”.
- (3) In regulation 1A (prescribed description of persons)—
- (a) in paragraph (2)—
 - (i) omit “or” between sub-paragraphs (d) and (e);
 - (ii) after sub-paragraph (e) insert—
“; or
 - (f) owner-occupier loan payments and is treated as entitled to a benefit specified in sub-paragraphs (a) to (d).”;
 - (b) in paragraph (3)—
 - (i) in the opening words for “(d) or (e)” substitute “(d), (e) or (f)”;
 - (ii) omit “or” between sub-paragraphs (e) and (f);
 - (iii) after sub-paragraph (f) insert—
“; or
 - (g) where P has been awarded owner-occupier loan payments, P’s applicable amount, if P were entitled to a benefit specified in paragraph (2)(b) to (d), would include one or more of the premiums specified in—
 - (aa) where P is treated as entitled to income support, paragraphs 9 to 14 of Part 3 of Schedule 2 to the General Regulations;
 - (bb) where P is treated as entitled to jobseeker’s allowance, paragraphs 10 to 16 of Part 3 of Schedule 1 to the Jobseeker’s Allowance Regulations 1996;
 - (cc) where P is treated as entitled to employment and support allowance, paragraphs 5 to 7 of Schedule 4 to the Employment and Support Allowance Regulations 2008.”;
- (c) after paragraph (3) insert—
“(3A) In paragraph (3), a person being treated as entitled to a benefit has the meaning given to it in regulation 2(2)(aa) of the Loans for Mortgage Interest Regulations 2017.”.]

Textual Amendments

F5 Sch. 5 paras. 7-10 inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(e)**

Status: Point in time view as at 05/04/2018.

Changes to legislation: There are currently no known outstanding effects for the The Loans for Mortgage Interest Regulations 2017, SCHEDULE 5. (See end of Document for details)

[^{F6}PART 2

Decisions and Appeals

Textual Amendments

F6 Sch. 5 Pt. 2 inserted (5.4.2018) by [The Loans for Mortgage Interest and Social Fund Maternity Grant \(Amendment\) Regulations 2018 \(S.I. 2018/307\)](#), regs. 1(3), **2(18)(e)**

11.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999 are amended as follows.

(2) In regulation 1 (citation, commencement, application and interpretation), in paragraph (3) in the appropriate places insert—

““the Loans for Mortgage Interest Regulations” means the Loans for Mortgage Interest Regulations 2017;”

““owner-occupier loan payments” means loan payments made under the Loans for Mortgage Interest Regulations;”

““owner-occupier payments” has the same meaning as in Part 1 of Schedule 1 to the Loans for Mortgage Interest Regulations.”.

(3) In regulation 7 (date from which a decision superseded under section 10 takes effect)—

(a) after paragraph (12) insert—

“(12A) Paragraph (12) applies where—

- (a) the effect of a decision under section 10 is that owner-occupier loan payments are to be made to a claimant in respect of the claimant’s liability to make owner-occupier payments; and
- (b) that decision could not have been made earlier because information necessary to make that decision, requested otherwise than in accordance with paragraph 8 of Schedule 4 to the Loans for Mortgage Interest Regulations (provision of information), had not been supplied to the Secretary of State by the lender.

(12B) Where a claimant is receiving owner-occupier loan payments and there is a reduction in the amount owing in connection with a qualifying loan or alternative finance arrangement (within the meaning in Schedule 1 to the Loans for Mortgage Interest Regulations (meaning of owner-occupier payments)), a decision made under section 10 takes effect—

- (a) on the first anniversary of the date on which the claimant’s liability to make owner-occupier payments was first met by an owner-occupier loan payment; or
- (b) where the reduction in the amount owing in connection with a qualifying loan or alternative finance arrangement occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.

(12C) Where a claimant is receiving owner-occupier loan payments, an insurance payment deduction is made under regulation 14A(1) of the Loans for Mortgage Interest Regulations (insurance payment deduction) in relation to any decision under section 8 or 10 and there is a change in the amount of the owner-occupier payments payable—

- (a) on a qualifying loan or alternative finance arrangement (within the meaning in Schedule 1 to the Loans for Mortgage Interest Regulations (meaning of owner-occupier payments)) to which those payments relate; or

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(b) on a loan or alternative finance arrangement not so qualifying which is secured on the dwelling occupied as the home to which those payments relate, a decision under section 10 which is made as a result of that change in the amount of the owner-occupier payments payable shall take effect on whichever of the dates referred to in paragraph (12D) is appropriate in the claimant's case.

(12D) The date on which a decision under section 10 takes effect for the purposes of paragraph (12C) is—

- (a) the date on which the claimant's liability to make owner-occupier payments is first met by an owner-occupier loan payment; or
- (b) where the change in the amount of the owner-occupier payments payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(12E) In paragraph (12D), "standard rate" has the same meaning as it has in regulation 13 of the Loans for Mortgage Interest Regulations (standard rate to be applied under regulations 11 and 12).

(12F) Paragraph (12G) applies where—

- (a) a claimant is awarded state pension credit;
- (b) the claimant or the claimant's partner has reached pensionable age (within the meaning in section 122(1) of the Contributions and Benefits Act);
- (c) the claimant is in receipt of owner-occupier loan payments; and
- (d) after the date from which sub-paragraph (c) applies—
 - (i) a non-dependant (within the meaning in regulation 2(1) of the Loans for Mortgage Interest Regulations) begins to reside with the claimant; or
 - (ii) there has been a change of circumstances in respect of a non-dependant and this reduces the amount of the owner-occupier loan payments.

(12G) Where this paragraph applies, a decision made under section 10 shall take effect—

- (a) where there is more than one change of the kind specified in paragraph (12F) (d) in respect of the same non-dependant within the same 26 week period, 26 weeks after the date on which the first such change occurred; and
- (b) in any other circumstances, 26 weeks after the date on which a change specified in paragraph (12F)(d) occurred.”;

(b) omit paragraphs (13) to (17G) and (18) to (23).

(4) In regulation 13 (income support and social fund determinations on incomplete evidence), for paragraph (1) substitute—

“(1) Where, for the purpose of a decision under section 8 (decisions by Secretary of State) or 10 (decisions superseding earlier decisions)—

- (a) a determination falls to be made by the Secretary of State in respect of a claimant of income support, state pension credit or employment and support allowance as to—
 - (i) the amount to be included in an owner-occupier loan payment under regulation 10 of the Loans for Mortgage Interest Regulations (calculation of each loan payment); or
 - (ii) what housing costs are to be included in the claimant's applicable amount (in the case of income support or employment and support allowance) or

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the claimant's appropriate minimum guarantee (in the case of state pension credit); and

- (b) it appears to the Secretary of State that the Secretary of State is not in possession of all of the evidence or information which is relevant for the purposes of such a determination,

the Secretary of State shall make the determination on the assumption that the amounts to be included in an owner-occupier loan payment, the claimant's applicable amount, or the claimant's appropriate minimum guarantee, as the case may be, are those that can be immediately determined.”.

- (5) In Schedule 2 (decisions against which no appeal lies), in paragraph 5 for sub-paragraph (u) substitute—

“(u) regulation 17(1) (direct payments to qualifying lenders by Secretary of State where specified circumstances met) of the Loans for Mortgage Interest Regulations;”.

12.—(1) The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 are amended as follows.

- (2) In Schedule 3 (decisions against which no appeal lies), in paragraph 1 omit sub-paragraph (o).]

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