

2008 No. 503

SOCIAL SECURITY

**The Social Security (Housing Costs Special Arrangements)
(Amendment and Modification) Regulations (Northern Ireland)
2008**

Made - - - - 18th December 2008

Coming into operation in accordance with regulation 1

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12. Modifications relating to certain persons who claim State Pension Credit

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 122(1)(a), 131(1), 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), Articles 6(5) and 36(2) of the Jobseekers (Northern Ireland) Order 1995(b), and now vested in it(c), sections 2(3)(b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(d) and sections 4(2)(a) and (3) and 25(2) of the Welfare Reform Act (Northern Ireland) 2007(e).

Proposals in respect of these Regulations were not referred to the Social Security Advisory Committee since it appeared to the Department for Social Development that by reason of the urgency of the matter it was inexpedient to do so(f).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations (Northern Ireland) 2008.

(2) Regulations 4 to 6, in so far as they relate to a particular person, shall come into operation on the first day of the first benefit week to commence for that person on or after 5th January 2009.

(3) The remaining provisions of these Regulations shall come into operation on 5th January 2009.

(4) In these Regulations—

“benefit week” has the same meaning as in—

- (a) regulation 2(1)(g) of the Income Support Regulations(h), where the relevant benefit is income support;
- (b) regulation 1(2)(i) of the Jobseeker’s Allowance Regulations(j), where the relevant benefit is a jobseeker’s allowance;
- (c) regulation 2(1) of the Employment and Support Allowance Regulations(k), where the relevant benefit is an employment and support allowance;

“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations (Northern Ireland) 2008;

“housing costs” has the same meaning as in paragraph 1(2) (housing costs) of—

- (a) Schedule 3(l) to the Income Support Regulations, where the relevant benefit is income support;
- (b) Schedule 2 to the Jobseeker’s Allowance Regulations, where the relevant benefit is a jobseeker’s allowance, and
- (c) Schedule 6 to the Employment and Support Allowance Regulations, where the relevant benefit is an employment and support allowance;

(a) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to, the Tax Credits Act 2002 (c. 21)
(b) S.I. 1995/2705 (N.I. 15); Article 36(2) was amended by paragraph 55 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
(c) See Article 8(b) of S.R. 1999 No. 481
(d) 2002 c. 14 (N.I.)
(e) 2007 c. 2 (N.I.)
(f) See sections 149(2) and 150(1)(a) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(g) The definition of “benefit week” was amended by regulation 2(a) of S.R. 1988 No. 318
(h) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1995 No. 434, S.R. 1996 No. 199, S.R. 1997 No. 435, S.R. 1999 Nos. 315 and 472, S.R. 2001 Nos. 29, 78 and 406, S.R. 2002 No. 128, S.R. 2003 No. 191, S.R. 2004 No. 461, S.R. 2006 No. 359 and S.R. 2007 No. 475
(i) The definition of “benefit week” was amended by regulation 2(2) of S.R. 1996 No. 358, regulation 2(2)(a) of S.R. 1996 No. 503 and regulation 13(2) of S.R. 2006 No. 359
(j) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356, 358 and 503, S.R. 1997 No. 435, S.R. 1999 Nos. 315 and 428 (C.32), S.R. 2000 No. 350, S.R. 2001 Nos. 29 and 406, S.R. 2002 No. 128, S.R. 2003 No. 191, S.R. 2004 No. 461, S.R. 2006 No. 359, S.R. 2007 No. 475 and S.R. 2008 No. 286
(k) S.R. 2008 No. 280; relevant amending Regulations are S.R. 2008 No. 413
(l) Schedule 3 was substituted by regulation 2 of S.R. 1995 No. 301

“the Income Support Regulations” means the Income Support (General) Regulations (Northern Ireland) 1987;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations (Northern Ireland) 1996;

“relevant benefit” means—

- (a) income support;
- (b) a jobseeker’s allowance;
- (c) an employment and support allowance;

“the State Pension Credit Regulations” means the State Pension Credit Regulations (Northern Ireland) 2003(a).

(5) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Assembly.

PART 1

Amendments relating to the standard rate of interest

Amendments relating to the standard rate of interest

- 2.—(1) This regulation applies to the following provisions—
- (a) paragraph 12(c) (the standard rate) of Schedule 3 to the Income Support Regulations;
 - (b) paragraph 11(d) (the standard rate) of Schedule 2 to the Jobseeker’s Allowance Regulations;
 - (c) paragraph 9(e) (the standard rate) of Schedule 2 to the State Pension Credit Regulations, and
 - (d) paragraph 13 (the standard rate) of Schedule 6 to the Employment and Support Allowance Regulations.
- (2) In each of the provisions to which this regulation applies—
- (a) for sub-paragraph (2) substitute—
“(2) The standard rate is to be 6.08%.”, and
 - (b) omit sub-paragraph (3).

PART 2

Modifications relating to certain claimants who are entitled to a relevant benefit on 4th January 2009

Application

- 3.—(1) This Part applies in relation to a person who—
- (a) is entitled to a relevant benefit on 4th January 2009, and
 - (b) on or after that date falls within paragraph (3) or (4).

(a) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2004 No. 461 and S.R. 2007 No. 475
(b) 1954 c. 33 (N.I.)
(c) Paragraph 12 was substituted by regulation 2(c) of S.R. 2004 No. 461 and amended by regulation 2(3)(c) of S.R. 2007 No. 475
(d) Paragraph 11 was substituted by regulation 3(c) of S.R. 2004 No. 461 and amended by regulation 4(c) of S.R. 2007 No. 475
(e) Paragraph 9 was substituted by regulation 4(c) of S.R. 2004 No. 461 and amended by regulation 5 of S.R. 2007 No.475

(2) This Part ceases to apply in relation to a person who makes a further claim to the same, or claims another, relevant benefit after 4th January 2009.

(3) A person falls within this paragraph if, apart from these Regulations, the housing costs to be met in the benefit week that includes 4th January 2009 would be nil in that person's case because he or she has not been entitled to the relevant benefit concerned for the period mentioned in subparagraph (1)(a) in any of the following provisions—

- (a) paragraph 6(a) (existing housing costs) or paragraph 8(b) (new housing costs) of Schedule 3 to the Income Support Regulations;
- (b) paragraph 6(c) (existing housing costs) or paragraph 7(d) (new housing costs) of Schedule 2 to the Jobseeker's Allowance Regulations;
- (c) paragraph 8 (existing housing costs) or paragraph 9 (new housing costs) of Schedule 6 to the Employment and Support Allowance Regulations.

(4) A person falls within this paragraph if he or she has been entitled to a relevant benefit for a continuous period, which includes 4th January 2009, for at least 8 weeks but less than 26 weeks under any of the provisions mentioned in paragraph (5) as in operation apart from these Regulations.

(5) The provisions are—

- (a) paragraph 6(1)(b) (existing housing costs) or paragraph 8(4) (new housing costs) of Schedule 3 to the Income Support Regulations;
- (b) paragraph 6(1)(b) (existing housing costs) or paragraph 7(6) (new housing costs) of Schedule 2 to the Jobseeker's Allowance Regulations;
- (c) paragraph 8(1)(b) (existing housing costs) or paragraph 9(6) (new housing costs) of Schedule 6 to the Employment and Support Allowance Regulations.

Modification of the Income Support Regulations

4. Schedule 3 (housing costs) to the Income Support Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 6(1) (existing housing costs) the reference to "26" were to "13" in both places where it occurs;
- (b) in paragraph 8(1) (new housing costs) the reference to "39" were to "13";
- (c) in paragraph 11(5) (general provisions applying to new and existing housing costs) the reference to "£100,000" were to "£200,000";
- (d) in paragraph 14(9)(e) (linking rule)—
 - (i) in head (a) the reference to "26" were to "13";
 - (ii) in head (b) the reference to "39" were to "13".

Modification of the Jobseeker's Allowance Regulations

5. Schedule 2 (housing costs) to the Jobseeker's Allowance Regulations applies in relation to a person to whom this Part applies as if—

- (a) after paragraph 4 (housing costs not met) there were inserted—

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- (a) Paragraph 6 was amended by regulation 2(3)(d) of S.R. 1995 No. 434, regulation 2(3) and (4) of S.R. 1997 No. 435 and regulation 24(6)(a) of S.R. 2003 No. 191
 - (b) Paragraph 8 was amended by regulation 2(3)(f) of S.R. 1995 No. 434, regulation 24(a) of S.R. 1996 No. 199, regulation 2(5) and (6) of S.R. 1997 No. 435 and regulation 24(6)(b) of S.R. 2003 No. 191
 - (c) Paragraph 6 was amended by regulation 5(3) and (4) of S.R. 1997 No. 435, paragraph 54(5) of Schedule 2 to, S.R. 2000 No. 350 and regulation 32(a) of S.R. 2003 No. 191
 - (d) Paragraph 7 was amended by regulation 17 of S.R. 1996 No. 356, regulation 5(5) and (6) of S.R. 1997 No. 435 and paragraph 54(6) of Schedule 2 to, S.R. 2000 No. 350
 - (e) Paragraph 14(9) was amended by regulation 2(3)(i)(vi) of S.R. 1995 No. 434

“Housing costs: limitation applicable to qualifying loans

4A.—(1) Subject to sub-paragraphs (2) and (3), no amount may be met in respect of housing costs under paragraph 14 or 15 where the claimant has been in receipt of housing costs under either or both of those paragraphs for a total of 104 weeks.

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

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

- (a) the claimant or his or her partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was previously entitled to income support or employment and support 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.”;
- (b) in paragraph 6(1) (existing housing costs) the reference to “26” were to “13” in both places where it occurs;
- (c) in paragraph 7(1) (new housing costs) the reference to “39” were to “13”;
- (d) in paragraph 10(4) (general provisions applying to new and existing housing costs) the reference to “£100,000” were to “£200,000”;
- (e) in paragraph 13(11) (linking rule)—
 - (i) in head (a) the reference to “26” were to “13”;
 - (ii) in head (b) the reference to “39” were to “13”.

Modification of the Employment and Support Allowance Regulations

6. Schedule 6 (housing costs) to the Employment and Support Allowance Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 8(1) (existing housing costs) the reference to “26” were to “13” in both places where it occurs;
- (b) in paragraph 9(1) (new housing costs) the reference to “39” were to “13”;
- (c) in paragraph 12(4)(a) (general provisions applying to new and existing housing costs) the reference to “£100,000” were to “£200,000”;
- (d) in paragraph 15(14)(b) (linking rules)—
 - (i) in head (a) the reference to “26” were to “13”;
 - (ii) in head (b) the reference to “39” were to “13”.

Saving

7. Nothing in this Part is to affect the applicable amount of a person to whom this Part applies in respect of—

- (a) any period ending before the date on which these Regulations come into operation, or
- (b) any period ending after that date throughout which he or she is entitled to the relevant benefit concerned for a continuous period that does not exceed 12 weeks.

(a) Paragraph 12 was amended by regulation 3(30)(c) of S.R. 2008 No. 413
(b) Paragraph 15 was amended by regulation 3(30)(d) of S.R. 2008 No. 413

PART 3

Modifications relating to certain persons who claim a relevant benefit after 4th January 2009

Application and interpretation

- 8.—(1) This Part applies in relation to a person who—
- (a) claims a relevant benefit after 4th January 2009, and
 - (b) falls within any of the paragraphs (2) to (4).
- (2) A claimant falls within this paragraph if Part 2 applied to him at any time.
- (3) A claimant falls within this paragraph if he or she—
- (a) is entitled to a relevant benefit, or
 - (b) was previously entitled to a relevant benefit at any time after 4th January 2009, and
 - (c) in either case the entitlement is not or was not immediately preceded by a linked period.
- (4) A claimant falls within this paragraph if—
- (a) the claimant or his or her partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was in receipt of state pension credit;
 - (b) the claimant—
 - (i) is entitled to a relevant benefit, or
 - (ii) was previously entitled to a relevant benefit at any time after 4th January 2009, and
 - (c) none of the following provisions apply or applied in relation to the entitlement referred to in sub-paragraph (b)(i) or (ii).
- (5) The provisions are—
- (a) paragraph 1A(1A)(a) (previous entitlement to income-based jobseeker's allowance, income-related employment and support allowance or state pension credit) of Schedule 3 to the Income Support Regulations;
 - (b) paragraph 1A(1ZA)(b) or (1B)(c) (previous entitlement to income support, income-related employment and support allowance or state pension credit) of Schedule 2 to the Jobseeker's Allowance Regulations;
 - (c) paragraph 3(2)(d) (previous entitlement to other income-related benefits) of Schedule 6 to the Employment and Support Allowance Regulations.
- (6) In this Part—
- “joint-claim couple” has the meaning given in Article 3(4)(e) of the Jobseekers (Northern Ireland) Order 1995;
- “linked period” means a period in respect of which the claimant was required to be treated as being in receipt of a relevant benefit under the provisions of—
- (a) paragraph 14 (linking rule) of Schedule 3 to the Income Support Regulations;
 - (b) paragraph 13 (linking rule) of Schedule 2 to the Jobseeker's Allowance Regulations, or (as the case may be)
 - (c) paragraph 15 (linking rules) of Schedule 6 to the Employment and Support Allowance Regulations.

(a) Paragraph 1A(1A) was inserted by regulation 2(3)(a)(iii) of S.R. 2007 No. 475
(b) Paragraph 1A(1ZA) was inserted by regulation 4(a)(iii) of S.R. 2007 No. 475
(c) Paragraph 1A(1B) was inserted by regulation 4(a)(iv) of S.R. 2007 No. 475
(d) Paragraph 3(2) was amended by regulation 3(30)(b) of S.R. 2008 No. 413
(e) The definition of “joint-claim couple” was inserted by paragraph 3(4)(b) of Schedule 7 to, the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

Modification of the Income Support Regulations

9. Schedule 3 (housing costs) to the Income Support Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 1(2)(a) (housing costs) the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) paragraph 6 (existing housing costs) were omitted;
- (c) in paragraph 8 (new housing costs)—
 - (i) the reference to “new” were omitted—
 - (aa) in the heading, and
 - (bb) in sub-paragraphs (1) and (1A);
 - (ii) in sub-paragraph (1) the reference to “39” were to “13”;
 - (iii) sub-paragraphs (2) to (5) were omitted;
- (d) in paragraph 9(b) (general exclusions from paragraphs 6 and 8)—
 - (i) in the heading “paragraph 8” were substituted for “paragraphs 6 and 8”;
 - (ii) in sub-paragraph (1) “Paragraph 8” were substituted for “Paragraphs 6 and 8”;
- (e) in paragraph 10(c) (the calculation for loans) the reference to “existing housing costs, or as the case may be, new housing costs” were to “housing costs”;
- (f) in paragraph 11(d) (general provisions applying to new and existing housing costs)—
 - (i) for the heading there were substituted “General provisions applying to housing costs”;
 - (ii) sub-paragraphs (2) and (3) were omitted;
 - (iii) in sub-paragraph (5) the reference to “£100,000” were to “£200,000”;
- (g) in paragraph 13(9) (excessive housing costs) “paragraph 8” were substituted for “paragraphs 6 and 8”;
- (h) in paragraph 14 (linking rule)—
 - (i) in sub-paragraph (2)(e) “paragraph 6(1)(a)(i) or” were omitted;
 - (ii) in sub-paragraph (3AA)(a)(f) the reference to “6(1) or” were omitted;
 - (iii) for sub-paragraph (9)(g) there were substituted—

“(9) Where sub-paragraph (8) applies, in determining for the purposes of paragraph 8(1) whether a person has been entitled to income support 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.”; and
 - (iv) in sub-paragraph (13)(h) the reference to “6(1)(a), 6(1)(b) or” were omitted.

Modification of the Jobseeker’s Allowance Regulations

10. Schedule 2 (housing costs) to the Jobseeker’s Allowance Regulations applies in relation to a person to whom this Part applies as if—

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- (a) The definition of “existing housing costs” was amended by regulation 2(3)(a)(i) of S.R. 1995 No. 434 and by regulation 2(a)(i) of S.R. 2004 No. 461
 - (b) Paragraph 9 was amended by regulation 24(6)(c) of S.R. 2003 No. 191
 - (c) Paragraph 10 was substituted by regulation 2(1) of S.R. 2001 No. 406 and amended by regulation 2(b) of S.R. 2004 No. 461
 - (d) Paragraph 11 was amended by regulation 2(3)(g) of S.R. 1995 No. 434
 - (e) Sub-paragraph (2) was amended by Article 7(11)(b)(iii) of S.R. 1999 No. 472 and regulation 3(3) of S.R. 2001 No. 29
 - (f) Sub-paragraph (3AA) was inserted by regulation 2(1)(b) of S.R. 1999 No. 315 and amended by regulation 5(6)(b) of S.R. 2006 No. 359
 - (g) Sub-paragraph (9) was amended by regulation 2(3)(i)(vi) of S.R. 1995 No. 434
 - (h) Sub-paragraph (13) was inserted by regulation 6(c) of S.R. 2001 No. 78 and amended by regulation 5 of S.R. 2002 No. 128

- (a) in paragraph 1(2) (housing costs) the definitions of “existing housing costs”(a) and “new housing costs” were omitted;
- (b) after paragraph 4(b) (housing costs not met) there were inserted—

“Housing costs: limitation applicable to qualifying loans

4A.—(1) Subject to sub-paragraph (2) and (3), no amount may be met in respect of housing costs under paragraph 14 or 15 where the claimant has been in receipt of housing costs under either or both of those paragraphs for a total of 104 weeks, beginning with the last day on which he or she became entitled to a jobseeker’s allowance that was not immediately preceded by a linked period.

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

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

- (a) the claimant or his or her partner or, if the claimant is a member of a joint-claim couple, the other member of the couple, was previously entitled to income support or employment and support 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.”;
- (c) paragraph 6 (existing housing costs) were omitted;
- (d) 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) in paragraph 8(c) (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) in paragraph 9(d) (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) for the heading there were substituted “General provisions applying to housing costs”;
 - (ii) 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) “paragraph 7” were substituted for “paragraphs 6 and 7”;
- (i) for paragraph 13 (linking rule)—
 - (i) in sub-paragraph (2)(e) the reference to “paragraph 6(1)(a)(i) or” were omitted;
 - (ii) in sub-paragraph (4A)(a)(f) the reference to “6(1) or” were omitted;

(a) The definition of “existing housing costs” was amended by regulation 3(a)(i) of S.R. 2004 No. 461
 (b) Paragraph 4 was amended by paragraph 54(4) of Schedule 2 to, S.R. 2000 No. 350 and paragraph 9(b) of Schedule 3 to, S.R. 2005 No. 458
 (c) Paragraph 8 was amended by paragraph 54(7) of Schedule 2 to S.R. 2000 No. 350
 (d) Paragraph 9 was substituted by regulation 2(2) of S.R. 2001 No. 406 and amended by regulation 3(b) of S.R. 2004 No. 461
 (e) Sub-paragraph (2) was amended by Article 9(8)(e) of S.R. 1999 No. 428 (C. 32), and regulation 4(3) of S.R. 2001 No. 29
 (f) Sub-paragraph (4A) was inserted by regulation 2(2)(b) of S.R. 1999 No. 315 and amended by regulation 13(12)(b) of S.R. 2006 No. 359

- (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)(a) the reference to “6(1)(a), 6(1)(b) or” were omitted;
- (j) in paragraph 18(b) (continuity with income support) sub-paragraph (1)(a) were omitted.

Modification of the Employment and Support Allowance Regulations

11. Schedule 6 (housing costs) to the Employment and Support Allowance Regulations applies in relation to a person to whom this Part applies as if—

- (a) in paragraph 1(2) (housing costs) the definitions of “existing housing costs” and “new housing costs” were omitted;
- (b) paragraph 8 (existing housing costs) were omitted;
- (c) in paragraph 9 (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 (4) to (7) were omitted;
- (d) in paragraph 10 (general exclusions from paragraphs 8 and 9)—
 - (i) in the heading “paragraph 9” were substituted for “paragraphs 8 and 9”;
 - (ii) in sub-paragraph (1) “Paragraph 9” were substituted for “Paragraphs 8 and 9”;
- (e) in paragraph 11 (the calculation for loans) the reference to “existing housing costs or, as the case may be, new housing costs” were to “housing costs”;
- (f) in paragraph 12 (general provisions applying to new and existing housing costs)—
 - (i) for the heading there were substituted “General provisions applying to housing costs”;
 - (ii) sub-paragraphs (1) and (2) were omitted;
 - (iii) in sub-paragraph (4) the reference to “£100,000” were to “£200,000”;
- (g) in paragraph 14(9) (excessive housing costs) “paragraph 9” were substituted for “paragraphs 8 and 9”;
- (h) in paragraph 15 (linking rules)—
 - (i) in sub-paragraph (2) the reference to “paragraph 8(1)(a)(i) or” were omitted;
 - (ii) in sub-paragraph (6)(a) the reference to “8(1) or” were omitted;
 - (iii) for sub-paragraph (14) there were substituted—
 - “(14) Where sub-paragraph (13) applies, in determining for the purposes of paragraph 9(1) whether a person has been entitled to an income-related 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 (18) the reference to “8(1)(a) or (b) or” were omitted;
- (i) in paragraph 20 (continuity with income support, an income-based jobseeker’s allowance or state pension credit) sub-paragraph (1)(a) were omitted.

(a) Sub-paragraph (15) was amended by regulation 5 of S.R. 2002 No. 128
 (b) Paragraph 18 was amended by regulation 29(7) of S.R. 1996 No. 358 and regulation 19(25)(g) of S.R. 2008 No. 286

PART 4

Modifications relating to certain persons who claim State Pension Credit

Modifications relating to certain persons who claim State Pension Credit

12.—(1) This Part applies where—

- (a) a person becomes entitled to state pension credit;
- (b) that person or that person's partner ceases to be entitled to a relevant benefit;
- (c) that person or his or her partner is a person to whom Part 2 or 3 applies;
- (d) the last day on which the person or his or her partner was entitled to a relevant benefit was no more than 12 weeks before—
 - (i) except where head (ii) applies, the first day of entitlement to state pension credit, or
 - (ii) where the claim for state pension credit was treated as made on a day earlier than the day on which it was actually made ("the actual date"), the day which would have been the first day of entitlement to state pension credit had the claim been treated as made on the actual date, and
- (e) in the period immediately before the date on which the person's entitlement to the relevant benefit ended, his or her applicable amount included an amount in respect of housing costs under any of the provisions mentioned below.

(2) The provisions are—

- (a) paragraph 15 (loans on residential property) or 16 (loans for repairs and improvements to the dwelling occupied as the home) of Schedule 3 to the Income Support Regulations;
- (b) paragraph 14 (loans on residential property) or 15 (loans for repairs and improvements to the dwelling occupied as the home) of Schedule 2 to the Jobseeker's Allowance Regulations;
- (c) paragraph 16 (loans on residential property) or 17 (loans for repairs and improvements to the dwelling occupied as the home) of Schedule 6 to the Employment and Support Allowance Regulations.

(3) Paragraph 8(2) (general provisions applying to housing costs) of Schedule 2 to the State Pension Credit Regulations is to apply in relation to a person to whom this Part applies as if the reference to "£100,000" were to "£200,000".

Sealed with the Official Seal of the Department for Social Development on 18th December 2008

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend and modify the housing costs provisions in the Income Support (General) Regulations (Northern Ireland) 1987 (“the Income Support Regulations”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”), the State Pension Credit Regulations (Northern Ireland) 2003 (“the State Pension Credit Regulations”) and the Employment and Support Allowance Regulations (Northern Ireland) 2008 (“the Employment and Support Allowance Regulations”).

Part 1 amends the standard rate which is used to calculate the amount of interest on a loan that will be met under the Regulations referred to above. It provides that the standard rate is to be 6.08% instead of the rate being determined by reference to the Bank of England base rate.

Part 2 modifies the Income Support Regulations, the Jobseeker’s Allowance Regulations and the Employment and Support Allowance Regulations, in relation to certain existing claimants who are entitled to income support, a jobseeker’s allowance or an employment and support allowance (“a relevant benefit”) on 4th January 2009.

Regulation 3 deals with the application of Part 2. It provides that Part 2 applies where the claimant is not entitled to housing costs because the person does not satisfy the applicable waiting period or (in some cases) he or she is entitled to housing costs at a reduced rate. Regulation 3 also provides that Part 2 does not apply if a person makes a further claim to a relevant benefit after 4th January 2009.

In the case of a claimant to whom Part 2 applies, regulations 4 to 6 modify the provisions relating to the housing costs that can be met by income support, a jobseeker’s allowance or an employment and support allowance in the following ways:

- by reducing the 26 week or (as the case may be) 39 week qualifying period before housing costs may be met to 13 weeks (regulations 4(b) and (d), 5(b) and (c) and 6(b) and (d));
- by providing that the maximum appropriate amount in respect of loans that qualify under the Regulations is £200,000 instead of £100,000 (regulations 4(c), 5(d) and 6(c)), and
- by providing that no amount may be met in respect of interest on a qualifying loan where a jobseeker’s allowance claimant has been in receipt of interest on a qualifying loan for 104 weeks (regulation 5(a)), although this limitation does not apply where the person was previously entitled to income support or an employment and support allowance within a period of 12 weeks or less.

Regulation 7 is a savings provision and clarifies that Part 2 does not affect the amount of housing costs to which a person is entitled in respect of a period ending before these Regulations come into operation or in respect of a period which ends after that date during which the person is entitled to the benefit concerned for a continuous period that does not exceed 12 weeks.

Part 3 concerns certain persons who claim a relevant benefit after 4th January 2009.

Regulation 8 deals with the application and interpretation of Part 3. It provides that this Part applies where Part 2 applied to the person at any time. It also provides that Part 3 applies where a person claims or claimed a relevant benefit at any time after 4th January 2009:

- which is not or was not immediately preceded by a linked period under the housing costs linking rules, or
- where the claimant, that person’s partner or, in the case of a joint-claim for a jobseeker’s allowance, the other member of the couple, was previously entitled to state pension credit and more than 12 weeks (26 weeks in some cases) has elapsed since the last day of entitlement to state pension credit.

Part 3 makes the following modifications to the housing costs provisions of the Income Support Regulations, the Jobseeker's Allowance Regulations and the Employment and Support Allowance Regulations in relation to a person to whom that Part applies:

— it provides that a person who is required to satisfy a qualifying period before housing costs may be met must have been continuously entitled to the benefit in question for a continuous period of at least 13 weeks (regulations 9(c), 10(d) and 11(c));

—it provides that the maximum appropriate amount in respect of loans that qualify under the Regulations is £200,000 instead of £100,000 (regulations 9(f), 10(g) and 11(f));

—it provides that no amount may be met in respect of interest on a qualifying loan a jobseeker's allowance claimant has been in receipt of interest on a qualifying loan for a total of 104 weeks as part of a continuous period of entitlement or periods separated by a linked period under the housing costs linking rules. As in the case of Part 2, the limitation does not apply where the person was previously entitled to income support or an employment and support allowance within a period of 12 weeks or less (regulation 10(b));

Part 4 modifies the State Pension Credit Regulations with the result that in certain cases the maximum appropriate amount in respect of loans which qualify under those Regulations is £200,000. Part 4 applies where a person or his or her partner was in receipt of housing costs under Part 2 or 3 of these Regulations and the person becomes entitled to state pension credit within 12 weeks of that entitlement ending.

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