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STATUTORY INSTRUMENTS

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**1992 No. 1026**

**The Social Security (Claims and Payments) Amendment Regulations 1992**

**Amendment of Schedule 9 to the Claims and Payments Regulations**

5.—(1) Schedule 9 to the Claims and Payments Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 3—

- (a) in sub-paragraph (1), for the words “sub-paragraph (4)” there shall be substituted the words “sub-paragraphs (4) to (6)”;
- (b) in sub-paragraph (2), for the words “Subject to sub-paragraph (3)”, there shall be substituted the words “Subject to sub-paragraphs (2A) and (3)”;
- (c) after sub-paragraph (2), there shall be inserted the following sub-paragraph—

“(2A) Where a payment falls to be made to a third party in accordance with this Schedule, and—

- (a) more than one item of housing costs falls to be taken into account in determining the beneficiary’s applicable amount; and
- (b) in accordance with paragraph 10 or paragraph 11 of Schedule 3 to the Income Support Regulations an amount is not allowed or a deduction falls to be made from the amount to be met by way of housing costs,

then in calculating the amount deductible, the weekly aggregate ascertained in accordance with sub-paragraph (2) shall be reduced by an amount determined by applying the formula—

$$C \times \frac{B}{A}$$

where—

- A = housing costs;
- B = the item of housing costs which falls to be paid to a third party under this Schedule;
- C = the sum which is not allowed or falls to be deducted in accordance with paragraph 10 or, as the case may be, paragraph 11 of Schedule 3 to the Income Support Regulations.”; and

(d) after sub-paragraph (4) there shall be added the following sub-paragraphs—

“(5) No amount shall be paid pursuant to this paragraph in respect of mortgage interest in any case where a specified part of relevant benefits—

- (a) is required to be paid directly to a qualifying lender under regulation 34A and Schedule 9A; or

(b) would have been required to be paid to a body which, or a person who, would otherwise have been a qualifying lender but for an election given under paragraph 9 of Schedule 9A not to be regarded as such.

(6) In sub-paragraph (5), “specified part” and “relevant benefits” have the meanings given to them in paragraph 1 of Schedule 9A.”.

(3) In paragraph 8—

(a) in sub-paragraph (1), after the words “and 7(5)(a)” there shall be inserted the words “and sub-paragraph 3(5) of Schedule 9A”; and

(b) after sub-paragraph (2) there shall be added the following sub-paragraph—

“(3) Where the aggregate of the amounts payable under the provisions mentioned in sub-paragraph (2) does not exceed the sum there mentioned “the specified sum”) but does exceed that sum where the aggregate includes in addition any amount required to be paid in accordance with paragraph 3(5) of Schedule 9A, then in relation to the amounts payable under the provisions mentioned in sub-paragraph (2) the consent of the beneficiary is required to the payment of so much of the specified sum as represents the amount by which that sum is so exceeded.”.

(4) In paragraph 9—

(a) after the words “applicable to the beneficiary” there shall be inserted the words “or one or more of those paragraphs are applicable to the beneficiary and Schedule 9A also applies”; and

(b) after the words “priorities shall apply—” there shall be inserted the following head—

“(za) any liability mentioned in Schedule 9A;”.