

2007 No. 3183

SOCIAL SECURITY

**The Social Security (Housing Costs and Miscellaneous
Amendments) Regulations 2007**

<i>Made</i>	<i>8th November 2007</i>
<i>Laid before Parliament</i>	<i>13th November 2007</i>
<i>Coming into force - -</i>	<i>17th December 2007</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 123(1)(a), 135(1), 137(1) and (2)(d), and 175(1) and (3) to (5) of the Social Security Contributions and Benefits Act 1992(a), sections 5(1)(i) and (p), 15A(2)(aa) and 189(1), (4) and (5) of the Social Security Administration Act 1992(b), sections 4(5), 35(1) and 36(2) and (4) of the Jobseekers Act 1995(c), and sections 2(3)(b), 17(1) and 19(1) of the State Pension Credit Act 2002(d).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(e).

Citation and commencement

1. These Regulations may be cited as the Social Security (Housing Costs and Miscellaneous Amendments) Regulations 2007 and shall come into force on 17th December 2007.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) The Social Security (Claims and Payments) Regulations 1987(f) are amended as follows.

(2) In paragraph 2A(4) (specified circumstances for the purposes of regulation 34B)(g) of Schedule 9A (deductions of mortgage interest from benefit and payment to qualifying lenders)(h), for “19” substitute “20”.

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- (a) 1992 c.4. Section 137(1) is an interpretation provision and is cited because of the meaning given to the word “prescribed”. Paragraph 2(d) was substituted by the Jobseeker’s Act 1995 (c.18), section 41(4), Schedule 2, paragraph 35(3). Section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) (“the 1999 Act”).
- (b) 1992 c.5. Section 15A was inserted by paragraph 1 of the Schedule to the Social Security (Mortgage Interest Payments) Act 1992 (c.33) and subsection (2)(a) was amended by, and subsection (2)(aa) was inserted by, paragraph 9 of Schedule 2 to the State Pension Credits Act 2002 (c.16). Section 189(1), (4) and (5) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c.14). Section 189(1) was also amended by paragraph 57 of Schedule 3 to the 1999 Act and Schedule 6 to the Tax Credits Act 2002 (c.21).
- (c) 1995 c.18. Section 35(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (d) 2002 c.16. Section 17(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.
- (e) See section 173(1)(b) of the Social Security Administration Act 1992.
- (f) S.I. 1987/1968.
- (g) Paragraph (2A) was inserted by S.I. 2002/3197.
- (h) Schedule 9A was inserted by S.I. 1992/1026.

Amendment of the Income Support (General) Regulations 1987

- 3.—**(1) The Income Support (General) Regulations 1987(**a**) are amended as follows.
- (2) In regulation 6(5) (persons not treated as engaged in remunerative work)(**b**)—
- (a) in sub-paragraph (c)(i), for “a loan which qualifies under paragraph 15 or 16” substitute “housing costs which qualify under paragraphs 15 to 17”;
 - (b) in sub-paragraph (c)(ii), for “a loan which qualifies under paragraph 14 or 15” substitute “housing costs which qualify under paragraphs 14 to 16”;
 - (c) in sub-paragraph (d), for “on such a loan” substitute “in respect of such housing costs”.
- (3) In Schedule 3 (housing costs)(**c**)—
- (a) in paragraph 1A (previous entitlement to income-based jobseeker’s allowance)(**d**)—
 - (i) for the heading, substitute “Previous entitlement to income-based jobseeker’s allowance or state pension credit”;
 - (ii) in sub-paragraph (1)(a), for “paragraph 14 or 15” substitute “paragraphs 14 to 16”;
 - (iii) after sub-paragraph (1), insert—

“(1A) Where a claimant or his partner was in receipt of state pension credit not more than 12 weeks before one of them becomes entitled to income support or, where the claimant or his partner is a person to whom paragraph 14(2) or (8) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

 - (a) the appropriate minimum guarantee included an amount in respect of housing costs under paragraphs 11 to 13 of Schedule II to the State Pension Credit Regulations 2002; and
 - (b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income support shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.”;
 - (iv) in sub-paragraph (2), after “jobseeker’s allowance” insert “or (as the case may be) state pension credit”.
 - (b) in paragraph 4 (housing costs not met) after sub-paragraph (4A)(**e**), insert—

“(4B) A person treated by virtue of paragraph 14 as being in receipt of income support for the purposes of this Schedule is not to be treated as entitled to income support for the purposes of sub-paragraph (4).”;
 - (c) in paragraph 12 (the standard rate)(**f**)—
 - (i) in sub-paragraph (2), for “sub-paragraphs (3), (4) and (6)” substitute “sub-paragraph (3)”;
 - (ii) omit sub-paragraphs (4) to (6).

Amendment of the Jobseeker’s Allowance Regulations 1996

- 4.—**(1) The Jobseeker’s Allowance Regulations 1996(**g**) are amended as follows.
- (2) In Schedule 2 (housing costs)—
- (a) in paragraph 1A (previous entitlement to income support)(**h**)—
 - (i) for the heading, substitute “Previous entitlement to income support or state pension credit”,

(a) S.I. 1987/1967.
(b) Paragraph (5) was inserted by S.I. 2001/488.
(c) Schedule 3 was substituted by S.I. 1995/1613.
(d) Paragraph 1A was inserted by S.I. 1997/2305.
(e) Sub-paragraph (4A) was inserted by S.I. 1997/3263.
(f) Paragraph 12 was substituted by S.I. 2004/2825.
(g) S.I. 1996/207.
(h) Paragraph 1A was inserted by S.I. 1997/2305.

(ii) in sub-paragraph (1)(a), for “paragraphs 15 or 16, substitute “paragraphs 15 to 17”;

(iii) after sub-paragraph (1), add—

“(1ZA) Where a claimant or his partner was in receipt of state pension credit not more than 12 weeks before one of them becomes entitled to income-based jobseeker’s allowance or, where the claimant or his partner is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

(a) the appropriate minimum guarantee included an amount in respect of housing costs under paragraphs 11 to 13 of Schedule II to the State Pension Credit Regulations 2002; and

(b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for income-based jobseekers allowance shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.”;

(iv) after sub-paragraph (1A), add—

“(1B) Where either member of a joint-claim couple was in receipt of state pension credit not more than 12 weeks before the couple becomes entitled to a joint-claim jobseeker’s allowance, or, where either member is a person to whom paragraph 13(2) or (10) (linking rules) refers, not more than 26 weeks before becoming so entitled, and—

(a) the appropriate minimum guarantee included an amount in respect of housing costs under paragraphs 11 to 13 of Schedule II to the State Pension Credit Regulations 2002; and

(b) the circumstances affecting the calculation of those housing costs remain unchanged since the last calculation of those costs,

the applicable amount in respect of housing costs for joint-claim jobseeker’s allowance shall be the amount applicable in respect of those costs current when entitlement to state pension credit was last determined.”;

(v) in sub-paragraph (2), after “income support” insert “or (as the case may be) state pension credit”.

(b) in paragraph 4 (housing costs not met), after sub-paragraph (4A) insert(a)—

“(4B) A person treated by virtue of paragraph 13 as being in receipt of a jobseeker’s allowance for the purposes of this Schedule is not to be treated as entitled to a jobseeker’s allowance for the purposes of sub-paragraph (4).”;

(c) in paragraph 11 (the standard rate)(b)—

(i) in sub-paragraph (2), for “sub-paragraphs (3), (4) and (6)” substitute “sub-paragraph (3)”, and

(ii) omit sub-paragraphs (4) to (6).

Amendment of the State Pension Credit Regulations 2002

5.—(1) The State Pension Credit Regulations 2002(c) are amended as follows.

(2) In paragraph 9 (the standard rate) of Schedule II (housing costs)(d)—

(a) in sub-paragraph (2), for “sub-paragraphs (3), (4) and (6)” substitute “sub-paragraph (3)”;

(b) omit sub-paragraphs (4) to (6).

(a) Sub-paragraph (4A) was inserted by S.I. 1997/2863.

(b) Paragraph 11 was substituted by S.I. 2004/2825.

(c) S.I. 2002/1792.

(d) Paragraph 9 was substituted by S.I. 2004/2825.

Signed by authority of the Secretary of State for Work and Pensions.

8th November 2007

James Plaskitt
Parliamentary Under-Secretary of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (“the 1987 Regulations”), the Income Support (General) Regulations 1987 (“the income support Regulations”), the Jobseeker’s Allowance Regulations 1996, and the State Pension Credit Regulations 2002. They make changes to the provisions relating to a person’s housing costs that can be met by income support, jobseeker’s allowance or state pension credit.

Regulation 2 makes a minor amendment to the meaning of “family” in paragraph 2A of the Schedule 9A to the 1987 Regulations with the effect that this includes persons who have not attained the age of 20.

Regulation 3(2) amends regulation 6(5) of the income support Regulations with the effect that a person is treated as not engaged in remunerative work for the first four weeks after commencing work where he or his partner had an applicable amount which included an amount for housing costs under paragraph 17 of Schedule 3 to those Regulations or (as the case may be) under paragraph 16 of Schedule 2 to the Jobseeker’s Allowance Regulations 1996.

Regulations 3(3) and 4(2) make provision for certain additional housing costs to be included in a person’s applicable amount for income support or income-based jobseeker’s allowance where he, his partner, or (in the case of a jobseeker’s allowance) either member of a joint-claim couple, cease to receive income support, income-based jobseeker’s allowance or state pension credit (as the case may be), but become entitled to income support or income-based jobseeker’s allowance within a period of 12 weeks or, in certain cases, 26 weeks or less.

Regulation (3)(3)(b) amends Schedule 3 (housing costs) of the income support Regulations to clarify that where a claimant is treated as being in receipt of income support under the linking rules in paragraph 14 of that Schedule, this does not affect the circumstances in which housing costs are not payable under paragraph 4 because they were incurred during a period of entitlement to that benefit. Regulation 4(2)(b) makes an equivalent amendment in relation to jobseeker’s allowance.

Regulations 3(3)(c), 4(2)(c) and 5 make minor amendments so as to omit references or provisions which are now redundant.

A full Regulatory Impact Assessment has not been produced for this instrument because it has no impact on the costs of business, charities or voluntary bodies.

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