

## 2009 No. 3257

### SOCIAL SECURITY

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

*Made* - - - - - 9th December 2009

*Laid before Parliament* 15th December 2009

*Coming into force in accordance with regulation 1*

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 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(**a**), sections 4(5), 35(1) and 36(2) of the Jobseekers Act 1995(**b**), sections 2(3)(b), 17(1) and 19(1) of the State Pension Credit Act 2002(**c**), and sections 4(2)(a), 24(1) and 25(2) and (3) of the Welfare Reform Act 2007(**d**).

The Secretary of State referred the proposals for these Regulations to the Social Security Advisory Committee(**e**).

#### **Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Social Security (Housing Costs Special Arrangements) (Amendment) Regulations 2009, and (subject to paragraph (2)) shall come into force on 5th January 2010.

(2) Regulations 4, 5 and 6(a), in so far as they relate to a particular person, come into force on the first day of the first benefit week to commence for that person on or after 5th January 2010.

(3) In these Regulations—

“benefit week” has the same meaning as in regulation 1(4) of the principal Regulations;

“the principal Regulations” means the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008(**f**).

[Regulations 2 – 6 amends various regulations of S.I. 2008/3195.]

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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”. Section 137(2)(d) was substituted by the Jobseekers 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).

(b) 1995 c. 18. Section 35(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.

(c) 2002 c. 16. Section 17(1) is an interpretation provision and is cited because of the meaning given to the words “prescribed” and “regulations”.

(d) 2007 c. 5. Section 24(1) is cited for the meaning of “prescribed” and “regulations”.

(e) See section 172(1) of the Social Security Administration Act 1992 (c. 5).

(f) S.I. 2008/3195.

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

9th December 2009

*Jonathan Shaw*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the provisions of the Social Security (Housing Costs Special Arrangements) (Amendment and Modification) Regulations 2008 (“the principal Regulations”) which relate to the payment of housing costs to employment and support allowance, income support, jobseeker’s allowance and state pension credit claimants. Under those provisions help can be provided with mortgage interest on a qualifying loan taken out to purchase a home.

The principal Regulations modify the housing costs provisions in the Employment and Support Allowance Regulations 2008 (S.I. 2008/794), the Income Support (General) Regulations 1987 (S.I. 1987/1967) and the Jobseeker’s Allowance Regulations 1996 (S.I. 1996/207) in relation to certain claimants, in particular so that the waiting period before housing costs can be met is 13 weeks and the capital limit for qualifying loans is £200,000. With some exceptions, interest on a qualifying loan is limited to 104 weeks for jobseeker’s allowance claimants.

Regulations 2 and 3 correct minor errors in regulation 3 and 6(a) of the principal Regulations.

Regulation 4 substitutes regulation 8 of the principal Regulations which concerns the application of Part 3 of those Regulations to certain persons who claim an employment and support allowance, income support or a jobseeker’s allowance (“a relevant benefit”) after 4th January 2009.

Except for certain people who are deemed to have been in receipt of benefit on or before 4th January 2009 under the housing costs rules, the effect of the substitution is that Part 3 of the principal Regulations applies where neither the claimant nor the claimant’s partner has previously been awarded a relevant benefit (or state pension credit) even though the claimant may be treated as having been in receipt of benefit in respect of a past period.

A further effect of the substitution made by regulation 4 is to clarify that Part 3 of the principal Regulations also applies to claimants who have a break in entitlement and who make a repeat claim after 4th January 2009 which does not link to an earlier claim under the housing costs linking rules.

Regulation 5 substitutes a new provision for regulation 11(b) of the principal Regulations. Regulation 11(b) modifies Schedule 2 (housing costs) of the Jobseeker’s Allowance Regulations 1996(a) by inserting paragraph 4A which limits to 104 weeks the number of weeks that certain people who claim a jobseeker’s allowance after 4th January 2009 can receive assistance with interest on a qualifying loan. The effect of the substitution is to clarify that previous housing costs do not count towards the total where there has been a break in entitlement which does not link to an earlier claim.

Regulation 6 makes minor amendments to regulation 12 (modifications relating to State Pension Credit) of the principal Regulations in consequence of these Regulations. It also corrects a minor error in the principal Regulations.

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(a) S.I. 1997/207.

The Report of the Social Security Advisory Committee dated 13th May 2009 on the proposals referred to them in respect of these Regulations together with a statement showing the extent to which they give effect to the recommendations of the Committee, and in so far as they do not give effect to them, the reasons why not, have been published by the Stationery Office Ltd and laid by the Secretary of State before each House of Parliament in accordance with sections 173 and 174 of the Social Security Administration Act 1992.

An impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

