

**Status:** This version of this schedule contains provisions that are prospective.

**Changes to legislation:** The Welfare Reform (Northern Ireland) Order 2015, SCHEDULE 4 is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

PROSPECTIVE

### SCHEDULE 4

Article 40

#### Housing credit element of state pension credit

### PART 1

#### Amendments to State Pension Credit Act (Northern Ireland) 2002

##### **The State Pension Credit Act (Northern Ireland) 2002 (c. 14)**

1. The State Pension Credit Act (Northern Ireland) 2002 is amended as follows.
2. In section 1 (entitlement), in subsection (2)(c) at the end insert—  
“or  
(iii) the conditions in section 3A(1) and (2) (housing credit).”
3. In section 1, in subsection (3)—
  - (a) after paragraph (b) insert—  
“or  
(c) to a housing credit, calculated in accordance with section 3A, if he satisfies the conditions in subsections (1) and (2) of that section,”;
  - (b) for the words from “(or to both” to the end substitute “ (or to more than one of them, if he satisfies the relevant conditions). ”
4. After section 3 insert—

##### **“3A Housing credit**

(1) The first of the conditions mentioned in section 1(2)(c)(iii) is that the claimant is liable to make payments in respect of the accommodation he occupies as his home.

(2) The second of the conditions mentioned in section 1(2)(c)(iii) is that the claimant's capital and income are such that the amount of the housing credit payable (if he were entitled to it) would not be less than a prescribed amount.

(3) Where the claimant is entitled to a housing credit, the amount of the housing credit shall be an amount calculated in or determined under regulations (which may be zero).

(4) For the purposes of subsection (1)—

- (a) the accommodation must be in Northern Ireland;
- (b) the accommodation must be residential accommodation;
- (c) it is immaterial whether the accommodation consists of the whole or part of a building and whether or not it comprises separate and self-contained premises.

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- (5) Regulations may make provision as to—
  - (a) the meaning of “payments in respect of accommodation” for the purposes of this section (and, in particular, as to the extent to which such payments include mortgage payments);
  - (b) circumstances in which a claimant is to be treated as liable or not liable to make such payments;
  - (c) circumstances in which a claimant is to be treated as occupying or not occupying accommodation as his home (and, in particular, for temporary absences to be disregarded);
  - (d) circumstances in which land used for the purposes of any accommodation is to be treated as included in the accommodation.
- (6) Regulations under this section may make different provision for different areas.”
- 5. In section 7 (fixing of retirement provision for assessed income period), at the end insert—
 

“(10) Regulations may prescribe circumstances in which subsection (3) does not apply for the purposes of determining the amount of a housing credit to which the claimant is entitled.”
- 6. In section 12 (polygamous marriages), in subsection (2)(b), after “savings credit” insert “ or housing credit ”.
- 7. In section 17 (interpretation), in subsection (1), after the definition of “guarantee credit” insert—
 

““housing credit” shall be construed in accordance with sections 1 and 3A;”.
- 8. In Schedule 2 (consequential amendments etc.), paragraph 9(d)(i) is repealed.

## PART 2

### Amendments to other Acts

#### **The Social Security Administration (Northern Ireland) Act 1992 (c. 8)**

- 9. The Social Security Administration (Northern Ireland) Act 1992 is amended as follows.
- 10. In section 5 (regulations about claims and payments), in subsection (5), before “subsection” insert “ or housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) ”.
- <sup>F1</sup>11. ....

#### **Textual Amendments**

- F1 Sch. 4 para. 11 repealed (6.4.2018) by [The Welfare Reform and Work \(Northern Ireland\) Order 2016](#) (S.I. 2016/999), arts. 2(1), **15(12)(f)(ii)**; S.R. 2018/66, art. 2(1) (with art. 2(2)(3))

#### **The Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)**

- 12. In section 60 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (discretionary financial assistance with housing), in subsection (1)(a), after “universal credit”

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insert “ or housing credit (within the meaning of the State Pension Credit Act (Northern Ireland) 2002) ”.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.R. 2009/4 by [S.R. 2019/107 art. 2](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/4 art. 5](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/190 by [S.R. 2019/7 art. 3](#)
- specified provision(s) amendment to earlier commencing S.R. 2017/216 by [S.R. 2018/1 art. 7](#)
- specified provision(s) amendment to earlier commencing SR 2016/46, art. 5(a) by [S.R. 2016/166 art. 3](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pts. 25 modified by [S.R. 2019/212 art. 2\(2\)\(g\)](#) (This amendment not applied to [legislation.gov.uk SR 2019/212](#) revoked (19.12.2020) by SR 2020/348, art. 1(2)(2))
- art. 56(1) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)