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STATUTORY RULES OF NORTHERN IRELAND

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**2003 No. 191**

**The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003**

**PART II**

**AMENDMENTS TO THE CLAIMS AND PAYMENTS REGULATIONS**

**Interpretation of Part II**

2. The Claims and Payments Regulations shall be amended in accordance with regulations 3 to 14 of this Part. In this Part any reference to a regulation or a Schedule is to the regulation or Schedule bearing that number in the Claims and Payments Regulations.

**Amendment of regulation 2**

3. In regulation 2 (interpretation) –

(a) in paragraph (1) –

(i) after the definition of “the 1998 Order” there shall be inserted the following definition –

““the 2002 Act” means the State Pension Credit Act (Northern Ireland) 2002;

“advance period” means the period specified in regulation 4D(2);”;

(ii) in the definition of “benefit” after “under the Order” there shall be inserted “, state pension credit under the 2002 Act”;

(iii) after the definition of “employment officer” there shall be inserted the following definition –

““guarantee credit” is to be construed in accordance with sections 1 and 2 of the 2002 Act;”;

(iv) after the definition of “personal pension scheme”(1) there shall be inserted the following definition –

““qualifying age” has the same meaning as in section 1(6) of the 2002 Act;”;

(v) after the definition of “retirement annuity contract”(2) there shall be inserted the following definition –

““state pension credit” means state pension credit under the 2002 Act;

“State Pension Credit Regulations” means the State Pension Credit Regulations (Northern Ireland) 2003(3);”;

(b) after paragraph (2), there shall be inserted the following paragraph –

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(1) The definition of “personal pension scheme” was inserted by regulation 5(2) of [S.R. 1995 No. 367](#)

(2) The definition of “retirement annuity contract” was inserted by regulation 5(2) of [S.R. 1995 No. 367](#)

(3) [S.R. 2003 No. 28](#)

“(2A) In these Regulations, references to “beneficiary” include any person entitled to state pension credit.”.

### **Claims for state pension credit**

4.—(1) In regulation 4 (making a claim for benefit), after paragraph (9), there shall be added the following paragraph –

“(10) This regulation shall not apply to a claim for state pension credit.”.

(2) In regulation 4B(1)(b)(4) (forwarding claims and information), after “applies” there shall be inserted “or for state pension credit.”.

(3) After regulation 4B there shall be inserted the following regulations –

#### **“Making a claim for state pension credit**

4C.—(1) A claim for state pension credit need only be made in writing if the Department so directs in any particular case.

(2) A claim shall be made in writing either –

- (a) by completing and returning in accordance with the instructions printed on it a form approved or provided by the Department for the purpose; or
- (b) in such other written form as the Department accepts as sufficient in the circumstances of the case.

(3) A claim for state pension credit may be made in writing whether or not a direction is issued under paragraph (1) and may also be made by telephone to, or in person at, an appropriate office or other office designated by the Department for accepting claims for state pension credit.

(4) A claim made in writing may also be made at an office of –

- (a) the Northern Ireland Housing Executive or the Department of Finance and Personnel administering housing benefit;
- (b) a person providing services to either the Northern Ireland Housing Executive or the office of the Department of Finance and Personnel administering housing benefit; or
- (c) a person authorised to exercise any function of an office of the Northern Ireland Housing Executive or the Department of Finance and Personnel relating to housing benefit.

(5) Any claim made in accordance with paragraph (4), together with any information and evidence supplied in connection with making the claim, shall be forwarded as soon as reasonably practicable to the Department by the person who received the claim.

(6) A claim for state pension credit made in person or by telephone is not a valid claim unless a written statement of the claimant’s circumstances, provided for the purpose by the Department, is approved by the person making the claim.

(7) A married or unmarried couple may agree between them as to which partner shall make a claim for state pension credit, but in the absence of an agreement, the Department shall decide which of them is to make the claim.

(8) Where one member of a married or unmarried couple (“the former claimant”) is entitled to state pension credit under an award but a claim for state pension credit is made by the other member of the couple, then, if both members of the couple confirm in writing that they wish

the claimant to be the other member, the former claimant's entitlement shall terminate on the last day of the benefit week specified in paragraph (9).

(9) That benefit week is the benefit week of the former claimant which includes the day immediately preceding the day on which the partner's claim is actually made or, if earlier, is treated as made.

(10) If a claim for state pension credit is defective when first received, the Department shall provide the person making it with an opportunity to correct the defect.

(11) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month of the date the Department last drew attention to the defect, the claim shall be treated as having been properly made on the date –

- (a) the defective claim was first received by the Department or the person acting on its behalf, or
- (b) if regulation 4E(3) applies, the person informed an appropriate office of his intention to claim state pension credit.

(12) Paragraph (11) does not apply in a case to which regulation 4D(3) applies.

(13) State pension credit is a relevant benefit for the purposes of section 5A of the Social Security Administration (Northern Ireland) Act 1992<sup>(5)</sup>.

#### **Making a claim before attaining the qualifying age**

**4D.**—(1) A claim for state pension credit may be made, and any claim made may be determined, at any time within the advance period.

(2) The advance period begins on the date which falls 4 months before the day on which the claimant attains the qualifying age and ends on the day before he attains that age.

(3) A person who makes a claim within the advance period which is defective may correct the defect at any time before the end of the advance period.

#### **Making a claim after attaining the qualifying age: date of claim**

**4E.**—(1) This regulation applies in the case of a person who claims state pension credit on or after attaining the qualifying age.

(2) The date on which a claim is made shall, subject to paragraph (3), be –

- (a) where the claim is made in writing and is not defective, the date on which the claim is first received –
  - (i) by the Department or the person acting on its behalf, or
  - (ii) in a case to which regulation 4C(4) applies, in the office of a person specified therein;

- (b) where the claim is not made in writing but is otherwise made in accordance with regulation 4C(3) and is not defective, the date the claimant provides details of his circumstances by telephone to, or in person at, the appropriate office or other office designated by the Department to accept claims for state pension credit, or

- (c) where a claim is initially defective but the defect is corrected under regulation 4C(11), the date the claim is treated as having been made under that regulation.

(3) If a claimant –

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<sup>(5)</sup> Section 5A was inserted by Article 68 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))

- (a) informs an appropriate office of his intention to claim state pension credit; and
- (b) subsequently makes the claim in accordance with regulation 4C within one month of complying with sub-paragraph (a), or within such longer period as the Department may allow,

the claim may, where in the circumstances of the particular case it is appropriate to do so, be treated as made on the day on which the claimant first informed the appropriate office of his intention to claim state pension credit.”.

### **Evidence and information**

5. In regulation 7 (evidence and information) –

- (a) after paragraph (1), there shall be inserted the following paragraphs –

“(1A) A claimant shall furnish such information and evidence as the Department may require as to the likelihood of future changes in his circumstances which is needed to determine –

- (a) whether a period should be specified as an assessed income period under section 6 of the 2002 Act in relation to any decision; and
- (b) if so, the length of the period to be so specified.

(1B) The information and evidence required under paragraph (1A) shall be furnished within one month of the Department notifying the claimant of the requirement, or within such longer period as the Department considers reasonable in the claimant’s case.

(1C) In the case of a claimant making a claim for state pension credit in the advance period, time begins to run for the purposes of paragraphs (1) and (1B) from the day following the end of that period.”; and

- (b) in paragraph (4)(6), for “or jobseeker’s allowance”, there shall be substituted “, jobseeker’s allowance or state pension credit”.

### **Advance claims and awards of state pension credit**

6.—(1) In regulation 13(3)(7) (advance claims and awards), after “disability living allowance” there shall be inserted “, state pension credit”.

(2) After regulation 13C(8) (further claim for and award of disability living allowance), there shall be inserted the following regulation –

#### **“Advance claim for and award of state pension credit**

13D.—(1) Paragraph (2) applies if –

- (a) a person does not satisfy the requirements for entitlement to state pension credit on the date on which the claim is made; and
- (b) the Department is of the opinion that unless there is a change of circumstances he will satisfy those requirements –
  - (i) where the claim is made in the advance period, when he attains the qualifying age, or
  - (ii) in any other case, within 4 months of the date on which the claim is made.

(2) Where this paragraph applies, the Department may –

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(6) Paragraph 4 was added by regulation 5(3) of S.R. 1995 No. 367 and amended by regulation 2(6)(b) of S.R. 1996 No. 354

(7) Paragraph (3) was amended by regulation 6 of S.R. 1992 No. 7 and regulation 2(3)(a) of S.R. 1994 No. 345

(8) Regulation 13C was inserted by regulation 8 of S.R. 1992 No. 7 and amended by Article 5(5) of S.R. 1999 No. 428 (C. 32)

- (a) treat the claim as made for a period beginning on the day (“the relevant day”) the claimant –
    - (i) attains the qualifying age, where the claim is made in the advance period, or
    - (ii) is likely to satisfy the requirements for entitlement in any other case; and
  - (b) if appropriate, award state pension credit accordingly, subject to the condition that the person satisfies the requirements for entitlement on the relevant day.
- (3) An award under paragraph (2) may be revised under Article 10 of the 1998 Order<sup>(9)</sup> if the claimant fails to satisfy the conditions for entitlement to state pension credit on the relevant day.”.

### **Payability of state pension credit**

7.—(1) In regulation 16(4)(10) (date of entitlement under an award), after “income support”, there shall be inserted “, state pension credit”.

(2) After regulation 16, there shall be inserted the following regulation –

#### **“Date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate**

**16A.**—(1) For the purpose only of determining the day from which state pension credit is to become payable, where the credit is awarded from a day which is not the first day of the claimant’s benefit week, entitlement shall begin on the first day of the benefit week next following.

(2) In the case of a claimant who –

- (a) immediately before attaining the qualifying age was entitled to income support or income-based jobseeker’s allowance and is awarded state pension credit from the day on which he attains the qualifying age; or
- (b) was entitled to an income-based jobseeker’s allowance after attaining the qualifying age and is awarded state pension credit from the day which falls after the date on which that entitlement ends,

entitlement to the guarantee credit shall, notwithstanding paragraph (1), begin on the first day of the award.

(3) Where a change in the rate of state pension credit would otherwise take effect on a day which is not the first day of the claimant’s benefit week, the change shall take effect from the first day of the benefit week next following.

(4) For the purpose of this regulation, “benefit week” means the period of 7 days beginning on the day on which, in the claimant’s case, state pension credit is payable in accordance with regulation 26B.”.

### **Amendment of regulations 17 and 19**

8.—(1) In regulation 17(6)(11) (duration of awards) at the beginning there shall be inserted “Except in the case of claims for and awards of state pension credit,”.

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(9) 1998 No. 1506 (N.I. 10)

(10) Paragraph (4) was amended by regulation 3(c) of S.R. 1988 No. 141, regulation 2(7) of S.R. 1994 No. 456 and regulation 2(9) of S.R. 1996 No. 354

(11) Paragraph (6) was amended by regulation 2(10)(c) of S.R. 1996 No. 354

(2) In regulation 19(3)(12) (time for claiming benefit), after sub-paragraph (f) there shall be inserted the following sub-paragraph –

“(fa) state pension credit;”.

## **Payment**

9. After regulation 26A(13) (jobseeker’s allowance), there shall be inserted the following regulation –

### **“State pension credit**

**26B.**—(1) Except where paragraph (2) applies, state pension credit shall be payable on Mondays, but subject, where state pension credit is payable in accordance with paragraph (3) (a), to the provisions of regulation 21 (direct credit transfer).

(2) State pension credit shall be payable –

- (a) if retirement pension is payable to the claimant, on the same day as the retirement pension is payable; or
- (b) on such other day of the week as the Department may, in the particular circumstances of the case, determine.

(3) Payment of state pension credit shall be made either –

- (a) in accordance with regulation 21; or
- (b) by means of an instrument of payment at such place as the Department, after enquiry of the claimant, may from time to time specify.

(4) State pension credit paid in accordance with paragraph (3)(b) shall be paid weekly in advance.

(5) Where the amount of state pension credit payable is less than £1·00 per week, the Department may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(6) Where state pension credit is –

- (a) paid by means of a book of serial orders; and
- (b) increased or reduced by an amount which, when added to any previous such increase or reduction, is less than 50p per week,

the Department may defer payment of that increase or disregard the reduction until either –

- (i) the termination of entitlement, or, if earlier,
- (ii) the expiration of one week from the date specified for payment of the last order in that book.

(7) Where state pension credit is –

- (a) paid by means of a book of serial orders; and
- (b) the amount of state pension credit payable to a third party under Schedule 8A is increased so that the amount of the credit payable to the claimant is reduced by an amount which, with any previous reduction, is less than 50p per week,

the Department may make the payment to the third party and disregard the reduction in the claimant’s state pension credit for the remainder of the period to which the book relates.”.

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(12) Paragraph (3) was amended by regulation 10(4) of [S.R. 2001 No. 108](#)

(13) Regulation 26A was inserted by regulation 2(14) of [S.R. 1996 No. 354](#) and amended by regulation 3(4) of [S.R. 2000 No. 215](#)

### **Amendment of regulation 30**

**10.** In regulation 30(5)(14) (payments on death), after “income support” there shall be inserted “, state pension credit”.

### **Amendment of regulation 32**

**11.** In regulation 32(15) (information to be given when obtaining payment of benefit) –

- (a) in paragraph (3), after “income support”, there shall be inserted “, state pension credit”; and
- (b) after paragraph (5) there shall be added the following paragraph –

“(6) This regulation shall apply in the case of state pension credit subject to the following modifications –

- (a) at the end of an assessed income period, the information and evidence required to be notified in accordance with this regulation includes information and evidence as to the likelihood of future changes in the claimant’s circumstances needed to determine –
  - (i) whether a period should be specified as an assessed income period under section 6 of the 2002 Act in relation to any decision, and
  - (ii) if so, the length of the period to be so specified; and
- (b) except to the extent that sub-paragraph (a) applies, changes to an element of the claimant’s retirement provision need not be notified if an assessed income period is current in his case.”.

### **Amendment of regulation 34ZA**

**12.—(1)** In regulation 34ZA(16) (deductions of mortgage interest which shall be made from benefit and paid to qualifying lenders) –

- (a) for “In relation to cases to which Article 52A(1) of the Order”, there shall be substituted “In relation to cases to which section 13A(1), or subject to paragraph (1A), section 13A(1A) of the Administration Act”; and
- (b) after paragraph (1), there shall be inserted the following paragraph –

“(1A) Paragraph (1) shall only apply in relation to a relevant beneficiary who is entitled to state pension credit where he is entitled to a guarantee credit.”.

(2) After regulation 34ZA, there shall be inserted the following regulation –

#### **“Deductions of mortgage interest which may be made from benefit and paid to qualifying lenders in other cases**

**34ZB.—(1)** In relation to cases to which section 13A(1A) of the Administration Act applies (other than those referred to in regulation 34ZA(1A)) –

- (a) in the circumstances specified in paragraph 2A(1) of Schedule 8B; and
- (b) in either of the further circumstances specified in paragraph 2A(2) of that Schedule,

(14) Paragraph (5) was amended by regulation 3(6) of S.R. 1988 No. 369, regulation 7(5)(a) of S.R. 1990 No. 398, regulation 15 of S.R. 1992 No. 7 and regulation 2(15) of S.R. 1996 No. 354

(15) Regulation 32 was amended by regulation 2(16)(a) of S.R. 1996 No. 354, regulation 6(3) of S.R. 1992 No. 453, regulation 5(4) of S.R. 1995 No. 367, regulation 2(16)(b) of S.R. 1996 No. 354 and paragraph 2(8) of Schedule 2 to S.R. 2001 No. 175

(16) Regulation 34ZA was inserted by regulation 2 of S.R. 1992 No. 271



such part of any relevant benefits to which a relevant beneficiary is entitled as may be specified in that Schedule may be paid by the Department directly to the qualifying lender and shall be applied by that lender towards the discharge of the liability in respect of that interest.

(2) The provisions of Schedule 8B(17) shall have effect in relation to mortgage interest payments made under this regulation.”.

### **Amendment of regulation 34B**

**13.** In regulation 34B(1)(18) (transitional provisions for persons in hostels or certain residential accommodation), in the definition of “specified benefit”, after “Schedule 8A” there shall be inserted “except that it does not include state pension credit”.

### **Amendment of Schedules 8A to 8C –**

**14.—(1)** In Schedule 8A (deductions from benefits and direct payment to third parties) –

(a) in paragraph 1(19) (interpretation) –

(i) after the definition of “applicable amount” there shall be inserted the following definition –

““appropriate minimum guarantee” means in the case of state pension credit, the standard minimum guarantee and any additional amounts applicable under regulation 6 of the State Pension Credit Regulations less any housing costs under Schedule 2 to those Regulations which may be applicable in the particular case;”

(ii) in the definition of “family”, after paragraph (d), there shall be added “and for the purposes of state pension credit includes any additional partner to whom section 12(1)(c) of the 2002 Act applies;”;

(iii) in the definition of “housing costs”, after paragraph (b), there shall be added the following paragraph –

“(c) Schedule 2 to the State Pension Credit Regulations but –

(i) excludes costs under paragraph 13(1)(d) of that Schedule (tents and sites), and

(ii) includes costs under paragraphs 13(1)(a) (ground rent) and 13(1)(c) (rent charges) of that Schedule but only when they are paid with costs under paragraph 13(1)(b) of that Schedule (service charges);”;

(iv) in the definition of “mortgage payment”, after paragraph (b) there shall be inserted the following paragraph – “or

(c) Schedule 2 to the State Pension Credit Regulations in accordance with paragraph 7 of that Schedule on a loan which qualifies under paragraph 11 or 12 of that Schedule, but less any amount deducted under paragraph 14 of that Schedule (non-dependant deductions);”;

(v) in the definition of “personal allowance for a single claimant aged not less than 25 years”, after “means” there shall be inserted “, in connection with income support and state pension credit,” and for “as the case may be” there shall be substituted “in connection with jobseeker’s allowance the amount specified in”;

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(17) Schedule 8B was inserted by regulation 5 of S.R. 1992 No. 271

(18) Regulation 34B was inserted by regulation 5 of S.R. 1989 No. 398

(19) Paragraph 1 was amended by regulation 6(2)(b) of S.R. 1989 No. 40, regulation 6(7) of S.R. 1991 No. 488, paragraph 3(3) of Schedule 2 to S.R. 1993 No. 149, regulation 2(26)(a) of S.R. 1996 No. 354 and regulation 3(2) of S.R. 2002 No. 132



- (vi) in the definition of “specified benefit”, after “income support” there shall be inserted “, state pension credit”
- (b) in paragraph 3 –
- (i) in sub-paragraph (1) for “or an income-based jobseeker’s allowance, or his partner is in debt for any item of housing costs which continues to be applicable to the beneficiary under regulation 17(1)(e) or 18(1)(f) of the Income Support Regulations or, as the case may be, regulation 83(f) or 84(1)(g) of the Jobseeker’s Allowance Regulations” there shall be substituted
- “, an income-based jobseeker’s allowance or state pension credit, or his partner is in debt for any item of housing costs which continues to be applicable to the beneficiary under –
- (a) regulation 17(1)(e) or 18(1)(f) of the Income Support Regulations;
- (b) regulation 83(f) or 84(1)(g) of the Jobseeker’s Allowance Regulations; or
- (c) regulation 6(6)(c) of the State Pension Credit Regulations,
- as the case may be”,
- (ii) in sub-paragraph (2A)(20),
- (aa) in head (a) after “applicable amount” there shall be inserted “or appropriate minimum guarantee”;
- (bb) after “Jobseeker’s Allowance Regulations” in both places where it occurs, there shall be inserted “or paragraph 5(9) or (12) or paragraph 14 of Schedule 2 to the State Pension Credit Regulations”;
- (iii) in sub-paragraph (4)(a) after “regulation 34ZA” there shall be inserted “or 34ZB”.
- (c) in paragraph 5(7)(21) after “applicable amount” in both places where it occurs there shall be inserted “or the appropriate minimum guarantee”.
- (d) in paragraph 6(5) after “applicable amount” in both places where it occurs there shall be inserted “or the appropriate minimum guarantee”.
- (e) in paragraph 8(3)(22), after “applicable amount” in both places where it occurs there shall be inserted “or the appropriate minimum guarantee”.
- (2) In Schedule 8B (deductions of mortgage interest from benefit and payment to qualifying lenders) –
- (a) in the heading for “Regulation 34ZA” there shall be substituted “Regulations 34ZA and 34ZB”;
- (b) in paragraph 1 (interpretation), in the definition of “relevant benefits”, after paragraph (b) there shall be inserted the following paragraph – “and
- (c) state pension credit which is either paid alone or paid together with any retirement pension either separately or in a combined payment in respect of any period,”.
- (c) in the heading to paragraph 2 (specified circumstances)(23) at the end there shall be added “for the purposes of regulation 34ZA”;

(20) Sub-paragraph (2A) was inserted by regulation 4(2)(c) of S.R. 1992 No. 271 and amended by paragraph 1(3) of Schedule 3 to S.R. 1995 No. 301 and regulation 2(26)(c) of S.R. 1996 No. 354

(21) Paragraph 5(7) was substituted by Article 9(2) of S.R. 1999 No. 472 (C. 36)

(22) Paragraph 8 was amended by regulation 7(10)(b) of S.R. 1990 No. 398, regulation 6(7)(f) of S.R. 1991 No. 488, regulation 2(4) of S.R. 1993 No. 146, regulation 2(8)(c) of S.R. 1996 No. 432, regulation 4(2)(a) of S.R. 1997 No. 165 and Article 9(2) of S.R. 1999 No. 472 (C. 36)

(23) Paragraph 2 was substituted by paragraph 3(2) of Schedule 3 to S.R. 1995 No. 301 and amended by regulation 2(27)(b) of S.R. 1996 No. 354

- (d) in paragraph 2(a) for the words from the beginning to “Allowance Regulations” there shall be substituted –

“the amount to be met under –

- (i) Schedule 3 to the Income Support Regulations, or
- (ii) Schedule 2 to the Jobseeker’s Allowance Regulations, or
- (iii) Schedule 2 to the State Pension Credit Regulations,”;

- (e) after paragraph 2 there shall be inserted the following paragraph –

**“Specified circumstances for the purposes of regulation 34ZB**

**2A.—**(1) The circumstances referred to in regulation 34ZB are that –

- (a) the relevant beneficiary is entitled to a savings credit as construed in accordance with sections 1 and 3 of the 2002 Act and not to a guarantee credit; and
- (b) paragraph 2 applies.

(2) The further circumstances referred to in that regulation are that –

- (a) the relevant beneficiary has requested the Department in writing to make such payments to the qualifying lender; or
- (b) the Department has determined that it would be in the relevant beneficiary’s interests, or in the interests of his family, to make such payments to the qualifying lender.

(3) In making the determination referred to in sub-paragraph (2)(b), the Department shall have regard as to whether or not the relevant beneficiary is in arrears with his payments to the qualifying lender.

(4) For the purposes of sub-paragraph (2)(b), “a family” comprises the relevant beneficiary, his partner, any additional partner to whom section 12(1)(c) of the 2002 Act applies and any person who has not attained the age of 19, is treated as a child for the purposes of section 138 of the Contributions and Benefits Act and lives with the relevant beneficiary or the relevant beneficiary’s partner.”;

- (f) in paragraph 3(24) (specified part of relevant benefit) –

(i) after sub-paragraph (1), there shall be inserted the following sub-paragraph –

“(1A) Subject to the following provisions of this paragraph, the part of state pension credit which, as determined by the Department in accordance with regulation 34ZA shall be or, in accordance with regulation 34ZB may be, paid directly to the qualifying lender, is a sum equal to the amount of mortgage interest to be met under paragraph 7 of Schedule 2 to the State Pension Credit Regulations.”;

(ii) in sub-paragraph (3) –

- (aa) for “or income-based jobseeker’s allowance” there shall be inserted “, of jobseeker’s allowance or a relevant beneficiary’s appropriate minimum guarantee in state pension credit” and for “sub-paragraph (1)” there shall be substituted “sub-paragraph (1) or (1A)”;
- (bb) in head (b), after “as the case may be,” there shall be inserted “paragraph 5(9) or (12) or 14 of Schedule 2 to the State Pension Credit Regulations or”;
- (cc) in the value “A”, after “as the case may be,” there shall be inserted “paragraph 1 of Schedule 2 to the State Pension Credit Regulations or”;

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(24) Paragraph 3 was amended by paragraph 3(3) of S.R. 1995 No. 301, regulation 2(27) of S.R. 1996 No. 354, regulation 4(3)(b) of S.R. 1997 No. 165, Article 9(14) of S.R. 1999 No. 472 (C. 36) and regulation 11(3)(a) of S.R. 2001 No. 78

- (dd) in the value “B”, after “as the case may be” there shall be inserted “paragraph 7 of Schedule 2 to the State Pension Credit Regulations or”;
- (ee) in the value “C”, after “as the case may be,” there shall be inserted “paragraph 5(9) or (12) or 14 of Schedule 2 to the State Pension Credit Regulations or”;
- (iii) in sub-paragraph (4), at the beginning there shall be inserted “Except where the relevant benefit is state pension credit,”;
- (iv) after sub-paragraph (9)(25), there shall be added the following sub-paragraphs –
  - “(10) In sub-paragraph (1) the relevant benefits do not include, in the case of state pension credit but not in a case to which sub-paragraph (11) applies, so much of any additional amount which is applicable in the claimant’s case under Schedule 2 to the State Pension Credit Regulations (housing costs) in respect of a period before the decision awarding state pension credit was made.
  - (11) This sub-paragraph applies where the last day on which either the claimant or his partner was entitled to income support or to an income-based jobseeker’s allowance was no more than 12 weeks before –
    - (a) except where paragraph (b) applies, the first day of entitlement to state pension credit; or
    - (b) 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.”;
- (g) in paragraph 4(1)(a)(26) (more than one loan), after “as the case may be,” there shall be inserted “paragraph 9 of Schedule 2 to the State Pension Credit Regulations or”;
- (h) in paragraphs 5 (time and manner of payments) and 6 (fees payable by qualifying lenders), after “regulation 34ZA” there shall be inserted “or 34ZB”;
- (i) in paragraph 8(4) (election not to be regarded as a qualifying lender), for “Regulation 34ZA shall not” there shall be substituted “Neither regulation 34ZA nor 34ZB shall”;
- (j) in paragraph 9 –
  - (i) for sub-paragraph (2)(27), there shall be substituted the following sub-paragraph –
    - “(2) Subject to sub-paragraph (4), the information referred to in sub-paragraph (1) (a), (b), (c) and (d) shall be provided at the request of the Department when a claim for –
      - (a) income support or income-based jobseeker’s allowance is made and a sum in respect of mortgage interest is to be brought into account in determining the applicable amount; or
      - (b) state pension credit is made and a sum in respect of housing costs is applicable in the claimant’s case in accordance with regulation 6(6)(c) of the State Pension Credit Regulations.”;
    - (ii) in sub-paragraph (3)(a), after “income support” there shall be inserted “, state pension credit”;
- (k) in paragraph 10 (recovery of sums wrongly paid) –
  - (i) in sub-paragraph (1), after “regulation 34ZA” there shall be inserted “or 34ZB”,

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(25) Sub-paragraph (9) was added by regulation 11(3)(b) of [S.R. 2001 No. 78](#)

(26) Sub-paragraph (1)(a) was amended by regulation 2(27)(e) of [S.R. 1996 No. 354](#)

(27) Sub-paragraph (2) was amended by regulation 2(27)(b) of [S.R. 1996 No. 354](#) and regulation 3(a) of [S.R. 1997 No. 435](#)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (ii) in sub-paragraph (2)(a)(**28**), after “Jobseeker’s Allowance Regulations” there shall be inserted “or paragraph 9 of Schedule 2 to the State Pension Credit Regulations”.
- (3) In Schedule 8C(**29**) (deduction from benefit in respect of child support maintenance and payment to persons with care) –
  - (a) in paragraphs 2(1), 3(1), 5(1) and 6(1) after “income support” there shall be inserted “, state pension credit”.
  - (b) in paragraph (8) for “and regulation 103(3) of the Jobseeker’s Allowance Regulations” there shall be substituted “, regulation 103(3) of the Jobseeker’s Allowance Regulations and regulation 15(3) of the State Pension Credit Regulations.”.

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(**28**) Sub-paragraph (2)(a) was amended by regulation 2(27)(g) of [S.R. 1996 No. 354](#) and paragraph 3(5) of Schedule 3 to [S.R. 1995 No. 301](#)

(**29**) Schedule 8C was inserted by regulation 2(3) of [S.R. 2001 No. 22](#)