
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 421

SOCIAL SECURITY

The State Pension Credit (Transitional and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2003

Made - - - - 24th September 2003

Coming into operation 6th October 2003

The Department for Social Development, in exercise of the powers conferred on it by sections 5(1)(h), (hh) and (2A) and 165(1), (4)(a) and (6) of the Social Security Administration (Northern Ireland) Act 1992(1), Articles 11(3) and (6) and 74(1) of the Social Security (Northern Ireland) Order 1998(2), section 115(3) and (4) of the Immigration and Asylum Act 1999(3) and sections 1(5), 2(6), 12(2) and (3), 13(1), 15(1)(e) and (j), 15(2), (4), (6)(b) and (d) and 17(2)(a) of the State Pension Credit Act (Northern Ireland) 2002(4), and now vested in it(5), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the State Pension Credit (Transitional and Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 6th October 2003 immediately after the coming into operation of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003(6);

(2) The Interpretation Act (Northern Ireland) 1954(7) shall apply to these Regulations as it applies to an Act of the Assembly.

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- (1) 1992 c. 8; section 5(l)(hh) was inserted by Article 70 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and amended by paragraph 21 of Schedule 7 to, the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) and section (2A) was inserted by paragraph 3(b) of Schedule 1 to, the State Pension Credit Act (Northern Ireland) 2002 (c. 14)
- (2) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to, the Tax Credits Act 2002 (c. 21)
- (3) 1999 c. 33
- (4) 2002 c. 14
- (5) See Article 8(b) of S.R. 1999 No. 481
- (6) S.R. 2003 No. 191
- (7) 1954 c. 33 (N.I.)

Amendment of the State Pension Credit Regulations

2.—(1) The State Pension Credit Regulations (Northern Ireland) 2003⁽⁸⁾ shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 1(2) (interpretation) at the appropriate place in the alphabetical order there shall be inserted the following definitions –

(a) after the definition of “the 1972 Order” there shall be inserted the following definition –
 ““adoption leave” means a period of absence from work on ordinary or additional adoption leave in accordance with Article 107A or 107B of the Employment Rights (Northern Ireland) Order 1996⁽⁹⁾”;

(b) after the definition of “nursing home” there shall be inserted the following definition –
 ““paternity leave” means a period of absence from work on leave in accordance with Article 112A or 112B of the Employment Rights (Northern Ireland) Order 1996⁽¹⁰⁾”.

(3) In regulation 2 (persons not in Northern Ireland) after paragraph (d) there shall be added the following paragraph –

“(e) a person in Northern Ireland who left the territory of Montserrat after 1st November 1995 because of the effect on that territory of a volcanic eruption.”.

(4) In regulation 3(1) (persons temporarily absent from Northern Ireland) for “person's” there shall be substituted “claimant's”.

(5) In regulation 5 (persons treated as being or not being members of the same household) –

(a) in paragraph (1) –

(i) in sub-paragraph (d) “either the circumstances specified in paragraph (2) or (3) of” shall be omitted;

(ii) for sub-paragraph (f) there shall be substituted the following sub-paragraph –

“(f) he is absent from Northern Ireland –

(i) for more than 8 weeks where he is accompanying a young person solely in connection with arrangements made for the treatment of that person for a disease or bodily or mental disablement, and those arrangements relate to treatment outside Northern Ireland by, or under the supervision of, a person appropriately qualified to carry out the treatment, during the period whilst he is temporarily absent from Northern Ireland, or

(ii) for more than 4 weeks in all other cases.”;

(iii) sub-paragraph (g) shall be omitted.

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

“(3) In paragraph (1)(f) “young person” and “appropriately qualified” shall have the meaning given to them in regulation 3(4).”.

(6) In regulation 10(1) (assessed income period) after sub-paragraph (b) there shall be added the following sub-paragraph –

“(c) that –

⁽⁸⁾ S.R. 2003 No. 28

⁽⁹⁾ S.I.1996/1919 (N.I. 16); Articles 107A and 107B were inserted by Article 3 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

⁽¹⁰⁾ Articles 112A and 112B were inserted by Article 4 of the Employment (Northern Ireland) Order 2002 (S.I. 2002/2836 (N.I. 2))

- (i) the Department has sent the claimant the notification required by regulation 32(6)(a) of the Claims and Payments Regulations, and
 - (ii) the claimant has not provided sufficient information to enable the Department to determine whether there will be any variation in the claimant's retirement provision throughout the period of 12 months beginning with the day following the day on which the previous assessed income period ends."
- (7) In regulation 15(5) (income for the purposes of the Act) –
 - (a) at the end of sub-paragraph (f) for “, and” there shall be substituted “,”;
 - (b) at the end of sub-paragraph (g) there shall be added the following sub-paragraphs –
 - “(h) any income in lieu of that specified in –
 - (i) paragraphs (a) to (i) of section 15(1) of the Act, or
 - (ii) in this regulation;
 - (i) any payment of rent made to a claimant who –
 - (i) owns the freehold or leasehold interest in any property or is a tenant of any property;
 - (ii) occupies part of that property, and
 - (iii) has an agreement with another person allowing that person to occupy that property on payment of rent.”.
- (8) In regulation 17 (calculation of weekly income) –
 - (a) at the beginning of paragraph (10), there shall be inserted “Subject to regulation 17B(6)(11),”; and
 - (b) after paragraph (10), there shall be added the following paragraph –
 - “(11) In the case of the earnings of self-employed earners, the amounts specified in paragraph (10) shall be taken into account in accordance with paragraph (4) or, as the case may be, paragraph (10) of regulation 13 of the Computation of Earnings Regulations, as having effect in the case of state pension credit.”.
- (9) In Schedule 2 (Housing Costs) –
 - (a) in paragraph 2(7) after “maternity leave” there shall be inserted “, paternity leave or adoption leave,”;
 - (b) in paragraph 14(2) –
 - (i) in heads (a) and (b) for “£88·00” there shall be substituted “£92·00”;
 - (ii) in heads (b) and (c) for “£131·00” there shall be substituted “£137·00”;
 - (iii) in heads (c) and (d) for “£170·00” there shall be substituted “£177·00”;
 - (iv) in heads (d) and (e) for “£225·00” there shall be substituted “£235·00”, and
 - (v) in head (e) for “£281·00” there shall be substituted “£293·00”.
- (10) In Schedule 4 (amounts to be disregarded in the calculation of income other than earnings) –
 - (a) in paragraph 1(c) after “widow” there shall be inserted “or widower(12)”;
 - (b) in paragraph 4 after the word “widows” there shall be inserted “or widowers”;
 - (c) in paragraph 5 after the word “widows” there shall be inserted “or widowers”;
 - (d) in paragraph 6(1)(a) after “widow” there shall be inserted “or widower”;

(11) Regulation 17B was inserted by regulation 5 of [S.I. 2003/2175](#)

(12) Such payments were extended to widowers by the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Amendment Order 2002, ([S.I. 2002/792](#))

- (e) in paragraph 6(1)(b) after “widows” there shall be inserted “and widowers”;
- (f) after paragraph 16 there shall be added the following paragraphs –

“17. Any special war widows payment made under –

- (a) the Naval and Marine Pay and Pensions (Special War Widows Payment) Order 1990 made under section 3 of the Naval and Marine Pay and Pensions Act 1865(13);
- (b) the Royal Warrant dated 19th February 1990 amending the Schedule to the Army Pensions Warrant 1977(14);
- (c) the Queen’s Order dated 26th February 1990 made under section 2 of the Air Force (Constitution) Act 1917(15);
- (d) the Home Guard War Widows Special Payments Regulations 1990 made under section 151 of the Reserve Forces Act 1980(16);
- (e) the Orders dated 19th February 1990 amending Orders made on 12th December 1980 concerning the Ulster Defence Regiment made in each case under section 140 of the Reserve Forces Act 1980(17),

and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under the provisions mentioned in sub-paragraphs (a) to (e).

18. Except in the case of income from capital specified in Part II of Schedule 5, any actual income from capital.”.

- (11) In Schedule 5 (income from capital) –

- (a) after paragraph 1 there shall be added the following paragraph –

“1A. The dwelling occupied by the claimant as his home but only one home shall be disregarded under this paragraph.”;

- (b) in paragraph 9A(18) from “for a period” to the end shall be omitted;
- (c) in paragraph 13 –

- (i) in sub-paragraph (1), for “where one of the partners” there shall be substituted “who is”;
- (ii) in sub-paragraph (1)(a), “is” shall be omitted;
- (iii) in sub-paragraph (1)(b), immediately before “was” there shall be inserted “a diagnosed person’s partner or”;
- (iv) in sub-paragraph (1)(c), “is” shall be omitted;
- (v) in sub-paragraph (2), after “Where” there shall be inserted “a trust payment is made to”;
- (vi) in sub-paragraph (2)(a), for “sub-paragraph (1)(a) or (b) applies, it” there shall be substituted “a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph” and for “the partner” there shall be substituted “that person”;
- (vii) in sub-paragraph (2)(b), for “sub-paragraph (1)(c) applies, it” there shall be substituted “a person referred to in sub-paragraph (1)(c), that sub-paragraph”;

(13) 1865 c. 73; Copies of the Order are available from the Ministry of Defence, Veterans Agency, Policy Section, Norcross, Blackpool, FY5 3WP

(14) Army Code No. 13045 published by the Stationery Office

(15) 1917 c. 51; Queen’s regulations for the Royal Air Force are available from the Stationery Office

(16) 1980 c. 9; Copies of the Regulations are available from Ministry of Defence, Veterans Agency, Policy Section, Norcross, Blackpool, FY5 3WP

(17) Army Code No. 60589 published by the Stationery Office

(18) Paragraph 9A was inserted by regulation 23(9)(a) of S.R. 2003 No. 191

- (viii) in sub-paragraph (3), for “where one of the partners” there shall be substituted “who is”;
 - (ix) in sub-paragraph (3)(a), “is” shall be omitted;
 - (x) in sub-paragraph (3)(b), immediately before “was” there shall be inserted “a diagnosed person’s partner or”;
 - (xi) in sub-paragraph (3)(c), “is” shall be omitted;
 - (xii) in sub-paragraph (4), immediately after “Where” there shall be inserted “a payment referred to in sub-paragraph (3) is made to”;
 - (xiii) in sub-paragraph (4)(a), for “sub-paragraph (3)(a) or (b) applies, it” there shall be substituted “a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph” and for “the partner” there shall be substituted “that person”;
 - (xiv) in sub-paragraph (4)(b), for “sub-paragraph (3)(c) applies, it” there shall be substituted “a person referred to in sub-paragraph (3)(c), that sub-paragraph”;
 - (xv) in sub-paragraph (6), for “Creutzfeldt”, in each place where it appears, there shall be substituted “Creutzfeldt”;
- (d) in paragraph 20(1), for head (d) there shall be substituted the following head –
- “(d) by way of any payment made by the Northern Ireland Housing Executive to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation.”;
- (e) in paragraph 20(2) –
- (i) head (g) shall be omitted;
 - (ii) for head (h) there shall be substituted the following head –
 - “(h) an increase of a disablement pension under section 104 of the Contributions and Benefits Act (increase where constant attendance needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement);”;
 - (iii) in head (i) after “severe disablement” there shall be inserted “or need for constant attendance.”;
 - (iv) head (m) shall be omitted;
- (f) for paragraph 20A(19) there shall be substituted the following paragraph –
- “**20A.**—(1) Subject to sub-paragraph (3), any payment of £5,000 or more to which paragraph 20(1)(a), (b) or (c) applies, which has been made to rectify, or to compensate for, an official error relating to a relevant benefit and has been received by the claimant in full on or after the day on which he became entitled to benefit under these Regulations.
- (2) Subject to sub-paragraph (3), the total amount of any payment disregarded under –
- (a) paragraph 7(2) of Schedule 10 to the Income Support Regulations(20);
 - (b) paragraph 12(2) of Schedule 7 to the Jobseeker’s Allowance Regulations(21),
or

(19) Paragraph 20A was inserted by regulation 23(9)(b) of S.R. 2003 No. 191

(20) Paragraph 7(2) was inserted by regulation 2(b) of S.R. 2002 No. 295

(21) Paragraph 12(2) was inserted by regulation 4 of S.R. 2002 No. 295

(c) paragraph 8(2) of Schedule 5 or paragraph 21A of Schedule 5ZA to the Housing Benefit (General) Regulations (Northern Ireland) 1987⁽²²⁾, where the award during which the disregard last applied in respect of the relevant sum either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) shall have effect until the award comes to an end.

(4) In this paragraph –

“the award”, except in sub-paragraph (2), means –

- (a) the award of state pension credit under these Regulations during which the relevant sum or, where it is received in more than one instalment, the first instalment of that sum is received, or
- (b) where that award is followed immediately by one or more further awards which begins immediately after the previous award ends, such further awards until the end of the last award, provided that, for such further awards, the claimant –
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person, or
 - (iii) was the partner of that person at the date of his death;

“official error” –

- (a) where the error relates to housing benefit, has the meaning given by regulation 1(2) of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001⁽²³⁾, and
- (b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999⁽²⁴⁾;

“the relevant date” means the date on which the claimant became entitled to benefit under the Act;

“relevant benefit” means any benefit specified in paragraph 20(2); and

“the relevant sum” means the total payment referred to in sub-paragraph (1) or, as the case may be, the total amount referred to in sub-paragraph (2).”;

(g) paragraph 27 shall be omitted.

(12) In Schedule 6 (sums disregarded from claimant’s earnings) after paragraph 2A⁽²⁵⁾ there shall be inserted the following paragraph –

“**2B.** Where only one member of a couple is in employment specified in paragraph 2(2), so much of the earnings of the other member of the couple as would not, in aggregate with the earnings disregarded under paragraph 2, exceed £20.”.

(22) S.R. 1987 No. 461; paragraph 8(2) was inserted by regulation 3 of S.R. 2002 No. 295, Schedule 5ZA has effect by virtue of paragraph 1(c) of Schedule 2 to, S.R. 2003 No. 197 and paragraph 21A was inserted by regulation 2(14)(c)(xxii) of S.R. 2003 No. 418

(23) S.R. 2001 No. 213

(24) S.R. 1999 No. 162; the definition of “official error” was substituted by paragraph 2(b) of Schedule 4 to, S.R. 2001 No. 176 and amended by regulation 2(2)(a) of S.R. 2002 No. 189

(25) Paragraph 2A was inserted by regulation 23(10)(a) of S.R. 2003 No. 191

Amendment of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations

3. In regulation 34 of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003⁽²⁶⁾ (persons entitled to income support immediately before the appointed day) –

(a) at the beginning of paragraph (7), there shall be inserted “Notwithstanding the provisions of Schedule 2B of the Decisions and Appeals Regulations,”;

(b) after paragraph (7) there shall be inserted the following paragraph –

“(7A) Notwithstanding the provisions of paragraph (7), where the relevant change of circumstances is that the transferee becomes a patient⁽²⁷⁾ again within the same benefit week in which he ceased to be a patient, the superseding decision in respect of becoming a patient again shall take effect from the first day of the benefit week following the benefit week in which the change occurs.”.

Amendment of the Social Security (Claims and Payments) Regulations

4. In regulation 32(6)⁽²⁸⁾ of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987⁽²⁹⁾ (information to be given and changes to be notified) –

(a) at the end of sub-paragraph (a) “and” shall be omitted;

(b) for sub-paragraph (b) there shall be substituted the following sub-paragraphs –

“(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 –

(i) an assessed income period is current in his case;

(ii) the time limit set out in sub-paragraph (c) has not expired, or

(iii) the Department grants, or has granted such longer period as it considers reasonable under sub-paragraph (c) and that period has not expired; and

(c) the information and evidence required under sub-paragraph (a) shall be furnished within one month of the date on which the Department notifies the claimant of the requirement or within such longer period as the Department considers reasonable.”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

5.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999⁽³⁰⁾ shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 6(2) (supersession of decisions) after sub-paragraph (k)⁽³¹⁾ there shall be added the following sub-paragraph –

“(l) is a relevant decision for the purposes of section 6 of the State Pension Credit Act in a case where –

(i) the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations has not been provided in accordance with the time limits set out in regulation 32(6)(c) of those Regulations;

(26) S.R. 2003 No. 191

(27) “Patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 (S.R. 1975 No. 109)

(28) Paragraph (6) was added by regulation 11(b) of S.R. 2003 No. 191

(29) S.R. 1987 No. 465; relevant amending Regulations are S.R. 2003 No. 191

(30) S.R. 1999 No. 162; relevant amending Regulations are S.R. 2003 No. 191

(31) Sub-paragraph (k) was added by regulation 17(a) of S.R. 2003 No. 191

- (ii) the Department was prevented from specifying a new assessed income period under regulation 10(1) of the State Pension Credit Regulations, and
 - (iii) the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations has since been provided.”
- (3) In regulation 7 (date from which a decision superseded under Article 11 takes effect) –
- (a) in paragraph (28)(32) for “A” there shall be substituted “Subject to paragraphs (28A) and (28B), a”;
 - (b) after paragraph (28) there shall be added the following paragraphs –
 - “(28A) A decision to which regulation 6(2)(k) applies, where –
 - (a) the decision is advantageous to the claimant, and
 - (b) the information and evidence required under regulation 32(1) of the Claims and Payments Regulations has not been provided within the period allowed under that regulation,
 shall take effect from the day the information and evidence required under that regulation is provided if that day is the first day of the claimant’s benefit week, but, if it is not, from the next following such day.
 - (28B) A decision to which regulation 6(2)(k) applies, where –
 - (a) the decision is disadvantageous to the claimant, and
 - (b) the information and evidence required under regulation 32(1) of the Claims and Payments Regulations has not been provided within the period allowed under that regulation,
 shall take effect from the day after the period allowed under that regulation expired.
 - (28C) Except where there is a change of circumstances during the period in which the Department was prevented from specifying a new assessed income period under regulation 10(1) of the State Pension Credit Regulations, a decision to which regulation 6(2)(l) applies shall take effect from the day on which the information and evidence required under regulation 32(6)(a) of the Claims and Payments Regulations was provided.”
- (4) In Schedule 2B(33) (date on which change of circumstances takes effect where a claimant is entitled to state pension credit) for paragraph 5 there shall be substituted the following paragraph –
- “5. In a case where the relevant circumstance is that the claimant ceased to be a patient, if he becomes a patient again in the same benefit week, the superseding decision in respect of ceasing to be a patient shall take effect from the first day of the week in which the change occurred.”

Amendment of the Social Security (Immigration and Asylum) Consequential Amendments Regulations

6. In regulation 2 of the Social Security (Immigration and Asylum) Consequential Amendments Regulations (Northern Ireland) 2000(34) (persons not excluded from specified benefits under section 115 of the Act) –
- (a) in paragraph (1) after “Contributions and Benefits Act,” there shall be inserted “or state pension credit under the State Pension Credit Act (Northern Ireland) 2002(35),”.
 - (b) after paragraph (4)(b) there shall be inserted the following sub-paragraph –

(32) Paragraph (28) was added by regulation 18(g) of S.R. 2003 No. 191

(33) Schedule 2B was inserted by regulation 22 of S.R. 2003 No. 191

(34) S.R. 2000 No. 71

(35) 2002 c. 14

“(c) state pension credit under the State Pension Credit Act (Northern Ireland) 2002, a person to whom sub-paragraph (a) would have applied but for the fact that they have attained the qualifying age for the purposes of state pension credit, is a person to whom section 115 of the Act does not apply.”.

(c) after paragraph (6) there shall be added the following paragraphs –

“(7) For the purposes of entitlement to state pension credit under the State Pension Credit Act (Northern Ireland) 2002, a person to whom paragraph (5) would have applied but for the fact that they have attained the qualifying age for the purposes of state pension credit, is a person to whom section 115 of the Act does not apply.

(8) Where paragraph 1 of Part I of the Schedule to these Regulations applies in respect of entitlement to state pension credit, the period for which a claimant’s state pension credit is to be calculated shall be any period, or the aggregate of any periods, not exceeding 42 days during any one period of leave to which paragraph 1 of Part I of the Schedule to these Regulations applies.”.

Sealed with the Official Seal of the Department for Social Development on 24th September 2003.

L.S.

John O'Neill
Senior Officer of the
Department for Social Development

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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”), the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”), the State Pension Credit Regulations (Northern Ireland) 2003 and the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003 in connection with the introduction of state pension credit on 6th October 2003.

Regulation 2 amends the State Pension Credit Regulations (Northern Ireland) 2003. In particular it –

- adds a definition of adoption leave and paternity leave;
- makes provision for persons from Montserrat;
- clarifies the provisions under which a person is treated as being or not being a member of the same household as the claimant;
- clarifies provisions in respect of certain categories of income;
- adds adoption leave and paternity leave to the periods in which a person is treated as not being in remunerative work for the purposes of housing costs;
- uprates the amounts deducted in respect of non-dependants for the purposes of housing costs;
- adds new categories of income disregards for war widowers and in respect of special war widows payments;
- provides that actual income from capital will only be taken into account in certain specified circumstances;
- amends a capital disregard in respect of relevant trust payments to persons suffering from variant Creutzfeldt-Jacob disease so that it also applies to single claimants;
- amends a capital disregard in respect of compensation payments received in respect of certain specified benefits;
- allows couples, where one partner is in a special occupation, to benefit from a £20 disregard;
- makes minor and technical amendments.

Regulation 3 clarifies regulation 34(7) of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003 as an exception to the Decisions and Appeals Regulations.

Regulation 4 amends regulation 32(6) of the Claims and Payments Regulations so as to extend the category of cases to which sub-paragraph (b) applies and inserting sub-paragraph (c).

Regulation 5 amends the Decisions and Appeals Regulations so as to provide a new ground for supersession in relation to state pension credit and new dates on which certain state pension credit decisions take effect.

Regulation 6 amends provisions concerning the circumstances in which certain persons who are subject to immigration control are eligible to be awarded state pension credit.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social

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Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.