
STATUTORY INSTRUMENTS

2003 No. 325

**The Housing Benefit and Council Tax Benefit
(State Pension Credit) Regulations 2003**

PART 5

Consequential and Transitional Provisions

Date on which change of circumstances takes effect

22.—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 68(1) (date on which change of circumstances is to take effect)—

(a) in paragraph (1), for the words “and subject to paragraphs (2) to (8)”, substitute “and subject to the following provisions of this regulation”;

(b) after paragraph (8), add the following paragraphs—

“(9) Paragraph (10) applies if—

(a) the claimant or his partner has attained the age of 65; and

(b) [^{F1}either]—

(i) a non-dependant took up residence in the claimant’s dwelling; or

(ii) the income of a non-dependant increased so that the amount of the deduction which falls to be made under regulation 63 increased.

(10) Where this paragraph applies, the change of circumstances shall take effect from [^{F2}the effective date].

[^{F3}(11) In paragraph (10) but subject to paragraph (12), “the effective date” means—

(a) where more than one change of a kind referred to in paragraph (9)(b) relating to the same non-dependant has occurred since—

(i) the date on which the claimant’s entitlement to housing benefit first began;
or

(ii) the date which was the last effective date in respect of such a change;
whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where sub-paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in paragraph (9)(b) occurred.]

(12) If in any particular case the date determined under [^{F4}paragraph] (11) is not the first day of a benefit week, the [^{F5}effective date] in that case shall be the first day of the next benefit week to commence after the date determined under [^{F6}that paragraph].”.

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

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) After regulation 68A(2), insert—

“Change of circumstances where state pension credit payable

68B.—(1) Paragraphs [F7(2) to (4)] apply where—

- (a) the claimant is also on state pension credit;
- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the claimant’s circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the claimant results in a change in the rate of housing benefit payable to the claimant.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the claimant [F8] results in—

- (a) an increase] in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the increased rate [F9]; or
- (b) a decrease in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week next following the date on which—
 - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
 - (ii) state pension credit is increased,
 whichever is the later.]

(3) Where the change of circumstance is that the claimant’s state pension credit is reduced and in consequence the rate of housing benefit payable to the claimant reduces—

- (a) in a case where the claimant’s state pension credit is reduced because the claimant failed to notify the Secretary of State timeously of the change of circumstances, the change shall take effect from the first day of the benefit week from which state pension credit was reduced; or
- (b) in any other case, the change shall take effect from the first day of the benefit week next following the date [F10] on which—
 - (i) the local authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
 - (ii) state pension credit is reduced,
 whichever is the later.]

(4) Where the change of circumstance is that—

- (a) state pension credit is reduced; and
- (b) in consequence of the change, the rate of housing benefit payable to the claimant is increased,

the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the reduced rate.

(5) Where [F11] a change of circumstances occurs in] that an award of state pension credit has been made to the claimant or his partner and this [F12] would result] in a decrease in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date [F13] on which—

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- (a) the local authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

whichever is the later.]

(6) Where [^{F11}a change of circumstances occurs in] that a guarantee credit has been awarded to the claimant or his partner and this [^{F12}would result] in an increase in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date in respect of which the guarantee credit is first payable.

(7) Where a change of circumstances would, but for this paragraph, take effect under the preceding provisions of this regulation within the 4 week period specified in regulation 62B (continuing payments where state pension credit claimed), that change shall take effect on the first day of the first benefit week to commence after the expiry of the 4 week period.

(8) In paragraph (1) “official error” has the meaning it has in the Decisions and Appeals Regulations by virtue of regulation 1(2) of those Regulations.”

(4) The Council Tax Benefit Regulations shall be amended in accordance with paragraphs (5) and (6).

(5) In regulation 59(3) (date on which change of circumstances takes effect)—

- (a) in paragraph (1), for the words “and subject to paragraphs (2) to (9)”, substitute “and subject to the following provisions of this regulation”;
- (b) after paragraph (9), add the following paragraphs—

“(10) Paragraph (11) applies if—

- (a) the claimant or his partner has attained the age of 65; and
- (b) [^{F14}either]—

- (i) a non-dependant took up residence in the claimant’s dwelling; or
- (ii) the income of a non-dependant increased so that the amount of the deduction which falls to be made under regulation 52 increased.

(11) Where this paragraph applies, the change of circumstances shall take effect from [^{F15}the effective date].

[^{F16}(12) In paragraph (11) but subject to paragraph (13), “the effective date” means—

- (a) where more than one change of a kind referred to in paragraph (10)(b) relating to the same non-dependant has occurred since—
 - (i) the date on which the claimant’s entitlement to council tax benefit first began; or

(ii) the date which was the last effective date in respect of such a change, whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

- (b) where sub-paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in paragraph (10)(b) occurred.]

(13) If in any particular case the date determined under [^{F17}paragraph] (12) is not the first day of a benefit week, the [^{F18}effective date] in that case shall be the first day of the next benefit week to commence after the date determined under [^{F19}that paragraph].”

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(6) After regulation 59A(4), insert—

“Change of circumstances where state pension credit in payment

59B.—(1) Paragraphs [F²⁰(2) to (4)] apply where—

- (a) the claimant is also on state pension credit;
- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the claimant’s circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the claimant results in a change in the rate at which council tax benefit is allowed to him.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the claimant [F²¹ results in—

- (a) an increase] in the rate at which council tax benefit is allowed to him, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the increased rate [F²²; or
- (b) a decrease in the rate at which council tax benefit is payable to him, the change shall take effect from the first day of the benefit week next following the date on which—
 - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
 - (ii) state pension credit is increased,
 whichever is the later.]

(3) Where the change of circumstance is that the claimant’s state pension credit has been reduced and in consequence the rate of council tax benefit allowed to the claimant reduces—

- (a) in a case where the claimant’s state pension credit is reduced because the claimant failed to notify the Secretary of State timeously of the change of circumstances, the change shall take effect from the first day of the benefit week from which state pension credit was reduced; or
- (b) in any other case, the change shall take effect from the first day of the benefit week next following the date [F²³ on which—
 - (i) the local authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
 - (ii) state pension credit is reduced,
 whichever is the later.]

whichever is the later.]

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the rate of council tax benefit allowed to the claimant is increased, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the reduced rate.

(5) Where [F²⁴ a change of circumstances occurs in] that an award of state pension credit has been made to the claimant or his partner and this [F²⁵ would result] in a decrease in the rate of council tax benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date [F²⁶ on which—

- (a) the local authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

(4) Regulation 59A was inserted by S.I. 2000/897.

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whichever is the later.]

(6) Where [^{F24}a change of circumstances occurs in] that a guarantee credit has been awarded to the claimant or his partner and this [^{F25}would result] in an increase in the rate of council tax benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date in respect of which the guarantee credit is first payable.

(7) Where a change of circumstances would, but for this paragraph, take effect under the preceding provisions of this regulation within the 4 week period specified in regulation 53B (continuing payments where state pension credit claimed), that change shall take effect on the first day of the first benefit week to commence after the expiry of the 4 week period.

(8) In paragraph (1), “official error” has the meaning it has in the Decisions and Appeals Regulations by virtue of regulation 1(2) of those Regulations.”

- F1** Word in reg. 22(2)(b) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(a)(i)**
- F2** Words in reg. 22(2)(b) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(a)(ii)**
- F3** Words in reg. 22(2)(b) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(a)(iii)**
- F4** Word in reg. 22(2)(b) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(a)(iv)(aa)**
- F5** Words in reg. 22(2)(b) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(a)(iv)(bb)**
- F6** Words in reg. 22(2)(b) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(a)(iv)(cc)**
- F7** Words in reg. 22(3) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(b)(i)**
- F8** Words in reg. 22(3) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(b)(ii)(aa)**
- F9** Words in reg. 22(3) inserted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(b)(ii)(bb)**
- F10** Words in reg. 22(3) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(b)(iii)**
- F11** Words in reg. 22(3) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(b)(iv)(aa)**
- F12** Words in reg. 22(3) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(b)(iv)(bb)**
- F13** Words in reg. 22(3) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(12)(b)(v)**

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- F14** Word in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(i)**
- F15** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(ii)**
- F16** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iii)**
- F17** Word in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iv)(aa)**
- F18** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iv)(bb)**
- F19** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iv)(cc)**
- F20** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(i)**
- F21** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(ii)(aa)**
- F22** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(ii)(bb)**
- F23** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(iii)**
- F24** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(iv)(aa)**
- F25** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(iv)(bb)**
- F26** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(v)**

Commencement Information

- I1** Reg. 22 in force at 6.10.2003, see **reg. 1(1)(b)**

Time claims are made or treated as made

23. In regulation 72 of the Housing Benefit Regulations and regulation 62 of the Council Tax Benefit Regulations (time and manner in which claims are to be made)—

(a) in paragraph (5) of both regulations—

(i) in sub-paragraph (a), after the words “income support” insert “, state pension credit which comprises a guarantee credit”;

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(ii) after sub-paragraph (aa)(5) insert—

“(aaa) in a case where the claimant or his partner claimed state pension credit and either there was no entitlement to state pension credit or there was entitlement only to a savings credit, the date on which the claim is received at the appropriate DWP office or the designated office whichever is the earlier;”;

(b) in paragraph (5)(bb) of regulation 72 and in paragraph (5)(c) of regulation 62, after the words “income support”, insert “, in receipt of a guarantee credit”;

(c) after paragraph (11) of regulation 72, insert—

“(11A) In the case of a person who has attained, or whose partner has attained, [^{F27}the qualifying age for state pension credit, or who, or whose partner, will attain that age not more than seventeen weeks after the date of his claim], paragraph (11) shall apply as if for the reference to the thirteenth benefit week, there was substituted a reference to the seventeenth benefit week.”;

(d) after paragraph (12) of regulation 62, insert—

“(12A) In the case of a person who has attained, or whose partner has attained, [^{F28}the qualifying age for state pension credit, or who, or whose partner, will attain that age not more than seventeen weeks after the date of his claim], paragraph (12) shall apply as if for the reference to the thirteenth benefit week, there was substituted a reference to the seventeenth benefit week.”.

F27 Words in reg. 23(c) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(13)**

F28 Words in reg. 23(d) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(13)**

Commencement Information

I2 [Reg. 23](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Notification of change of circumstances

24.—(1) In regulation 75 of the Housing Benefit Regulations (duty to notify change of circumstances)—

(a) in paragraph (1), for the words “(2) and (4)”, substitute “(2), (4) to (6)”;

(b) after paragraph (4)(6), add—

“(5) A person on housing benefit who is also on state pension credit must report—

(a) changes to his tenancy, but not changes in the amount of rent payable to a housing authority;

(b) changes affecting the residence or income of any non-dependant normally residing with the claimant or with whom the claimant normally resides;

(c) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(5) Relevant amending Instruments are [S.I. 1996/1510](#) and [2003/48](#).

(6) Inserted by [S.I. 1999/3108](#).

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

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(6) In addition to the changes required to be reported under paragraph (5), a person whose state pension credit comprises only a savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of housing benefit payable in his case, but not changes in the age of the child;
- (b) changes affecting child tax credit ^{F29}... or child benefit;
- (c) any change in the amount of the claimant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (d) any change in the income or capital of—
 - (i) a non-dependant whose income and capital are treated as belonging to the claimant in accordance with regulation 20 (circumstances in which income of a non-dependant is to be treated as claimant's); or
 - (ii) a person to whom regulation 23(4)(d) refers,
 and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the claimant.

(7) A person who is on housing benefit and on state pension credit need only report to the designated office the changes specified in paragraphs (5) and (6).”

(2) In regulation 65 of the Council Tax Benefit Regulations (duty to notify change of circumstances)—

- (a) in paragraph (1), for the words “(2), (4) and (5)”, substitute “(2), (4) to (7)”;
- (b) after paragraph (5)(7), add—

“(6) A person entitled to council tax benefit who is also on state pension credit must report—

- (a) changes affecting the residence or income of any non-dependant normally residing with the claimant or with whom the claimant normally resides;
- (b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.

(7) In addition to the changes required to be reported under paragraph (6), a person whose state pension credit comprises only a savings credit must also report—

- (a) changes affecting a child living with him which may result in a change in the amount of council tax benefit allowed in his case, but not changes in the age of the child;
- (b) changes affecting child tax credit ^{F30}... or child benefit;
- (c) any change in the amount of the claimant's capital to be taken into account which does or may take the amount of his capital to more than £16,000;
- (d) any change in the income or capital of—
 - (i) a non-dependant whose income and capital are treated as belonging to the claimant in accordance with regulation 12 (circumstances in which income of a non-dependant is to be treated as claimant's); or
 - (ii) a person to whom regulation 15(4)(d) refers,
 and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the claimant.

(8) A person who is entitled to council tax benefit and on state pension credit need only report to the designated office the changes specified in paragraphs (6) and (7).”

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F29 Words in [reg. 24\(1\)\(b\)](#) omitted (5.10.2003) by virtue of [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(14)(a)**

F30 Words in [reg. 24\(2\)\(b\)](#) omitted (5.10.2003) by virtue of [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(14)(b)**

Commencement Information

I3 [Reg. 24](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Decisions

25.—(1) In both Part II of Schedule 6 to the Housing Benefit Regulations and Part II of Schedule 6 to the Council Tax Benefit Regulations (awards where income support or an income-based jobseeker’s allowance is payable)—

- (a) in the italicised heading, after the words “income support”, insert “, state pension credit”;
- (b) paragraph 9 shall be renumbered sub-paragraph (1) of paragraph 9;
- (c) in the re-numbered sub-paragraph (1), after the words “income support” insert “, state pension credit”.

(2) After sub-paragraph (1) of paragraph 9 of Schedule 6 to the Housing Benefit Regulations, insert—

“(2) In a case where a person on state pension credit has entitlement only to the savings credit, the following additional matters shall also be set out—

- (a) the applicable amount and the basis of calculation;
- (b) the amount of the savings credit and any child tax credit [^{F31}or child benefit] taken into account;
- (c) the amount of the person’s income and capital as notified to the local authority by the Secretary of State and taken into account for the purposes of the housing benefit assessment;
- (d) any modification of the claimant’s income or capital made in accordance with regulation 23 (calculation of claimant’s income in savings credit only cases);
- (e) the amount of the claimant’s capital if paragraph (7) of regulation 23 applies in his case.”.

(3) After sub-paragraph (1) of paragraph 9 of Schedule 6 to the Council Tax Benefit Regulations, insert—

“(2) In a case where a person on state pension credit has entitlement only to the savings credit, the following additional matters shall also be set out—

- (a) the applicable amount and the basis of calculation;
- (b) the amount of the savings credit and any child tax credit [^{F32}or child benefit] taken into account;
- (c) the amount of the person’s income and capital as notified to the local authority by the Secretary of State and taken into account for the purposes of the council tax benefit assessment;
- (d) any modification of the claimant’s income or capital made in accordance with regulation 15 (calculation of claimant’s income in savings credit only cases);

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(e) the amount of the claimant’s capital if paragraph (7) of regulation 15 applies in his case.”.

F31 Words in [reg. 25\(2\)](#) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(15)(a)**

F32 Words in [reg. 25\(3\)](#) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(15)(b)**

Commencement Information

I4 [Reg. 25](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Amendments relating to recovery of overpaid housing benefit or excess council tax benefit

26.—(1) In regulation 105 of the Housing Benefit Regulations(8) (recovery of overpayments from prescribed benefits), in paragraph (1), at the end, add—

“(f) state pension credit.”.

(2) In regulation 91 of the Council Tax Benefit Regulations(9) (recovery of excess benefit from prescribed benefits), in paragraph (1), at the end, add—

“(d) state pension credit.”.

Commencement Information

I5 [Reg. 26](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Minor amendments

27.—(1) In the provisions listed in paragraph (2), after the words “income support”, wherever they occur in those provisions, insert “, state pension credit”.

(2) Those provisions are—

^{F33}(a)

(b) regulation 93(1)(a)(10) of the Housing Benefit Regulations (circumstances in which payment is to be made to a landlord);

^{F34}(c)

(d) column (1) of the Table set out in paragraph 1(2) of Schedule 2 to the Council Tax Benefit Regulations (second adult dependants).

F33 [Reg. 27\(2\)\(a\)](#) omitted (5.10.2003) by virtue of [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(16)**

F34 [Reg. 27\(2\)\(c\)](#) omitted (5.10.2003) by virtue of [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. 1(1)(a), **2(16)**

(8) Relevant amending Instruments are [S.I. 1988/1971](#) and [1996/1510](#).

(9) Relevant amending Instrument is [S.I. 1996/1510](#).

(10) Relevant amending Instruments are [S.I. 1996/1510](#) and [2432](#).

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

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I6 [Reg. 27](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

28. In regulation 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**11**) (date from which a decision superseding an earlier decision takes effect)—

- (a) in paragraph (2), for the words “in accordance with regulations 68 and 68A of the Housing Benefit Regulations or, as the case may be, regulations 59 and 59A of the Council Tax Benefit Regulations”, substitute “in accordance with regulations 68, 68A or 68B of the Housing Benefit Regulations or, as the case may be, regulations 59, 59A or 59B of the Council Tax Benefit Regulations”;
- (b) in paragraph (3), after “68A”, insert “or 68B” and after “59A”, insert “or 59B”.

Commencement Information

I7 [Reg. 28](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Transitional provision

29. A claim for housing benefit or council tax benefit made after the day this regulation comes into force but before 6th October 2004 by a person who has attained or whose partner has attained the qualifying age for state pension credit shall be treated as made—

- (a) on 6th October 2003; or
- (b) on the day that person or, as the case may be, his partner attained the qualifying age for state pension credit,

whichever is the later, if the local authority is satisfied that, on that day, the claimant satisfied the conditions of entitlement to housing benefit or, as the case may be, council tax benefit.

Commencement Information

I8 [Reg. 29](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Claims made before 6th October 2003

30.—(1) This regulation applies if—

- (a) a claim is made or treated as made for housing benefit or council tax benefit on or after 6th April 2003;
- (b) the claim is made by a person who has attained, or whose partner has attained, the qualifying age for state pension credit or who will attain or whose partner will attain that age on or before 6th October 2003; and
- (c) the person making the claim does not satisfy the conditions for entitlement to housing benefit or, as the case may be, council tax benefit.

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

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) If in the opinion of the local authority determining the claim, the conditions for the benefit claimed will be satisfied on 6th October 2003 unless there is a change in the claimant's circumstances, the authority may—

- (a) treat the claim as if made for a period beginning on 6th October 2003; and
- (b) award benefit accordingly, but subject to the condition that the claimant does in fact satisfy those conditions when benefit becomes payable under the award.

(3) A decision under paragraph (2)(b) to award benefit may be revised under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000(12) if the requirements for entitlement to housing benefit or council tax benefit are found not to have been satisfied on 6th October 2003.

Commencement Information

I9 Reg. 30 in force at 6.4.2003, see **reg. 1(1)(a)**

PROSPECTIVE

Existing claimants

^{F35}**31.**

F35 Reg. 31 omitted (21.5.2003) by virtue of The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1195), regs. 1(a), **10**

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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

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

- Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4(3)(a)
- Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4(3)(b)(iv)
- Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4(3)(b)(i)
- Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4(3)(b)(iii)
- Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4(3)(b)(ii)
- Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4(3)(b)(iii)
- Sch. 2 Second Sch. words substituted by S.I. 2003/2634 reg. 4(4)