Draft Regulations laid before Parliament under section 7(4) of the Age-Related Payments Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

SOCIAL SECURITY

The Age-Related Payments Regulations 2005

Made - - - -	*2005*
Coming into force - -	*1st September 2005*

Whereas a draft of this instrument has been laid before Parliament in accordance with section 7(4) of the Age-Related Payments Act 2004(**1**) and approved by a resolution of each House of Parliament;

Now, therefore, the Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 7 of the Age-Related Payments Act 2004, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(**2**), hereby makes the following Regulations:

PART 1

GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Age-Related Payments Regulations 2005 and shall come into force on 1st September 2005.

(2) In these Regulations—

"guarantee credit" and "savings credit" have the meanings given by section 17 of the State Pension Credit Act 2002(**3**);

"qualifying individual"—

(a) in Part 2 means an individual who—

(i) is ordinarily resident in Great Britain on at least one day in the relevant week;

(**1**) 2004 c.10.

(**2**) *See* section 173(1)(b) of the Social Security Administration Act 1992 (c.5). Section 7(5) of the Age-Related Payments Act 2004 amended section 170(5) of the Social Security Administration Act 1992 to provide for regulations made under section 7 to be subject to prior consultation with the Social Security Advisory Committee.

(**3**) 2002 c.16.

(ii) attains the age of 65 years on or before the last day of the relevant week; and

(iii) is—

(aa) single and not in receipt of guarantee credit; or

(bb) part of a couple of which neither member is in receipt of guarantee credit; and

(b) in Part 3 means an individual who—

(i) is ordinarily resident in Great Britain on at least one day in the relevant week;

(ii) attains the age of 70 years on or before the last day of the relevant week; and

(iii) is—

(aa) single and in receipt of guarantee credit; or

(bb) part of a couple of which either member is in receipt of guarantee credit; and

"the relevant week" means the week beginning with Monday 19th September 2005 and ending with Sunday 25th September 2005.

(3) These Regulations shall apply, with any necessary modifications, to the parties to a polygamous marriage as if they together formed one couple.

PART 2

PAYMENTS TO PERSONS OVER THE AGE OF 65

Entitlement: basic cases

2.—(1) A qualifying individual shall be entitled to a payment of £200 if at any time in the relevant week—

(a) he is single; and

(b) he is not living with another qualifying individual.

(2) A qualifying individual shall be entitled to a payment of £100 if at any time in the relevant week—

(a) he is single; and

(b) he is living with another qualifying individual.

(3) A qualifying individual shall be entitled to a payment of £200 if at any time in the relevant week he is part of a couple and—

(a) the other member of the couple is not in receipt of guarantee credit, income-based jobseeker's allowance or income support; and

(b) either—

(i) the other member of the couple is not a qualifying individual; or

(ii) either member of the couple is in receipt of savings credit.

(4) A qualifying individual shall be entitled to a payment of £100 if at any time in the relevant week he is part of a couple and the other member of the couple is also a qualifying individual.

(5) This regulation is subject to regulation 3.

Entitlement: special cases

3.—(1) Where—

(a) a member of a couple would (but for this paragraph) be entitled to a payment under regulation 2(3)(b)(i) (and not under regulation 2(3)(b)(ii)); and

(b) the couple lives with one or more qualifying individuals who are single,

then the member of the couple shall instead be entitled to a payment of £100.

(2) Where—

(a) two or more couples live together; and

(b) two or more individuals, each of whom is part of one of the couples, would (but for this paragraph) be entitled to a payment under regulation 2(3),

then each of those individuals who would (but for this paragraph) be entitled to a payment under regulation 2(3)(b)(i) (and not under regulation 2(3)(b)(ii)) shall instead be entitled to a payment of £100.

(3) Where each member of a couple would (but for this paragraph) be entitled to a payment under regulation 2(3)(b)(ii)—

(a) the member who is to receive a payment in 2005 under the Social Fund Winter Fuel Payment Regulations 2000(**4**) shall be entitled to a payment under regulation 2(3)(b)(ii); and

(b) the other member shall not be entitled to a payment under regulation 2(3)(b)(ii).

(4) Where—

(a) only one member of a couple is a qualifying individual;

(b) he would (but for this paragraph) be entitled to a payment under regulation 2(3);

(c) the other member of the couple is to receive a payment in 2005 under the Social Fund Winter Fuel Payment Regulations 2000; and

(d) the qualifying individual is not to receive a payment in 2005 under those Regulations,

then—

(i) that other member of the couple shall be entitled to a payment of £200; and

(ii) the qualifying individual shall not be entitled to a payment under regulation 2(3).

(5) Where—

(a) only one member of a couple is a qualifying individual;

(b) he would (but for this paragraph) be entitled to a payment under either of paragraph (1) or (2);

(c) the other member of the couple is to receive a payment in 2005 under the Social Fund Winter Fuel Payment Regulations 2000; and

(d) the qualifying individual is not to receive a payment in 2005 under those Regulations,

then—

(i) that other member of the couple shall be entitled to a payment of £100; and

(ii) the qualifying individual shall not be entitled to a payment under these Regulations.

(**4**) S.I.2000/729.

PART 3

PAYMENTS TO PERSONS IN RECEIPT OF GUARANTEE CREDIT

Entitlement: guarantee credit basic cases

4.—(1) A qualifying individual shall be entitled to a payment of £50 if at any time in the relevant week he is single.

(2) A qualifying individual shall be entitled to a payment of £50 if at any time in the relevant week he is part of a couple and the other member of the couple is not a qualifying individual.

(3) A qualifying individual shall be entitled to a payment of £50 if at any time in the relevant week he is part of a couple and—

(a) the other member of the couple is a qualifying individual; and

(b) he (and not the other member) is in receipt of guarantee credit.

(4) This regulation is subject to regulation 5.

Entitlement: guarantee credit special cases

5.—(1) Where—

(a) only one member of a couple is a qualifying individual;

(b) he would (but for this paragraph) be entitled to a payment under regulation 4(2);

(c) the other member of the couple is to receive a payment in 2005 under the Social Fund Winter Fuel Payment Regulations 2000; and

(d) the qualifying individual is not to receive a payment in 2005 under those Regulations,

then—

(i) that other member of the couple shall be entitled to a payment of £50; and

(ii) the qualifying individual shall not be entitled to a payment under regulation 4(2).

(2) A qualifying individual shall not be entitled to a payment under this Part if—

(a) on the last day of the relevant week he is living in a care home; and

(b) throughout the period of 13 weeks ending with the relevant week his ordinary place of residence was a care home.

(3) Where a person who ceases to be entitled to a payment by virtue of paragraph (2) is part of a couple, in the application of regulation 4(2) and (3) to the other member of the couple, the person who ceases to be entitled under paragraph (2) shall be treated as a non-qualifying individual.

PART 4

DISQUALIFICATIONS, PROCEDURE, ETC.

Disqualifications

6.—(1) A person who would (but for this regulation) be entitled to a payment under any of regulations 2 to 5 shall not be entitled to the payment if—

(a) he is in receipt of free in-patient treatment throughout the period of 52 weeks ending with the relevant week;

(b) he is in custody throughout the relevant week; or