STATUTORY RULES OF NORTHERN IRELAND

2005 No. 383

SOCIAL SECURITY

The Age-Related Payments Regulations (Northern Ireland) 2005

Made - - - -	*10th August 2005*
Coming into operation	*1st September 2005*

The Department for Social Development, in exercise of the powers conferred by Article 9 of the Age-Related Payments (Northern Ireland) Order 2004(**1**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement and interpretation

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

(2) In these Regulations—

"guarantee credit" has the meaning given by section 17 of the State Pension Credit Act (Northern Ireland) 2002(**2**);

"income-based jobseeker's allowance" has the meaning given by Article 3(1) and (4) of the Jobseekers (Northern Ireland) Order 1995(**3**);

"income support" means income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**4**);

"nursing home" has the meaning given by Article 11 of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003(**5**);

(**1**) S.I.2004/1987 (N.I. 11)
(**2**) 2002 c. 14 (N.I.)
(**3**) S.I. 1995/2705 (N.I. 15); Article 3 was amended by paragraph 3(4) of Schedule 7 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))
(**4**) 1992 c. 7. Section 123 was amended by Schedules 2 and 3 to the Jobseekers (Northern Ireland) Order 1995 and paragraph 2 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002
(**5**) S.I. 2003/431 (N.I. 9); Articles 10 and 11 came into operation on 1st April 2005 under the provisions of the Health and Personal Social Services (Quality, Improvement and Regulation)(2003 Order) (Commencement No. 3 & Transitional Provisions) Order (Northern Ireland) 2005 S.R. 2005 No. 44 (C. 4)

"qualifying individual"—

(a) in Part II means an individual who—

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

(ii) has attained 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 III means an individual who—

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

(ii) has attained 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;

"the relevant week" means the week beginning with (and including) Monday 19th September 2005 and ending with Sunday 25th September 2005;

"residential care home" has the meaning given by Article 10 of the Health and Personal Social Services (Quality, Improvement and Regulation)(Northern Ireland) Order 2003; and

"savings credit" has the meaning given by Article 17 of the State Pension Credit Act (Northern Ireland) 2002.

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

PART II

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 (Northern Ireland) 2000(**6**) 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 (Northern Ireland) 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 the 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 (Northern Ireland) 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

(**6**) S.R. 2000 No. 91

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

PART III

PAYMENTS TO PERSONS OVER THE AGE OF 70

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 (Northern Ireland) 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 residential care home or a nursing home; and

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

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—