STATUTORY RULES OF NORTHERN IRELAND

2004 No. 110

SOCIAL SECURITY

The State Pension Credit (Miscellaneous Amendments) Regulations (Northern Ireland) 2004

Made - - - -	*12th March 2004*
Coming into operation	*5th April 2004*

The Department for Social Development, in exercise of the powers conferred by Articles 11(6), 74(1), (3) and (5) of the Social Security (Northern Ireland) Order 1998(**1**), and now vested in it(**2**), and sections 7(4), 15(3), (4), (6)(a) and (b) and 19(1) to (3) of the State Pension Credit Act (Northern Ireland) 2002(**3**), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the State Pension Credit (Miscellaneous Amendments) Regulations (Northern Ireland) 2004 and shall come into operation on 5th April 2004.

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

2. In the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**4**), in regulation 7 (date from which a decision superseded under Article 11 takes effect) –

(a) for paragraphs (17B) and (17C)(**5**) there shall be substituted the following paragraphs –

"(17B) Paragraph (17C) applies where –

(a) a claimant is awarded state pension credit;

(b) the claimant or his partner is aged 65 or over;

(c) his appropriate minimum guarantee (as defined by the State Pension Credit Act) includes housing costs determined in accordance with Schedule 2 to the State Pension Credit Regulations, and

(**1**) S.I. 1998/1506 (N.I. 10); in consequence of transfer of functions made by sections 49 and 50 of the Tax Credits Act 2002 (c. 21), Article 74(1) was amended by paragraph 17(2) of Schedule 4 to that Act
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) 2002 c. 14 (N.I.)
(**4**) S.R. 1999 No. 162; relevant amending Regulations are S.R. 2003 No. 191
(**5**) Paragraphs (17B) and (17C) were inserted by regulation 18(e) of S.R. 2003 No. 191

(d) after the date from which sub-paragraph (c) applies –

(i) a non-dependant (as defined in that Schedule) begins to reside with the claimant, or

(ii) a non-dependant's income increases and this affects the applicable amount of the claimant's housing costs.

(17C) In the circumstances specified in paragraph (17B) a decision made under Article 11 shall take effect –

(a) where there is more than one change of the kind specified in paragraph (17B)(d) in respect of the same non-dependant within the same 26 week period, 26 weeks after the date on which the first such change occurred, and

(b) in any other circumstances, 26 weeks after the date on which a change specified in paragraph (17B)(d) occurred.";

(b) in paragraph (23)(**6**) omit ", (17B)".

Amendment of the State Pension Credit Regulations

3.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**7**) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 10 (assessed income period) –

(a) for paragraph (5) there shall be substituted the following paragraphs –

"(5) The day referred to in this paragraph is –

(a) in a case to which paragraph (5A) applies –

(i) where the first increased payment date is the day on which the benefit week begins, that day;

(ii) where head (i) does not apply, the first day of the next benefit week which begins after that increased payment date;

(b) in a case to which paragraph (5A) does not apply –

(i) where the second increased payment date is the day on which the benefit week begins, that day;

(ii) where head (i) does not apply, the first day of the next benefit week following that increased payment date.

(5A) This paragraph applies where the period which –

(a) begins on the date from which the increase in the assessed amount is to accrue; and

(b) ends on the first increased payment date,

is a period of the same length as the period in respect of which the last payment of the pre-increase assessed amount was made.

(5B) In paragraphs (5) and (5A) –

"increased payment date" means a date on which the increase in the assessed amount referred to in paragraph (4) is paid as part of a periodic payment under the claimant's retirement pension scheme or annuity contract; and

"pre-increase assessed amount" means the assessed amount prior to that increase.".

(**6**) Paragraph (23) was substituted by regulation 18(f) of S.R. 2003 No. 191
(**7**) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 No.191