
STATUTORY INSTRUMENTS

2004 No. 1987 (N.I. 11)

The Age-Related Payments (Northern Ireland) Order 2004

- - - - - 27th July 2004

General

Title and commencement

1.—(1) This Order may be cited as the Age-Related Payments (Northern Ireland) Order 2004.

(2) This Order shall come into operation on the expiration of one week from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

“couple” means a man and a woman who share a household and who are, or who live as, husband and wife;

“the Department” means the Department for Social Development;

“qualifying individual” has the meaning given by Article 3;

“the relevant week” has the meaning given by Article 3;

“single”, in relation to an individual, means not part of a couple;

“state pension credit” has the meaning given by section 1(1) of the State Pension Credit Act (Northern Ireland) 2002 (c. 14); and

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) The provisions of this Order shall apply, with any necessary modifications, to the parties to a polygamous marriage as if they together formed one couple.

Payments for 2004

“Qualifying individual” and “relevant week”

3.—(1) In this Order “qualifying individual” means an individual who—

- (a) is ordinarily resident in Northern Ireland on at least one day in the relevant week, and
- (b) attains the age of 70 years on or before the last day of the relevant week.

(2) In this Order “the relevant week” means the week beginning with (and including) Monday 20th September 2004 and ending with Sunday 26th September 2004.

Entitlement: basic cases

4.—(1) 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) either—
 - (i) he is not living with another qualifying individual, or
 - (ii) he is in receipt of state pension credit.

(2) A qualifying individual shall be entitled to a payment of £50 if at any time in the relevant week—

- (a) he is single,
- (b) he is not in receipt of state pension credit, and
- (c) he is living with another qualifying individual.

(3) 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—

- (a) the other member of the couple is not a qualifying individual, or
- (b) either member of the couple is in receipt of—
 - (i) state pension credit,
 - (ii) an income-based jobseeker's allowance, or
 - (iii) income support.

(4) 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) neither member of the couple is in receipt of state pension credit.

(5) In this Article—

“income-based jobseeker's allowance” has the meaning given by Article 3(1) and (4) of the Jobseekers (Northern Ireland) Order 1995 (NI 15); and

“income support” means income support under section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7).

(6) This Article is subject to Article 5.

Entitlement: special cases

5.—(1) 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 Article 4(3)(a) (and not under Article 4(3)(b)),

then each of those individuals shall instead be entitled to a payment of £50.

(2) Where each member of a couple would (but for this paragraph) be entitled to a payment under Article 4(3)(b)—

- (a) the member who is to receive a payment in 2004 under the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000 (S.R. 2000 No. 91) shall be entitled to the payment under Article 4(3)(b), and
 - (b) the other member shall not be entitled to a payment under Article 4(3)(b).
- (3) 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 Article 4(3),
 - (c) the other member of the couple is to receive a payment in 2004 under the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000, and
 - (d) the qualifying individual is not to receive a payment in 2004 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 Article 4(3).
- (4) Paragraph (5) applies to a qualifying individual 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.
- (5) Where this paragraph applies to a qualifying individual—
- (a) if he is not in receipt of state pension credit at any time in the relevant week, he shall be entitled to a payment of £50 (and he shall not be entitled to a payment under Article 4), and
 - (b) if at any time in the relevant week he is in receipt of state pension credit, he shall not be entitled to a payment under Article 4 or this Article.
- (6) Where a person to whom paragraph (5) applies is part of a couple, in the application of Article 4(3) and (4) to the other member of the couple the person to whom paragraph (5) applies shall be treated as a non-qualifying individual.
- (7) In this Article—
- “nursing home” has the meaning given by Article 16 of the Registered Homes (Northern Ireland) Order 1992 (NI 20); and
- “residential care home” has the meaning given by Article 3 of that Order but shall include an establishment as set out in paragraph (2)(f) of that Article.

Disqualifications

- 6.—**(1) A qualifying individual who would (but for this Article) be entitled to a payment under Article 4 or 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
 - (c) he is subject to immigration control throughout the relevant week.
- (2) For the purposes of paragraph (1)—
- (a) the reference to receipt of free in-patient treatment shall be construed in accordance with regulation 2(2) and (2A) of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975 (S.R. 1975 No. 109),
 - (b) a person is in custody if he is detained in custody under a sentence imposed by a court, and