

## SCHEDULES

### SCHEDULE 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

#### AMENDMENTS OF CONTRIBUTIONS AND BENEFITS ACT

##### *Introductory*

1. The Contributions and Benefits Act is amended as follows.

##### *Income support*

2. In section 123(1) (entitlement to income support)—
  - (a) after paragraph (a) (claimant must be 16 or over) insert—
    - “(aa) he has not attained the qualifying age for state pension credit;”;
  - (b) after paragraph (f) (claimant must not be entitled to jobseeker’s allowance etc.) add “; and
  - (g) if he is a member of a married or unmarried couple, the other member of the couple is not entitled to state pension credit.”.

##### *Effect of attaining qualifying age for state pension credit*

3. After section 132 (income and capital) insert—

##### **“Effect of attaining qualifying age for state pension credit**

**132A.**—(1) Subsections (2) and (3) below apply in relation to housing benefit in the case of any person who has attained the qualifying age for state pension credit.

(2) Regulations may make provision for section 130(1) above or any provision of section 132 above not to have effect in relation to that benefit in the case of any such person.

(3) In relation to that benefit, regulations may make provision for the determination of the income and capital of any such person, and any such

regulations may include provision applying (with such modifications as the Department thinks fit)—

- (a) section 5 of the State Pension Credit Act (Northern Ireland) 2002 (provision for treating income of spouse as income of claimant, etc.); and
  - (b) section 15 of that Act (determination of income and capital for purposes of state pension credit).
- (4) Regulations under subsection (3) above may also include provision—
- (a) authorising or requiring the use of any calculation or estimate of a person’s income or capital made by the Department for the purposes of the State Pension Credit Act (Northern Ireland) 2002; or
  - (b) requiring that, if and so long as an assessed income period is in force under section 6 of that Act in respect of a person falling within subsection (1) above,—
    - (i) the assessed amount of any element of his retirement provision shall be treated as the amount of that element for the purposes of housing benefit; and
    - (ii) his income shall be taken for those purposes not to include any element of retirement provision which it is taken not to include for the purposes of state pension credit by virtue of a determination under subsection (5) of that section.
- (5) In subsection (4) above “assessed amount”, “element” and “retirement provision” have the same meaning as in the State Pension Credit Act (Northern Ireland) 2002.
- (6) The Department may by regulations make provision for the provisions of this section to apply with modifications in cases to which section 12 of the State Pension Credit Act (Northern Ireland) 2002 (polygamous marriages) applies.”.

*Interpretation of Part VII and supplementary provisions*

4. In section 133, in subsection (1), insert the following definitions at the appropriate places—

““pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 2 to the Pensions (Northern Ireland) Order 1995;

“the qualifying age for state pension credit” is (in accordance with section 1(2) (b) and (6) of the State Pension Credit Act (Northern Ireland) 2002)—

- (a) in the case of a woman, pensionable age; or

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*Status: This is the original version (as it was originally enacted).*

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- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002;”.

*Entitlement of pensioners to Christmas bonus*

5. In section 144—

- (a) in subsection (2) (conditions for entitlement in case of couples), in paragraph (c)(ii) (condition that person be in receipt of income support only) for “income support” substitute “state pension credit”;
- (b) after that subsection insert—
- “(2A) In a case falling within paragraph (c)(ii) of subsection (2) above, paragraph (a) of that subsection has effect with the substitution of “qualifying age for state pension credit” for “pensionable age”.”;
- (c) omit subsection (4) (persons receiving income support only entitled to bonus if attaining pensionable age by end of relevant week).

*Entitlement to Christmas bonus: supplementary*

6. In section 145, in subsection (2) (circumstances in which a person is treated as entitled to qualifying benefit)—

- (a) in paragraph (a), for “other than income support” substitute “other than state pension credit”;
- (b) in paragraph (b), for “income support”, in both places where it occurs, substitute “state pension credit”.

*Interpretation of provisions relating to Christmas bonus*

7. In section 146—

- (a) in subsection (1) (definition of “qualifying benefit”) in paragraph (k) for “income support” substitute “state pension credit”;
- (b) in subsection (2) (interpretation of Part X) insert the following definitions at the appropriate places—

““the qualifying age for state pension credit” is (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act (Northern Ireland) 2002)—

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

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“state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002;”.