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SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

PART III

AMENDMENTS OF OTHER STATUTORY PROVISIONS

The Children (Northern Ireland) Order 1995

23. In Article 24 of the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#) (recoupment of cost of providing services, etc.) after paragraph (3) (no charge for certain services if receiving certain benefits) insert—

“(3A) No person shall be liable to pay any charge under paragraph (1) for a service provided under Article 19(3) or (6) at any time when—

- (a) he is in receipt of guarantee state pension credit under section 1(3) (a) of the State Pension Credit Act (Northern Ireland) 2002; or
- (b) he is a member of a married or unmarried couple (within the meaning of that Act) the other member of which is in receipt of guarantee state pension credit.”.

The Jobseekers (Northern Ireland) Order 1995

24. The [Jobseekers \(Northern Ireland\) Order 1995 \(NI 15\)](#) is amended as follows.

25. In Article 5(1) (the income-based conditions)—

- (a) in sub-paragraph (b) (claimant must not be entitled to income support), after “income support” insert “or state pension credit”;
- (b) after sub-paragraph (d) insert—

“(dd) is not a member of a married or unmarried couple the other member of which is entitled to state pension credit;”.

26. In Article 5A(1) (conditions for claims by joint-claim couples), after sub-paragraph (c) insert—

“(cc) that neither member of the couple is entitled to state pension credit;”.

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The Road Traffic (Northern Ireland) Order 1995

27. In Article 25(2) of the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#) (payments in respect of applicants for exemption from wearing seat belts) after subparagraph (b) insert—

- “(bb) those in receipt of guarantee state pension credit (under section 1(3) (a) of the State Pension Credit Act (Northern Ireland) 2002) and those persons who (within the meaning of that Act) are members of a married or unmarried couple the other member of which is in receipt of guarantee state pension credit;”.

The Pensions (Northern Ireland) Order 1995

28. In Schedule 2 to the [Pensions \(Northern Ireland\) Order 1995 \(NI 22\)](#) (equalisation of pensionable ages for men and women), in paragraph 1 (statutory provisions to which the rules for determining pensionable age apply) for “and the Pension Schemes Act” substitute “, the Pension Schemes Act and the State Pension Credit Act (Northern Ireland) 2002”.

The Deregulation and Contracting Out (Northern Ireland) Order 1996

29. In Article 17 of the [Deregulation and Contracting Out \(Northern Ireland\) Order 1996 \(NI 11\)](#) (social security: amendments following certain orders) at the end of paragraph (2) add “the State Pension Credit Act 2002”.

The 1998 Order

30. In Article 34(3) of the 1998 Order (determination of housing benefit claims and reviews) for “or to income support” substitute “, income support or state pension credit”.

The Immigration and Asylum Act 1999

31. In section 123(9)(d) of the Immigration and Asylum Act 1999 ([c. 33](#)) (back-dating of benefits where person recorded as refugee)—

- (a) after “a benefit under the Social Security Contributions and Benefits (Northern Ireland) Act 1992” insert “or state pension credit”;
- (b) for “or the Social Security Administration (Northern Ireland) Act 1992” substitute “, the Social Security Administration (Northern Ireland) Act 1992 or the State Pension Credit Act (Northern Ireland) 2002”.

The Social Security Fraud Act (Northern Ireland) 2001

32. The Social Security Fraud Act (Northern Ireland) 2001 ([c. 17](#)) is amended as follows.

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- 33.** In section 6 (loss of benefit for commission of benefit offences)—
- (a) after subsection (4) (cases where sanctionable benefit is jobseeker’s allowance) insert—
- “(4A) The Department may by regulations provide that, where the sanctionable benefit is state pension credit, the benefit shall be payable in the offender’s case for any period comprised in the disqualification period as if the rate of the benefit were reduced in such manner as may be prescribed.”;
- (b) in subsection (8) (interpretation)—
- (i) in the definition of “disqualifying benefit”, after paragraph (a) insert—
- “(aa) any benefit under the State Pension Credit Act (Northern Ireland) 2002 or the State Pension Credit Act 2002;”;
- (ii) in the definition of “sanctionable benefit”, after paragraph (a) insert—
- “(aa) any benefit under the State Pension Credit Act (Northern Ireland) 2002;”.
- 34.** In section 8 (effect of offence on benefits for members of offender’s family) —
- (a) in subsection (1) (benefits to which section applies) after paragraph (b) insert—
- “(bb) state pension credit;”;
- (b) after subsection (4) (reduction of jobseeker’s allowance) insert—
- “(4A) In relation to cases in which the benefit is state pension credit, the provision that may be made by virtue of subsection (2) is provision that, in the case of the offender’s family member, the benefit shall be payable for the whole or any part of any period comprised in the relevant period as if the rate of the benefit were reduced in such manner as may be prescribed.”.
- 35.** In section 9(3) (power to supplement and mitigate loss of benefit provisions), after paragraph (b) insert—
- “(bb) any benefit under the State Pension Credit Act (Northern Ireland) 2002 or the State Pension Credit Act 2002;”.
- 36.** In section 10(3) (loss of benefit regulations), in paragraph (c)—
- (a) after “section 6(4)” insert “, (4A)”;
- (b) after “or 8(4)” insert “, (4A)”.
- 37.** In section 12 (interpretation) after the definition of “sanctionable benefit” insert—

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