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STATUTORY INSTRUMENTS

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**2004 No. 1987**

**The Age-Related Payments (Northern Ireland) Order 2004**

*Payments for 2004*

**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.

**Changes to legislation:**

There are currently no known outstanding effects for the The Age-Related Payments (Northern Ireland) Order 2004, Section 5.