
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 191

The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations (Northern Ireland) 2003

PART V

MISCELLANEOUS AMENDMENTS

Amendment of Income Support (General) Regulations

24.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(1) shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 42 (notional income), in paragraph (2C)(2) for “claimant” there shall be substituted “person”.

(3) In regulation 53(1ZA)(a)(3) (calculation of tariff income from capital), “is aged 60 or over or” shall be omitted.

(4) In Schedule 1B(4) (prescribed categories of persons), paragraph 17 (persons aged 60 or over) shall be omitted.

(5) In Schedule 2 (applicable amounts) –

(a) for paragraph 9(5) (pensioner premium for persons under 75) there shall be substituted the following paragraph –

“**9.** The condition is that the claimant has a partner aged not less than 60 but less than 75.”;

(b) for paragraph 9A(6) (pensioner premium for persons 75 and over), there shall be substituted –

“**9A.** The condition is that the claimant has a partner aged not less than 75 but less than 80.”;

(c) in paragraph 10(7) (higher pensioner premium) –

(i) for sub-paragraphs (1) and (2) there shall be substituted the following sub-paragraph –

“(1) The condition is that –

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- (1) S.R. 1987 No. 459; relevant amending regulations are S.R. 1988 No. 146, S.R. 1989 Nos. 139, S.R. 1992 Nos. 6 and 147, S.R. 1994 No. 327, S.R. 1995 Nos. 67, 86 and 367, S.R. 1996 No. 199, S.R. 1997 No. 435, S.R. 1998 No. 342, S.R. 2000 Nos. 366 and 367 and S.R. 2002 No. 99
- (2) Paragraph (2C) was inserted by regulation 2(4)(b) of S.R. 1995 No. 367
- (3) Paragraph (1ZA) was inserted by regulation 2(1)(c)(ii) of S.R. 2000 No. 366
- (4) Schedule 1B was inserted by regulation 22 and Schedule 1 to, S.R. 1996 No. 199
- (5) Paragraph 9 was substituted by regulation 5(a) of S.R. 1989 No. 139
- (6) Paragraph 9A was inserted by regulation 5(a) of S.R. 1989 No. 139
- (7) Paragraph 10 was amended by regulation 30(a) of S.R. 1988 No. 146, regulation 10 of S.R. 1992 No. 147 and regulation 8(3) (a) of S.R. 1998 No. 324

- (a) the claimant's partner is aged not less than 80, or
- (b) the claimant's partner is aged less than 80 but not less than 60 and either –
 - (i) the additional condition specified in paragraph 12(1)(a) or (c) is satisfied, or
 - (ii) the claimant was entitled to, or was treated as being in receipt of, income support and –
 - (aa) the disability premium was or, as the case may be, would have been, applicable to him in respect of a benefit week within eight weeks of his partner's 60th birthday, and
 - (bb) he has, subject to sub-paragraph (3), remained continuously entitled to income support since his partner attained the age of 60.”;
- (ii) in sub-paragraph (3)(b), for “sub-paragraphs (1)(b)(ii) and (2)(b)(ii) are” there shall be substituted “sub-paragraph (1)(b)(ii) is” and after “includes his” there shall be inserted “partner's”;
- (d) in paragraph 11 (disability premium) –
 - (i) in sub-paragraph (a), “he is aged less than 60 and” shall be omitted.
 - (ii) in sub-paragraph (b) for head (i), there shall be substituted the following head –
 - “(i) the claimant satisfies the additional condition specified in paragraph 12(1) (a), (b) or (c), or”;
- (e) in paragraph 12(8) (additional condition for the higher pensioner and disability premiums), in sub-paragraph (1) for head (c) there shall be substituted the following heads –
 - “(c) the claimant's partner was in receipt of long-term incapacity benefit under Part II of the Contributions and Benefits Act when entitlement to that benefit ceased on account of the payment of a retirement pension under that Act and –
 - (i) the claimant has since remained continuously entitled to income support;
 - (ii) the higher pensioner premium or disability premium has been applicable to the claimant, and
 - (iii) the partner is still alive;
 - (d) except where paragraph (1)(a), (b), (c)(ii) or (d)(ii) of Schedule 7 (patients) applies, the claimant or, as the case may be, his partner was in receipt of attendance allowance or disability living allowance –
 - (i) but payment of that benefit has been suspended under the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(9) or otherwise abated as a consequence of the claimant or his partner becoming a patient within the meaning of regulation 21(3), and
 - (ii) a higher pensioner premium or disability premium has been applicable to the claimant.”;
- (f) in paragraph 13A(10) (enhanced disability premium), in sub-paragraph (1) for head (b) and the words which follow that head, there shall be substituted the following head –
 - “(b) a member of the claimant's family who is aged less than 60.” ;

(8) Paragraph 12(1)(c) was amended by regulation 10(4)(b)(ii) of S.R. 1992 No. 6, regulation 2(9)(a)(ii) of S.R. 1994 No. 327, regulation 2(12)(a)(i) of S.R. 1995 No. 67 and regulation 2(9) of S.R. 1995 No. 86

(9) S.R. 1975 No. 109

(10) Paragraph 13A was inserted by regulation 2(c)(ii) of S.R. 2000 No. 367

- (g) in paragraph 15(11) (premiums) –
 - (i) in column (1) –
 - (aa) for sub-paragraph (2) there shall be substituted the following sub-paragraph –
 - “(2) Pensioner premium for persons to whom paragraph 9 applies.”;
 - (bb) for sub-paragraph (2A)(12) there shall be substituted the following sub-paragraph –
 - “(2A) Pensioner premium for persons to whom paragraph 9A applies.”;
 - (cc) for sub-paragraph (3), there shall be substituted the following sub-paragraph –
 - “(3) Higher pensioner premium for persons to whom paragraph 10 applies.”;
 - (ii) in column (2) –
 - (aa) in sub-paragraphs (2), (2A) and (3) the entries relating to head (a) shall in each case be omitted, and
 - (bb) in sub-paragraphs (2), (2A) and (3) for “(b) £65·15” in each case there shall be substituted “£65·15”.
- (6) In Schedule 3 (housing costs) –
- (a) in paragraph 6(1B)(13), after “jobseeker’s allowance” there shall be inserted “or state pension credit”;
 - (b) in paragraph 8(1B)(14), after “jobseeker’s allowance” there shall be inserted “or state pension credit”;
 - (c) in paragraph 9(1), for head (a) there shall be substituted the following head –
 - “(a) the claimant’s partner has attained the qualifying age for state pension credit.”;
 - (d) in paragraph 14, after sub-paragraph (13) there shall be added the following sub-paragraph –
 - “(14) For the purpose of determining whether the linking rules set out in this paragraph apply in a case where a claimant’s former partner was entitled to state pension credit, any reference to income support in this Schedule shall be taken to include also a reference to state pension credit.”;
 - (e) in paragraph 18(1), for heads (a) and (b) there shall be substituted the following heads –
 - “(a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work but is not in receipt of state pension credit, £47.75;
 - (b) in respect of a non-dependant who is engaged in remunerative work and in receipt of state pension credit, £7.40;
 - (c) in respect of a non-dependant aged 18 or over to whom neither head (a) nor head (b) applies, £7.40.”.
- (7) In Schedule 8 (sums to be disregarded in the calculation of earnings) –
- (a) paragraph 1(a)(i) shall be omitted;
 - (b) after paragraph 1 there shall be inserted the following paragraph –

(11) Relevant amending regulations are Schedule 3 to [S.R. 2002 No. 99](#)

(12) Sub-paragraph (2A) was substituted by regulation 5(c) of [S.R. 1989 No. 139](#)

(13) Sub-paragraph 1B was inserted by regulation 2(4) of [S.R. 1997 No. 435](#)

(14) Sub-paragraph 1B was inserted by regulation 2(6) of [S.R. 1997 No. 435](#)

“1A. If the claimant’s partner has been engaged in remunerative work as an employed earner or, had the employment been in Northern Ireland, would have been so engaged, any earnings paid or due to be paid on termination of that employment by way of retirement but only if the partner has attained the qualifying age for state pension credit on retirement.”;

(c) in paragraph 4 –

(i) in sub-paragraph (3), head (b) shall be omitted;

(ii) in sub-paragraph (4) –

(aa) for head (b) there shall be substituted the following head –

“(b) the claimant’s partner has attained the qualifying age for state pension credit.”;

(bb) in head (c) “he or, as the case may be, he or” and “or (3)” shall be omitted;

(iii) in sub-paragraph (7) –

(aa) in head (a), for sub-head (i), there shall be substituted the following sub-head –

“(i) on or after the date on which the claimant’s partner attained the qualifying age for state pension credit during which the partner was not engaged in part-time employment or the claimant was not entitled to income support, or”;

(bb) in head (b), for “the claimant or, as the case may be, his partner attained the age of 60” there shall be substituted “the claimant’s partner attains the qualifying age for state pension credit.”;

(cc) in head (c), for “the claimant or, if he is a member of a couple, he or his partner attained the age of 60” there shall be substituted “the claimant’s partner, if he is a member of a couple, attained the qualifying age for state pension credit.”.

Amendment of Regulations relating to the social fund

25.—(1) The Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987⁽¹⁵⁾ shall be amended in accordance with paragraph (2).

(2) In both regulation 4(1)(a) and regulation 6(1)(a), after “income support”, there shall be inserted “, state pension credit”.

(3) The Social Fund (Cold Weather Payments) (General) Regulations (Northern Ireland) 1988⁽¹⁶⁾ shall be amended in accordance with paragraphs (4) to (6).

(4) Regulation 1A shall be renumbered paragraph (1) of that regulation.

(5) In the renumbered paragraph (1) –

(a) after “income support,” there shall be inserted “, state pension credit”;

(b) after paragraph (aa), there shall be inserted the following paragraph –

“(ab) the person is entitled to state pension credit and is not resident in a residential care home or nursing home”.

(6) After the renumbered paragraph (1), there shall be inserted the following paragraph –

⁽¹⁵⁾ S.R. 1987 No. 150

⁽¹⁶⁾ S.R. 1988 No. 368

“(2) In paragraph (1)(ab), the terms “residential care home” and “nursing home” have the meaning they have for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 by virtue of Articles 10 and 11 respectively of that Order.”.

(7) In the Social Fund (Recovery by Deductions from Benefits) Regulations (Northern Ireland) 1988(17), in regulation 2, after paragraph (a), there shall be inserted the following paragraph –

“(aa) state pension credit under the State Pension Credit Act (Northern Ireland) 2002(18);”.

Amendment of the Social Security (Payments on account, Overpayments and Recovery) Regulations

26.—(1) The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(19) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation) –

- (a) in the definition of “benefit”(20) for “jobseeker’s allowance and”, there shall be substituted “jobseeker’s allowance, state pension credit and”; and
- (b) after the definition of “severe disablement allowance” there shall be added the following definitions –

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

“the State Pension Credit Regulations” means the State Pension Credit Regulations (Northern Ireland) 2003.”.

(3) In regulation 7(1)(21) (duplication and prescribed income) –

- (a) for “income support and”, there shall be substituted “income support, state pension credit and”;
- (b) in sub-paragraph (a), after “Jobseeker’s Allowance Regulations” there shall be inserted “or Part III of the State Pension Credit Regulations”.

(4) In regulation 16 (limitation on deductions from prescribed benefits) –

- (a) in paragraph 4A(22), after sub-paragraph (c) there shall be added the following sub-paragraph –

“(d) state pension credit.”;

- (b) in paragraph (6)(23), after sub-paragraph (b) there shall be inserted the following sub-paragraph – “or

(c) in the calculation of the income of a person to whom state pension credit is payable, the amount of earnings or other income falling to be taken into account is reduced in accordance with paragraph 1 of Schedule 4 (amounts to be disregarded in the calculation of income other than earnings) or Schedule 6 (sums disregarded from claimant’s earnings) to the State Pension Credit Regulations,”;

(17) S.R. 1988 No. 21

(18) 2002 c. 14

(19) S.R. 1988 No. 142; relevant amending regulations are S.R. 1988 No. 369, S.R. 1992 No. 6, S.R. 1993 No. 175, S.R. 1995 No. 150 and S.R. 1996 Nos. 289, 464 and 622, S.R. 1999 No. 472 (C. 36) and S.R. 2000 No. 266

(20) The definition of “benefit” was amended by regulation 4(2) of S.R. 1988 No. 369, regulation 21(2)(b) of S.R. 1995 No. 150 and regulation 15(2)(a) of S.R. 1996 No. 289

(21) Regulation 7(1) was amended by regulation 2(5)(a) of S.R. 1993 No. 175 and regulation 15(4) of S.R. 1996 No. 289

(22) Paragraph 4A was inserted by regulation 3(4)(b) of S.R. 1996 No. 464

(23) Paragraph (6) was substituted by regulation 15(6)(b) of S.R. 1996 No. 289

(c) in paragraph (8)(24) –

(i) for the definition of “personal allowance for a single claimant aged not less than 25” there shall be substituted the following definition –

““personal allowance for a single claimant aged not less than 25” means –

- (a) in the case of a person who is entitled to income support or state pension credit, the amount for the time being specified in column (2) of paragraph 1(1)(e) of Schedule 2 to the Income Support Regulations, or
- (b) in the case of a person who is entitled to income-based jobseeker’s allowance, the amount for the time being specified in column (2) of paragraph 1(1)(e) of Schedule 1 to the Jobseeker’s Allowance Regulations;”;

(ii) in the definition of “specified benefit” after “income support”, there shall be inserted “, state pension credit”.

(5) In the provisions listed in paragraph (6), after “income support” in each place where it occurs there shall be inserted “, state pension credit”.

(6) The provisions referred to in paragraph (5) are –

- (a) regulation 5(3)(25) (offsetting prior payment against subsequent award);
- (b) regulation 8(2)(26) (duplication and prescribed payments);
- (c) regulation 13(b)(27) (sums to be deducted in calculating recoverable amounts);
- (d) regulation 14(1)(28) (quarterly diminution of capital);
- (e) regulation 15(2)(d)(29) (recovery by deduction from prescribed benefits), and
- (f) regulation 17(30) (recovery from couples).

Amendment of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations

27.—(1) The Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations (Northern Ireland) 1992(31) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation), after the definition of “relevant person” there shall be added the following definition –

““state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002(32).”.

(3) In regulation 10A(1)(a)(33) (reimbursement of a repayment of overpaid child maintenance) and regulation 10B(34) (repayment of a reimbursement of a voluntary payment), after “income support” there shall be inserted “, state pension credit”.

(24) Paragraph (8) was amended by regulation 21(4) of S.R. 1995 No. 150, regulation 15(6)(c) of S.R. 1996 No. 289, regulation 16(3) of S.R. 1996 No. 622 and regulation 2(b)(i) of S.R. 2000 No. 266

(25) Paragraph (3) was amended by regulation 15(3) of S.R. 1996 No. 289

(26) Regulation 8(2) was amended by regulation 15(3) of S.R. 1996 No. 289 and Article 11(5) of S.R. 1999 No. 472 (C.36)

(27) Regulation 13(b) was amended by regulation 15(3) of S.R. 1996 No. 289

(28) Regulation 14(1) was amended by regulation 15(5) of S.R. 1996 No. 289 and regulation 14(5) of S.R. 1992 No. 6

(29) Regulation 15(2)(d) was amended by regulation 3(3) of S.R. 1996 No. 464

(30) Regulation 17 was amended by regulation 15(5) of S.R. 1996 No. 289 and regulation 14(8) of S.R. 1992 No. 6

(31) S.R. 1992 No. 342; relevant amending regulations are S.R. 1995 No. 475, S.R. 1996 No. 289 and S.R. 2001 No. 15

(32) 2002 c. 14 (N.I.)

(33) Regulation 10A was inserted by regulation 5(3) of S.R. 1995 No. 475 and amended by regulation 22 of S.R. 1996 No. 289 and regulation 2(11) of S.R. 2001 No. 15

(34) Regulation 10B was inserted by regulation 2(12) of S.R. 2001 No. 15

Amendment of the Social Security (Attendance Allowance) Regulations

28. In regulation 8(6)(a) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(**35**) (exemption from regulations 6 and 7) after “income support”, in both places where it occurs, there shall be inserted “, state pension credit”.

Amendment of the Social Security (Disability Living Allowance) Regulations

29. In regulation 10(8)(a) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**36**) (exemption from regulations 8 and 9), after “income support” in both places where it occurs there shall be inserted “, state pension credit”.

Amendment of the Social Security (Back to Work Bonus) (No. 2) Regulations

30. In regulation 17 of the Social Security (Back to Work Bonus) (No.2) Regulations (Northern Ireland) 1996(**37**) (persons attaining pensionable age) –

- (a) in paragraph (4) and (6), for “income support”, in each place where it occurs, there shall be substituted “state pension credit”;
- (b) at the end, there shall be added the following paragraph –

“(8) In this regulation, “state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002.”.

Amendment of the Social Security (Child Maintenance Bonus) Regulations

31. In regulation 8 of the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(**38**) (retirement) –

- (a) in paragraph (2), for “income support”, in both places where it occurs, there shall be substituted “state pension credit”; and
- (b) after paragraph (2), there shall be inserted the following paragraph –

“(2A) In paragraph (2), “state pension credit” means state pension credit under the State Pension Credit Act (Northern Ireland) 2002.”.

Amendment of the Jobseeker’s Allowance Regulations

32. In Schedule 2 to the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(**39**) (housing costs) –

- (a) in paragraph 6(3)(**40**), after “income support” there shall be inserted “or state pension credit”;
- (b) in paragraph 13(**41**), after sub-paragraph (15), there shall be added the following sub-paragraph –

“(16) For the purpose of determining whether the linking rules set out in this paragraph apply in a case where a claimant’s former partner was entitled to state pension

(35) [S.R. 1992 No. 20](#); regulation 8(6) was added by regulation 5(4)(b) of [S.R. 1993 No. 149](#)

(36) [S.R. 1992 No. 32](#); regulation 10(8) was added by regulation 4(3)(b) of [S.R. 1993 No. 149](#) and amended by regulation 18 of [S.R. 1996 No. 289](#)

(37) [S.R. 1996 No. 519](#)

(38) [S.R. 1996 No. 622](#); regulation 8 is revoked, subject to transitional provisions, by regulation 4(1)(a) of [S.R. 2001 No. 25](#), as substituted by regulation 2 of [S.R. 2003 No. 57](#)

(39) [S.R. 1996 No. 198](#); relevant amending regulations are [S.R. 1997 No. 3](#), [S.R. 1997 No. 435](#) and [S.R. 2001 No. 78](#)

(40) Paragraph 6(3) was added by regulation 5(4) of [S.R. 1997 No. 435](#)

(41) In paragraph 13, sub-paragraphs 13, 14 and 15 were added by regulation 12(b)(iii) of [S.R. 2001 No. 78](#)

credit, any reference to income-based jobseeker's allowance in this Schedule shall be taken to include also a reference to state pension credit.”;

(c) in paragraph 17(1)(42), for heads (a) and (b), there shall be substituted the following heads

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- “(a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work but is not in receipt of state pension credit, £47.75;
- (b) in respect of a non-dependant who is engaged in remunerative work and in receipt of state pension credit, £7.40;
- (c) in respect of a non-dependant aged 18 or over to whom neither head (a) nor head (b) applies, £7.40.”.

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations

33.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(43) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation), after the definition of “self-employed earner” there shall be inserted the following definition –

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

(3) In regulation 4(2) (flat rate), after sub-paragraph (b) there shall be added – “and (c) state pension credit.”.

(4) In regulation 5(1) (nil rate), after sub-paragraph (g) there shall be inserted the following sub-paragraph –

“(gg) a patient in hospital who is in receipt of state pension credit and in respect of whom paragraph 2(1) of Schedule 3 to the State Pension Credit Regulations (Northern Ireland) 2003(44) (patient for at least 13 but not exceeding 52 weeks) applies;”.

(42) Paragraph 17(1) was substituted by regulation 3(a) of S.R. 1997 No. 3

(43) S.R. 2001 No. 18, to which there are amendments not relevant to these regulations

(44) S.R. 2003 No. 28