
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 191

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

PART III

AMENDMENTS TO THE DECISIONS AND APPEALS REGULATIONS

Change of circumstances

22. After Schedule 2A(1) there shall be inserted the following Schedule –

“SCHEDULE 2B

Regulation 7(1)(a)

**Date on which change of circumstances takes effect
where a claimant is entitled to state pension credit**

1. Where the amount of state pension credit payable under an award is changed by a superseding decision made on the ground that there has been a relevant change of circumstances, that superseding decision shall take effect –

- (a) for the purpose only of determining the day on which an assessed income period begins under section 9 of the State Pension Credit Act, from the day following the day on which the last previous assessed income period ended; and
- (b) except as provided in the following paragraphs, from the day on which that change occurs or is expected to occur if either of those days is the first day of the benefit week but if it is not from the next following such day.

2. Subject to paragraph 3, where the relevant change is that the claimant’s income (other than deemed income from capital) has changed, the superseding decision shall take effect from the first day of the benefit week in which that change occurs or if that is not practicable in the circumstances of the case, from the first day of the next following benefit week.

3. Paragraph 2 shall not apply where the only relevant change is that working tax credit under the Tax Credits Act 2002(2) becomes payable or becomes payable at a higher rate.

4. A superseding decision shall take effect from the day on which the change of circumstances occurs or is expected to occur if –

- (a) the person becomes or ceases to be a prisoner, and for this purpose “prisoner” has the same meaning as in regulation 1(2) of the State Pension Credit Regulations; or
- (b) whilst entitled to state pension credit a claimant is awarded another relevant benefit and in consequence of that award his benefit week changes or is expected to change.

(1) Schedule 2A was inserted by Schedule 1 to S.R. 2000 No. 215
(2) 2002 c. 21

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

5. In a case where the relevant change of circumstances is that the claimant ceased for one or more days to be a patient, the superseding decision shall take effect from the first day of the benefit week in which the change occurred.

6. In paragraph 5, “patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(3).”.