



Age-Related Payments Act 2004

2004 CHAPTER 10

Payments for 2004

1 “Qualifying individual” and “relevant week”

- (1) In this Act “qualifying individual” means an individual who—
 - (a) is ordinarily resident in Great Britain on at least one day in the relevant week, and
 - (b) attains the age of 70 years on or before the last day of the relevant week.
- (2) In this Act “the relevant week” means the week beginning with Monday 20th September 2004 and ending with Sunday 26th September 2004.

2 Entitlement: basic cases

- (1) A qualifying individual shall be entitled to a payment of £100 if at any time in the relevant week—
 - (a) he is single, and
 - (b) either—
 - (i) he is not living with another qualifying individual, or
 - (ii) he is in receipt of state pension credit.
- (2) A qualifying individual shall be entitled to a payment of £50 if at any time in the relevant week—
 - (a) he is single,
 - (b) he is not in receipt of state pension credit, and
 - (c) he is living with another qualifying individual.
- (3) A qualifying individual shall be entitled to a payment of £100 if at any time in the relevant week he is part of a couple and—
 - (a) the other member of the couple is not a qualifying individual, or
 - (b) either member of the couple is in receipt of—
 - (i) state pension credit,

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- (ii) an income-based jobseeker's allowance, or
 - (iii) income support.
- (4) A qualifying individual shall be entitled to a payment of £50 if at any time in the relevant week he is part of a couple and—
- (a) the other member of the couple is a qualifying individual, and
 - (b) neither member of the couple is in receipt of state pension credit.
- (5) This section is subject to section 3.

3 Entitlement: special cases

- (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 subsection) be entitled to a payment under section 2(3)(a) (and not under section 2(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 subsection) be entitled to a payment under section 2(3)(b)—
- (a) the member who is to receive a payment in 2004 under the Social Fund Winter Fuel Payment Regulations 2000 (S.I. 2000/729) shall be entitled to the payment under section 2(3)(b), and
 - (b) the other member shall not be entitled to a payment under section 2(3)(b).
- (3) Where—
- (a) only one member of a couple is a qualifying individual,
 - (b) he would (but for this subsection) be entitled to a payment under section 2(3),
 - (c) the other member of the couple is to receive a payment in 2004 under the Social Fund Winter Fuel Payment Regulations 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 section 2(3).
- (4) Subsection (5) applies to a qualifying individual if—
- (a) on the last day of the relevant week he is living in a care home, and
 - (b) throughout the period of 13 weeks ending with the relevant week his ordinary place of residence was a care home.
- (5) Where this subsection 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 section 2), 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 section 2 or this section.

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- (6) Where a person to whom subsection (5) applies is part of a couple, in the application of section 2(3) and (4) to the other member of the couple the person to whom subsection (5) applies shall be treated as a non-qualifying individual.

4 Disqualifications

- (1) A qualifying individual who would (but for this section) be entitled to a payment under section 2 or 3 shall not be entitled to the payment if—
- (a) he is in receipt of free in-patient treatment throughout the period of 52 weeks ending with the relevant week,
 - (b) he is in custody throughout the relevant week, or
 - (c) he is subject to immigration control throughout the relevant week.
- (2) For the purposes of subsection (1)—
- (a) the reference to receipt of free in-patient treatment shall be construed in accordance with regulation 2(2) and (2A) of the Social Security (Hospital In-Patients) Regulations 1975 (S.I. 1975/555),
 - (b) a person is in custody if he is detained in custody under a sentence imposed by a court, and
 - (c) the reference to being subject to immigration control shall be construed in accordance with section 115(9) of the Immigration and Asylum Act 1999 (c. 33).
- (3) Where a person to whom this section applies is part of a couple, in the application of section 2(3) and (4) to the other member of the couple the person to whom this section applies shall be treated as a non-qualifying individual.

5 Procedure

- (1) Where before 31st December 2004 the Secretary of State thinks that a person is entitled to a payment under section 2 or 3, the Secretary of State shall make the payment before that date (without a claim being required).
- (2) A person who is entitled to a payment under section 2 or 3 and who does not receive it before 31st December 2004, may claim the payment.
- (3) A claim under subsection (2) must—
- (a) be in writing to the Secretary of State,
 - (b) be received by the Secretary of State before 31st March 2005, and
 - (c) specify—
 - (i) the claimant's name, address, date of birth and national insurance number (if he has one), and
 - (ii) the date on which the claim is sent to the Secretary of State, and
 - (d) include a declaration that the claimant was ordinarily resident in Great Britain on at least one day in the relevant week.
- (4) If the Secretary of State thinks that a person making a claim under subsection (2) is entitled to a payment under section 2 or 3, the Secretary of State shall make the payment.
- (5) The provisions of Chapter II of Part I of the Social Security Act 1998 (c. 14) (revision, appeal, &c.) shall apply to a decision of the Secretary of State about a person's

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entitlement to a payment under section 2 or 3 (whether or not following a claim) as they apply to a decision of the Secretary of State under section 8 of that Act.

6 Payment to be disregarded for tax and social security

No account shall be taken of entitlement to a payment under section 2 or 3 in considering a person's—

- (a) liability to tax,
- (b) entitlement to benefit under an enactment relating to social security (irrespective of the name or nature of the benefit), or
- (c) entitlement to a tax credit.

Modifications etc. (not altering text)

C1 [S. 6](#) applied (28.11.2013) by [The Age-Related Payments Regulations 2013 \(S.I. 2013/2980\)](#), regs. 1(1), 5

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