
STATUTORY INSTRUMENTS

2003 No. 325

**The Housing Benefit and Council Tax Benefit
(State Pension Credit) Regulations 2003**

PART 3

Council Tax Benefit

Continuing payments

20. After regulation 53A(1), insert—

“Continuing payments where state pension credit claimed

53B.—(1) This regulation applies where—

- (a) the claimant is entitled to council tax benefit;
- (b) paragraph (2) is satisfied; and
- (c) either—
 - (i) the claimant has attained the qualifying age for state pension credit or, if his entitlement to income-based jobseeker’s allowance continued beyond that age, has attained the age of 65; or
 - (ii) the claimant’s partner has actually claimed state pension credit.

(2) This regulation is only satisfied if the Secretary of State has certified to the relevant authority that the claimant’s partner has actually claimed state pension credit or that—

- (a) the claimant’s award of—
 - (i) income support has terminated because the claimant has attained the qualifying age for state pension credit; or
 - (ii) income-based jobseeker’s allowance has terminated because the claimant has attained the qualifying age for state pension credit or the age of 65; and
- (b) the claimant has claimed or is treated as having claimed or is required to make a claim for state pension credit.

(3) In a case to which this regulation applies, council tax benefit shall continue to be paid for the period of 4 weeks beginning on the day following the day the claimant’s entitlement to income support or, as the case may be, income-based jobseeker’s allowance, ceased, if and for so long as the claimant otherwise satisfies the conditions for entitlement to council tax benefit.

(4) Throughout the period of 4 weeks specified in paragraph (3)—

- (a) the whole of the income and capital of the claimant shall be disregarded;

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (b) the appropriate maximum council tax benefit of the claimant shall be that which was applicable in his case immediately before that period commenced.
- (5) The appropriate maximum council tax benefit shall be calculated in accordance with regulation 51(1) if, since the date it was [^{F1}last calculated—
 - (a) the claimant’s council tax liability has increased; or
 - (b) a change in the deduction under regulation 52 falls to be made.”]

F1 Words in [reg. 20](#) substituted (5.10.2003) by [The Housing Benefit and Council Tax Benefit \(State Pension Credit and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2275\)](#), regs. [1\(1\)\(a\)](#), [2\(11\)](#)

Commencement Information

I1 [Reg. 20](#) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- [reg. 2-27](#) revoked by [S.I. 2006/217 Sch. 1](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4\(3\)\(a\)](#)
- [Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iv\)](#)
- [Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(i\)](#)
- [Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iii\)](#)
- [Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(ii\)](#)
- [Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iii\)](#)
- [Sch. 2 Second Sch. words substituted by S.I. 2003/2634 reg. 4\(4\)](#)