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## STATUTORY INSTRUMENTS

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### 2003 No. 325

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

### PART 5

#### Consequential and Transitional Provisions

##### Time claims are made or treated as made

**23.** In regulation 72 of the Housing Benefit Regulations and regulation 62 of the Council Tax Benefit Regulations (time and manner in which claims are to be made)—

- (a) in paragraph (5) of both regulations—
  - (i) in sub-paragraph (a), after the words “income support” insert “, state pension credit which comprises a guarantee credit”;
  - (ii) after sub-paragraph (aa)(1) insert—

“(aaa) in a case where the claimant or his partner claimed state pension credit and either there was no entitlement to state pension credit or there was entitlement only to a savings credit, the date on which the claim is received at the appropriate DWP office or the designated office whichever is the earlier;”;
- (b) in paragraph (5)(bb) of regulation 72 and in paragraph (5)(c) of regulation 62, after the words “income support”, insert “, in receipt of a guarantee credit”;
- (c) after paragraph (11) of regulation 72, insert—

“(11A) In the case of a person who has attained, or whose partner has attained, [<sup>F1</sup>the qualifying age for state pension credit, or who, or whose partner, will attain that age not more than seventeen weeks after the date of his claim], paragraph (11) shall apply as if for the reference to the thirteenth benefit week, there was substituted a reference to the seventeenth benefit week.”;
- (d) after paragraph (12) of regulation 62, insert—

“(12A) In the case of a person who has attained, or whose partner has attained, [<sup>F2</sup>the qualifying age for state pension credit, or who, or whose partner, will attain that age not more than seventeen weeks after the date of his claim], paragraph (12) shall apply as if for the reference to the thirteenth benefit week, there was substituted a reference to the seventeenth benefit week.”.

<p><b>F1</b> Words in <a href="#">reg. 23(c)</a> substituted (5.10.2003) by <a href="#">The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275)</a>, <a href="#">regs. 1(1)(a), 2(13)</a></p>
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**Changes to legislation:** There are outstanding changes not yet made by the 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](#)

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- F2** Words in [reg. 23\(d\)](#) 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\(13\)](#)

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**Commencement Information**

- I1** [Reg. 23](#) 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\(4\)](#)