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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 2

#### Housing Benefit

#### Interpretation

3.—(1) In regulation 2 (interpretation), in paragraph (1)—

(a) for the definition of “assessment period”, substitute—

““assessment period” means the period determined—

(a) in relation to the earnings of a self-employed earner, in accordance with regulation 32 for the purpose of calculating the weekly earnings of the claimant; or

(b) in relation to any other income, in accordance with regulation 28 for the purpose of calculating the weekly income of the claimant;”;

(b) for the definition of “the benefit Acts”, substitute—

““the benefit Acts” means the Contributions and Benefits Act, the Jobseekers Act 1995<sup>(1)</sup> and the State Pension Credit Act;”;

(c) after the definition of “benefit week”, insert—

““board and lodging accommodation” means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

“care home” has the meaning it has for the purposes of the Care Standards Act 2000<sup>(2)</sup> by virtue of section 3 of that Act and in Scotland means a care home service;

“care home service” has the meaning assigned to it by section 2(3) of the Regulation of Care (Scotland) Act 2001<sup>(3)</sup>;”;

[<sup>F1</sup>(cc) after the definition of “disability living allowance”, insert—

““dwelling occupied as the home” means the dwelling, together with any garage, garden and outbuildings, normally occupied by the claimant as his home, including any premises not so occupied which it is impracticable or unreasonable to sell

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(1) 1995 c. 18.

(2) 2000 c. 14.

(3) 2001 asp 8.

**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

separately, in particular, in Scotland, any croft land on which the dwelling is situated;”];

(d) after the definition of “gateway office”(4), insert—

““guarantee credit” is to be construed in accordance with sections 1 and 2 of the State Pension Credit Act;”;

(e) after the definition of “person on income support”, insert—

““person on state pension credit” means a person in receipt of state pension credit;”;

(f) after the definition of “retirement annuity contract” insert—

““savings credit” shall be construed in accordance with sections 1 and 3 of the State Pension Credit Act;”;

(g) after the definition of “self-employment route” insert—

““the State Pension Credit Act” means the State Pension Credit Act 2002;”.

(2) In that regulation, after paragraph (4A)(5), insert—

“(4B) In these Regulations references to any person in receipt of a guarantee credit, a savings credit or state pension credit includes a reference to a person who would be in receipt thereof but for regulation 13 of the State Pension Credit Regulations 2002(6) (small amounts of state pension credit).”.

#### Textual Amendments

**F1** Reg. 3(1)(cc) inserted (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(2)

#### Commencement Information

**I1** Reg. 3 in force at 6.10.2003, see reg. 1(1)(b)

(4) Relevant amending Instrument is S.I. 1999/1539.

(5) Inserted by S.I. 1996/1944.

(6) S.I. 2002/1792.

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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\(4\)](#)