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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**

**Claims made before 6th October 2003**

**30.**—(1) This regulation applies if—

- (a) a claim is made or treated as made for housing benefit or council tax benefit on or after 6th April 2003;
- (b) the claim is made by a person who has attained, or whose partner has attained, the qualifying age for state pension credit or who will attain or whose partner will attain that age on or before 6th October 2003; and
- (c) the person making the claim does not satisfy the conditions for entitlement to housing benefit or, as the case may be, council tax benefit.

(2) If in the opinion of the local authority determining the claim, the conditions for the benefit claimed will be satisfied on 6th October 2003 unless there is a change in the claimant's circumstances, the authority may—

- (a) treat the claim as if made for a period beginning on 6th October 2003; and
- (b) award benefit accordingly, but subject to the condition that the claimant does in fact satisfy those conditions when benefit becomes payable under the award.

(3) A decision under paragraph (2)(b) to award benefit may be revised under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000<sup>(1)</sup> if the requirements for entitlement to housing benefit or council tax benefit are found not to have been satisfied on 6th October 2003.