STATUTORY INSTRUMENTS

2003 No. 325

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

PART 5

Consequential and Transitional Provisions

Existing claimants

31.—(1) In the case of an existing claimant who, on 6th October 2003, has been a patient for more than 6 weeks but not more than 13 weeks—

(a) regulation 16(2) of the Housing Benefit Regulations, as inserted by regulation 6(1) of these Regulations, shall have effect as if for the reference to "13 weeks" there were substituted a reference to "6 weeks";

(b) regulation 8(2) of the Council Tax Benefit Regulations, as inserted by regulation 15(1) of these Regulations, shall have effect as if for the reference to "13 weeks" there were substituted a reference to "6 weeks".

(2) In this regulation—

(a) "an existing claimant" is a person who—

(i) immediately before 6th October 2003, is entitled to housing benefit or, as the case may be, council tax benefit; and

(ii) attains or has attained the qualifying age for state pension credit on or before 6th October 2003;

(b) "patient" means a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975(**1**);

(c) for the purposes of calculating the period of 6 weeks referred to in paragraph (1), where a person has been maintained free of charge while undergoing medical or other treatment as an in-patient in a hospital or similar institution within the meaning of that paragraph for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been so maintained for a period equal in duration to the total of those distinct periods.

(**1**) S.I. 1975/555; *see* regulation 2(2) and (2A). The relevant amending Instruments are S.I. 1992/2595 and 1999/1326.