
STATUTORY INSTRUMENTS

2004 No. 290

The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2004

Amendment of the Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003

2.—(1) The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003⁽¹⁾ shall be amended in accordance with the following paragraphs.

(2) In regulation 8 (housing benefit – income and capital), after paragraph (7) of substituted regulation 36 (notional income) add—

“(8) In the case of a claimant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where a relevant authority treats the claimant as possessing any benefit (other than housing benefit) at the altered rate in accordance with paragraph (7), that authority shall—

- (a) determine the income and capital of that claimant in accordance with regulation 23(1) (calculation of claimant’s income in savings credit only cases) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that claimant as possessing such income and capital at the altered rate by reference to the period referred to in paragraph (7)(a) or (b), as the case may be.”.

(3) In regulation 17 (council tax benefit – income and capital), after paragraph (7) of substituted regulation 28 (notional income) add—

“(8) In the case of a claimant who has, or whose partner has, an award of state pension credit comprising only the savings credit, where a relevant authority treats the claimant as possessing any benefit (other than council tax benefit) at the altered rate in accordance with paragraph (7), that authority shall—

- (a) determine the income and capital of that claimant in accordance with regulation 15(1) (calculation of claimant’s income in savings credit only cases) where the calculation or estimate of that income and capital is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter; and
- (b) treat that claimant as possessing such income and capital at the altered rate by reference to the date selected by the relevant authority to apply in its area, for the purposes of establishing the period referred to in paragraph (7).”.

⁽¹⁾ S.I.2003/325. The relevant amending instrument is S.I. 2003/2275.