

2005 No. 3205

SOCIAL SECURITY

The State Pension Credit (Amendment) Regulations 2005

Made - - - - *16th November 2005*

Laid before Parliament *22nd November 2005*

Coming into force - - *18th December 2005*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a) and sections 7(4), 16(2) and 17(1) of the State Pension Credit Act 2002(b).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it(c).

Citation and commencement

1. These Regulations may be cited as the State Pension Credit (Amendment) Regulations 2005 and shall come into force on 18th December 2005.

Amendment of the State Pension Credit Regulations 2002

2.—(1) The State Pension Credit Regulations 2002(d) shall be amended in accordance with the following paragraphs.

(2) In regulation 10 (assessed income period)—

(a) for paragraph (2)(a), substitute—

“(a) except where sub-paragraph (b) applies, the arrangements under which the assessed amount is paid contain no provision for periodic increases in the amount payable; or”;

(b) in paragraph (5B)(e), in the definition of “increased payment date”, omit the words “under the claimant’s retirement pension scheme or annuity contract”.

(3) At the end of regulation 16 (retirement pension income), add—

“(n) any payment made under the Financial Assistance Scheme Regulations 2005(f).”.

(a) 1992 c.4. Section 175(1) was amended by section 2 of, and paragraph 29 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2). Section 175(1) and (3) is applied to provisions of the State Pension Credit Act 2002 (c.16) by section 19(1) of that Act.

(b) 2002 c.16. Section 17(1) is cited for the meaning ascribed to the words “prescribed” and “regulations”.

(c) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c.5); paragraph 20 of Schedule 2 to the State Pension Credit Act 2002 added that Act to the list of “relevant enactments” in respect of which regulations must normally be referred to the Committee.

(d) S.I. 2002/1792.

(e) Paragraph (5B) was substituted by regulation 3 of S.I. 2004/647.

(f) S.I. 2005/1986.

Signed by authority of the Secretary of State for Work and Pensions.

16th November 2005

Stephen C. Timms
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the State Pension Credit Regulations 2002 (S.I. 2002/1792).

Regulation 2(2)(a) amends regulation 10(2)(a) removing the references to the claimant's retirement pension scheme or annuity contract. The effect of this is that where the arrangements under which the assessed amount is paid contain no provision for periodic increases in the amount payable, the claimant's assessed amount is deemed not to change during their assessed income period.

Regulation 2(2)(b) amends regulation 10(5B) removing the same references from the definition of "increased payment date".

Regulation 2(3) amends regulation 16 adding financial assistance scheme payments to the descriptions of income listed as retirement pension income in section 16(1) of the State Pension Credit Act 2002.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities and voluntary bodies.

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