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STATUTORY INSTRUMENTS

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**2008 No. 2424**

**SOCIAL SECURITY**

**The Social Security (Miscellaneous  
Amendments) (No.4) Regulations 2008**

*Made* - - - - *10th September 2008*  
*Laid before Parliament* *15th September 2008*  
*Coming into force* - - *6th October 2008*

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(a), 6(1)(a), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(1), section 175(4) of the Social Security Contributions and Benefits Act 1992(2) and sections 1(5), 17 and 19 of the State Pension Credit Act 2002(3).

In accordance with sections 172(1) and 176(1) of the Social Security Administration Act 1992, the Secretary of State has referred these Regulations to the Social Security Advisory Committee and has consulted with organisations appearing to him to be representatives of the authorities concerned.

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 4) Regulations 2008 and shall come into force on 6th October 2008.

**Amendment of the Social Security (Claims and Payments) Regulations 1987**

- 2.—(1) The Social Security (Claims and Payments) Regulations 1987(4) are amended as follows.
- (2) After regulation 19(3)(h) (time for claiming benefit)(5) add—
- “(i) state pension credit.”
- (3) Paragraph 12 of Schedule 4(6) (prescribed time for claiming state pension credit) is omitted.

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(1) 1992 c. 5. Section 189(1) was amended by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 109(a) and Schedule 8, by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 57(1) and (2) and by the Tax Credits Act 2002 (c. 21), Schedule 6. Section 191 is cited for the meaning ascribed to the word “prescribe”.

(2) 1992 c. 4. Section 175 is applied to the provisions of the State Pension Credit Act 2002 (c. 16) by virtue of section 19 of that Act.

(3) 2002 c. 16. Section 17(1) is an interpretation provision which defines “regulations”.

(4) S.I. 1987/1968.

(5) Regulation 19 was substituted by S.I. 1997/793.

(6) Schedule 4, paragraph 12 was inserted by S.I. 2004/1821.

### **Amendment of the State Pension Credit Regulations 2002**

- 3.—(1) The State Pension Credit Regulations 2002(7) shall be amended as follows.  
(2) For regulation 3 (persons temporarily absent from Great Britain) substitute—

#### **“Persons temporarily absent from Great Britain**

3. A claimant’s entitlement to state pension credit during periods of temporary absence from Great Britain is to continue for up to 13 weeks if—

- (a) the period of the claimant’s absence from Great Britain is unlikely to exceed 52 weeks; and
- (b) while absent from Great Britain the claimant continues to satisfy the other conditions of entitlement to state pension credit.”.

- (3) After regulation 3 insert—

#### **“Persons temporarily absent from Great Britain on 6th October 2008**

3A. Where a claimant—

- (a) is already temporarily absent from Great Britain on 6th October 2008;
- (b) had a continuing entitlement to state pension credit immediately before that day; and
- (c) while absent from Great Britain, continues to satisfy the other conditions of entitlement to state pension credit,

the claimant’s entitlement to state pension credit is to continue during that period of absence from Great Britain for up to 13 weeks.”.

- (4) In regulation 5 (persons treated as being or not being members of the same household)—

(a) for paragraph (1)(f) substitute—

“(f) he is absent from Great Britain for more than 13 weeks;”;

(b) omit paragraph (3).

- (5) In paragraph 1(8) of Schedule III (special groups: polygamous marriages) after “regulations” omit “3”.

### **Amendment of the Housing Benefit Regulations 2006**

- 4.—(1) The Housing Benefit Regulations 2006(8) are amended as follows.

(2) In regulation 83(12)(b) (time and manner in which claims are to be made), for “the day 52 weeks” substitute “the day 6 months”.

### **Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

5.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(9) are amended as follows.

(2) In regulation 64(1) (time and manner in which claims are to be made), for “twelve months” substitute “three months”.

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(7) [S.I. 2002/1792](#). Regulation 3 was amended by [S.I. 2003/2274](#) and [2006/718](#) and regulation 5(1)(f) was amended by [S.I. 2003/2274](#).

(8) [S.I. 2006/213](#).

(9) [S.I. 2006/214](#).

(3) In regulation 64(13)(b), for “the day 52 weeks” substitute “the day 3 months”.

**Amendment of the Council Tax Benefit Regulations 2006**

6.—(1) The Council Tax Benefit Regulations 2006(10) are amended as follows.

(2) In regulation 69(14)(b) (time and manner in which claims are to be made), for “the day 52 weeks” substitute “the day 6 months”.

**Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

7.—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(11) are amended as follows.

(2) In regulation 53(13)(b) (time and manner in which claims are to be made) for “the day 52 weeks” substitute “the day 3 months”.

(3) In regulation 56 (time for claiming council tax benefit) for “12 months” substitute “3 months”.

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

10th September 2008

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

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(10) S.I. 2006/215.  
(11) S.I. 2006/216.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Claims and Payments) Regulations 1987, (“the 1987 Regulations”), the State Pension Credit Regulations 2002 (“the State Pension Credit Regulations”), the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

Regulation 2 amends regulation 19 of, and Schedule 4 to, the 1987 Regulations. Regulation 2(2) adds state pension credit to the list of benefits set out in regulation 19(3) of those Regulations so that the time for claiming it is prescribed as 3 months beginning with any day on which, apart from satisfying the condition of making the claim, the claimant is entitled to the benefit concerned. Regulation 2(3) omits state pension credit from Schedule 4 to the 1987 Regulations.

Regulation 3 amends the State Pension Credit Regulations so that the period in which entitlement to state pension credit continues during a period of temporary absence abroad is increased to 13 weeks in all cases and makes consequential amendments to regulation 5 and Schedule 3 to those regulations.

Regulation 4 amends the Housing Benefit Regulations 2006. Regulation 4(2) amends regulation 83(12)(b) of those Regulations so as to enable a claim for housing benefit to be backdated for 6 months.

Regulation 5 amends the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. Regulation 5(2) amends the time for claiming housing benefit from 12 months to 3 months. Regulation 5(3) has the effect of limiting the period for which backdated claims to housing benefit may be made to 3 months beginning with the date of the backdated claim.

Regulation 6 amends the Council Tax Benefit Regulations 2006. Regulation 6(2) amends regulation 69(14)(b) of those Regulations by substituting the words “the day 6 months” for “the day 52 weeks”. The amendment enables a claim for council tax benefit to be backdated for 6 months instead of 52 weeks.

Regulation 7 amends the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. Regulation 7(2) has the effect of limiting the period for which backdated claims to council tax benefit may be made to 3 months beginning with the date of the backdated claim. Regulation 7(3) amends the time for claiming council tax benefit from 12 months to 3 months.

A full impact assessment has not been published for this instrument as no impact on private or voluntary sectors is foreseen.