

SCHEDULES

SCHEDULE 1

Section 11.

ADMINISTRATION

PART I

AMENDMENTS OF THE ADMINISTRATION ACT

Introductory

1. Part I of the Administration Act (claims, evidence, and regulations about claims and payment) is amended as follows.

Entitlement dependent on making of claim

2. In section 1 (which makes entitlement dependent on the making of a claim and production, etc. of national insurance numbers and other evidence, and limits backdating to 12 months, etc.) in subsection (4) (benefits to which the section applies) after “(aa) a jobseeker’s allowance;” insert—

“(ab) state pension credit;”.

Power by regulations to make provision relating to claims, time limits, evidence, etc.

3. In section 5 (regulations about claims for and payments of benefit)—

(a) in subsection (2) (benefits to which the section applies) after paragraph (aa) insert—

“(ab) state pension credit;”;

(b) after subsection (2) insert—

“(2A) The references in paragraphs (h) and (hh) of subsection (1) above to information or evidence needed for the determination of a claim or of any question arising in connection with a claim or (as the case may be) for a determination whether a decision on an award should be revised or should be superseded, includes, in the case of state pension credit, a reference to information or evidence as to the likelihood of future changes in a person’s circumstances which is needed for determining—

- (a) whether a period should be specified as an assessed income period under section 6 of the State Pension Credit Act (Northern Ireland) 2002 in relation to any decision; and
- (b) if so, the length of the period to be so specified.”.

PART II

AMENDMENTS OF THE 1998 ORDER

Introductory

4. Part II of the 1998 Order (decisions and appeals) is amended as follows.

Use of computers

5. In Article 4(2) (meaning of “relevant statutory provision”) at the end add “; or
(i) the State Pension Credit Act (Northern Ireland) 2002.”.

Decisions by the Department

6. In Article 9—
- (a) in paragraph (3) (meaning of “relevant benefit” in Chapter II of Part II (social security decisions and appeals)) after sub-paragraph (b) insert—
“(bb) state pension credit;”;
 - (b) in paragraph (4) (meaning of “relevant statutory provision”) for “or the Jobseekers Order” substitute “, the Jobseekers Order or the State Pension Credit Act (Northern Ireland) 2002”.

Regulations with respect to decisions

7. In Article 12(3), in the definition of “the current legislation”, for “and the Recovery of Benefits Order” substitute “, the Recovery of Benefits Order and the State Pension Credit Act (Northern Ireland) 2002”.

Suspension of benefit for failure to furnish information, etc.

8. In Article 22, after paragraph (3) (which defines “information requirement”) add—
“(4) Subsection (2A) of section 5 of the Administration Act shall apply in relation to paragraph (3) as it applies in relation to paragraph (hh) of subsection (1) of that section.”.

Status: This is the original version (as it was originally enacted).

Restrictions on entitlement to benefit in certain cases of error

- 9.** In Article 27(7), in the definition of “benefit”—
- (a) after paragraph (d) insert—
 - “(dd) state pension credit;”;
 - (b) in paragraph (e) for “paragraphs (a) to (d)” substitute “paragraphs (a) to (dd)”.

Correction of errors and setting aside of decisions

- 10.** In Article 28(3) (meaning of “relevant statutory provision”) at the end add “; or
- (f) the State Pension Credit Act (Northern Ireland) 2002.”.

Decisions against which no appeal lies

- 11.** In Schedule 2, in paragraph 6(b), at the end add “; or
- (iii) section 139B(1)(b) of that Act (state pension credit).”.

Decisions against which an appeal lies

- 12.** In Schedule 3 after paragraph 8 insert—

“State pension credit

- 8A.** A decision whether to specify a period as an assessed income period under section 6 of the State Pension Credit Act (Northern Ireland) 2002.
- 8B.** If so, a decision as to the period to be so specified.
- 8C.** A decision whether an assessed income period comes to an end by virtue of section 9(4) or (5) of that Act.
- 8D.** If so, a decision as to when the assessed income period so ends.”.

PART III

MISCELLANEOUS AND SUPPLEMENTARY

Amount payable for periods of less than a week

- 13.—(1)** Where a person is entitled to state pension credit—
- (a) for a period of less than a week, which is the whole period for which state pension credit is payable; or
 - (b) for any other period of less than a week for which it is payable,

the amount payable for that period shall be such amount as may be prescribed.

(2) The power conferred by sub-paragraph (1) to prescribe an amount includes power to prescribe nil as an amount.