

**AGE-RELATED PAYMENTS
(NORTHERN IRELAND) ORDER 2004**

S.I. 2004 No. 1987 (N.I. 11)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Article 5: Entitlement: special cases

Paragraph (1) provides that where two (or more) couples live in the same household and one member of each couple would qualify for a payment, if neither couple is in receipt of an income-related benefit, then each qualifying member of those couples will be entitled to a £50 payment. Paragraph (2) makes provision for (a) the payment for a couple who would both qualify for a payment, and are in receipt of an income-related benefit, to be made to the partner who receives the Social Fund Winter Fuel Payment and (b) removes entitlement to a payment for the other member of the couple.

Paragraph (3) transfers entitlement to a payment from one member of a couple to the other where that is necessary in order to ensure that the payment is made to the member of the couple who is to receive the winter fuel payment.

Paragraphs (4) and (5) apply to people who are in a residential care home or nursing home during the relevant week, and for whom that home was their ordinary place of residence for the 12 weeks prior to the relevant week. Paragraph (5) makes provision, where an individual meets the conditions in paragraph (4), for (a) a £50 entitlement where that individual is not in receipt of state pension credit in the relevant week and (b) no entitlement where the individual is in receipt of state pension credit in the relevant week. Paragraph (6) provides that the member of a couple in a residential care home or nursing home is to be treated as not qualifying for a payment when determining the entitlement or otherwise of the other member of that couple. Paragraph (7) contains definitions.