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## EXPLANATORY NOTE

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

These Regulations are made either by virtue of, or in consequence of, provisions introduced by the State Pension Credit (Northern Ireland) Act 2002 (c. 14) (“the Act”).

These Regulations amend the Housing Benefit (General) Regulations (Northern Ireland) 1987 (“the Housing Benefit Regulations”). They contain new provisions for those who have attained the qualifying age for state pension credit. In the case of a woman that age is pensionable age and in the case of a man it is the age which is pensionable age in the case of a woman born on the same day as the man (section 1(6) of the Act).

Part 1 of the Regulations provides for their citation, commencement and interpretation.

Part 2 contains modifications to the Housing Benefit Regulations. Regulation 3 of that Part adds new expressions to the interpretation provisions in the Housing Benefit Regulations.

Regulation 6 contains new provisions for determining the applicable amount for a person who has attained the qualifying age for state pension credit. Applicable amounts for those aged 65 or over are higher than for those aged under 65.

Regulation 7 contains provision that income and capital of a child or young person will not be treated as income and capital of the claimant or his partner or, if a polygamous marriage, any member of the marriage where he has attained the qualifying age for state pension credit.

Regulation 8 substitutes the existing provisions on income and capital with new regulations 21 to 44 of the Housing Benefit Regulations. They provide in particular that –

- those entitled to a guarantee credit in state pension credit are to be treated as having neither income nor capital;
- the calculation of the income of a claimant whose entitlement to state pension credit consists only of the savings credit will be based upon the assessment made by the Department for Social Development for the purposes of determining the award of state pension credit. This figure is to be subject to a number of adjustments which the relevant authority must make in accordance with the provisions of regulation 23;
- those who have attained the qualifying age for state pension credit but have no entitlement to that benefit will have their income and capital calculated in accordance with the rules set out in regulation 25 to 44.

Regulation 25 provides a definition of “income” for the purposes of those claimants who have attained the qualifying age for state pension credit.

Regulations 26 to 29 contains provisions relating to the calculation of a person’s income; regulations 30 and 31 provide for the calculation of earnings from employed earner’s employment and regulations 32 to 35 provide for the calculation of the earnings of self-employed earners.

Regulations 38 to 44 provide for the calculation of a person’s capital and include provisions as to notional capital (regulation 42) and diminishing notional capital (regulation 43). Regulation 44 provides for capital jointly held.

Regulation 9 provides that provisions of Part VII of the Housing Benefit Regulations relating to students (regulations 46 to 60) will not apply to those who have attained the qualifying age for state pension credit.

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

Regulation 10 provides for continuing payments of housing benefit where the claimant has attained the qualifying age for state pension credit, or if he claimed jobseeker's allowance after attaining that age, has attained the age of 65. It also applies where the claimant's partner has actually claimed state pension credit.

Part 3 introduces three new Schedules. These Schedules make provision for disregarding prescribed sums in calculating the income and capital of the claimant.

Part 4 contains miscellaneous consequential and transitional provisions. Regulation 13 specifies the date a change of circumstances is to take effect where the change relates to a non-dependant. Regulation 14 amends regulations relating to claims in their application to persons who have attained the qualifying age for state pension credit.

Regulation 15 specifies changes of circumstances which a claimant must report. It also introduces new provisions specifying the date a change of circumstances takes effect where state pension credit is payable. Regulation 16 specifies the information which an authority which has determined a claim for housing benefit must give to a claimant who has attained the qualifying age for state pension credit.

Regulation 17 provides for state pension credit to be added to the list of benefits from which housing benefit may be recovered. Regulation 18 contains minor amendments.

Regulation 19 amends the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 which is consequential upon regulation 15 (date a change of circumstances takes effect).

Regulations 20 and 21 contain transitional provisions relating to claims for housing benefit by persons who have attained or whose partner has attained the qualifying age for state pension credit.

Regulation 22 makes provision for existing beneficiaries who, on 6th October 2003, are patients.

These Regulations are made by virtue of or in consequence of provisions in the State Pension Credit (Northern Ireland) Act 2002. The Regulations are made before the end of the period of 6 months beginning with the coming into operation of these provisions and are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), from reference to the Social Security Advisory Committee.

These Regulations do not impose any charge on business.