

**Status:** Point in time view as at 22/10/2012. This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Welfare Reform Act 2012, SCHEDULE 4 is up to date with all changes known to be in force on or before 24 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

PROSPECTIVE

### SCHEDULE 4

Section 34

#### HOUSING CREDIT ELEMENT OF STATE PENSION CREDIT

##### PART 1

#### AMENDMENTS TO STATE PENSION CREDIT ACT 2002

##### *State Pension Credit Act 2002 (c. 16)*

- 1 The State Pension Credit Act 2002 is amended as follows.
- 2 In section 1 (entitlement), in subsection (2)(c), at the end there is inserted “or  
(iii) the conditions in section 3A(1) and (2) (housing credit).”
- 3 In that section, in subsection (3)—
  - (a) after paragraph (b) there is inserted “or
  - (c) to a housing credit, calculated in accordance with section 3A, if he satisfies the conditions in subsections (1) and (2) of that section,”;
  - (b) for the words from “(or to both)” to the end there is substituted “ (or to more than one of them, if he satisfies the relevant conditions) ”.
- 4 After section 3 there is inserted—

##### “3A Housing credit

- (1) The first of the conditions mentioned in section 1(2)(c)(iii) is that the claimant is liable to make payments in respect of the accommodation he occupies as his home.
- (2) The second of the conditions mentioned in section 1(2)(c)(iii) is that the claimant's capital and income are such that the amount of the housing credit payable (if he were entitled to it) would not be less than a prescribed amount.
- (3) Where the claimant is entitled to a housing credit, the amount of the housing credit shall be an amount calculated in or determined under regulations (which may be zero).
- (4) For the purposes of subsection (1)—
  - (a) the accommodation must be in Great Britain;
  - (b) the accommodation must be residential accommodation;

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(c) it is immaterial whether the accommodation consists of the whole or part of a building and whether or not it comprises separate and self-contained premises.

(5) Regulations may make provision as to—

- (a) the meaning of “payments in respect of accommodation” for the purposes of this section (and, in particular, as to the extent to which such payments include mortgage payments);
- (b) circumstances in which a claimant is to be treated as liable or not liable to make such payments;
- (c) circumstances in which a claimant is to be treated as occupying or not occupying accommodation as his home (and, in particular, for temporary absences to be disregarded);
- (d) circumstances in which land used for the purposes of any accommodation is to be treated as included in the accommodation.

(6) Regulations under this section may make different provision for different areas.”

5 In section 7 (fixing of retirement provision for assessed income period), at the end there is inserted—

“(10) Regulations may prescribe circumstances in which subsection (3) does not apply for the purposes of determining the amount of a housing credit to which the claimant is entitled.”

6 In section 12 (polygamous marriages), in subsection (2)(b), after “savings credit” there is inserted “or housing credit”.

7 In section 17 (interpretation), in subsection (1), after the definition of “guarantee credit” there is inserted—

““housing credit” shall be construed in accordance with sections 1 and 3A;”.

(8) In Schedule 2 (consequential amendments etc), paragraph 9(5)(a) is repealed.

**PART 2**

AMENDMENTS TO OTHER ACTS

*Social Security Administration Act 1992 (c. 5)*

9 The Social Security Administration Act 1992 is amended as follows.

10 In section 5 (regulations about claims and payments) in subsection (6), before “subsection” there is inserted “or housing credit (within the meaning of the State Pension Credit Act 2002)”.

F11 .....

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### Textual Amendments

**F1** Sch. 4 para. 11 repealed (6.4.2018) by Welfare Reform and Work Act 2016 (c. 7), ss. 20(11)(f)(ii), 36(6); S.I. 2018/438, reg. 2(1) (with reg. 2(2)(3))

- 12 (1) Section 122F (supply by rent officers of information) is amended as follows.
- (2) In subsection (3)(a) at the end of the words in brackets there is inserted “or housing credit”.
- (3) In subsection (4) at the end there is inserted “or housing credit”.
- (4) After that subsection there is inserted—
- “(5) In this section “housing credit“ has the same meaning as in the State Pension Credit Act 2002”.

#### *Housing Act 1996 (c. 52)*

- 13 (1) Section 122 of the Housing Act 1996 (rent officers) is amended as follows.
- (2) In the heading, at the end there is inserted “and housing credit”.
- (3) In subsection (1), at the end there is inserted “or housing credit (within the meaning of the State Pension Credit Act 2002)”.

#### *Child Support, Pensions and Social Security Act 2000 (c. 19)*

- 14 In section 69 of the Child Support, Pensions and Social Security Act 2000 (discretionary financial assistance with housing), in subsection (1)(a), after “universal credit” there is inserted “ or housing credit (within the meaning of the State Pension Credit Act 2002) ”.

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