

## SCHEDULES

### SCHEDULE 4

#### 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;
  - (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.