

[^{F1}SCHEDULE 3B

DATE ON WHICH CHANGE OF CIRCUMSTANCES TAKES EFFECT
WHERE CLAIMANT ENTITLED TO STATE PENSION CREDIT

Textual Amendments

F1 Sch. 3B inserted (7.4.2003) by [State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **22**

1. Where the amount of state pension credit payable under an award is changed by a superseding decision made on the ground that there has been a relevant change of circumstances, that superseding decision shall take effect from the following days—

(a) for the purpose only of determining the day on which an assessed income period begins under section 9 of the State Pension Credit Act, from the day following the day on which the last previous assessed income period ended; and

[^{F2}(b) except as provided in the following paragraphs—

(i) where state pension credit is paid in advance, from the day that change occurs or is expected to occur if either of those days is the first day of a benefit week but if it is not from the next following such day;

(ii) where state pension credit is paid in arrears, from the first day of the benefit week in which that change occurs or is expected to occur.]

Textual Amendments

F2 Sch. 3B para. 1(b) substituted (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **8(a)**

[^{F3}2. Subject to paragraph 3, where the relevant change is that—

(a) the claimant's income or the income of the claimant's partner (other than deemed income from capital) has changed;

(b) the claimant or the claimant's partner becomes entitled to—

(i) disability living allowance (middle or higher rate care component); ^{F4}...

(ii) attendance allowance; ^{F5}...

[personal independence payment (standard or enhanced rate daily living component ^{F6}(iii) under section 78 of the Welfare Reform Act 2012); or]

[armed forces independence payment under the Armed Forces and Reserve Forces ^{F7}(iv) (Compensation Scheme) Order 2011; or]

(c) the claimant or the claimant's partner again receives [^{F8}any of the allowances or payments] mentioned in sub-paragraph (b) above immediately after the end of the period specified in paragraph 2A,

the superseding decision shall take effect on the first day of the benefit week in which that change occurs or if that is not practicable in the circumstances of the case, on the first day of the next following benefit week.]

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3B. (See end of Document for details)

Textual Amendments

- F3** Sch. 3B para. 2 substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(a)**
- F4** Word in Sch. 3B para. 2(b)(i) omitted (8.4.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(b)(i)**
- F5** Word in Sch. 3B para. 2(b)(ii) omitted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 15(2)(a)**
- F6** Sch. 3B para. 2(b)(iii) inserted (8.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(b)(ii)**
- F7** Sch. 3B para. 2(b)(iv) inserted (8.4.2013) by [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 15(2)(b)**
- F8** Words in Sch. 3B para. 2(c) substituted (8.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(b)(iii)**

[
^{F9}**2A.** A period specified for the purposes of paragraph 2 is a period when the claimant or the claimant's partner is maintained free of charge while undergoing medical or other treatment as an in-patient in—

- (a) a hospital or similar institution under—
 - (i) the National Health Service 2006;
 - (ii) the National Health Service (Wales) Act 2006; or
 - (iii) the National Health Service (Scotland) Act 1978; or
- (b) a hospital or similar institution maintained or administered by the Defence Council.]

Textual Amendments

- F9** Sch. 3B para. 2A inserted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **5(c)**

3. Paragraph 2 shall not apply where the only relevant change is that working tax credit under the Tax Credits Act 2002 becomes payable or becomes payable at a higher rate.

4. A superseding decision shall take effect from the day the change of circumstances occurs or is expected to occur if—

- (a) the person ceases to be or becomes a prisoner, and for this purpose “prisoner” has the same meaning as in regulation 1(2) of the State Pension Credit Regulations ; or
- (b) whilst entitled to state pension credit a claimant is awarded another social security benefit and in consequence of that award his benefit week changes or is expected to change.

[^{F10}**5.** In a case where the relevant circumstance is that the claimant ceased to be a patient, if he becomes a patient again in the same benefit week, the superseding decision in respect of ceasing to be a patient shall take effect from the first day of the week in which the change occurred.]

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3B. (See end of Document for details)

Textual Amendments

F10 Sch. 3B para. 5 substituted (6.10.2003) by [State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **5(4)**

6. In paragraph 5, “patient” means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of the [^{F11}Social Security (Hospital In-Patients) Regulations 2005]]

Textual Amendments

F11 Words in Sch. 3B para. 6 substituted (24.9.2007) by [Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **3(9)**

[^{F12}7. [^{F13}Subject to [^{F14}paragraph 8A], where] an amount of state pension credit payable under an award is changed by a superseding decision specified in paragraph 8 the superseding decision shall take effect from the day specified in paragraph 1(b).

Textual Amendments

F12 Sch. 3B paras. 7-8 added (10.4.2006) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **5(4)**

F13 Words in Sch. 3B para. 7 substituted (6.4.2010) by [Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **4(4)(a)**

F14 Words in Sch. 3B para. 7 substituted (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **8(c)**

8. The following are superseding decisions for the purposes of paragraph 7—
(a) a decision which supersedes a decision specified in regulation 6(2)(b) to (ee) and (m); and
(b) a superseding decision which would, but for paragraphs 2 and 7, take effect from a date specified in regulation 7(5) to (7), (12) to (16) and (29C).]

Textual Amendments

F12 Sch. 3B paras. 7-8 added (10.4.2006) by [Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **5(4)**

[^{F15}8A. Where the relevant change of circumstances is the death of the claimant, the superseding decision shall take effect on the first day of the benefit week next following the date of death.]

Textual Amendments

F15 Sch. 3B para. 8A substituted for Sch. 3B paras. 9-10 (11.4.2011) by [The Social Security \(Miscellaneous Amendments\) Regulations 2011 \(S.I. 2011/674\)](#), regs. 1(4), **8(d)**

[^{F16}11. In this Schedule, “benefit week” means—
(a) where state pension credit is paid in advance, the period of 7 days beginning on the day on which, in the claimant’s case, that benefit is payable;

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- (b) where state pension credit is paid in arrears, the period of 7 days ending on the day on which, in the claimant's case, that benefit is payable.]

Textual Amendments

F16 Sch. 3B paras. 9-11 added (6.4.2010) by [Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **4(4)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3B.