
STATUTORY INSTRUMENTS

2005 No. 2877

The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005

Transitional provision relating to housing benefit and council tax benefit

3.—(1) Paragraph (2) applies in the case of a claimant who is a member of a couple who live together as if they were civil partners on or after 5th December 2005, in respect of whom there is an award of housing benefit or council tax benefit on 5th December 2005.

(2) In such a case, subject to paragraphs (3) and (4)—

- (a) the provisions of regulation 8(2)^{M1} and (10)^{M2} of the Decisions and Appeals Regulations shall not apply; and
- (b) a superseding decision made in consequence of the amendments made by paragraph 15, 16, 21 or 22 of Schedule 3 to this Order shall take effect—
 - (i) from the date that the claimant reports to the relevant authority that the couple live together as if they were civil partners; or
 - (ii) from the date on which the relevant authority otherwise becomes aware that the couple are living together as if they were civil partners; or
 - (iii) where there exists an award of a relevant benefit on 5th December 2005, from the date the superseding decision is made in relation to the relevant benefit that is consequential on the amendments made by paragraph 13, 26 or 35 of Schedule 3 to this Order,

whichever is the earliest date.

(3) The relevant authority may, where the provisions of paragraph (2)(b)(i) or (ii) apply, determine such earlier effective date for the superseding decision as it considers appropriate if it is satisfied that the claimant could reasonably have been expected to report that he is a member of a couple who live together as if they were civil partners earlier than the date which would otherwise apply under that paragraph.

(4) The provisions of regulation 8(2) and (10) of the Decisions and Appeals Regulations shall apply in a case falling within paragraph (1) where the application of those provisions is advantageous to the claimant.

(5) In this article—

“couple” has the same meaning as in regulation 2(1) of the Housing Benefit (General) Regulations 1987^{M3};

“the Decisions and Appeals Regulations” means the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001^{M4};

“relevant authority” has the same meaning as in regulation 2(1) of the Housing Benefit (General) Regulations 1987;

“relevant benefit” means income support, income-based jobseeker's allowance or a guarantee credit awarded under section 2(1) of the State Pension Credit Act 2002^{M5}.

Changes to legislation: *There are currently no known outstanding effects for the The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005, Section 3. (See end of Document for details)*

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Marginal Citations

- M1** Paragraph (2) was amended by [S.I. 2003/325](#).
- M2** Paragraph (10) was inserted by [S.I. 2003/1050](#).
- M3** [S.I. 1987/1971](#).
- M4** [S.I. 2001/1002](#).
- M5** 2002 c. 16.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005, Section 3.