

2004 No.647

SOCIAL SECURITY

The Social Security Credit (Miscellaneous Amend- ments) Regulations 2004

<i>Made</i> - - - -	<i>8th March 2004</i>
<i>Laid before Parliament</i>	<i>15th March 2004</i>
<i>Coming into force</i>	<i>5th April 2004</i>

ARRANGEMENT OF REGULATIONS

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by section 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), sections 10(6), 79(1), (4) and (6) and 84 of the Social Security Act 1998(b) and sections 7(4), 15(3), (4), (6)(a) and (b), and 17(1) of the State Pension Credit Act 2002(c), and all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(d), hereby makes the following Regulations

Citation and commencement

1. These Regulations may be cited as the State Pension Credit (Miscellaneous Amendments) Regulations 2004 and shall come into force on 5th April 2004.

[Regulation 2 amends regulation 7 of S.I. 1999/991.]

[Regulation 3 amends regulation 10, 17 and 21 of S.I. 2002/1792.]

Saving

4. Regulation 2 shall not apply where—

- a) a person's claim for state pension credit is backdated in accordance with regulation 38 of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002(e) (claims for state pension credit); and
- (b) a change of a kind specified in the paragraph (17C) substituted by regulation 2 or, as the case may be, the first such change occurred before 5th April 2004.

Signed by authority of the Secretary of State for Work and Pensions.

(a) 1992 c. 4; section 175(1) and (4) were amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.11), Schedule 2, para. 29; section 175(1), (3) and (4) are applied to provisions of the State Pension Credit Act (c.16) by section 19(1) of that Act.

(b) 1998 c. 14; section 84 is cited because of the meaning it gives to "prescribe".

(c) 2002 c. 16; section 17(1) is cited because of the meaning it gives to "prescribed".

(d) See the Social Security Administration Act 1992 (c.5) section 173(1)(b).

(e) S.I. 2002/3019.

8th March 2004

Malcolm Wicks
Minister of State,
Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security and Child Support (Decisions and Appeals) Regulations 1999 and the State Pension Credit Regulations 2002 (“the 2002 Regulations”) in respect of state pension credit.

Regulation 2 provides that, where a state pension credit claimant aged 65 or over is awarded housing costs, a change in a non-dependant’s circumstances which reduces the award shall take effect 26 weeks after the change occurred. Regulation 4 makes a consequential saving.

Regulation 3 amends the 2002 Regulations. It amends the provisions relating to the date which occupational pensions increase (regulation 10(5) of the 2002 Regulations) and the provisions relating to the treatment of deemed increases to the assessed amount made under the annual Up-rating Order (regulation 10(6) of the 2002 Regulations). Regulation 3 also inserts a new provision in respect of the treatment of final payments of income (regulation 17ZA) and amends regulation 21 of the 2002 Regulations to provide that a person shall not be treated as depriving himself of a capital resource if he disposes of it for the purpose of paying or reducing a debt or, in certain cases, purchasing goods or services.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.