

2003 No. 2274

SOCIAL SECURITY

The State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003

Made - - - - 7th September 2003

Laid before Parliament 12th September 2003

Coming into force - 6th October 2003

The Secretary of State in exercise of the powers conferred by the sections 5(1)(h), (hh) and (3A), 189(1), (4)(a) and (6), and 191 of the Social Security Administration Act 1992(a), sections 10(3) and (6), 79(1) and 84 of the Social Security Act 1998(b), section 115(3) and (4) of the Immigration and Asylum Act 1999(c) and sections 1(5)(b), 2(6), 12(2) and (3), 13(1), 15(1)(e) and (j), 15(2), (6)(b) and (d), 17(1) and (2)(a) of the State Pension Credit Act 2002(d) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it(e), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 and shall come into force on 6th October 2003 immediately after the coming into force of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No.2) Regulations 2002(f).

[Regulation 2 makes various amendments to S.I. 2002/1792.]

[Regulation 3 amends regulation 36 of S.I. 2002/3019.]

[Regulation 4 amends regulation 32 of S.I. 1987/1968.]

[Regulation 5 makes various amendments to S.I. 1999/991.]

[Regulation 6 amends regulation 2 of S.I. 2000/636.]

7th September 2003

Andrew Smith
Secretary of State,
Department for Work and Pensions

(a) 1992 c. 5, section 191 is cited for the definition of "prescribed".

(b) 1998 c. 14, section 84 is cited for the definition of "prescribed".

(c) 1999 c. 33.

(d) 2002 c. 16, section 17(1) is cited for the definition of "prescribed".

(e) See sections 170 and 173(1)(b) of the Social Security Administration Act 1992 (c. 5); paragraph 20 of Schedule 2 to the State Pension Credit Act 2002 added that Act to the list of "relevant enactments" in respect of which regulations must normally be referred to the Committee.

(f) S.I. 2002/3197.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (“the Claims and Payments Regulations”), the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the Decisions and Appeals Regulations”), the State Pension Credit Regulations 2002 and the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 in connection with the introduction of state pension credit on 6th October 2003.

Regulation 2 amends the State Pension Credit Regulations 2002. In particular it -

- adds a definition of adoption leave and paternity leave;
- makes provision for persons from Montserrat;
- clarifies the provisions under which a person is treated as being or not being a member of the same household as the claimant;
- clarifies provisions in respect of certain categories of income;
- adds adoption leave and paternity leave to the periods in which a person is treated as not being in remunerative work for the purposes of housing costs;
- amends the reference to invalid care allowance to carer’s allowance;
- updates the amounts deducted in respect of non-dependants for the purposes of housing costs;
- adds new categories of income disregards for war widowers and in respect of special war widows payments;
- provides that actual income from capital will only be taken into account in certain specified circumstances;
- amends a capital disregard in respect of relevant trust payments to persons suffering from variant Creutzfeldt-Jacob disease so that it also applies to single claimants;
- amends a capital disregard in respect of compensation payments received in respect of certain specified benefits;
- allows couples, where one partner is in a special occupation, to benefit from a £20 disregard;
- makes minor and technical amendments.

Regulation 3 clarifies regulation 36(7) of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 as an exception to the Decisions and Appeals Regulations.

Regulation 4 amends regulation 32(6) of the Claims and Payments Regulations so as to extend the category of cases to which sub-paragraph (b) applies and inserting sub-paragraph (c).

Regulation 5 amends the Decisions and Appeals Regulations so as to provide a new ground for supersession in relation to state pension credit and new dates on which certain state pension credit decisions take effect.

Regulation 6 amends provisions concerning the circumstances in which certain persons who are subject to immigration control are eligible to be awarded state pension credit.

These Regulations do not impose a charge on business.