
STATUTORY INSTRUMENTS

2015 No. 1985

The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

29.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006⁽¹⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “the benefit Acts”⁽²⁾, after “the 2012 Act,” insert “the Pensions Act 2014.”

(3) In regulation 34(d) (disregard of changes in tax, contributions etc.) after “the Act” insert “or a state pension under Part 1 of the Pensions Act 2014”.

(4) In regulation 41 (notional income)—

(a) in paragraph (2)(b) after “section 55A” insert “or 55AA”;

(b) at the end of paragraph (2)(b) omit “and”;

(c) after paragraph (2)(c) insert—

“; and

(d) a state pension under Part 1 of the Pensions Act 2014.”;

(d) after paragraph (3)(c) insert—

“(d) in the case of a state pension under Part 1 of the Pensions Act 2014, in the circumstances specified in section 17(7) and (8) of that Act.”;

(e) in paragraph (8)⁽³⁾ after “(8A)”, insert “, (8BA), (8BB)”.

(f) after paragraph (8B) insert⁽⁴⁾—

“(8BA) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension under section 8(2) of the Pensions Act 2014, alters that choice in accordance with Regulations made under section 8(7) of that Act in favour of a lump sum.

(8BB) Paragraph (8) shall not apply in respect of the amount of an increase of pension where a person, having made a choice in favour of that increase of pension in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, alters that choice in favour of a lump sum, in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to Regulations made under section 8(7) of that Act.

(8BC) In paragraph (8BA), “lump sum” means a lump sum under section 8 of the Pensions Act 2014.

(1) [S.I. 2006/214](#).

(2) Relevant amending instruments are S.I.s [2008/1082](#), [2013/388](#) and [2013/591](#).

(3) Regulation 41(8) was amended by S.I.s [2005/2677](#) and [2009/2655](#).

(4) Regulation 41(8B) was inserted by [S.I. 2005/2677](#).

(8BD) In paragraph (8BB), “lump sum” means a lump sum under Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8 of that Act.”.

(5) After paragraph 26A of Schedule 6 (capital to be disregarded)(5) insert—

“**26AA.** Where a person chooses a lump sum under section 8(2) of the Pensions Act 2014 or in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to section 8(2) of that Act, or fails to make a choice, and a lump sum payment has been made, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not alter that choice in favour of an increase of pension.”.