

2003 No. 312

HOUSING; RATES; SOCIAL SECURITY

**The State Pension Credit (Decisions and Appeals –
Amendments) Regulations (Northern Ireland) 2003**

Made - - - - - *18th June 2003*

Coming into operation *19th June 2003*

The Department for Social Development, in exercise of the powers conferred on it by Article 74(1) of, and paragraph 9 of Schedule 2 to, the Social Security (Northern Ireland) Order 1998(a), and now vested in it(b), and paragraphs 6(4)(b) and 20(1)(b) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(c), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(d) in so far as regulation 3 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of that regulation should not be referred to it(e), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the State Pension Credit (Decisions and Appeals – Amendments) Regulations (Northern Ireland) 2003 and shall come into operation on 19th June 2003.

(2) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

2. In paragraph 5 of Schedule 1 to the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(g) (decisions against which no appeal lies: claims and payments) –

- (a) after sub-paragraph (b), there shall be inserted the following sub-paragraph –
“(bb) regulations 4C (as to the making of a claim for state pension credit) or 4D(h) (as to the making of a claim before attaining the qualifying age);”
- (b) after sub-paragraph (k), there shall be inserted the following sub-paragraph –

(a) S.I. 1998/1506 (N.I. 10)
(b) See Article 8(b) of S.R. 1999 No. 481
(c) 2000; c. 4 (N.I.)
(d) See section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); see also Article 6(b) of S.R. 1999 No. 481
(e) See section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8)
(f) 1954 c. 33 (N.I.)
(g) S.R. 1999 No. 162; paragraph 5 of Schedule 1 was substituted by regulation 2(20) of S.R. 2002 No. 189
(h) Regulations 4C and 4D were inserted by regulation 4(3) of S.R. 2003 No. 191

“(kk) regulation 26B(a) (as to the time and manner of payment of state pension credit);”.

Amendment of the Housing Benefit (Decisions and Appeals) Regulations

3. In the Schedule to the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(b) (decisions against which no appeal lies), after paragraph 4 there shall be added the following paragraph –

“**5.** No appeal shall lie against the calculation or estimation of the claimant’s, or the claimant’s partner’s income or capital used by a relevant authority in accordance with regulation 23(1) of the Housing Benefit Regulations(c) (calculation of claimant’s income in savings credit only cases), as modified by the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(f).”.

Sealed with the Official Seal of the Department for Social Development on 18th June 2003.

(L.S.)

John O’Neill

Senior Officer of the Department for Social Development

The Department of Finance and Personnel hereby consents to regulation 3 of the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 18th June 2003.

(L.S.)

Jack Layberry

Senior Officer of the Department of Finance and Personnel

(a) Regulation 26B was inserted by regulation 9 of S.R. 2003 No. 191
(b) S.R. 2001 No. 213
(c) S.R. 1987 No. 461
(d) S.R. 2003 No. 197

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend –

the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 to provide that certain administrative decisions relating to claims for, and payment of, state pension credit, do not attract a right of appeal (regulation 2);

the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001 to provide that no appeal lies against calculations and estimates of the income and capital of a claimant for housing benefit or his partner, where that claimant or his partner has been awarded state pension credit comprising only the savings credit (regulation 3).

In so far as these Regulations are required, for the purposes of regulation 3, to be referred to the Social Security Advisory Committee under section 149(2) of the Social Security Administration (Northern Ireland) Act 1992, (“the 1992 Act”), after agreement by the Social Security Advisory Committee, they have not been so referred by virtue of section 150(1)(b) of the Act. Otherwise they make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the 1992 Act, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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