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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend various instruments that govern the entitlement of a claimant (“C”), who has reached state pension credit qualifying age (“the qualifying age”), to universal credit (“UC”), state pension credit (“SPC”) and housing benefit for pensioners (“HB”), so as to provide for a smooth transition between those benefits where a person reaches that age, becomes part of a mixed-age couple, or certain other changes of circumstance occur. See section 1(6) of the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) for the definition of “the qualifying age”.

“Mixed-age”, in relation to a couple or a marriage, means where one member has attained the qualifying age and the other has not (see regulation 2(2)(b) which amends regulation 5 of the State Pension Credit Regulations (Northern Ireland) 2003 (S.R. 2003 No. 28) (“the 2003 Regulations”) to insert that definition).

Where C has been entitled to UC and reaches the qualifying age, these Regulations provide that entitlement to UC will continue until the start of the UC assessment period (“AP”) after the one in which C reaches that age, so allowing for overlapping entitlement to UC and SPC and/or HB for a period. The relevant parts of these Regulations are:

— regulations 2(3) and 3, which amend the 2003 Regulations and the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006 No. 406), to provide that, in the above case, UC will not be taken into account as income for SPC or HB purposes;

— regulations 4 and 5, which respectively amend the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) (Northern Ireland) Regulations 2016 (S.R. 2016 No. 220) and the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) (Northern Ireland) Regulations 2016 (S.R. 2016 No. 221), to provide for C to be entitled to UC for the whole of the AP in which C reaches the qualifying age and for the UC award to end at the beginning of the following AP;

— regulation 6(3)(d) and (4), which amends the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 226) (“the Transitional Regulations”), to allow for overlapping entitlement to UC and SPC and/or HB in the assessment period in which C reaches the qualifying age.

Where C has reached the qualifying age and is a member of a mixed-age couple, but the couple is not treated as a couple for the purposes of UC (see regulation 3 of the Universal Credit Regulations (Northern Ireland) 2016 (S.R. 2016 No. 216) (“the UC Regulations”)), these Regulations amend rules that would prevent C, as a member of a mixed-age couple, from being entitled to SPC or HB, so as to enable C to be entitled to those benefits. They provide that C is entitled to those benefits from the point at which the couple would begin to be treated as single people for UC purposes, so preventing C from being entitled to UC. These Regulations also provide that, where C and C's partner cease to be a couple, C may be entitled to SPC and/or HB from the beginning of the AP in which they cease to be a couple, which is when C loses UC entitlement. The relevant parts of these Regulations are:

— regulation 2(2), which inserts new provisions into the SPC Regulations to provide that C is not treated as part of the same household as C's partner, and so may be entitled to SPC, with effect from the point at which the couple would begin to be treated as single people for UC purposes, or from the beginning of the AP in which they separate (there is special provision for polygamous marriages). As C is not part of the same household as their partner, C is no longer

**Changes to legislation:** *There are currently no known outstanding effects for the The Universal Credit (Persons who have attained state pension credit qualifying age) (Amendment) Regulations (Northern Ireland) 2020. (See end of Document for details)*

part of a mixed-age couple with that partner and so is not subject to the bar on entitlement to SPC in section 4(1A) of the State Pension Credit Act (Northern Ireland) 2002;

— regulation 7, which amends the Welfare Reform (Northern Ireland) Order 2015 (Commencement No. 13 and Savings and Transitional Provisions and Commencement No. 8 and Transitional Provisions (Amendment) Order 2019 (S.R. 2019 No. 4 (C. 1)) to provide that C is not treated as part of the same household as C's partner and may claim or remain entitled to HB from the point at which the couple would begin to be treated as single people for UC purposes or from the start of the AP in which they separate (there is special provision for polygamous marriages).

Where C has reached the qualifying age and becomes a member of a couple with a person under that age, such that C becomes entitled to UC as part of the couple (from the beginning of the AP in which the couple forms), these Regulations provide for C's entitlement to SPC and HB to continue until the time the couple forms, so allowing for overlapping entitlement to UC and SPC and/or HB for a period. The relevant parts of these Regulations are:

— regulation 6(3)(c)(i) and (d) and (5)(b), which amends the Transitional Regulations to allow the qualifying age benefits to terminate (in the normal way) after the couple's entitlement to universal credit has begun, thereby allowing for overlapping entitlement to benefits on the part of C, who is moving to universal credit.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, public or voluntary sectors is foreseen.

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