
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations contained in this Instrument are made either by virtue of, or consequential upon, provisions in the State Pension Credit Act 2002 (c. 16) (“the 2002 Act”). This Instrument is made before the expiry of the period of 6 months beginning with the coming into force of those provisions; the regulations in it are therefore exempt in accordance with section 173(5) of the Social Security Administration Act 1992 from the requirement in section 172(1) of that Act to refer proposals to make Regulations to the Social Security Advisory Committee and are made without reference to that Committee.

The amendments in Parts II, III, V and VI are consequential on the introduction of state pension credit. Part VII contains transitional matters.

Part I of the Regulations provides for their citation, commencement and interpretation.

Part II amends the Social Security (Claims and Payments) Regulations 1987 so as to make separate provision for claims for, and payment of, state pension credit. Provision is made (regulation 4) for claims to be made by telephone or in person. Claims may be made at any time in the 4 months preceding the day a claimant attains the qualifying age for entitlement to state pension credit.

Claimants may be required to provide information as to the likelihood of future changes in their circumstances (regulation 5).

Regulation 7 provides for the date on which entitlement to state pension credit is to begin and regulation 9 for the day on which, and the method by which, the credit is to be paid.

Regulations 8, 10 to 12 and 14 apply provisions currently in the Social Security (Claims and Payments) Regulations 1987 to state pension credit. Regulation 13 provides that regulation 35A (transitional provisions relating to persons in hostels and certain residential accommodation) is not to apply to state pension credit.

Part III applies provisions of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 to state pension credit. Regulation 20 further provides that, where a claimant’s appropriate minimum guarantee includes a transitional amount, provisions in section 159B of the Social Security Administration Act 1992 (inserted by the 2002 Act) relating to the effect of alterations affecting state pension credit, are not to apply. Regulation 22 makes provision as to the date from which a decision under section 10 of the Social Security Act 1998 (superseding decision) resulting from a change of circumstances takes effect.

Part IV makes changes to the State Pension Credit Regulations 2002. It adds provisions—

- 0 relating to part-weeks;
- 0 as to the meaning and calculation of “earnings” for the purposes of state pension credit;
- 0 relating to the rounding of fractions;
- 0 as to the disregard of assets of any business owned by the claimant.

Part V adds references to state pension credit to—

- 0 the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988;
- 0 the Social Security (Attendance Allowance) Regulations 1991;
- 0 the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992;
- 0 the Child Support (Maintenance Calculations and Special Cases) Regulations 2000;

Changes to legislation: There are currently no known outstanding effects for the The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002. (See end of Document for details)

- 0 the Social Security (Disability Living Allowance) Regulations 1991;
- 0 the Income Support (General) Regulations 1987;
- 0 the Jobseeker’s Allowance Regulations 1996;
- 0 the Social Fund Maternity and Funeral Expenses (General) Regulations 1987;
- 0 the Social Fund Cold Weather Payments (General) Regulations 1988.

It also makes amendments to the Income Support (General) Regulations 1987 consequential upon the 2002 Act which removes from entitlement to income support those who have attained the qualifying age for the purposes of state pension credit.

Part VI adds references to state pension credit to—

- 0 the Fines (Deductions from Income Support) Regulations 1992;
- 0 the Council Tax (Deductions from Income Support) Regulations 1993;
- 0 the Community Charges (Deductions from Income Support)(Scotland) Regulations 1989;
- 0 the Community Charges (Deductions from Income Support)(No. 2) Regulations 1990.

Part VII makes transitional provisions. Regulation 36 provides for those who were entitled to income support immediately before the 2002 Act comes into force to be treated as making a claim for state pension credit and for the determination of that claim. Regulation 37 makes provision for variable assessed income periods. Regulation 38 provides that a person not in receipt of income support may claim state pension credit before provisions of the 2002 Act relating to entitlement are commenced.

The impact on business of applying these Regulations is minimal and the publication of a regulatory impact assessment is therefore not necessary. A summary of the contents of the assessment made for the State Pension Credit Bill was published at paragraphs 183 and 184 of the Explanatory Notes relating to the Bill. A copy of the summary can be obtained from the Department for Work and Pensions, Regulatory Impact Unit, 3rd Floor, The Adelphi, 1–11 John Adam Street, London WC2N 6HT.

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