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## STATUTORY INSTRUMENTS

# 2002 No. 3197

## The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No. 2) Regulations 2002

PROSPECTIVE

### Amendments to other Regulations

7.—(1) In regulation 8 of the Social Security (Child Maintenance Bonus) Regulations 1996<sup>(1)</sup> (retirement)—

- (a) in paragraph (2), for the words “income support”, in both places where they occur, there shall be substituted the words “state pension credit”;
- (b) after paragraph (2) there shall be inserted the following paragraph—

“(2A) In paragraph (2), “state pension credit” means the benefit of that name payable under the State Pension Credit Act 2002.”.

(2) In regulation 17 of the Social Security (Back to Work Bonus) (No. 2) Regulations 1996<sup>(2)</sup> (persons attaining pensionable age)—

- (a) in paragraphs (4) and (6), for the words “income support”, in all places where they occur, there shall be substituted the words “state pension credit”;
- (b) at the end, there shall be added the following paragraph—

“(8) In this regulation, “state pension credit” means the benefit of that name payable under the State Pension Credit Act 2002.”.

(3) In regulation 1(2) of the Community Charges (Deductions from Income Support) (Scotland) Regulation 1989<sup>(3)</sup> (interpretation), for the definition of “personal allowance for a couple where both members are aged not less than 18” there shall be substituted the following definition—

““personal allowance for a couple where both members are aged not less than 18” means—

- (a) in the case of a person who is entitled to either income support or state pension credit, the amount for the time being specified in paragraph 1(3)(c) of column (2) of Schedule 2 to the Income Support (General) Regulations 1987<sup>(4)</sup>; or
- (b) in the case of a person who is entitled to an income-based jobseeker’s allowance, the amount for the time being specified in paragraph 1(3)(e) of column (2) of Schedule 1 to the Jobseeker’s Allowance Regulations 1996<sup>(5)</sup>.”.

(4) In regulation 36 of the State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002<sup>(6)</sup> (persons entitled to income support immediately before the appointed day)—

- (1) S.I. [1996/3195](#) to which there are amendments which are not relevant to these Regulations.
- (2) S.I. [1996/2570](#) to which there are amendments which are not relevant to these Regulations.
- (3) S.I. [1989/507](#); the relevant amending Instruments are S.I. [1990/113](#), [1996/2344](#) and [2002/3019](#).
- (4) S.I. [1987/1967](#).
- (5) S.I. [1996/207](#).
- (6) S.I. [2002/3019](#).

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- (a) in paragraph (15)—
- (i) at the beginning there shall be inserted the words “Except where paragraph (16) applies,”;
  - (ii) after the words “transferee who”, there shall be inserted the words “or whose partner”;
- (b) at the end, there shall be added the following paragraphs—

“(16) Paragraphs (17) to (19) apply only in relation to a transferee whose applicable amount immediately before the appointed day was determined in accordance with paragraph 13(2) of Schedule 7 to the Income Support (General) Regulations 1987 (“the Income Support Regulations”) (persons in residential accommodation who become patients);

(17) Where a transferee is a patient on the appointed day and continues to be a patient after that day, section 2(3) has effect for so long as the transferee continues to be a patient with the substitution for the reference to the standard minimum guarantee in paragraph (a) of the amount which is for the time being specified as the applicable amount in column (2) of paragraph 13(2) of Schedule 7 to the Income Support Regulations less the amount applicable under regulation 17(1)(f) or (g) of those Regulations.

(18) Where a transferee—

- (a) ceases to be a patient on or after the appointed day but again becomes a patient no more than 28 days after the last day on which he was previously a patient; and
- (b) was in residential accommodation (as defined for the purposes of the Income Support Regulations) immediately before again becoming a patient,

section 2(3) has effect when the transferee again becomes a patient with the substitution for the reference to the standard minimum guarantee in paragraph (a) of the amount which is for the time being specified as the applicable amount in column (2) of paragraph 13(2) of Schedule 7 to the Income Support Regulations less the amount applicable under regulation 17(1)(f) or (g) of those Regulations.

(19) Where a transferee—

- (a) ceases to be a patient on or after the appointed day but again becomes a patient no more than 28 days after the last day on which he was previously a patient;
- (b) was not in accommodation referred to in paragraph (18)(b) immediately before again becoming a patient; and
- (c) has been a patient for a total period of more than six weeks,

section 2(3) shall have effect when the transferee again becomes a patient with the substitution for the reference to the standard minimum guarantee in paragraph (a) of a reference to an amount determined by taking the amount for the time being specified in regulation 6(1)(a) of the State Pension Credit Regulations and reducing it by an amount equal to 20 per cent of the weekly rate of the basic pension for the time being specified in section 44(4) of the Social Security Contributions and Benefits Act 1992.”.

#### Commencement Information

- I1** Reg. 7(1)-(3) in force at 6.10.2003, see [reg. 1\(1\)\(b\)](#)
- I2** Reg. 7(4) in force at 7.4.2003, see [reg. 1\(1\)\(a\)](#)

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**Changes and effects yet to be applied to :**

- reg. 7(1)-(3) coming into force by [S.I. 2002/3197 reg. 1\(1\)\(b\)](#)
- reg. 7(4) coming into force by [S.I. 2002/3197 reg. 1\(1\)\(a\)](#)