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STATUTORY INSTRUMENTS

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**2003 No. 325**

**The Housing Benefit and Council Tax Benefit  
(State Pension Credit) Regulations 2003**

**PART 5**

**Consequential and Transitional Provisions**

**Date on which change of circumstances takes effect**

**22.**—(1) The Housing Benefit Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 68(1) (date on which change of circumstances is to take effect)—

- (a) in paragraph (1), for the words “and subject to paragraphs (2) to (8)”, substitute “and subject to the following provisions of this regulation”;
- (b) after paragraph (8), add the following paragraphs—

“(9) Paragraph (10) applies if—

(a) the claimant or his partner has attained the age of 65; and

(b) [<sup>F1</sup>either]—

(i) a non-dependant took up residence in the claimant’s dwelling; or

(ii) the income of a non-dependant increased so that the amount of the deduction which falls to be made under regulation 63 increased.

(10) Where this paragraph applies, the change of circumstances shall take effect from [<sup>F2</sup>the effective date].

[<sup>F3</sup>(11) In paragraph (10) but subject to paragraph (12), “the effective date” means—

(a) where more than one change of a kind referred to in paragraph (9)(b) relating to the same non-dependant has occurred since—

(i) the date on which the claimant’s entitlement to housing benefit first began;  
or

(ii) the date which was the last effective date in respect of such a change;

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where sub-paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in paragraph (9)(b) occurred.]

(12) If in any particular case the date determined under [<sup>F4</sup>paragraph] (11) is not the first day of a benefit week, the [<sup>F5</sup>effective date] in that case shall be the first day of the next benefit week to commence after the date determined under [<sup>F6</sup>that paragraph].”.

(3) After regulation 68A(2), insert—

**“Change of circumstances where state pension credit payable**

**68B.**—(1) Paragraphs [F7(2) to (4)] apply where—

- (a) the claimant is also on state pension credit;
- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the claimant’s circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the claimant results in a change in the rate of housing benefit payable to the claimant.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the claimant [F8] results in—

- (a) an increase] in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the increased rate [F9]; or
- (b) a decrease in the rate at which housing benefit is payable to him, the change shall take effect from the first day of the benefit week next following the date on which—
  - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
  - (ii) state pension credit is increased,
 whichever is the later.]

(3) Where the change of circumstance is that the claimant’s state pension credit is reduced and in consequence the rate of housing benefit payable to the claimant reduces—

- (a) in a case where the claimant’s state pension credit is reduced because the claimant failed to notify the Secretary of State timeously of the change of circumstances, the change shall take effect from the first day of the benefit week from which state pension credit was reduced; or
- (b) in any other case, the change shall take effect from the first day of the benefit week next following the date [F10] on which—
  - (i) the local authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
  - (ii) state pension credit is reduced,
 whichever is the later.]

(4) Where the change of circumstance is that—

- (a) state pension credit is reduced; and
- (b) in consequence of the change, the rate of housing benefit payable to the claimant is increased,

the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the reduced rate.

(5) Where [F11] a change of circumstances occurs in] that an award of state pension credit has been made to the claimant or his partner and this [F12] would result] in a decrease in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date [F13] on which—

- (a) the local authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

whichever is the later.]

(6) Where [<sup>F11</sup>a change of circumstances occurs in] that a guarantee credit has been awarded to the claimant or his partner and this [<sup>F12</sup>would result] in an increase in the rate of housing benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date in respect of which the guarantee credit is first payable.

(7) Where a change of circumstances would, but for this paragraph, take effect under the preceding provisions of this regulation within the 4 week period specified in regulation 62B (continuing payments where state pension credit claimed), that change shall take effect on the first day of the first benefit week to commence after the expiry of the 4 week period.

(8) In paragraph (1) “official error” has the meaning it has in the Decisions and Appeals Regulations by virtue of regulation 1(2) of those Regulations.”

(4) The Council Tax Benefit Regulations shall be amended in accordance with paragraphs (5) and (6).

(5) In regulation 59(3) (date on which change of circumstances takes effect)—

(a) in paragraph (1), for the words “and subject to paragraphs (2) to (9)”, substitute “and subject to the following provisions of this regulation”;

(b) after paragraph (9), add the following paragraphs—

“(10) Paragraph (11) applies if—

(a) the claimant or his partner has attained the age of 65; and

(b) [<sup>F14</sup>either]—

(i) a non-dependant took up residence in the claimant’s dwelling; or

(ii) the income of a non-dependant increased so that the amount of the deduction which falls to be made under regulation 52 increased.

(11) Where this paragraph applies, the change of circumstances shall take effect from [<sup>F15</sup>the effective date].

[<sup>F16</sup>(12) In paragraph (11) but subject to paragraph (13), “the effective date” means—

(a) where more than one change of a kind referred to in paragraph (10)(b) relating to the same non-dependant has occurred since—

(i) the date on which the claimant’s entitlement to council tax benefit first began; or

(ii) the date which was the last effective date in respect of such a change,

whichever is the later, the date which falls 26 weeks after the date on which the first such change occurred;

(b) where sub-paragraph (a) does not apply, the date which falls 26 weeks after the date on which the change referred to in paragraph (10)(b) occurred.]

(13) If in any particular case the date determined under [<sup>F17</sup>paragraph] (12) is not the first day of a benefit week, the [<sup>F18</sup>effective date] in that case shall be the first day of the next benefit week to commence after the date determined under [<sup>F19</sup>that paragraph].”

(6) After regulation 59A(4), insert—

**“Change of circumstances where state pension credit in payment**

**59B.**—(1) Paragraphs [F<sup>20</sup>(2) to (4)] apply where—

- (a) the claimant is also on state pension credit;
- (b) the amount of state pension credit awarded to him is changed in consequence of a change in the claimant’s circumstances or the correction of an official error; and
- (c) the change in the amount of state pension credit payable to the claimant results in a change in the rate at which council tax benefit is allowed to him.

(2) Where the change of circumstance is that an increase in the amount of state pension credit payable to the claimant [F<sup>21</sup> results in—

- (a) an increase] in the rate at which council tax benefit is allowed to him, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the increased rate [F<sup>22</sup>; or
- (b) a decrease in the rate at which council tax benefit is payable to him, the change shall take effect from the first day of the benefit week next following the date on which—
  - (i) the local authority receives notification from the Secretary of State of the increase in the amount of state pension credit; or
  - (ii) state pension credit is increased,
 whichever is the later.]

(3) Where the change of circumstance is that the claimant’s state pension credit has been reduced and in consequence the rate of council tax benefit allowed to the claimant reduces—

- (a) in a case where the claimant’s state pension credit is reduced because the claimant failed to notify the Secretary of State timeously of the change of circumstances, the change shall take effect from the first day of the benefit week from which state pension credit was reduced; or
- (b) in any other case, the change shall take effect from the first day of the benefit week next following the date [F<sup>23</sup> on which—
  - (i) the local authority receives notification from the Secretary of State of the reduction in the amount of state pension credit; or
  - (ii) state pension credit is reduced,
 whichever is the later.]

whichever is the later.]

(4) Where the change of circumstance is that state pension credit is reduced and in consequence of the change, the rate of council tax benefit allowed to the claimant is increased, the change shall take effect from the first day of the benefit week in which state pension credit becomes payable at the reduced rate.

(5) Where [F<sup>24</sup> a change of circumstances occurs in] that an award of state pension credit has been made to the claimant or his partner and this [F<sup>25</sup> would result] in a decrease in the rate of council tax benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date [F<sup>26</sup> on which—

- (a) the local authority receives notification from the Secretary of State of the award of state pension credit; or
- (b) entitlement to state pension credit begins,

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(4) Regulation 59A was inserted by S.I. 2000/897.

whichever is the later.]

(6) Where [<sup>F24</sup>a change of circumstances occurs in] that a guarantee credit has been awarded to the claimant or his partner and this [<sup>F25</sup>would result] in an increase in the rate of council tax benefit payable to the claimant, the change shall take effect from the first day of the benefit week next following the date in respect of which the guarantee credit is first payable.

(7) Where a change of circumstances would, but for this paragraph, take effect under the preceding provisions of this regulation within the 4 week period specified in regulation 53B (continuing payments where state pension credit claimed), that change shall take effect on the first day of the first benefit week to commence after the expiry of the 4 week period.

(8) In paragraph (1), “official error” has the meaning it has in the Decisions and Appeals Regulations by virtue of regulation 1(2) of those Regulations.”

- F1** Word in reg. 22(2)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(a)(i)**
- F2** Words in reg. 22(2)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(a)(ii)**
- F3** Words in reg. 22(2)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(a)(iii)**
- F4** Word in reg. 22(2)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(a)(iv)(aa)**
- F5** Words in reg. 22(2)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(a)(iv)(bb)**
- F6** Words in reg. 22(2)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(a)(iv)(cc)**
- F7** Words in reg. 22(3) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(b)(i)**
- F8** Words in reg. 22(3) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(b)(ii)(aa)**
- F9** Words in reg. 22(3) inserted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(b)(ii)(bb)**
- F10** Words in reg. 22(3) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(b)(iii)**
- F11** Words in reg. 22(3) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(b)(iv)(aa)**
- F12** Words in reg. 22(3) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(b)(iv)(bb)**
- F13** Words in reg. 22(3) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(b)(v)**

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F14** Word in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(i)**
- F15** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(ii)**
- F16** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iii)**
- F17** Word in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iv)(aa)**
- F18** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iv)(bb)**
- F19** Words in reg. 22(5)(b) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(c)(iv)(cc)**
- F20** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(i)**
- F21** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(ii)(aa)**
- F22** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(ii)(bb)**
- F23** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(iii)**
- F24** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(iv)(aa)**
- F25** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(iv)(bb)**
- F26** Words in reg. 22(6) substituted (5.10.2003) by The Housing Benefit and Council Tax Benefit (State Pension Credit and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2275), regs. 1(1)(a), **2(12)(d)(v)**

#### Commencement Information

- I1** Reg. 22 in force at 6.10.2003, see **reg. 1(1)(b)**

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Housing Benefit and Council Tax Benefit (State Pension Credit) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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

- [reg. 2-27](#) revoked by [S.I. 2006/217 Sch. 1](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4\(3\)\(a\)](#)
- [Sch. 2 First Sch. words inserted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iv\)](#)
- [Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(i\)](#)
- [Sch. 2 First Sch. words omitted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iii\)](#)
- [Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(ii\)](#)
- [Sch. 2 First Sch. words substituted by S.I. 2003/2634 reg. 4\(3\)\(b\)\(iii\)](#)
- [Sch. 2 Second Sch. words substituted by S.I. 2003/2634 reg. 4\(4\)](#)