
STATUTORY INSTRUMENTS

2004 No. 647

The State Pension Credit (Miscellaneous Amendments) Regulations 2004

Amendment of the State Pension Credit Regulations 2002

3.—(1) The State Pension Credit Regulations 2002(1) shall be amended in accordance with the following provisions of this regulation.

(2) For regulation 10(5) (which provides how the date specified in paragraph (4) is to be determined), substitute—

“(5) The day referred to in this paragraph is—

(a) in a case to which paragraph (5A) applies—

(i) where the first increased payment date is the day on which the benefit week begins, that day;

(ii) where head (i) does not apply, the first day of the next benefit week which begins after that increased payment date;

(b) in a case to which paragraph (5A) does not apply—

(i) where the second increased payment date is the day on which the benefit week begins, that day;

(ii) where head (i) does not apply, the first day of the next benefit week following that increased payment date.

(5A) This paragraph applies where the period which—

(a) begins on the date from which the increase in the assessed amount is to accrue; and

(b) ends on the first increased payment date,

is a period of the same length as the period in respect of which the last payment of the pre-increase assessed amount was made.

(5B) In paragraphs (5) and (5A)—

“increased payment date” means a date on which the increase in the assessed amount referred to in paragraph (4) is paid as part of a periodic payment under the claimant’s retirement pension scheme or annuity contract; and

“pre-increase assessed amount” means the assessed amount prior to that increase.”.

(3) For regulation 10(6)(a) (which provides that an assessed amount is deemed to increase by reference to the terms of an Order made under section 150 of the Social Security Administration Act 1992), substitute —

“(a) on the day in April each year on which increases under section 150(1)(c) of the Administration Act come into force if that is the first day of a benefit week but if it is not from the next following such day; and”.

(4) After regulation 17(2) (calculation of weekly income) insert—

“Treatment of final payments of income

17ZA.—(1) Save where regulation 13B(3) applies, this regulation applies where—

- (a) a claimant has been receiving a regular payment of income;
- (b) that payment is coming to an end or has ended; and
- (c) the claimant receives a payment of income whether as the last of the regular payments or following the last of them (“the final payment”).

(2) For the purposes of regulation 17(1)—

- (a) where the amount of the final payment is less than or equal to the amount of the preceding, or the last, regular payment, the whole amount shall be treated as being paid in respect of a period of the same length as that in respect of which that regular payment was made;
- (b) where the amount of the final payment is greater than the amount of that regular payment—
 - (i) to the extent that it comprises (whether exactly or with an excess remaining) one or more multiples of that amount, each such multiple shall be treated as being paid in respect of a period of the same length as that in respect of which that regular payment was made; and
 - (ii) any excess shall be treated as paid in respect of a further period of the same length as that in respect of which that regular payment was made.

(3) A final payment referred to in paragraph (2)(a) shall, where not in fact paid on the date on which a regular payment would have been paid had it continued in payment, be treated as paid on that date.

(4) Each multiple and any excess referred to in paragraph (2)(b) shall be treated as paid on the dates on which a corresponding number of regular payments would have been made had they continued in payment.

(5) For the purposes of this regulation, a “regular payment” means a payment of income made in respect of a period—

- (a) referred to in regulation 17(1)(a) or (b) on a regular date; or
- (b) which is subject to the provisions of regulation 17(2).”.

(5) For regulation 21(2) (which deals with the effect of disposing of capital) substitute—

“(2) A person who disposes of a capital resource for the purpose of—

- (a) reducing or paying a debt owed by the claimant; or
- (b) purchasing goods or services if the expenditure was reasonable in the circumstances of the claimant’s case,

shall be regarded as not depriving himself of it.”.

(2) Regulations 17A and 17B were inserted by S.I. 2002/3019.

(3) Regulation 13B was inserted by S.I. 2002/3019.