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STATUTORY INSTRUMENTS

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**2005 No. 1983**

**The Age-Related Payments Regulations 2005**

**PART 3**

**PAYMENTS TO PERSONS IN RECEIPT OF GUARANTEE CREDIT**

**Entitlement: guarantee credit special cases**

- 5.—(1) Where—
- (a) only one member of a couple is a qualifying individual;
  - (b) he would (but for this paragraph) be entitled to a payment under regulation 4(2);
  - (c) the other member of the couple is to receive a payment in 2005 under the Social Fund Winter Fuel Payment Regulations 2000; and
  - (d) the qualifying individual is not to receive a payment in 2005 under those Regulations,
- then—
- (i) that other member of the couple shall be entitled to a payment of £50; and
  - (ii) the qualifying individual shall not be entitled to a payment under regulation 4(2).
- (2) A qualifying individual shall not be entitled to a payment under this Part if—
- (a) on the last day of the relevant week he is living in a care home; and
  - (b) throughout the period of 13 weeks ending with the relevant week his ordinary place of residence was a care home.
- (3) Where a person who ceases to be entitled to a payment by virtue of paragraph (2) is part of a couple, in the application of regulation 4(2) and (3) to the other member of the couple, the person who ceases to be entitled under paragraph (2) shall be treated as a non-qualifying individual.

**Changes to legislation:**

There are currently no known outstanding effects for the The Age-Related Payments Regulations 2005, Section 5.