
STATUTORY INSTRUMENTS

2005 No. 2677

**The Social Security (Deferral of Retirement Pensions,
Shared Additional Pension and Graduated Retirement
Benefit) (Miscellaneous Provisions) Regulations 2005**

PART 5

DECISIONS

Amendment of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

10.—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 ^{M1} shall be amended in accordance with the following paragraphs.

(2) In regulation 4 (revision of decisions), after paragraph (7C) ^{M2} insert—

“(7D) Where—

(a) a person elects for an increase of—

- (i) a Category A or Category B retirement pension in accordance with paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act ^{M3} (pension increase or lump sum where entitlement to retirement pension is deferred);
- (ii) a shared additional pension in accordance with paragraph 1 of Schedule 5A to that Act ^{M4} (pension increase or lump sum where entitlement to shared additional pension is deferred); or, as the case may be,
- (iii) graduated retirement benefit in accordance with paragraph 12 or 17 of Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005 ^{M5} (further provisions replacing section 36(4) of the National Insurance Act 1965: increases of graduated retirement benefit and lump sums);

(b) the relevant authority decides that the person or his partner is entitled to housing benefit or council tax benefit and takes into account the increase of pension or benefit in making or superseding that decision; and

(c) the person's election for an increase is changed so that he is entitled to a lump sum, the relevant authority may revise the housing benefit or council tax benefit decision.”.

(3) In regulation 7 (decisions superseding earlier decisions), after paragraph (2)(i) ^{M6} insert—

“(j) where—

(i) the claimant or his partner makes, or is treated as having made, an election for a lump sum in accordance with—

(aa) paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act;

Changes to legislation: *There are currently no known outstanding effects for the The Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005, Section 10. (See end of Document for details)*

- (bb) paragraph 1 of Schedule 5A to that Act; or, as the case may be,
- (cc) paragraph 12 or 17 of Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005;

or

- (ii) such a lump sum is repaid in consequence of an application to change an election for a lump sum in accordance with regulation 5 of the Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 ^{M7} or, as the case may be, paragraph 20D of Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005 ^{M8}.”.

(4) In regulation 8 (date from which decision superseding an earlier decision takes effect), after paragraph (14) ^{M9} insert—

“(14A) Where a decision is superseded in accordance with regulation 7(2)(j), the superseding decision shall take effect from the day on which a lump sum, or a payment on account of a lump sum, is paid or repaid if that day is the first day of the benefit week but, if it is not, from the next following such day.”.

Marginal Citations

- M1** [S.I. 2001/1002](#).
- M2** Paragraph (7C) is inserted by [S.I.2003/2275](#).
- M3** Paragraphs A1 and 3C are inserted respectively by paragraphs 4 and 9 of Schedule 11 to the [Pensions Act 2004 \(c. 35\)](#).
- M4** [Schedule 5A](#) is inserted by paragraph 15 of Schedule 11 to the Pensions Act 2004.
- M5** [S.I. 2005/454](#).
- M6** Sub-paragraph (i) is inserted by [S.I.2003/2275](#).
- M7** [S.I.2005/2677](#).
- M8** [Paragraph 20D](#) is inserted by [S.I.2005/2677](#).
- M9** Paragraph (14) is inserted by [S.I.2003/2275](#).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005, Section 10.