
STATUTORY INSTRUMENTS

2008 No. 2767

The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008

Amendment of the State Pension Credit Regulations

- 5.—(1) The State Pension Credit Regulations 2002(1) are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation)
- (a) omit the following definitions—
- (i) “the Independent Living Fund”;
 - (ii) “the Independent Living Funds”;
 - (iii) “the Independent Living (Extension) Fund”;
 - (iv) “the Independent Living (1993) Fund”;
- (b) at the appropriate places insert the following definitions—
- “the Health Service Act” means “the National Health Service Act 2006”;
 - “the Health Service (Wales) Act” means “the National Health Service (Wales) Act 2006”.
- (3) In regulation 4(2) (persons receiving treatment outside Great Britain) for paragraph (1) substitute—
- “(1) For the purposes of the Act, a person who is receiving treatment at a hospital or other institution outside Great Britain shall be treated as being in Great Britain if the treatment is being provided—
- (a) under section 6(2) of the Health Service Act (performance of functions outside England) or section 6(2) of the Health Service (Wales) Act (performance of functions outside Wales);
 - (b) pursuant to arrangements made under section 12(1) of the Health Service Act (Secretary of State’s arrangements with other bodies), section 10(1) of the Health Service (Wales) Act (Welsh Ministers’ arrangements with other bodies), paragraph 18 of Schedule 4 to the Health Service Act (joint exercise of functions) or paragraph 18 of Schedule 3 to the Health Service (Wales) Act (joint exercise of functions);
 - (c) under equivalent provision in Scotland or pursuant to arrangements made under such provision.”.
- (4) In Schedule 2 (housing costs)—
- (a) in paragraph 4(11)(c)(i)(bb)(3) (circumstances in which a person is to be treated as occupying a dwelling as his home) for the words “section 9 of the Criminal Justice and Court Services Act 2000” substitute “section 13 of the Offender Management Act 2007”;

(1) [S.I. 2002/1792](#).

(2) Relevant amending instrument is [S.I. 2002/3019](#).

(3) Relevant amending instrument is [S.I. 2004/2327](#).

- (b) for paragraph 10(6) (excessive housing costs) substitute—
 - “(6) Where sub-paragraph (4) does not apply and the claimant or the claimant’s partner was able to meet the financial commitments for the dwelling occupied as the home when these were entered into, no restriction shall be made under this paragraph during the first 26 weeks immediately following the date on which—
 - (a) the claimant became entitled to state pension credit where the claimant’s housing costs fell within one of the cases in sub-paragraph (1) on that date; or
 - (b) a decision took effect which was made under section 10 (decisions superseding earlier decisions) of the Social Security Act 1998 on the ground that the claimant’s housing costs fell within one of the cases in sub-paragraph (1),
nor during the next 26 weeks if and so long as the claimant uses his best endeavours to obtain cheaper accommodation.”;
 - (c) in paragraph 14(7)(b) (persons residing with the claimant) for the words “a Youth Training Scheme established” substitute “youth training”;
 - (d) in paragraph 14(8)(b) for the word “Funds” substitute “Fund (2006)”.
- (5) In paragraph 15(1) of Schedule 5(4) (income from capital) for the words “Independent Living Funds” substitute “Independent Living Fund (2006)”.