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STATUTORY INSTRUMENTS

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**2015 No. 1985**

**The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015**

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

**20.**—(1) The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001<sup>(1)</sup> are amended as follows.

(2) After regulation 4(7D) (revision of decisions)<sup>(2)</sup> insert—

“(7DA) Where—

- (a) a person chooses to be paid a state pension under section 9 of the Pensions Act 2014 in accordance with section 8(2) of that Act;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the state pension under section 9 of that Act in making or superseding that decision; and
- (c) the person alters their choice under section 8(2) of that Act in accordance with Regulations made under section 8(7),

the relevant authority may revise the housing benefit decision.

(7DB) Where—

- (a) a person, in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, chooses to be paid a survivor’s pension based on inheritance of deferred graduated retirement benefit;
- (b) the relevant authority decides that the person or his partner is entitled to housing benefit and takes into account the survivor’s pension in sub-paragraph (a) in making or superseding that decision; and
- (c) the person alters their choice to be paid the survivor’s pension in sub-paragraph (a) in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to Regulations made under section 8(7) of that Act,

the relevant authority may revise the housing benefit decision.”.

(3) In regulation 7(2) (decisions superseding earlier decisions) after sub-paragraph (j) insert<sup>(3)</sup>—

“(ja) where—

- (i) the claimant or his partner chooses to be paid a lump sum under section 8(2) of the Pensions Act 2014, or fails to choose, and is entitled to a lump sum under section 8(4) of that Act; or

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<sup>(1)</sup> [S.I. 2001/1002](#).

<sup>(2)</sup> Regulation 4(7D) was inserted by [S.I. 2005/2677](#).

<sup>(3)</sup> Regulation 7(2)(j) was inserted by [S.I. 2005/2677](#).

- (ii) such a lump sum is repaid in consequence of a decision to alter that choice, being a decision made in accordance with Regulations made under section 8(7) of that Act;
- (jb) where—
- (i) the claimant or his partner chooses to be paid a lump sum under Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to section 8(2) of that Act, or fails to choose, and is entitled to a lump sum under Regulations made under section 10 of that Act which include provision corresponding or similar to section 8(4) of that Act; or
  - (ii) such a lump sum is repaid in consequence of a decision to alter that choice, being a decision made in accordance with Regulations made under section 10 of the Pensions Act 2014 which include provision corresponding or similar to Regulations made under section 8(7) of that Act;”
- (4) In regulation 8 (date from which a decision superseding an earlier decision takes effect), in paragraph (14A)(4) after “(2)(j),” insert “(ja) or (jb),”.