

## THE SOCIAL SECURITY (MISC AMDT NO. 5) REGS 2017

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### INTRODUCTION

- 1 This memo provides guidance on the Social Security (Miscellaneous Amendment No.5) Regulations 2017 ([SI 2017/1187](#)). These regulations come into force 21.12.17<sup>1</sup>.

**Note:** a further memo will be issued covering the changes in this SI that come into force in December 2018.

*1 The Social Security (Misc Amdt No.5) Regs 2017, reg 1(a).*

### BACKGROUND

- 2 This SI makes a number of miscellaneous amendments to existing regulations for PIP and SPC claimants.

### PRESCRIBED CATEGORIES OF PERSON IN IS – PIP RECIPIENTS

- 3 From 21.12.17, a further type of prescribed category of person is introduced in IS<sup>1</sup>. A person will be able to satisfy entitlement conditions for IS where
1. they are in receipt of the daily living component of PIP at the enhanced rate **and**
  2. immediately before receiving that benefit the person was entitled to and in receipt of IS because they were treated as incapable of work by virtue of being in receipt of the highest rate care component of DLA<sup>2</sup>.

*1 IS (Gen) Regs, Sch 1B, para 7A; 2 SS (IfW)(Gen) Regs, reg 10(2)(a)(i)*

## Savings credit

- 4 From 21.12.17 the requirement described at DMG 78623.1 includes the condition that at least one party to the polygamous marriage
1. has attained pensionable age before 6.4.16 **and**
  2. has reached the age of 65 before, on or after that date<sup>1</sup>.

*1 SPC Regs, Sch 3, Para 1(2)*

- 5 A claimant who is a spouse in a polygamous marriage will have entitlement to Savings Credit<sup>1</sup> where

1. at least one party to the marriage had attained pensionable age before 6.4.16.<sup>2</sup>  
**and**
2. at least one of those persons had not **and**
3. the claimant had
  - 3.1 been entitled to a savings credit immediately before 6.4.16.
  - 3.2 been awarded savings credit with effect from a day before 6.4.16
  - 3.3 remained entitled to a savings credit at all times since the beginning of 6.4.16<sup>3</sup>.

*1 SPC Regs, Sch III, Para 7(7A); 2 reg 7A(1)(b); 3 reg 7A(2)*

## ANNOTATIONS

DMG 20134, 78623

## CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 1S25, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 23/16](#) - Obtaining legal advice and guidance on the Law.

**DMA Leeds: Dec 2017**

**The content of the examples in this document (including use of imagery) is for illustrative purposes only**