

A9/2024: The Social Security (State Pension Age Claimants – Closure of Tax Credits) (Amendment) Regulations 2024

Introduction

The Social Security (State Pension Age Claimants – Closure of Tax Credits) (Amendment) Regulations 2024

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Action

For information

Subject

The Social Security (State Pension Age Claimants – Closure of Tax Credits) (Amendment) Regulations 2024

Guidance Manual

The information in this circular does not affect the content of the Housing Benefit Guidance Manual.

Queries

You can get [extra copies of this circular/copies of previous circulars](#).

If you want to ask about the technical content of this circular, contact: housing.policyenquiries@dwp.gov.uk.

If you want to ask about the distribution of this circular, contact: lawelfare.correspondence@dwp.gov.uk.

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Introduction

1. This circular gives guidance on [The Social Security \(State Pension Age Claimants – Closure of Tax Credits\) \(Amendment\) Regulations 2024](#) (SI 2024/611). The regulations came into force on 8 June 2024.

Background

2. Existing Tax Credit awards will be ending during the current tax year 2024 to 2025, ahead of the planned closure of the Tax Credit service from 6 April 2025.

3. Working Age people, including certain mixed age couples who were protected from the introduction of the mixed age couples policy in 2019 ‘protected mixed age couples’, will be required to move to Universal Credit (UC).

4. People over State Pension age with a Tax Credit award and certain protected mixed age couples will only be required to move to UC in certain circumstances. The following paragraphs give more details about who will need to move to UC and who will not.

Closure of Tax Credit awards

5. People with a current positive Working Tax Credit (WTC) award and those who are WTC recipients who also have a Child Tax Credit (CTC) award will be required to move to UC. This includes people over State Pension age and protected mixed age couples receiving Housing Benefit (HB) only.

6. CTC only recipients entitled to WTC but whose income has eroded the WTC element to nil will also have to move to UC unless they are already in receipt of Pension Credit, when they will remain on Pension Credit.

7. Those who are only have a positive CTC award will transfer to Pension Credit if they are not already receiving Pension Credit.

Protected mixed age couples

8. Current legislation states that couples may only claim Pension Credit and or HB for people over State Pension age, if both members have reached State Pension age. However, this does not apply to mixed age couples who were entitled to either benefit on 14 May 2019 and who have at all times remained entitled to one or the other benefit since then.

9. If claiming only one of the benefits, they also retain the ability to claim the other benefit so long as there is no gap between when they are not entitled to either. These are known as 'protected mixed age couples'. See circulars HB [A3/2019](#) and HB [A9/2019](#) for more information about mixed age couples.

Migrating to UC

10. An HB claimant who is in a 'protected mixed age couple' receiving WTC, or WTC and CTC, or CTC and nil rate of WTC because it has tapered to nil, will be sent a migration notice to apply for UC.

11. The HB award will end when they claim UC or if they fail to claim UC by the deadline date given on the Tax Credit Migration Notice.

12. The amendments allow protected mixed age couples sent a migration notice to reapply for HB following the end of the UC claim or to reclaim HB if they decide to not claim UC.

13. Claimants who choose to not claim UC must reclaim HB within three months of their previous HB claim ending for the protection to still apply. As the UC stop notice will end HB on any date within a benefit week they should be advised to claim from the Sunday before the date the HB claim was closed.

Migrating to Pension Credit

14. Mixed age couples receiving HB and CTC only will be invited to apply for Pension Credit. Their HB award will not end if they decide not to apply for Pension Credit.

Abolition of the 2-child limit in State Pension age HB

15. CTC claimants who are moved to Pension Credit will receive the Guarantee Credit element in their Pension Credit award which automatically passports claimants to maximum eligible HB. The 2-child limit does not exist in Pension Credit but remains in HB for people over pension age.

16. To restore the parity between Pension Credit and HB for people over State Pension age from 8 June 2024 the 2-child limit is abolished in the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (SI 2006/214).