



Tax Credits Act 2002

2002 CHAPTER 21

[^{F1}PART 1 U.K.]

TAX CREDITS

[^{F1}Working tax credit

Textual Amendments

- F1** Pt. 1 repealed (1.2.2019 with savings in relation to specified cases in [art. 3](#) of the commencing S.I.) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2019/167, arts. 2, 3

10 Entitlement **U.K.**

- (1) The entitlement of the person or persons by whom a claim for working tax credit has been made is dependent on him, or either or both of them, being engaged in qualifying remunerative work.
- (2) Regulations may for the purposes of this Part make provision—
 - (a) as to what is, or is not, qualifying remunerative work, and
 - (b) as to the circumstances in which a person is, or is not, engaged in it.
- (3) The circumstances prescribed under subsection (2)(b) may differ by reference to—
 - (a) the age of the person or either of the persons,
 - (b) whether the person, or either of the persons, is disabled,
 - (c) whether the person, or either of the persons, is responsible for one or more children or qualifying young persons, or
 - (d) any other factors.
- (4) Regulations may make provision for the purposes of working tax credit as to the circumstances in which a person is or is not responsible for a child or qualifying young person.

Changes to legislation: Tax Credits Act 2002, Cross Heading: Working tax credit is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- II** S. 10 wholly in force at 6.4.2003; s. 10 not in force at Royal Assent, see s. 61; s. 10 in force for certain purposes at 9.7.2002, 1.8.2002 and 1.1.2003 and otherwise in force at 6.4.2003 by [S.I. 2002/1727](#), [art. 2](#)

11 Maximum rate **U.K.**

- (1) The maximum rate at which a person or persons may be entitled to working tax credit is to be determined in the prescribed manner.
- (2) The prescribed manner of determination must involve the inclusion of an element which is to be included in the case of all persons entitled to working tax credit.
- (3) The prescribed manner of determination must also involve the inclusion of an element in respect of the person, or either or both of the persons, engaged in qualifying remunerative work—
 - (a) having a physical or mental disability which puts him at a disadvantage in getting a job, and
 - (b) satisfying such other conditions as may be prescribed.
- (4) The element specified in subsection (2) is to be known as the basic element of working tax credit and the element specified in subsection (3) is to be known as the disability element of working tax credit.
- (5) The prescribed manner of determination may involve the inclusion of such other elements as may be prescribed.
- (6) The other elements may (in particular) include—
 - (a) an element in respect of the person, or either of the persons or the two of them taken together, being engaged in qualifying remunerative work to an extent prescribed for the purposes of this paragraph,
 - (b) an element in respect of the persons being the members of a [^{F2}couple],
 - (c) an element in respect of the person not being a member of a [^{F3}couple] but being responsible for a child or qualifying young person,
 - (d) an element in respect of the person, or either or both of the persons, being severely disabled, and
 - (e) an element in respect of the person, or either or both of the persons, being over a prescribed age, satisfying prescribed conditions and having been engaged in qualifying remunerative work for not longer than a prescribed period.
- (7) A person has a physical or mental disability which puts him at a disadvantage in getting a job, or is severely disabled, for the purposes of this section only if—
 - (a) he satisfies prescribed conditions, or
 - (b) prescribed conditions exist in relation to him.

Textual Amendments

- F2** Word in s. 11(6)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 145](#); [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)
- F3** Words in s. 11(6)(c) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 145](#); [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

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Modifications etc. (not altering text)

- C1** S. 11 functions made exercisable concurrently (10.1.2018) by [The Transfer of Functions \(International Development\) Order 2017 \(S.I. 2017/1283\)](#), arts. 1(2), **2(d)** (with art. 3)

Commencement Information

- I2** S. 11 wholly in force at 6.4.2003; s. 11 not in force at Royal Assent, see s. 61; s. 11 in force for certain purposes at 9.7.2002, 1.8.2002 and 1.1.2003 and otherwise in force at 6.4.2003 by [S.I. 2002/1727](#), **art. 2**

12 Child care element **U.K.**

- (1) The prescribed manner of determination of the maximum rate at which a person or persons may be entitled to working tax credit may involve the inclusion, in prescribed circumstances, of a child care element.
- (2) A child care element is an element in respect of a prescribed proportion of so much of any relevant child care charges as does not exceed a prescribed amount.
- (3) “Child care charges” are charges of a prescribed description incurred in respect of child care by the person, or either or both of the persons, by whom a claim for working tax credit is made.
- (4) “Child care”, in relation to a person or persons, means care provided—
 - (a) for a child of a prescribed description for whom the person is responsible, or for whom either or both of the persons is or are responsible, and
 - (b) by a person of a prescribed description.
- (5) The descriptions of persons prescribed under subsection (4)(b) may include descriptions of persons approved in accordance with a scheme made by the appropriate national authority under this subsection.
- (6) “The appropriate national authority” means—
 - (a) in relation to care provided in England, the Secretary of State,
 - (b) in relation to care provided in Scotland, the Scottish Ministers,
 - (c) in relation to care provided in Wales, the National Assembly for Wales, and
 - (d) in relation to care provided in Northern Ireland, the Department of Health, Social Services and Public Safety.
- (7) The provision made by a scheme under subsection (5) must involve the giving of approvals, in accordance with criteria determined by or under the scheme, by such of the following as the scheme specifies—
 - (a) the appropriate national authority making the scheme,
 - (b) one or more specified persons or bodies or persons or bodies of a specified description, and
 - (c) persons or bodies accredited under the scheme in accordance with criteria determined by or under it.
- (8) A scheme under subsection (5) may authorise—
 - (a) the making of grants or loans to, and
 - (b) the charging of reasonable fees by,
 persons and bodies giving approvals.]

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Commencement Information

- I3** S. 12 wholly in force at 6.4.2003; s. 12 not in force at Royal Assent, see s. 61; s. 12(6)-(8) in force at 9.7.2002 and s. 12(1)-(5) in force for certain purposes at 9.7.2002, 1.8.2002 and 1.1.2003 and otherwise in force at 6.4.2003 by [S.I. 2002/1727](#), [art. 2](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2003/962 by [S.I. 2008/3151 art. 3\(2\)](#) (art. 3(2) revoked (14. 7.2014) by S.I. 2014/1848)
- specified provision(s) amendment to earlier commencing SI 2003/962 art. 2(5) by [S.I. 2011/2910 art. 2](#) (Order revoked (14. 7.2014) by S.I. 2014/1848)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 35(2)-(12) substituted for s. 35(2) by [2012 c. 5 s. 124](#)
- s. 35(9) words substituted by [2020 c. 17 Sch. 24 para. 443\(1\)](#) (This amendment not applied to legislation.gov.uk. The substitution of s. 35(2)-(12) for s. 35(2) by 2021 c. 5, s. 124 is not yet in force)
- s. 36(10) words repealed by [2012 c. 5 Sch. 14 Pt. 12](#)
- s. 371(3) words inserted by [2024 c. 13 Sch. 13 para. 5](#)