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STATUTORY INSTRUMENTS

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**2002 No. 2006**

The Tax Credits (Definition and  
Calculation of Income) Regulations 2002

PART 1

General Provisions

**Citation, commencement and effect**

1. These Regulations may be cited as the Tax Credits (Definition and Calculation of Income) Regulations 2002 and shall come into force—

- (a) for the purpose of enabling claims to be made, on 1st August 2002;
- (b) for the purpose of enabling awards to be made, on 1st January 2003; and
- (c) for all other purposes, on 6th April 2003;

and shall have effect for the tax year beginning on 6th April 2003 and subsequent tax years.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Tax Credits Act 2002;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 <sup>M1</sup>; <sup>F1</sup>...

“the Employment Act” means the Employment and Training Act 1973 <sup>M2</sup>[<sup>F2</sup>]; and

“the Northern Ireland Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992.]

(2) In these Regulations except where the context otherwise requires—

“the 1992 Fund” means moneys made available from time to time by the Secretary of State for Social Security for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 as respects England and Wales and Northern Ireland and on 10th April 1992 as respects Scotland;

[<sup>F3</sup>“the Board” means the Commissioners for Her Majesty’s Revenue and Customs;]

“child” has the meaning given in the Child Tax Credit Regulations 2002 <sup>M3</sup>;

“claim” means a claim for child tax credit or working tax credit and “joint claim” and “single claim” shall be construed in accordance with [<sup>F4</sup>section 3(8)] of the Act and “claimant” shall be construed accordingly;

[<sup>F5</sup>“couple” has the meaning given by section 3(5A) of the Act;]

[<sup>F6</sup>“earnings” shall be construed in accordance with section 62 of the ITEPA;]

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Tax Credits (Definition and Calculation of Income) Regulations 2002, PART 1. (See end of Document for details)*

“the Eileen Trust” means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for Social Security for the benefit of persons eligible in accordance with its provisions;

F7 ...

[F8“employment zone” means an area within Great Britain—

- (i) subject to a designation for the purposes of the Employment Zones Regulations 2003 by the Secretary of State, or
- (ii) [F9listed in the Schedule to the Employment Zones (Allocation to Contractors) Pilot Regulations 2006,]

pursuant to section 60 of the Welfare Reform and Pensions Act 1999;]

“employment zone programme” means a programme which is—

- (a) established for one or more employment zones, and
- (b) designed to assist claimants for a jobseeker’s allowance to obtain sustainable employment;

“family” means—

- (c) in the case of a joint claim, the F10... couple by whom the claim is made and any child or qualifying young person for whom at least one of them is responsible, in accordance with regulation 3 of the Child Tax Credit Regulations 2002 M4; and
- (d) in the case of a single claim, the claimant and any child or qualifying young person for whom he is responsible in accordance with regulation 3 of the Child Tax Credit Regulations 2002;

“the Independent Living Fund” means the charitable trust of that name established out of funds provided by the Secretary of State for Social Services for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;

[F11“the Independent Living Fund (2006)” means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;]

“the Independent Living Funds” means the Independent Living Fund, [F12the Independent Living (Extension) Fund, the Independent Living (1993) Fund and the Independent Living Fund (2006)];

“the Independent Living (Extension) Fund” means the trust of that name established on 25th February 1993 by the Secretary of State for Social Security and Robin Glover Wendt and John Fletcher Shepherd;

“the Independent Living (1993) Fund” means the trust of that name established on 25th February 1993 by the Secretary of State for Social Security and Robin Glover Wendt and John Fletcher Shepherd;

[F13“ITA” means the Income Tax Act 2007;]

[F14“ITEPA” means the Income Tax (Earnings and Pensions) Act 2003;]

[F15“ITTOIA” means the Income Tax (Trading and Other Income) Act 2005;]

“the Macfarlane (Special Payments) Trust” means the trust of that name established on 29th January 1990 partly out of funds provided by the Secretary of State for Health for the benefit of certain persons suffering from haemophilia;

“the Macfarlane (Special Payments) (No. 2) Trust” means the trust of that name established on 3rd May 1991 partly out of funds provided by the Secretary of State for Health for the benefit of certain persons suffering from haemophilia and other beneficiaries;

“the Macfarlane Trust” means the charitable trust established partly out of funds provided by the Secretary of State for Health to the Haemophilia Society for the relief of poverty or distress among those suffering from haemophilia;

“the Macfarlane Trusts” means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

“pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 <sup>M5</sup>;

“pension fund holder”, in relation to a [<sup>F16</sup>registered pension scheme], means the trustees, managers or scheme administrators of the scheme <sup>F17</sup> ...;

<sup>F18</sup> ...

[<sup>F19</sup>“qualifying care receipts” has the meaning given to that expression by section 805 of the Income Tax (Trading and Other Income) Act 2005;]

“qualifying young person” has the meaning given in the Child Tax Credit Regulations 2002;

[<sup>F20</sup>registered pension scheme“ has the meaning given by section 150(2) of the Finance Act 2004;]

[<sup>F21</sup>“Saving Gateway account” has the meaning given by section 1 of the Saving Gateway Accounts Act 2009;]

<sup>F22</sup> ...

<sup>F22</sup> ...

<sup>F23</sup> ...

<sup>F24</sup> ...

<sup>F25</sup> ...

“tax year” means a period beginning with the 6th April in one year and ending with 5th April in the next;

“the Taxes Act” means the Income and Corporation Taxes Act 1988; <sup>M6</sup>

“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

“war pension” has the meaning given in section 25(4) of the Social Security Act 1989 <sup>M7</sup>.

(3) For the purposes of these Regulations, whether a person is responsible for a child or a qualifying young person is determined in accordance with regulation 3 of the Child Tax Credit Regulations 2002.

(4) In these Regulations—

- (a) a reference to a claimant’s partner is a reference to a claimant’s spouse [<sup>F26</sup>or civil partner] or a person with whom the claimant lives as a spouse [<sup>F26</sup>or civil partner]; and
- (b) a reference to a claimant’s former partner is a reference to a claimant’s former spouse [<sup>F27</sup>or civil partner] or a person with whom the claimant has lived as a spouse [<sup>F27</sup>or civil partner]; and
- (c) a reference in these Regulations to an Extra Statutory Concession is a reference to that Concession as published by the Inland Revenue on 1st July 2002 <sup>M8</sup>.

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: There are currently no known outstanding effects for the The Tax Credits (Definition and Calculation of Income) Regulations 2002, PART 1. (See end of Document for details)*

### Textual Amendments

- F1** Word in reg. 2(1) omitted (6.4.2004) by virtue of The Tax Credits (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/762), regs. 1(1), **13(a)**
- F2** Words in reg. 2(1) added (6.4.2004) by The Tax Credits (Miscellaneous Amendments) Regulations 2004 (S.I. 2004/762), regs. 1(1), **13(b)**
- F3** Words in reg. 2(2) substituted (6.4.2006) by The Tax Credits (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/766), regs. 1, **7(1)(a)**
- F4** Words in reg. 2(2) substituted (26.11.2003) by The Tax Credits (Miscellaneous Amendments No.2) Regulations 2003 (S.I. 2003/2815), regs. 1, **3**
- F5** Words in reg. 2 inserted (5.12.2005) by The Civil Partnership Act 2004 (Tax Credits, etc.) (Consequential Amendments) Order 2005 (S.I. 2005/2919), arts. 1, **3(2)(a)**
- F6** Words in reg. 2(2) inserted (6.4.2003) by The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2003 (S.I. 2003/732), regs. 1, **4(a)**
- F7** Words in reg. 2(2) omitted (6.4.2003) by virtue of The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2003 (S.I. 2003/732), regs. 1, **4(b)**
- F8** Words in reg. 2(2) substituted (6.4.2006) by The Tax Credits (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/766), regs. 1, **7(1)(b)**
- F9** Words in reg. 2(2) substituted (6.4.2007) by The Tax Credits (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/824), regs. 1, **8(2)**
- F10** Words in reg. 2(2) omitted (5.12.2005) by virtue of The Civil Partnership Act 2004 (Tax Credits, etc.) (Consequential Amendments) Order 2005 (S.I. 2005/2919), arts. 1, **3(2)(b)**
- F11** Words in reg. 2(2) inserted (1.10.2007) by The Independent Living Fund (2006) Order 2007 (S.I. 2007/2538), arts. 1, **7(2)**
- F12** Words in reg. 2(2) substituted (1.10.2007) by The Independent Living Fund (2006) Order 2007 (S.I. 2007/2538), arts. 1, **7(3)**
- F13** Words in reg. 2(2) inserted (16.5.2007) by The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2007 (S.I. 2007/1305), regs. 1, **3**
- F14** Words in reg. 2(2) inserted (6.4.2003) by The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2003 (S.I. 2003/732), regs. 1, **4(c)**
- F15** Words in reg. 2(2) inserted (6.4.2006) by The Tax Credits (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/766), regs. 1, **7(1)(c)**
- F16** Words in reg. 2(2) substituted (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **26(2)(a)(i)**
- F17** Words in reg. 2(2) omitted (6.4.2006) by virtue of The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **26(2)(a)(ii)**
- F18** Words in reg. 2(2) omitted (6.4.2006) by virtue of The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **26(2)(b)**
- F19** Words in reg. 2(2) inserted (6.4.2011) by The Tax Credits (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/721), regs. 1, **2(2)**
- F20** Words in reg. 2(2) inserted (6.4.2006) by The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **26(2)(c)**
- F21** Words in reg. 2(2) inserted (6.4.2010) by The Tax Credits (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/751), regs. 1, **3**
- F22** Words in reg. 2(2) omitted (6.4.2006) by virtue of The Taxation of Pension Schemes (Consequential Amendments) Order 2006 (S.I. 2006/745), arts. 1, **26(2)(d)**
- F23** Words in reg. 2(2) omitted (6.4.2006) by virtue of The Tax Credits (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/766), regs. 1, **7(1)(d)**
- F24** Words in reg. 2(2) omitted (6.4.2003) by virtue of The Tax Credits (Definition and Calculation of Income) (Amendment) Regulations 2003 (S.I. 2003/732), regs. 1, **4(d)**
- F25** Words in reg. 2(2) omitted (31.12.2010) by virtue of The Tax Credits (Miscellaneous Amendments) (No. 3) Regulations 2010 (S.I. 2010/2914), regs. 1(2), **3**

**F26** Words in reg. 2(4)(a) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Tax Credits, etc.\) \(Consequential Amendments\) Order 2005 \(S.I. 2005/2919\)](#), arts. 1, **3(2)(c)**

**F27** Words in reg. 2(4)(b) inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Tax Credits, etc.\) \(Consequential Amendments\) Order 2005 \(S.I. 2005/2919\)](#), arts. 1, **3(2)(c)**

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**Modifications etc. (not altering text)**

**C1** Reg. 2(2) modified (E.W.S.) (29.4.2013) by [The Universal Credit \(Transitional Provisions\) Regulations 2013 \(S.I. 2013/386\)](#), regs. 1(2), 17, **Sch. para. 16**

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**Marginal Citations**

**M1** 1992 c.4.

**M2** 1973 c.50.

**M3** [S.I. 2002/2007](#).

**M4** [S.I. 2002/2007](#).

**M5** 1995 c.26.

**M6** 1988 c.1.

**M7** 1989 c.24.

**M8** Copies of Inland Revenue Extra-Statutory Concessions may be obtained from the Inland Revenue Leaflets and booklets Orderline, PO Box 37, Saint Austell, Cornwall, PL25 5YN. They are also available on the Inland Revenue's website (<http://www.inlandrevenue.gov.uk>).

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Tax Credits (Definition and Calculation of Income) Regulations 2002, PART 1.