



State Pension Credit Act 2002

2002 CHAPTER 16

Retirement provision

9 Duration of assessed income period

- [^{F1}(1) An assessed income period shall (subject to the following subsections) be—
- (a) in the case of a claimant who is under the age of 75 on the day on which the relevant decision takes effect, the period of 5 years beginning with that day;
 - (b) in the case of a claimant who is aged 75 or over on that day, an indefinite period beginning with that day.]
- (2) If the Secretary of State considers that the particulars of the claimant's retirement provision as determined for the purposes of the relevant decision are not likely, after taking account of any assumed variations under subsection (3), to be typical of the claimant's retirement provision throughout the period of 12 months beginning with the day on which that decision takes effect—
- (a) he need not specify a period under section 6(1); and
 - (b) if he does so, he [^{F2}shall specify a period that is shorter than 5 years] (but beginning as mentioned in subsection (1)).
- (3) It shall be assumed for the purposes of subsection (2) that the same variations fall to be made in relation to the amount of an element of the claimant's retirement provision as determined for the purposes of the relevant decision as would fall to be made under section 7(4) if an assessed income period were to be specified in accordance with subsection (1).
- (4) An assessed income period shall, except in prescribed circumstances, end at any time at which—
- (a) the claimant becomes a member of a [^{F3}couple] ;
 - (b) the claimant ceases to be a member of a [^{F4}couple] ;
 - (c) the claimant attains the age of 65; or
 - (d) in a case where the claimant is a member of a [^{F5}couple] , the other member of the couple attains the age of 65.

Status: Point in time view as at 14/05/2014. This version of this provision has been superseded.

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(5) Regulations may prescribe further times at which, or circumstances in which, an assessed income period shall end.

[^{F6}(6) Where—

- (a) an assessed income period is brought to an end [^{F7}, on or after 6 April 2009 but before 6 April 2014,] by the expiry of a period of 5 years or more, and
- (b) the claimant is aged 80 or over at that time,

the assessed income period shall be treated as not ending at that time but, subject to subsection (4) and provision made under subsection (5), as continuing indefinitely.]

Textual Amendments

- F1** S. 9(1) substituted (6.4.2009) by [Pensions Act 2008 \(c. 30\)](#), **ss. 105(2)**, 149(4) (with s. 105(5))
- F2** Words in s. 9(2)(b) substituted (6.4.2009) by [Pensions Act 2008 \(c. 30\)](#), **ss. 105(3)**, 149(4) (with s. 105(5))
- F3** Words in s. 9(4)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 140**; [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F4** Words in s. 9(4)(b) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 140**; [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F5** Words in s. 9(4)(d) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 140**; [S.I. 2005/3175](#), art. 2(1), Sch. 1
- F6** S. 9(6) inserted (temp. until 5.4.2014) (6.4.2009) by [Pensions Act 2008 \(c. 30\)](#), **s. 105(4)(6)**, 149(4)
- F7** Words in s. 9(6)(a) inserted (14.5.2014) by [Pensions Act 2014 \(c. 19\)](#), **ss. 29(2)(b)**, 56(2)(a)

Modifications etc. (not altering text)

- C1** S. 9(6) restored (14.5.2014) by [Pensions Act 2014 \(c. 19\)](#), **ss. 29(2)(a)**, 56(2)(a)

Commencement Information

- I1** S. 9 partly in force; s. 9 not in force at Royal Assent, see s. 22(3); s. 9 in force for certain purposes at 2.7.2002 by [S.I. 2002/1691](#), **art. 2**
- I2** S. 9 in force at 6.10.2003 in so far as not already in force by [S.I. 2003/1766](#), **art. 2(a)**

Status:

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