State Pension Credit Act 2002

2002 CHAPTER 16

Retirement provision

9 Duration of assessed income period

(1) An assessed income period shall (subject to subsections (2) to (4)) be the period of 5 years beginning with the day on which the relevant decision takes effect.

(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 may specify a period 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 married or unmarried couple;
- (b) the claimant ceases to be a member of a married or unmarried couple;
- (c) the claimant attains the age of 65; or
- (d) in a case where the claimant is a member of a married or unmarried couple, the other member of the couple attains the age of 65.

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