
STATUTORY INSTRUMENTS

2002 No. 1792

The State Pension Credit Regulations 2002

PART I

General

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the State Pension Credit Regulations 2002 and shall come into force on 6th October 2003.

(2) In these Regulations—

“the Act” means the State Pension Credit Act 2002;

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992^{M1};

[^{F1}“the 2012 Act” means the Welfare Reform Act 2012;]

[^{F2}“adoption leave” means a period of absence from work on ordinary or additional adoption leave in accordance with section 75A or 75B of the Employment Rights Act 1996;]

“the appointed day” means the day appointed under section 13(3) of the Act;

[^{F3}“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;]

[^{F4}“the Armed Forces and Reserve Forces Compensation Scheme” means the scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004;]

“attendance allowance” means—

(a) an attendance allowance under section 64 of the 1992 Act;

(b) an increase of disablement pension under section 104 or 105 of the 1992 Act;

^{F5}(c)

^{F5}(d)

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 ^{M2} or any analogous payment; or

[^{F6}(f) any payment based on a need for attendance which is paid as part of a war disablement pension, or any other such payment granted in respect of disablement which falls within regulation 15(5)(ac);]

[^{F7}“benefit week” means—

(a) where state pension credit is paid in advance, the period of 7 days beginning on the day on which, in the claimant’s case, that benefit is payable;

(b) where state pension credit is paid in arrears, the period of 7 days ending on the day on which, in the claimant’s case, that benefit is payable.]

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Changes to legislation: There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, PART I. (See end of Document for details)

[^{F8}“board and lodging accommodation” means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of—

- (i) the provision of that accommodation, and
- (ii) at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises,

but not accommodation provided by a close relative of his or of his partner, or other than on a commercial basis;]

“care home” has the meaning it has for the purposes of the Care Standards Act 2000 ^{M3} by virtue of section 3 of that Act [^{F9} and in Scotland means a care home service];

[^{F10}“care home service” has the meaning assigned to it by paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010;]

[^{F11}“the Caxton Foundation” means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;]

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987^{M4};

“close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, [^{F12} or if any of the preceding persons is one member of a couple, the other member of that couple], the other member of that couple;

[^{F13}“contribution-based jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act 1995 as that Act has effect apart from those provisions;]

[^{F14}“contributory employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act as that Part has effect apart from those provisions;]

[^{F15}“couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;]

[^{F16}“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations 1996;]

[^{F16}“dwelling occupied as the home” means the dwelling together with any garage, garden and outbuildings, normally occupied by the claimant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated;]

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

[^{F17}“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

[^{F18}“enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament [^{F19}or the National Assembly for Wales];]

[^{F20}“equity release scheme” means a loan—

- (a) made between a person (“the lender”) and the claimant;
- (b) by means of which a sum of money is advanced by the lender to the claimant by way of payments at regular intervals; and
- (c) which is secured on a dwelling in which the claimant owns an estate or interest and which he occupies as his home;]

[^{F21}“foreign state retirement pension” means any pension which is paid under the law of a country outside the United Kingdom and is in the nature of social security;]

“the Fund” means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

“full-time student” has the meaning prescribed in regulation 61(1) of the Income Support Regulations;

[^{F22}“the Graduated Retirement Benefit Regulations” means the Social Security (Graduated Retirement Benefit) Regulations 2005;]

[^{F4}“a guaranteed income payment” means a payment made under article 14(1)(b) or article 21(1)(a) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005;]

[^{F23}“the Health Service Act” means “the National Health Service Act 2006”];]

[^{F23}“the Health Service (Wales) Act” means “the National Health Service (Wales) Act 2006”];]

[^{F24}“income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers Act 1995;]

[^{F25}“income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act (employment and support allowance);]

“the Income Support Regulations” means the Income Support (General) Regulations 1987^{M5};

[^{F26}“independent hospital”—

- (a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and
- (c) [^{F27}in Scotland, means an independent health care service as defined in section 10F(1)(a) and (b) of the National Health Service (Scotland) Act 1978;]

^{F28} ...

[^{F29}“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;]

^{F30} ...

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...

“^{F33}local welfare provision” means occasional financial or other assistance given by a local authority, the Scottish Ministers or the Welsh Ministers, or a person authorised to exercise any function of, or provide a service to, them, to or in respect of individuals for the purpose of—

- (a) meeting, or helping to meet, an immediate short term need—
 - (i) arising out of an exceptional event, or exceptional circumstances; and
 - (ii) that requires to be met in order to avoid a risk to the well-being of an individual; or
- (b) enabling individuals to establish or maintain a settled home, where those individuals have been or, without the assistance, might otherwise be—
 - (i) in prison, hospital, a residential care establishment or other institution; or
 - (ii) homeless or otherwise living an unsettled way of life;]

^{F34}“the London Bombings Relief Charitable Fund” means the company limited by guarantee (number 5505072) and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 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 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 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 to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

^{F21}“MFET Limited” means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;]

^{F35}“paternity leave” means a period of absence from work on ordinary paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 or on additional paternity leave by virtue of section 80AA or 80BB of that Act;]

^{F36}“patient”, except in Schedule II, means a person (other than a prisoner) who is regarded as receiving free in-patient treatment within the meaning of regulation 2(4) and (5) of the Social Security (Hospital In-Patients) Regulations 2005];

“pension fund holder” means with respect to ^{F37}[an occupational pension scheme,] a personal pension scheme or retirement annuity contract, the trustees, managers or scheme administrators, as the case may be, of the scheme or contract concerned;

^{F1}“personal independence payment” means personal independence payment under Part 4 of the 2012 Act;]

“policy of life insurance” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

“prisoner” means a person who—

- (a) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
- (b) is on temporary release in accordance with the provisions of the Prison Act 1952^{M6} or the Prisons (Scotland) Act 1989^{M7},

other than a person detained in hospital under the provisions of the Mental Health Act 1983^{M8}, or in Scotland, under the provisions of the [^{F38}Mental Health (Care and Treatment) (Scotland) Act 2003] or the Criminal Procedure (Scotland) Act 1995^{M9};

[^{F18c}“public authority” includes any person certain of whose functions are functions of a public nature;]

“qualifying person” means a person in respect of whom payment has been made from the Fund[^{F39}, the Eileen Trust^{F40}, MFET Limited][^{F41}, the Skipton Fund^{F42}, the Caxton Foundation] or the London Bombings Relief Charitable Fund];

[^{F18c}“service user group” means a group of individuals that is consulted by or on behalf of—

- (a) a Health Board, Special Health Board or the Agency in consequence of a function under section 2B of the National Health Service (Scotland) Act 1978,
- (b) a landlord authority in consequence of a function under section 105 of the Housing Act 1985,
- (c) a public authority in consequence of a function under section 49A of the Disability Discrimination Act 1995,
- (d) a best value authority in consequence of a function under section 3 of the Local Government Act 1999,
- (e) a local authority landlord or registered social landlord in consequence of a function under section 53 of the Housing (Scotland) Act 2001,
- (f) a relevant English body or a relevant Welsh body in consequence of a function under section 242 of the National Health Service Act 2006,
 - [the National Institute for Health and Care Excellence in consequence of a function under
- ^{F43}(fa) Part 8 of the Health and Social Care Act 2012,
- (fb) a clinical commissioning group in consequence of a function under section 14Z2 of the National Health Service Act 2006,
- (fc) the National Health Service Commissioning Board in consequence of a function under section 13Q of the National Health Service Act 2006,]
- (g) a Local Health Board in consequence of a function under section 183 of the National Health Service (Wales) Act 2006,
- (h) the Commission or the Office of the Health Professions Adjudicator in consequence of a function under sections 4, 5, or 108 of the Health and Social Care Act 2008,
- (i) the regulator or a [^{F44}private registered provider of social housing] in consequence of a function under sections 98, 193 or 196 of the Housing and Regeneration Act 2008, or
- (j) a public or local authority in Great Britain in consequence of a function conferred under any other enactment,

for the purposes of monitoring and advising on a policy of that body or authority which affects or may affect persons in the group, or of monitoring or advising on services provided by that body or authority which are used (or may potentially be used) by those persons;]

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[^{F45}“the Skipton Fund” means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme’s provisions;]

[^{F46}“universal credit” means universal credit under Part 1 of the 2012 Act;]

[^{F47}“voluntary organisation” means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;]

“water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part V of the Water Industry Act 1991^{M10};
- (b) as respects Scotland, any water and sewerage charges under Schedule 11 to the Local Government Finance Act 1992^{M11};

in so far as such charges are in respect of the dwelling which a person occupies as his home;

[^{F48}“the Welfare Reform Act” means the Welfare Reform Act 2007.]

(3) In these Regulations, unless the context otherwise requires, a member of [^{F49}a couple] is referred to as a partner and both members are referred to as partners.

(4) In these Regulations, unless the context otherwise requires, a reference—

- (a) to a numbered section is to the section of the Act bearing that number;
- (b) to a numbered Part is to the Part of these Regulations bearing that number;
- (c) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (d) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (e) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

Textual Amendments

- F1** Words in reg. 1(2) inserted (8.4.2013) by The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 27(2)**
- F2** Words in reg. 1(2) inserted (6.10.2003) by The State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **2(2)**
- F3** Words in reg. 1(2) inserted (8.4.2013) by The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 23(2)**
- F4** Words in reg. 1(2) inserted (4.4.2005) by The Social Security (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/574), regs. 1(1), **2(1)**
- F5** Words in reg. 1(2) omitted (29.10.2013) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **10(2)(a)**
- F6** Words in reg. 1(2) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **4(2)**
- F7** Words in reg. 1(2) substituted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 6) Regulations 2009 (S.I. 2009/3229), regs. 1, **3(2)**
- F8** Words in reg. 1(2) inserted (3.10.2005) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2005 (S.I. 2005/2465), regs. 1(2), **6(2)**
- F9** Words in reg. 1(2) added (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No. 2) Regulations 2002 (S.I. 2002/3197), reg. 1(1)(b), **Sch. para. 1(a)**

- F10** Words in reg. 1(2) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 35(a)**
- F11** Words in reg. 1(2) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **15(2)(a)**
- F12** Words in reg. 1(2) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 35(2)(a)(i)** (with art. 3)
- F13** Words in reg. 1(2) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(2)(a)**
- F14** Words in reg. 1(2) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(2)(d)**
- F15** Words in reg. 1(2) inserted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 35(2)(a)(ii)** (with art. 3)
- F16** Words in reg. 1(2) inserted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(b), **23(a)**
- F17** Words in reg. 1(2) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **4(2)(b)**
- F18** Words in reg. 1(2) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(2)(c), **5(2)**
- F19** Words in reg. 1(2) inserted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **10(2)(b)**
- F20** Words in reg. 1(2) inserted (4.10.2004) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(a), **7(2)**
- F21** Words in reg. 1(2) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **6(2)**
- F22** Words in reg. 1(2) inserted (6.4.2006) by The Social Security (Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit) (Miscellaneous Provisions) Regulations 2005 (S.I. 2005/2677), regs. 1(1), **13(2)**
- F23** Words in reg. 1(2) inserted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **5(2)(b)**
- F24** Words in reg. 1(2) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(2)(b)**
- F25** Words in reg. 1(2) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **4(2)(c)**
- F26** Words in reg. 1(2) substituted (1.10.2010) by The Health and Social Care Act 2008 (Miscellaneous Consequential Amendments) Order 2010 (S.I. 2010/1881), arts. 1(1), **12**
- F27** Words in reg. 1(2) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 35(b)**
- F28** Words in reg. 1(2) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **5(2)(a)(i)**
- F29** Words in reg. 1(2) inserted (1.10.2007) by The Independent Living Fund (2006) Order 2007 (S.I. 2007/2538), arts. 1, **6(2)**
- F30** Words in reg. 1(2) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **5(2)(a)(ii)**
- F31** Words in reg. 1(2) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **5(2)(a)(iii)**
- F32** Words in reg. 1(2) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **5(2)(a)(iv)**

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Changes to legislation: There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, PART I. (See end of Document for details)

- F33** Words in reg. 1(2) inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **6(2)**
- F34** Words in reg. 1(2) inserted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **7(2)(a)**
- F35** Words in reg. 1(2) substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **5(2)**
- F36** Words in reg. 1(2) substituted (10.4.2006) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), regs. 1(a), **8(2)**
- F37** Words in reg. 1(2) inserted (1.10.2007) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2007 (S.I. 2007/2618), regs. 1(1), **10(2)**
- F38** Words in reg. 1(2) substituted (5.10.2005) (S) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Subordinate Legislation) Order 2005 (S.S.I. 2005/445), arts. 1, 2, **sch. para. 35(1)**; (5.10.2005) (E+W+N.I.) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/2078), art. 1(1), **Sch. 2 para. 22(2)**
- F39** Words in reg. 1(2) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **2(a)**
- F40** Words in reg. 1(2) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **6(3)(a)**
- F41** Words in reg. 1(2) substituted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **7(2)(b)**
- F42** Words in reg. 1(2) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **15(2)(b)**
- F43** Words in reg. 1(2) inserted (1.4.2013) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 54(2)**
- F44** Words in reg. 1(2) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2010 (S.I. 2010/671), art. 1(2), **Sch. 1 para. 28** (with Sch. 2); S.I. 2010/862, art. 2
- F45** Words in reg. 1(2) inserted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **2(b)(iv)**
- F46** Words in reg. 1(2) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(2)(c)**
- F47** Words in reg. 1(2) inserted (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No. 2) Regulations 2002 (S.I. 2002/3197), reg. 1(1)(b), **Sch. para. 1(b)**
- F48** Words in reg. 1(2) added (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **4(2)(d)**
- F49** Words in reg. 1(3) substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 35(2)(b)** (with art. 3)

Marginal Citations

- M1** 1992 c. 4.
- M2** S.I.1983/686; the relevant amending Instruments are S.I. 1983/1164 and 1984/1675.
- M3** 2000 c. 14.
- M4** S.I. 1987/1968; the relevant amending Instrument is S.I.1999/3108.
- M5** S.I. 1987/1967.
- M6** 1952 c. 52.
- M7** 1989 c. 45.
- M8** 1983 c. 20.
- M9** 1995 c. 46.
- M10** 1991 c. 56.
- M11** 1992 c. 14.

[^{F50}Disapplication of section 1(1A) of the Social Security Administration Act

1A. Section 1(1A) of the Social Security Administration Act 1992 (requirement to state a national insurance number) shall not apply to a person who—

- (a) is a person in respect of whom a claim for state pension credit is made;
- (b) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999;
- (c) does not satisfy the conditions of entitlement to state pension credit as specified in section 1(2); and
- (d) has not previously been allocated a national insurance number.]

Textual Amendments

F50 [Reg. 1A](#) inserted (6.4.2009) by [The Social Security \(National Insurance Number Information: Exemption\) Regulations 2009 \(S.I. 2009/471\)](#), regs. 1, **8**

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Changes to legislation:

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