
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;]

[^{F3}“adult disability payment” has the meaning given in regulation 2 of the Disability Assistance for Working Age People (Scotland) Regulations 2022;]

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

[^{F4}“approved blood scheme” means a scheme established or approved by the Secretary of State, or trust established with funds provided by the Secretary of State, for the purpose of providing compensation in respect of a person having been infected from contaminated blood products;]

[^{F5}“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;]

[^{F6}“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;

(c) ^{F7}

(d) ^{F7}

(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

(f) [^{F8}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);]

[^{F9}“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.]

[^{F10}“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” [^{F11}in England] has the meaning it has for the purposes of the Care Standards Act 2000 ^{M3} by virtue of section 3 of that Act [^{F12}and in [^{F13}Wales and] Scotland means a care home service];

[^{F14}“care home service” [^{F15}in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over and in Scotland] has the meaning assigned to it by paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010;]

[^{F16}“carer support payment” means carer's assistance given in accordance with the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023;]

[^{F17}“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;]

[^{F18}“child abuse payment” means a payment from a scheme established or approved by the Secretary of State for the purpose of providing compensation in respect of historic institutional child abuse in the United Kingdom;]

“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, [^{F19}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;

[^{F20}“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;]

[^{F21}“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;]

^{F22}[^{F23}“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together [F24as if they were a married couple or civil partners];]

[F25“the Computation of Earnings Regulations” means the Social Security Benefit (Computation of Earnings) Regulations 1996;]

[F25 “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;

[F26“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

[F27 “enactment” includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament [F28or the National Assembly for Wales];]

[F29“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;]

[F30“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;

[F31“the Graduated Retirement Benefit Regulations” means the Social Security (Graduated Retirement Benefit) Regulations 2005;]

[F32“Grenfell Tower payment” means a payment made for the purpose of providing compensation or support in respect of the fire on 14th June 2017 at Grenfell Tower;]

[F6“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;]

[F33 “the Health Service Act” means “the National Health Service Act 2006”];]

[F33“the Health Service (Wales) Act” means “the National Health Service (Wales) Act 2006”];]

[F34“the Horizon system” means any version of the computer system used by the Post Office known as Horizon, Horizon Legacy, Horizon Online or HNG-X;]

[F35 “income-based jobseeker’s allowance” means an income-based allowance under the Jobseekers Act 1995;]

[F36“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;

[^{F37}“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) [^{F38} 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;]

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[^{F40} “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;]

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[^{F44}“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;]

[^{F45}“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;]

[^{F46} “the London Emergencies Trust” means the company of that name (number 09928465) incorporated on 23rd December 2015 and the registered charity of that name (number 1172307) established on 28th March 2017;]

“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;

[^{F47} “member of the work-related activity group” means a claimant who has or is treated as having limited capability for work under either—

- (a) Part 5 of the Employment and Support Allowance Regulations 2008 other than by virtue of regulation 30 of those Regulations; or
- (b) Part 4 of the Employment and Support Allowance Regulations 2013 other than by virtue of regulation 26 of those Regulations;]

[^{F30} “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;]

[^{F48} “the National Emergencies Trust” means the registered charity of that name (number 1182809) established on 28th March 2019;]

[^{F49} “parental bereavement leave” means leave under section 80EA of the Employment Rights Act 1996;]

[^{F50} “paternity leave” means a period of absence from work on ^{F51} ... paternity leave by virtue of section 80A or 80B of the Employment Rights Act 1996 ^{F52} ... ;]

[^{F53} “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 [^{F54} 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;

[^{F34} “the Post Office” means Post Office Limited (registered number 02154540);]

[^{F34} “Post Office compensation payment” means a payment made by the Post Office or the Secretary of State for the purpose of providing compensation or support which is—

- (a) in connection with the failings of the Horizon system; or
- (b) otherwise payable following the judgment in *Bates and Others v Post Office Ltd* ((No. 3) “Common Issues”);]

“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 [^{F55} Mental Health (Care and Treatment) (Scotland) Act 2003] or the Criminal Procedure (Scotland) Act 1995 ^{M9} ;

[^{F27} “public authority” includes any person certain of whose functions are functions of a public nature;]

“qualifying person” means a person in respect of whom [^{F56} a Grenfell Tower payment [^{F57} , a child abuse payment [^{F58} , a Windrush payment, a Post Office compensation payment or a

vaccine damage payment]] has been made or] payment has been made from the Fund [F59, the Eileen Trust [F60, MFET Limited][F61, the Skipton Fund][F62, the Caxton Foundation][F63, the Scottish Infected Blood Support Scheme][F64, an approved blood scheme][F65, the London Emergencies Trust, the We Love Manchester Emergency Fund][F66, the National Emergencies Trust][F67, the Victims of Overseas Terrorism Compensation Scheme] or the London Bombings Relief Charitable Fund];

[F68 “Scottish Infected Blood Support Scheme” means the scheme of that name administered by the Common Services Agency (constituted by section 10 of the National Health Service (Scotland) Act 1978);]

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[F70 “shared parental leave” means leave under section 75E or 75G of the Employment Rights Act 1996;]

[F71 “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;]

[F72 “tax credit closure notice” means a notice issued under article 3A (tax credit closure notice) of the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019;]

[F73 “universal credit” means universal credit under Part 1 of the 2012 Act;]

[F34 “vaccine damage payment” means a payment made under the Vaccine Damage Payments Act 1979;]

[F74 “the Victims of Overseas Terrorism Compensation Scheme” means the scheme of that name established by the Ministry of Justice in 2012 under section 47 of the Crime and Security Act 2010;]

[F75 “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;

[F76 “the We Love Manchester Emergency Fund” means the registered charity of that name (number 1173260) established on 30th May 2017;]

[F77 “the Welfare Reform Act” means the Welfare Reform Act 2007.]

[F18 “Windrush payment” means a payment made under the Windrush Compensation Scheme (Expenditure) Act 2020.]

(3) In these Regulations, unless the context otherwise requires, a member of [F78 a couple] is referred to as a partner and both members are referred to as partners.

[F79 (3A) References in these Regulations to a claimant participating as a service user are to—

- (a) a person who is being consulted by or on behalf of—
 - (i) a body which has a statutory duty to provide services in the field of health, social care or social housing; or

- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such services,
in their capacity as a user, potential user, carer of a user or person otherwise affected by the provision of those services; or
- [a person who is being consulted by or on behalf of—
- ^{F80}(ab) (i) the Secretary of State in relation to any of the Secretary of State’s functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
- (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions,
in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person;]
- (b) the carer of a person consulted under [^{F81}sub-paragraphs (a) or (ab)].]
- (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 (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **8(2)**
- F4** Words in reg. 1(2) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **5(2)(a)**
- F5** 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)**
- F6** 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)**
- F7** 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)**
- F8** 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)**
- F9** 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)**
- F10** 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)**

- F11** Words in reg. 1(2) inserted (2.4.2018) by The Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 (S.I. 2018/228), regs. 1, **8(2)(a)(i)**
- F12** 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)**
- F13** Words in reg. 1(2) inserted (2.4.2018) by The Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 (S.I. 2018/228), regs. 1, **8(2)(a)(ii)**
- F14** 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)**
- F15** Words in reg. 1(2) inserted (2.4.2018) by The Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 (S.I. 2018/228), regs. 1, **8(2)(b)**
- F16** Words in reg. 1(2) inserted (19.11.2023) by The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023 (S.I. 2023/1218), arts. 1(2), **14(2)**
- F17** 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)**
- F18** Words in reg. 1(2) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **4(2)(a)**
- F19** 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)
- F20** 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)**
- F21** 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)**
- F22** Words in reg. 1(2) substituted (S) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 6 para. 23**
- F23** Words in reg. 1(2) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), art. 1(2), **Sch. 1 para. 32**
- F24** Words in reg. 1(2) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 61**
- F25** 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)**
- F26** 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)**
- F27** 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)**
- F28** 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)**
- F29** 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)**
- F30** 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)**
- F31** 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)**

- F32** Words in reg. 1(2) substituted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **4(2)(a)**
- F33** 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)**
- F34** Words in reg. 1(2) inserted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **4(2)(b)**
- F35** 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)**
- F36** 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)**
- F37** 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**
- F38** 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)**
- F39** 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)**
- F40** 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)**
- F41** 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)**
- F42** 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)**
- F43** 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)**
- F44** 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)**
- F45** 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)**
- F46** Words in reg. 1(2) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **4(2)(a)**
- F47** Words in reg. 1(2) inserted (3.4.2017) by The Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017 (S.I. 2017/204), reg. 1, **Sch. 1 para. 5(2)** (with Sch. 2 paras. 1-7)
- F48** Words in reg. 1(2) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(2)(a)**
- F49** Words in reg. 1(2) inserted (6.4.2020) by The Parental Bereavement Leave and Pay (Consequential Amendments to Subordinate Legislation) Regulations 2020 (S.I. 2020/354), regs. 1, **10(2)**
- F50** 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)**
- F51** Word in reg. 1(2) omitted (5.4.2015) by virtue of The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(3), **10(2)(a)(i)** (with art. 35(1))
- F52** Words in reg. 1(2) omitted (5.4.2015) by virtue of The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(3), **10(2)(a)(ii)** (with art. 35(1))
- F53** 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)**
- F54** 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)**
- F55** 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)**
- F56** Words in reg. 1(2) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(2)(b)(i)**
- F57** Words in reg. 1(2) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **4(2)(b)**
- F58** Words in reg. 1(2) substituted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **4(2)(c)**
- F59** 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)**
- F60** 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)**
- F61** 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)**
- F62** 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)**
- F63** Words in reg. 1(2) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **5(2)(a)**
- F64** Words in reg. 1(2) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **5(2)(b)**
- F65** Words in reg. 1(2) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **4(2)(b)**
- F66** Words in reg. 1(2) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(2)(b)(ii)**
- F67** Words in reg. 1(2) inserted (27.10.2023) by The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **5(2)(a)**
- F68** Words in reg. 1(2) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **5(2)(b)**
- F69** Words in reg. 1(2) omitted (28.4.2014) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/591), regs. 1, **7(2)(a)**
- F70** Words in reg. 1(2) inserted (31.12.2014) by The Shared Parental Leave and Statutory Shared Parental Pay (Consequential Amendments to Subordinate Legislation) Order 2014 (S.I. 2014/3255), arts. 1(2), **10(2)(b)**
- F71** 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)**
- F72** Words in reg. 1 inserted (8.6.2024) by The Social Security (State Pension Age Claimants: Closure of Tax Credits) (Amendment) Regulations 2024 (S.I. 2024/611), regs. 1(1), **4(2)**
- F73** 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)**
- F74** Words in reg. 1(2) inserted (27.10.2023) by The Social Security (Habitual Residence and Past Presence, and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/1144), regs. 1(1), **5(2)(b)**
- F75** 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)**
- F76** Words in reg. 1(2) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **4(2)(c)**
- F77** 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)**
- F78** 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)
- F79** Reg. 1(3A) inserted (28.4.2014) by The Social Security (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/591), regs. 1, **7(2)(b)**

F80 Reg. 1(3A)(ab) inserted (23.2.2015) by [The Social Security \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/67\)](#), regs. 1, **2(1)(2)(a)**

F81 Words in reg. 1(3A)(b) substituted (23.2.2015) by [The Social Security \(Miscellaneous Amendments\) Regulations 2015 \(S.I. 2015/67\)](#), regs. 1, **2(1)(2)(b)**

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.

[^{F82}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

F82 [Reg. 1A](#) inserted (6.4.2009) by [The Social Security \(National Insurance Number Information: Exemption\) Regulations 2009 \(S.I. 2009/471\)](#), regs. 1, **8**

Changes to legislation:

There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, PART I.