
STATUTORY INSTRUMENTS

2002 No. 1792

The State Pension Credit Regulations 2002

PART II

Entitlement and amount

[^{F1} Persons not in Great Britain

2.—(1) A person is to be treated as not in Great Britain if, subject to the following provisions of this regulation, he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland.

(2) No person shall be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland unless he has a right to reside in (as the case may be) the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland other than a right to reside which falls within paragraph (3).

(3) A right to reside falls within this paragraph if it is one which exists by virtue of, or in accordance with, one or more of the following—

- (a) regulation 13 of the Immigration (European Economic Area) Regulations 2006;
- (b) regulation 14 of those Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of “qualified person” in regulation 6(1) of those Regulations, or
 - (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;

[^{F2}(bb) regulation 15A(1) of those Regulations, but only in a case where the right exists under that regulation because the claimant satisfies the criteria in regulation 15A(4A) of those Regulations;]

- (c) Article 6 of Council Directive No.2004/38/EC; ^{F3}...
- (d) [^{F4}Article 45 of the Treaty on the Functioning of the European Union] (in a case where the person is seeking work in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland)[^{F5}; or
- (e) Article 20 of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen).]

(4) A person is not to be treated as not in Great Britain if he is—

- [^{F6}(za) a qualified person for the purposes of regulation 6 of the Immigration (European Economic Area) Regulations 2006 as a worker or a self-employed person;
- (zb) a family member of a person referred to in sub-paragraph (za) within the meaning of regulation 7(1)(a), (b) or (c) of those Regulations;

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(zc) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of those Regulations;]

F6(a)

F6(b)

F6(c)

F6(d)

F6(e)

F6(f)

(g) a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

(h) [^{F7}a person who has been granted leave or who is deemed to have been granted leave outside the rules made under section 3(2) of the Immigration Act 1971 (where that leave is—

(i) discretionary leave to enter or remain in the United Kingdom;

(ii) leave to remain under the Destitution Domestic Violence concession; or

(iii) leave deemed to have been granted by virtue of regulation 3 of the Displaced Persons (Temporary Protection) Regulations 2005;]

[^{F8}(hh) a person who has humanitarian protection granted under those rules; [^{F9}or]]

(i) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom;]^{F10}...

F11(j)

F11(k)

Textual Amendments

- F1 Reg. 2 substituted (30.4.2006) by [The Social Security \(Persons from Abroad\) Amendment Regulations 2006 \(S.I. 2006/1026\)](#), regs. 1, **9(2)** (with reg. 11(2))
- F2 Reg. 2(3)(bb) inserted (8.11.2012) by [The Social Security \(Habitual Residence\) \(Amendment\) Regulations 2012 \(S.I. 2012/2587\)](#), regs. 1, **4(2)**
- F3 Word in reg. 2(3)(c) omitted (8.11.2012) by virtue of [The Social Security \(Habitual Residence\) \(Amendment\) Regulations 2012 \(S.I. 2012/2587\)](#), regs. 1, **4(3)**
- F4 Words in reg. 2(3)(d) substituted (1.8.2012) by [The Treaty of Lisbon \(Changes in Terminology or Numbering\) Order 2012 \(S.I. 2012/1809\)](#), art. 2(1), **Sch. Pt. 2** (with art. 2(2))
- F5 Reg. 2(3)(e) and word added (8.11.2012) by [The Social Security \(Habitual Residence\) \(Amendment\) Regulations 2012 \(S.I. 2012/2587\)](#), regs. 1, **4(4)**
- F6 Reg. 2(4)(za)-(zc) substituted for reg. 2(4)(a)-(f) (31.5.2014) by [The Social Security \(Habitual Residence\) \(Amendment\) Regulations 2014 \(S.I. 2014/902\)](#), regs. 1, **4**
- F7 Reg. 2(4)(h) substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **10(3)(a)**
- F8 Reg. 2(4)(h)(hh) substituted for reg. 2(4)(h) (9.10.2006) by [The Social Security \(Persons from Abroad\) Amendment \(No. 2\) Regulations 2006 \(S.I. 2006/2528\)](#), regs. 1, **4(2)**
- F9 Word in reg. 2(4)(hh) added (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **10(3)(b)**

- F10** Word in reg. 2(4)(i) omitted (18.3.2009) by virtue of [The Social Security \(Habitual Residence\) \(Amendment\) Regulations 2009 \(S.I. 2009/362\)](#), regs. 1(2), **4(2)**
- F11** Reg. 2(4)(j)(k) omitted (29.10.2013) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **10(3)(c)**

Modifications etc. (not altering text)

- C1** Reg. 2(4)(a)-(e) applied (with modifications) (30.4.2006) by [The Social Security \(Persons from Abroad\) Amendment Regulations 2006 \(S.I. 2006/1026\)](#), regs. 1, **10(h)** (with reg. 11(2))

[^{F12} Persons temporarily absent from Great Britain

3. A claimant's entitlement to state pension credit during periods of temporary absence from Great Britain is to continue for up to 13 weeks if—

- (a) the period of the claimant's absence from Great Britain is unlikely to exceed 52 weeks; and
- (b) while absent from Great Britain the claimant continues to satisfy the other conditions of entitlement to state pension credit.]

Textual Amendments

- F12** Reg. 3 substituted (6.10.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2008 \(S.I. 2008/2424\)](#), regs. 1, **3(2)**

[^{F13} Persons temporarily absent from Great Britain on 6th October 2008

3A. Where a claimant—

- (a) is already temporarily absent from Great Britain on 6th October 2008;
- (b) had a continuing entitlement to state pension credit immediately before that day; and
- (c) while absent from Great Britain, continues to satisfy the other conditions of entitlement to state pension credit,

the claimant's entitlement to state pension credit is to continue during that period of absence from Great Britain for up to 13 weeks.]

Textual Amendments

- F13** Reg. 3A inserted (6.10.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2008 \(S.I. 2008/2424\)](#), regs. 1, **3(3)**

Persons receiving treatment outside Great Britain

4.—^{F14}(1) For the purposes of the Act, a person who is receiving treatment at a hospital or other institution outside Great Britain shall be treated as being in Great Britain if the treatment is being provided—

- (a) under section 6(2) of the Health Service Act (performance of functions outside England) or section 6(2) of the Health Service (Wales) Act (performance of functions outside Wales);
- (b) pursuant to arrangements made under section 12(1) of the Health Service Act (Secretary of State's arrangements with other bodies), section 10(1) of the Health Service (Wales) Act (Welsh Ministers' arrangements with other bodies), paragraph 18 of Schedule 4 to

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the Health Service Act (joint exercise of functions) or paragraph 18 of Schedule 3 to the Health Service (Wales) Act (joint exercise of functions);

- (c) under equivalent provision in Scotland or pursuant to arrangements made under such provision.]

[^{F15}(2) Paragraph (1) applies only where—

- (a) the “person” is the claimant or his partner; and
- (b) the claimant satisfied the conditions for entitlement to state pension credit immediately before he or, as the case may be, his partner, left Great Britain.]

Textual Amendments

F14 Reg. 4(1) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **5(3)**

F15 Reg. 4(2) added (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **23(b)**

Persons treated as being or not being members of the same household

5.—(1) A person is to be treated as not being a member of the same household as the claimant if—

- (a) he is living away from the claimant and—
 - (i) he does not intend to resume living with the claimant; or
 - (ii) his absence is likely to exceed 52 weeks except where there are exceptional circumstances (for example the person is in hospital or otherwise has no control over the length of his absence), and the absence is unlikely to be substantially more than 52 weeks;
- (b) he or the claimant is permanently in a care home [^{F16}or an independent hospital];
- (c) he or the claimant is, or both are—
 - (i) detained in a hospital provided under the provisions of the Mental Health Act 1983, the [^{F17}Mental Health (Care and Treatment) (Scotland) Act 2003], or the Criminal Procedure (Scotland) Act 1995; or
 - (ii) detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court; or
 - (iii) on temporary release in accordance with the provisions of the Prison Act 1952 ^{M1} or the Prison (Scotland) Act 1989^{M2};
- (d) the claimant is abroad and does not satisfy ^{F18}... regulation 3 (persons temporary absent from Great Britain).

^{F19}(e)

[^{F20}(f) he is absent from Great Britain for more than 13 weeks;]

^{F21}(g)

[^{F22}(h) he is a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999]

[^{F23}(1A) Paragraph (1)(d) and (f) shall not apply where a person is treated as being in Great Britain in accordance with regulation 4.]

(2) Subject to paragraph (1), partners shall be treated as members of the same household notwithstanding that they are temporarily living apart.

^{F24}(3)

Textual Amendments

- F16** Words in reg. 5(1)(b) inserted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 2**
- F17** Words in reg. 5(1)(c)(i) substituted (S.) (5.10.2005) 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(2)**; (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(3)**
- F18** Words in reg. 5(1)(d) omitted (6.10.2003) by virtue of [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(5)(b)**
- F19** Reg. 5(1)(e) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **14(2)(a)**
- F20** Reg. 5(1)(f) substituted (6.10.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2008 \(S.I. 2008/2424\)](#), regs. 1, **3(4)(a)**
- F21** Reg. 5(1)(g) omitted (6.10.2003) by virtue of [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(5)(e)**
- F22** Reg. 5(1)(g)(h) 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. 2**
- F23** Reg. 5(1A) inserted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **14(2)(b)**
- F24** Reg. 5(3) omitted (6.10.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2008 \(S.I. 2008/2424\)](#), regs. 1, **3(4)(b)**

Marginal Citations

- M1** 1952 c. 52.
- M2** 1989 c. 45.

Amount of the guarantee credit

6.—(1) Except as provided in the following provisions of these Regulations, the standard minimum guarantee is—

- (a) [^{F25}£237.55] per week in the case of a claimant who has a partner;
- (b) [^{F26}£155.60] per week in the case of a claimant who has no partner.

(2) Paragraph (3) applies in the case of—

- (a) prisoners; and
- (b) members of religious orders who are fully maintained by their order.

(3) In a case to which this paragraph applies—

- (a) section 2(3) has effect with the substitution for the reference to the standard minimum guarantee in section 2(3)(a) of a reference to a nil amount; and
- (b) except in the case of a person who is a remand prisoner, nil is the prescribed additional amount for the purposes of section 2(3)(b).

(4) Except in a case to which paragraph (3) applies, an amount additional to that prescribed in paragraph (1) shall be applicable under paragraph (5) if the claimant is treated as being a severely disabled person in accordance with paragraph 1 of Part I of Schedule I.

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- (5) The additional amount applicable is—
- (a) except where paragraph (b) applies, [^{F27}£61.85]per week if paragraph 1(1)(a), (b) or (c) of Part I of Schedule I is satisfied; or
 - (b) [^{F28}£123.70]per week if paragraph 1(1)(b) of Part I of Schedule I is satisfied otherwise than by virtue of paragraph 1(2)(b) of that Part and no one is entitled to and in receipt of an allowance under section 70 of the 1992 Act^{F29}, or has an award of universal credit which includes the carer element under regulation 29 of the Universal Credit Regulations 2013,] in respect of caring for either partner.
- (6) Except in a case to which paragraph (3) applies, an amount additional to that prescribed in paragraph (1) shall be applicable—
- (a) if paragraph 4 of Part II of Schedule I is satisfied (amount applicable for carers);
 - (b) in accordance with Part III of Schedule I (amount applicable for former claimants of income support or income-based jobseeker’s allowance); or
 - (c) except where paragraph (7) applies, in accordance with Schedule II (housing costs).
- (7) This paragraph applies in the case of a person who has been detained in custody for more than 52 weeks pending trial or sentence following conviction by a court.
- (8) The amount applicable if paragraph 4 of Part II of Schedule I is satisfied is [^{F30}£34.60] per week, and in the case of partners, this amount is applicable in respect of each partner who satisfies that paragraph.
- (9) In the case of a remand prisoner paragraph (6) shall apply as if sub-paragraphs (a) and (b) were omitted.
- (10) In this regulation, “remand prisoner” means a person who, for a period not exceeding 52 weeks, has been detained in custody on remand pending trial or, as a condition of bail, required to reside in a hostel approved under section 27(1) of the Probation Service Act 1993 ^{M3} or, as the case may be, detained pending sentence upon conviction.

Textual Amendments

- F25** Sum in Reg. 6(1)(a) substituted (coming into force in accordance with art. 1(2)(c) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2016 \(S.I. 2016/230\)](#), **art. 6(a)**
- F26** Sum in Reg. 6(1)(b) substituted (coming into force in accordance with art. 1(2)(c) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2016 \(S.I. 2016/230\)](#), **art. 6(b)**
- F27** Sum in Reg. 6(5)(a) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), **arts. 1(2)(i), 21(1)(2)(c)**
- F28** Sum in Reg. 6(5)(b) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), **arts. 1(2)(i), 21(1)(2)(d)**
- F29** Words in reg. 6(5)(b) inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments Regulations 2015 \(S.I. 2015/1754\)](#), **regs. 1(1), 16(2)**
- F30** Sum in Reg. 6(8) substituted (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), **arts. 1(2)(i), 21(1)(2)(e)**

Modifications etc. (not altering text)

- C2** Reg. 6(3)(a) sum maintained (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), **arts. 1(2)(i), 21(1)(6), Sch. 13**
- C3** Reg. 6(3)(b) sum maintained (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), **arts. 1(2)(i), 21(1)(6), Sch. 13**

Marginal Citations

M3 1993 c. 47.

Savings Credit

7.—(1) The percentage prescribed for the purposes of determining—

- (a) the maximum savings credit is 60 per cent.;
- (b) “amount A” in section 3(4) is 60 per cent.;
- (c) “amount B” in section 3(4) is 40 per cent.

(2) The amount prescribed for the savings credit threshold is [^{F31}£133.82] for a claimant who has no partner and [^{F31}£212.97] for a claimant who has a partner.

(3) The maximum savings credit shall be taken to be Nil in the case of—

- (a) prisoners; and
- (b) members of religious orders who are fully maintained by their order.

[^{F32}(4) If a calculation made for the purposes of paragraph (1)(b) or (c) results in a fraction of a penny, that fraction shall, if it would be to the claimant’s advantage, be treated as a penny; otherwise it shall be disregarded.]

Textual Amendments

F31 Sums in [Reg. 7\(2\)](#) substituted (coming into force in accordance with reg. 1(2)(d) of the amending S.I.) by [The Social Security Benefits \(Adjustment of Amounts and Thresholds\) Regulations 2016 \(S.I. 2016/242\)](#), [reg. 4\(2\)](#)

F32 [Reg. 7\(4\)](#) added (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), [regs. 1\(2\)\(b\), 23\(d\)](#)

Modifications etc. (not altering text)

C4 [Reg. 7\(1\)\(a\)](#) percentages maintained (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), [arts. 1\(2\)\(i\), 21\(1\)\(3\)\(a\)](#)

C5 [Reg. 7\(1\)\(b\)](#) percentages maintained (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), [arts. 1\(2\)\(i\), 21\(1\)\(3\)\(a\)](#)

C6 [Reg. 7\(1\)\(c\)](#) percentages maintained (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), [arts. 1\(2\)\(i\), 21\(1\)\(3\)\(a\)](#)

C7 [Reg. 7\(3\)](#) sum maintained (coming into force in accordance with art. 1(2)(i) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2015 \(S.I. 2015/457\)](#), [arts. 1\(2\)\(i\), 21\(1\)\(6\), Sch. 13](#)

[^{F33}Limitation of savings credit for certain mixed-age couples

7A. A person who is a member of a mixed-age couple, is not entitled to a savings credit unless one of the members of the couple—

- (a) has been awarded a savings credit with effect from a day before 6th April 2016 and was entitled to a savings credit immediately before 6th April 2016, and
- (b) remained entitled to a savings credit at all times since the beginning of 6th April 2016.]

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Textual Amendments

F33 Reg. 7A inserted (6.4.2016) by [The State Pension Credit \(Amendment\) Regulations 2015 \(S.I. 2015/1529\)](#), regs. 1, **2(2)**

Special groups

8. Schedule III shall have effect in the case of members of polygamous marriages and [^{F34}persons serving a sentence of imprisonment detained in hospital].

Textual Amendments

F34 Words in reg. 8 substituted (25.3.2010) by [The Social Security \(Persons Serving a Sentence of Imprisonment Detained in Hospital\) Regulations 2010 \(S.I. 2010/442\)](#), regs. 1, **4(2)**

Qualifying income for the purposes of savings credit

9. For the purposes of section 3 (savings credit), all income is to be treated as qualifying income except the following which is not to be treated as qualifying income—

- (a) working tax credit;
- (b) incapacity benefit;
- (c) a contribution-based jobseeker's allowance^{F35}...;
- (d) severe disablement allowance;
- (e) maternity allowance;
- (f) payments referred to in regulation 15(5)(d) (maintenance payments).
- [^{F36}(g) contributory employment and support allowance.]

Textual Amendments

F35 Words in reg. 9(c) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **33(3)**

F36 Reg. 9(g) 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(3)**

Assessed income period

10.—(1) For the purposes of section 6(2)(b) (circumstances in which the Secretary of State is prevented from specifying an assessed income period), the circumstances are—

- (a) in the case of partners, one partner is under the age of 60; or
- (b) state pension credit is awarded, or awarded at a higher rate, because an element of the claimant's retirement provision which is due to be paid to the claimant stops temporarily.
- [^{F37}(c) that—
 - (i) the Secretary of State has sent the claimant the notification required by regulation 32(6)(a) of the Claims and Payments Regulations; and

(ii) the claimant has not provided sufficient information to enable the Secretary of State to determine whether there will be any variation in the claimant's retirement provision throughout the period of 12 months beginning with the day following the day on which the previous assessed income period ends.]

(2) The circumstances prescribed for the purposes of section 7(4) (circumstances in which assessed amounts are deemed not to change) are that—

[^{F38}(a) except where sub-paragraph (b) applies, the arrangements under which the assessed amount is paid contain no provision for periodic increases in the amount payable; or]

(b) the assessed income comprises income from capital other than income to which paragraph (7) applies.

(3) Paragraphs (4) and (5) do not apply where the assessed amount comprises income from capital.

(4) Where the Secretary of State is informed that the arrangements under which the assessed amount is paid contains provision—

(a) for the payment to be increased periodically;

(b) for the date on which the increase is to be paid; and

(c) for determining the amount of the increase,

the assessed amount shall be deemed to increase from the day specified in paragraph (5) by an amount determined by applying those provisions to the amount payable apart from this paragraph.

[^{F39}(5) The day referred to in this paragraph is—

(a) in a case to which paragraph (5A) applies—

(i) where the first increased payment date is the day on which the benefit week begins, that day;

(ii) where head (i) does not apply, the first day of the next benefit week which begins after that increased payment date;

(b) in a case to which paragraph (5A) does not apply—

(i) where the second increased payment date is the day on which the benefit week begins, that day;

(ii) where head (i) does not apply, the first day of the next benefit week following that increased payment date.

(5A) This paragraph applies where the period which—

(a) begins on the date from which the increase in the assessed amount is to accrue; and

(b) ends on the first increased payment date,

is a period of the same length as the period in respect of which the last payment of the pre-increase assessed amount was made.

(5B) In paragraphs (5) and (5A)—

“increased payment date” means a date on which the increase in the assessed amount referred to in paragraph (4) is paid as part of a periodic payment^{F40} ...; and

“pre-increase assessed amount” means the assessed amount prior to that increase.]

(6) Except where paragraph (4) applies, the assessed amount shall be deemed to increase—

[^{F41}(a) on the day in April each year on which increases under section 150(1)(c) of the Administration Act come into force if that is the first day of a benefit week but if it is not from the next following such day; and]

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- (b) by an amount produced by applying to the assessed amount the same percentage increase as that applied for the purposes of additional pensions under section 150(1)(c) and 151(1) of the Administration Act.
- (7) Where the assessed amount comprises income from capital, it shall be deemed to increase or decrease—
 - (a) on the first day of the next benefit week to commence [^{F42}on or after] the day on which the income increases or decreases; and
 - (b) by an amount equal to the change in the claimant’s income produced by applying to his income changes made to the yields capital is deemed to produce, or to the capital amounts, specified in regulation 15(6), or to both if both are changed.
- ^{F43}(8)

Textual Amendments

F37 Reg. 10(1)(c) added (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(6)**

F38 Reg. 10(2)(a) substituted (18.12.2005) by [The State Pension Credit \(Amendment\) Regulations 2005 \(S.I. 2005/3205\)](#), regs. 1, **2(2)(a)**

F39 Reg. 10(5)-(5B) substituted for reg. 10(5) (5.4.2004) by [The State Pension Credit \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/647\)](#), regs. 1, **3(2)**

F40 Words in reg. 10(5B) omitted (18.12.2005) by virtue of [The State Pension Credit \(Amendment\) Regulations 2005 \(S.I. 2005/3205\)](#), regs. 1, **2(2)(b)**

F41 Reg. 10(6)(a) substituted (5.4.2004) by [The State Pension Credit \(Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/647\)](#), regs. 1, **3(3)**

F42 Words in reg. 10(7)(a) substituted (6.10.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), **23(e)**

F43 Reg. 10(8) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), regs. 1(3), **14(3)**

Retirement provision in assessed income period

- 11.—^{F44}(1) Where an element of a person’s retirement provision ceases to be payable by one source but—
- (a) responsibility for that element is assumed by another source, income from both those sources shall be treated as income from the same source; or
 - (b) in consequence of that element ceasing, income of a different description becomes payable from a different source, that income shall be treated as income of the same description from the same source as the element which ceased to be payable.
- ^{F45}(2) For the purposes of section 7(6) (meaning of retirement provision) of the Act, a foreign state retirement pension is to be treated as a benefit under the 1992 Act.]

Textual Amendments

F44 Reg. 11(1): reg. 11 renumbered as reg. 11(1) (13.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(4)(c), **6(4)**

F45 Reg. 11(2) added (13.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(4)(c), **6(4)**

End of assessed income period

- 12. An assessed income period shall end ^{F46}...—
 - (a) [^{F47}at such time as] the claimant no longer satisfies a condition of entitlement to state pension credit;
 - (b) [^{F48}at such time as] payments of an element of the claimant’s retirement provision which is due to be paid to him stops temporarily or the amount paid is less than the amount due and in consequence his award of state pension credit is superseded under section 10 of the Social Security Act 1998^{M4};
 - (c) [^{F49}at such time as] a claimant who has no partner is provided with accommodation in a care home [^{F50}or an independent hospital] other than on a temporary basis[^{F51};
 - [^{F51}(d) if, apart from this sub-paragraph, it would have ended on a date falling within the period specified in column 1 of the table in Schedule IIIA, on the corresponding date shown against that period in column 2 of that table]

Textual Amendments	
F46	Words in reg. 12 omitted (6.4.2016) by virtue of The State Pension Credit (Amendment) Regulations 2015 (S.I. 2015/1529) , regs. 1, 2(3)(a)
F47	Words in reg. 12(a) inserted (6.4.2016) by The State Pension Credit (Amendment) Regulations 2015 (S.I. 2015/1529) , regs. 1, 2(3)(b)
F48	Words in reg. 12(b) inserted (6.4.2016) by The State Pension Credit (Amendment) Regulations 2015 (S.I. 2015/1529) , regs. 1, 2(3)(b)
F49	Words in reg. 12(c) inserted (6.4.2016) by The State Pension Credit (Amendment) Regulations 2015 (S.I. 2015/1529) , regs. 1, 2(3)(b)
F50	Words in reg. 12(c) inserted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687) , reg. 1, Sch. 5 para. 3
F51	Reg. 12(d) added (6.4.2016) by The State Pension Credit (Amendment) Regulations 2015 (S.I. 2015/1529) , regs. 1, 2(3)(c)
Marginal Citations	
M4	1998 c. 14.

Small amounts of state pension credit

13. Where the amount of state pension credit payable is less than 10 pence per week, the credit shall not be payable unless the claimant is in receipt of another benefit payable with the credit.

[^{F52}Part-weeks

13A.—(1) The guarantee credit shall be payable for a period of less than a week (“a part-week”) at the rate specified in paragraph (3) if—

- (a) the claimant was entitled to [^{F53}universal credit.] income support[^{F54}, an income-related employment and support allowance] or an income-based jobseeker’s allowance immediately before the first day on which the conditions for entitlement to the credit are satisfied; and
- (b) the claimant’s entitlement to the credit is likely to continue throughout the first full benefit week which follows the part-week.

^{F55}(2)

Status: Point in time view as at 11/04/2016.

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

- (3) The amount of the guarantee credit payable in respect of the part-week shall be determined—
- (a) by dividing by 7 the weekly amount of the guarantee credit which^{F56}... would be payable in respect of a full week; and then
 - (b) multiplying the resulting figure by the number of days in the part-week,

^{F57}
...

Textual Amendments

- F52** Reg. 13A - Reg. 13B 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(f)**
- F53** Words in reg. 13A(1)(a) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **33(4)**
- F54** Words in reg. 13A(1)(a) 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(4)**
- F55** Reg. 13A(2) omitted (6.4.2010) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **3(3)(a)**
- F56** Words in reg. 13A(3)(a) omitted (6.4.2010) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **3(3)(b)**
- F57** Words in reg. 13A(3) omitted (6.4.2010) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **3(3)(c)**

Date on which benefits are treated as paid

13B.—(1) The following benefits shall be treated as paid on the day of the week in respect of which the benefit is payable—

- (a) severe disablement allowance;
- (b) short-term and long-term incapacity benefit;
- (c) maternity allowance;
- (d) contribution-based jobseeker's allowance^{F58}....

[contributory employment and support allowance.]

^{F59}(e)

[^{F60}(2) All benefits except those mentioned in paragraph (1) shall be treated as paid—

- (a) where the benefit is paid in advance, on the first day of the benefit week in which the benefit is payable;
- (b) where the benefit is paid in arrears, on the last day of the benefit week in which the benefit is payable.]]

Textual Amendments

- F52** Reg. 13A - Reg. 13B 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(f)**
- F58** Words in reg. 13B(1)(d) omitted (29.4.2013) by virtue of [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **33(5)**
- F59** Reg. 13B(1)(e) 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(5)**

F60 Reg. 13B(2) substituted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 6) Regulations 2009 (S.I. 2009/3229), regs. 1, **3(4)**

Status:

Point in time view as at 11/04/2016.

Changes to legislation:

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