

## [<sup>F1</sup>SCHEDULE IIA

Regulation 6(6)(d)

Additional amount applicable for claimants responsible for a child or qualifying young person

### Textual Amendments

- F1** Sch. 2A inserted (1.2.2019) by [The State Pension Credit \(Additional Amount for Child or Qualifying Young Person\) \(Amendment\) Regulations 2018 \(S.I. 2018/676\)](#), regs. 1, **2(4)**

### General

1. This Schedule applies to a claimant who is responsible for a child or qualifying young person.
- 2.—(1) In this Schedule—
  - “child” means a person under the age of 16;
  - “qualifying young person” has the meaning given in regulation 4A.
- (2) Whether a claimant is responsible for a child or qualifying young person for the purposes of this Schedule is determined in accordance with paragraphs 3 to 8.

### Child or qualifying young person normally living with the claimant

- 3.—(1) Subject to sub-paragraph (2), a claimant is responsible for a child or qualifying young person who normally lives with the claimant.
- (2) A claimant is not responsible for a qualifying young person if the two of them are living as a couple.
- (3) Where a child or qualifying young person normally lives with two or more persons who are not a couple, only one of them is to be treated as responsible, and that is the person who has the main responsibility for that child or qualifying young person.
- (4) The persons referred to in sub-paragraph (3) may jointly nominate for the purposes of this Schedule which of them has the main responsibility for the child or qualifying young person, but the Secretary of State may determine that question—
  - (a) if there is no joint nomination; or
  - (b) if a nomination or change of nomination does not, in the opinion of the Secretary of State, reflect the arrangements between those persons.

### Child or qualifying young person looked after by a local authority

- 4.—(1) Except where sub-paragraph (3) applies, a claimant is to be treated as not being responsible for a child or qualifying young person during any period when the child or qualifying young person is looked after by a local authority.
- (2) A child or qualifying young person is treated as looked after by a local authority for the purposes of sub-paragraph (1) if that child or qualifying young person is looked after by a local authority within the meaning of section 22 of the Children Act 1989, section 17(6) of the Children (Scotland) Act 1995 or section 74 of the Social Services and Well-being (Wales) Act 2014.
- (3) This sub-paragraph applies to any period—
  - (a) which is in the nature of a planned short term break, or is one of a series of such breaks, for the purpose of providing respite for the person who normally cares for the child or qualifying young person; or

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*Changes to legislation: There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, SCHEDULE 11A. (See end of Document for details)*

- (b) during which the child or qualifying young person is placed with, or continues to live with, their parent or a person who has parental responsibility for them.
- (4) For the purposes of sub-paragraph (3), a person has parental responsibility if they are not a foster parent and—
  - (a) in England and Wales, they have parental responsibility within the meaning of section 3 of the Children Act 1989, or
  - (b) in Scotland, they have any or all of the legal responsibilities or rights described in sections 1 or 2 of the Children (Scotland) Act 1995.

### **Prisoners**

5. The claimant is to be treated as not being responsible for a child or qualifying young person during any period when the child or qualifying young person is a prisoner.

### **Temporary absence in Great Britain**

6. A claimant is to be treated as not being responsible for a child or qualifying young person during periods of temporary absence of the child or qualifying young person in Great Britain if the period of absence is likely to exceed 52 weeks, except where there are exceptional circumstances (for example, the child or qualifying young person is in hospital), and the absence is unlikely to be substantially more than 52 weeks.

### **Temporary absence outside Great Britain**

7.—(1) A claimant is to be treated as not being responsible for a child or qualifying young person if the child or qualifying young person is temporarily absent from Great Britain for longer than—

- (a) 4 weeks, or where the absence is expected to exceed 4 weeks;
- (b) where sub-paragraph (2) applies—
  - (i) 8 weeks; or
  - (ii) where the absence is expected to exceed 8 weeks; or
- (c) where sub-paragraph (3) applies—
  - (i) 26 weeks; or
  - (ii) where the absence is expected to exceed 26 weeks.

(2) This sub-paragraph applies where the absence of the child or qualifying young person is in connection with the death of—

- (a) the claimant's partner or a child or qualifying young person normally living with the claimant; or
- (b) a close relative of—
  - (i) the claimant;
  - (ii) the claimant's partner; or
  - (iii) a child or qualifying young person normally living with the claimant,

and the Secretary of State considers that it would be unreasonable to expect the child or qualifying young person to return to Great Britain within 4 weeks.

(3) This sub-paragraph applies where the absence of the child or qualifying young person is solely in connection with—

- (a) the child or qualifying young person undergoing—

- (i) treatment for an illness or physical or mental impairment by, or under the supervision of, a qualified practitioner; or
  - (ii) medically approved convalescence or care as a result of treatment for an illness or physical or mental impairment, where the child or qualifying young person had that illness or impairment before leaving Great Britain; or
- (b) the child or qualifying young person accompanying the claimant or the claimant's partner for convalescence or care as mentioned in sub-paragraph (a).
- (4) In this paragraph—
- “medically approved” means certified by a registered medical practitioner;
  - “qualified practitioner” means a person qualified to provide medical treatment, physiotherapy or a form of treatment which is similar to, or related to, either of those forms of treatment.

#### **Death of child or qualifying young person**

**8.**—(1) If a child or qualifying young person for whom a claimant is responsible dies, the claimant is to be treated as responsible for that child or qualifying young person until—

- (a) the end of the period of eight weeks starting with the day on which the child or qualifying young person dies; or
- (b) in the case of a qualifying young person, the date on which he or she would have attained the age of 20, if earlier.

(2) The additional amount applicable to the claimant during the period in which they are treated as responsible for a child or qualifying young person under sub-paragraph (1) is to be calculated in accordance with paragraph 9 on the basis of the circumstances which existed on the day before the day on which the child or qualifying young person died.

#### **Amount of additional payment**

**9.**—(1) The additional amount applicable to a claimant to whom this Schedule applies is—

- (a) subject to paragraph 10, £53.34 for each child or qualifying young person; and
- (b) a further amount of—
  - (i) £29.02 where sub-paragraph (2) applies; or
  - (ii) £88.34 where sub-paragraph (3) applies.

(2) This sub-paragraph applies where the claimant is responsible for a child or qualifying young person who is entitled to a disability living allowance or personal independence payment.

(3) This sub-paragraph applies where the claimant is responsible for a child or qualifying young person who is—

- (a) entitled to the care component of disability living allowance at the highest rate or the daily living component of personal independence payment at the enhanced rate; or
- (b) certified as severely sight impaired or blind by a consultant ophthalmologist.

#### **Amount for the eldest child or qualifying young person born before 6th April 2017**

**10.** In a case where the eldest child or qualifying young person for whom the claimant is responsible was born before 6th April 2017, the amount prescribed in paragraph 9(1)(a) in respect of that child or qualifying young person is £63.84.]

**Status:**

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**Changes to legislation:**

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