

## SCHEDULE III

### SPECIAL GROUPS

#### **Polygamous marriages**

1.—(1) The provisions of this paragraph apply in any case to which section 12 (polygamous marriages) applies if the claimant is taken to be “the person in question” for the purposes of that section.

(2) The following provision shall apply instead of section 3(1)—

“(1) The first condition is that, if the claimant is taken <sup>F1</sup>... to be “the person in question” for the purposes of section 12 (polygamous marriages),—

(a) the case is one to which that section applies; and

(b) any one or more of the persons falling within subsection (1)(c) of that section [<sup>F2</sup>has attained pensionable age before 6 April 2016 and] has attained the age of 65 [<sup>F3</sup>(before, on or after that date)].”.

(3) The following provision shall apply instead of section 4(1)—

“(1) A claimant is not entitled to state pension credit if, taking the claimant to be “the person in question” for the purposes of section 12 (polygamous marriages),—

(a) the case is one to which that section applies; and

(b) any one or more of the other persons falling within subsection (1)(c) of that section is entitled to state pension credit.”.

(4) The following provision shall apply instead of section 5—

“5. Income and capital of claimant, spouses etc.

(1) This section applies in any case to which section 12 (polygamous marriages) applies if the claimant is taken to be “the person in question” for the purposes of that section.

(2) In any such case, the income and capital of each of the other persons falling within subsection (1)(c) of that section shall be treated for the purposes of this Act as income and capital of the claimant, except where regulations provide otherwise.”.

(5) In regulation 6 (amount of the guarantee credit), for paragraph (1) there shall be substituted—

“(1) Except as provided in the following provisions of these Regulations, in a case to which section 12 (polygamous marriages) applies if the claimant is taken to be “the person in question” for the purposes of that section the standard minimum guarantee is the sum of—

(a) [<sup>F4</sup>£265.20] per week in respect of the claimant and any one spouse of the claimant’s; and

(b) [<sup>F4</sup>£91.45] per week in respect of for each additional spouse (whether of the claimant or that spouse) who falls within section 12 (1)(c).”.

(6) The maximum savings credit shall be determined on the assumption that the standard minimum guarantee is the amount prescribed for partners under regulation 6(1)(a).

(7) In regulation 7 (savings credit) for paragraph (2) there shall be substituted—

“(2) In any case to which section 12 (polygamous marriages) [<sup>F5</sup>applies,] if the claimant is taken to be “the person in question” for the purposes of that section, the amount prescribed for the savings credit threshold is [<sup>F6</sup>£239.17].”.

[<sup>F7</sup>(7A) The following provision shall apply instead of regulation 7A (limitation of savings credit for certain mixed-age couples)—

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“7A.—(1) This regulation applies if, taking the claimant to be the person in question for the purposes of section 12 (polygamous marriages),—

- (a) the case is one to which that section applies; and
- (b) at least one of the persons falling within subsection (1)(c) of that section had attained pensionable age before 6 April 2016 and at least one of those persons had not.

(2) Where this regulation applies, the claimant is not entitled to a savings credit unless the claimant—

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

(8) In regulations [<sup>F8</sup>3,]<sup>F9</sup>...5, [<sup>F10</sup>6(8),] 10,12 and 14 and in paragraph [<sup>F11</sup>6(5)(b)(v)] of Schedule 1 and in Schedule 2, any reference to a partner includes also a reference to any additional spouse to whom this paragraph applies.

(9) For the purposes of regulation 6(5)(a) and (b), paragraph 1(1)(b)(i) of Part I of Schedule I is satisfied only if both partners and each additional spouse to whom this paragraph applies are in receipt of attendance allowance [<sup>F12</sup>, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act or the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act][<sup>F13</sup>or armed forces independence payment].

(10) For the purposes of regulation 6(5)(a), paragraph 1(1)(c) of Part I of Schedule 1 is only satisfied if—

- (a) both partners and each additional spouse to whom this paragraph applies all fall within either paragraph 1(1)(c)(i) or paragraph 1(1)(c)(ii); and
- (b) at least one of them falls within paragraph 1(1)(c)(i); and
- (c) at least one of them falls within paragraph 1(1)(c)(ii) but not paragraph 1(1)(c)(i); and
- (d) either paragraph 1(1)(c)(iv) is satisfied or a person is entitled to and in receipt of an allowance under section 70 of the 1992 Act in respect of caring for one or more, but not all, the persons who fall within paragraph 1(1)(c)(i).

(11) Any reference in this paragraph to an additional spouse to whom this paragraph applies is a reference to any person who is an additional spouse (whether of the claimant’s or of a spouse of the claimant’s) falling within subsection (1)(c) of section 12 if the claimant is taken to be “the person in question” for the purposes of that section.

#### Textual Amendments

- F1** Words in Sch. 3 para. 1(2) omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(b), 23(m)(i) (aa)
- F2** Words in Sch. 3 para. 1(2) inserted (21.12.2017) by [The Social Security \(Miscellaneous Amendments No. 5\) Regulations 2017 \(S.I. 2017/1187\)](#), regs. 1(2)(a), **5(3)(a)(i)**
- F3** Words in Sch. 3 para. 1(2) inserted (21.12.2017) by [The Social Security \(Miscellaneous Amendments No. 5\) Regulations 2017 \(S.I. 2017/1187\)](#), regs. 1(2)(a), **5(3)(a)(ii)**
- F4** Sums in Sch. 3 para. 1(5) substituted (coming into force in accordance with art. 1(3)(l) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2020 \(S.I. 2020/234\)](#), **art. 30(8)(a)**
- F5** Word in Sch. 3 para. 1(7) 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. 10(a)**

- F6** Sum in Sch. 3 para. 1(7) substituted (coming into force in accordance with art. 1(3)(l) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2020 \(S.I. 2020/234\)](#), **art. 30(8)(b)**
- F7** Sch. 3 para. 1(7A) inserted (21.12.2017) by [The Social Security \(Miscellaneous Amendments No. 5\) Regulations 2017 \(S.I. 2017/1187\)](#), regs. 1(2)(a), **5(3)(b)**
- F8** Word in Sch. 3 para. 1(8) inserted (28.7.2016) by [The Housing Benefit and State Pension Credit \(Temporary Absence\) \(Amendment\) Regulations 2016 \(S.I. 2016/624\)](#), regs. 1, **4(8)** (with reg. 5(3))
- F9** Word in Sch. 3 para. 1(8) omitted (6.10.2008) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2008 \(S.I. 2008/2424\)](#), regs. 1, **3(5)**
- F10** Words in Sch. 3 para. 1(8) 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(m)(i)(bb)
- F11** Word in Sch. 3 para. 1(8) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(10)**
- F12** Words in Sch. 3 para. 1(9) substituted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 27(6)**
- F13** Words in Sch. 3 para. 1(9) 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(6)**

#### **[<sup>F14</sup>Persons serving a sentence of imprisonment detained in hospital]**

[<sup>F15</sup>2.—(1) [<sup>F16</sup>Sub-paragraph (2) applies in the case of a claimant (“C”) who satisfies either of the following conditions.

(1A) The first condition is that—

- (a) C is being detained under section 45A or 47 of the Mental Health Act 1983 (power of higher courts to direct hospital admission; removal to hospital of persons serving sentences of imprisonment etc.); and
- (b) in any case where there is in relation to C a release date within the meaning of section 50(3) of that Act, C is being detained on or before the day which the Secretary of State certifies to be that release date.

(1B) The second condition is that C is being detained under—

- (a) section 59A of the Criminal Procedure (Scotland) Act 1995 (hospital direction); or
- (b) section 136 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (transfer of prisoners for treatment of mental disorder).]

(2) In the case of a claimant to whom paragraph (1) applies—

- (a) section 2(3) has effect with the substitution of a reference to a nil amount for the reference to the standard minimum guarantee in paragraph (a)[<sup>F17</sup>, and nil is the prescribed additional amount for the purposes of paragraph (b)]; and
- (b) the maximum amount of savings credit shall be taken to be nil.]

#### **Textual Amendments**

- F14** Sch. III para. 2 heading 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(3)(a)**
- F15** Sch. III para. 2 substituted (10.4.2006) by [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), regs. 1(a), **8(5)**
- F16** Sch. III para. 2(1)-(1B) substituted for Sch. III para. 2(1) (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(3)(b)**

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

**F17** Words in Sch. III para. 2(2)(a) added (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) Regulations 2006 \(S.I. 2006/588\)](#), regs. 1(8), **4(4)**

**Modifications etc. (not altering text)**

**C1** Sch. III para. 2(2)(b) sum maintained (coming into force in accordance with art. 1(2)(l) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2017 \(S.I. 2017/260\)](#), arts. 1(2)(l), 25(1)(6), **Sch. 13**

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**Changes to legislation:**

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