

SCHEDULE V

INCOME FROM CAPITAL

PART I

Capital disregarded for the purpose of calculating income

13.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a claimant's partner [^{F1}who is]—

- (a) ^{F2}... a diagnosed person;
- (b) [^{F3}a diagnosed person's partner or] was a diagnosed person's partner at the time of the diagnosed person's death;
- (c) ^{F4}... a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(2) Where [^{F5}a trust payment is made to]—

- (a) [^{F6}a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph] shall apply for the period beginning on the date on which the trust is made and ending on the date on which [^{F6}that person] dies;
- (b) [^{F7}a person referred to in sub-paragraph (1)(c), that sub-paragraph] shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date.

(3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to a claimant or a claimant's partner [^{F8}who is]—

- (a) ^{F9}... the diagnosed person;
- (b) [^{F10}a diagnosed person's partner or] was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) ^{F11}... a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death.

(4) Where [^{F12}a payment referred to in sub-paragraph (3) is made to]—

- (a) [^{F13}a person referred to in sub-paragraph (3)(a) or (b), that sub-paragraph] shall apply for the period beginning on the date on which the payment is made and ending on the date on which [^{F13}that person] dies;
- (b) [^{F14}a person referred to in sub-paragraph (3)(c), that sub-paragraph] shall apply for the period beginning on the date on which the payment is made and ending two years after that date.

(5) In this paragraph, a reference to a person—

- (a) being the diagnosed person's partner;
- (b) acting in place of the diagnosed person's parents,

at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person [^{F15}residing in a care home or an independent hospital] .

Status: Point in time view as at 01/11/2010.

Changes to legislation: There are currently no known outstanding effects for the The State Pension Credit Regulations 2002, Paragraph 13. (See end of Document for details)

(6) In this paragraph—

“diagnosed person” means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant [^{F16}Creutzfeldt]-Jakob disease;

“relevant trust” means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant [^{F16}Creutzfeldt]-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;

“trust payment” means a payment under a relevant trust.

Textual Amendments

- F1** Words in Sch. V para. 13(1) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(i)**
- F2** Word in Sch. V para. 13(1)(a) 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(12)(c)(ii)**
- F3** Words in Sch. V para. 13(1)(b) inserted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(iii)**
- F4** Word in Sch. V para. 13(1)(c) 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(12)(c)(iv)**
- F5** Words in Sch. V para. 13(2) inserted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(v)**
- F6** Words in Sch. V para. 13(2)(a) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(vi)**
- F7** Words in Sch. V para. 13(2)(b) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(vii)**
- F8** Words in Sch. V para. 13(3) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(viii)**
- F9** Word in Sch. V para. 13(3)(a) 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(12)(c)(ix)**
- F10** Words in Sch. V para. 13(3)(b) inserted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(x)**
- F11** Word in Sch. V para. 13(3)(c) 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(12)(c)(xi)**
- F12** Words in Sch. V para. 13(4) inserted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(xii)**
- F13** Words in Sch. V para. 13(4)(a) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(xiii)**
- F14** Words in Sch. V para. 13(4)(b) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(xiv)**
- F15** Words in Sch. V para. 13(5) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 6**
- F16** Word in Sch. V para. 13(6) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(c)(xv)**

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Changes to legislation:

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