

SCHEDULE I

Regulation 6(4)

PART I

**Circumstances in which persons are treated
as being or not being severely disabled**

Severe disablement

1.—(1) For the purposes of regulation 6(4) (additional amounts for persons severely disabled), the claimant is to be treated as being severely disabled if, and only if—

(a) in the case of a claimant who has no partner—

- (i) he is in receipt of attendance allowance [^{F1}, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act^[F2],] the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act^[F3], the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022^[F4] or armed forces independence payment]; and
- (ii) no person who has attained the age of 18 is normally residing with the claimant, nor is the claimant normally residing with such a person, other than a person to whom paragraph 2 applies; and
- (iii) no person is entitled to and in receipt of an allowance under section 70 of the 1992 Act (^[F5]carer's allowance) [^{F6}or carer support payment]^[F7], or has an award of universal credit which includes the carer element,] in respect of caring for him;

(b) in the case of a claimant who has a partner—

- (i) both partners are in receipt of attendance allowance^[F8], the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act^[F9],] the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act^[F10], the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022^[F11] or armed forces independence payment]; and
- (ii) no person who has attained the age of 18 is normally residing with the partners, nor are the partners normally residing with such a person, other than a person to whom paragraph 2 applies;

and either a person is entitled to, and in receipt of, an allowance under section 70 of the 1992 Act [^{F12}or carer support payment]^[F13], or has an award of universal credit which includes the carer element,] in respect of caring for one only of the partners or, as the case may be, no person is entitled to, and in receipt of, such an allowance [^{F14}under section 70 ^[F15]or carer support payment], or has an award of universal credit which includes the carer element,] in respect of caring for either partner;

(c) in the case of a claimant who has a partner and to whom head (b) does not apply—

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- (i) either the claimant or his partner is in receipt of attendance allowance^[F16], the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act ^[F17],] the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act^[F18], the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022^[F19] or armed forces independence payment]; and
 - ^[F20](ii) the other partner is certified as severely sight impaired or blind by a consultant ophthalmologist; and]
 - (iii) no person who has attained the age of 18 is normally residing with the partners, nor are the partners normally residing with such a person, other than a person to whom paragraph 2 applies; and
 - (iv) no person is entitled to and in receipt of an allowance under section 70 of the 1992 Act ^[F21]or carer support payment^[F22], or has an award of universal credit which includes the carer element, in] respect of caring for the person to whom head (c) (i) above applies.
- (2) A person shall be treated—
- (a) for the purposes of sub-paragraph (1) as being in receipt of attendance allowance or, as the case may be ^[F23], the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act ^[F24],] the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act^[F25], the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022^[F26] or armed forces independence payment], for any period—
 - (i) before an award is made but in respect of which the allowance ^[F27] or payment] is awarded; or
 - (ii) not covered by an award but in respect of which a payment is made in lieu of an award;
 - (b) for the purposes of sub-paragraph (1)(b) as being in receipt of attendance allowance or the care component of disability living allowance at the highest or middle rate prescribed in accordance section ^[F28]72(3)] of the 1992 Act if he would, but for his being a patient for a period exceeding 28 days, be so in receipt;
 - ^[F29](ba) for the purposes of sub-paragraph (1)(b) as being in receipt of the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78 of the 2012 Act if he would, but for regulations made under section 86(1) (hospital in-patients) of that Act, be so in receipt;]
 - ^[F30](bb) for the purposes of sub-paragraph (1)(b) as being in receipt of the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022, if that person would, but for regulation 28 (effect of admission to hospital on ongoing entitlement to Adult Disability Payment) of those Regulations, be so in receipt;]
 - (c) for the purposes of sub-paragraph (1), as not being in receipt of an allowance under section 70 of the 1992 Act ^[F31]or carer support payment^[F32], or as having an award of universal credit which includes the carer element,] for any period before ^[F33]the date on which the award is first paid].

[^{F34}(3) For the purposes of sub-paragraph (1)(c)(ii), a person who has ceased to be certified as severely sight impaired or blind on regaining his eyesight shall nevertheless be treated as severely sight impaired or blind, as the case may be, and as satisfying the requirements set out in that sub-paragraph for a period of 28 weeks following the date on which he ceased to be so certified.]

[^{F35}(4) For the purposes of this paragraph, a person has an award of universal credit which includes the carer element if the person has an award of universal credit which includes an amount which is the carer element under regulation 29 of the Universal Credit Regulations 2013.]

Textual Amendments

- F1** Words in Sch. I para. 1(1)(a)(i) 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(4)(a)(i)**
- F2** Sch. I para. 1(1)(a)(i): comma substituted for word (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(3)(a)(i)**
- F3** Words in Sch. I para. 1(1)(a)(i) 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(3)(a)(ii)**
- F4** Words in Sch. I para. 1(1)(a)(i) 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(4)(a)(i)**
- F5** Words in Sch. I para. 1(1)(a)(iii) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(8)(a)**
- F6** Words in Sch. I para. 1(1)(a)(iii) 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(6)(a)(i)**
- F7** Words in Sch. I para. 1(1)(a)(iii) 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(3)(a)**
- F8** Words in Sch. I para. 1(1)(b)(i) 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(4)(a)(ii)**
- F9** Sch. I para. 1(1)(b)(i): comma substituted for word (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(3)(b)(i)**
- F10** Words in Sch. I para. 1(1)(b)(i) 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(3)(b)(ii)**
- F11** Words in Sch. I para. 1(1)(b)(i) 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(4)(a)(ii)**
- F12** Words in Sch. I para. 1(1) 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(6)(a)(ii)(aa)**
- F13** Words in Sch. I para. 1(1)(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(3)(b)(i)**
- F14** Words in Sch. I para. 1(1)(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(3)(b)(ii)**
- F15** Words in Sch. I para. 1(1) 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(6)(a)(ii)(bb)**

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The State Pension Credit Regulations 2002. (See end of Document for details)*

- F16** Words in Sch. I para. 1(1)(c)(i) 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(4)(a)(iii)**
- F17** Sch. I para. 1(1)(c)(i): comma substituted for word (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(3)(c)(i)**
- F18** Words in Sch. I para. 1(1)(c)(i) 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(3)(c)(ii)**
- F19** Words in Sch. I para. 1(1)(c)(i) 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(4)(a)(iii)**
- F20** Sch. I para. 1(1)(c)(ii) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(4)(a)(i)(aa)**
- F21** Words in Sch. I para. 1(1)(c)(iv) 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(6)(a)(iii)**
- F22** Words in Sch. I para. 1(1)(c)(iv) 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(3)(c)**
- F23** Words in Sch. I para. 1(2)(a) 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(4)(a)(iv)**
- F24** Sch. I para. 1(2)(a): comma substituted for word (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(3)(d)(i)**
- F25** Words in Sch. I para. 1(2)(a) 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(3)(d)(ii)**
- F26** Words in Sch. I para. 1(2)(a) 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(4)(a)(iv)**
- F27** Words in Sch. I para. 1(2)(a)(i) 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(4)(a)(v)**
- F28** Word in Sch. I para. 1(2)(b) substituted (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. 8(a)(i)**
- F29** Sch. I para. 1(2)(ba) 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(4)(a)(vi)**
- F30** Sch. I para. 1(2)(bb) 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(3)(e)**
- F31** Words in Sch. I para. 1(2)(c) 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(6)(a)(iv)**
- F32** Words in Sch. I para. 1(2)(c) 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(3)(d)**
- F33** Words in Sch. I para. 1(2)(c) substituted (2.4.2007) by The Social Security (Miscellaneous Amendments) Regulations 2007 (S.I. 2007/719), regs. 1(2), **4(2)**
- F34** Sch. I para. 1(3) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(4)(a)(i)(bb)**

F35 Sch. I para. 1(4) 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(3)(e)

Persons residing with the claimant whose presence is ignored

2.—(1) For the purposes of paragraph 1(1)(a)(ii), (b)(ii) and (c)(iii), this paragraph applies to the persons specified in the following sub-paragraphs.

(2) A person who—

(a) is in receipt of attendance allowance^[F36], the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act ^[F37], the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act^[F38], the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022^[F39] or armed forces independence payment;

^[F40](b) is certified as severely sight impaired or blind by a consultant ophthalmologist;

^[F41](c) is no longer certified as severely sight impaired or blind in accordance with head (b) but was so certified not more than 28 weeks earlier;

(d) lives with the claimant in order to care for him or his partner and is engaged by a charitable or voluntary organisation which makes a charge to the claimant or his partner for the services provided by that person;

(e) is a partner of a person to whom head (d) above applies; or

(f) is a person who is ^[F42]a qualifying young person ^[F43]within the meaning of regulation 4A] or] child ^[F44]as defined in section 40 of the 2012 Act].

(3) Subject to sub-paragraph (4), a person who joins the claimant's household for the first time in order to care for the claimant or his partner and immediately before he joined the household, the claimant or his partner was treated as being severely disabled.

(4) Sub-paragraph (3) applies only for the first 12 weeks following the date on which the person first joins the claimant's household.

(5) A person who is not a close relative of the claimant or his partner and—

(a) who is liable to make payments on a commercial basis to the claimant or his partner in respect of his occupation of the dwelling;

(b) to whom the claimant or his partner is liable to make payments on a commercial basis in respect of his occupation of that person's dwelling; or

(c) who is a member of the household of a person to whom head (a) or (b) applies.

(6) Subject to paragraph 3(3), a person who jointly occupies the claimant's dwelling and who is either—

(a) co-owner of that dwelling with the claimant or the claimant's ^[F45]partner] (whether or not there are other co-owners); or

(b) jointly liable with the claimant or the claimant's partner to make payments to a landlord in respect of his occupation of that dwelling.

(7) Subject to paragraph 3(3), a person who is a partner of a person to whom sub-paragraph (6) applies.

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The State Pension Credit Regulations 2002. (See end of Document for details)

Textual Amendments

- F36** Words in Sch. I para. 2(2)(a) 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\(4\)\(b\)](#)
- F37** Sch. I para. 2(2)(a): comma substituted for word (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\(3\)\(f\)\(i\)](#)
- F38** Words in Sch. I para. 2(2)(a) 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\(3\)\(f\)\(ii\)](#)
- F39** Words in Sch. I para. 2(2)(a) 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\(4\)\(b\)](#)
- F40** Sch. I para. 2(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), [3\(4\)\(a\)\(ii\)\(aa\)](#)
- F41** Sch. I para. 2(2)(c) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), [3\(4\)\(a\)\(ii\)\(bb\)](#)
- F42** Words in Sch. I para. 2(2)(f) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), [6\(3\)](#)
- F43** Words in Sch. I para. 2(2)(f) inserted (28.7.2016) by [The Housing Benefit and State Pension Credit \(Temporary Absence\) \(Amendment\) Regulations 2016 \(S.I. 2016/624\)](#), regs. 1, [4\(7\)](#) (with reg. 5(3))
- F44** Words in Sch. I para. 2(2)(f) substituted (28.7.2016) by [The Housing Benefit and State Pension Credit \(Temporary Absence\) \(Amendment\) Regulations 2016 \(S.I. 2016/624\)](#), regs. 1, [4\(7\)](#) (with reg. 5(3))
- F45** Word in Sch. I para. 2(6)(a) substituted (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. 8\(a\)\(ii\)](#)

3.—(1) For the purposes of paragraphs 1 and 2, a person resides with another only if they share any accommodation except a bathroom, a lavatory or a communal area, but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord.

(2) In sub-paragraph (1), “communal area” means any area (other than rooms) of common access (including halls and passageways) and rooms of common use in sheltered accommodation.

(3) Paragraph 2(6) and (7) applies to a person who is a close relative of the claimant or his partner only if the claimant or his partner’s co-ownership, or joint liability to make payments to a landlord in respect of his occupation, of the dwelling arose either before 11th April 1988, or, if later, on or before the date upon which the claimant or the claimant’s partner first occupied the dwelling in question.

PART II

Amount applicable for carers

4.—(1) For the purposes of regulation 6(6)(a), this paragraph is satisfied if any of the requirements specified in sub-paragraphs (2) to (4) are met.

(2) A claimant is, or in the case of partners either partner is, or both partners are, entitled to an allowance under section 70 of the 1992 Act ([^{F46}carer’s allowance]) [^{F47}or carer support payment].

(3) Where an additional amount has been awarded under regulation 6(6)(a) but

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- (a) the person in respect of whose care the allowance [^{F48}or payment] has been awarded dies; or
- (b) the person in respect of whom the additional amount was awarded ceases to be entitled or ceases to be treated as entitled to the allowance [^{F48}or payment],

this paragraph shall be treated as satisfied for a period of 8 weeks from the relevant date specified in sub-paragraph (4).

- (4) The relevant date for the purposes of [^{F49}sub-paragraph (3) is] —
 - (a) the Sunday following the death of the person in respect of whose care the allowance [^{F50}or payment] has been awarded (or beginning with the date of death if the death occurred on a Sunday);
 - (b) where sub-paragraph (a) does not apply, the date on which the person who has been entitled to the allowance [^{F50}or payment] ceases to be entitled to that allowance [^{F51}or payment].

Textual Amendments

- F46** Words in Sch. I para. 4(2) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(8)(b)**
- F47** Words in Sch. I para. 4(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(6)(b)(i)**
- F48** Words in Sch. I para. 4(3) 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(6)(b)(ii)**
- F49** Words in Sch. I para. 4(4) substituted (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. 8(b)**
- F50** Words in Sch. I para. 4(4) 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(6)(b)(iii)(aa)**
- F51** Words in Sch. I para. 4(4) 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(6)(b)(iii)(bb)**

5. For the purposes of paragraph 4, a person shall be treated as being entitled to and in receipt of an allowance under section 70 of the 1992 Act [^{F52}or carer support payment] for any period not covered by an award but in respect of which a payment is made in lieu of an award.

Textual Amendments

- F52** Words in Sch. I para. 5 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(6)(c)**

PART III

Amount applicable for former claimants of income support^{F53}, income-based jobseeker's allowance or income-related employment and support allowance]

Textual Amendments

F53 Words in Sch. I para. 6 heading substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), [4\(7\)\(a\)](#)

6.—(1) If on the relevant day the relevant amount exceeds the provisional amount, an additional amount (“the transitional amount”) equal to the difference shall be applicable to a claimant to whom sub-paragraph (2) applies.

(2) This sub-paragraph applies to a claimant who, in respect of the day before the relevant day, was entitled to either income support^{F54}, an income-based jobseeker's allowance or an income-related employment and support allowance].

(3) The relevant day is the day in respect of which the claimant is first entitled to state pension credit.

(4) The provisional amount means the amount of the appropriate minimum guarantee applicable to the claimant on the relevant day but for this paragraph.

(5) The relevant amount means the amount which, on the day before the relevant day, was the claimant’s applicable amount—

- (a) for the purposes of determining his entitlement to income support; ^{F55}...
- (b) for the purpose of determining his entitlement to an income-based jobseeker’s allowance^{F56}; or
- (c) for the purposes of determining his entitlement to income-related employment and support allowance,]

less any of the following amounts included in it—

- (i) any amount determined in accordance with paragraph 2 of Schedule 2 to the Income Support Regulations or paragraph 2 of Schedule 1 to the Jobseeker’s Allowance Regulations;
- (ii) any amount by way of a residential allowance applicable in accordance with paragraph 2A of Schedule 2 to the Income Support Regulations or paragraph 3 of Schedule 1 to the Jobseeker’s Allowance Regulations;
- (iii) any amount by way of family premium applicable in accordance with paragraph 3 of Schedule 2 to the Income Support Regulations or paragraph 4 of Schedule 1 to the Jobseeker’s Allowance Regulations;
- (iv) any amount by way of disabled child premium applicable in accordance with paragraph 14 of Schedule 2 to the Income Support Regulations or paragraph 16 of Schedule 1 to the Jobseeker’s Allowance Regulations; and
- (v) any amount in respect of a person other than the claimant or his partner by way of enhanced disability premium applicable in accordance with paragraph 13A of Schedule 2 to the Income Support Regulations^{F57}, paragraph 7 of Schedule 4 to the Employment and Support Allowance Regulations] or paragraph 15A of Schedule 1 to the Jobseeker’s Allowance Regulations^{M1}.

(6) In determining the relevant amount under sub-paragraph (5), the applicable amount shall be increased by an amount equal to the amount (if any) payable to the claimant in accordance with Part II of the Income Support (Transitional) Regulations 1987 ^{M2} (transitional protection) or

regulation 87(1) of the Jobseeker's Allowance Regulations (transitional supplement to income-based jobseeker's allowance).

(7) If—

- (a) paragraph 1 of Schedule 7 to the Income Support Regulations or paragraph 1 of Schedule 5 to the Jobseeker's Allowance [^{F58}Regulations] applied to the claimant or his partner on the day before the relevant day; but
- (b) paragraph 2(2) of Schedule 3 does not apply to the claimant or his partner on the relevant day;

then for the purposes of this paragraph the relevant amount shall be determined on the assumption that the provision referred to in sub-paragraph (7)(a) did not apply in his case.

(8) Subject to sub-paragraph (9), the transitional amount shall—

- (a) be reduced by a sum equal to the amount (if any) by which the appropriate minimum guarantee increases after the relevant day;
- (b) cease to be included in the claimant's appropriate minimum guarantee from the day on which—
 - (i) the sum mentioned in head (a) above equals or exceeds the transitional amount; or
 - (ii) the claimant or the claimant's partner ceases to be entitled to state pension credit.

(9) For the purposes of sub-paragraph (8), there shall be disregarded—

- (a) any break in entitlement not exceeding 8 weeks; and
- ^{F59}(b) any amount by which the appropriate minimum guarantee of a patient is increased on 10th April 2006 by virtue of the substitution of paragraph 2 of Schedule 3.]

^{F60}(10) This sub-paragraph applies where the relevant amount included an amount in respect of housing costs relating to a loan—

- (a) which is treated as a qualifying loan by virtue of regulation 3 of the Income Support (General) Amendment and Transitional Regulations 1995 or paragraph 18(2) of Schedule 2 to the Jobseeker's Allowance Regulations [^{F61}or paragraph 20(2) of Schedule 6 to the Employment and Support Allowance Regulations]; or
- (b) the appropriate amount of which was determined in accordance with paragraph 7(6C) of Schedule 3 to the Income Support Regulations as in force prior to 10th April 1995 and maintained in force by regulation 28(1) of the Income-related Benefits Schemes (Miscellaneous Amendments) Regulations 1995.

(11) Where sub-paragraph (10) applies, the transitional amount shall be calculated or, as the case may be, recalculated, on the relevant anniversary date determined in accordance with paragraph 7(4C) of Schedule II ("the relevant anniversary date") on the basis that the provisional amount on the relevant day included, in respect of housing costs, the amount calculated in accordance with paragraph 7(1) of Schedule II as applying from the relevant anniversary date and not the amount in respect of housing costs determined on the basis of the amount of the loan calculated in accordance with paragraph 7(4A) of that Schedule.

(12) The transitional amount as calculated in accordance with sub-paragraph (11) shall only be applicable from the relevant anniversary date.]

Textual Amendments

- F54** Words in Sch. I para. 6(2) substituted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **4(7)(b)**

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

| | |
|---------------------------|---|
| F55 | Word in Sch. I para. 6(5)(a) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), 4(7)(c)(i) |
| F56 | Sch. I para. 6(5)(c) and word 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(7)(c)(ii) |
| F57 | Words in Sch. I para. 6(5)(v) 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(7)(c)(iii) |
| F58 | Word in Sch. I para. 6(7)(a) 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. 8(c)(i) |
| F59 | Sch. I para. 6(9)(b) substituted (10.4.2006) by The Social Security (Miscellaneous Amendments) Regulations 2006 (S.I. 2006/588), regs. 1(8), 4(3) |
| F60 | Sch. I para. 6(10) - (12) 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. 8(c)(ii) |
| F61 | Words in Sch. I para. 6(10)(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(7)(d) |
| Marginal Citations | |
| M1 | The relevant amending Instrument is S.I.2000/2629 . |
| M2 | S.I.1987/1969 ; the relevant amending Instruments are S.I.1988/521 and 670, 1989/1626 and 1991/1600. |

SCHEDULE II

Regulation 6(6)(c)

HOUSING COSTS

Housing costs

1.—(1) Subject to the following provisions of this Schedule, the housing costs applicable to a claimant in accordance with regulation 6(6)(c) are those costs—

- (a) which the claimant or, if he has a partner, his partner is, in accordance with paragraph 3, liable to meet in respect of the dwelling occupied as the home which he or his partner is treated as occupying; and
- (b) which qualify under ^{F62}under paragraph 13] .

^{F63}(2)

(3) For the purposes of sub-paragraph (2)(a), a person shall not cease to be a disabled person on account of his being disqualified for receiving benefit or treated as capable of work by virtue of the operation of section 171E of the 1992 Act ^{M3} (incapacity for work, disqualification etc.) [^{F64}or disqualified for receiving employment and support allowance or treated as not having limited capability for work in accordance with regulations made under section 18 of the Welfare Reform Act (disqualification)].

(4) In this Schedule, “non-dependant” means any person, except someone to whom sub-paragraph (5), (6) or (7) applies, who normally resides with the claimant.

(5) This sub-paragraph applies to—

- (a) a partner of the claimant or any person under the age of [^{F65}20] for whom the claimant or the claimant’s partner is responsible;
- (b) a person who lives with the claimant in order to care for him or for the claimant’s partner and who is engaged for that purpose by a charitable or voluntary organisation which makes a charge to the claimant or the claimant’s partner for the care provided by that person;
- (c) the partner of a person to whom head (b) above applies.

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(6) This sub-paragraph applies to a person, other than a close relative of the claimant or the claimant's partner,—

(a) who is liable to make payments on a commercial basis to the claimant or the claimant's partner in respect of his occupation of the claimant's dwelling; [^{F66}or]

^{F67}(b)

(c) who is a member of the household of a person to whom head (a) ^{F68}... above applies.

(7) This sub-paragraph applies to—

(a) a person who jointly occupies the claimant's dwelling and who is either—

(i) co-owner of that dwelling with the claimant or the claimant's partners (whether or not there are other co-owners); or

(ii) jointly liable with the claimant or the claimant's partner to make payments to a landlord in respect of his occupation of that dwelling;

(b) a partner of a person to whom head (a) above applies.

(8) For the purpose of sub-paragraphs (4) to (7) a person resides with another only if they share any accommodation except a bathroom, a lavatory or a communal area but not if each person is separately liable to make payments in respect of his occupation of the dwelling to the landlord.

(9) In sub-paragraph (8), "communal area" means any area (other than rooms) of common access (including halls and passageways) and rooms of common use in sheltered accommodation.

Textual Amendments

F62 Words in Sch. II para. 1(1)(b) substituted (with effect in accordance with regs.19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(a)(i)**

F63 Sch. II para. 1(2) omitted (with effect in accordance with regs.19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(a)(ii)**

F64 Words in Sch. II para. 1(3) 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(8)(a)(ii)**

F65 Word in Sch. II para. 1(5)(a) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **6(4)(b)**

F66 Word in Sch. II para. 1(6)(a) 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. 9(b)(i)**

F67 Sch. II para. 1(6)(b) omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 9(b)(ii)**

F68 Words in Sch. II para. 1(6)(c) omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 9(b)(iii)**

Marginal Citations

M3 Section 171E was inserted by section 6 of the [Social Security \(Incapacity for Work\) Act 1994 \(c. 18\)](#).

Remunerative work

2.—(1) Subject to the following provisions of this paragraph, a person shall be treated for the purposes of this Schedule as engaged in remunerative work if he is engaged, or, where his hours

of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

(2) Subject to sub-paragraph (3), in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over—

- (a) if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- (b) in any other case, the period of 5 weeks immediately prior to the date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately.

(3) Where, for the purposes of sub-paragraph (2)(a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.

(4) Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

(5) A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in sub-paragraph (1) if the absence is either without good cause or by reason of a recognised, customary or other holiday.

(6) A person on income support or an income-based jobseeker's allowance for more than 3 days in any benefit week shall be treated as not being in remunerative work in that week.

(7) A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave [^{F69}, paternity leave [^{F70}, shared parental leave][^{F71}, parental bereavement leave] or adoption leave,] or is absent from work because he is ill.

(8) A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which—

- (a) a sports award has been made, or is to be made, to him; and
- (b) no other payment is made or is expected to be made to him [^{F72},

and for the purposes of this sub-paragraph, "sports award" means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc. Act 1993 out of sums allocated to it for distribution under that section]

(9) In this paragraph "benefit week"—

- (a) in relation to income support, has the same meaning as in regulation 2(1) of the Income Support Regulations;
- (b) in relation to jobseeker's allowance, has the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations.

Textual Amendments

F69 Words in Sch. 2 para. 2(7) inserted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(9)(a)**

F70 Words in Sch. 2 para. 2(7) 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(5)**

- F71** Words in Sch. 2 para. 2(7) 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(5)**
- F72** Words in Sch. 2 para. 2(8) 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. 9(c)**

Circumstances in which a person is liable to meet housing costs

3. A person is liable to meet housing costs where—
- (a) the liability falls upon him or his partner but not where the liability is to a member of the same household as the person on whom the liability falls;
 - (b) because the person liable to meet the housing costs is not meeting them, the claimant has to meet those costs in order to continue to live in the dwelling occupied as the home and it is reasonable in all the circumstances to treat the claimant as liable to meet those costs;
 - (c) he in practice shares the housing costs with other members of the household none of whom are close relatives either of the claimant or his partner, and
 - (i) one or more of those members is liable to meet those costs, and
 - (ii) it is reasonable in the circumstances to treat him as sharing responsibility.

Circumstances in which a person is to be treated as occupying a dwelling as his home

4.—(1) Subject to the following provisions of this paragraph, a person shall be treated as occupying as his home the dwelling normally occupied as his home by himself or, if he has a partner, by himself and his partner, and he shall not be treated as occupying any other dwelling as his home.

(2) In determining whether a dwelling is the dwelling normally occupied as the claimant's home for the purposes of sub-paragraph (1) regard shall be had to any other dwelling occupied by the claimant or by him and his partner whether or not that other dwelling is in Great Britain.

(3) Subject to sub-paragraph (4), where a claimant who has no partner is a full-time student or is on a training course and is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case, analogous payments) in respect of either (but not both) the dwelling which he occupies for the purpose of attending his course of study or his training course or, as the case may be, the dwelling which he occupies when not attending his course, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make payments.

(4) A full-time student shall not be treated as occupying a dwelling as his home for any week of absence from it, other than an absence occasioned by the need to enter hospital for treatment, outside the period of study, if the main purpose of his occupation during the period of study would be to facilitate attendance on his course.

(5) Where a claimant has been required to move into temporary accommodation by reason of essential repairs being carried out to the dwelling normally occupied as his home and he is liable to make payments (including payments of mortgage interest or, in Scotland, payments under heritable securities or, in either case, analogous payments) in respect of either (but not both) the dwelling normally occupied or the temporary accommodation, he shall be treated as occupying as his home the dwelling in respect of which he is liable to make those payments.

(6) Where a person is liable to make payments in respect of two (but not more than two) dwellings, he shall be treated as occupying both dwellings as his home only—

- (a) where he has left and remains absent from the former dwelling occupied as the home through fear of violence in that dwelling or of violence by a close relative or former partner

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and it is reasonable that housing costs should be met in respect of both his former dwelling and his present dwelling occupied as the home; or

- (b) in the case of partners, where one partner is a full-time student or is on a training course and it is unavoidable that he or they should occupy two separate dwellings and reasonable that housing costs should be met in respect of both dwellings; or
- (c) in the case where a person has moved into a new dwelling occupied as the home, except where sub-paragraph (5) applies, for a period not exceeding four benefit weeks [^{F73}from the first day of the benefit week where the move takes place on that day, but if it does not, from the first day of the next following benefit week] if his liability to make payments in respect of two dwellings is unavoidable.

(7) Where—

- (a) a person has moved into a dwelling and was liable to make payments in respect of that dwelling before moving in; and
- (b) he had claimed state pension credit before moving in and either that claim has not yet been determined or it has been determined but—
 - (i) an amount has not been included under this Schedule; or
 - (ii) the claim has been refused and a further claim has been made within four weeks of the date on which the claimant moved into the new dwelling occupied as the home; and
- (c) the delay in moving into the dwelling in respect of which there was liability to make payments before moving in was reasonable and—
 - (i) that delay was necessary in order to adapt the dwelling to meet the disablement needs of the claimant, his partner or a person under the age of [^{F74}20] for whom either the claimant or his partner is responsible; or
 - (ii) the move was delayed pending [^{F75}local welfare provision or] the outcome of an application under Part VIII of the 1992 Act for a social fund payment to meet a need arising out of the move or in connection with setting up the home in the dwelling; or
 - (iii) the person became liable to make payments in respect of the dwelling while he was a patient or was in a care home [^{F76}or an independent hospital],

he shall be treated as occupying the dwelling as his home for any period not exceeding four weeks immediately prior to the date on which he moved into the dwelling and in respect of which he was liable to make payments.

[^{F77}(8) This sub-paragraph applies to a person who enters a care home or an independent hospital—

- (a) for the purpose of ascertaining whether that care home or independent hospital suits his needs, and
- (b) with the intention of returning to the dwelling which he normally occupies as his home should, in the event that, the care home or independent hospital prove not to suit his needs,

and while in the care home or independent hospital, the part of the dwelling which he normally occupies as his home is not let, or as the case may be, sub-let to another person.]

(9) A person to whom sub-paragraph (8) applies shall be treated as occupying the dwelling he normally occupies as his home during any period (commencing with the day he enters the [^{F78}care home or independent hospital]) not exceeding 13 weeks in which the person is resident in the [^{F78}care home or independent hospital], but only in so far as the total absence from the dwelling does not exceed 52 weeks.

(10) A person, other than a person to whom sub-paragraph (11) applies, shall be treated as occupying a dwelling as his home throughout any period of absence not exceeding 13 weeks, if, and only if—

- (a) he intends to return to occupy the dwelling as his home; and
- (b) the part of the dwelling normally occupied by him has not been let or, as the case may be, sub-let to another person; and
- (c) the period of absence is unlikely to exceed 13 weeks.

(11) This sub-paragraph applies to a person whose absence from the dwelling he normally occupies as his home is temporary and—

- (a) he intends to return to occupy the dwelling as his home; and
- (b) while the part of the dwelling which is normally occupied by him has not been let or, as the case may be, sub-let; and
- (c) he is—

[^{F79}(i) detained in custody on remand pending trial or, as a condition of bail, required to reside—

(aa) in a dwelling, other than the dwelling he occupies as his home; or

(bb) in premises approved under [^{F80}section 13 of the Offender Management Act 2007] ,

or, detained pending sentence upon conviction; or]

- (ii) resident in a hospital or similar institution as a patient; or
 - (iii) undergoing or, as the case may be, his partner or a person who has not attained the age of [^{F81}20] and who is dependent on him or his partner is undergoing, in the United Kingdom or elsewhere, medical treatment, or medically approved convalescence, in accommodation other than in a care home [^{F82}or an independent hospital]; or
 - (iv) following, in the United Kingdom or elsewhere, a training course; or
 - (v) undertaking medically approved care of a person residing in the United Kingdom or elsewhere; or
 - (vi) undertaking the care of a person under the age of [^{F83}20] whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment, or
 - (vii) a person who is, whether in the United Kingdom or elsewhere, receiving medically approved care provided in accommodation other than a care home [^{F84}or an independent hospital]; or
 - (viii) a full-time student to whom sub-paragraph (3) or (6)(b) does not apply; or
 - (ix) a person, other than a person to whom sub-paragraph (8) applies, who is receiving care provided in a care home [^{F85}or an independent hospital]; or
 - (x) a person to whom sub-paragraph (6)(a) does not apply and who has left the dwelling he occupies as his home through fear of violence in that dwelling, or by a person who was formerly his partner or is a close relative; and
- (d) the period of his absence is unlikely to exceed a period of 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period.

(12) A person to whom sub-paragraph (11) applies is to be treated as occupying the dwelling he normally occupies as his home during any period of absence not exceeding 52 weeks beginning with the first day of that absence.

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(13) In this paragraph—

- (a) “medically approved” means certified by a medical practitioner;
- (b) “training course” means such a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, [^{F86}Skills Development Scotland,] Scottish Enterprise, Highlands and Islands Enterprise, a government department or the Secretary of State.

Textual Amendments

- F73** Words in Sch. II para. 4(6)(c) inserted (8.1.2007) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2006 \(S.I. 2006/3274\)](#), regs. 1, 4 (with reg. 4(2)(3))
- F74** Word in Sch. II para. 4(7)(c)(i) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), reg. 1(2)(a), **6(4)(c)**
- F75** Words in Sch. II para. 4(7)(c)(ii) inserted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **6(3)(a)**
- F76** Words in Sch. II para. 4(7)(c)(iii) inserted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 5(a)(i)**
- F77** Sch. II para. 4(8) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 5(a)(ii)**
- F78** Words in Sch. II para. 4(9) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 5(a)(iii)**
- F79** Sch. II para. 4(11)(c)(i) substituted (4.4.2005) by [The Social Security \(Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2327\)](#), regs. 1(1)(c), **7(5)(a)**
- F80** Words in Sch. II para. 4(11)(c)(i) (bb) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), reg. 1(2), **5(4)(a)**
- F81** Word in Sch. II para. 4(11)(c)(iii) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), reg. 1(2)(a), **6(4)(d)**
- F82** Words in Sch. II para. 4(11)(c)(iii) inserted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 5(a)(iv)**
- F83** Word in Sch. II para. 4(11)(c)(vi) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), reg. 1(2)(a), **6(4)(e)**
- F84** Words in Sch. II para. 4(11)(c)(vii) inserted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 5(a)(iv)**
- F85** Words in Sch. II para. 4(11)(c)(ix) inserted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), reg. 1, **Sch. 5 para. 5(a)(iv)**
- F86** Words in Sch. II para. 4(13)(b) inserted (6.4.2009) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), reg. 1(2), **5(4)(a)**

Housing costs not met

5.—(1) No amount may be met under the provisions of this Schedule—

- (a) in respect of housing benefit expenditure; or
- (b) where the claimant is in accommodation which is a care home [^{F87}or an independent hospital] except where he is in such accommodation during a temporary absence from the dwelling he occupies as his home and in so far as they relate to temporary absences, the provisions of paragraph 4(8) to (12) apply to him during that absence.

[^{F88}(1A) In paragraph (1), “housing benefit expenditure” means expenditure in respect of which housing benefit is payable as specified in regulation 10(1) of the Housing Benefit (General)

Regulations 1987 but does not include any such expenditure in respect of which an additional amount is applicable under regulation 6(6)(c) (housing costs).]

- F89(2)
- F89(3)
- F89(4)
- F89(5)
- F89(6)
- F89(7)
- F89(8)
- F89(9)
- F89(10)
- F89(11)
- F89(12)
- F89(13)

Textual Amendments

- F87** Words in Sch. II para. 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. 5(b)**
- F88** Sch. II para. 5(1A) 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(1)(i)**
- F89** Sch. II para. 5(2)-(13) omitted (with effect in accordance with regs.19 - 21 of the amending S.I.) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(b)**

Apportionment of housing costs

- 6.—(1) Where the dwelling occupied as the home is a composite hereditament and—
- (a) before 1st April 1990 for the purposes of section 48(5) of the General Rate Act 1967 (reduction of rates on dwellings), it appeared to a rating authority or it was determined in pursuance of subsection (6) of section 48 of that Act that the hereditament, including the dwelling occupied as the home, was a mixed hereditament and that only a proportion of the rateable value of the hereditament was attributable to use for the purpose of a private dwelling; or
 - (b) in Scotland, before 1st April 1989 an assessor acting pursuant to section 45(1) of the Water (Scotland) Act 1980 (provision as to valuation roll) has apportioned the net annual value of the premises including the dwelling occupied as the home between the part occupied as a dwelling and the remainder,

the additional amount applicable under this Schedule shall be such proportion of the amounts applicable in respect of the hereditament or premises as a whole as is equal to the proportion of the rateable value of the hereditament attributable to the part of the hereditament used for the purposes of a private tenancy or, in Scotland, the proportion of the net annual value of the premises apportioned to the part occupied as a dwelling house.

(2) Subject to sub-paragraph (1) and the following provisions of this paragraph, where the dwelling occupied as the home is a composite hereditament, the additional amount applicable under

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this Schedule shall be the relevant fraction of the amount which would otherwise be applicable under this Schedule in respect of the dwelling occupied as the home.

(3) For the purposes of sub-paragraph (2), the relevant fraction shall be obtained in accordance with the formula—

$$\frac{A}{A + B}$$

where—

“A” is the current market value of the claimant’s interest in that part of the composite hereditament which is domestic property within the meaning of section 66 of the Act of 1988;

“B” is the current market value of the claimant’s interest in that part of the composite hereditament which is not domestic property within that section.

(4) In this paragraph—

“composite hereditament” means—

- (a) as respects England and Wales, any hereditament which is shown as a composite hereditament in a local non-domestic rating list;
- (b) as respects Scotland, any lands and heritages entered in the valuation roll which are part residential subjects within the meaning of section 26(1) of the Act of 1987;

“local non-domestic rating list” means a list compiled and maintained under section 41(1) of the Act of 1988;

“the Act of 1987” means the Abolition of Domestic Rates Etc. (Scotland) Act 1987^{M4};

“the Act of 1988” means the Local Government Finance Act 1988^{M5}.

(5) Where responsibility for expenditure which relates to housing costs met under this Schedule is shared, the additional amounts applicable under this Schedule shall be calculated by reference to the appropriate proportion of that expenditure for which the claimant is responsible.

Modifications etc. (not altering text)

C1 Sch. II para. 6(3) formula 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**

Marginal Citations

M4 1987 c. 47.

M5 1988 c. 41.

The calculation for loans

F907.

Textual Amendments

F90 Sch. 2 paras. 7-12 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(c)** (subject to transitional provisions in regs.19-21)

General provisions applying to housing costs

^{F90}8.

Textual Amendments

F90 Sch. 2 paras. 7-12 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(c)** (subject to transitional provisions in regs.19-21)

Modifications etc. (not altering text)

C2 Sum in [Sch. II para. 8\(2\)](#) (as it continues to have effect in accordance with S.I. 2017/725 reg. 20) maintained (11.4.2022 with effect in accordance with art. 1(3)(m) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2022 \(S.I. 2022/292\)](#), **art. 30(4)**

The standard rate

^{F90}9.

Textual Amendments

F90 Sch. 2 paras. 7-12 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(c)** (subject to transitional provisions in regs.19-21)

Excessive Housing Costs

^{F90}10.

Textual Amendments

F90 Sch. 2 paras. 7-12 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(c)** (subject to transitional provisions in regs.19-21)

Loans on residential property

^{F90}11.

Textual Amendments

F90 Sch. 2 paras. 7-12 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(c)** (subject to transitional provisions in regs.19-21)

Loans for repairs and improvements to the dwelling occupied as the home

^{F90}12.

Textual Amendments

F90 Sch. 2 paras. 7-12 omitted (6.4.2018) by virtue of [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(c)** (subject to transitional provisions in regs.19-21)

[^{F91}Housing costs]

13.—(1) Subject to the deduction specified in sub-paragraph (2) and the reductions applicable in sub-paragraph (5), there shall be met under this paragraph the amounts, calculated on a weekly basis, in respect of the following housing costs—

- (a) payments by way of rent or ground rent relating to a long tenancy ^{F92} ...;
- (b) service charges;
- (c) payments by way of rentcharge within the meaning of section 1 of the Rentcharges Act 1977 ^{M6};
- (d) payments under a co-ownership scheme;
- (e) payments under or relating to a tenancy or licence of a Crown tenant;
- (f) where the dwelling occupied as the home is a tent, payments in respect of the tent and the site on which it stands.

(2) Subject to sub-paragraph (3), the deductions to be made from the weekly amounts to be met under this paragraph are—

- (a) where the costs are inclusive of any of the items mentioned in paragraph 5(2) of Schedule I to the Housing Benefit (General) Regulations 1987 ^{M7} (payment in respect of fuel charges), the deductions prescribed in that paragraph unless the claimant provides evidence on which the actual or approximate amount of the service charge for fuel may be estimated, in which case the estimated amount;
- (b) where the costs are inclusive of ineligible service charges within the meaning of paragraph 1 of Schedule I to the Housing Benefit (General) Regulations 1987 (ineligible service charges) the amounts attributable to those ineligible service charges or where that amount is not separated from or separately identified within the housing costs to be met under this paragraph, such part of the payments made in respect of those housing costs which are fairly attributable to the provision of those ineligible services having regard to the costs of comparable services;
- (c) any amount for repairs and improvements, and for this purpose the expression “repairs and improvements” has [^{F93}the meaning in sub-paragraph (7)].

(3) Where arrangements are made for the housing costs, which are met under this paragraph and which are normally paid for a period of 52 weeks, to be paid instead for a period of 53 weeks, or to be paid irregularly, or so that no such costs are payable or collected in certain periods, or so that the costs for different periods in the year are of different amounts, the weekly amount shall be the amount payable for the year divided by 52.

(4) Where the claimant or the claimant’s partner—

- (a) pays for reasonable repairs or redecorations to be carried out to the dwelling he occupies; and
- (b) that work was not the responsibility of the claimant or his partner; and
- (c) in consequence of that work being done, the costs which are normally met under this paragraph are waived,

then those costs shall, for a period not exceeding 8 weeks, be treated as payable.

(5) Where in England and Wales an amount calculated on a weekly basis in respect of housing costs specified in sub-paragraph (1)(e) (Crown tenants) includes water charges, that amount shall be reduced—

- (a) where the amount payable in respect of water charges is known, by that amount;

- (b) in any other case, by the amount which would be the likely weekly water charge had the property not been occupied by a Crown tenant.

[^{F94}(6) In this paragraph—

- (a) “co-ownership scheme” means a scheme under which a dwelling is let by a housing association and the tenant, or his personal representative, will, under the terms of the tenancy agreement or of the agreement under which he became a member of the association, be entitled, on his ceasing to be a member and subject to any condition stated in either agreement, to a sum calculated by reference directly or indirectly to the value of the dwelling;
- (b) “Crown tenant” means a person who occupies a dwelling under a tenancy or licence where the interest of the landlord belongs to Her Majesty in right of the Crown or to a government department or is held in trust for Her Majesty for the purposes of a government department except (in the case of an interest belonging to Her Majesty in right of the Crown) where the interest is under the management of the Crown Estate Commissioners [^{F95} or a relevant person] ;
- (c) “housing association” has the meaning assigned to it by section 1(1) of the Housing Associations Act 1985;
- (d) “long tenancy” means a tenancy granted for a term of years certain exceeding twenty one years, whether or not the tenancy is, or may become, terminable before the end of that term by notice given by or to the tenant or by re-entry, forfeiture (or, in Scotland, irritancy) or otherwise and includes a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal unless it is a lease by sub-demise from one which is not a long tenancy][^{F96}; and]
- (e) [^{F96}“relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.]

[^{F97}(7) For the purposes of sub-paragraph (2)(c), “repairs and improvements” means any of the following measures undertaken with a view to maintaining the fitness of the dwelling for human habitation or, where the dwelling forms part of a building, any part of a building containing that dwelling—

- (a) provision of a fixed bath, shower, wash basin, sink or lavatory, and necessary associated plumbing, including the provision of hot water not connected to a central heating system;
- (b) repairs to existing heating system;
- (c) damp proof measures;
- (d) provision of ventilation and natural lighting;
- (e) provision of drainage facilities;
- (f) provision of facilities for preparing and cooking food;
- (g) provision of insulation of the dwelling occupied as the home;
- (h) provision of electric lighting and sockets;
- (i) provision of storage facilities for fuel or refuse;
- (j) repairs of unsafe structural defects;
- (k) adapting a dwelling for the special needs of a disabled person; or
- (l) provision of separate sleeping accommodation for persons of different sexes aged 10 or over but under the age of 20 who live with the claimant and for whom the claimant or the claimant’s partner is responsible.]

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

Textual Amendments

- F91** Words in Sch. II para. 13 heading substituted (with effect in accordance with regs.19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(d)(i)**
- F92** Words in Sch. 02 para. 13(1)(a) omitted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **regs. 1(3)**, 14(5)(a)
- F93** Words in Sch. II para. 13(2)(c) substituted (with effect in accordance with regs.19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(d)(ii)**
- F94** Sch. II para. 13(6) 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(1)(iii)**
- F95** Words in Sch. II para. 13(6)(b) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 94(a)**
- F96** Sch. II para. 13(6)(e) and word inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 94(b)**
- F97** Sch. II para. 13(7) inserted (with effect in accordance with regs.19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(d)(iii)**

Marginal Citations

- M6** 1977 c. 30.
M7 S.I.1987/1971.

Persons residing with the claimant

14.—(1) Subject to the following provisions of this paragraph, the following deductions from the amount to be met under the preceding paragraphs of this Schedule in respect of housing costs shall be made—

- (a) in respect of a non-dependant aged 18 or over who is engaged in any remunerative work, [^{F98}£124.55];
- (b) in respect of a non-dependant aged 18 or over to whom paragraph (a) does not apply, [^{F99}£19.30].

(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph [^{F100}(1)(a)] applies because he is in remunerative work, where the claimant satisfies the Secretary of State that the non-dependant's gross weekly income is—

- (a) less than [^{F101}£176.00] the deduction to be made under this paragraph shall be the deduction specified in sub-paragraph [^{F102}(1)(b)];
- (b) not less than [^{F103}£176.00] but less than [^{F104}£256.00], the deduction to be made under this paragraph shall be [^{F105}£44.40];
- (c) not less than [^{F106}£256.00] but less than [^{F107}£334.00], the deduction to be made under this paragraph shall be [^{F108}£60.95];
- (d) not less than [^{F109}£334.00] but less than [^{F110}£445.00], the deduction to be made under this paragraph shall be [^{F111}£99.65];
- (e) not less than [^{F112}£445.00] but less than [^{F113}£554.00], the deduction to be made under this paragraph shall be [^{F114}£113.50].

[^{F115}(2A) Where a non-dependant deduction is being made under the Loans for Mortgage Interest Regulations 2017, the amount of the deduction under sub-paragraph (1) or (2) is to be reduced by an amount equal to that non-dependant deduction.]

(3) Only one deduction shall be made under this paragraph in respect of partners and where, but for this sub-paragraph, the amount that would fall to be deducted in respect of one partner is higher than the amount (if any) that would fall to be deducted in respect of the other partner, the higher amount shall be deducted.

(4) In applying the provisions of sub-paragraph (2) in the case of partners, only one deduction shall be made in respect of the partners based on the partners' joint weekly income.

(5) Where a person is a non-dependant in respect of more than one joint occupier of a dwelling (except where the joint occupiers are partners), the deduction in respect of that non-dependant shall be apportioned between the joint occupiers (the amount so apportioned being rounded to the nearest penny) having regard to the number of joint occupiers and the proportion of the housing costs in respect of the dwelling occupied as the home payable by each of them.

(6) No deduction shall be made in respect of any non-dependants occupying the dwelling occupied as the home of the claimant, if the claimant or any partner of his is—

[^{F116}(a) certified as severely sight impaired or blind by a consultant ophthalmologist, or who is within 28 weeks of ceasing to be so certified; or]

(b) receiving in respect of himself either—

(i) an attendance allowance; ^{F117} ...

(ii) the care component of the disability living allowance [^{F118}; ^{F119} ...

(iii) the daily living component of personal independence payment] [^{F120}; ^{F121} ...

[the daily living component of adult disability payment; or]

^{F122}(iiia)

(iv) armed forces independence payment.]

(7) No deduction shall be made in respect of a non-dependant—

(a) if, although he resides with the claimant, it appears to the Secretary of State that the dwelling occupied as his home is normally elsewhere; or

(b) if he is in receipt of a training allowance paid in connection with [^{F123}youth training] under section 2 of the Employment and Training Act 1973 ^{M8} or section 2 of the Enterprise and New Towns (Scotland) Act 1990^{M9}; or

(c) if he is a full-time student ^{F124} ...; or

^{F125}(cc)

(d) if he is aged under 25 and in receipt of income support or an income-based jobseeker's allowance; or

[^{F126}(dd) in respect of whom a deduction in the calculation of a rent rebate or allowance falls to be made under regulation 55 (non-dependant deductions) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006; or]

(e) if he is not residing with the claimant because he has been [^{F127}an in-patient residing in a hospital or similar institution] for a period in excess of [^{F128}52] weeks, or is a prisoner; and in calculating any period of [^{F128}52] weeks, any 2 or more distinct periods separated by one or more intervals each not exceeding 28 days shall be treated as a single period; [^{F129}or]

[^{F130}(f) if he is in receipt of state pension credit.]

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

- [^{F131}(g) if he is aged less than 25 and is in receipt of [^{F132}income-related] employment and support allowance which does not include an amount under section ^{F133}... 4(4) ^{F134}... of the Welfare Reform Act [^{F135}(component) or is not a member of the work-related activity group]]^{F136};
or
- (h) if he is aged less than 25 and is entitled to an award of universal credit which is calculated on the basis that he does not have any earned income]
- (8) In the case of a non-dependant to whom sub-paragraph (1) applies because he is in remunerative work, there shall be disregarded from his gross income—
- [^{F137}(a) any attendance allowance, disability living allowance, armed forces independence payment, personal independence payment or adult disability payment received by him;]
- (b) any payment from the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), the Fund, the Eileen Trust [^{F138}, MFET Limited]]^{F139}, the Skipton Fund, the Caxton Foundation]]^{F140}, the Scottish Infected Blood Support Scheme]]^{F141}, an approved blood scheme]]^{F142}, the London Emergencies Trust, the We Love Manchester Emergency Fund]]^{F143}, the National Emergencies Trust]]^{F144}, the Victims of Overseas Terrorism Compensation Scheme] or the Independent Living [^{F145}Fund (2006)]; and
- [^{F146}(ba) any Grenfell Tower payment;]
- [^{F147}(bb) any child abuse payment;
- (bc) any Windrush payment;]
- [^{F148}(bd) any Post Office compensation payment;]
- (c) any payment in kind.
- [^{F149}(d) any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.]
- [^{F150}(9) For the purposes of sub-paragraph (7)(h), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013.]

Textual Amendments

- F98** Sum in Sch. 2 para. 14(1)(a) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(a)**
- F99** Sum in Sch. 2 para. 14(1)(b) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(b)**
- F100** Word in Sch. 2 para. 14(2) substituted (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. 9(g)(i)**
- F101** Sum in Sch. 2 para. 14(2)(a) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(c)**
- F102** Words in Sch. 2 para. 14(2)(a) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **regs. 1(3), 14(5)(b)(i)**

- F103** Sum in Sch. 2 para. 14(2)(b) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(d)(ii)**
- F104** Sum in Sch. 2 para. 14(2)(b) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(d)(iii)**
- F105** Sum in Sch. 2 para. 14(2)(b) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(d)(i)**
- F106** Sum in Sch. 2 para. 14(2)(c) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(e)(ii)**
- F107** Sum in Sch. 2 para. 14(2)(c) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(e)(iii)**
- F108** Sum in Sch. 2 para. 14(2)(c) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(e)(i)**
- F109** Sum in Sch. 2 para. 14(2)(d) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(f)(ii)**
- F110** Sum in Sch. 2 para. 14(2)(d) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(f)(iii)**
- F111** Sum in Sch. 2 para. 14(2)(d) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(f)(i)**
- F112** Sum in Sch. 2 para. 14(2)(e) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(g)(ii)**
- F113** Sum in Sch. 2 para. 14(2)(e) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(g)(iii)**
- F114** Sum in Sch. 2 para. 14(2)(e) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(4)(g)(i)**
- F115** Sch. 2 para. 14(2A) inserted (with effect in accordance with regs.19 - 21 of the amending S.I.) by [The Loans for Mortgage Interest Regulations 2017 \(S.I. 2017/725\)](#), reg. 1(2)(a), **Sch. 5 para. 4(e)**
- F116** Sch. 2 para. 14(6)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **3(4)(b)(ii)**
- F117** Word in Sch. 2 para. 14(6)(b)(i) omitted (8.4.2013) by virtue of [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 27(5)(b)(i)**
- F118** Sch. 2 para. 14(6)(b)(iii) and word 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(5)(b)(ii)**
- F119** Word in Sch. 2 para. 14(6)(b)(ii) omitted (8.4.2013) by virtue of [The Armed Forces and Reserve Forces Compensation Scheme \(Consequential Provisions: Subordinate Legislation\) Order 2013 \(S.I. 2013/591\)](#), art. 2(2), **Sch. para. 23(5)(b)**
- F120** Words in Sch. 2 para. 14(6)(b)(iv) 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(5)(c)**

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

- F121** Word in Sch. 2 para. 14(6)(b)(iii) omitted (21.3.2022) by virtue of The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **8(4)(a)**
- F122** Sch. 2 para. 14(6)(b)(iiia) 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(4)(b)**
- F123** Words in Sch. 2 para. 14(7)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **5(4)(c)**
- F124** Words in Sch. 2 para. 14(7)(c) omitted (6.12.2018) by virtue of The Social Security (Miscellaneous Amendments No. 5) Regulations 2017 (S.I. 2017/1187), regs. 1(2)(b), **5(2)(a)**
- F125** Sch. 2 para. 14(7)(cc) omitted (6.12.2018) by virtue of The Social Security (Miscellaneous Amendments No. 5) Regulations 2017 (S.I. 2017/1187), regs. 1(2)(b), **5(2)(b)**
- F126** Sch. 2 para. 14(7)(dd) inserted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2006 (S.I. 2006/2378), **regs. 1(3), 14(5)(b)(ii)**
- F127** Words in Sch. 2 para. 14(7)(e) sum substituted (10.4.2006) by The Social Security (Hospital In-Patients) Regulations 2005 (S.I. 2005/3360), regs. 1(a), **8(4)(b)**
- F128** Word in Sch. 2 para. 14(7)(e) substituted (21.5.2003) by The Social Security (Hospital In-Patients and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1195), regs. 1(a), **8(2)**
- F129** Word in Sch. 2 para. 14(7)(e) inserted (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), 7(5)(aa)**(b)(ii)**
- F130** Sch. 2 para. 14(7)(f) added (4.4.2005) by The Social Security (Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments) Regulations 2004 (S.I. 2004/2327), regs. 1(1)(c), **7(5)(b)(ii)(bb)**
- F131** Sch. 2 para. 14(7)(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(8)(e)**
- F132** Words in Sch. 2 para. 14(7)(g) inserted (2.4.2013) by The Social Security (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/443), regs. 1, **6(3)(b)**
- F133** Words in Sch. 2 para. 14(7)(g) omitted by SI 2008/1554 reg. 4(8)(e) (as amended) (27.10.2008) by virtue of The Employment and Support Allowance (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2428), regs. 1(2), **41(4)**
- F134** Words in Sch. 2 para. 14(7)(g) omitted (3.4.2017) by virtue of 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(3)(b)(i)** (with Sch. 2 paras. 1-7)
- F135** Words in Sch. 2 para. 14(7)(g) substituted (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(3)(b)(ii)** (with Sch. 2 paras. 1-7)
- F136** Sch. 2 para. 14(7)(h) and word inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(6)(b)(i)**
- F137** Sch. 2 para. 14(8)(a) substituted (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(4)(c)**
- F138** Words in Sch. 2 para. 14(8)(b) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **6(3)(b)**
- F139** Words in Sch. 2 para. 14(8)(b) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **15(5)**
- F140** Words in Sch. 2 para. 14(8)(b) inserted (3.4.2017) by The Social Security (Scottish Infected Blood Support Scheme) Regulations 2017 (S.I. 2017/329), regs. 1, **5(3)(a)**
- F141** Words in Sch. 2 para. 14(8)(b) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **5(3)(a)**
- F142** Words in Sch. 2 para. 14(8)(b) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **4(3)(a)**
- F143** Words in Sch. 2 para. 14(8)(b) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(3)(a)**

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

- F144** Words in Sch. II para. 14(8)(b) 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(3)(a)**
- F145** Words in Sch. 2 para. 14(8)(b) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **5(4)(d)**
- F146** Sch. 2 para. 14(8)(ba) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(3)(b)**
- F147** Sch. 2 para. 14(8)(bb)(bc) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **4(3)**
- F148** Sch. 2 para. 14(8)(bd) inserted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **4(3)**
- F149** Sch. 2 para. 14(8)(d) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **5(4)**
- F150** Sch. 2 para. 14(9) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(6)(b)(ii)**

Marginal Citations

- M8** 1973 c. 50.
M9 1990 c. 35.

Rounding of fractions

15. Where any calculation made under this Schedule results in a fraction of a penny, that fraction shall be treated as a penny.

[^{F151}SCHEDULE IIA

Regulation 6(6)(d)

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

Textual Amendments

- F151** 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
- (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, [^{F152}£66.29] for each child or qualifying young person; and
- (b) a further amount of—
 - (i) [^{F153}£35.93] where sub-paragraph (2) applies; or
 - (ii) [^{F154}£112.21] 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 [^{F155}, child disability payment (within the meaning given in regulation 2 of the Disability Assistance for Children and Young People (Scotland) Regulations 2021)] [^{F156}, adult disability payment] 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 [^{F157}, the daily living component of adult disability payment at the enhanced rate] or the daily living component of personal independence payment at the enhanced rate; or
- [^{F158}(aa) entitled to the care component of child disability payment at the highest rate in accordance with regulation 11(5) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021; or]
- (b) certified as severely sight impaired or blind by a consultant ophthalmologist.

Textual Amendments

- F152** Sum in Sch. 2A para. 9(1)(a) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by The Social Security Benefits Up-rating Order 2024 (S.I. 2024/242), arts. 1(3)(k), **29(5)(a)**
- F153** Sum in Sch. 2A para. 9(1)(b) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by The Social Security Benefits Up-rating Order 2024 (S.I. 2024/242), arts. 1(3)(k), **29(5)(b)(i)**
- F154** Sum in Sch. 2A para. 9(1)(b) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by The Social Security Benefits Up-rating Order 2024 (S.I. 2024/242), arts. 1(3)(k), **29(5)(b)(ii)**
- F155** Words in Sch. 2A para. 9(2) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), arts. 1(2), **10(2)(a)**
- F156** Words in Sch. 2A para. 9(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(5)(a)**
- F157** Words in Sch. 2A para. 9(3)(a) 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(5)(b)**
- F158** Sch. 2A para. 9(3)(aa) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance for Children and Young People) (Consequential Modifications) Order 2021 (S.I. 2021/786), arts. 1(2), **10(2)(b)**

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 [^{F159}£76.79]].

Textual Amendments

F159 Sum in [Sch. 2A para. 10](#) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(6)**

[^{F160}Schedule IIB

regulation 6(6)

Transitional Protection on Closure of Tax Credits

Textual Amendments

F160 [Sch. 2B](#) 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(5)**

Interpretation

1. In this Schedule—

“HMRC” means His Majesty’s Revenue and Customs;

“indicative SPC amount” has the meaning given in paragraph 5;

“migration day” in relation to a claimant means the day before the day specified in paragraph (1) of article 3B (saving to cease following issue of tax credit closure notice) of the No. 32 Order;

“the No. 32 Order” means the Welfare Reform Act 2012 (Commencement No. 32 and Savings and Transitional Provisions) Order 2019;

“tax credit”, “child tax credit” and “working tax credit” have the same meaning as in the Tax Credits Act 2002.

Claimants eligible for protection

2.—(1) This Schedule applies where the claimant has been issued with a tax credit closure notice and—

(a) the claimant was entitled to an award of child tax credit on the migration day; and

(b) either—

(i) the claimant was entitled to an award of state pension credit when the tax credit closure notice was issued; or

(ii) the claimant made a claim for state pension credit on or after the issue of the tax credit closure notice and before the expiry of one month beginning with the deadline day specified in that notice.

(2) This Schedule does not apply where—

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

- (a) the claimant was a member of a couple for the purposes of the child tax credit award when the tax credit closure notice was issued but is a single person or a member of a different couple for the purposes of state pension credit on the migration day; or
- (b) the claimant was a single person for the purposes of the child tax credit award when the tax credit closure notice was issued but is a member of a couple for the purposes of state pension credit on the migration day.

Transitional additional amount

3. An additional amount of the appropriate minimum guarantee (“the transitional additional amount”) applies in accordance with regulation 6(6)(e) if the weekly amount determined in accordance with paragraph 4 (representative weekly amount of child tax credit), combined with the weekly amount of state pension credit (if any) to which the claimant was entitled on the migration day, is greater than the weekly amount determined in accordance with paragraph 5 (indicative SPC amount).

Representative weekly amount of child tax credit

- 4.—**(1) To calculate the representative weekly amount of an award of child tax credit—
- (a) take the figure for the daily rate of the award on the migration day provided by HMRC and calculated on the basis of the information as to the claimant’s circumstances held by HMRC on that day; and
 - (b) convert to a weekly figure by multiplying by 7.
- (2) For the purposes of sub-paragraph (1)(a) “the daily rate” is—
- (a) in a case where section 13(1) of the Tax Credit Act 2002 (relevant income does not exceed the income threshold or the claimant is entitled to a prescribed social security benefit) applies, the maximum rate of each element to which the claimant is entitled on the migration day divided by 365; and
 - (b) in any other case, the rate that would be produced by applying regulations 6 to 9 of the Tax Credits (Income Thresholds and Determination of Rates) Regulations 2002 as if the migration day were a relevant period of one day.

Indicative SPC amount

- 5.—**(1) The indicative SPC amount is the weekly amount to which a claimant would be entitled if an award of state pension credit were calculated in accordance with the Act and these Regulations by reference to the claimant’s circumstances on the migration day—
- (a) disregarding any amount of working tax credit to which the person may be entitled on that day;
 - (b) including an additional amount in accordance with Schedule IIA (additional amount applicable for claimants responsible for a child or qualifying young person); and
 - (c) applying the assumptions in sub-paragraph (2).
- (2) The assumptions are—
- (a) the claimant is responsible for any child or qualifying young person in respect of whom the individual element of child tax credit is payable;
 - (b) the amount of the claimant’s earned income is the annual amount of any employment income or trading income, as defined by regulation 4 or 6 respectively of the Tax Credits (Definition and Calculation of Income) Regulations 2002, by reference to which the

representative weekly rate of that tax credit is calculated for the purposes of paragraph 4(1) converted to a net weekly amount by—

- (i) dividing by 52; and
- (ii) deducting such amount for income tax and national insurance contributions as the Secretary of State considers appropriate.

(3) If the claimant would not satisfy the condition in section 2(1) (guarantee credit) of the Act because the claimant has income which exceeds the appropriate minimum guarantee, the claimant is to be treated for the purposes of calculating the indicative SPC amount as if they were entitled to a guarantee credit of a nil amount.

Initial calculation of the transitional additional amount

6. The initial amount of the transitional additional amount is—
- (a) if the amount of the guarantee credit in the indicative SPC amount is greater than nil, the amount by which the representative weekly amount of child tax credit combined with the weekly amount of state pension credit (if any) to which the claimant was entitled on the migration day, exceeds the weekly amount of the indicative SPC amount;
 - (b) if the amount of the guarantee credit in the indicative SPC amount is nil—
 - (i) the sum of the representative weekly amount of child tax credit and the amount, if any, by which the income deducted in the calculation of the indicative SPC amount exceeds the amount of the appropriate minimum guarantee; minus
 - (ii) the amount of the maximum saving credit, but only if the indicative SPC amount includes a savings credit or would do but for the claimant's income being such that the condition in section 3(2)(b) of the Act is not met.

Reduction of the transitional additional amount

7.—(1) Whenever there is a relevant increase after the first day on which the transitional additional amount applies, the transitional additional amount is to be reduced by an amount equal to that increase.

(2) A relevant increase is an increase in the standard minimum guarantee or in any additional amount prescribed under section 2(3) of the Act, including where that additional amount is applied for the first time or reapplied following a change of circumstances.

Circumstances in which the transitional additional amount ceases

- 8.—(1) A transitional additional amount is no longer applicable if—
- (a) the transitional additional amount is reduced to nil in accordance with paragraph 7;
 - (b) the claimant was a member of a couple and ceases to be a member of that couple or becomes a member of a different couple;
 - (c) the claimant was single and becomes a member of a couple; or
 - (d) the claimant is no longer responsible for any child or qualifying young person for whom they were responsible at the time the tax credit closure notice was issued.

(2) Where the claimant ceases to be entitled to state pension credit, the transitional additional amount is not, subject to sub-paragraph (3), to apply to a subsequent award to the claimant or, if the claimant is a member of a couple, their partner.

(3) Where an award (“the subsequent award”) is made to a person who moves from Northern Ireland when they are entitled to an award of state pension credit that includes a transitional additional amount then, provided their circumstances are otherwise unchanged, the subsequent

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The State Pension Credit Regulations 2002. (See end of Document for details)

award is to include a transitional additional amount calculated as if the subsequent award were a continuation of the award made in Northern Ireland.

Effect of revision, appeal etc. of an award of a tax credit

9.—(1) Nothing in paragraph 4 or 5 requiring a calculation in relation to the transitional additional amount to be made on the basis of information held by HMRC on the migration day prevents the Secretary of State from revising or superseding a decision in relation to a claim for, or an award of, state pension credit where—

- (a) in the opinion of the Secretary of State, the information held on that day was inaccurate or incomplete in some material respect because of—
 - (i) a misrepresentation by a claimant;
 - (ii) a failure to report information that a claimant was required to report where that failure was advantageous to the claimant; or
 - (iii) an official error; or
 - (b) a decision has been made on or after the migration day on—
 - (i) an application made before the migration day to revise a decision in relation to an award of a tax credit (including the report of a change of circumstances); or
 - (ii) an appeal in relation to such an application.
- (2) In this paragraph “official error” means an error that—
- (a) was made by an officer of, or an employee of a body acting on behalf of, the Department for Work and Pensions or HMRC; and
 - (b) was not caused, or materially contributed to, by any person outside that body or outside the Department or HMRC,

but excludes any error of law which is shown to have been such by a subsequent decision of the Upper Tribunal or of a court as defined in section 27(7) of the Social Security Act 1998.]

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 ^{F161}... 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 ^{F162}has attained pensionable age before 6 April 2016 and] has attained the age of 65 ^{F163}(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) [^{F164}£332.95] per week in respect of the claimant and any one spouse of the claimant’s; and
 - (b) [^{F164}£114.80] 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) [^{F165}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 [^{F166}£301.22].”.
- [^{F167}(7A) The following provision shall apply instead of regulation 7A (limitation of savings credit for certain mixed-age couples)—
- “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 [^{F168}3,]^{F169}...5, [^{F170}6(8),] 10,12 and 14 and in paragraph [^{F171}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 1 is satisfied only if both partners and each additional spouse to whom this paragraph applies are in receipt of attendance allowance [^{F172}, the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act [^{F173}], the daily living component of personal independence payment at the standard or enhanced rate in accordance with section 78(3) of the 2012 Act]^{F174}, the daily living component of adult disability payment at the standard or enhanced rate in accordance with regulation 5 of the Disability Assistance for Working Age People (Scotland) Regulations 2022]^{F175} 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 [^{F176} or carer support payment] 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

- F161** 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)
- F162** 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)**
- F163** 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)**
- F164** Sums in Sch. 3 para. 1(5) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(7)(a)**
- F165** 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)**
- F166** Sum in Sch. 3 para. 1(7) substituted (coming into force in accordance with art. 1(3)(k) of the amending S.I.) by [The Social Security Benefits Up-rating Order 2024 \(S.I. 2024/242\)](#), arts. 1(3)(k), **29(7)(b)**
- F167** 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)**
- F168** 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))
- F169** 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)**
- F170** 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)
- F171** 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)**
- F172** 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)**

- F173** Sch. 3 para. 1(9): comma substituted for word (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(6)(a)**
- F174** Words in Sch. 3 para. 1(9) 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(6)(b)**
- F175** 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)**
- F176** Words in Sch. 3 para. 1(10)(d) 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(7)**

[^{F177}Persons serving a sentence of imprisonment detained in hospital]

[^{F178}2.—(1) [^{F179}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)[^{F180}, 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

- F177** 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)**
- F178** 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)**
- F179** 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)**
- F180** 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)

- C3** 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**

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

[^{F181}SCHEDULE IIIA

Regulation 12

Date on which certain fixed length assessed income periods end

Textual Amendments

F181 Sch. 3A inserted (6.4.2016) by [The State Pension Credit \(Amendment\) Regulations 2015 \(S.I. 2015/1529\)](#), regs. 1, **2(4)**

Table

| <i>Column 1</i> | <i>Column 2</i> |
|---|---|
| <i>Period in which the assessed income period would end apart from regulation 12(d)</i> | <i>Date on which assessed income period is to end</i> |
| 1st April 2019 to 14th April 2019 | 14th July 2016 |
| 15th April 2019 to 30th April 2019 | 28th July 2016 |
| 1st May 2019 to 14th May 2019 | 14th August 2016 |
| 15th May 2019 to 31st May 2019 | 28th August 2016 |
| 1st June 2019 to 14th June 2019 | 14th October 2016 |
| 15th June 2019 to 30th June 2019 | 28th October 2016 |
| 1st July 2019 to 14th July 2019 | 14th November 2016 |
| 15th July 2019 to 31st July 2019 | 28th November 2016 |
| 1st August 2019 to 14th August 2019 | 14th December 2016 |
| 15th August 2019 to 31st August 2019 | 28th December 2016 |
| 1st September 2019 to 14th September 2019 | 14th February 2017 |
| 15th September 2019 to 30th September 2019 | 28th February 2017 |
| 1st October 2019 to 14th October 2019 | 14th March 2017 |
| 15th October 2019 to 31st October 2019 | 28th March 2017 |
| 1st November 2019 to 14th November 2019 | 14th April 2017 |
| 15th November 2019 to 30th November 2019 | 28th April 2017 |
| 1st December 2019 to 14th December 2019 | 14th June 2017 |
| 15th December 2019 to 31st December 2019 | 28th June 2017 |
| 1st January 2020 to 14th January 2020 | 14th July 2017 |
| 15th January 2020 to 31st January 2020 | 28th July 2017 |
| 1st February 2020 to 14th February 2020 | 14th September 2017 |
| 15th February 2020 to 29th February 2020 | 28th September 2017 |
| 1st March 2020 to 14th March 2020 | 14th October 2017 |

| | |
|--|--------------------|
| 15th March 2020 to 31st March 2020 | 28th October 2017 |
| 1st April 2020 to 14th April 2020 | 14th December 2017 |
| 15th April 2020 to 30th April 2020 | 28th December 2017 |
| 1st May 2020 to 14th May 2020 | 14th January 2018 |
| 15th May 2020 to 31st May 2020 | 28th January 2018 |
| 1st June 2020 to 14th June 2020 | 14th March 2018 |
| 15th June 2020 to 30th June 2020 | 28th March 2018 |
| 1st July 2020 to 14th July 2020 | 14th April 2018 |
| 15th July 2020 to 31st July 2020 | 28th April 2018 |
| 1st August 2020 to 14th August 2020 | 14th June 2018 |
| 15th August 2020 to 31st August 2020 | 28th June 2018 |
| 1st September 2020 to 14th September 2020 | 14th July 2018 |
| 15th September 2020 to 30th September 2020 | 28th July 2018 |
| 1st October 2020 to 14th October 2020 | 14th August 2018 |
| 15th October 2020 to 31st October 2020 | 28th August 2018 |
| 1st November 2020 to 14th November 2020 | 14th October 2018 |
| 15th November 2020 to 30th November 2020 | 28th October 2018 |
| 1st December 2020 to 14th December 2020 | 14th November 2018 |
| 15th December 2020 to 31st December 2020 | 28th November 2018 |
| 1st January 2021 to 14th January 2021 | 14th January 2019 |
| 15th January 2021 to 31st January 2021 | 28th January 2019 |
| 1st February 2021 to 14th February 2021 | 14th February 2019 |
| 15th February 2021 to 28th February 2021 | 28th February 2019 |
| 1st March 2021 to 14th March 2021 | 14th March 2019 |
| 15th March 2021 to 5th April 2021 | 28th March 2019] |

SCHEDULE IV

Regulation 17(7)

AMOUNTS TO BE DISREGARDED IN THE CALCULATION OF INCOME OTHER THAN EARNINGS

1. In addition to any sum which falls to be disregarded in accordance with paragraphs 3 to 6, £10 of any of the following, namely—

- (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 2 or 3);
- (b) a war widow's or war widower's pension;

[^{F182}(ba) unless paragraph 1(a) or (b) applies, any payment described in regulation 15(5)(ac) (except insofar as such a payment falls to be disregarded under paragraph 2 or 3);]

- (c) a pension payable to a person as a ^{F183}widow, widower or surviving civil partner] under ^{F184}... any power of Her Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- ^{F185}(cc) a guaranteed income payment [^{F186}and, if the amount of that payment has been abated to less than £10 by a ^{F187}pension or payment falling within article 31(1)(a) or (b) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005], so much of [^{F188}that pension or payment] as would not, in aggregate with the amount of [^{F189}any] guaranteed income payment disregarded, exceed £10];
- (d) a payment made to compensate for the non-payment of such a pension [^{F190}or payment] as is mentioned in any of the preceding sub-paragraphs;
- (e) a pension paid by the government of a country outside Great Britain which is analogous to any of the [^{F191}pensions or payments mentioned in sub-paragraphs (a) to (cc) above];
- ^{F192}(f) a pension paid by a government to victims of National Socialist persecution.]

Textual Amendments

- F182** Sch. IV para. 1(ba) inserted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(a)**
- F183** Words in Sch. IV para. 1(c) 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(4)(a)** (with art. 3)
- F184** Words in Sch. IV para. 1(c) omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(b)**
- F185** Sch. IV para. 1(cc) inserted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **2(7)(a)(8)(d)**
- F186** Words in Sch. IV para. 1(cc) inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(2), **4(5)(c)**
- F187** Words in Sch. IV para. 1(cc) substituted (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(5)(a)**
- F188** Words in Sch. IV para. 1(cc) substituted (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(5)(b)**
- F189** Word in Sch. IV para. 1(cc) substituted (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(5)(c)**
- F190** Words in Sch. IV para. 1(d) inserted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **2(7)(b)(8)(d)**
- F191** Words in Sch. IV para. 1(e) substituted (4.4.2005) by [The Social Security \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/574\)](#), regs. 1(1), **2(7)(c)(8)(d)**
- F192** Sch. IV para. 1(f) substituted (20.3.2017) by [The Social Security \(Income-Related Benefits\) Amendment Regulations 2017 \(S.I. 2017/174\)](#), regs. 1, **4(3)**

2. The whole of any amount included in a pension to which paragraph 1 relates in respect of—
- the claimant's need for constant attendance;
 - the claimant's exceptionally severe disablement.

3. Any mobility supplement under [^{F193}article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006] (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983^{M10} or any payment intended to compensate for the non-payment of such a supplement.

Textual Amendments

F193 Words in Sch. IV para. 3 substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(d)**

Marginal Citations

M10 [S.I. 1983/686](#); amended by [S.I. 1983/1164](#) and 1540 and 1986/628.

[^{F194}4. Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.]

Textual Amendments

F194 [Sch. IV para. 4](#) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(e)**

5. In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983^{M11} (pensions to [^{F195}widows, widowers or surviving civil partners]), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.

Textual Amendments

F195 Words in Sch. IV para. 5 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(4)(c)** (with art. 3)

Marginal Citations

M11 [S.I.1983/686](#); the relevant amending Instruments are [S.I.1994/715](#) and 2021.

6.—(1) Any payment which is—

(a) made under any of the Dispensing Instruments to a [^{F196}widow, widower or surviving civil partner] of a person—

(i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and

(ii) whose service in such capacity terminated before 31st March 1973; and

[^{F197}(b) equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.]

(2) In this paragraph “the Dispensing Instruments” means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).

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

Textual Amendments

- F196** Words in Sch. IV para. 6(1)(a) 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(4)(d)(i)** (with art. 3)
- F197** Sch. IV para. 6(1)(b) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(5)(f)**

7. £10 of any widowed parent’s allowance to which the claimant is entitled under section 39A of the 1992 Act ^{M12}.

Marginal Citations

- M12** Section 39A was inserted by section 55 of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).

[^{F198}7A. £10 of any widowed mother’s allowance to which the claimant is entitled under section 37 of the 1992 Act.]

Textual Amendments

- F198** Sch. IV para. 7A 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. 11(a)**

8.—(1) Where the claimant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for whom such accommodation is provided for the whole or any part of a week, equal to—

- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100% of such payments; or
- (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50% of the excess over £20.00.

^{F199}(2)

Textual Amendments

- F199** Sch. IV para. 8(2) omitted (3.10.2005) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2005 \(S.I. 2005/2465\)](#), regs. 1(2), **6(5)**

9. If the claimant—

- (a) owns the freehold or leasehold interest in any property or is a tenant of any property; and
- (b) occupies a part of that property; and
- (c) has an agreement with another person allowing that person to occupy another part of that property on payment of rent and—
 - (i) the amount paid by that person is less than £20 per week, the whole of that amount; or
 - (ii) the amount paid is £20 or more per week, £20.

10. Where a claimant receives income under an annuity purchased with a loan, which satisfies the following conditions—

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

- (a) that the loan was made as part of a scheme under which not less than 90% of the proceeds of the loan were applied to the purchase by the person to whom it was made of an annuity ending with his life or with the life of the survivor of two or more persons (in this paragraph referred to as “the annuitants”) who include the person to whom the loan was made;
- (b) that at the time the loan was made the person to whom it was made or each of the annuitants had attained the age of 65 [^{F200}or, if it was higher at that time, pensionable age];
- (c) that the loan was secured on a dwelling in Great Britain and the person to whom the loan was made or one of the annuitants owns an estate or interest in that dwelling;
- (d) that the person to whom the loan was made or one of the annuitants occupies the dwelling on which it was secured as his home at the time the interest is paid; and
- (e) that the interest payable on the loan is paid by the person to whom the loan was made or by one of the annuitants,

the amount, calculated on a weekly basis, equal to—

- (i) where, or insofar as, section 369 of the Income and Corporation Taxes Act 1988 ^{M13} (mortgage interest payable under deduction of tax) applies to the payments of interest on the loan, the interest which is payable after deduction of a sum equal to income tax on such payments at the applicable percentage of income tax within the meaning of section 369(1A) of that Act;
- (ii) in any other case the interest which is payable on the loan without deduction of such a sum.

Textual Amendments
F200 Words in Sch. IV para. 10(b) inserted (6.12.2018) by The Social Security (Miscellaneous Amendments No. 5) Regulations 2017 (S.I. 2017/1187), regs. 1(2)(b), 5(4)

Marginal Citations
M13 1988 c. 1; subsection (1A) was inserted by the Finance Act 1994 (c. 9), section 81(3).

11.—(1) Any payment, other than a payment to which sub-paragraph (2) applies, made to the claimant by Trustees in exercise of a discretion exercisable by them.

(2) This sub-paragraph applies to payments made to the claimant by Trustees in exercise of a discretion exercisable by them for the purpose of—

- (a) obtaining food, ordinary clothing or footwear or household fuel;
- (b) the payment of rent, council tax or water charges for which that claimant or his partner is liable;
- (c) meeting housing costs of a kind specified in Schedule 2;

^{F201}(d)

(3) In a case to which sub-paragraph (2) applies, £20 or—

- (a) if the payment is less than £20, the whole payment; or
- (b) if, in the claimant’s case, £10 is disregarded in accordance with paragraph 1(a) to (f), [^{F202}or paragraph 7 [^{F203}or 7A]] £10 or the whole payment if it is less than £10.

(4) For the purposes of this paragraph—

“ordinary clothing and footwear” means clothing or footwear for normal daily use, but does not include school uniforms, or clothing and footwear used solely for sporting activities; and

“rent” means eligible rent for the purposes of the Housing Benefit (General) Regulations 1987^{M14} less any deductions in respect of non-dependants which fall to be made under regulation 63 (non-dependant deductions) of those Regulations.

Textual Amendments

- F201** Sch. IV para. 11(2)(d) 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(n)(i)**
- F202** Words in Sch. IV para. 11(3)(b) 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(n)(ii)**
- F203** Words in Sch. IV para. 11(3)(b) 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. 11(b)**

Marginal Citations

- M14** [S.I. 1987/1971](#); see regulations 2(1) and 10.

12. Any increase in [^{F204}pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006] paid in respect of a dependent other than the pensioner’s ^{F205}... [^{F206}partner].

Textual Amendments

- F204** Words in [Sch. IV para. 12](#) substituted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(2), **4(5)(g)(i)**
- F205** Words in [Sch. IV para. 12](#) omitted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(2), **4(5)(g)(ii)**
- F206** Words in Sch. IV para. 12 inserted (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(4)(e)** (with art. 3)

13. Any payment ordered by a court to be made to the claimant or the claimant’s partner in consequence of any accident, injury or disease suffered by [^{F207}the person] to whom the payments are made.

Textual Amendments

- F207** Words in Sch. IV para. 13 substituted (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. 11(c)**

14. Periodic payments made to the claimant or the claimant’s partner under an agreement entered into in ^{F208}... settlement of a claim made by [^{F209}that person] for an injury suffered by him.

Textual Amendments

- F208** Word in Sch. IV para. 14 omitted (6.10.2003) by virtue of [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) \(No. 2\) Regulations 2002 \(S.I. 2002/3197\)](#), reg. 1(1)(b), **Sch. para. 11(d)(i)**

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

F209 Words in Sch. IV para. 14 substituted (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. 11\(d\)\(ii\)](#)

15. Any income which is payable outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.

16. Any banking charges or commission payable in converting to Sterling payments of income made in a currency other than Sterling.

^{F210}**17.**

Textual Amendments

F210 Sch. IV para. 17 omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), [4\(5\)\(h\)](#)

[^{F211}**18.** Except in the case of income from capital specified in Part II of Schedule V, any actual income from capital.]

Textual Amendments

F211 Sch. IV paras. 17, 18 added (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, [2\(11\)\(f\)](#)

[^{F212}**19.** Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer's allowance under section 70 of the 1992 Act.]

Textual Amendments

F212 Sch. IV para. 19 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\(8\)](#)

SCHEDULE V

Regulation 17(8)

INCOME FROM CAPITAL

PART I

Capital disregarded for the purpose of calculating income

1. Any premises acquired for occupation by the claimant which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the claimant to obtain possession and commence occupation of the premises.

[^{F213}**1A.** The dwelling occupied by the claimant as his home but only one home shall be disregarded under this paragraph.]

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

Textual Amendments

F213 Sch. V para. 1A added (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(a)**

2. Any premises which the claimant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

3. Any premises which the claimant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the claimant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

4. Any premises occupied in whole or in part—

- (a) by a [^{F214}person who is a close relative, grandparent, grandchild, uncle, aunt, nephew or niece of the claimant or of his partner] as his home where that person [^{F215}has attained the qualifying age for state pension credit or is incapacitated];
- (b) by the former partner of the claimant as his home; but this provision shall not apply where the former partner is a person from whom the claimant is estranged or divorced [^{F216}or with whom he had formed a civil partnership that has been dissolved].

Textual Amendments

F214 Words in Sch. V para. 4(a) substituted (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(6)**

F215 Words in Sch. V para. 4(a) substituted (6.4.2010) by [The Social Security \(Equalisation of State Pension Age\) Regulations 2009 \(S.I. 2009/1488\)](#), regs. 1, **23(2)**

F216 Words in Sch. V para. 4(b) inserted (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(5)(a)** (with art. 3)

5. Any future interest in property of any kind, other than land or premises in respect of which the claimant has granted a subsisting lease or tenancy, including sub-leases or sub-tenancies.

6.—(1) Where a claimant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce [^{F217}, or dissolution of his civil partnership with,] from his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph—

- (a) “dwelling” includes any garage, garden and outbuildings, which were formerly occupied by the claimant as his home and 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;
- (b) “lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child; and

- (c) “child” means a person [^{F218}who is a qualifying young person [^{F219}within the meaning of regulation 4A] or] a child [^{F220}as defined in section 40 of the 2012 Act].

Textual Amendments

- F217** Words in Sch. V para. 6(1) inserted (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(5)(b)** (with art. 3)
- F218** Words in Sch. V para. 6(2)(c) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **6(5)(a)**
- F219** Words in Sch. V para. 6(2)(c) inserted (28.7.2016) by [The Housing Benefit and State Pension Credit \(Temporary Absence\) \(Amendment\) Regulations 2016 \(S.I. 2016/624\)](#), regs. 1, **4(9)(a)** (with reg. 5(3))
- F220** Words in Sch. V para. 6(2)(c) substituted (28.7.2016) by [The Housing Benefit and State Pension Credit \(Temporary Absence\) \(Amendment\) Regulations 2016 \(S.I. 2016/624\)](#), regs. 1, **4(9)(a)** (with reg. 5(3))

7. Any premises where the claimant is taking reasonable steps to dispose of the whole of his interest in those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

8. All personal possessions.

9. The assets of any business owned in whole or in part by the claimant and for the purposes of which he is engaged as a self-employed earner or, if he has ceased to be engaged, for such period as may be reasonable in the circumstances to allow for disposal of those assets.

[^{F221}9A. The assets of any business owned in whole or in part by the claimant if—

- (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
- (b) he intends to become engaged (or, as the case may be, re-engaged) as a self-employed earner in that business as soon as he recovers or is able to become engaged, or re-engaged, in that business,]

F222 ...

Textual Amendments

- F221** Sch. V para. 9A 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(o)(i)**
- F222** Words in Sch. V para. 9A 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)(b)**

10. The surrender value of any policy of life insurance.

11. The value of any funeral plan contract; and for this purpose, “funeral plan contract” means a contract under which—

- (a) the claimant makes one or more payments to another person (“the provider”);
- (b) the provider undertakes to provide, or secure the provision of, a funeral in the United Kingdom for the claimant on his death; and
- (c) the sole purpose of the plan is to provide or secure the provision of a funeral for the claimant on his death.

12. Where an ex-gratia payment has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or [^{F223}internment] of—

- (a) the claimant;
- (b) the claimant's partner;
- (c) the claimant's deceased spouse [^{F224}or deceased civil partner]; or
- (d) the claimant's partner's deceased spouse [^{F224}or deceased civil partner],

by the Japanese during the Second World War, an amount equal to that payment.

Textual Amendments

F223 Word in Sch. V para. 12 substituted (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. 12(a)**

F224 Words in Sch. V para. 12(c)(d) inserted (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(5)(c)** (with art. 3)

13.—(1) Subject to sub-paragraph (2), the amount of any trust payment made to a claimant or a claimant's partner [^{F225}who is]—

- (a) ^{F226}... a diagnosed person;
- (b) [^{F227}a diagnosed person's partner or] was a diagnosed person's partner at the time of the diagnosed person's death;
- (c) ^{F228}... 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 [^{F229}a trust payment is made to]—

- (a) [^{F230}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 [^{F230}that person] dies;
- (b) [^{F231}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 [^{F232}who is]—

- (a) ^{F233}... the diagnosed person;
- (b) [^{F234}a diagnosed person's partner or] was a diagnosed person's partner at the date of the diagnosed person's death; or
- (c) ^{F235}... 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 [^{F236}a payment referred to in sub-paragraph (3) is made to]—

- (a) [^{F237}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 [^{F237}that person] dies;
- (b) [^{F238}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 [^{F239}residing in a care home or an independent hospital] .

(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 [^{F240}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 [^{F240}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

- F225** 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)**
- F226** 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)**
- F227** 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)**
- F228** 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)**
- F229** 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)**
- F230** 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)**
- F231** 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)**
- F232** 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)**
- F233** 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)**
- F234** 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)**
- F235** 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)**
- F236** 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)**
- F237** 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)**
- F238** 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)**
- F239** 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**
- F240** 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)**

14.—^{F241}(1) The amount of any payment, other than a war disablement pension or a war widow's or widower's pension, to compensate for the fact that the claimant, the claimant's partner, the claimant's deceased spouse ^{F242}or deceased civil partner] or the claimant's partner's deceased spouse ^{F242}or deceased civil partner]—

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

^{F243}(2) In sub-paragraph (1), “war disablement pension” and “war widow's or widower's pension” include any payment described in regulation 15(5)(ac).]

Textual Amendments

F241 Sch. V para. 14(1): Sch. 5 para. 14 renumbered as Sch. 5 para. 14(1) (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(a)**

F242 Words in Sch. V para. 14 inserted (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(5)(d)** (with art. 3)

F243 Sch. V para. 14(2) inserted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(a)**

15.—(1) Any payment made under ^{F244}or by] the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust (“the Trusts”), the Fund, the Eileen Trust ^{F245}, MFET Limited], the ^{F246}Independent Living Fund (2006)], the Skipton Fund ^{F247}, the Caxton Foundation]]^{F248}, the Scottish Infected Blood Support Scheme]]^{F249}, an approved blood scheme]]^{F250}, the London Emergencies Trust, the We Love Manchester Emergency Fund]]^{F251}, the National Emergencies Trust]]^{F252}, the Victims of Overseas Terrorism Compensation Scheme] or the London Bombings Relief Charitable Fund.

^{F253}(1A) Any Grenfell Tower payment ^{F254}, child abuse payment, Windrush payment]]^{F255}, Post Office compensation payment or vaccine damage payment] or any payment made by the Child Migrants Trust (registered charity number 1171479) under the scheme for former British child migrants.]

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under ^{F244}or by] any of the Trusts to which sub-paragraph (1) refers ^{F256}, or from a Grenfell Tower payment ^{F257}, a child abuse payment ^{F258}, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] and which is made to or for the benefit of that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced ^{F259}or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death].

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced ^{F260}or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death], which derives from a payment made under ^{F244}or by] any of the Trusts to which sub-paragraph (1) refers ^{F261}, or from a Grenfell Tower payment ^{F257}, a child abuse payment ^{F258},

a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] and which is made to or for the benefit of the person who is suffering from haemophilia or who is a qualifying person.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under [F244 or by] any of the Trusts to which sub-paragraph (1) refers, [F262 or from a Grenfell Tower payment [F257, a child abuse payment [F258, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced [F263 or with whom he has formed a civil partnership that has not been dissolved], nor any child who is or had been a member of that person's household; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child or a student who has not completed his full-time education and has no parent or step-parent, to any person standing in the place of his parent,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under [F244 or by] any of the Trusts to which sub-paragraph (1) refers, [F264 or from a Grenfell Tower payment [F257, a child abuse payment [F258, a Windrush payment, a Post Office compensation payment or a vaccine damage payment]] ,] where—

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced [F265 or with whom he had formed a civil partnership that had not been dissolved], nor any child who was or had been a member of his household; and
- (b) the payment is made either—
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child or a student who had not completed his full-time education and had no parent or step-parent, to any person standing in place his parent,

but only for a period of two years from the relevant date.

[F266(5A) Any payment out of the estate of a person, which derives from a payment to meet the recommendation of the Infected Blood Inquiry in its interim report published on 29th July 2022 made under or by the Scottish Infected Blood Support Scheme or an approved blood scheme to the estate of the person, where the payment is made to the person's son, daughter, step-son or step-daughter.]

(6) In the case of a person to whom or for whose benefit a payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts [F267 or from a Grenfell Tower payment][F257, a child abuse payment][F258, a Windrush payment, a Post Office compensation payment or a vaccine damage payment].

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund [F268, the Eileen Trust [F269, MFET Limited][F270, the Skipton Fund][F271, the Caxton Foundation][F248, the Scottish Infected Blood Support Scheme][F272, an approved blood scheme][F273, the London Emergencies Trust, the We Love Manchester Emergency Fund][F274, the National Emergencies Trust][F275, the Victims of Overseas Terrorism Compensation Scheme] and the London Bombings Relief Charitable Fund].

(8) In this paragraph—

“child” means any person [^{F276}who is a qualifying young person [^{F277}within the meaning of regulation 4A] or] a child [^{F278}as defined in section 40 of the 2012 Act] (child benefit);

“course of study” means any course of study, whether or not it is a sandwich course and whether or not a grant is made for undertaking or attending it;

“qualifying course” means a qualifying course as defined for the purposes of Parts II and IV of the Jobseeker’s Allowance Regulations;

“sandwich course” has the meaning given in regulation 5(2) of the Education (Student Support) Regulations 2001^{M15}, regulation 5(2) of the Education (Student Loans) (Scotland) Regulations 2000^{M16} or regulation 5(2) of the Education (Student Support) Regulations (Northern Ireland) 2000^{M17}, as the case may be;

“student” means a person, other than a person in receipt of a training allowance, who is attending or undertaking—

- (a) a course of study at an educational establishment; or
- (b) a qualifying course;

“training allowance” means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, [^{F279}Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him or so provided or approved by or on behalf of the Secretary of State, [^{F280}Skills Development Scotland,] Scottish Enterprise or Highlands and Islands Enterprise,

but it does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the Employment and Training Act 1973^{M18} or is training as a teacher^{F281} ...

Textual Amendments

- F244** Words in Sch. 5 para. 15(1)-(5) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **6(7)**
- F245** Words in Sch. 5 para. 15(1) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **6(3)(c)**
- F246** Words in Sch. 5 para. 15(1) substituted (17.11.2008) by [The Social Security \(Miscellaneous Amendments\) \(No.6\) Regulations 2008 \(S.I. 2008/2767\)](#), regs. 1(2), **5(5)**
- F247** Words in Sch. 5 para. 15(1) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **15(6)**
- F248** Words in Sch. 5 para. 15(1)(7) inserted (3.4.2017) by [The Social Security \(Scottish Infected Blood Support Scheme\) Regulations 2017 \(S.I. 2017/329\)](#), regs. 1, **5(3)(b)**
- F249** Words in Sch. 5 para. 15(1) inserted (23.10.2017) by [The Social Security \(Infected Blood and Thalidomide\) Regulations 2017 \(S.I. 2017/870\)](#), regs. 1, **5(3)(b)**
- F250** Words in Sch. 5 para. 15(1) inserted (19.6.2017) by [The Social Security \(Emergency Funds\) \(Amendment\) Regulations 2017 \(S.I. 2017/689\)](#), regs. 1, **4(3)(b)**
- F251** Words in Sch. 5 para. 15(1) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(a)(i)**

- F252** Words in Sch. V para. 15(1) 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(3)(b)**
- F253** Sch. 5 para. 15(1A) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(a)(ii)**
- F254** Words in Sch. 5 para. 15(1A) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **4(4)(a)**
- F255** Words in Sch. 5 para. 15(1A) inserted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **4(4)(a)**
- F256** Words in Sch. 5 para. 15(2) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(a)(iii)**
- F257** Words in Sch. 5 para. 15(2)-(6) inserted (1.1.2022) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2021 (S.I. 2021/1405), regs. 1, **4(4)(b)**
- F258** Words in Sch. 5 para. 15(2)-(6) substituted (9.7.2023) by The Social Security (Income and Capital Disregards) (Amendment) Regulations 2023 (S.I. 2023/640), regs. 1(1), **4(4)(b)**
- F259** Words in Sch. 5 para. 15(2) inserted (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(5)(e)(i)** (with art. 3)
- F260** Words in Sch. 5 para. 15(3) inserted (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(5)(e)(ii)** (with art. 3)
- F261** Words in Sch. 5 para. 15(3) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(a)(iii)**
- F262** Words in Sch. 5 para. 15(4) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(a)(iv)**
- F263** Words in Sch. 5 para. 15(4)(a) inserted (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(5)(e)(iii)** (with art. 3)
- F264** Words in Sch. 5 para. 15(5) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(a)(iv)**
- F265** Words in Sch. 5 para. 15(5)(a) inserted (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(5)(e)(iv)** (with art. 3)
- F266** Sch. 5 para. 15(5A) inserted (30.8.2023) by The Social Security (Infected Blood Capital Disregard) (Amendment) Regulations 2023 (S.I. 2023/894), regs. 1(1), **2(1)(c)(2)**
- F267** Words in Sch. 5 para. 15(6) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(a)(v)**
- F268** Words in Sch. 5 para. 15(7) substituted (12.5.2004) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2004 (S.I. 2004/1141), regs. 1(1), **3(5)(6)(d)**
- F269** Words in Sch. 5 para. 15(7) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 (S.I. 2010/641), regs. 1(1), **6(3)(c)**
- F270** Words in Sch. 5 para. 15(7) substituted (12.12.2005) by The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391), regs. 1, **7(3)(a)(ii)**
- F271** Words in Sch. 5 para. 15(7) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **15(6)**
- F272** Words in Sch. 5 para. 15(7) inserted (23.10.2017) by The Social Security (Infected Blood and Thalidomide) Regulations 2017 (S.I. 2017/870), regs. 1, **5(3)(b)**
- F273** Words in Sch. 5 para. 15(7) inserted (19.6.2017) by The Social Security (Emergency Funds) (Amendment) Regulations 2017 (S.I. 2017/689), regs. 1, **4(3)(b)**
- F274** Words in Sch. 5 para. 15(7) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(a)(vi)**
- F275** Words in Sch. V para. 15(7) 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(3)(b)**

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

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| F276 | Words in Sch. 5 para. 15(8) substituted (10.4.2006) by The Social Security (Young Persons) Amendment Regulations 2006 (S.I. 2006/718) , regs. 1(2)(a), 6(5)(b) |
| F277 | Words in Sch. 5 para. 15(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(9)(b) (with reg. 5(3)) |
| F278 | Words in Sch. 5 para. 15(8) substituted (28.7.2016) by The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016 (S.I. 2016/624) , regs. 1, 4(9)(b) (with reg. 5(3)) |
| F279 | Words in Sch. 5 para. 15(8)(a) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583) , regs. 1(2), 5(4)(b) |
| F280 | Words in Sch. 5 para. 15(8)(c) inserted (6.4.2009) by The Social Security (Miscellaneous Amendments) Regulations 2009 (S.I. 2009/583) , regs. 1(2), 5(4)(b) |
| F281 | Words in Sch. 5 para. 15(8) omitted (6.10.2003) by virtue of The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No. 2) Regulations 2002 (S.I. 2002/3197) , reg. 1(1)(b), Sch. para. 12(b) |
| Marginal Citations | |
| M15 | S.I.2000/951 . |
| M16 | S.S.I.2000/200 . |
| M17 | S.R.2000/213 . |
| M18 | 1973 c. 50; section 2 was amended by section 25(1) of the Employment Act 1988 (c. 19) , by Part I of Schedule 7 to the Employment Act 1989 (c. 38) and by section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c.19) . |

^{F282}**15A.**

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| Textual Amendments | |
| F282 | Sch. V para. 15A omitted (12.12.2005) by virtue of The Income-related Benefits (Amendment) (No. 2) Regulations 2005 (S.I. 2005/3391) , regs. 1, 7(3)(b) |

16.—^{F283}(1) An amount equal to the amount of any payment made in consequence of any personal injury to the claimant or, if the claimant has a partner, to the partner.

^{F284}(2) Where the whole or part of the payment is administered—

- ^{F285}(a) by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998, or the Court of Protection, or on behalf of a person where the payment can only be disposed of by order or direction of any such court;
- (b) in accordance with an order made under ^{F286}... Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules; or
- (c) in accordance with the terms of a trust established for the benefit of the claimant or his partner,

the whole of the amount so administered.]

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| Textual Amendments | |
| F283 | Sch. V para. 16(1): Sch. 5 para. 16 renumbered as Sch. 5 para. 16(1) (6.10.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019) , regs. 1(2)(b), 23(o)(ii) |
| F284 | Sch. V para. 16(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(o)(ii) |

F285 Words in Sch. 2 para. 16(2)(a) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **regs. 1(3)**, 14(6)(a)

F286 Words in Sch. 2 para. 16(2)(b) omitted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2006 \(S.I. 2006/2378\)](#), **regs. 1(3)**, 14(6)(b)

17. Any amount specified in paragraphs 18 to 20 [^{F287}or 20B]—

- (a) in a case where there is an assessed income period, until the end of that period or until the expiration of one year from the date of payment, whichever is the later; or
- (b) in any other case, for a period of one year beginning with the date of receipt.

Textual Amendments

F287 Words in Sch. V para. 17 inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), **regs. 1(2)**, **4(6)(b)**

18. Amounts paid under a policy of insurance in connection with the loss of or damage to the property occupied by the claimant as his home and to his personal possessions.

19. So much of any amounts paid to the claimant or deposited in the claimant's name for the sole purpose of—

- (a) purchasing premises which the claimant intends to occupy as his home; or
- (b) effecting essential repairs or alterations to the premises occupied or intended to be occupied by the claimant as his home.

20.—(1) Any amount paid—

- (a) by way of arrears of benefit;
- (b) by way of compensation for the late payment of benefit; or
- (c) in lieu of the payment of benefit.

[^{F288}(d) any payment made by a local authority (including in England a county council), or by the [^{F289}Welsh Ministers], to or on behalf of the claimant or his partner relating to a service which is provided to develop or sustain the capacity of the claimant or his partner to live independently in his accommodation][^{F290}; or

(e) by way of local welfare provision including arrears and payments in lieu of local welfare provision; or

(f) in consequence of a reduction of council tax under section 13, 13A or 80 of the Local Government Finance Act 1992 (reduction of liability of [^{F291}; council tax]);]

[^{F292}(g) to rectify, or to compensate for, an error made by an officer of the Department for Work and Pensions which was not caused or materially contributed to by any person outside the Department and which prevented or delayed an assessment of the claimant's entitlement to contributory employment and support allowance.]

(2) In paragraph (1), “benefit” means—

- (a) attendance allowance under section 64 of the Contributions and Benefits Act;
- (b) disability living allowance;

[^{F293}(ba) personal independence payment;]

[^{F294}(bb) armed forces independence payment;]

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

- (c) income support;
- (d) income-based jobseeker’s allowance;
- (e) housing benefit;
- (f) state pension credit;
- ^{F295}(g)
- ^{F296}(h) an increase of a disablement pension under section 104 of the Contributions and Benefits Act (increase where constant attendance needed), and any further increase of such a pension under section 105 of that Act (increase for exceptionally severe disablement);]
- (i) any amount included on account of the claimant’s exceptionally severe disablement [^{F297}or need for constant attendance,] in a war disablement pension or [^{F298}any other such amount described in regulation 15(5)(ac)].
- ^{F299}(j) council tax benefit;
- (k) social fund payments;
- (l) child benefit;
- ^{F300}(m)
- (n) child tax credit under the Tax Credits Act 2002.]
- ^{F301}(o) income-related employment and support allowance][^{F302};
- (p) universal credit]
- ^{F303}(q) bereavement support payment under section 30 of the Pensions Act 2014.]
- ^{F304}(r) early years assistance given in accordance with section 32 of the Social Security (Scotland) Act 2018.]
- ^{F305}(s) funeral expense assistance given in accordance with section 34 of the Social Security (Scotland) Act 2018.]
- ^{F306}(t) maternity allowance under section 35 of the 1992 Act (state maternity allowance for employed or self-employed earner).]
- ^{F307}(u) any Scottish child payment assistance given in accordance with section 79 of the Social Security (Scotland) Act 2018.]
- ^{F308}(v) any assistance given in accordance with the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019.]
- ^{F309}(w) short-term assistance given in accordance with regulations made under section 36 of the Social Security (Scotland) Act 2018;]
- ^{F310}(x) winter heating assistance given in accordance with regulations made under section 30 of the Social Security (Scotland) Act 2018;]
- ^{F311}(y) disability assistance given in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018.]

Textual Amendments

- F288** Sch. V para. 20(1)(d) substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(d)**
- F289** Words in Sch. V para. 20(1)(d) substituted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(c)(i)**
- F290** Sch. V para. 20(1)(e)(f) and word inserted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **6(4)**

- F291** Words in Sch. V para. 20(1)(f) substituted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(b)**
- F292** Sch. V para. 20(1)(g) inserted (15.7.2020) by The Social Security (Income and Capital) (Miscellaneous Amendments) Regulations 2020 (S.I. 2020/618), regs. 1, **4(4)(b)**
- F293** Sch. V para. 20(2)(ba) 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(7)**
- F294** Sch. V para. 20(2)(bb) 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(7)**
- F295** Sch. V para. 20(2)(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(12)(e)(i)**
- F296** Sch. V para. 20(2)(h) substituted (6.10.2003) by The State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **2(12)(e)(ii)**
- F297** Words in Sch. V para. 20(2)(i) inserted (6.10.2003) by The State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), regs. 1, **2(12)(e)(iii)**
- F298** Words in Sch. V para. 20(2)(i) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **4(6)(c)(ii)**
- F299** Sch. V para 20(2)(j)-(n) 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(o)(iii)(bb)
- F300** Sch. V para. 20(2)(m) 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)(e)(iv)**
- F301** Sch. V para. 20(2)(o) 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(9)(a)**
- F302** Sch. V para. 20(2)(p) and semi-colon inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **33(7)(a)**
- F303** Sch. V Pt. I para. 20(2)(q) inserted (coming into force in accordance with art. 1-3 of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2017 (S.I. 2017/422), arts. 1(2), **21(3)(a)**
- F304** Sch. V para. 20(2)(r) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Social Security (Scotland) Act 2018 (Best Start Grants) (Consequential Modifications and Saving) Order 2018 (S.I. 2018/1138), **art. 7(3)**
- F305** Sch. V para. 20(2)(s) inserted (16.9.2019 immediately after S.S.I. 2019/292 comes into force) by The Social Security (Scotland) Act 2018 (Funeral Expense Assistance and Early Years Assistance) (Consequential Modifications and Savings) Order 2019 (S.I. 2019/1060), arts. 1(2)(b), **11(3)**
- F306** Sch. V para. 20(2)(t) inserted (31.10.2019) by The Social Security (Capital Disregards) (Amendment) Regulations 2019 (S.I. 2019/1314), regs. 1, **4(2)**
- F307** Sch. V para. 20(2)(u) inserted (coming into force in accordance with art. 1(2) of the amending S.I.) by The Social Security (Scotland) Act 2018 (Information-Sharing and Scottish Child Payment) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/482), **art. 5(3)**
- F308** Sch. V para. 20(2)(v) inserted (9.11.2020) by The Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/989), arts. 1(2), **4(3)**
- F309** Sch. V para. 20(2)(w) inserted (9.11.2020) by The Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/989), arts. 1(2), **11(3)**
- F310** Sch. V para. 20(2)(x) inserted (9.11.2020) by The Social Security (Scotland) Act 2018 (Young Carer Grants, Short-Term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2020 (S.I. 2020/989), arts. 1(2), **17(3)**
- F311** Sch. V para. 20(y) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance, Young Carer Grants, Short-term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2021 (S.I. 2021/886), arts. 1(2), **13(3)**

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

^{F312}20A.—(1) Subject to sub-paragraph (3), any payment of £5,000 or more to which paragraph 20(1)(a), (b) or (c) applies, which has been made to rectify, or to compensate for, an official error [^{F313}or an error on a point of law] relating to a [^{F314}relevant benefit, or to which paragraph 20(1)(g) applies, and which has been] received by the claimant in full on or after the day on which he became entitled to benefit under these Regulations.

- (2) Subject to sub-paragraph (3), the total amount of any payment disregarded under—
 - (a) paragraph 7(2) of Schedule 10 to the Income Support (General) Regulations 1987;
 - (b) paragraph 12(2) of Schedule 8 to the Jobseeker’s Allowance Regulations 1996;
 - ^{F315}(c)
 - ^{F315}(d)
 - ^{F316}(e) paragraph 11(2) of Schedule 9 to the Employment and Support Allowance Regulations,]
 - ^{F317}(f) paragraph 9(2) [^{F318}or 9A] of Schedule 6 to the Housing Benefit Regulations 2006;
 - (g) paragraph 22 of Schedule 6 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;
 - (h) paragraph 9(2) of Schedule 5 to the Council Tax Benefit Regulations 2006; ^{F319}...
 - (i) paragraph 22 of Schedule 4 to the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;][^{F320}or
 - (j) [^{F321}paragraph 18] of Schedule 10 to the Universal Credit Regulations 2013;]
 - ^{F322}(k) regulations 10A to 10C of the Universal Credit (Transitional Provisions) Regulations 2014;]

where the award during which the disregard last applied in respect of the relevant sum either terminated immediately before the relevant date or is still in existence at that date.

(3) Any disregard which applies under sub-paragraph (1) or (2) shall have effect until the award comes to an end.

- (4) In this paragraph—
 - “the award”, except in sub-paragraph (2), means—
 - (a) the award of State Pension Credit under these Regulations during which the relevant sum or, where it is received in more than one instalment, the first instalment of that sum is received; or
 - (b) where that award is followed immediately by one or more further awards which begins immediately after the previous award ends, such further awards until the end of the last award, provided that, for such further awards, the claimant—
 - (i) is the person who received the relevant sum;
 - (ii) is the partner of that person; or
 - (iii) was the partner of that person at the date of his death;

“official error”—

- (a) where the error relates to housing benefit^{F323}..., has the meaning given by regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001;

and

(b) where the error relates to any other relevant benefit, has the meaning given by regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999;

“the relevant date” means the date on which the claimant became entitled to benefit under the Act;

“relevant benefit” means any benefit specified in paragraph 20(2); and

“the relevant sum” means the total payment referred to in sub-paragraph (1) or, as the case may be, the total amount referred to in sub-paragraph (2).]

Textual Amendments

- F312** Sch. V para. 20A substituted (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(12)(f)**
- F313** Words in Sch. V para. 20A(1) inserted (11.9.2018) by [The Social Security \(Treatment of Arrears of Benefit\) Regulations 2018 \(S.I. 2018/932\)](#), regs. 1, **4**
- F314** Words in Sch. V para. 20A(1) substituted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(c)(i)**
- F315** Sch. V para. 20A(2)(c)(d) omitted (5.1.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(d)**
- F316** Sch. V para. 20A(2)(e) and word 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(9)(b)(ii)**
- F317** Sch. V para. 20A(2)(f)-(i) inserted (5.1.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(1), **4(6)(e)**
- F318** Words in Sch. V para. 20A(2)(f) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(c)(ii)(aa)**
- F319** Sch. V para. 20A(2)(h) word omitted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **33(7)(b)**
- F320** Sch. V para. 20A(2)(j) and word inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **33(7)(b)**
- F321** Words in Sch. V Pt. I para. 20A(2)(j) substituted (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **10(4)**
- F322** Sch. V para. 20A(2)(k) inserted (15.7.2020) by [The Social Security \(Income and Capital\) \(Miscellaneous Amendments\) Regulations 2020 \(S.I. 2020/618\)](#), regs. 1, **4(4)(c)(ii)(bb)**
- F323** Words in Sch. V para. 20A(4) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**

[^{F324}**20AA.** Any payment of a widowed parent’s allowance made pursuant to section 39A of the 1992 Act (widowed parent’s allowance)—

- (a) to the survivor of a cohabiting partnership (within the meaning in section 39A(7) of the 1992 Act) who is entitled to a widowed parent’s allowance for a period before the Bereavement Benefits (Remedial) Order 2023 comes into force, and
- (b) in respect of any period of time during the period ending with the day before the survivor makes the claim for a widowed parent’s allowance,

but only for a period of 52 weeks from the date of receipt of the payment.]

Textual Amendments

- F324** Sch. 5 para. 20AA inserted (9.2.2023) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), art. 1(2), **Sch. para. 5(a)** (with art. 2)

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

[^{F325}**20B.** Any arrears of supplementary pension which is disregarded under paragraph 4 of Schedule 4 (amounts to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 5 or 6 of that Schedule.]

Textual Amendments

F325 Sch. V para. 20B inserted (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) \(No. 7\) Regulations 2008 \(S.I. 2008/3157\)](#), regs. 1(2), **4(6)(f)**

21. Where a capital asset is held in a currency other than sterling, any banking charge or commission payable in converting that capital into sterling.

22. The value of the right to receive income from an occupational pension scheme or a personal pension scheme.

23. The value of a right to receive income from a under a retirement annuity contract.

[^{F326}**23A.** Where a person elects to be entitled to a lump sum under Schedule 5 or 5A to the 1992 Act or under Schedule 1 to the Graduated Retirement Benefit Regulations, or is treated as having made such an election, and a payment has been made pursuant to that election, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not change that election in favour of an increase of pension or benefit.]

Textual Amendments

F326 Sch. V para. 23A 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(4)**

[^{F327}**23AA.** Where a person chooses a lump sum under section 8(2) of the Pensions Act 2014 or in accordance with Regulations made under section 10 of that Act which include provision corresponding or similar to section 8(2) of that Act, or fails to make a choice, and a lump sum payment has been made, an amount equal to—

- (a) except where sub-paragraph (b) applies, the amount of any payment or payments made on account of that lump sum;
- (b) the amount of that lump sum,

but only for so long as that person does not alter that choice in favour of an increase of pension.]

Textual Amendments

F327 Sch. V para. 23AA inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **24(3)**

[^{F328}**23B.** Any payment made under Part 8A of the 1992 Act (entitlement to health in pregnancy grant).]

Textual Amendments

F328 Sch. V para. 23B inserted (for specified purposes and with effect in accordance with reg. 1(4) of the amending S.I.) by [The Social Security \(Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/583\)](#), [reg. 5\(5\)](#)

[^{F329}**23C.** Any payments made ^{F330}...—

(a) [^{F331}by virtue of regulations made under] section 57 (direct payments) of the Health and Social Care Act 2001;

[^{F332}(b) as a direct payment as defined in section 4(2) of the Social Care (Self-directed Support) (Scotland) Act 2013; ^{F333}...]

(c) [^{F334}by virtue of regulations made under] sections 12A to 12C (direct payments for health care) of the National Health Service Act 2006;]^{F335}...

[^{F336}(d) under sections 31 to 33 of the Care Act 2014]^{F337}(direct payments); or]]

[^{F337}(e) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).]

Textual Amendments

F329 Sch. V para. 23C inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **15(7)**

F330 Words in Sch. V Pt. I para. 23C omitted (1.4.2014) by virtue of [The Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(Consequential Modifications and Savings\) Order 2014 \(S.I. 2014/513\)](#), art. 1(2), **Sch. para. 7(a)** (with art. 3)

F331 Words in Sch. V Pt. I para. 23C(a) inserted (1.4.2014) by [The Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(Consequential Modifications and Savings\) Order 2014 \(S.I. 2014/513\)](#), art. 1(2), **Sch. para. 7(b)** (with art. 3)

F332 Sch. V Pt. I para. 23C(b) substituted (1.4.2014) by [The Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(Consequential Modifications and Savings\) Order 2014 \(S.I. 2014/513\)](#), art. 1(2), **Sch. para. 7(c)** (with art. 3)

F333 Word in Sch. V para. 23C(b) omitted (1.4.2015) by virtue of [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 19(3)(a)** (with art. 4)

F334 Words in Sch. V Pt. I para. 23C(c) inserted (1.4.2014) by [The Social Care \(Self-directed Support\) \(Scotland\) Act 2013 \(Consequential Modifications and Savings\) Order 2014 \(S.I. 2014/513\)](#), art. 1(2), **Sch. para. 7(b)** (with art. 3)

F335 Word in Sch. V Pt. I para. 23C(c) omitted (3.11.2017) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **9(3)(a)**

F336 Sch. V para. 23C(d) and word inserted (1.4.2015) by [The Care Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Order 2015 \(S.I. 2015/643\)](#), art. 1(2), **Sch. para. 19(3)(b)** (with art. 4)

F337 Sch. V Pt. I para. 23C(e) and words inserted (3.11.2017) by [The Social Services and Well-being \(Wales\) Act 2014 and the Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Order 2017 \(S.I. 2017/901\)](#), arts. 1, **9(3)(b)**

[^{F338}**23D.**—(1) Any payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995.

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

(2) Subject to sub-paragraph (3), any payment or part of a payment made by a local authority in accordance with section 26A of the Children (Scotland) Act 1995 to a person (“A”) which A passes on to the claimant.

(3) Sub-paragraph (2) only applies where A—

- (a) was formerly in the claimant’s care;
- (b) is aged 16 or over; and
- (c) continues to live with the claimant.]

Textual Amendments

F338 Sch. V Pt. I para. 23D inserted (5.8.2016) by [The Children and Young People \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2016 \(S.I. 2016/732\)](#), arts. 1(1), **4(3)**

[^{F339}**23E.**—[

^{F340}(1)] A payment of bereavement support payment in respect of the rate set out in regulation 3(2) or (5) of the Bereavement Support Payment Regulations 2017 (rate of bereavement support payment), but only for a period of 52 weeks from the date of receipt of the payment.

[

^{F341}(2) Where bereavement support payment under section 30 of the Pensions Act 2014 is paid to the survivor of a cohabiting partnership (within the meaning in section 30(6B) of the Pensions Act 2014) in respect of a death occurring before the day the Bereavement Benefits (Remedial) Order 2023 comes into force, any amount of that payment which is—

- (a) in respect of the rate set out in regulation 3(1) of the Bereavement Support Payment Regulations 2017, and
- (b) paid as a lump sum for more than one monthly recurrence of the day of the month on which their cohabiting partner died,

but only for a period of 52 weeks from the date of receipt of the payment.]]

Textual Amendments

F339 Sch. 5 para. 23E inserted (coming into force in accordance with art. 1-3 of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **21(3)(b)**

F340 Sch. 5 para. 23E renumbered as Sch. 5 para. 23E(1) (9.2.2023) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), art. 1(2), **Sch. para. 5(b)(i)** (with art. 2)

F341 Sch. 5 para. 23E(2) inserted (9.2.2023) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), art. 1(2), **Sch. para. 5(b)(ii)** (with art. 2)

[^{F342}**23F.** Any payment made under or by a trust, established for the purpose of giving relief and assistance to disabled persons whose disabilities were caused by the fact that during their mother’s pregnancy she had taken a preparation containing the drug known as Thalidomide, and which is approved by the Secretary of State.]

Textual Amendments

F342 Sch. V Pt. I para. 23F added (23.10.2017) by [The Social Security \(Infected Blood and Thalidomide\) Regulations 2017 \(S.I. 2017/870\)](#), regs. 1, **5(5)**

PART II

[^{F343}Capital disregarded only for the purposes of determining deemed income]

Textual Amendments

F343 Sch. V Pt. II heading 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(o)(iv)**

24. The value of the right to receive any income under a life interest or from a life rent.

25. The value of the right to receive any rent except where the claimant has a reversionary interest in the property in respect of which rent is due.

26. The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.

27. 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 and in particular, in Scotland, any croft land on which the dwelling is situated; but only one dwelling shall be disregarded under this paragraph.

28. Where property is held under a trust, other than—

(a) a charitable trust within the meaning of the Charities Act 1993 ^{M19}; or

(b) a trust set up with any payment to which paragraph 16 of this Schedule applies,

and under the terms of the trust, payments fall to be made, or the trustees have a discretion to make payments, to or for the benefit of the claimant or the claimant's partner, or both, that property.

Marginal Citations

M19 1993 c. 10.

SCHEDULE VI

Regulation 17(9)

SUMS DISREGARDED FROM CLAIMANT'S EARNINGS

1.—(1) In a case where a claimant is a lone parent, £20 of earnings.

(2) In this paragraph—

(a) “lone parent” means a person who has no partner and who is responsible for, and a member of the same household as, a child;

(b) “child” means a person [^{F344}who is a qualifying young person [^{F345}within the meaning of regulation 4A] or] a child [^{F346}as defined in section 40 of the 2012 Act].

Textual Amendments

F344 Words in Sch. VI para. 1(2)(b) substituted (10.4.2006) by [The Social Security \(Young Persons\) Amendment Regulations 2006 \(S.I. 2006/718\)](#), regs. 1(2)(a), **6(6)**

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

- F345** Words in Sch. VI para. 1(2)(b) inserted (28.7.2016) by The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016 (S.I. 2016/624), regs. 1, **4(10)** (with reg. 5(3))
- F346** Words in Sch. VI para. 1(2)(b) substituted (28.7.2016) by The Housing Benefit and State Pension Credit (Temporary Absence) (Amendment) Regulations 2016 (S.I. 2016/624), regs. 1, **4(10)** (with reg. 5(3))

2. In a case of earnings from employment to which sub-paragraph (2) applies, £20.

(2) This paragraph applies to employment—

^{F347}(a)

^{F348}(aa)

^{F349}(ab)

[^{F350}(a) a part-time fire-fighter employed by a fire and rescue authority under the Fire and Rescue Services Act 2004 or by the Scottish Fire and Rescue Service established under section 1A of the Fire (Scotland) Act 2005;]

(b) as an auxiliary coastguard in respect of coast rescue activities;

(c) in the manning or launching of a lifeboat if the employment is part-time.

[^{F351}(d) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001]

Textual Amendments

F347 Sch. VI para. 2(2)(a) revoked (S.) (2.8.2005 for specified purposes; (E.W.) (29.10.2013) in so far as not already in force) by The Fire (Scotland) Act 2005 (Consequential Provisions and Modifications) Order 2005 (S.I. 2005/2060), art. 1(2)(f), **Sch. para. 16(a)**; (S.I. 2013/2536), reg. 10(5)(a)

F348 Sch. VI para. 2(2)(aa) omitted (E.W.) (29.10.2013) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **10(5)(b)**

F349 Sch. VI para. 2(2)(ab) omitted (S.) (29.10.2013) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **10(5)(c)**

F350 Sch. VI para. 2(2)(a) inserted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **10(5)(d)**

F351 Sch. VI para. 2(2)(d) 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. 13(a)**

[^{F352}**2A.** Where a person is engaged in one or more of the employments specified in paragraph 2 but his earnings derived from those employments are less than £20 in any week and he is also engaged in any other employment, so much of his earnings from that other employment as would not in aggregate with the amount of his earnings disregarded under paragraph 2 exceed £20.]

Textual Amendments

F352 Sch. VI para. 2A 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. 13(b)**

[^{F353}**2B.** Where only one member of a couple is in employment specified in paragraph 2(2), so much of the earnings of the other member of the couple as would not, in aggregate with the earnings disregarded under paragraph 2, exceed £20.]

Textual Amendments

F353 Sch. VI para. 2B added (6.10.2003) by [The State Pension Credit \(Transitional and Miscellaneous Provisions\) Amendment Regulations 2003 \(S.I. 2003/2274\)](#), regs. 1, **2(13)**

3.—(1) If the claimant or one of the partners is a carer, or both partners are carers, £20 of any earnings received from his or their employment.

(2) In this paragraph the claimant or his partner is a carer if paragraph 4 of Part II of Schedule I (amount applicable for carers) is satisfied in respect of him.

4.—(1) £20 is disregarded if the claimant or, if he has a partner, his partner—

(a) is in receipt of—

(i) long-term incapacity benefit under Section 30A of the 1992 Act^{M20};

(ii) severe disablement allowance under section 68 of that Act;

(iii) attendance allowance;

(iv) disability living allowance under section 71 to 76 of that Act;

(v) any mobility supplement under [^{F354}article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006]^{M21} (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983^{M22}; ^{F355} ...

[^{F356}(vi) the disability element or the severe disability element of working tax credit under Schedule 2 to the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002; or]

[^{F357}(vii) employment and support allowance; ^{F358} ...]

[^{F359}(viii) personal independence payment; ^{F360} ...]

[^{F361}(viii a) adult disability payment;]

[^{F362}(ix) armed forces independence payment; or]

[^{F363}(b) is or are certified as severely sight impaired or blind by a consultant ophthalmologist.]

(2) Subject to sub-paragraph (4), £20 is disregarded if the claimant or, if he has a partner, his partner has, within a period of 8 weeks ending on the day in respect of which the claimant first satisfies the conditions for entitlement to state pension credit, had an award of income support^{F364}, income-based jobseeker's allowance or income-related employment and support allowance] and—

(a) £20 was disregarded in respect of earnings taken into account in that award;

(b) the person whose earnings qualified for the disregard continues in employment after the termination of that award.

(3) Subject to sub-paragraph (4), £20 is disregarded if the claimant or, if he has a partner, his partner, immediately before attaining pensionable age,—

(a) had an award of state pension credit; and

(b) a disregard under paragraph 4(1)(a)(i) or (ii) was taken into account in determining that award.

(4) The disregard of £20 specified in sub-paragraphs (2) and (3) applies so long as there is no break, other a break which does not exceed 8 weeks,—

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

- (a) in a case to which sub-paragraph (2) refers, in a person’s entitlement to state pension credit or in employment following the first day in respect of which state pension credit is awarded; or
- (b) in a case where sub-paragraph (3) applies, in the person’s entitlement to state pension credit since attaining pensionable age.

F365(5)

Textual Amendments

- F354** Words in Sch. VI para. 4(1)(a)(v) substituted (5.1.2009) by The Social Security (Miscellaneous Amendments) (No. 7) Regulations 2008 (S.I. 2008/3157), regs. 1(1), **4(7)**
- F355** Word in Sch. VI para. 4(1)(a)(v) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **4(10)(a)(i)**
- F356** Sch. VI para. 4(1)(a)(vi) 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. 13(c)(i)**
- F357** Sch. VI para. 4(1)(a)(vii) 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(10)(a)(ii)**
- F358** Word in Sch. VI para. 4(1)(a)(vii) omitted (8.4.2013) by virtue of The Personal Independence Payment (Supplementary Provisions and Consequential Amendments) Regulations 2013 (S.I. 2013/388), reg. 2, **Sch. para. 27(8)(a)**
- F359** Sch. VI para. 4(1)(a)(viii) 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(8)(b)**
- F360** Word in Sch. VI para. 4(1)(a)(viii) omitted (8.4.2013) by virtue of The Armed Forces and Reserve Forces Compensation Scheme (Consequential Provisions: Subordinate Legislation) Order 2013 (S.I. 2013/591), art. 2(2), **Sch. para. 23(8)(a)**
- F361** Sch. VI para. 4(1)(a)(viiiia) 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(7)**
- F362** Sch. VI para. 4(1)(a)(ix) 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(8)(b)**
- F363** Sch. VI para. 4(1)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Universal Credit and Miscellaneous Amendments (No.2) Regulations 2014 (S.I. 2014/2888), regs. 1(1), **3(4)(c)**
- F364** Words in Sch. VI para. 4(2) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **4(10)(b)**
- F365** Sch. VI para. 4(5) omitted (6.10.2003) by virtue of The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) (No. 2) Regulations 2002 (S.I. 2002/3197), reg. 1(1)(b), **Sch. para. 13(c)(ii)**

Marginal Citations

- M20** Section 30A was inserted by Social Security (Incapacity for Work) Act 1994 (c. 18).
- M21** S.I.1983/883.
- M22** S.I.1983/686; amended by S.I.1983/1164 and 1540 and 1986/628.

[^{F366}**4A.**—(1) £20 is the maximum amount which may be disregarded under any of paragraphs 1, 2, 3 or 4 notwithstanding that—

- (a) in the case of a claimant with no partner, he satisfies the requirements of more than one of those paragraphs or, in the case of paragraph 4, he satisfies the requirements of more than one of the sub-paragraphs of that paragraph; or

(b) in the case of [^{F367}couples], both partners satisfy one or more of the requirements of paragraphs 2, 3 and 4.

(2) Where, in a case to which sub-paragraph (1)(b) applies, the amount to be disregarded in respect of one of the partners (“the first partner”) is less than £20, the amount to be disregarded in respect of the other partner shall be so much of that other partner’s earnings as would not, in aggregate with the first partner’s earnings, exceed £20.]

Textual Amendments

F366 Sch. VI para. 4A 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. 13(d)**

F367 Word in Sch. VI para. 4A(1)(b) 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(6)** (with art. 3)

5. Except where the claimant or his partner qualifies for a £20 disregard under the preceding provisions of this Schedule—

(a) £5 shall be disregarded if a claimant who has no partner has earnings;

(b) £10 shall be disregarded if a claimant who has a partner has earnings.

6. Any earnings[^{F368}, other than any amount referred to in regulation 17(9)(b),] derived from any employment which ended before the day in respect of which the claimant first satisfies the conditions for entitlement to state pension credit.

Textual Amendments

F368 Words in Sch. VI para. 6 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. 13(e)**

[^{F369}7. Any banking charges or commission payable in converting to Sterling payments of earnings made in a currency other than Sterling.]

Textual Amendments

F369 Sch. VI para. 7 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. 13(f)**

Changes to legislation:

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