

SCHEDULE 3

Amendments of subordinate legislation relating to social security

State Pension Credit Regulations 2002

35.—(1) Amend the State Pension Credit Regulations 2002(1) as follows.

(2) In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2)—

(i) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” substitute “or if any of the preceding persons is one member of a couple, the other member of that couple”;

(ii) after the definition of “close relative” insert the following definition—

““couple” means—

(a) a man and woman who are married to each other and are members of the same household;

(b) a man and woman who are not married to each other but are living together as husband and wife;

(c) two people of the same sex who are civil partners of each other and are members of the same household; or

(d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(b) in paragraph (3), for “a married or unmarried couple” substitute “a couple”.

(3) In regulation 15 (income for the purposes of the Act), in paragraph (5)(d), for “or former spouse” (in each place) substitute “, civil partner, former spouse or former civil partner”.

(4) In Schedule IV (amounts to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 1(c)(2), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(b) in paragraph 4(3), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(c) in paragraph 5(4), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(d) in paragraph 6, in sub-paragraph (1)(5)—

(i) in paragraph (a), for “widow or widower” substitute “widow, widower or surviving civil partner”;

(ii) in paragraph (b), for “widows or widowers” substitute “widows, widowers or surviving civil partners”;

(1) [S.I. 2002/1792](#).

(2) Paragraph 1(c) was amended by [S.I. 2003/2274](#).

(3) Paragraph 4 was amended by [S.I. 2003/2274](#).

(4) Paragraph 5 was amended by [S.I. 2003/2274](#).

(5) Paragraph 6(1) was amended by [S.I. 2003/2274](#).

Status: This is the original version (as it was originally made).

- (e) in paragraph 12, after “spouse” insert “or civil partner”.
- (5) In Schedule V (income from capital)—
 - (a) in paragraph 4(b), after “estranged or divorced” insert “or with whom he had formed a civil partnership that has been dissolved”;
 - (b) in paragraph 6(1), after “estrangement or divorce from” insert “, or dissolution of his civil partnership with,”;
 - (c) in paragraph 12, in sub-paragraphs (c) and (d) after “deceased spouse” insert “or deceased civil partner”;
 - (d) in paragraph 14, after “deceased spouse” (in each place) insert “or deceased civil partner”;
 - (e) in paragraph 15—
 - (i) in sub-paragraph (2), after “estranged or divorced” insert “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”;
 - (ii) in sub-paragraph (3), after “estranged or divorced” insert “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”;
 - (iii) in sub-paragraph (4)(a), after “estranged or divorced” insert “or with whom he has formed a civil partnership that has not been dissolved”;
 - (iv) in sub-paragraph (5)(a), after “estranged or divorced” insert “or with whom he had formed a civil partnership that had not been dissolved”.
- (6) In Schedule VI (sums disregarded from claimant’s earnings), in paragraph 4A(1)(b)(6), for “married or unmarried couples” substitute “couples”.

(6) Paragraph 4A was inserted by [S.I. 2002/3197](#).