

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 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 persons falling within subsection (1)(c) of that section has attained the age of 65.”.

(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—

“Income and capital of claimant, spouses etc.

5.—(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) £154 per week in respect of the claimant and any one spouse of the claimant's; and
- (b) £54 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) 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 £123.”.

(8) In regulations 3,5,10,12 and 14 and in paragraph 6(5)(b)(iv) 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 or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the 1992 Act.

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

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

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

Further provisions in the case of patients

2.—(1) Sub-paragraph (2) applies in the case of—

- (a) a claimant who; or
- (b) a claimant who has a partner one or both of whom; or
- (c) a claimant who is a member of a polygamous marriage one or more of whose members, is or are a patient, and has or have been a patient for a period exceeding 13 weeks but not exceeding 52 weeks, or, in exceptional circumstances, is unlikely to substantially exceed 52 weeks ("long term patient").

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

- (a) has no partner, section 2(3) has effect with the substitution for the reference to the standard minimum guarantee in paragraph (a) of a reference to an amount determined by taking the amount for the time being specified in regulation 6(1)(b) and reducing it by an amount equal to 38 per cent. of the weekly rate of the basic pension for the time being specified in section 44(4) of the 1992 Act;
- (b) has a partner and one of the partners is a long term patient, section 2(3) has effect with the substitution for the reference to the standard minimum guarantee in paragraph (a) of a reference to an amount determined by taking the amount for the time being specified in regulation 6(1)(a) and reducing it by an amount equal to 20 per cent. of the weekly rate of the basic pension for the time being specified in section 44(4) of the 1992 Act ("the standard reduction");
- (c) has a partner and both partners are long term patients, section 2(3) has effect with the substitution for the reference to the standard minimum guarantee in paragraph (a) of a reference to an amount determined by taking the amount for the time being specified in regulation 6(1)(a) and reducing it by an amount equal to twice the sum of the standard reduction;
- (d) is a member of a polygamous marriage and one or more members of the marriage are long term patients, section 2(3) has effect with the substitution for the reference to the standard minimum guarantee in paragraph (a) of a reference to an amount determined by taking the amount for the time being specified in regulation 6(1)(a) and (b), as substituted by

paragraph 1(5), for the members of the marriage and reducing it by an amount equal to the standard reduction multiplied by the number of members who are long term patients.

(3) In the case of a claimant who—

(a) has no partner; and

(b) is a patient and has been a patient for 52 weeks or more,

section 2(3) has effect with the substitution for the reference to the standard minimum guarantee in paragraph (a) of a reference to an amount equal to the amount of the standard reduction.

(4) For the purposes of sub-paragraphs (2) and (3), the basic pension shall be rounded to the nearest 5 pence, 2.5 pence being rounded to the next 5 pence above.

(5) For any period in respect of which sub-paragraph (2) or (3) applies to a claimant, “amount B” in section 3(4) (savings credit) shall have effect with the substitution in paragraph (a) to the appropriate minimum guarantee of a reference to an amount determined—

(a) by taking the amount for the time being prescribed under section 2(4); and

(b) adding to it such amount (if any) as may be applicable in his case in accordance with section 2(3)(b);

and the claimant’s income for the purposes of section 3 shall be determined as if the reductions specified in sub-paragraph (2) do not apply in his case.

(6) In calculating for the purpose of this regulation periods of 13 weeks and 52 weeks, any periods separated by 28 days or less in which a person is a patient shall link to form one single such period.