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## SCHEDULES

### SCHEDULE 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### PART 1

#### AMENDMENTS OF THE CONTRIBUTIONS AND BENEFITS ACT

##### *Introductory*

1 The Contributions and Benefits Act is amended as follows.

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##### **Commencement Information**

- I1** Sch. 2 para. 1 not in force at Royal Assent, see s. 22(3); Sch. 2 in force for certain purposes at 2.7.2002 by S.I. 2002/1691, art. 2
- I2** Sch. 2 para. 1 in force at 6.10.2003 in so far as not already in force by S.I. 2003/1766, art. 2(a)

##### *Income support*

- 2 (1) Section 124 is amended as follows.
- (2) In subsection (1) (entitlement to income support), after paragraph (a) (claimant must be 16 or over) insert—
- “(aa) he has not attained the qualifying age for state pension credit;”.
- (3) In that subsection, after paragraph (f) (claimant must not be entitled to jobseeker’s allowance etc) insert “; and
- (g) if he is a member of a married or unmarried couple, the other member of the couple is not entitled to state pension credit.”

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##### **Commencement Information**

- I3** Sch. 2 para. 2 not in force at Royal Assent, see s. 22(3); Sch. 2 in force for certain purposes at 2.7.2002 by S.I. 2002/1691, art. 2
- I4** Sch. 2 para. 2 in force at 6.10.2003 in so far as not already in force by S.I. 2003/1766, art. 2(a)

##### *Effect of attaining qualifying age for state pension credit*

3 After section 136 (income and capital) insert—

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### “136A Effect of attaining qualifying age for state pension credit

- (1) Subsections (2) and (3) below apply in relation to housing benefit and council tax benefit in the case of any person who has attained the qualifying age for state pension credit.
- (2) Regulations may make provision for section 134(1) or any provision of section 136 above not to have effect in relation to those benefits in the case of any such person.
- (3) In relation to those benefits, regulations may make provision for the determination of the income and capital of any such person; and any such regulations may include provision applying (with such modifications as the Secretary of State thinks fit)—
  - (a) section 5 of the State Pension Credit Act 2002 (provision for treating income of spouse as income of claimant, etc), and
  - (b) section 15 of that Act (determination of income and capital for purposes of state pension credit).
- (4) Regulations under subsection (3) above may also include provision—
  - (a) authorising or requiring the use of any calculation or estimate of a person’s income or capital made by the Secretary of State for the purposes of the State Pension Credit Act 2002; or
  - (b) requiring that, if and so long as an assessed income period is in force under section 6 of that Act in respect of a person falling within subsection (1) above,—
    - (i) the assessed amount of any element of his retirement provision shall be treated as the amount of that element for the purposes of housing benefit or council tax benefit; and
    - (ii) his income shall be taken for those purposes not to include any element of retirement provision which it is taken not to include for the purposes of state pension credit by virtue of a determination under subsection (5) of section 7 of that Act.
- (5) In subsection (4) above “assessed amount”, “element” and “retirement provision” have the same meaning as in the State Pension Credit Act 2002.
- (6) The Secretary of State may by regulations make provision for the preceding provisions of this section to apply with modifications in cases to which section 12 of the State Pension Credit Act 2002 (polygamous marriages) applies.
- (7) The provision that may be made by regulations under subsection (6) above includes any provision that may be made by regulations under section 133 above.”

#### Commencement Information

**I5** Sch. 2 para. 3 in force at 27.1.2003 for specified purposes by [S.I. 2003/83, art. 2](#)

**I6** Sch. 2 para. 3 in force at 6.10.2003 in so far as not already in force by [S.I. 2003/1766, art. 2\(a\)](#)

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### *Interpretation of Part 7 and supplementary provisions*

- 4 (1) Section 137 is amended as follows.
- (2) In subsection (1), insert the following entries at the appropriate place—
- ““pensionable age” has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 (c. 26);”;
- ““the qualifying age for state pension credit” is (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)—
- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;”;
- ““state pension credit” means state pension credit under the State Pension Credit Act 2002;”.

#### **Commencement Information**

- I7** [Sch. 2 para. 4](#) not in force at Royal Assent, see [s. 22\(3\)](#); [Sch. 2](#) in force for certain purposes at 2.7.2002 by [S.I. 2002/1691](#), [art. 2](#)
- I8** [Sch. 2 para. 4](#) in force at 6.10.2003 in so far as not already in force by [S.I. 2003/1766](#), [art. 2\(a\)](#)

### *Entitlement of pensioners to Christmas bonus*

- 5 (1) Section 148 is amended as follows.
- (2) In subsection (2) (conditions for entitlement in case of couples), in paragraph (c)(ii) (condition that person be in receipt of income support only) for “income support” substitute “state pension credit”.
- (3) After that subsection insert—
- “(2A) In a case falling within paragraph (c)(ii) of subsection (2) above, paragraph (a) of that subsection has effect with the substitution of “qualifying age for state pension credit” for “pensionable age”.”
- (4) Omit subsection (4) (persons receiving income support only entitled to bonus if attaining pensionable age by end of relevant week).

#### **Commencement Information**

- I9** [Sch. 2 para. 5](#) not in force at Royal Assent, see [s. 22\(3\)](#); [Sch. 2](#) in force for certain purposes at 2.7.2002 by [S.I. 2002/1691](#), [art. 2](#)
- I10** [Sch. 2 para. 5](#) in force at 6.10.2003 in so far as not already in force by [S.I. 2003/1766](#), [art. 2\(a\)](#)

### *Entitlement to Christmas bonus: supplementary*

- 6 (1) Section 149 is amended as follows.
- (2) In subsection (2) (circumstances in which a person is treated as entitled to qualifying benefit)—

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- (a) in paragraph (a), for “other than income support” substitute “ other than state pension credit ”, and
- (b) in paragraph (b), for “income support”, in both places where it occurs, substitute “ state pension credit ”.

**Commencement Information**

- I11** Sch. 2 para. 6 not in force at Royal Assent, see s. 22(3); Sch. 2 in force for certain purposes at 2.7.2002 by S.I. 2002/1691, art. 2
- I12** Sch. 2 para. 6 in force at 6.10.2003 in so far as not already in force by S.I. 2003/1766, art. 2(a)

*Interpretation of provisions relating to Christmas bonus*

- 7 (1) Section 150 is amended as follows.
- (2) In subsection (1) (definition of “qualifying benefit”) in paragraph (k) for “income support” substitute “ state pension credit ”.
  - (3) In subsection (2) (interpretation of Part 10) insert the following definitions at the appropriate place—
    - ““the qualifying age for state pension credit” is (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)—
      - (a) in the case of a woman, pensionable age; or
      - (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;”;
    - ““state pension credit” means state pension credit under the State Pension Credit Act 2002;”.

**Commencement Information**

- I13** Sch. 2 para. 7 not in force at Royal Assent, see s. 22(3); Sch. 2 in force for certain purposes at 2.7.2002 by S.I. 2002/1691, art. 2
- I14** Sch. 2 para. 7 in force at 6.10.2003 in so far as not already in force by S.I. 2003/1766, art. 2(a)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act modified by [S.I. 2023/1060 art. 2Sch.](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(2)(c)(iii) and word inserted by [2012 c. 5 Sch. 4 para. 2](#)
- s. 1(2)(d) and word inserted by [2012 c. 5 s. 75\(b\)](#)
- s. 1(3)(c) and word inserted by [2012 c. 5 Sch. 4 para. 3\(a\)](#)
- s. 3A inserted by [2012 c. 5 Sch. 4 para. 4](#)
- s. 3A(5)(a) words omitted by [2016 c. 7 s. 20\(8\)](#)
- s. 7(10) inserted by [2012 c. 5 Sch. 4 para. 5](#)
- s. 19(2)(za) inserted by [2012 c. 5 s. 75\(2\)](#)