



State Pension Credit Act 2002

2002 CHAPTER 16

Retirement provision

6 Duty to specify assessed income period [^{F1}for pre-6 April 2016 awards]

- (1) In any case falling within subsection (3) or (4) [^{F2}where the relevant decision takes effect before 6 April 2016], the Secretary of State shall, on the making of the relevant decision, specify a period as the assessed income period, unless prevented by subsection (2).
- (2) The Secretary of State is prevented from specifying a period as the assessed income period under subsection (1)—
 - (a) if the relevant decision takes effect at a time when an assessed income period is in force in the case of the claimant by virtue of a previous application of this section; or
 - (b) in such other circumstances as may be prescribed.
- (3) The first case is where—
 - (a) the Secretary of State determines the amount of a claimant's income for the purposes of a decision relating to state pension credit;
 - (b) the decision is a decision under section 8(1), 9 or 10 of the Social Security Act 1998 (c. 14) (decisions on claims etc, and decisions revising or superseding decisions);
 - (c) the decision takes effect on or after—
 - (i) the day on which the claimant attains the age of 65; or
 - (ii) if earlier, in a case where the claimant is a member of a [^{F3}couple], the day on which the other member of the couple attains that age; and
 - (d) the decision is not to the effect that the claimant is not entitled to state pension credit.
- (4) The second case is where—
 - (a) the amount of the claimant's income is determined on, or for the purposes of, an appeal against a decision that the claimant is not entitled to state pension credit;

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- (b) on the appeal, it is decided that the claimant is entitled to state pension credit; and
 - (c) the decision takes effect as mentioned in subsection (3)(c).
- (5) In this section “the relevant decision” means—
- (a) so far as relating to the first case, the decision mentioned in subsection (3)(a);
 - (b) so far as relating to the second case, the decision on appeal mentioned in subsection (4)(b).
- (6) This section is subject to section 9.
- (7) This section and sections 7 to 10 shall be construed as one.

Textual Amendments

- F1** Words in s. 6 heading inserted (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), **ss. 28(2)**, 56(1); S.I. 2015/1475, **art. 4**
- F2** Words in s. 6(1) inserted (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), **ss. 28(1)**, 56(1); S.I. 2015/1475, **art. 4**
- F3** Words in s. 6(3)(c)(ii) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 140**; S.I. 2005/3175, **art. 2(1)**, **Sch. 1**

Commencement Information

- I1** S. 6 partly in force; s. 6 not in force at Royal Assent, see s. 22(3); s. 6 in force for certain purposes at 2.7.2002 by [S.I. 2002/1691](#), **art. 2**
- I2** S. 6 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\(2\)](#)