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STATUTORY INSTRUMENTS

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**2002 No. 1792**

**SOCIAL SECURITY**

**The State Pension Credit Regulations 2002**

*Made* - - - - *11th July 2002*

*Coming into force* *6th October 2003*

**THE STATE PENSION CREDIT REGULATIONS 2002**

PART I

*General*

1. Citation, commencement and interpretation

PART II

*Entitlement and amount*

2. Persons not in Great Britain
3. Persons temporarily absent from Great Britain
4. Persons receiving treatment outside Great Britain
5. Persons treated as being or not being members of the same household
6. Amount of the guarantee credit
7. Savings Credit
8. Special groups
9. Qualifying income for the purposes of savings credit
10. Assessed income period
11. Retirement provision in assessed income period
12. End of assessed income period
13. Small amounts of state pension credit

PART III

*Income*

14. Calculation of income and capital
15. Income for the purposes of the Act
16. Retirement pension income
17. Calculation of weekly income
18. Notional income
19. Calculation of capital in the United Kingdom

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- 20. Calculation of capital outside the United Kingdom
- 21. Notional capital
- 22. Diminishing notional capital rule
- 23. Capital jointly held
- 24. Income paid to third parties

PART IV

*Loss of benefit*

- 25. Loss of benefit  
Signature

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SCHEDULE I —

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

- 1. Severe disablement
- 2. Persons residing with the claimant whose presence is ignored
- 3. (1) For the purposes of paragraphs 1 and 2, a...  
PART II — **Amount applicable for carers**
- 4. (1) For the purposes of regulation 6(6)(a), this paragraph is...
- 5. For the purposes of paragraph 4, a person shall be...  
PART III — **Amount applicable for former claimants of income support or income-related jobseeker's allowance**
- 6. (1) If on the relevant day the relevant amount exceeds...

SCHEDULE II — HOUSING COSTS

- 1. Housing costs
- 2. Remunerative work
- 3. Circumstances in which a person is liable to meet housing costs
- 4. Circumstances in which a person is to be treated as occupying a dwelling as his home
- 5. Housing costs not met
- 6. Apportionment of housing costs
- 7. The calculation for loans
- 8. General provisions applying to housing costs
- 9. The standard rate
- 10. Excessive Housing Costs
- 11. Loans on residential property
- 12. Loans for repairs and improvements to the dwelling occupied as the home
- 13. Other housing costs
- 14. Persons residing with the claimant
- 15. Rounding of fractions

SCHEDULE III — SPECIAL GROUPS

- 1. Polygamous marriages
- 2. Further provisions in the case of patients

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

- 1. In addition to any sum which falls to be disregarded...
- 2. The whole of any amount included in a pension to...

3. Any mobility supplement under article 26A of the Naval, Military...
4. Any supplementary pension under article 29(1A) of the Naval, Military...
5. In the case of a pension awarded at the supplementary...
6. (1) Any payment which is— (a) made under any of...
7. £10 of any widowed parent's allowance to which the claimant...
8. (1) Where the claimant occupies a dwelling as his home...
9. If the claimant— (a) owns the freehold or leasehold interest...
10. Where a claimant receives income under an annuity purchased with...
11. (1) Any payment, other than a payment to which sub-paragraph...
12. Any increase in pension under Part IV of the Naval,...
13. Any payment ordered by a court to be made to...
14. Periodic payments made to the claimant or the claimant's partner...
15. Any income which is payable outside the United Kingdom for...
16. Any banking charges or commission payable in converting to Sterling...

#### SCHEDULE V — INCOME FROM CAPITAL

##### PART I — **Capital disregarded for the purpose of calculating income**

1. Any premises acquired for occupation by the claimant which he...
2. Any premises which the claimant intends to occupy as his...
3. Any premises which the claimant intends to occupy as his...
4. Any premises occupied in whole or in part—
5. Any future interest in property of any kind, other than...
6. (1) Where a claimant has ceased to occupy what was...
7. Any premises where the claimant is taking reasonable steps to...
8. All personal possessions.
9. The assets of any business owned in whole or in...
10. The surrender value of any policy of life insurance.
11. The value of any funeral plan contract; and for this...
12. Where an ex-gratia payment has been made by the Secretary...
13. (1) Subject to sub-paragraph (2), the amount of any trust...
14. The amount of any payment, other than a war disablement...
15. (1) Any payment made under the Macfarlane Trust, the Macfarlane...
16. An amount equal to the amount of any payment made...
17. Any amount specified in paragraphs 18 to 20—
18. Amounts paid under a policy of insurance in connection with...
19. So much of any amounts paid to the claimant or...
20. (1) Any amount paid— (a) by way of arrears of...
21. Where a capital asset is held in a currency other...
22. The value of the right to receive income from an...
23. The value of a right to receive income from a...

##### PART II — **Capital disregarded only for the purposes of determining notional income**

24. The value of the right to receive any income under...
25. The value of the right to receive any rent except...
26. The value of the right to receive any income under...
27. The dwelling together with any garage, garden and outbuildings, normally...
28. Where property is held under a trust, other than—

#### SCHEDULE VI — SUMS DISREGARDED FROM CLAIMANT'S EARNINGS

1. (1) In a case where a claimant is a lone...
2. In a case of earnings from employment to which sub-paragraph...
3. (1) If the claimant or one of the partners is...
4. (1) £20 is disregarded if the claimant or, if he...

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5. Except where the claimant or his partner qualifies for a...
6. Any earnings derived from any employment which ended before the...

Explanatory Note