



2002 CHAPTER 14

Retirement provision

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

6.—(1) In any case falling within subsection (3) or (4) [^{F2}where the relevant decision takes effect before 6 April 2016], the Department shall, on the making of the relevant decision, specify a period as the assessed income period, unless prevented by subsection (2).

(2) The Department 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 Department 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 Article 9(1), 10 or 11 of the 1998 Order (decisions by the Department 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.

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- (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;
 - (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.

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| <p>F1 Words in s. 6 heading inserted (6.4.2016) by Pensions Act (Northern Ireland) 2015 (c. 5), ss. 27(2), 53(1); S.R. 2015/329, art. 2(4)</p> <p>F2 Words in s. 6(1) inserted (6.4.2016) by Pensions Act (Northern Ireland) 2015 (c. 5), ss. 27(1), 53(1); S.R. 2015/329, art. 2(4)</p> <p>F3 2004 c. 33</p> |
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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified by [S.R. 2019/211 art. 2\(2\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)
- Act modified by [S.R. 2024/21 art.002\(2\)\(e\)](#)

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

- s. 1(2)(c)(iii) and word inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 2](#)
- s. 1(3)(c) and word inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- s. 3A inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 4](#)
- s. 3A(5)(a) words omitted by [S.I. 2016/999 \(N.I.\) art. 15\(9\)](#) (Unable to complete this amendment. S. 3A was inserted by 2015/2006 (NI 1), Sch. 4 para. 4 but the Schedule is not yet in force.)
- s. 7(10) inserted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 5](#)