
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to State Pension Credit Act 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE CONTRIBUTIONS AND BENEFITS ACT

Effect of attaining qualifying age for state pension credit

3 After section 136 (income and capital) insert—

“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.

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- (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

- I1** [Sch. 2 para. 3](#) in force at 27.1.2003 for specified purposes by [S.I. 2003/83](#), [art. 2](#)
- I2** [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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Changes and effects yet to be applied to :

- Sch. 2 para. 2-4 repealed by [2012 c. 5 Sch. 14 Pt. 1](#)

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

- Act modified by [S.S.I. 2024/62 art. 2](#)
- Act modified by [S.I. 2023/1060 art. 2Sch.](#)
- Act modified by [S.I. 2024/149 art. 2](#)

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\(2\)](#)