



# State Pension Credit Act 2002

## 2002 CHAPTER 16

### *Retirement provision*

#### **7 Fixing of claimant's retirement provision for assessed income period**

- (1) This section applies where, pursuant to section 6(1), the Secretary of State on the making of the relevant decision specifies a period as the assessed income period.
- (2) This section has effect for the purpose of determining, as at any time in the assessed income period,—
  - (a) the claimant's entitlement to state pension credit; or
  - (b) the amount of state pension credit to which the claimant is entitled.
- (3) Where the claimant's income, as determined for the purposes of the relevant decision, includes an amount (the "assessed amount") in respect of an element of the claimant's retirement provision, the amount of that element as at any time in the assessed income period shall be taken to be the assessed amount as for the time being varied in accordance with regulations under subsection (4).
- (4) The assessed amount shall be deemed, except in prescribed circumstances,—
  - (a) to increase, or
  - (b) in the case of income from capital, to increase or decrease,on such date or dates and by such amounts as may be prescribed.
- (5) Where it is determined for the purposes of the relevant decision that the claimant's income does not include any, or any further, elements of retirement provision, the claimant's income throughout the assessed income period shall be taken not to include those elements.
- (6) For the purposes of this Act "retirement provision" means income of any of the following descriptions—
  - (a) retirement pension income, other than benefit under [F1Part 1 of the Pensions Act 2014 or] the Contributions and Benefits Act;
  - (b) income from annuity contracts (other than retirement pension income);
  - (c) income from capital;

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[<sup>F2</sup>(d) PPF periodic payments,]

and an “element” of a person’s retirement provision is income of any of those descriptions from a particular source.

- (7) For the purposes of this section, regulations may make provision—
- (a) for treating income of any particular description as income of another description; or
  - (b) for treating income from different sources as income from the same source.
- (8) Nothing in subsections (3) to (5) prevents the revision under section 9 of the Social Security Act 1998 (c. 14) of the relevant decision or of any earlier or later decision under section 10 of that Act.
- (9) This section is subject to section 8.

#### Textual Amendments

- F1** Words in s. 7(6)(a) inserted (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 43**
- F2** S. 7(6)(d) added (14.2.2006) by [The Pensions Act 2004 \(PPF Payments and FAS Payments\) \(Consequential Provisions\) Order 2006 \(S.I. 2006/343\)](#), art. 1(1), **Sch. para. 3(1)**

#### Commencement Information

- I1** S. 7 partly in force; s. 7 not in force at Royal Assent, see s. 22(3); s. 7 in force for certain purposes at 2.7.2002 by [S.I. 2002/1691](#), **art. 2**
- I2** S. 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.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\(2\)](#)