



2002 CHAPTER 14

Retirement provision

Duty to specify assessed income period

6.—(1) In any case falling within subsection (3) or (4), 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 married or unmarried 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;
 - (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.