



# State Pension Credit Act 2002

## 2002 CHAPTER 16

### *Miscellaneous and supplementary*

#### **11 Administration**

Schedule 1 shall have effect and in that Schedule—

Part 1 makes amendments to Part 1 of the Administration Act (claims for, and payments and general administration of, benefit);

Part 2 makes amendments to Part 1 of the Social Security Act 1998 (c. 14) (decisions and appeals); and

Part 3 makes miscellaneous and supplementary provision.

#### **Commencement Information**

- I1** S. 11 not in force at Royal Assent, see s. 22(3); s. 11 in force for certain purposes at 2.7.2002 by [S.I. 2002/1691](#), [art. 2](#)
- I2** S. 11 in force at 7.4.2003 for specified purposes by [S.I. 2003/966](#), [art. 2\(a\)](#)
- I3** [S. 11](#) in force at 6.10.2003 in so far as not already in force by [S.I. 2003/1766](#), [art. 2\(a\)](#)

#### **12 Polygamous marriages**

(1) This section applies to any case where—

- (a) a person (“the person in question”) is a husband or wife by virtue of a marriage entered into under a law which permits polygamy;
- (b) either party to the marriage has for the time being any spouse additional to the other party; and
- (c) the person in question, the other party to the marriage and the additional spouse are members of the same household.

(2) Regulations under this section may make provision—

- (a) as to the entitlement of the person in question to state pension credit;
- (b) as to any guarantee credit or savings credit to which that person is entitled;

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- (c) for prescribing a different amount as the standard minimum guarantee in the case of the person in question;
  - (d) in a case where the person in question is the claimant, for treating the income and capital of the other party and of the additional spouse as income and capital of the person in question.
- (3) Any such regulations may provide—
- (a) that prescribed provisions shall apply instead of prescribed provisions of this Act; or
  - (b) that prescribed provisions of this Act shall not apply or shall apply subject to prescribed modifications or adaptations.
- (4) Except in relation to the amount of the standard minimum guarantee, any power to prescribe amounts by virtue of this section includes power to prescribe nil as an amount.

#### Commencement Information

- I4** [S. 12](#) partly in force; [s. 12](#) not in force at Royal Assent, see [s. 22\(3\)](#); [s. 12](#) in force for certain purposes at 2.7.2002 by [S.I. 2002/1691](#), [art. 2](#)
- I5** [S. 12](#) in force at 6.10.2003 in so far as not already in force by [S.I. 2003/1766](#), [art. 2\(a\)](#)

### 13 Transitional provisions

- (1) The Secretary of State may by regulations make such transitional provision, consequential provision or savings as he considers necessary or expedient for the purposes of, or in connection with,—
- (a) the coming into force of any of the state pension credit provisions of this Act; or
  - (b) the operation of any enactment repealed or amended by any of those provisions during any period when the repeal or amendment is not wholly in force.
- (2) The provision that may be made by regulations under this section includes in particular—
- (a) provision for a person who attains or has attained the qualifying age on or before the appointed day and who immediately before that day is entitled to income support—
    - (i) to be treated as having been awarded on, and with effect as from, that day state pension credit of an amount specified in or determined in accordance with the regulations; or
    - (ii) to be treated as having made a claim for state pension credit; and
  - (b) provision for an assessed income period under section 6 of such length as may be specified in or determined in accordance with the regulations (which may be longer than the maximum period provided for by section 9(1)) to have effect in the case of a person who attains or has attained the qualifying age on or before the appointed day.
- (3) In this section—
- “the appointed day” means such day as the Secretary of State may by order appoint;

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“the state pension credit provisions of this Act” means this Act other than section 18.

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**Modifications etc. (not altering text)**

**C1** S. 13: 6.10.2003 appointed by S.I. 2003/1766, art. 2(b)

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**Commencement Information**

- I6** S. 13 partly in force; s. 13 not in force at Royal Assent, see s. 22(3); s. 13 in force for certain purposes at 2.7.2002 by S.I. 2002/1691, **art. 2**
- I7** S. 13 in force at 6.10.2003 in so far as not already in force by S.I. 2003/1766, **art. 2(a)**

## **14 Minor and consequential amendments**

Schedule 2 (which makes minor and consequential amendments relating to state pension credit) shall have effect.

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**Commencement Information**

- I8** S. 14 partly in force; s. 14 not in force at Royal Assent, see s. 22(3); s. 14 in force for certain purposes at 2.7.2002 by S.I. 2002/1691, **art. 2**
- I9** S. 14 in force at 27.1.2003 for specified purposes by S.I. 2003/83, **art. 2**
- I10** S. 14 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.I. 2023/1060 art. 2Sch.](#)

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\(2\)](#)