
STATUTORY INSTRUMENTS

1996 No. 672

**SOCIAL SECURITY
TERMS AND CONDITIONS OF EMPLOYMENT**

**The Social Security (Claims and Payments
Etc.) Amendment Regulations 1996**

<i>Made</i>	- - - -	<i>7th March 1996</i>
<i>Laid before Parliament</i>		<i>14th March 1996</i>
<i>Coming into force</i>	- -	<i>4th April 1996</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 5(1)(i) and (p), and (5), 15A(2), 71(8), 81(1) and 189(1), (4), (5) and (6) of the Social Security Administration Act 1992(1), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(2), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments Etc.) Amendment Regulations 1996 and shall come into force on 4th April 1996.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) The Social Security (Claims and Payments) Regulations 1987(3) are amended in accordance with the following provisions of this regulation.

(2) In regulation 20A(4)—

(a) for paragraph (2) there is substituted the following paragraph—

“(2) Where a beneficiary falls within a class mentioned in paragraph (1) the Secretary of State shall issue an instrument for benefit payment to whichever one or more of the following persons seems to him to be appropriate in the circumstances of the case—

(a) that beneficiary;

(1) 1992 c. 5.

(2) See section 173(1) of the Social Security Administration Act 1992.

(3) S.I.1987/1968. The relevant amending instruments are S.I. 1989/1686, 1992/247 and 1026, 1993/1113, 1994/2319, 2943 and 3196.

(4) Regulation 20A was inserted by S.I. 1994/3196, regulation 4.

- (b) in England and Wales, the receiver appointed by the Court of Protection with power to receive benefit on behalf of that claimant;
 - (c) in Scotland, the tutor, curator or other guardian acting or appointed in terms of law to administer the estate of that beneficiary;
 - (d) the person appointed by the Secretary of State under regulation 33 to act on behalf of that beneficiary;
 - (e) subject to paragraph (4A), the person authorised by that beneficiary to act on his behalf;
 - (f) the person to whom benefit is to be paid on that beneficiary's behalf further to a direction by the Secretary of State under regulation 34; and
 - (g) the alternative payee under regulation 36.”;
- (b) in paragraph (4), at the beginning of sub-paragraph (b), there are inserted the words “Subject to paragraph (4A),”; and
- (c) after paragraph (4) there is inserted the following paragraph—
- “(4A) A person authorised by the beneficiary to act on his behalf under paragraph (2) (e) must be so authorised in respect of all benefits, payment of which may be obtained by means of that instrument for benefit payment.”;
- (d) after paragraph (5) there is inserted the following paragraph—
- “(5A) When an instrument for benefit payment is presented for payment the Secretary of State may require the person presenting that instrument to accept payment—
- (a) if the instrument is presented—
 - (i) for the purpose of obtaining payment of any benefit to which the person presenting it is entitled in his own right; or
 - (ii) by a person such as is mentioned in paragraph (2)(b), (c), (d), (e) or (f) for the purpose of obtaining payment of any benefit to which the person in respect of whom the appointment, authorisation or, as the case may be, direction mentioned in those provisions relate is so entitled,
 - (b) if the instrument is presented for the purpose of obtaining payment of any benefit which that person is entitled to receive by virtue of regulation 36 (payment to a partner as alternative payee), of all monies then due in respect of such benefits, payment of which may be obtained by means of that instrument.”.
- (3) In regulation 21—
- (a) in paragraph (1) the words “to which this regulation applies”; and
 - (b) paragraph (6),
- shall be omitted.
- (4) For regulation 29 there is substituted the following regulation—

“Payments to persons under age 18

29. Where benefit is paid to a person under the age of 18 (whether on his own behalf or on behalf of another) the receipt of that person shall be a sufficient discharge to the Secretary of State.”.

- (5) In regulation 38, in paragraph (1)—
- (a) after sub-paragraph (a) there is inserted the following sub-paragraph

- “(aa) in relation to any such sum which is payable by means of an instrument for benefit payment, on the first date when payment of that benefit could be obtained by that means;” and
- (b) in sub-paragraph (c), for the words “neither (a) nor (b) applies” there are substituted the words “none of (a), (aa) or (b) apply”.
- (6) In Schedule 7, at the end of paragraph 1 there are added the words “or an instrument for benefit payment”.
- (7) In Schedule 9, in paragraph 1, for the definition of “specified benefit” there is substituted the following definition—
- ““specified benefit” means—
- (a) in respect of any period during which benefit is paid by means of an instrument of payment, income support either alone or together with any unemployment benefit, incapacity benefit, retirement pension or severe disablement allowance which is paid by means of the same instrument of payment; and
- (b) in respect of any period during which benefit is paid by means of an instrument for benefit payment, income support and, where paid concurrently with income support, unemployment benefit, incapacity benefit, retirement pension or severe disablement allowance;”.
- (8) In Schedule 9A—
- (a) in paragraph 1, for the definition of “relevant benefits” there is substituted the following definition—
- ““relevant benefits” means—
- (a) in respect of any period during which benefit is paid by means of an instrument of payment, income support either alone or together with any unemployment benefit, incapacity benefit, retirement pension or severe disablement allowance which is paid by means of the same instrument of payment; and
- (b) in respect of any period during which benefit is paid by means of an instrument for benefit payment, income support and, where paid concurrently with income support, unemployment benefit, incapacity benefit, retirement pension or severe disablement allowance;” and
- (b) paragraph 5 is omitted.

Amendment of the Statutory Sick Pay (General) Regulations 1982

3. In regulation 9C of the Statutory Sick Pay (General) Regulations 1982 (payments by the Secretary of State)(5), after the words “instrument of payment” there are inserted the words “, instrument for benefit payment”.

Amendment of the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988

4. In regulation 16 of the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988 (limitations on deductions from prescribed benefits)(6), in paragraph (8), for the definition of “specified benefit” there is substituted the following definition—

““specified benefit” means—

(5) S.I. 1982/894. Regulation 9C was inserted by S.I. 1987/372, regulation 2.

(6) S.I. 1988/664. The relevant amending instrument is S.I. 1995/829.

- (a) in respect of any period during which benefit is paid by means of an instrument of payment, income support either alone or together with any unemployment benefit, incapacity benefit, retirement pension or severe disablement allowance which is paid by means of the same instrument of payment; and
- (b) in respect of any period during which benefit is paid by means of an instrument for benefit payment, income support and, where paid concurrently with income support, unemployment benefit, incapacity benefit, retirement pension or severe disablement allowance;”.

Amendment of the Social Security (Recoupment) Regulations 1990

5. In regulation 2 of the Social Security (Recoupment) Regulations 1990 (relevant benefits)(7), in paragraph (2), after the words “instrument of payment” there are inserted the words “or paid concurrently with each of those benefits by means of an instrument for benefit payment”.

Signed by authority of the Secretary of State for Social Security.

7th March 1996

Oliver Heald
Parliamentary Under-Secretary of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987, the Statutory Sick Pay (General) Regulations 1982, the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988 and the Social Security (Recoupment) Regulations 1990 to make further provision for the payment of benefit by means of a benefit payment card described as an instrument for benefit payment. In particular, provision is made for the circumstances in which agents and receivers etc. may use the benefit payment card to collect benefit on the beneficiary's behalf (regulation 2(2)(a) and (c)) and in which they or the beneficiary may be required to accept payment by this means of all the benefits then due (regulation 2(2)(d)).

These Regulations do not impose any costs on business.