



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART I

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

##### *Claims and payments regulations*

#### **5 Regulations about claims for and payments of benefit**

(1) Regulations may provide—

- (a) for requiring a claim for a benefit to which this section applies to be made by such person, in such manner and within such time as may be prescribed;
- (b) for treating such a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
- (c) for permitting such a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
- (d) for permitting an award on such a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable under the award;
- (e) for a review of any such award if those requirements are found not to have been satisfied;
- (f) for the disallowance on any ground of a person's claim for a benefit to which this section applies to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
- (g) for enabling one person to act for another in relation to a claim for a benefit to which this section applies and for enabling such a claim to be made and proceeded with in the name of a person who has died;
- (h) for requiring any information or evidence needed for the determination of such a claim or of any question arising in connection with such a claim to

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*Status: This is the original version (as it was originally enacted).*

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be furnished by such person as may be prescribed in accordance with the regulations;

- (i) for the person to whom, time when and manner in which a benefit to which this section applies is to be paid and for the information and evidence to be furnished in connection with the payment of such a benefit;
  - (j) for notice to be given of any change of circumstances affecting the continuance of entitlement to such a benefit or payment of such a benefit;
  - (k) for the day on which entitlement to such a benefit is to begin or end;
  - (l) for calculating the amounts of such a benefit according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or facilitate computation;
  - (m) for extinguishing the right to payment of such a benefit if payment is not obtained within such period, not being less than 12 months, as may be prescribed from the date on which the right is treated under the regulations as having arisen;
  - (n) for suspending payment, in whole or in part, where it appears to the Secretary of State that a question arises whether—
    - (i) the conditions for entitlement are or were fulfilled;
    - (ii) an award ought to be revised;
    - (iii) an appeal ought to be brought against an award;
  - (o) for withholding payments of a benefit to which this section applies in prescribed circumstances and for subsequently making withheld payments in prescribed circumstances;
  - (p) for the circumstances and manner in which payments of such a benefit may be made to another person on behalf of the beneficiary for any purpose, which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person;
  - (q) for the payment or distribution of such a benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;
  - (r) for the making of a payment on account of such a benefit—
    - (i) where no claim has been made and it is impracticable for one to be made immediately;
    - (ii) where a claim has been made and it is impracticable for the claim or an appeal, reference, review or application relating to it to be immediately determined;
    - (iii) where an award has been made but it is impracticable to pay the whole immediately.
- (2) This section applies to the following benefits—
- (a) benefits as defined in section 122 of the Contributions and Benefits Act;
  - (b) income support;
  - (c) family credit;
  - (d) disability working allowance;
  - (e) housing benefit;
  - (f) any social fund payments such as are mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;
  - (g) child benefit; and
  - (h) Christmas bonus.

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- (3) The reference in subsection (1)(h) above to information or evidence needed for the determination of a claim includes a reference to information or evidence required by a rent officer under section 121 of the Housing Act 1988.
- (4) Subsection (1)(n) above shall have effect in relation to housing benefit as if the reference to the Secretary of State were a reference to the authority paying the benefit.
- (5) Subsection (1)(g), (i), (l), (p) and (q) above shall have effect as if statutory sick pay and statutory maternity pay were benefits to which this section applies.