
STATUTORY INSTRUMENTS

1994 No. 2686

SOCIAL SECURITY

**The Social Security (Adjudication)
Amendment (No. 2) Regulations 1994**

Made - - - - *18th October 1994*
Laid before Parliament *24th October 1994*
Coming into force - - *14th November 1994*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 61(1) and 189(1) and (6) of the Social Security Administration Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations need not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Adjudication) Amendment (No. 2) Regulations 1994 and shall come into force on 14th November 1994.

Amendment of regulation 64 of the Social Security (Adjudication) Regulations 1986

2.—(1) Regulation 64 of the Social Security (Adjudication) Regulations 1986⁽³⁾ (income support and social fund questions not immediately determinable) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraphs (1) and (2) there shall be substituted the following paragraphs—

“(1) Where on consideration of a claim or question relating to income support or to payment of maternity expenses from the Social Fund under Part VIII of the Social Security Contributions and Benefits Act 1992 it appears to an adjudication officer that the claimant’s entitlement to, or the rate or amount of, such benefit depends on the determination of—

(a) the question as to what housing costs are to be included in the claimant’s applicable amount by virtue of regulation 17(1)(e) or 18(1)(f) of, and Schedule 3 to, the Income Support (General) Regulations 1987⁽⁴⁾ (applicable amounts) and the adjudication officer is satisfied that not all of those housing costs can be

(1) 1992 c. 5.

(2) See section 173(1)(b) and (7) of the Social Security Administration Act 1992.

(3) S.I.1986/2218; the relevant amending instruments are S.I. 1987/1970 and S.I. 1989/1689.

(4) S.I.1987/1967.

immediately determined, he shall proceed to determine the claim or question on the assumption that the housing costs to be included in the claimant's applicable amount are those that can be immediately determined;

- (b) any of the questions mentioned in paragraph (3), and he is satisfied that the question cannot be immediately determined, he shall proceed to determine the claim or question on the assumption that the determination of the question so mentioned will be adverse to the claimant.

(2) Without prejudice to the power of an adjudication officer to refer any claim or question to an appeal tribunal under section 21(2) of the Administration Act and notwithstanding the provisions of section 22 of that Act, on an appeal to an appeal tribunal in any case where the adjudication officer has applied the provisions of paragraph (1) in relation to any of the questions mentioned or referred to in that paragraph, the tribunal shall not determine any such question until it has been determined by an adjudication officer.”

- (3) In paragraph (3), after sub-paragraph (g) there shall be added the following sub-paragraph—
“(h) whether in relation to any claimant the applicable amount includes severe disability premium by virtue of regulation 17(1)(d) or 18(1)(e) of, and paragraph 13 of Schedule 2 to, the Income Support (General) Regulations 1987 (applicable amounts).”

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

Department of Social Security
18th October 1994

Roger Evans
Parliamentary Under-Secretary of State,

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 64 of the Social Security (Adjudication) Regulations 1986. Regulation 2 amends regulation 64 of those Regulations, which provides for circumstances in which an adjudication officer can, as an interim measure, proceed to determine claims or questions relating to income support or to payment of Social Fund maternity expenses which depend on answering a listed question on the assumption that the determination of that question will be adverse to the claimant.

Regulation 2—

- (a) provides that where a question arises as to what housing costs are to be included in a claimant's applicable amount and those costs cannot be immediately determined, an adjudication officer shall proceed to determine a claim or question on the assumption that the housing costs to be included in a claimant's applicable amount are those that can be immediately determined;
- (b) adds the question as to whether severe disability premium is included in a claimant's applicable amount to the list of questions in paragraph (3) of regulation 64.

These Regulations do not impose a charge on business.