

### SCHEDULE 3

Article 3(3)

#### MODIFICATION OF THE SOCIAL SECURITY (CLAIMS AND PAYMENTS) REGULATIONS 1987

1. As if in regulation 2(1)(1) (interpretation), in the definition of “claim for benefit” for the words “the review of an award or” (in both places where the expression occurs) there were substituted the words “a revision under section 9 of the Social Security Act 1998 or a supersession under section 10 of that Act of”.

2. As if in regulation 3(g)(2) (claims not required for entitlement to benefit in certain cases)—

(a) in sub-paragraph (ii)—

(i) for the words “37(1A)” there were substituted the words “16(2) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999”;

(ii) after the words “ought to be revised” there were inserted the words “under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act”; and

(b) in sub-paragraph (iv) after the words “should be revised” there were inserted the words “or superseded”.

3. As if in regulation 13 (advance claims and awards)—

(a) in paragraph (1) for the words—

(i) “adjudicating authority” there were substituted the words “Secretary of State”;

(ii) “that authority” there were substituted the words “Secretary of State”; and

(b) in paragraph (2), for the words “An award under paragraph (1)(b) shall be reviewed by the adjudicating authority” there were substituted the words “A decision pursuant to paragraph (1)(b) to award benefit may be revised under section 9 of the Social Security Act 1998”.

4. As if in regulation 13A(3) (advance award of disability living allowance)—

(a) in paragraph (1) for the words—

(i) “adjudicating authority” there were substituted the words “Secretary of State”;

(ii) “that authority” there were substituted the words “Secretary of State”; and

(b) in paragraph (3), for the words “An award under paragraph (1) or (2) shall be reviewed by the adjudicating authority” there were substituted the words “A decision pursuant to paragraph (1) or (2) to award benefit may be revised under section 9 of the Social Security Act 1998”.

5. As if in regulation 13C(4) (further claim for and award of disability living allowance)—

(a) for the words “adjudicating authority” in both places where they occur there were substituted the words “Secretary of State”; and

(b) for the word “reviewed” there were substituted the word “revised”.

6. As if in regulation 17(4) (duration of awards) the words from “; and where those” to the end were omitted.

7. As if in regulation 26A(5) (jobseeker’s allowance) for the word “revised” in each place where it occurs there were substituted the words “revised or superseded”.

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(1) There are amendments to regulation 2 which are not relevant to this Order.

(2) Regulation 3(g) was inserted by S.I. 1996/1460.

(3) Regulation 13A was inserted by S.I. 1992/2741.

(4) Regulation 13C was inserted by S.I. 1992/2741.

(5) Regulation 26A was inserted by S.I. 1996/1460 and amended by S.I. 1998/1174.

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

8. As if in the heading to Part V, the words “SUSPENSION AND” were omitted.
9. As if regulations 37 to 37B(6) (suspension and withholding of benefit) were omitted.
10. As if in regulation 38(2A)(7) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—
  - (a) for the words “adjudicating authority” in both places where they occur there were substituted the words “Secretary of State”;
  - (b) in sub-paragraph (a) for the words “the Secretary of State has” there were substituted the word “he”; and
  - (c) in sub-paragraph (c)—
    - (i) the words “the Secretary of State has certified” were omitted;
    - (ii) the word “that” in each place where it occurs were omitted;
    - (iii) in head (ii), for the word “him” there were substituted the words “the Secretary of State”.
11. As if in paragraph 1(2)(a)(8) of Schedule 2 (special provisions relating to claims for jobseeker’s allowance during periods connected with public holidays) for the words “an adjudication officer” there were substituted the words “the Secretary of State”.
12. As if in Schedule 9 (deductions from benefit and direct payment to third parties)—
  - (a) in paragraphs 3 to 7B and 9(9) for the words “adjudicating authority” in each place where they occur there were substituted the words “Secretary of State”; and
  - (b) in paragraph 6(4)(10) for the word “reviewed” there were substituted the words “revised or superseded”.
13. As if in paragraph 3(1)(11) of Schedule 9A (deductions of mortgage interest from benefit and payment to qualifying lenders)—
  - (a) for the words “adjudicating authority” there were substituted the words “Secretary of State”; and
  - (b) for the words “the Secretary of State” there were substituted the word “him”.

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(6) Regulations 37, 37A and 37B were substituted for regulation 37 by S.I. [1992/247](#). Regulation 37 was amended by S.I. [1993/2113](#), [1996/1460](#) and [1996/2306](#). Regulation 37A was substituted by S.I. [1998/1381](#). Regulations 37AA and 37AB were inserted by S.I. [1994/2319](#). Regulation 37AA was amended by S.I. [1996/2306](#) and [1996/1460](#).

(7) Regulation 38(2A) was inserted by S.I. [1989/1686](#) and amended by S.I. [1993/2113](#).

(8) Paragraph 1 was amended by S.I. [1996/1460](#).

(9) The relevant amending instruments are S.I. [1988/522](#), [1989/136](#), [1989/1686](#), [1991/2284](#), [1992/1026](#), [1992/2595](#), [1992/3147](#), [1994/2319](#) and [1996/1460](#). Paragraph 7A was inserted by S.I. [1993/478](#) and amended by S.I. [1993/2113](#) and [1996/481](#). Paragraph 7B was inserted by S.I. [1996/2344](#).

(10) The relevant amending instrument is S.I. [1992/2595](#).

(11) Schedule 9A was inserted by S.I. [1992/1026](#) and amended by S.I. [1995/1613](#) and S.I. [1996/1460](#).