

SCHEDULE 6

Article 3(6)

AMENDMENT OF THE SOCIAL SECURITY
(CLAIMS AND PAYMENTS) REGULATIONS 1987

1. Subject to paragraphs 2 and 4 to 6, 10, 12 and 17 for the words “adjudicating authority” in each place in which they occur there shall be substituted the words “Secretary of State”.
2. In regulation 2(1) (interpretation)–
 - (a) the definition of “adjudicating authority” shall be omitted; and
 - (b) in paragraph (c) of the definition of “claim for benefit”(1) for the words “the review of an award or”–
 - (i) in the first place in which they occur there shall be substituted the words “a revision under section 9 of the Social Security Act 1998 or a supersession under section 10 of that Act of”; and
 - (ii) in the second place in which they occur there shall be substituted the words “a revision or a supersession of”.
3. In regulation 3(2) (claims not required for entitlement to benefit in certain cases), for paragraph (g) there shall be substituted the following paragraph–

“(g) in the case of a jobseeker’s allowance where–

 - (i) payment of benefit has been suspended in the circumstance prescribed in regulation 16(2) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999; and
 - (ii) the claimant whose benefit has been suspended satisfies the conditions of entitlement (apart from the requirement to claim) to that benefit immediately before the suspension ends;”.
4. In regulation 13(3) (advance claims and awards)–
 - (a) in paragraph (1), for the words “that authority” there shall be substituted the words “the 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 shall be 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”.
5. In regulation 13A(4) (advance award of disability living allowance)–
 - (a) in paragraph (1), for the words “that authority” there shall be substituted the words “the 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 shall be 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”.
6. In regulation 13C(3)(5) (further claim for and award of disability living allowance), for the words “An award under paragraph (2)(b) shall be reviewed by the adjudicating authority” there shall

(1) The definition of “claim for benefit” was amended by S.I. 1989/1686 and 1992/247.
(2) Regulation 3 was amended by S.I. 1989/136, 1994/2943, 1996/1460 and 1999/2556.
(3) Regulation 13 was amended by S.I. 1991/2741 and 2284, 1992/247 and 1994/2319.
(4) Regulation 13A was inserted by S.I. 1991/2741.
(5) Regulation 13C was inserted by S.I. 1991/2741.

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be substituted the words “A decision pursuant to paragraph (2)(b) to award benefit may be revised under section 9 of the Social Security Act 1998”.

7. In regulation 17(4) (duration of awards), the words from “; and where those” to the end of that paragraph shall be omitted.

8. In regulation 26(6) (income support)–

(a) in paragraph (1), for the words “the day when any change of circumstances affecting entitlement is to have” there shall be substituted the words “the date from which a superseding decision on the ground of a relevant change of circumstances has”; and

(b) in paragraphs (2) and (3), the words “on review” shall be omitted.

9. In regulation 26A(7) (jobseeker’s allowance)–

(a) in paragraph (4)–

(i) for the words “an award of jobseeker’s allowance is revised” there shall be substituted the words “a decision in respect of a claim for jobseeker’s allowance is superseded”; and

(ii) for the words “revised award” there shall be substituted the word “supersession”;

(b) in paragraph (5), for the words “revised award” in both places in which they occur there shall be substituted the word “supersession”;

(c) in paragraph (6)–

(i) for the words “revised award” there shall be substituted the word “supersession”; and

(ii) for the words “the award is again revised, the award, as again revised,” there shall be substituted the words “a further superseding decision is made, that further superseding decision”;

(d) in paragraph (7), for the words “revised award, that revised award” there shall be substituted the words “supersession, that supersession”; and

(e) in paragraph (8), for the words “will be impracticable to give effect to that revised award in accordance with the other provisions of this regulation, the revised award” there shall be substituted the words “is impracticable for a supersession to have effect in accordance with the other provisions of this regulation, the supersession”.

10. In regulation 31(4) (time and manner of payments of industrial injuries gratuities), the words “but any such decision may be varied by the adjudicating authority by whom the award of that gratuity is varied” shall be omitted.

11. In the heading to Part V (suspension and extinguishment), the words “SUSPENSION AND” shall be omitted.

12. Regulations 37 to 37B(8) (suspension, withholding and payment of withheld benefit), are hereby revoked.

13. In regulation 38(2A)(9) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)–

(a) in sub-paragraph (a), for the words “the Secretary of State has” there shall be substituted the word “he”; and

(6) Regulation 26 was amended by S.I. 1988/522, 1989/136 and 1993/1113.

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

(8) 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 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 1460.

(9) Regulation 38(2A) was inserted by S.I. 1989/1686 and amended by S.I. 1993/2113.

- (b) in sub-paragraph (c)–
 - (i) the words “the Secretary of State has certified” shall be omitted;
 - (ii) the word “that” in each place in which it occurs shall be omitted; and
 - (iii) in head (ii), for the word “him” there shall be substituted the words “the Secretary of State”.

14. In paragraph 1(2)(a)(**10**) 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 shall be substituted the words “the Secretary of State”.

15. In Schedule 7 (manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases)–

- (a) in the heading, for the words “CHANGE OF CIRCUMSTANCES” there shall be substituted the words “SUPERSEDING DECISION”;
- (b) for the heading to paragraph 7 (date when change of circumstances is to take effect) there shall be substituted the heading “Date from which superseding decision on ground of change of circumstances takes effect”; and
- (c) in paragraph 7(**11**)–

- (i) in sub-paragraph (1), for the words “changed because of a change of circumstances that change of circumstances” there shall be substituted the words “changed by a superseding decision made on the ground of a change of circumstances that superseding decision”;
- (ii) in sub-paragraph (2), for the words “the decision given on review” there shall be substituted the words “the superseding decision”; and
- (iii) for sub-paragraphs (4) to (6) there shall be substituted the following sub-paragraphs–

“(4) A superseding decision made in consequence of a payment of income being treated as paid on a particular day under regulation 31(1)(b) or (2) or 39C(3) of the Income Support Regulations (date on which income is treated as paid) shall have effect on the day on which that payment is treated as paid.

(5) Where–

- (a) it is decided upon supersession on the ground of a relevant change of circumstances that the amount of income support is, or is to be, reduced; and
- (b) the Secretary of State certifies that it is impracticable for a superseding decision to have effect from the day prescribed in the preceding sub-paragraphs (other than where sub-paragraph (3)(f) or (4) applies),

that superseding decision shall have effect–

- (i) where the relevant change has occurred, from the first day of the benefit week following that in which that superseding decision is made; or
- (ii) where the relevant change is expected to occur, from the first day of the benefit week following that in which that change of circumstances is expected to occur.

(6) Where–

(10) Paragraph 1 was amended by S.I. 1996/1460.

(11) Paragraph 7 was substituted by S.I. 1990/2208 and amended by S.I. 1991/387, 1992/247 and 1998/1174.

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- (a) a superseding decision (“the former supersession”) was made on the ground of a relevant change of circumstances in the cases set out in subparagraph (3)(b) to (f); and
- (b) that superseding decision is itself superseded by a subsequent decision because the circumstances which gave rise to the former supersession cease to apply (“the second change”),

that subsequent decision shall have effect from the date of the second change.”.

16. In Schedule 9 (deductions from benefit and direct payment to third parties)–

- (a) in paragraph 3(1)(**12**), for the word “its” there shall be substituted the word “his”;
- (b) in paragraph 6(4)(**13**), for the words “that determination falls to be reviewed” there shall be substituted the words “a decision which embodies that determination falls to be superseded”; and
- (c) in paragraph 7(2)(**14**), for the words “the authority” there shall be substituted the words “the Secretary of State”.

17. In paragraph 3(1)(**15**) of Schedule 9A (deductions of mortgage interest from benefit and payment to qualifying lenders), for the words “adjudicating authority in accordance with regulation 34A, shall be paid by the Secretary of State” there shall be substituted the words “Secretary of State in accordance with regulation 34A, shall be paid”.

(12) Paragraph 3(1) was amended by [S.I. 1992/1026](#).

(13) Paragraph 6(4) was amended by [S.I. 1992/2595](#).

(14) Paragraph 7(2) was amended by [S.I. 1992/2595](#).

(15) Schedule 9A was inserted by [S.I. 1992/1026](#) and paragraph 3(1) was amended by [S.I. 1995/1613](#) and [1996/1460](#).