

2002 No. 2660

SOCIAL SECURITY

**The Social Security (Claims and Payments and
Miscellaneous Amendments) (No. 3) Regulations 2002**

Made - - - - - 22nd October 2002

Laid before Parliament 24th October 2002

Coming into force in accordance with regulation 1

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 138(2) and (4) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(a), sections 5(1)(a) and (p) and 189(1), (4) and (5) of the Social Security Administration Act 1992(b) and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments and Miscellaneous Amendments) (No. 3) Regulations 2002 and shall come into force on 1st April 2003 for the purposes of regulations 2(2) and 4 and for all other purposes on 2nd November 2002.

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

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

(2) In regulation 19 (time for claiming benefit)(e)—

(a) in paragraph (3)(ga)(f) after “bereavement benefit” there shall be added “, except for a bereavement payment within the meaning of section 36 of the Contributions and Benefits Act”; and

(b) after paragraph (3) there shall be inserted the following paragraph—

“(3A) The prescribed time for claiming a bereavement payment is 12 months beginning with the day on which, apart from satisfying the condition of making a claim, the claimant is entitled to such a payment.”.

(3) Regulation 36 (payment to a partner as alternative payee)(g) shall be renumbered paragraph (1) of regulation 36 and there shall be added the following paragraph—

(a) 1992 c. 4; section 138(4) is an interpretation provision and is cited because of the meaning ascribed to the word “prescribed”.

(b) 1992 c. 5.

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

(d) S.I. 1987/1968.

(e) Regulation 19 was substituted by S.I. 1997/793.

(f) Sub-paragraph (ga) was inserted by S.I. 2000/1483.

(g) Regulation 36 was amended by S.I. 1999/2358 and 2572.

“(2) Where a person is entitled to a winter fuel payment within the meaning of the Social Fund Winter Fuel Payment Regulations 2000(a) and—

- (a) that person is one of a married or unmarried couple or a member of a polygamous marriage;
- (b) the other member of that couple or another member of that marriage (“the other person”) is in receipt of income support or an income-based jobseeker’s allowance; and
- (c) both members of the couple or marriage are living together within the meaning of regulation 1(3)(b) of those Regulations(b),

the Secretary of State may pay the winter fuel payment to the other person on behalf of the person entitled to the payment as an alternative to paying the person entitled notwithstanding that the other person has not yet attained the age of 60 in the qualifying week.”.

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

3. In the Social Fund Winter Fuel Payment Regulations 2000, in regulation 2 (social fund winter fuel payments)(c) after “regulation 3” there shall be inserted “and regulation 36(2) of the Social Security (Claims and Payments) Regulations 1987(d)”.

Transitional provision

4. Regulation 2(2) of these Regulations shall only have effect in respect of a person who is entitled to a bereavement payment because of the death of a spouse occurring on or after 1st April 2003.

Signed by authority of the Secretary of State for Work and Pensions.

Malcolm Wicks
Parliamentary Under-Secretary of State,
Department for Work and Pensions

22nd October 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further amendments to the Social Security (Claims and Payments) Regulations 1987.

Regulation 2(2) extends the period for claiming a bereavement payment from 3 to 12 months and regulation 4 provides for the extended period to apply in respect of deaths occurring on or after 1st April 2003.

Regulation 2(3) provides for a winter fuel payment to be paid, alternatively, to the partner of the person entitled despite the partner being aged under 60 if the partner receives income support or an income-based jobseeker’s allowance.

Regulation 3 makes a consequential amendment to the Social Fund Winter Fuel Payment Regulations 2000.

These Regulations do not impose a charge on business.

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- (a) S.I. 2000/729.
 - (b) Regulation 1(3) was substituted by S.I. 2001/3375.
 - (c) Regulation 2 was amended by S.I. 2001/3375.
 - (d) S.I. 1987/1968; paragraph (2) was added by S.I. 2002/2660.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E1539 10/2002 121539 19585

ISBN 0-11-042890-0



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