

2009 No. 604

SOCIAL SECURITY

**The Social Security (Claims and Payments) Amendment
Regulations 2009**

<i>Made</i>	- - - -	<i>9th March 2009</i>
<i>Laid before Parliament</i>		<i>16th March 2009</i>
<i>Coming into force</i>	- -	<i>6th April 2009</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of powers conferred by sections 5(1)(i) and (l), 189(1) and (3) to (6) and 191 of the Social Security Administration Act 1992 (a).

In accordance with section 172(1) of the Social Security Administration Act 1992, the Secretary of State has referred these Regulations to the Social Security Advisory Committee.

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 2009 and shall come into force on 6th April 2009.

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

2.—(1) The Social Security (Claims and Payments) Regulations 1987(b) are amended as follows.

(2) In regulation 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate)—

(a) in paragraph (2) after “paragraph (1) applies” insert “(other than widowed mother’s allowance and widow’s pension)” and for both occurrences of “appropriate pay day” substitute “first day of the benefit week”;

(b) after paragraph (2) insert—

“(2A) Subject to paragraph (2B), where there is a change in the rate of bereavement allowance, widowed mother’s allowance, widowed parent’s allowance or widow’s pension, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the first day of the benefit week next following.

(2B) Paragraph (2A) shall not apply in a case where an award of benefit is terminated and benefit is paid in arrears.

(a) 1992 c.5. Section 189(1) was amended by the Social Security Act 1998 (c.14), Schedule 7, paragraph 109(a) and Schedule 8, by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), Schedule 3, paragraph 57(1) and (2) and by the Tax Credits Act 2002 (c.21), Schedule 6. Section 189(4) to (6) was amended by the Social Security Act 1998, Schedule 7, paragraph 109(c) to (e) and Schedule 8. Section 191 is cited for the meaning ascribed to the word “prescribe”.
(b) S.I.1987/1968.

(2C) Where a benefit specified in paragraph (2A) is paid in advance and the award is terminated, the termination, if it would otherwise take effect on a day which is not the first day of a benefit week, shall take effect on the first day of the benefit week next following.”;

(c) for paragraph (3)(c) substitute—

“(c) in any other case is —

- (i) when paid in advance, the day of the week on which the benefit is payable in accordance with regulation 22 (long-term benefits) or 22A (bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension);
- (ii) when paid in arrears, the first day of the period of 7 days which ends on the day on which the benefit is payable in accordance with regulation 22 or 22A.”
; and

(d) in paragraph (4)(a) after “state pension credit” insert “, bereavement allowance, widowed parent’s allowance”.

(3) In regulation 22(1)(b) (long-term benefits) for “regulation 25(1)” substitute “regulations 22A and 25(1)”.

(4) After regulation 22 insert—

“Bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension

22A.—(1) Subject to paragraphs (2) and (4), bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension shall be paid fortnightly in arrears on the day of the week specified in paragraph (3).

(2) The Secretary of State may, in any particular case or class of case, arrange that a benefit specified in paragraph (1) be paid on any other day of the week.

(3) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person’s national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday.

(4) The Secretary of State may, in any particular case or class of case, arrange that the beneficiary be paid weekly in advance or in arrears or, where the beneficiary agrees to be paid in such manner, at intervals of four or 13 weeks in arrears.

Payment of bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension at a daily rate

22B.—(1) Where entitlement to a bereavement allowance or widowed parent’s allowance begins on a day which is not the first day of the benefit week, it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

(a) Paragraph (4) was amended by S.I. 1988/522, 1994/2943, 1996/1460 and 2002/3019.
(b) Regulation 22(1) was substituted by S.I. 2002/2441.

(2) Where the Secretary of State changes the day on which a benefit mentioned in paragraph (5) is payable, the benefit shall be paid at a daily rate in respect of any day for which payment would have been made but for that change.

(3) An award of benefit mentioned in paragraph (5) shall be paid at a daily rate where—

- (a) the award is terminated;
- (b) entitlement ends on a day other than the last day of the benefit week; and
- (c) the benefit is paid in arrears.

(4) Where benefit is paid at a daily rate in the circumstances mentioned in paragraph (3), it shall be so paid in respect of the period beginning with the first day of the final benefit week and ending on the last day for which there is an entitlement to the benefit.

(5) Paragraphs (2) and (3) apply to—

- (a) bereavement allowance;
- (b) widowed mother's allowance;
- (c) widowed parent's allowance; and
- (d) widow's pension.

(6) Where benefit is payable at a daily rate in the circumstances mentioned in this regulation, the daily rate shall be 1/7th of the weekly rate.”.

(5) In regulation 24 (incapacity benefit, maternity allowance and severe disablement allowance)—

(a) in paragraph (1)(a)—

- (i) for “paragraphs (2), (3) and (3A),” substitute “paragraphs (3) and (3A),”;
- (ii) after “incapacity benefit” insert “, maternity allowance”; and
- (iii) for “in any particular case” substitute “in any particular case or class of case”;

(b) after paragraph (1) insert—

“(1A) Subject to paragraph (1B), the benefits specified in paragraph (1) shall be paid on the day of the week specified in paragraph (1C).

(1B) The Secretary of State may, in any particular case or class of case, arrange that a benefit specified in paragraph (1) be paid on any other day of the week.

(1C) The day specified for the purposes of paragraph (1A) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday.”;

(c) omit paragraphs (2) and (4); and

(d) in paragraph (3A)(b) for “(whether in advance or arrears)” substitute “in arrears”.

(6) Omit paragraph 6 of Schedule 6(c) (widowed mother's allowance and widow's pension).

(7) In Schedule 7 (time of payment and commencement of entitlement in income support cases)—

(a) Paragraph (1) was substituted by S.I. 1994/2943 and amended by 1996/1460, 2000/3120 and 2002/2441.

(b) Paragraph(3A) was inserted by S.I. 2000/3120.

(c) Paragraph 6 was amended by S.I. 2000/1483 and 2002/2441.

- (a) in paragraph 2(c)(a), at the beginning insert “subject to paragraph 2ZA”, and
- (b) after paragraph 2 insert—

“**2ZA.** Paragraph 2(c) shall only apply where a widow’s benefit or a bereavement benefit is paid in advance.”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3. In regulation 1(3) of the Jobseeker’s Allowance Regulations 1996(b) (citation, commencement and interpretation) for the definition of “benefit week” substitute—

““benefit week” means—

- (a) a period of 7 days ending with a day determined in accordance with paragraph (b) unless, in any particular case or class of case, the Secretary of State arranges otherwise;
- (b) the day specified for the purposes of paragraph (a) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person’s national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday;”.

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

Tony McNulty
Minister of State
Department for Work and Pensions

9th March 2009

(a) Paragraph 2 was amended by S.I. 1988/522, 1994/2943, 1996/1460, 2000/1483 and 2005/337.
(b) S.I. 1996/206. The definition of “benefit week” was amended by S.I. 1996/1517, 1996/2538 and 2006/2378.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (“the Claims and Payments Regulations”) and the Jobseeker’s Allowance Regulations 1996.

Regulation 2(2)(b) inserts paragraphs (2A) to (2C) into regulation 16 of the Claims and Payments Regulations. Paragraph (2A) provides that changes in the rate of specified benefits shall take effect on the first pay day following the change, if the change would otherwise take effect on a day which is not the first day of the benefit week for the benefit in question.

Paragraph (2B) provides that paragraph (2A) does not apply where an award of benefit is terminated and payment of benefit is made in arrears.

Paragraph (2C) provides that where an award of a benefit specified in paragraph (2A) is paid in advance and is terminated, that termination, if it would otherwise take effect on a day which is not the first day of a benefit week shall take effect on the first pay day following the termination.

Regulation 2(2)(c) inserts the words “or regulation 22A” into regulation 16(3)(c) of the Claims and Payments Regulations as a consequence of amendments made at regulation 2(4) of these Regulations.

Regulation 2(2)(d) adds bereavement allowance and widowed parent’s allowance to the list of benefits specified in regulation 16(4) of the Claims and Payments Regulations so as to exclude those benefits from the scope of paragraph (1) of that regulation. (Regulation 16(1) of those Regulations deals with the date of entitlement of an award of a benefit paid in advance. As a consequence of the changes made by these Regulations, bereavement allowance and widowed parent’s allowance will no longer be paid in advance in all cases.)

Regulation 2(4) to (5) adds regulations 22A and 22B to the Claims and Payments Regulations, and amends regulations 22 and 24 of those Regulations. The effect of these amendments is to enable specified benefits to be paid weekly or fortnightly in arrears, to enable a person’s payday to be determined in accordance with their national insurance number and to enable bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension to be paid at a daily rate on specified days and in specified circumstances.

Regulation 2(6) omits paragraph 6 of Schedule 6 to the Claims and Payments Regulations as a consequence of the amendments to regulation 22 of those Regulations.

Regulation 2(7) amends paragraph 2 of Schedule 7 to the Claims and Payments Regulations and inserts paragraph 2ZA into Schedule 7 to those Regulations to provide that income support is only paid in advance if the claimant is also in receipt of a widow’s benefit or a bereavement benefit which is paid in advance.

Regulation 3 substitutes the definition of “benefit week” in regulation 1(3) of the Jobseeker’s Allowance Regulations 1996 so as to enable a person’s payday to be determined in accordance with their national insurance number.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.

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STATUTORY INSTRUMENTS

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