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STATUTORY INSTRUMENTS

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**2012 No. 824**

**SOCIAL SECURITY**

**The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012**

<i>Made</i>	- - - -	<i>14th March 2012</i>
<i>Laid before Parliament</i>		<i>15th March 2012</i>
<i>Coming into force</i>	- -	<i>17th April 2012</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(hh) and (i) and (3A), 6(1)(i), 189(1) and (4) to (6) and 191 of the Social Security Administration Act 1992(1) and sections 9(1)(a), 22, 79(1), (4), (6) and (7) and 84 of the Social Security Act 1998(2).

The Social Security Advisory Committee has agreed that proposals in respect of these Regulations should not be referred to it (3).

In respect of regulation 5, the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned (4).

**Citation and commencement**

1. These Regulations may be cited as the Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012 and come into force on 17th April 2012.

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- (1) 1992 c. 5. Section 5(1)(hh) is inserted by section 74 of the Social Security Act 1998 (c.14) and amended by paragraph 21(2) of Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (c.19). Section 5(3A) is inserted by paragraph 3 of Schedule 1 to the State Pension Credit Act 2002 (c.16). Section 6 applies in relation to council tax benefit by virtue of paragraph 12(1)(a) of Schedule 9 to the Local Government Finance Act 1992 (c.14). Section 189(1) and (4) are amended by paragraph 109(a) and (c) of Schedule 7, and Schedule 8, to the Social Security Act 1998, paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c.2) and Schedule 6 to the Tax Credits Act 2002 (c.21). Section 191 is an interpretation provision and is cited for the meaning of the word “prescribe”. The definition of “prescribe” is amended by paragraphs 2 and 10 of Schedule 5 to the Welfare Reform Act 2007 (c.5).
- (2) 1998 c.14. Section 22 is amended by paragraph 8 of Schedule 1 to the State Pension Credit Act 2002 (c.16). Section 79(1) is amended by paragraph 13 of Schedule 4 to the Tax Credits Act 2002 and by S.I. 2008/2833. Section 84 is an interpretation provision and is cited for the meaning of the word “prescribe”.
- (3) Section 173(1)(b) of the Social Security Administration Act 1992 provides that proposals in respect of regulations which would otherwise be referable to the Social Security Advisory Committee may not be so referred with the agreement of that Committee. These Regulations would otherwise be referable by virtue of section 172(1) of that Act.
- (4) See section 176(1) of the Social Security Administration Act 1992.

### **Amendments to the Social Security (Claims and Payments) Regulations 1987**

2.—(1) Regulation 32 of the Social Security (Claims and Payments) Regulations 1987<sup>(5)</sup> (information to be given and changes to be notified) is amended as follows.

- (2) In paragraph (1)<sup>(6)</sup>—
- (a) omit “and at such times”;
  - (b) after “may determine” insert “and within the period applicable under regulation 17(4) of the Decisions and Appeals Regulations”.
- (3) In paragraph (6)<sup>(7)</sup>—
- (a) between sub-paragraph (b)(i) and (ii) insert “or”;
  - (b) for sub-paragraph (b)(ii) substitute—
 

“(ii) the period applicable under regulation 17(4) of the Decisions and Appeals Regulations has not expired;”;
  - (c) omit sub-paragraphs (b)(iii) and (c).
- (4) At the end add—
- “(7) In this regulation, “the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999.”.

### **Amendments to the Jobseeker’s Allowance Regulations 1996**

3. In regulation 24 of the Jobseeker’s Allowance Regulations 1996<sup>(8)</sup> (provision of information and evidence)—

- (a) in paragraph (9), omit “or (5) or (5A)”;
- (b) after paragraph (9) insert—
 

“(9A) Where, pursuant to paragraph (5) or (5A), a claimant is required to provide certificates, documents or other evidence, he shall do so within the period applicable under regulation 17(4) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999.”.

### **Amendments to the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

4.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999<sup>(9)</sup> are amended as follows.

- (2) In regulation 3 (revision of decisions), after paragraph (7E)<sup>(10)</sup> insert—
- “(7EA) The Secretary of State may revise a decision made under regulation 18(1) that a person ceases to be entitled to a benefit specified in paragraph (7EB).
- (7EB) Those benefits are—
- (a) a Category A or Category B retirement pension;
  - (b) a shared additional pension;
  - (c) graduated retirement benefit.”.

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<sup>(5)</sup> [S.I. 1987/1968](#).

<sup>(6)</sup> Regulation 32(1) and its heading are substituted by [S.I.2003/1050](#).

<sup>(7)</sup> Regulation 32(6) is inserted by [S.I. 2002/3019](#) and amended by [S.I. 2003/2274](#) and [2008/1599](#).

<sup>(8)</sup> [S.I.1996/207](#). Regulation 24(5A) is inserted by [S.I. 2000/1978](#). Regulation 24(9) is amended by [S.I. 2000/1978](#).

<sup>(9)</sup> [S.I.1999/991](#).

<sup>(10)</sup> Regulation 3(7E) is inserted by [S.I. 2005/2677](#).

- (3) In regulation 17 (provision of information or evidence)(11)—
- (a) for paragraph (2)(c) substitute—
    - “(c) a person from whom the Secretary of State requires information or evidence under regulation 32(1) of the Claims and Payments Regulations;
    - (ca) a person from whom the Secretary of State requires documents, certificates or other evidence under regulation 24(5) or (5A) of the Jobseeker’s Allowance Regulations;”;
  - (b) for paragraph (4)(a)(i) substitute—
    - “(i) a period of 14 days beginning with the date on which the notification under paragraph (3) was sent to him or such longer period as the Secretary of State allows in that notification; or”;
  - (c) in paragraph (4)(b) for “period of time specified in” substitute “period applicable under”;
  - (d) after paragraph (4) insert—
    - “(4A) In relation to a person to whom paragraph (2)(ca) refers, paragraph (4)(a)(i) has effect as if for “14 days” there were substituted “7 days”.”.

**Amendments relating to housing benefit and council tax benefit: offsetting**

5.—(1) In each of the provisions specified in paragraph (2) (which relate to offsetting of housing benefit and council tax benefit), for “further revised” substitute “superseded or further revised or superseded”.

- (2) Those provisions are—
- (a) regulation 98(1) of the Housing Benefit Regulations 2006(12);
  - (b) regulation 79(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(13);
  - (c) regulation 81(1) of the Council Tax Benefit Regulations 2006(14);
  - (d) regulation 66(1) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(15).

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

*Chris Grayling*  
Minister of State,  
Department for Work and Pensions

14th March 2012

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(11) Regulation 17 is amended in a way which is not relevant to these Regulations. It is modified by [S.I.1999/2570](#) but those modifications are not relevant to these Regulations.

(12) [S.I. 2006/213](#).

(13) [S.I. 2006/214](#).

(14) [S.I. 2006/215](#).

(15) [S.I. 2006/216](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend various sets of social security regulations.

Regulation 4 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (S.I.1999/991).

Firstly, paragraph (2) amends regulation 3 of those Regulations (which deals with revision of decisions) to provide that decisions that a person ceases to be entitled to a Category A or Category B retirement pension, a shared additional pension or graduated retirement benefit may be revised.

Secondly, paragraph (3) amends regulation 17 of those Regulations. This imposes a requirement to provide information to the Secretary of State to enable him to revise or supersede awards of benefit, in default of which payment of the benefit may be suspended. Currently, the claimant is only notified that payment of benefit may be suspended once he has failed to comply with the information requirement. The amendments will change this so that that notification is given at the time the information requirement is first imposed. This also means that the time for compliance will run from that earlier date. The amendments will also reduce the period for compliance from a minimum of one month to a minimum of 14 days in all cases currently covered by regulation 17. However, the Secretary of State will have discretion to allow a longer period in the notification itself, or (as at present) to extend the period where satisfied that this is necessary to enable the benefit recipient to comply.

In addition, paragraph (3) extends regulation 17 to suspension for non-compliance with requirements to provide documents, certificates or other evidence under regulation 24(5) or (5A) of the Jobseeker's Allowance Regulations 1996 (S.I.1996/207) ("the Jobseeker's Allowance Regulations"). In such cases, the period for compliance is currently a minimum of 7 days under the Jobseeker's Allowance Regulations and this will remain unchanged in the revised regulation 17.

Regulations 2 and 3 respectively make consequential amendments to the Social Security (Claims and Payments) Regulations 1987 (S.I.1987/1968) and to the Jobseeker's Allowance Regulations.

Regulation 5 amends the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I.2006/214), the Council Tax Benefit Regulations 2006 (S.I.2006/215) and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I.2006/216) to enable sums paid under a decision to be offset against arrears of entitlement under a subsequent decision where that subsequent decision is a supersession or a further supersession.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.