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STATUTORY INSTRUMENTS

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**2013 No. 380**

**The Universal Credit, Personal Independence Payment,  
Jobseeker's Allowance and Employment and Support  
Allowance (Claims and Payments) Regulations 2013**

**PART 1**

**General**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013.

(2) For the purpose of personal independence payment these Regulations come into force on 8th April 2013.

(3) For the purposes of universal credit, jobseeker's allowance and employment and support allowance these Regulations come into force on 29th April 2013.

**Interpretation**

2. In these Regulations—

“the 1991 Act” means the Child Support Act 1991(1);

“the 2012 Act” means the Welfare Reform Act 2012(2);

“the Administration Act” means the Social Security Administration Act 1992;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992(3);

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 2013(4);

“the Personal Independence Payment Regulations” means the Social Security (Personal Independence Payment) Regulations 2013(5);

“the Universal Credit Regulations” means the Universal Credit Regulations 2013(6);

“appropriate office” means—

(a) an office of the Department for Work and Pensions or any other place designated by the Secretary of State in relation to any case or class of case as a place to, or at which,

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(1) 1991 c.48.

(2) 2012 c.5.

(3) 1992 c.4.

(4) S.I. 2013/378.

(5) S.I. 2013/377.

(6) S.I. 2013/376.

any claim, notice, document, evidence or other information may be sent, delivered or received for the purposes of these Regulations and includes a postal address specified by the Secretary of State for that purpose; or

- (b) in the case of a person who is authorised or required by these Regulations to use an electronic communication for any purpose, an address to which such communications may be sent in accordance with Schedule 2;

“assessment period” has the meaning given by regulation 21 of the Universal Credit Regulations;

“attendance allowance” means an allowance payable by virtue of section 64 of the Contributions and Benefits Act;

“benefit”, except in regulation 60 and Schedules 5 and 6, means universal credit, personal independence payment, a jobseeker’s allowance or an employment and support allowance;

“child” has the meaning given by section 40 of the 2012 Act;

“claimant” in relation to—

- (a) universal credit, has the meaning given by section 40 of the 2012 Act;
- (b) personal independence payment, means any person who is a claimant for the purposes of regulations made under Part 4 (personal independence payment) of that Act;
- (c) a jobseeker’s allowance, has the meaning given by section 35(1) of the Jobseekers Act 1995(7); and
- (d) an employment and support allowance, has the meaning given by section 24(1) of the Welfare Reform 2007 Act(8);

“couple” has the meaning given by section 39 of the 2012 Act;

“disability living allowance” means an allowance payable by virtue of section 71 of the Contributions and Benefits Act;

“earned income” has the meaning given by regulation 52 of the Universal Credit Regulations;

“electronic communication” has the meaning given by section 15(1) of the Electronic Communications Act 2000(9);

“employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance;

“jobseeker’s allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance;

“limited capability for work” has the meaning given by section 1(4) of the Welfare Reform Act 2007;

“local authority” has the meaning given by section 191 of the Administration Act(10);

“maternity allowance” means an allowance payable by virtue of section 35 of the Contributions and Benefits Act;

“official computer system” means a computer system maintained by or on behalf of the Secretary of State to—

(7) 1995 c.18.

(8) 2007 c.5.

(9) 2000 c.7.

(10) The definition of “local authority” in section 191 of the Administration Act was amended by paragraph 94 of Schedule 16 to the Local Government (Wales) Act 1994 (c.19) and by paragraph 175(5)(b) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

- (a) send or receive any claim or information; or
  - (b) process or store any claim or information;
- “partner” means one of a couple;
- “personal independence payment” means the allowance under Part 4 of the 2012 Act;
- “qualifying young person” has the meaning given by regulation 5 of the Universal Credit Regulations;
- “regular and substantial caring responsibilities for a severely disabled person” has the meaning given by regulation 30 of the Universal Credit Regulations;
- “universal credit” means the benefit under Part 1 of the 2012 Act;
- “writing” includes writing produced by means of electronic communications used in accordance with Schedule 2.

### **Use of electronic communications**

- 3. Schedule 2 makes provision as to the use of electronic communications.

### **Consequential amendments**

- 4. Schedule 3 makes amendments to other regulations which are consequential upon these Regulations.

### **Disapplication of section 1(1A) of the Administration Act**

- 5. Section 1(1A)(11) of the Administration Act (requirements in respect of a national insurance number) is not to apply to a child or a qualifying young person in respect of whom universal credit is claimed.

## **PART 2**

### **Claims**

#### **Claims not required for entitlement to universal credit in certain cases**

- 6.—(1) It is not to be a condition of entitlement to universal credit that a claim be made for it where all the following conditions are met—
  - (a) a decision is made as a result of the change of circumstances, whether as originally made or as revised, that the person (“former claimant”) is not entitled to universal credit in a case where, but for the receipt of earned income, the former claimant would have continued to be entitled to an amount of universal credit;
  - (b) at the date of notification to an appropriate office of the change of circumstances referred to in sub-paragraph (a), the former claimant was in receipt of earned income;
  - (c) not more than six months have elapsed since the last day of entitlement to universal credit;
  - (d) the former claimant provides such information as to their income at such times as the Secretary of State may require and the Secretary of State is satisfied that the former claimant has provided such information as may be required by the Secretary of State to determine whether an award may be made and if so, the amount;

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(11) Section 1(1A) of the Administration Act was inserted by section 19 of the Social Security Administration (Fraud) Act 1997 (c.47).

- (e) since the last day of entitlement to universal credit the former claimant's circumstances have changed such that, if the former claimant were entitled to universal credit, the amount payable would not be less than the minimum amount in regulation 17 of the Universal Credit Regulations.
- (2) It is not to be a condition of entitlement to universal credit that a claim be made for it where all the following conditions are met—
- (a) the former claimant made a claim for universal credit and a decision is made, whether as originally made or as revised, that the former claimant is not entitled to universal credit in a case where, but for the receipt of earned income, the former claimant would have been entitled to an amount of universal credit;
  - (b) at the time the decision referred to in sub-paragraph (a) was made, the former claimant was in receipt of earned income;
  - (c) not more than six months have elapsed since the date of that claim;
  - (d) the former claimant provides such information as to their income at such times as the Secretary of State may require and the Secretary of State is satisfied that the former claimant has provided such information as may be required by the Secretary of State to determine whether an award may be made and if so, the amount;
  - (e) the former claimant's circumstances have changed such that, if the former claimant were entitled to universal credit, the amount payable would not be less than the minimum amount in regulation 17 of the Universal Credit Regulations.

**Claims not required for entitlement to an employment and support allowance in certain cases**

7. It is not to be a condition of entitlement to an employment and support allowance that a claim be made for it where the following conditions are met—
- (a) the claimant has made, and is pursuing, an appeal against a decision of the Secretary of State that embodies a determination that the claimant does not have limited capability for work; and
  - (b) the appeal relates to a decision to terminate or not to award an employment and support allowance for which a claim was made.

**Making a claim for universal credit**

- 8.—(1) Except as provided in paragraph (2), a claim for universal credit must be made by means of an electronic communication in accordance with the provisions set out in Schedule 2 and completed in accordance with any instructions given by the Secretary of State for that purpose.
- (2) A claim for universal credit may be made by telephone call to the telephone number specified by the Secretary of State if the claim falls within a class of case for which the Secretary of State accepts telephone claims or where, in any other case, the Secretary of State is willing to do so.
- (3) A claim for universal credit made by means of an electronic communication in accordance with the provisions set out in Schedule 2 is defective if it is not completed in accordance with any instructions of the Secretary of State.
- (4) A claim made by telephone in accordance with paragraph (2) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.
- (5) If a claim for universal credit is defective the Secretary of State must inform the claimant of the defect and of the relevant provisions of regulation 10 relating to the date of claim.
- (6) The Secretary of State must treat the claim as properly made in the first instance if—

- (a) in the case of a claim made by telephone, the person corrects the defect; or
- (b) in the case of a claim made by means of an electronic communication, a claim completed in accordance with any instructions of the Secretary of State is received at an appropriate office,

within one month, or such longer period as the Secretary of State considers reasonable, from the date on which the claimant is first informed of the defect.

### **Claims for universal credit by members of a couple**

9.—(1) Where a person is a member of a couple and may make a claim as a single person by virtue of regulation 3(3) (couples) of the Universal Credit Regulations, but instead makes a claim for universal credit jointly, that claim is to be treated as a claim made by that person as a single person.

(2) Where a claim for universal credit is made jointly by a member (“M1”) of a polygamous marriage with another member of the polygamous marriage (“M2”), that claim is to be treated as a claim made by M1 as a single person where—

- (a) M1 is not a party to an earlier marriage in the polygamous marriage, and
- (b) any party to an earlier marriage is living in the same household as M1 and M2.

(3) In paragraph (2) “polygamous marriage” means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy.

(4) The Secretary of State may treat a claim made by members of a couple as single persons as a claim made jointly by the couple where it is determined by the Secretary of State that they are a couple.

(5) Where the Secretary of State considers that one member of a couple is unable to make a joint claim with the other member of that couple, the other member of the couple may make a claim jointly for both of them.

(6) Where an award of universal credit to joint claimants is terminated because they cease to be a couple, it is not to be a condition of entitlement to universal credit that a claim be made for it by the member of the former couple who—

- (a) does not notify the Secretary of State that they have ceased to be a couple, where the other former member of the couple has already so notified; or
- (b) is the second of them to notify the Secretary of State that they have ceased to be a couple.

(7) Where awards of universal credit to two single claimants are terminated because they form a couple who are joint claimants, it is not to be a condition of entitlement to universal credit that the couple make a claim for it and universal credit may be awarded to them jointly.

(8) A couple who are joint claimants are to be treated as making a claim for universal credit where—

- (a) one of them was entitled to universal credit as a single person and ceased to be so entitled on becoming a member of the couple; and
- (b) the other member of the couple did not have an award of universal credit as a single person before formation of the couple.

(9) In relation to an award which may be made by virtue of paragraph (6) or (7) without a claim being required, a claimant and every person by whom or on whose behalf, sums by way of universal credit are receivable must supply in such manner and at such times as the Secretary of State may determine such information or evidence as the Secretary of State may require in connection with the formation or dissolution of a couple.

(10) Where an award of universal credit to joint claimants is terminated because one of them has died it is not to be a condition of entitlement to universal credit that the surviving partner makes a claim for it.

#### **Date of claim for universal credit**

- 10.**—(1) Where a claim for universal credit is made, the date on which the claim is made is—
- (a) subject to sub-paragraph (b), in the case of a claim made by means of an electronic communication in accordance with regulation 8(1), the date on which the claim is received at an appropriate office;
  - (b) in the case of a claim made by means of an electronic communication in accordance with regulation 8(1), where the claimant receives assistance at home or at an appropriate office from the Secretary of State, or a person providing services to the Secretary of State, which is provided for the purpose of enabling that person to make a claim, the date of first notification of a need for such assistance;
  - (c) subject to sub-paragraph (d), in the case of a claim made by telephone in accordance with regulation 8(2), the date on which that claim is properly completed in accordance with regulation 8(4); or
  - (d) where the Secretary of State is unable to accept a claim made by telephone in accordance with regulation 8(2) on the date of first notification of intention to make the claim, the date of first notification, provided a claim properly completed in accordance with regulation 8(4) is made within one month of that date,

or the first day in respect of which the claim is made if later than the above.

(2) In the case of a claim which is defective by virtue of regulation 8, the date of claim is to be the first date on which the defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 8(6).

#### **Making a claim for personal independence payment**

- 11.**—(1) A claim for personal independence payment must be made—
- (a) in writing on a form authorised by the Secretary of State for that purpose and completed in accordance with the instructions on the form;
  - (b) by telephone call to the telephone number specified by the Secretary of State; or
  - (c) by receipt by the claimant of a telephone call from the Secretary of State made for the purpose of enabling a claim for personal independence payment to be made,

unless in any case or class of case the Secretary of State decides only to accept a claim made in one of the ways specified in paragraph (a), (b) or (c).

(2) In the case of a claim made in writing the claim must be sent to or received at the appropriate office.

(3) A claim for personal independence payment made in writing is defective if it is not completed in accordance with any instructions of the Secretary of State.

(4) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(5) If a claim for personal independence payment is defective the Secretary of State must inform the claimant of the defect and of the relevant provisions of regulation 12 relating to the date of claim.

(6) The Secretary of State must treat the claim as properly made in the first instance if a claim completed in accordance with any instructions of the Secretary of State is received within one month,

or such longer period as the Secretary of State may consider reasonable, from the date on which the claimant is first informed of the defect.

(7) Paragraph (8) applies where—

- (a) a person (“P1”) makes a claim for personal independence payment on behalf of another person (“P2”) whom P1 asserts to be a person unable for the time being to act; and
- (b) the Secretary of State makes a decision not to appoint P1 under regulation 57.

(8) The Secretary of State must treat the claim made by P1 as properly made by P2 in the first instance if a further claim made by P2 is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date the Secretary of State notified the decision not to appoint P1 under regulation 57.

### **Date of claim for personal independence payment**

**12.**—(1) Subject to paragraph (4), where a claim for personal independence payment is made in accordance with regulation 11 the date on which the claim is made is—

- (a) in the case of a claim in writing made by means of an electronic communication in accordance with the provisions set out in Schedule 2, the date on which the claim is received at the appropriate office;
- (b) in the case of a claim made by telephone, the date on which a claim made by telephone is properly completed; or
- (c) where a person first notifies an intention to make a claim and provided that a claim made in writing produced other than by means of an electronic communication is properly completed and received at the appropriate office designated by the Secretary of State in that claimant’s case within one month or such longer period as the Secretary of State considers reasonable of the date of first notification, the date of first notification,

or the first day in respect of which the claim is made if later than the above.

(2) In the case of a claim which is defective by virtue of regulation 11(3) or (4)—

- (a) subject to sub-paragraph (b) and paragraph (4), the date of claim is to be the first date on which the defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 11(6);
- (b) the date of claim is to be the date of first notification of an intention to make a claim where a claim made by a person to whom paragraph (1)(c) applies is defective but is treated as properly made in the first instance in accordance with regulation 11(6).

(3) In the case of a claim which is treated as properly made by the claimant in accordance with regulation 11(8), the date on which the claim is made is the date on which it was received in the first instance.

(4) Where a further claim made by a person (“P2”) in the circumstances set out in regulation 11(8) is defective and that further claim is treated as properly made in the first instance in accordance with regulation 11(6), the date of claim is to be the date on which the claim made by the person (“P1”) whom the Secretary of State decided not to appoint under regulation 57 was received in the first instance.

(5) In a case where the Secretary of State decides not to award personal independence payment following a claim for it being made on behalf of another expressly on the ground of terminal illness (which has the meaning given by section 82(4) of the 2012 Act), the date of claim is to be—

- (a) the date that claim was made if a further claim, made in accordance with regulation 11, is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date the Secretary of State notified the decision not to award personal independence payment on the ground of terminal illness; or

- (b) the date that claim was made where the further claim is defective but is treated as properly made in the first instance in accordance with regulation 11(6).

### **Making a claim for an employment and support allowance by telephone**

**13.**—(1) Except where the Secretary of State directs in any case or class of case that a claim must be made in writing, a claim for an employment and support allowance may be made by telephone call to the telephone number specified by the Secretary of State.

(2) Where the Secretary of State, in any particular case, directs that the person making the claim approves a written statement of the person's circumstances provided for the purpose by the Secretary of State, a telephone claim is not a valid claim unless the person complies with the direction.

(3) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(4) Where a telephone claim is defective, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 14.

(5) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (3) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

### **Date of claim for an employment and support allowance where claim made by telephone**

**14.** In the case of a telephone claim, the date on which the claim is made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies the Secretary of State of an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 13(5),

or the first day in respect of which the claim is made if later than the above.

### **Making a claim for an employment and support allowance in writing**

**15.**—(1) A claim for an employment and support allowance may be made to the Secretary of State in writing on a form authorised by the Secretary of State for that purpose and must be completed in accordance with the instructions on the form.

(2) A written claim for an employment and support allowance, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(3) If a written claim is defective when first received, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 16.

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.



### **Date of claim for an employment and support allowance where claim made in writing**

16. In the case of a written claim for an employment and support allowance, the date on which the claim is made is to be the first date on which—

- (a) a properly completed claim is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month, or such longer period as the Secretary of State considers reasonable, of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 15(4),

or the first day in respect of which the claim is made if later than the above.

### **Claims for an employment and support allowance where no entitlement to statutory sick pay**

17.—(1) Paragraph (2) applies to a claim for an employment and support allowance for a period of limited capability for work in relation to which the claimant gave the claimant's employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations 1982(12) and for which the claimant has been informed in writing by the employer that there is no entitlement to statutory sick pay.

(2) A claim to which this paragraph applies is to be treated as made on the date accepted by the claimant's employer as the first day of incapacity, provided that the claimant makes the claim within the period of 3 months beginning with the day on which the claimant is informed in writing by the employer that the claimant was not entitled to statutory sick pay.

### **Special provisions where it is certified that a woman is expected to be confined or where she has been confined**

18. Where, in a certificate issued or having effect as issued under the Social Security (Medical Evidence) Regulations 1976(13), it has been certified that it is to be expected that a woman will be confined and she makes a claim for maternity allowance in expectation of that confinement, any such claim may, unless the Secretary of State otherwise directs, be treated as a claim for an employment and support allowance, made in respect of any days in the period beginning with either—

- (a) the beginning of the sixth week before the expected week of confinement; or
- (b) the actual date of confinement,

whichever is the earlier, and ending in either case on the 14th day after the actual date of confinement.

(2) Where, in a certificate issued under the Social Security (Medical Evidence) Regulations 1976 it has been certified that a woman has been confined and she claims maternity allowance within three months of the date of her confinement, her claim may be treated in the alternative or in addition as a claim for an employment and support allowance for the period beginning with the date of her confinement and ending 14 days after that date.

### **Making a claim for a jobseeker's allowance: attendance at an appropriate office**

19. A person wishing to make a claim for a jobseeker's allowance, unless the Secretary of State otherwise directs, is required to attend for the purpose of making a claim for that allowance, in person at an appropriate office or such other place, and at such time, as the Secretary of State may specify in that person's case.

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(12) S.I. 1982/894. Relevant amending instruments are S.I. 1984/385 and 1996/777.

(13) S.I. 1976/615.

**Date of claim where a person claiming a jobseeker's allowance is required to attend at an appropriate office**

**20.**—(1) Subject to regulation 29(6), where a person is required to attend in accordance with regulation 19, if the person subsequently attends for the purpose of making a claim for a jobseeker's allowance at the place and time specified by the Secretary of State and, if so requested, provides a properly completed claim form at or before the time when the person is required to attend, the claim is to be treated as made on whichever is the later of the date of first notification of intention to make that claim or the first day in respect of which the claim is made.

(2) Where a person who is required to attend in accordance with regulation 19 without good cause fails to attend at either the place or time specified in that person's case, or does not, if so requested, provide a properly completed claim form at or before the time when the person is required to attend, the claim is to be treated as made on the first day on which the person does attend at the specified place or time or does provide a properly completed claim form, or if later the first day in respect of which the claim is made.

(3) The Secretary of State may direct that the time for providing a properly completed claim form may be extended to a date no later than the date one month after the date of first notification of intention to make that claim.

**Making a claim for a jobseeker's allowance in writing**

**21.**—(1) Except where a person is required to attend in accordance with regulation 19, a claim for a jobseeker's allowance may be made in writing on a form authorised by the Secretary of State for that purpose and may be delivered or sent to the Secretary of State at an appropriate office.

(2) A claim made in accordance with paragraph (1) must be completed in accordance with the instructions on the form.

(3) A written claim for a jobseeker's allowance made under this regulation or regulation 20, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(4) If a written claim made under this regulation is defective when first received, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 22.

(5) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (3) and does so within one month, or such longer period as the Secretary of State considers reasonable, from the date the Secretary of State first drew attention to the defect, the claim must be treated as having been properly made in the first instance.

**Date of claim for a jobseeker's allowance where claim made in writing**

**22.** Subject to regulation 29(6), in the case of a written claim for a jobseeker's allowance made under regulation 21, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a properly completed claim is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 21(5),

or the first day in respect of which the claim is made if later than the above.

### **Making a claim for a jobseeker's allowance by telephone**

**23.**—(1) Except where a person is required to attend in accordance with regulation 19, or where the Secretary of State in any case directs that the claim must be made in writing in accordance with regulation 21, a claim for a jobseeker's allowance may be made by telephone call to the telephone number specified by the Secretary of State where such a claim falls within a class of case for which the Secretary of State accepts telephone claims or in any other case where the Secretary of State is willing to do so.

(2) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(3) Where a telephone claim is defective, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 24.

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

### **Date of claim for a jobseeker's allowance where claim made by telephone**

**24.** Subject to regulation 29(6), in the case of a telephone claim made under regulation 23, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 23(4),

or the first day in respect of which the claim is made if later than the above.

### **Interchange with claims for other benefits**

**25.**—(1) The Secretary of State may treat a claim for an employment and support allowance by a woman in addition or in the alternative as a claim for maternity allowance.

(2) The Secretary of State may treat a claim for a maternity allowance in addition or in the alternative as a claim for an employment and support allowance.

(3) Where it appears that a person who has made a claim for personal independence payment is not entitled to it but may be entitled to disability living allowance or attendance allowance, the Secretary of State may treat any such claim alternatively, or in addition, as a claim for either disability living allowance or attendance allowance as the case may be.

(4) Where it appears that a person who has made a claim for disability living allowance or attendance allowance is not entitled to it but may be entitled to personal independence payment, the Secretary of State may treat any such claim alternatively, or in addition, as a claim for personal independence payment.

(5) In determining whether the Secretary of State should treat a claim as made alternatively or in addition to another claim ("the original claim") under this regulation the Secretary of State must treat the alternative or additional claim, whenever made, as having been made at the same time as the original claim.

**Time within which a claim for universal credit is to be made**

26.—(1) Subject to the following provisions of this regulation, a claim for universal credit must be made on the first day of the period in respect of which the claim is made.

(2) Where the claim for universal credit is not made within the time specified in paragraph (1), the Secretary of State is to extend the time for claiming it, subject to a maximum extension of one month, to the date on which the claim is made, if—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
  - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (3) The circumstances referred to in paragraph (2) are—
- (a) the claimant was previously in receipt of a jobseeker's allowance or an employment and support allowance and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the claimant's entitlement expired;
  - (b) the claimant has a disability;
  - (c) the claimant has supplied the Secretary of State with medical evidence that satisfies the Secretary of State that the claimant had an illness that prevented the claimant from making a claim;
  - (d) the claimant was unable to make a claim in writing by means of an electronic communication used in accordance with Schedule 2 because the official computer system was inoperative;
  - (e) where an award of universal credit has been terminated in the circumstances specified in regulation 9(6) and the person who first notifies the Secretary of State makes a further claim to universal credit as a single person;
  - (f) where—
    - (i) the Secretary of State decides not to award universal credit to members of a couple jointly because one of the couple does not meet the basic condition in section 4(1)(e) of the 2012 Act;
    - (ii) they cease to be a couple; and
    - (iii) the person who did meet the basic condition in section 4(1)(e) makes a further claim as a single person;
  - (g) where—
    - (i) an award of universal credit to joint claimants has been terminated because one of the couple does not meet the basic condition in section 4(1)(e) of the 2012 Act;
    - (ii) they cease to be a couple; and
    - (iii) the person who did meet the basic condition in section 4(1)(e) makes a further claim as a single person.

(4) In the case of a claim for universal credit made by each of joint claimants, the prescribed time for claiming is not to be extended under paragraph (2) unless both claimants satisfy that paragraph.

**Time within which a claim for personal independence payment is to be made**

27. A claim for personal independence payment must be made on the first day of the period in respect of which the claim is made.

### **Time within which a claim for an employment and support allowance is to be made**

**28.** A claim for an employment and support allowance must be made on the first day of the period in respect of which the claim is made or within the period of three months immediately following that day.

### **Time within which a claim for a jobseeker's allowance is to be made**

**29.**—(1) Subject to paragraphs (2) and (4), a claim for a jobseeker's allowance must be made on the first day of the period in respect of which the claim is made.

(2) In a case where the claim is not made within the time specified in paragraph (1), the Secretary of State is to extend the time for claiming a jobseeker's allowance, subject to a maximum extension of three months, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
  - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (3) The circumstances referred to in paragraph (2) are—
- (a) the claimant has difficulty communicating because—
    - (i) the claimant has learning, language or literacy difficulties; or
    - (ii) the claimant is deaf or blind,

and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;

- (b) the claimant was caring for a person who is ill or disabled and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;
- (c) the claimant was given information by an officer of the Department for Work and Pensions which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
- (d) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, a local authority or a person working in a Citizens Advice Bureau or a similar advice agency, which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
- (e) the claimant was required to deal with a domestic emergency affecting the claimant and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim; or
- (f) the claimant was prevented by adverse weather conditions from attending an appropriate office.

(4) In a case where the claim is not made within the time specified in paragraph (1), the prescribed time for claiming a jobseeker's allowance is to be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (5) applies or has applied to the claimant; and
- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.

(5) The circumstances referred to in paragraph (4) are—

- (a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;

- (b) the claimant was unable to attend the appropriate office due to difficulties with the claimant's normal mode of transport and there was no reasonable alternative available;
  - (c) there were adverse postal conditions;
  - (d) the claimant was previously in receipt of an employment and support allowance and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the entitlement expired;
  - (e) the claimant had ceased to be a member of a couple within the period of one month before the claim was made;
  - (f) during the period of one month before the claim was made a close relative of the claimant had died and for this purpose "close relative" means partner, parent, son, daughter, brother or sister;
  - (g) the claimant was unable to make telephone contact with the appropriate office where the claimant would be expected to notify an intention of making a claim because the telephone lines to that office were busy or inoperative;
  - (h) the claimant was unable to make contact by means of an electronic communication used in accordance with Schedule 2 where the claimant would be expected to notify an intention of making a claim because the official computer system was inoperative.
- (6) In a case where the time for claiming a jobseeker's allowance is extended under paragraph (2) or (4), the claim is to be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of those paragraphs, timeously made.

#### **Amendment of claim**

**30.—**(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept.

(2) Any claim amended in accordance with paragraph (1) may be treated as if it had been so amended in the first instance.

#### **Withdrawal of claim**

**31.—**(1) A person who has made a claim for benefit may withdraw it at any time before a determination has been made on it by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept.

(2) Any notice of withdrawal given in accordance with paragraph (1) has effect when it is received.

#### **Advance claim for and award of universal credit**

**32.—**(1) This regulation applies where—

- (a) although a person does not satisfy the conditions of entitlement to universal credit on the date on which a claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances that person will satisfy those conditions for a period beginning on a day not more than one month after the date on which the claim is made; and
- (b) the case falls within a class for which Secretary of State accepts advance claims or is a case where Secretary of State is otherwise willing to do so.

(2) The Secretary of State is to treat the claim as if made on the first day of that period.

(3) The Secretary of State may award universal credit accordingly, subject to the requirement that the person satisfies the conditions for entitlement on the first day of that period.

#### **Advance claim for and award of personal independence payment**

**33.**—(1) Where, although a person does not satisfy the requirements for entitlement to personal independence payment on the date on which the claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances the person will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than 3 months after the date on which the decision on the claim is made, the Secretary of State may award personal independence payment from the relevant day subject to the condition that the person satisfies the requirements for entitlement on the relevant day.

(2) A person who has an award of personal independence payment may make a further claim for personal independence payment during the period of 6 months immediately before the existing award expires.

- (3) Where a person makes a claim in accordance with paragraph (2) the Secretary of State may—
- (a) treat the claim as if made on the first day after the expiry of the existing award; and
  - (b) award personal independence payment accordingly, subject to the condition that the person satisfies the requirements for entitlement on that first day after the expiry of the existing award.

#### **Advance claim for and award of an employment and support allowance or a jobseeker’s allowance**

**34.** Where, although a person does not satisfy the requirements of entitlement to an employment and support allowance or a jobseeker’s allowance on the date on which a claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances that claimant will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than three months after the date on which the claim is made, then the Secretary of State may—

- (a) treat the claim as if made for a period beginning with the relevant day; and
- (b) award an employment and support allowance or a jobseeker’s allowance accordingly, subject to the condition that the person satisfies the requirements for entitlement when those benefits become payable under an award.

#### **Attendance in person**

**35.** Except in a case where regulation 9 of the Personal Independence Payment Regulations (14) applies, every person who makes a claim for benefit, other than a jobseeker’s allowance, or any person entitled to benefit, other than a jobseeker’s allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable, must attend at such place and on such days and at such times as the Secretary of State may direct, for the purpose of supplying any information or evidence under regulations 37, 38, 39 and 41, if reasonably so required by the Secretary of State.

#### **Duration of awards**

**36.**—(1) A claim for universal credit is to be treated as made for an indefinite period and any award of universal credit on that claim is to be made for an indefinite period.

(2) The provisions of Schedule 4 are to have effect in relation to claims for a jobseeker's allowance made during periods connected with public holidays.

## PART 3

### Evidence, information and notification of changes of circumstances

#### **Evidence and information in connection with a claim**

**37.**—(1) Subject to regulation 8 of the Personal Independence Payment Regulations, paragraphs (2) and (3) apply to a person who makes a claim for benefit, other than a jobseeker's allowance, or on whose behalf a claim is made.

(2) The Secretary of State may require the person to supply information or evidence in connection with the claim, or any question arising out of it, as the Secretary of State considers appropriate.

(3) The person must supply the Secretary of State with the information or evidence in such manner as the Secretary of State determines within one month of first being required to do so or such longer period as the Secretary of State considers reasonable.

(4) Where joint claimants have made a claim for universal credit, information relating to that claim may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with the claim.

(5) Where a person is a member of a couple and may make a claim as a single person by virtue of regulation 3(3) (couples) of the Universal Credit Regulations<sup>(15)</sup> and entitlement to or the amount of any universal credit is or may be affected by the circumstances of their partner, the Secretary of State may require the partner to do any of the following, within one month of being required to do so or such longer period as the Secretary of State may consider reasonable—

- (a) to confirm the information given about the partner's circumstances;
- (b) to supply information or evidence in connection with the claim, or any question arising out of it, as the Secretary of State may require.

(6) The Secretary of State may require a landlord or a rent officer to supply information or evidence in connection with a claim for universal credit that may include in the calculation of an award an amount in respect of housing costs, and any information or evidence so requested must be supplied within one month of the request or such longer period as the Secretary of State considers reasonable.

(7) Every person providing relevant childcare as defined in regulation 35 of the Universal Credit Regulations, in a case where the calculation of a claimant's award of universal credit may include an amount in respect of childcare costs under regulation 31 of those Regulations, must supply such information or evidence in connection with the claim made by the claimant, or any question arising out of it, as may be required by the Secretary of State, and must do so within one month of being required to do so or such longer period as the Secretary of State may consider reasonable.

(8) In this regulation any reference to a person or joint claimants making a claim for a benefit, other than a jobseeker's allowance, is to be interpreted as including a person or joint claimants in a case where it is not a condition of entitlement to benefit that a claim be made for it.

(9) In this regulation any reference to a claim for a benefit, other than a jobseeker's allowance, is to be interpreted as including a potential award of benefit in a case where it is not a condition of entitlement to benefit that a claim be made for it.

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(15) S.I. 2013/376.



### **Evidence and information in connection with an award**

**38.**—(1) This regulation, apart from paragraph (7), applies to any person entitled to benefit, other than a jobseeker's allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable.

(2) Subject to regulation 8 of the Personal Independence Payment Regulations, a person to whom this regulation applies must supply in such manner as the Secretary of State may determine and within the period applicable under regulation 45(4)(a) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013<sup>(16)</sup> such information or evidence as the Secretary of State may require for determining whether a decision on the award of benefit should be revised under section 9 of the Social Security Act 1998<sup>(17)</sup> or superseded under section 10 of that Act.

(3) A person to whom this regulation applies must supply in such manner and at such times as the Secretary of State may determine such information or evidence as the Secretary of State may require in connection with payment of the benefit awarded.

(4) A person to whom this regulation applies must notify the Secretary of State of any change of circumstances which the person might reasonably be expected to know might affect—

- (a) the continuance of entitlement to benefit;
- (b) the amount of benefit awarded; or
- (c) the payment of benefit,

as soon as reasonably practicable after the change occurs.

(5) A notification of any change of circumstances under paragraph (4) must be given—

- (a) in writing or by telephone (unless the Secretary of State determines in any case that notice must be given in a particular way or to accept notice given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case the Secretary of State requires written notice (unless the Secretary of State determines in any case to accept notice given otherwise than in writing),

and must be sent or delivered to, or received at, the appropriate office.

(6) Where universal credit has been awarded to joint claimants, information relating to that award may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with that award.

(7) Every person providing relevant childcare as defined in regulation 35 of the Universal Credit Regulations, in a case where the claimant's award of universal credit includes an amount in respect of childcare costs under regulation 31 of those Regulations, must supply such information or evidence in connection with the award, or any question arising out of it, as the Secretary of State may require, and must do so within one month of being required to do so or such longer period as the Secretary of State may consider reasonable.

(8) Where the calculation of an award of universal credit includes, by virtue of regulation 29 of the Universal Credit Regulations, an amount in respect of the fact that a claimant has regular and substantial caring responsibilities for a severely disabled person, the Secretary of State may require a person to whom this regulation applies to furnish a declaration signed by such severely disabled person confirming the particulars respecting the severely disabled person which have been given by that person.

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<sup>(16)</sup> S.I. 2013/381.

<sup>(17)</sup> 1998 c.14.

**Alternative means of notifying changes of circumstances**

**39.** In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 38(4) to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (a) where the change of circumstances is a birth or death, through a local authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

**Information to be provided to rent officers**

**40.**—(1) The Secretary of State must provide to the rent officer such information as the rent officer may reasonably require to carry out functions under section 122 of the Housing Act 1996<sup>(18)</sup>.

(2) The information referred to in paragraph (1) may include information required to make a determination under the Rent Officers Order<sup>(19)</sup> and may include—

- (a) the name and address of a universal credit claimant in respect of whom the Secretary of State has applied for a determination;
- (b) the amount of any rent (within the meaning of paragraph 2 of Schedule 1 to the Universal Credit Regulations) (meaning of payments in respect of accommodation);
- (c) the amount of any service charge payments (within the meaning of paragraph 2 of Schedule 1 to the Universal Credit Regulations);
- (d) the number of bedrooms in the accommodation in respect of which a determination is made;
- (e) the name and address of a claimant’s landlord.

(3) A landlord must provide to the rent officer such information or evidence as the rent officer may reasonably require to make a determination in accordance with the Rent Officers Order and which the rent officer is not able to obtain from the Secretary of State.

(4) The evidence referred to in paragraph (3) may include evidence as to whether a property is let at an Affordable Rent within the meaning in Schedule 2 to the Rent Officers Order.

(5) In this regulation and regulation 37 “landlord” means any person to whom a claimant or partner is liable to make payments in respect of the occupation of the claimant’s accommodation.

(6) In this regulation “the Rent Officers Order” means the Rent Officer (Universal Credit Functions) Order 2013.

**Evidence and information required from pension fund holders**

**41.**—(1) Where a claimant or the claimant’s partner is aged not less than 60 and is a member of, or a person deriving entitlement to a pension under a personal pension scheme or an occupational pension scheme, such a person must, where the Secretary of State so requires, furnish the following information—

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme or occupational pension scheme to be identified.

<sup>(18)</sup> 1996 c.52. Section 122(4) was amended by paragraph 60(1)(a) and (b) of Schedule 7 to the Local Government Act 2003 (c.26). Section 122(5) was amended by paragraph 12 of Schedule 5 to the Welfare Reform Act 2007 (c.5).

<sup>(19)</sup> S.I. 2013/382.

(2) Where the pension fund holder receives from the Secretary of State a request for details concerning the personal pension scheme or occupational pension scheme relating to a person to whom paragraph (1) refers, the pension fund holder must provide the Secretary of State with any information to which the following paragraph refers.

(3) The information to which this paragraph refers is—

- (a) where the purchase of an annuity under a personal pension scheme or occupational pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme or occupational pension scheme;
- (b) in the case of—
  - (i) a personal pension scheme or occupational pension scheme where income withdrawal is available, the maximum amount of income which may be withdrawn from the scheme; or
  - (ii) a personal pension scheme or occupational pension scheme where income withdrawal is not available, the maximum amount of income which might be withdrawn from the fund if the fund were held under a personal pension scheme or occupational pension scheme where income withdrawal was available,

calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.

(4) In this regulation any reference to a claimant is to be interpreted as including a person in a case where it is not a condition of entitlement to benefit that a claim be made for it.

(5) This regulation does not apply to a person claiming personal independence payment.

(6) In this regulation—

- (a) “pension fund holder” means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators of the scheme concerned;
- (b) “personal pension scheme” means—
  - (i) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993<sup>(20)</sup>;
  - (ii) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3)<sup>(21)</sup> of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004<sup>(22)</sup>;
  - (iii) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;
- (c) “occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases.

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<sup>(20)</sup> 1993 c.48. Section 1 was amended by section 239 of the Pensions Act 2004 (c.35) and paragraph 1 of Part 3(2) of Schedule 27 to the Finance Act 2007 (c.11).

<sup>(21)</sup> 1988 c.1. Sections 620, 621 and 622 were repealed by Part 3 of Schedule 42 to the Finance Act 2004 (c.12) subject to savings provisions in Schedule 36 to that Act.

<sup>(22)</sup> 2004. c.12.

**Notification for purposes of sections 111A and 112 of the Administration Act**

42. Regulations 43 to 44 below prescribe the person to whom, and manner in which, a change of circumstances must be notified for the purposes of sections 111A(1A) to (1G)(23) and 112(1A) to (1F)(24) of the Administration Act (offences relating to failure to notify a change of circumstances).

**Notification of changes of circumstances affecting a jobseeker's allowance or an employment and support allowance for purposes of sections 111A and 112 of the Administration Act**

43.—(1) Subject to paragraphs (2) and (3), where the benefit affected by the change of circumstances is a jobseeker's allowance or an employment and support allowance, notice must be given to the Secretary of State at the appropriate office—

- (a) in writing or by telephone (unless the Secretary of State determines in any case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case the Secretary of State requires written notice (unless the Secretary of State determines in any case to accept notice given otherwise than in writing).

(2) Where the notice in writing referred to in paragraph (1) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 2 to these Regulations (electronic communications).

(3) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 38(4) of these Regulations or regulation 31(4) of the Jobseeker's Allowance Regulations to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (a) where the change of circumstances is a birth or death, through a local authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

**Notification of changes of circumstances affecting personal independence payment or universal credit for purposes of sections 111A and 112 of the Administration Act**

44.—(1) Subject to paragraphs (2) and (3), where the benefit affected by the change of circumstances is personal independence payment or universal credit, notice must be given to the Secretary of State ("S") at the appropriate office—

- (a) in writing or by telephone (unless S determines in any case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case S requires written notice (unless S determines in any case to accept notice given otherwise than in writing).

(2) Where the notice in writing referred to in paragraph (1) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 2 to these Regulations (electronic communications).

(3) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 38(4) to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

(23) Section 111A was inserted by section 13 of the Social Security Administration (Fraud) Act 1997 (c.47) and subsections (1A) to (1G) were inserted by section 16(1)(b) and (2) of the Social Security Fraud Act 2001 (c.11).

(24) Subsections (1A) to (1F) of section 112 were inserted by section 16(3) of the Social Security Fraud Act 2001.

- (a) where the change of circumstances is a birth or death, through a local authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

## PART 4

### Payments

#### **Time of payment: general provision**

**45.** Subject to the other provisions of this Part, benefit is to be paid in accordance with an award as soon as is reasonably practicable after the award has been made.

#### **Direct credit transfer**

**46.**—(1) The Secretary of State may arrange for benefit to be paid by way of direct credit transfer into a bank or other account—

- (a) in the name of the person entitled to benefit, the person's partner, a person appointed under regulation 57(1) or a person referred to in regulation 57(2);
- (b) in the joint names of the person entitled to benefit and the person's partner;
- (c) in the joint names of the person entitled to benefit and a person appointed under regulation 57(1) or a person referred to in regulation 57(2); or
- (d) in the name of such persons as are mentioned in regulation 57(2).

(2) A Jobseeker's Allowance or an Employment and Support Allowance are to be paid in accordance with paragraph (1) within seven days of the last day of each successive period of entitlement.

#### **Payment of universal credit**

**47.**—(1) Universal credit is payable monthly in arrears in respect of each assessment period unless in any case or class of case the Secretary of State arranges otherwise.

(2) Where universal credit is to be paid in accordance with regulation 46, it is to be paid within seven days of the last day of the assessment period but if it is not possible to pay universal credit within that period of seven days, it is to be paid as soon as reasonably practicable thereafter.

(3) In respect of an award of universal credit which is the subject of an arrangement for payment under regulation 46, the Secretary of State may make a particular payment by credit transfer otherwise than is provided by paragraph (2), if it appears to the Secretary of State appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(4) Where the Secretary of State has arranged for universal credit to be paid in accordance with regulation 46, joint claimants may nominate a bank or other account into which that benefit is to be paid.

(5) Where joint claimants of universal credit have not nominated a bank or other account into which that benefit is to be paid, the Secretary of State may nominate a bank or other account.

(6) The Secretary of State may, in any case where the Secretary of State considers it is in the interests of—

- (a) the claimants;
- (b) a child or a qualifying young person for whom one or both of the claimants are responsible; or
- (c) a severely disabled person, where the calculation of an award of universal credit includes, by virtue of regulation 29 of the Universal Credit Regulations, an amount in respect of the fact that a claimant has regular and substantial caring responsibilities for that severely disabled person,

arrange that universal credit payable in respect of joint claimants be paid wholly to only one member of the couple or be split between the couple in such proportion as the Secretary of State considers appropriate.

(7) Where a superseding decision takes effect in accordance with paragraph 26 of Schedule 1 to the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013<sup>(25)</sup>, the amount payable in respect of that last assessment period is to be calculated as follows—

$$Nx \left( \frac{Ax12}{365} \right)$$

where N is the number of days in the period and A is the amount calculated in relation to that period as if it were an assessment period of one month.

#### **Payment of personal independence payment**

**48.**—(1) Subject to the following provisions of this regulation and regulation 50, personal independence payment is to be paid at intervals of four weeks in arrears.

(2) In the case of any person to whom section 82 of the 2012 Act<sup>(26)</sup>(terminal illness) applies, the Secretary of State may arrange that personal independence payment is to be paid at intervals of one week in advance.

(3) Where the amount of personal independence payment payable is less than £5.00 a week the Secretary of State may arrange that it is to be paid in arrears at such intervals as may be specified not exceeding 12 months.

#### **Days for payment of personal independence payment**

**49.**—(1) Subject to the following provisions of this regulation, a personal independence payment is payable on the day of the week on which the Secretary of State makes a decision to award that benefit, except that where that decision is made on a Saturday or a Sunday the benefit is to be paid on such day of the week as the Secretary of State may direct in any case.

(2) The Secretary of State may, in any case or class of case, arrange that personal independence payment or any part of it be paid on any day of the week.

(3) Where personal independence payment is in payment to any person and the day on which it is payable is changed, it is to be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(4) Where there is a change in the amount of any personal independence payment payable, or where entitlement to personal independence payment ends, and these events do not occur on the day

<sup>(25)</sup> S.I. 2013/381.

<sup>(26)</sup> 2012.c.5.

of the week referred to in paragraph (1) or (2), personal independence payment is to be paid at a daily rate of 1/7th of the weekly rate.

### **Payment of personal independence payment at a daily rate between periods in hospital or other accommodation**

**50.**—(1) Personal independence payment is to be paid in respect of any person, for any day falling within a period to which paragraph (2) applies, at the daily rate (which is to be equal to 1/7th of the weekly rate) and personal independence payment payable in pursuance of this regulation is to be paid weekly or as the Secretary of State may direct in any case.

- (2) This paragraph applies to any period which is not a period of residence—
- (a) but which commences immediately following such a period; and
  - (b) on the first day of which it is expected that, before the expiry of the term of 28 days beginning with that day, the person will commence another period of residence.
- (3) Where paragraph (2) applies, the period referred to in that paragraph is to end—
- (a) at the expiry of the term of 28 days beginning with the first day of the period referred to in that paragraph; or
  - (b) if earlier, on the day before the day which is the first day of a period of residence.
- (4) In this regulation a “period of residence” means a period of residence where—
- (a) the person is a resident of a care home, as defined in section 85(3) of the 2012 Act, and no amount of personal independence payment which is attributable to the daily living component is payable in respect of the person by virtue of regulation 28(1) of the Personal Independence Payment Regulations<sup>(27)</sup>; or
  - (b) the person is undergoing medical or other treatment as an in-patient at a hospital or similar institution and no amount of personal independence payment which is attributable to the daily living component or the mobility component is payable in respect of the person by virtue of regulation 29 of the Personal Independence Payment Regulations,

and such period is to be deemed to begin on the day after the day on which the person enters the care home, hospital or similar institution and to end on the day before the day on which the person leaves the care home, hospital or similar institution.

### **Payment of an employment and support allowance**

**51.**—(1) Subject to paragraphs (3) to (8), an employment and support allowance paid in accordance with regulation 46 is to be paid fortnightly in arrears on the day of the week determined in accordance with paragraph (2).

(2) 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 two digits of the claimant’s national insurance number—

<i>(1)</i>	<i>(2)</i>
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday

(27) [S.I. 2013/377](#).

<i>(1)</i>	<i>(2)</i>
80 to 99	Friday

(3) The Secretary of State may, in any case or class of case, arrange that the claimant be paid otherwise than fortnightly.

(4) In respect of an award of an employment and support allowance which is the subject of an arrangement for payment under regulation 46, the Secretary of State may make a particular payment by credit transfer otherwise than as provided by paragraph (1), if it appears to the Secretary of State appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(5) The Secretary of State may, in any case or class of case, arrange that an employment and support allowance be paid on any day of the week and where it is in payment to any person and the day on which it is payable is changed, it is to be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(6) Where the weekly amount of an employment and support allowance is less than £1.00 it may be paid in arrears at intervals of not more than 13 weeks.

(7) Where the weekly amount of an employment and support allowance is less than 10 pence that allowance is not payable.

(8) Where an employment and support allowance is normally payable in arrears and the day on which that benefit is payable by reason of paragraph (2) is affected by office closure, it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such day as the Secretary of State may direct.

(9) Where under paragraph (8) an employment and support allowance is paid either in advance or partly in advance and partly in arrears it is for any other purposes to be treated as if it were paid in arrears.

(10) For the purposes of paragraph (8), “benefit week” means a period of seven days beginning or ending with such day as the Secretary of State may direct.

(11) For the purposes of paragraph (8), “office closure” means a period during which an appropriate office is closed in connection with a public holiday.

(12) For the purposes of paragraph (11), “public holiday” means—

- (a) in England and Wales, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(28);
- (b) in Scotland, a bank holiday under the Banking and Financial Dealings Act 1971 or a local holiday.

### **Payment of a jobseeker’s allowance**

**52.**—(1) Subject to paragraphs (2) to (4), a jobseeker’s allowance paid in accordance with regulation 46 is to be paid fortnightly in arrears unless in any case or class of case the Secretary of State arranges otherwise.

(2) In respect of an award of a jobseeker’s allowance which is the subject of an arrangement for payment under regulation 46, the Secretary of State may make a particular payment by credit transfer otherwise than as provided by paragraph (1), if it appears to the Secretary of State appropriate to do so for the purpose of—



- (a) paying any arrears of benefit; or
  - (b) making a payment in respect of a terminal period of an award or for any similar purpose.
- (3) Where the amount of a jobseeker's allowance is less than £1.00 a week the Secretary of State may direct that it is to be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.
- (4) Where a jobseeker's allowance is normally payable in arrears and the day on which that benefit is normally payable is affected by office closure, it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such day as the Secretary of State may direct.
- (5) Where under paragraph (4) a jobseeker's allowance is paid either in advance or partly in advance and partly in arrears it is for any other purposes to be treated as if it were paid in arrears.
- (6) For the purposes of paragraph (4), "benefit week" means a period of seven days ending with a day determined in accordance with the definition of that term in regulation 2(2) (general interpretation) of the Jobseeker's Allowance Regulations.
- (7) For the purposes of paragraph (4), "office closure" means a period during which an appropriate office is closed in connection with a public holiday.
- (8) For the purposes of paragraph (7), "public holiday" means—
- (a) in England and Wales, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971;
  - (b) in Scotland, a bank holiday under the Banking and Financial Dealings Act 1971 or a local holiday.

### **Fractional amounts of benefit**

**53.** Where the amount of any benefit payable would, but for this regulation, include a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and is otherwise to be treated as a penny.

### **Payment to persons under age 18**

**54.** Where a benefit is paid to a person under the age of 18, a direct credit transfer under regulation 46 into any such person's account, or the receipt by the person of a payment made by some other means, is sufficient discharge for the Secretary of State.

### **Extinguishment of right to payment if payment is not obtained within the prescribed period**

**55.—(1)** The right to payment of any sum by way of benefit is to be extinguished where payment of that sum is not obtained within the period of 12 months from the date on which the right is treated as having arisen.

- (2) For the purposes of this regulation, the right to payment of any sum by way of benefit is to be treated as having arisen—
- (a) where notice is given or sent that the sum contained in the notice is ready for collection, on the date of the notice or, if more than one such notice is given or sent, the date of the first such notice;
  - (b) in relation to any such sum which the Secretary of State has arranged to be paid by means of direct credit transfer in accordance with regulation 46 into a bank or other account, on the due date for payment of the sum or in the case of universal credit on the date of payment of the sum; or

(c) in relation to any such sum to which neither sub-paragraph (a) or (b) applies, on such date as the Secretary of State determines.

(3) The giving or sending of a notice under paragraph (2)(a) is effective for the purposes of that paragraph, even where the sum contained in that notice is more or less than the sum which the person concerned has the right to receive.

(4) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this regulation and the Secretary of State is satisfied that—

(a) the Secretary of State first received written notice requesting payment of that sum after the expiration of 12 months from the date on which the right is treated as having arisen;

(b) from a day within that period of 12 months and continuing until the day the written notice was given, there was good cause for not giving the notice; and

(c) no payment has been made under the provisions of regulation 46 (direct credit transfer), the period of 12 months is extended to the date on which the Secretary of State decides that question, and this regulation is to apply accordingly as though the right to payment had arisen on that date.

(5) This regulation applies to a person appointed under regulation 57(1) to act on behalf of a claimant or a person referred to in regulation 57(2) as it applies to a claimant.

### **Payments on death**

**56.**—(1) On the death of a person who has made a claim for benefit, the Secretary of State may appoint such person as the Secretary of State thinks fit to proceed with the claim and any related issue of revision, supersession or appeal under the Social Security Act 1998(29).

(2) Subject to paragraphs (6) and (7), any sum payable by way of benefit which is payable under an award on a claim proceeded with under paragraph (1) may be paid or distributed by the Secretary of State to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin or creditors of the deceased and the provisions of regulation 55 (extinguishment of right to payment if payment is not obtained within the prescribed period) are to apply to any such payment or distribution.

(3) Subject to paragraphs (2), (6) and (7), any sum payable by way of benefit to the deceased, payment of which the deceased had not obtained at the date of the deceased's death, may, unless the right to payment was already extinguished at that date, be paid or distributed to or amongst any persons mentioned in paragraph (2), and regulation 55 is to apply to any such payment or distribution, except that, for the purpose of that regulation, the period of 12 months is to be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.

(4) A direct credit transfer under regulation 46 into an account in the name of any person mentioned in paragraph (2), or the receipt by such a person of a payment made by some other means, is sufficient discharge for the Secretary of State for any sum so paid.

(5) Where the Secretary of State is satisfied that any sum payable by way of benefit under paragraph (2) or (3), or part of it, is needed for the well-being of any person under the age of 16, the Secretary of State may obtain sufficient discharge for it by paying the sum or part of it to a person over that age who satisfies the Secretary of State that that person will apply the sum so paid for the well-being of the person under the age of 16.

(6) Paragraphs (2) and (3) are not to apply in any case unless written application for the payment of any sum is made to the Secretary of State within 12 months from the date of the deceased's death or within such longer period as the Secretary of State may allow in any case.

(7) The Secretary of State may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

(8) In paragraph (2) “next of kin” means—

- (a) in England and Wales, the persons who would take beneficially on an intestacy;
- (b) in Scotland, the persons entitled to the moveable estate of the deceased on intestacy.

## PART 5

### Third parties

#### Persons unable to act

**57.**—(1) Where a person (“P1”) is, or may be, entitled to benefit (whether or not a claim for benefit has been made by P1 or on P1’s behalf) but P1 is unable for the time being to act, the Secretary of State may, if all the conditions in paragraph (2) and the additional conditions in paragraph (3) are met, appoint a person (“P2”) to carry out the functions set out in paragraph (4).

(2) The conditions are that—

- (a) no deputy has been appointed by the Court of Protection under Part 1 of the Mental Capacity Act 2005<sup>(30)</sup>;
- (b) no receiver has been appointed under Part 7 of the Mental Health Act 1983<sup>(31)</sup> who is treated as a deputy by virtue of the Mental Capacity Act 2005 with power to claim or receive benefit on P1’s behalf;
- (c) no attorney with a general power, or a power to claim or receive benefit, has been appointed by P1 under the Powers of Attorney Act 1971<sup>(32)</sup>, the Enduring Powers of Attorney Act 1985<sup>(33)</sup>, the Mental Capacity Act 2005 or otherwise; and
- (d) in Scotland, P1’s estate is not being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000<sup>(34)</sup> who has power to claim or receive benefit on P1’s behalf.

(3) The additional conditions are that—

- (a) P2 has made a written application to the Secretary of State to be appointed; and
- (b) if P2 is a natural person, P2 is over the age of 18.

(4) The functions are exercising on behalf of P1 any right to which P1 may be entitled and receiving and dealing on behalf of P1 with any sums payable to P1.

(5) Anything required by these Regulations to be done by or in relation to P1 may be done by or in relation to P2 or any person mentioned in paragraph (2).

(6) Where a person has been appointed under regulation 82(3) of the Housing Benefit Regulations 2006<sup>(35)</sup> by a relevant authority within the meaning of those Regulations to act on behalf of another in relation to a benefit claim or award, the Secretary of State may, if the person so appointed agrees, treat that person as if the Secretary of State had appointed that person under paragraph (1).

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<sup>(30)</sup> 2005 c.9.

<sup>(31)</sup> 1983 c.20.

<sup>(32)</sup> 1971 c.27.

<sup>(33)</sup> 1985 c.29.

<sup>(34)</sup> 2000 asp 4.

<sup>(35)</sup> S.I. 2006/213.

(7) A direct credit transfer under regulation 46 into the account of P2 or any person mentioned in paragraph (2), or the receipt by such a person of a payment made by some other means, is sufficient discharge for the Secretary of State for any sum paid.

(8) An appointment under paragraph (1) or (6) comes to an end if—

- (a) the Secretary of State at any time revokes it;
- (b) P2 resigns P2's office having given one month's notice in writing to the Secretary of State of an intention to do so; or
- (c) the Secretary of State is notified that any condition in paragraph (2) is no longer met.

#### **Payment to another person on the claimant's behalf**

**58.**—(1) The Secretary of State may direct that universal credit be paid wholly or in part to another person on the claimant's behalf if this appears to the Secretary of State necessary to protect the interests of—

- (a) the claimant;
- (b) their partner;
- (c) a child or qualifying young person for whom the claimant or their partner or both are responsible; or
- (d) a severely disabled person, where the calculation of the award of universal credit includes, by virtue of regulation 29 of the Universal Credit Regulations, an amount in respect of the fact that the claimant has regular and substantial caring responsibilities for that severely disabled person.

(2) The Secretary of State may direct that personal independence payment be paid wholly to another person on the claimant's behalf if this appears to the Secretary of State necessary to protect the interests of the claimant.

#### **Direct payment to lender of deductions in respect of interest on secured loans**

**59.** Schedule 5 has effect where section 15A(1) of the Administration Act<sup>(36)</sup> (payment out of benefit of sums in respect of mortgage interest etc.) applies in relation to a case where a claimant is entitled to universal credit.

#### **Deductions which may be made from benefit and paid to third parties**

**60.** Except as provided for in regulation 59 and Schedule 5, deductions may be made from benefit and direct payments may be made to third parties on behalf of a claimant in accordance with the provisions of Schedule 6 and Schedule 7.

## **PART 6**

### **Mobility component of personal independence payment**

#### **Cases where mobility component of personal independence payment not payable**

**61.**—(1) Subject to the following provisions of this regulation, personal independence payment by virtue of entitlement to the mobility component is not payable to any person who would otherwise

(36) 1992 c.5.

be entitled to it during any period in respect of which that person has received, or is receiving, any payment—

- (a) by way of grant under section 5 of, and paragraph 10 of Schedule 1 to, the National Health Service Act 2006<sup>(37)</sup>, section 5 of, and paragraph 10 of Schedule 1 to, the National Health Service (Wales) Act 2006<sup>(38)</sup> or section 46 of the National Health Service (Scotland) Act 1978<sup>(39)</sup> towards the costs of running a private car;
- (b) of mobility supplement under—
  - (i) the Naval, Military and Air Forces etc., (Disablement and Death) Service Pensions Order 2006<sup>(40)</sup>;
  - (ii) the Personal Injuries (Civilians) Scheme 1983<sup>(41)</sup>; or
  - (iii) the Order referred to in paragraph (i) by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964<sup>(42)</sup>, the Pensions (Polish Forces) Scheme 1964<sup>(43)</sup>, the War Pensions (Mercantile Marine) Scheme 1964<sup>(44)</sup> or an Order of Her Majesty in relation to the Home Guard dated 21st or 22nd December 1964 or in relation to the Ulster Defence Regiment dated 4th January 1971; or
- (c) out of public funds which the Secretary of State is satisfied is analogous to a payment under sub-paragraph (a) or (b).

(2) Paragraph (3) applies where a person in respect of whom personal independence payment is claimed for any period has received any such payment as is referred to in paragraph (1) for a period which, in whole or in part, covers the period for which personal independence payment is claimed.

(3) Such payment referred to in paragraph (1) is to be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of mobility component of personal independence payment to which, apart from paragraph (1), they would be entitled, any personal independence payment to which that person may be entitled for that week is to be payable at a weekly rate reduced by the weekly amount so calculated.

### **Payment of personal independence payment on behalf of a claimant (Motability)**

**62.**—(1) This regulation applies where—

- (a) personal independence payment is payable in respect of a claimant by virtue of entitlement to the mobility component at the enhanced rate; and
- (b) under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of the claimant for the hire or hire-purchase of a vehicle.

(2) Where this regulation applies, the Secretary of State may arrange that any personal independence payment by virtue of entitlement to the mobility component at the enhanced rate be paid in whole or in part on behalf of the claimant in settlement of liability for payments due under the agreement mentioned in paragraph (1).

(3) Subject to regulations 63 and 64, in the case of the hire of a vehicle, an arrangement made by the Secretary of State under paragraph (2) terminates—

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(37) 2006 c.41. There are prospective amendments not yet in force to paragraph 10 of Schedule 1 to the 2006 Act made by the Health and Social Care Act 2012 (c.7).

(38) 2006 c.42.

(39) 1978 c.29.

(40) S.I. 2006/606.

(41) S.I. 1983/686.

(42) S.I. 1964/1985.

(43) S.I. 1964/2007.

(44) S.I. 1964/2058.

- (a) where the vehicle is returned to the owner at or before the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term;
  - (b) where the vehicle is retained by or on behalf of the claimant with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term; or
  - (c) where the vehicle is retained by or on behalf of the claimant otherwise than with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, or its earlier termination, on expiry of whichever is the longer of the following periods—
    - (i) the period ending with the return of the vehicle to the owner; or
    - (ii) the period of the term of hire or any agreed extension of the term of hire.
- (4) Subject to regulations 63 and 64 in the case of a hire-purchase agreement, an arrangement made by the Secretary of State under paragraph (2) terminates—
- (a) on the purchase of the vehicle; or
  - (b) where the vehicle is returned to, or is repossessed by, the owner under the terms of the agreement before the completion of the purchase, at the end of the original period of the agreement.
- (5) In this regulation “Motability” means the company, set up under that name as a charity and originally incorporated under the Companies Act 1985(45) and subsequently incorporated by Royal Charter.

#### **Power for the Secretary of State to terminate an arrangement (Motability)**

63. The Secretary of State may terminate an arrangement under regulation 62(2) on such date as the Secretary of State decides—
- (a) if requested to do so by the owner of the vehicle to which the arrangement relates; or
  - (b) if it appears to the Secretary of State that the arrangement is causing undue hardship to the claimant and that it should be terminated earlier than provided for by regulation 62(3) or (4).

#### **Restriction on duration of arrangements by the Secretary of State (Motability)**

64. The Secretary of State must terminate an arrangement under regulation 62(2) where the Secretary of State is satisfied that—
- (a) the vehicle to which the arrangement relates has been returned to the owner; and
  - (b) the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.

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

25th February 2013

*Freud*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions