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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 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(1), the amount payable in respect of that last assessment period is to be calculated as follows—

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

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(2)(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.

(1) S.I. 2013/381.

(2) 2012.c.5.

(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 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(3); 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

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

<i>(1)</i>	<i>(2)</i>
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
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<sup>(4)</sup>;
- (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.

(4) 1971 c.80.

(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(5).

(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.