
STATUTORY INSTRUMENTS

2013 No. 381

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

PART 5

SUSPENSION

Suspension in prescribed cases

44.—(1) The Secretary of State may suspend, in whole or part, payment of any benefit to a person (“P”) in the circumstances described in paragraph (2).

(2) The circumstances are where—

(a) it appears to the Secretary of State that—

- (i) an issue arises whether the conditions for entitlement to the benefit are or were fulfilled;
- (ii) an issue arises whether a decision relating to an award of the benefit should be revised under section 9 or superseded under section 10 of the 1998 Act,
- (iii) an issue arises whether any amount of benefit paid to P is recoverable under or by virtue of section 71ZB, 71ZG or 71ZH^{M1} of the Administration Act,
- (iv) the last address notified to the Secretary of State of P is not the address at which P resides,

(b) an appeal is pending in P's case against a decision of the First-tier Tribunal, the Upper Tribunal or a court; or

(c) an appeal is pending against a decision given by the Upper Tribunal or a court in a different case and it appears to the Secretary of State that, if the appeal were to be decided in a particular way, an issue would arise as to whether the award of any benefit to P (whether the same benefit or not) ought to be revised or superseded.

(3) For the purposes of section 21(2)(c) (suspension in prescribed circumstances)^{M2} of the 1998 Act, where an appeal against the decision has not been brought or an application for permission to appeal against the decision has not been made but the time for doing so has not yet expired, an appeal is pending in the circumstances described in paragraph (4).

(4) The circumstances are where a decision of the First-tier Tribunal, the Upper Tribunal or a court has been made and the Secretary of State—

(a) is awaiting receipt of that decision; or

(b) in the case of a decision of the First-tier Tribunal, is considering whether to apply for a statement of reasons for the decision or has applied for such a statement and is awaiting receipt; or

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, PART 5. (See end of Document for details)

- (c) has received that decision or, if it is a decision of the First-tier Tribunal has received the statement of reasons for it, and is considering whether to apply for permission to appeal, or where permission to appeal has been granted, is considering whether to appeal.
- (5) Where payment of any benefit is suspended as the result of paragraph (2)(b) or (c), the Secretary of State must, as soon as reasonably practicable, give written notice to P of any proposal to—
 - (a) request a statement of the reasons for a tribunal decision;
 - (b) apply for permission to appeal; or
 - (c) make an appeal.

Marginal Citations

- M1** Sections 71ZB, 71ZG and 71ZH were inserted by section 105 of the 2012 Act.
- M2** Section 21 was amended by S.I. 2008/2833 and by sections 18 and 26 of, and paragraph 32 of Schedule 7 and Schedule 10 to, the Contributions Act 1999.

Provision of information or evidence

45.—(1) This regulation applies where the Secretary of State requires information or evidence from a person mentioned in paragraph (2) (“P”) in order to determine whether a decision awarding a benefit should be revised under section 9 of the 1998 Act or superseded under section 10 of that Act.

- (2) The persons are—
 - (a) a person in respect of whom payment of any benefit has been suspended in the circumstances set out in regulation 44(2)(a) (suspension in prescribed cases);
 - (b) a person who has made an application for a decision of the Secretary of State to be revised or superseded;
 - (c) a person from whom the Secretary of State requires information or evidence under regulation 38(2) (evidence and information in connection with an award) of the Claims and Payments Regulations 2013;
 - (d) a person from whom the Secretary of State requires documents, certificates or other evidence under regulation 31(3) (evidence and information) of the Jobseeker's Allowance Regulations 2013;
 - (e) a person whose entitlement to an employment and support allowance or universal credit is conditional on their having, or being treated as having, limited capability for work.
- (3) The Secretary of State must notify P of the requirements of this regulation.
- (4) P must either—
 - (a) supply the information or evidence within—
 - (i) a period of 14 days beginning with the date on which the notification under paragraph (3) was given or sent to P or such longer period as the Secretary of State allows in that notification, or
 - (ii) such longer period as P satisfies the Secretary of State is necessary in order to comply with the requirements, or
 - (b) satisfy the Secretary of State within the period applicable under sub-paragraph (a)(i) that either—
 - (i) the information or evidence does not exist, or
 - (ii) it is not possible for P to obtain it.

(5) In relation to a person to whom paragraph (2)(d) refers, paragraph (4)(a)(i) has effect as if for “14 days” there were substituted “ 7 days ”.

(6) The Secretary of State may suspend the payment of a benefit, in whole or part, to any person to whom paragraph (2)(b), (c), (d) or (e) applies who fails to satisfy the requirements of paragraph (4).

(7) In this regulation, “evidence” includes evidence which a person is required to provide in accordance with regulation 2 (evidence of incapacity for work, limited capability for work and confinement) of the Social Security (Medical Evidence) Regulations 1976^{M3}.

Marginal Citations

M3 [S.I. 1976/615](#). Regulation 2 was amended by [S.I. 1987/409](#), 1994/2975, 1999/3109, 2001/2931, 2008/1554 and by [S.I. 2010/137](#).

Making of payments which have been suspended

46. The Secretary of State must pay a benefit which has been suspended where—

- (a) in a case where regulation 44(2)(a) (suspension in prescribed cases) applies, the Secretary of State is satisfied that the benefit is properly payable and that there are no outstanding issues to be resolved;
- (b) in a case to which regulation 45(6) (provision of information or evidence) applies, the Secretary of State is satisfied that the benefit is properly payable and that the requirements of regulation 45(4) have been satisfied;
- (c) in a case to which regulation 44(2)(b) (suspension in prescribed cases) applies, the Secretary of State—
 - (i) does not, in the case of a decision of the First-tier Tribunal, apply for a statement of the reasons for that decision within the period specified under the Tribunal Procedure Rules;
 - (ii) does not, in the case of a decision of the First-tier Tribunal, the Upper Tribunal or a court, make an application for permission to appeal or (where permission to appeal is granted) make the appeal within the time prescribed for the making of such application or appeal;
 - (iii) withdraws an application for permission to appeal or withdraws the appeal; or
 - (iv) is refused permission to appeal, in circumstances where it is not open to the Secretary of State to renew the application for permission or to make a further application for permission to appeal;
- (d) in a case to which regulation 44(2)(c) (suspension in prescribed cases) applies, the Secretary of State, in relation to the decision of the Upper Tribunal or a court in a different case—
 - (i) does not make an application for permission to appeal or (where permission to appeal is granted) make the appeal within the time prescribed for the making of such application or appeal;
 - (ii) withdraws an application for permission to appeal or withdraws the appeal;
 - (iii) is refused permission to appeal, in circumstances where it is not open to the Secretary of State to renew the application for permission or to make a further application for permission to appeal.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, PART 5.