
STATUTORY INSTRUMENTS

1987 No. 1968

The Social Security (Claims and Payments) Regulations 1987

PART III

PAYMENTS

Time and manner of payment: general provision

20. Subject to the provisions of regulations 21 to 27, benefit shall be paid in accordance with an award as soon as is reasonably practicable after the award has been made, by means of an instrument of payment or by such other means as appears to the Secretary of State to be appropriate in the circumstances of any particular case.

Direct credit transfer

21.—(1) Subject to the provisions of this regulation, any benefit may, on the application of the person claiming, or entitled to it, and with the consent of the Secretary of State, be paid by way of automated or other direct credit transfer into a bank or other account—

- (a) in the name of the person entitled to benefit, or his spouse, or a person acting on his behalf, or
- (b) in the joint names of the person entitled to benefit and his spouse, or the person entitled to benefit and a person acting on his behalf.

(2) An application for the benefit to be paid in accordance with paragraph (1)—

- (a) shall be in writing on a form approved for the purpose by the Secretary of State or in such other manner, being in writing, as he may accept as sufficient in the circumstances, and
- (b) shall contain a statement or be accompanied by a written statement made by the applicant declaring that he has read and understood the conditions applicable to payment of benefit in accordance with this regulation.

(3) Benefit shall be paid in accordance with paragraph (1) within seven days of the last day of each successive period of entitlement as may be provided in the application.

(4) In respect of benefit which is the subject of an arrangement for payment under this regulation, the Secretary of State may make a particular payment by credit transfer otherwise than is provided by paragraph (3) if it appears to him 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 arrangement for benefit to be payable in accordance with this regulation may be terminated—

- (a) by the person entitled to benefit or a person acting on his behalf by notice in writing delivered or sent to an appropriate office or
- (b) by the Secretary of State if the arrangement seems to him to be no longer appropriate to the circumstances of the particular case.

Long term benefits

22.—(1) Subject to the provisions of regulation 21, long term benefits shall be paid at intervals of four weeks in the case of mobility allowance but otherwise weekly in advance, by means of benefit orders payable in each case to the beneficiary at such place as the Secretary of State, after enquiry of the beneficiary, may from time to time specify, unless in any particular case the Secretary of State arranges otherwise.

(2) Where the amount of long-term benefit payable is less than £2.00 a week the Secretary of State may direct that it shall be paid (whether in advance or in arrears) at such intervals as may be specified not exceeding 12 months.

(3) Schedule 6 specifies the days of the week on which the various long term benefits are payable.

Child benefit

23.—(1) Subject to the provisions of this regulation and of regulation 21 (direct credit transfer), child benefit shall be payable as follows:—

- (a) in a case where a person entitled to child benefit elects to receive payment weekly in accordance with the provisions of Schedule 8, child benefit shall be payable weekly from the first convenient date after the election has been made;
- (b) in any other case child benefit shall be payable in the last week of each successive period of four weeks of the period of entitlement.

(2) Subject to paragraph (3) and regulation 21, child benefit payable weekly or four-weekly shall be payable on Mondays or Tuesdays (as the Secretary of State may in any case determine) by serial orders.

(3) In such cases as the Secretary of State may determine, child benefit shall be payable otherwise than—

- (a) by means of serial orders, or
- (b) on Mondays or Tuesdays, or
- (c) at weekly or four-weekly intervals,

and where child benefit is paid at four-weekly intervals in accordance with paragraph (1)(b) the Secretary of State shall arrange for it to be paid weekly if satisfied that payment at intervals of four weeks is causing hardship.

(4) The Secretary of State shall take steps to notify persons to whom child benefit is payable of the arrangements he has made for payment so far as those arrangements affect such persons.

Unemployment benefit, sickness or invalidity benefit, maternity allowance and severe disablement allowance

24.—(1) Subject to regulation 21 and paragraph (3), unemployment benefit shall be paid fortnightly in arrears and, sickness or invalidity benefit and severe disablement allowance shall be paid weekly in arrears unless, in any particular case, the Secretary of State arranges otherwise.

(2) Maternity allowance shall be paid on Friday in the week for which it is payable unless in any particular case the Secretary of State arranges otherwise.

(3) If the weekly amount of sickness or invalidity benefit is less than £1.00 it may be paid in arrears at intervals of 4 weeks.

Payment of attendance allowance and constant attendance allowance at a daily rate

25.—(1) Attendance allowance shall be paid in respect of any person, for any day falling within a period to which paragraph (2) applies, at the daily rate (which shall be equal to 1/7th of the weekly rate) and attendance allowance payable in pursuance of this regulation shall be paid weekly or as the Secretary of State may direct in any case.

(2) This paragraph applies to any period which—

(a) begins on the day immediately following the last day of a period during which a person was living in hospital or other accommodation specified in regulation 3, 4, or 7(1) of the Social Security (Attendance Allowance) (No.2) Regulations 1975(1); and

(b) ends—

(i) if the first day of the period was a day of payment, at midnight on the day preceding the 13th following day of payment, or

(ii) if that day was not a day of payment, at midnight on the day preceding the 14th following day of payment, or

(iii) if earlier, on the day immediately preceding the day on which regulation 3, 4, 5, 7(1) or 7(2) next applies to his case;

if on the first day of the period it is expected that, before the expiry of the period of 13 weeks beginning with that day, he will return to hospital or other accommodation to which regulation 3, 4, 5 or 7 applies.

(3) An increase of disablement pension under section 61 of the Social Security Act 1975 where constant attendance is needed (“constant attendance allowance”) shall be paid at a daily rate of 1/7th of the weekly rate in any case where it becomes payable for a period of less than a week which is immediately preceded and immediately succeeded by periods during which the constant attendance allowance was not payable because regulation 21(1) of the Social Security (General Benefit) Regulations 1982(2) applied.

Income support

26.—(1) Schedule 7 shall have effect for determining the manner in and time at which income support is to be paid, the day when any change of circumstances affecting entitlement is to have effect and the day when entitlement to income support is to begin.

(2) Where income support paid by means of a book of serial orders is increased on review by an amount which, with any previous such increase, is less than 50 pence per week, the Secretary of State may defer payment of that increase until not later than either—

(a) the termination of entitlement; or

(b) the expiration of the period of one week from the date specified for payment in the last order in that book of serial orders,

whichever is the earlier.

(3) Where income support paid by means of a book of serial orders is reduced on review by less than 50 pence per week, the reduction shall be disregarded for the period to which that book relates.

(4) Where the entitlement to income support is less than 10 pence or, in the case of a beneficiary to whom section 23(8) of the Social Security Act 1986 applies, £5, that amount shall not be payable unless the claimant is also entitled to payment of any other benefit with which income support is paid under arrangements made by the Secretary of State.

(1) S.I.1975/598; amending instruments are S.I. 1977/342, 417, 1980/1136, 1983/1015, 1137, 1741.

(2) S.I. 1982/1408.

Family credit

27.—(1) Subject to regulation 21, family credit shall be payable in respect of any benefit week on the Tuesday next following the end of that week by means of a book of serial orders unless in any case the Secretary of State arranges otherwise.

(2) Where the entitlement to family credit is less than 50 pence a week that amount shall not be payable.

Fractional amounts of benefit

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

Payment to a person under age 18

29. Where a person who is awarded benefit is under the age of 18, his signature on any instrument of payment shall be a sufficient discharge to the Secretary of State for any sum paid under such instrument.

Payments on death

30.—(1) On the death of a person who has made a claim for benefit, the Secretary of State may appoint such person as he may think fit to proceed with the claim.

(2) Subject to paragraph (4), 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 (or, where the deceased was illegitimate, to or amongst other persons over the age of 16), and the provisions of regulation 38 (extinguishment of right) shall apply to any such payment or distribution; and

- (a) the receipt of any such person shall be a good discharge to the Secretary of State for any sum so paid; and
- (b) where the Secretary of State is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 16, he may obtain a good discharge therefor by paying the sum or part thereof to a person over that age who satisfies the Secretary of State that he will apply the sum so paid for the benefit of the person under the age of 16.

(3) Subject to paragraph (2), any sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and regulation 38 shall apply to any such payment or distribution, except that, for the purpose of that regulation, the period of 12 months shall 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) Paragraphs (2) and (3) shall not apply in any case unless written application for the payment of any such 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 particular case.

(5) Where the conditions specified in paragraph (6) are satisfied, a claim may be made on behalf of the deceased to any benefit other than income support or family credit or a social fund payment such as is mentioned in section 32(2)(a) of the Social Security Act 1986, to which he would have been entitled if he had claimed it in the prescribed manner and within the prescribed time.

(6) The following conditions are specified for the purposes of paragraph (5)–

- (a) within six months of the death an application must have been made in writing to the Secretary of State for a person, whom the Secretary of State thinks fit to be appointed to make the claim, to be so appointed;
- (b) a person must have been appointed by the Secretary of State to make the claim;
- (c) there must have been no longer period than six months between the appointment and the making of the claim.

(7) A claim made in accordance with paragraph (5) shall be treated, for the purposes of these regulations, as if made by the deceased on the date of his death.

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

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

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

Time and manner of payments of industrial injuries gratuities

31.—(1) This regulation applies to any gratuity payable under Chapter IV or V of Part II of the Social Security Act 1975.

(2) Subject to the following provisions of this regulation, every gratuity shall be payable in one sum.

(3) A gratuity may be payable by instalments of such amounts and at such times as appear reasonable in the circumstances of the case to the adjudicating authority awarding the gratuity if—

- (a) the beneficiary to whom the gratuity has been awarded is, at the date of the award, under the age of 18 years, or
- (b) in any other case, the amount of the gratuity so awarded (not being a gratuity payable to the widow of a deceased person on her remarriage) exceeds £52 and the beneficiary requests that payments should be made by instalments.

(4) An appeal shall not be brought against any decision that a gratuity should be payable by instalments or as to the amounts of any such instalments or the time of payment but any such decision may be varied by the adjudicating authority by whom the award of that gratuity is varied.

(5) Subject to the provisions of regulation 37 (suspension), a gratuity shall—

- (a) if it is payable by equal weekly instalments, be paid in accordance with the provisions of regulation 22 insofar as they are applicable; or
- (b) in any case, be paid by such means as may appear to the Secretary of State to be appropriate in the circumstances.

Information to be given when obtaining payment of benefit

32.—(1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Secretary of State may determine such certificates and other documents and such information or facts affecting the right to benefit or to its receipt as the Secretary of State may require (either as a condition on which any sum or sums shall be receivable or otherwise), and in particular shall notify the Secretary of State of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to its receipt, as soon as reasonably practicable after its occurrence, by giving notice in writing of any such change to the appropriate office.

(2) Where any sum is receivable on account of an increase of benefit in respect of an adult dependant, the Secretary of State may require the beneficiary to furnish a declaration signed by such dependant confirming the particulars respecting him, which have been given by the claimant.