
STATUTORY INSTRUMENTS

1996 No. 2306

SOCIAL SECURITY

The Social Security (Claims and Payments and Adjudication) Amendment Regulations 1996

Made - - - - *6th September 1996*
Laid before Parliament *12th September 1996*
Coming into force - - *7th October 1996*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 5(1)(a), (i), (n) and (o), 61(1) and (2), 189 and 191 of the Social Security Administration Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments and Adjudication) Amendment Regulations 1996 and shall come into force on 7th October 1996.

(2) In these Regulations—

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987⁽³⁾;

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995⁽⁴⁾.

Amendment of regulation 19 of the Claims and Payments Regulations

2. In regulation 19(1) of the Claims and Payments Regulations (time for claiming benefit) the words “Subject to the provisions of Schedule 5” shall be omitted.

Amendment of regulation 22 of the Claims and Payments Regulations

3. In regulation 22(2) of the Claims and Payments Regulations (long term benefits) for the sum “£2.00” there shall be substituted the sum “£5.00”.

(1) 1992 c. 5; section 191 is an interpretation provision and is cited for the definition of “prescribe”.

(2) See section 173(1)(b) of the Social Security Administration Act 1992.

(3) S.I. 1987/1968.

(4) S.I. 1995/1801.

Amendment of regulation 37 of the Claims and Payments Regulations

4. In regulation 37(5)(5) of the Claims and Payments Regulations (suspension in individual cases) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) “relevant period” means the period of 3 months beginning with the date on which notice in writing of the decision in question and of the reasons for it is received by the adjudication officer; and.”

Amendment of regulation 37AA of the Claims and Payments Regulations

5. In regulation 37AA(4)(6) of the Claims and Payments Regulations (withholding of benefit in prescribed circumstances) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) claims income support, and qualifies for income support by virtue of paragraph 7 of Schedule 1B to the Income Support (General) Regulations 1987(7).”

Amendment of Schedule 4 to the Claims and Payments Regulations

6. In paragraph 9 of Schedule 4 to the Claims and Payments Regulations (prescribed times for claiming benefit) in column (2) for the words “3 months from the date of the funeral” there shall be substituted the words “The period beginning with the date of the death and ending 3 months after the date of the funeral”.

Omission of Schedule 5 to the Claims and Payments Regulations

7. Schedule 5 to the Claims and Payments Regulations (miscellaneous provisions which vary the prescribed times under Schedule 4) shall be omitted.

Amendment of regulation 63 of the Adjudication Regulations

8. In regulation 63 of the Adjudication Regulations(8) (review in income support cases) for paragraphs (7) to (11) there shall be substituted the following paragraphs—

“(7) Where a claimant is in receipt of income support and his applicable amount includes an amount determined in accordance with Schedule 3 to the Income Support Regulations (housing costs), and there is a reduction in the amount of eligible capital owing in connection with a loan which qualifies under paragraph 15 or 16 of that Schedule, a determination on a review undertaken as a result of that reduction shall have effect—

- (a) on the first anniversary of the date on which the claimant’s housing costs were first met under that Schedule; or
- (b) where the reduction in eligible capital occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.

(8) Where a claimant is in receipt of income support and payments made to that claimant which fall within paragraph 29 or 30(1)(a) to (c) of Schedule 9 to the Income Support Regulations have been disregarded in relation to the determination or review of the claim, and there is a change in the amount of interest payable—

(5) Relevant amending instrument is S.I. 1993/2113.
(6) Regulation 37AA was inserted by S.I. 1994/2319.
(7) S.I. 1987/1967; Schedule 1B was inserted by S.I. 1996/206.
(8) Paragraphs (7) to (11) were added by S.I. 1995/2927.

- (a) on a loan qualifying under paragraph 15 or 16 of Schedule 3 to those Regulations to which those payments relate; or
- (b) on a loan not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,

any determination on a review undertaken as a result of that change in the amount of interest payable shall have effect on whichever of the dates referred to in paragraph (9) is appropriate in the claimant's case.

(9) The date on which a determination on a review has effect for the purposes of paragraph (8) is—

- (a) the date when the claimant's housing costs are first met under paragraph 6(1)(a), 8(1)(a) or 9(2)(a) of Schedule 3 to the Income Support Regulations; or
- (b) where the change in the amount of interest payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(10) In paragraph (9), "standard rate" has the same meaning as it has in paragraph 1(2) of Schedule 3 to the Income Support Regulations."

Amendment of regulation 63A of the Adjudication Regulations

9. In regulation 63A of the Adjudication Regulations(9) (review in jobseeker's allowance cases) at the end there shall be added the following paragraphs—

"(9) Where a claimant is in receipt of a jobseeker's allowance and his applicable amount includes an amount determined in accordance with Schedule 2 to the Jobseeker's Allowance Regulations (housing costs), and there is a reduction in the amount of eligible capital owing in connection with a loan which qualifies under paragraph 14 or 15 of that Schedule, a determination on a review undertaken as a result of that reduction shall have effect—

- (a) on the first anniversary of the date on which the claimant's housing costs were first met under that Schedule; or
- (b) where the reduction in eligible capital occurred after the first anniversary of the date referred to in sub-paragraph (a), on the next anniversary of that date following the date of the reduction.

(10) Where a claimant is in receipt of a jobseeker's allowance and payments made to that claimant which fall within paragraph 30 or 31(1)(a) to (c) of Schedule 7 to the Jobseeker's Allowance Regulations have been disregarded in relation to the determination or review of the claim, and there is a change in the amount of interest payable—

- (a) on a loan qualifying under paragraph 14 or 15 of Schedule 2 to those Regulations to which those payments relate; or
- (b) on a loan not so qualifying which is secured on the dwelling occupied as the home to which those payments relate,

any determination on a review undertaken as a result of that change in the amount of interest payable shall have effect on whichever of the dates referred to in paragraph (11) is appropriate in the claimant's case.

(11) The date on which a determination on a review has effect for the purposes of paragraph (10) is—

- (a) the date when the claimant's housing costs are first met under paragraph 6(1)(a), 7(1)(a) or 8(2)(a) of Schedule 2 to the Jobseeker's Allowance Regulations; or

(9) Regulation 63A was inserted by S.I. [1996/1518](#).

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(b) where the change in the amount of interest payable occurred after the date referred to in sub-paragraph (a), on the date of the next alteration in the standard rate following the date of that change.

(12) In paragraph (11), “standard rate” has the same meaning as it has in paragraph 1(2) of Schedule 2 to the Jobseeker’s Allowance Regulations..”

Signed by authority of the Secretary of State for Social Security.

6th September 1996

Alistair Burt
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (S.I.1987/1968) in the following respects—

they remove the special rules on time limits for claiming incapacity benefit or severe disablement allowance for claimants in hospital (regulations 2 and 7); they also amend the time limit for claiming social fund payments (regulation 6);

they increase the maximum weekly amount of benefit which may be paid at intervals of up to 12 months (regulation 3);

they alter the period of time within which payment of benefit may be suspended in a case where an appeal to a Social Security Commissioner may be made (regulation 4);

they make an amendment, consequential on changes to the entitlement conditions for income support, to the provisions on withholding of benefit (regulation 5).

These Regulations also amend regulations 63 and 63A of the Social Security (Adjudication) Regulations 1995 (S.I.1995/1801), which concern reviews of income support and jobseeker's allowance. The regulations amend the provisions relating to the date that reviews of income support have effect where reductions in the capital outstanding on a loan or changes in the rate of interest have occurred (regulation 8), and make similar provision for jobseeker's allowance (regulation 9).

These Regulations do not impose any costs on business.