

2003 No. 1632

SOCIAL SECURITY

**The Social Security (Claims and Payments and
Miscellaneous Amendments) Regulations 2003**

Made - - - - - *24th June 2003*
Laid before Parliament *27th June 2003*
Coming into force - - - *21st July 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 5(1)(a) and (j), 6(1)(a), 7A(1)(b), (2) and (6)(d), 189(1) and (4) and 191 of the Social Security Administration Act 1992(a), 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(b), and so far as they concern housing benefit and council tax benefit after consultation with organisations appearing to the Secretary of State to be representative of the authorities concerned(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 and shall come into force on 21st July 2003.

(2) In these Regulations—

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

“the Council Tax Benefit Regulations” means the Council Tax Benefit (General) Regulations 1992(e);

“the Housing Benefit Regulations” means the Housing Benefit (General) Regulations 1987(f).

Amendment of the Claims and Payments Regulations

2.—(1) The Claims and Payments Regulations shall be amended in accordance with the following paragraphs of this regulation.

(2) In regulation 4(g) (making a claim for benefit)—

(a) at the beginning of paragraph (6) insert “Subject to paragraphs (6A) to (6D),”;

(b) after paragraph (6) insert the following paragraphs—

(a) 1992 c. 5; section 6(1) was amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 12(1)(a); section 7A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30), section 71; there are amendments to sections 7A and 189(1) and (4) which are not relevant to these Regulations; section 191 is an interpretation provision and is cited because of the meaning ascribed to the word “prescribe”.

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

(c) See the Social Security Administration Act 1992, section 176(1)(a).

(d) S.I. 1987/1968.

(e) S.I. 1992/1814.

(f) S.I. 1987/1971.

(g) Relevant amending instruments are S.I. 1992/247, 1996/1460, 1997/793, 1999/2572, 2000/1982 and 2002/3019.

- “(6A) Paragraphs (6B) and (6C) apply in relation to a person—
- (a) who has attained the qualifying age and makes a claim for—
 - (i) an attendance allowance, a bereavement benefit, a carer’s allowance, a disability living allowance or incapacity benefit; or
 - (ii) a retirement pension of any category for which a claim is required or a winter fuel payment for which a claim is required under regulation 3(1)(b) of the Social Fund Winter Fuel Payment Regulations 2000(a);
 - (b) who has not yet attained the qualifying age and makes a claim for a retirement pension in advance in accordance with regulation 15(1); or
 - (c) who has attained the qualifying age and makes a claim for income support in respect of a period before 6th October 2003.

(6B) A person to whom paragraph (6A) applies may make a claim by sending or delivering it to, or by making it in person at—

- (a) an office designated by the Secretary of State for accepting such claims; or
- (b) the offices of—
 - (i) a local authority administering housing benefit or council tax benefit;
 - (ii) a person providing to such an authority services relating to housing benefit or council tax benefit; or
 - (iii) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit,

if the Secretary of State has arranged with the local authority or person specified in head (ii) or (iii) for them to receive claims in accordance with this sub-paragraph,

provided that the claim is made on a form which is approved by the Secretary of State for the purpose.

(6C) Where a person to whom paragraph (6A) applies makes a claim in accordance with paragraph (6B)(b), on receipt of the claim the local authority or other person specified in that sub-paragraph—

- (a) shall forward the claim to the Secretary of State as soon as reasonably practicable;
- (b) may receive information or evidence relating to the claim supplied by—
 - (i) the person making, or who has made, the claim; or
 - (ii) other persons in connection with the claim,and shall forward it to the Secretary of State as soon as reasonably practicable;
- (c) may obtain information or evidence relating to the claim from the person who has made the claim, but not any medical information or evidence except for that which the claimant must provide in accordance with instructions on the form, and shall forward the information or evidence to the Secretary of State as soon as reasonably practicable;
- (d) may record information or evidence relating to the claim supplied or obtained in accordance with sub-paragraphs (b) or (c) and may hold the information or evidence (whether as supplied or obtained or as recorded) for the purpose of forwarding it to the Secretary of State; and
- (e) may give information and advice with respect to the claim to the person who makes, or who has made, the claim.

(6D) The benefits specified in paragraph (6A) are relevant benefits for the purposes of section 7A of the Social Security Administration Act 1992(b).”; and

- (c) in paragraph (7) after “when it is received” insert “in an appropriate office, or other office specified in paragraph (6B) where that paragraph applies,”.

(3) In regulation 4D(c) (making a claim for state pension credit)—

- (a) in paragraph (4)—

(a) S.I. 2000/729.

(b) Section 7A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30), section 71.

(c) Regulation 4D was inserted by S.I. 2002/3019.

- (i) in sub-paragraph (b) for “services to such an authority” substitute “to such an authority services relating to housing benefit or council tax benefit”; and
 - (ii) after sub-paragraph (c) add—
“if the Secretary of State has arranged with the local authority or person specified in sub-paragraph (b) or (c) for them to receive claims in accordance with this paragraph”; and
 - (b) in paragraph (11)(b) after “appropriate office” insert “or other office specified in regulation 4F(3)”.
- (4) In regulation 4F(a) (making a claim after attaining qualifying age: date of claim)—
- (a) in paragraph (3)(a) after “an appropriate office” insert “, or other office designated by the Secretary of State for accepting claims for state pension credit or the office of a person specified in regulation 4D(4),”; and
 - (b) in paragraph (3) for “the appropriate office” substitute “an office specified in sub-paragraph (a)”.
- (5) In regulation 6(b) (date of claim)—
- (a) after paragraph (1) insert the following paragraph—
“(1ZA) In the case of a claim made in accordance with regulation 4(6B)—
 - (a) paragraph (1) shall apply in relation to a claim received at an office specified in that regulation as it applies in relation to a claim received at an appropriate office; and
 - (b) paragraph (1A) shall apply in relation to an office specified in that regulation as it applies in relation to an appropriate office.”;
 - (b) in paragraph (8)(c) for “paragraph (8A)” substitute “paragraphs (8A) and (8B)”;
 - (c) after paragraph (8A)(d) insert the following paragraph—
“(8B) In the case of a claim for disability living allowance or attendance allowance made in accordance with regulation 4(6B), paragraphs (8) and (8A) shall apply in relation to an office specified in that regulation as they apply in relation to an appropriate office.”.
- (6) In regulation 32(e) (information to be given and changes to be notified) paragraph (1A) inserted by the Social Security (Claims and Information) Regulations 1999(f) shall be renumbered paragraph “(1C)”.

Amendment of the Housing Benefit Regulations

3. In regulation 72 of the Housing Benefit Regulations(g) (time and manner in which claims are to be made)—
- (a) in paragraph (4), after sub-paragraph (e) add the following sub-paragraph—
“(f) where the claimant has attained the qualifying age for entitlement to state pension credit under the State Pension Credit Act, may be sent or delivered to an office which is nominated by the Secretary of State and authorised by the relevant authority for receiving claims for determination by the relevant authority.”; and
 - (b) in paragraph (5), for sub-paragraph (c) substitute the following sub-paragraphs—
“(c) in a case where a claim is sent or delivered to an office in accordance with paragraph (4)(f), the date on which the claim is received at that office;
 - (d) in any other case, the date on which the claim is received at the designated office.”.

(a) Regulation 4F was inserted by S.I. 2002/3019.
 (b) In regulation 6, paragraph (1) was amended by S.I. 1990/725, 1997/793, 2000/897 and 2001/567 and paragraph (1A) was inserted by S.I. 1997/793.
 (c) Paragraph (8) was added by S.I. 1991/2741 and amended by S.I. 1993/2113.
 (d) Paragraph (8A) was inserted by S.I. 1993/2113.
 (e) Relevant amendments to regulation 32 were made by S.I. 1999/3108 and 2003/1050.
 (f) S.I. 1999/3108; paragraph (1A) was inserted by paragraph 2(8) of Schedule 3.
 (g) Paragraphs (4) and (5) were amended by S.I. 1990/671, 1991/235 and 1599, 1996/1510, 1999/1539, 2000/897, 2001/1605, 2002/1397 and 1703 and 2003/48.

Amendment of the Council Tax Benefit Regulations

4. In regulation 62 of the Council Tax Benefit Regulations(a) (time and manner in which claims are to be made)—

- (a) in paragraph (4), after sub-paragraph (e) add the following sub-paragraph—
 - “(f) where the claimant has attained the qualifying age for entitlement to state pension credit under the State Pension Credit Act, may be sent or delivered to an office which is nominated by the Secretary of State and authorised by the relevant authority for receiving claims for determination by the relevant authority.”;
- (b) in paragraph (5), for sub-paragraph (d) substitute the following sub-paragraphs—
 - “(d) in a case where a claim is sent or delivered to an office in accordance with paragraph (4)(f), the date on which the claim is received at that office;
 - (e) in any other case, the date on which the claim is received at the designated office.”.

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

Maria Eagle
Parliamentary Under-Secretary of State,
Department for Work and Pensions

24th June 2003

(a) Paragraphs (4) and (5) were amended by S.I. 1996/1510, 1999/1539, 2000/897, 2001/1605, 2002/1703 and 2003/48.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987, the Housing Benefit (General) Regulations 1987 and the Council Tax (General) Regulations 1992 in respect of benefit claims.

Regulation 2(2) enables people of the qualifying age for state pension credit to make claims for attendance allowance, bereavement benefit, carer's allowance, disability living allowance, incapacity benefit, retirement pension, a winter fuel payment or income support at an office designated by the Secretary of State for accepting such claims or at an authorised office of a local authority administering housing benefit.

Regulation 2(3) makes consequential amendments in respect of claims for state pension credit at such an office.

Regulation 2(4) and (5) fix the date of claim where people of qualifying age notify such an office of intent to claim state pension credit or, transitionally, income support; paragraph (5) fixes the date of claim if they claim other benefits from such an office and if they claim disability living allowance or attendance allowance after asking the office for a claim form.

Regulation 2(6) renumbers one of two paragraphs (1A) of regulation 32 of the Social Security (Claims and Payments) Regulations 1987.

Regulations 3 and 4 enable people of the qualifying age for state pension credit to make claims for housing benefit and council tax benefit at an office nominated by the Secretary of State and authorised by the relevant local authority to accept such claims.

These Regulations do not impose a charge on business.

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