
STATUTORY INSTRUMENTS

2008 No. 2667

The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008

Amendment of the Social Security (Claims and Payments) Regulations 1987

2.—(1) The Social Security (Claims and Payments) Regulations 1987(1) are amended as follows.

(2) In regulation 3(2) (claims not required for entitlement to benefit in certain cases) for sub-paragraph (da) substitute—

“(da) in the case of a bereavement payment where the beneficiary is in receipt of a retirement pension at the date of death of the beneficiary’s spouse or civil partner and satisfies the conditions of entitlement under section 36(1) of the Contributions and Benefits Act(3);”.

(3) In regulation 4(4) (making a claim for benefit)—

(a) in paragraph (1) for “paragraphs (10) and (11),” substitute “paragraphs (10) to (11B),”;

(b) in paragraph (1A) for “In the case of” substitute “Subject to paragraph (11A), in the case of”;

(c) after paragraph (11) insert—

“(11A) A claim for income support or jobseeker’s allowance may be made by telephone call to the telephone number specified by the Secretary of State where such a claim falls within a category of case which the Secretary of State accepts for the purposes of making a telephone claim.

(11B) Paragraph (11A) shall apply unless in any particular case the Secretary of State directs that the claim must be made in writing.”; and

(d) in paragraph (12) for “paragraph (11)” substitute “paragraph (11) or (11A)”.

(4) In regulation 6(5) (date of claim)—

(a) in paragraph (1)(c) for “regulation 4(11)” substitute “regulation 4(11) or (11A)”;

(b) in paragraph (21)—

(i) after “further claim” insert “for a relevant benefit”; and

(ii) for “on which the additional circumstances apply” substitute “of the decision to award, re-award, or recommence payment of the qualifying benefit on the grounds that sub-paragraph (a), (b), (c) or (d) was satisfied”;

(c) in paragraph (33)—

(i) after “carer’s allowance” insert “or for an increase in carer’s allowance in respect of an adult or child dependant”; and

(1) [S.I. 1987/1968](#).

(2) The relevant amending instrument is [S.I. 2007/2470](#).

(3) [1992 c. 4](#). Section 36(1) was substituted by the Welfare Reform and Pensions Act [1999 \(c.30\)](#), section 54(1) and amended by the Civil Partnership Act [2004 \(c.33\)](#) section 254(1), Schedule 24 paragraph 16(1) and (2).

(4) The relevant amending instruments are [S.I. 1992/247](#), [1997/793](#), [1999/2572](#), [2005/34](#) and [2005/1551](#).

(5) The relevant amending instruments are [S.I. 2002/428](#), [2005/34](#), [2006/832](#) and [2007/2470](#).

- (ii) for the words from “is the first day” to “is payable” substitute “shall be treated as the first day of the benefit week in which the award of the qualifying benefit became payable”; and
- (d) for paragraph (34) substitute—
 - “(34) Where the decision awarding a qualifying benefit is made in respect of a renewal claim where a fixed period award of that benefit has expired, or is due to expire, the date of claim for carer’s allowance shall be treated as the first day of the benefit week in which the renewal award of qualifying benefit became payable.”.
- (5) In regulation 22(1) (long term benefits) for “four weeks, or weekly in advance” substitute “four weeks in arrears, weekly in advance or, where the beneficiary agrees, at intervals not exceeding 13 weeks in arrears”.