
STATUTORY INSTRUMENTS

2010 No. 510

**The Social Security (Miscellaneous
Amendments) Regulations 2010**

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

3.—(1) The Social Security (Claims and Payments) Regulations 1987^{M1} are amended as follows.

(2) In regulation 6(22)^{M2} (date of claim), in paragraph (c) of the definition of “qualifying benefit” for “regulation 5(1)(a) or 7(1)(a) of the Social Fund Maternity and Funeral Expenses (General) Regulations 1987” substitute “regulation 5(1)(a) or 7(4)(a) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005^{M3}”.

(3) In regulation 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate)—

- (a) in paragraph (2D)^{M4}, for “Where a retirement pension is paid in arrears under regulation 22C and the award” substitute “Where an award of retirement pension”;
- (b) in paragraph (2E), before “regulation 22D(2)” insert “paragraph (2F) or”; and
- (c) after paragraph (2E) insert—

“(2F) Except in a case where regulation 22D(2) applies, where a retirement pension is paid in arrears under regulation 22C and a change in the rate of that benefit takes effect under an order made under section 150 or 150A of the 1992 Act^{M5} (annual up-rating of benefits, basic pension etc.) the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect on the first day of the benefit week next following.”.

(4) In regulation 16A^{M6} (date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate), for paragraph (4) substitute—

“(4) For the purpose of this regulation, “benefit week” means—

- (a) where state pension credit is paid in advance, the period of 7 days beginning on the day on which, in the claimant's case, that benefit is payable;
- (b) where state pension credit is paid in arrears, the period of 7 days ending on the day on which, in the claimant's case, that benefit is payable.”.

(5) In regulation 22^{M7} (long term benefits)—

- (a) in paragraph (1A), for “Disability” substitute “Subject to paragraph (1B), disability”; and
- (b) after paragraph (1A) insert—

“(1B) The Secretary of State may, in any particular case or class of case, arrange that attendance allowance or disability living allowance shall be paid at such other intervals not exceeding four weeks as may be specified.”.

(6) In regulation 22D(2)(c)^{M8} (payment of retirement pension at a daily rate) for “section 150A” substitute “section 150 or 150A”.

(7) In paragraph 5^{M9} of Schedule 9 (deductions from benefit and direct payment to third parties)

- (a) in sub-paragraph (1)(b), at the end add “ or is resident in approved premises under section 13 of the Offender Management Act 2007^{M10} ”;
- (b) after sub-paragraph (1A) insert—
 - “(1B) For the purposes of sub-paragraphs (1) and (1A), references to “rent” include charges incurred in respect of accommodation in approved premises under section 13 of the Offender Management Act 2007.”;
- (c) in sub-paragraph (3), for “Subject to sub-paragraph (4), the” substitute “ The ”; and
- (d) in sub-paragraph (6), after “landlord” insert “ , or the person or body to whom charges are payable in respect of the residence of the beneficiary or the beneficiary's partner in approved premises under section 13 of the Offender Management Act 2007, ”.

^{F1}(8)

Textual Amendments

F1 [Reg. 3\(8\)](#) revoked (1.4.2017) by [The Social Security \(Fees Payable by Qualifying Lenders\) \(Amendment\) Regulations 2017 \(S.I. 2017/270\)](#), regs. 1, 4, **Sch.**

Marginal Citations

M1 [S.I. 1987/1968](#).

M2 The definition of “qualifying benefit” was amended by [S.I. 2002/428](#) and [2002/2497](#).

M3 [S.I. 2005/3061](#).

M4 Paragraphs (2D) and (2E) are inserted by [S.I. 2009/3229](#).

M5 Section 150A of the 1992 Act was inserted by section 5(1) of the [Pensions Act 2007 \(c.22\)](#).

M6 Regulation 16A was inserted by [S.I. 2002/3019](#) and amended by [S.I. 2008/1554](#).

M7 Regulation 22 was amended by [S.I. 1991/2741](#), [1994/3196](#), [1996/2306](#), [2002/2441](#), [2008/2667](#), [2009/604](#) and [2009/3229](#).

M8 Regulation 22D is inserted by [S.I. 2009/3229](#).

M9 Relevant amending instruments are [S.I. 1991/2284](#), [1992/2595](#), [1996/1460](#), [1999/3178](#), [2006/217](#), [2006/2377](#), [2007/2870](#) and [2008/698](#).

M10 [2007 c.21](#).

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Miscellaneous Amendments) Regulations 2010, Section 3.