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STATUTORY INSTRUMENTS

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**2022 No. 428**

**SOCIAL SECURITY**

**The Social Security Benefits (Claims and Payments) (Modification) Regulations 2022**

<i>Made</i>	- - - -	<i>4th April 2022</i>
<i>Laid before Parliament</i>		<i>5th April 2022</i>
<i>Coming into force</i>	- -	<i>26th April 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 5(1)(p) and 189(1), (4) and (6) of the Social Security Administration Act 1992<sup>(1)</sup>.

In accordance with section 173(1)(a) of the Social Security Administration Act 1992, it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

**Citation, commencement, extent, cessation and application**

1.—(1) These Regulations may be cited as the Social Security Benefits (Claims and Payments) (Modification) Regulations 2022 and come into force on 26th April 2022.

(2) These Regulations extend to England and Wales and Scotland.

(3) These Regulations cease to have effect on 6th April 2023.

(4) These Regulations apply in relation to an application that is made by a claimant or a fuel supplier on or after the date on which these Regulations come into force—

(a) for a deduction for a fuel item under paragraph 6 of Schedule 9 to the 1987 Regulations or paragraph 8 of Schedule 6 to the 2013 Regulations (deductions from benefit and direct payment to third parties);

(b) for supersession in relation to a deduction for a fuel item that is in place under either paragraph on that date,

and to any decision made on such an application.

(5) In this regulation—

(a) “claimant”—

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(1) 1992 c. 5; section 189(1) was amended by paragraph 109(a) of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14), paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and paragraph 1 of Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 189(4) was amended by paragraph 109(c) of Schedule 7, and Schedule 8, to the Social Security Act 1998 and S.I. 2013/252. Section 189(6) was amended by S.I. 2013/252.

- (i) in relation to the 1987 Regulations, means beneficiary;
- (ii) in relation to the 2013 Regulations, has the same meaning as in section 40 of the Welfare Reform Act 2012(2);
- (b) “fuel item” has the same meaning as in paragraph 6(8) of Schedule 9 to the 1987 Regulations;
- (c) “fuel supplier” means the person to whom the claimant is in debt as referred in paragraph 6(1) of Schedule 9 to the 1987 Regulations or paragraph 8(2) of Schedule 6 to the 2013 Regulations, as the case may be;
- (d) “supersession” means a supersession decision under section 10 of the Social Security Act 1998(3).

### **Interpretation**

#### **2. In these Regulations—**

“the 1987 Regulations” means the Social Security (Claims and Payments) Regulations 1987(4);

“the 2013 Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(5).

### **Modification of the Social Security (Claims and Payments) Regulations 1987**

**3.—**(1) Paragraph 6 (fuel costs) of Schedule 9 to the 1987 Regulations (deductions from benefits and direct payments to third parties) is to be read as if it were amended as follows.

(2) In sub-paragraph (1), for “and (6A)” substitute “, (6A) and (9)”.

(3) After sub-paragraph (8), insert—

“(9) Except on an application by the beneficiary for action to be taken as in paragraph (a) or (b) below, the Secretary of State may not—

- (a) include an amount under sub-paragraph (2)(b) in the amount deductible;
- (b) determine under sub-paragraph (4)(a) that an amount under sub-paragraph (2)(b), that is included in the amount deductible, shall be increased.”.

### **Modification of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013**

**4.—**(1) Paragraph 8 (fuel costs) of Schedule 6 to the 2013 Regulations (deductions from benefits and direct payments to third parties) is to be read as if it were amended as follows.

(2) In sub-paragraph (3), for “and (6)” substitute “, (6) and (9)”.

(3) After sub-paragraph (8), insert—

“(9) Except on an application by the claimant for action to be taken as in paragraph (a) or (b) below, the Secretary of State may not—

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- (2) 2012 c. 5.
  - (3) 1998 c. 14; section 10 has been amended by paragraph 23 of Schedule 7 and Part 1 of Schedule 10 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), paragraph 148 of Schedule 3 to S.I. 2008/2833 and paragraph 4 of Schedule 12 and Part 8 of Schedule 14 to the Welfare Reform Act 2012 (c. 5).
  - (4) S.I. 1987/1968; relevant amending instruments are S.I. 1999/3178, 2002/3019 and 2013/443.
  - (5) S.I. 2013/380; to which there are no relevant amending instruments.

- (a) include an additional amount under sub-paragraph (4)(b) in the amount to be deducted under sub-paragraph (3);
- (b) decide to increase an additional amount under sub-paragraph (4)(b), that is included in the amount to be deducted under sub-paragraph (3).”.

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

4th April 2022

*Mims Davies*  
Parliamentary Under Secretary of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations modify paragraph 6 of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) (“the 1987 Regulations”) and paragraph 8 of Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380) (“the 2013 Regulations”). These paragraphs contain provisions under which the Secretary of State may make deductions from benefit in respect of arrears for fuel costs and ongoing consumption of fuel to pay the fuel supplier directly.

Under regulation 1, these Regulations expire on 6th April 2023 and apply in relation to an application, made on or after the date on which these Regulations come into force by a claimant or fuel supplier, for a deduction for fuel costs or for a supersession of a deduction for fuel costs that is in place on the date these Regulations come into force and to any decision made on such an application.

Regulations 3 and 4 make temporary modifications to paragraph 6 of Schedule 9 to the 1987 Regulations and paragraph 8 to Schedule 6 of the 2013 Regulations so that a new deduction for ongoing consumption of fuel, or an application for an increase to a deduction for ongoing deductions, may only be made further to an application by the claimant. Fuel suppliers may still apply for a deduction for arrears of fuel costs.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.