

WELFARE REFORM ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Social Security

Section 22: Payments on account

119. *Section 22(2)(a)* repeals section 5(1)(r) of the Social Security Administration Act 1992, which enables regulations to be made providing for the making of a payment on account of benefit where it is impracticable for a claim to be made immediately, where it is impracticable for a claim to be determined immediately or where an award of benefit has been made, but it is impracticable to pay the whole immediately. *Subsection (2)(b)* inserts a new *subsection (1B)* into section 5 of that Act. It provides a regulation-making power to allow a payment on account of benefit to be made where –
- no claim has been made or a claim has been made (including where a claim has been determined and an award made) and, in either case, a person who is or would be covered by such a claim would be in need if no payment on account was made, and
 - an award has been made but it is impracticable for the full amount of the benefit to be paid immediately.
120. The new subsection broadens the range of situations in which a payment on account may be made before an award has been made. It enables these payments to be made on a need basis rather than in situations where it is impracticable to make a claim, determine a claim or pay benefit. It provides the Secretary of State with improved flexibility to address short-term hardship.
121. *New subsection (1A)* of section 5 of the Social Security Administration Act 1992 effectively excludes housing benefit from the new provisions about payments on account of a benefit in *new subsections (1B) and (1C)*. Instead *new subsection (1A)* re-enacts, in similar terms, the repealed power in section 5(1)(r) for housing benefit alone.
122. The *new subsection (1C)* enables regulations to make provision about the manner in which payments on account of benefit are to be set against subsequent payments of benefit.
123. *Subsections (3) to (5)* of section 22 make consequential changes to references to section 5(1)(r) in other sections of the Social Security Administration Act 1992.