



Social Security Administration Act 1992

1992 CHAPTER 5

PART I

CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

Necessity of Claim

1 Entitlement to benefit dependent on claim

- (1) Except in such cases as may be prescribed, and subject to the following provisions of this section and to section 3 below, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—
- (a) he makes a claim for it in the manner, and within the time, prescribed in relation to that benefit by regulations under this Part of this Act; or
 - (b) he is treated by virtue of such regulations as making a claim for it.

[^{F1}(1A) No person whose entitlement to any benefit depends on his making a claim shall be entitled to the benefit unless subsection (1B) below is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming benefit.

(1B) This subsection is satisfied in relation to a person if—

- (a) the claim is accompanied by—
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

(1C) Regulations may make provision disapplying subsection (1A) above in the case of—

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- (a) prescribed benefits;
 - (b) prescribed descriptions of persons making claims; or
 - (c) prescribed descriptions of persons in respect of whom benefit is claimed, or in other prescribed circumstances.]
- (2) Where under subsection (1) above a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it—
- (a) if the benefit is a [^{F2}bereavement payment, the person] shall not be entitled to it in respect of a death occurring more than 12 months before the date on which the claim is made or treated as made; and
 - (b) if the benefit is any other benefit except disablement benefit or reduced earnings allowance, the person shall not be entitled to it in respect of any period more than 12 months before that date,
- except as provided by section 3 below.
- (3) Where a person purports to make a claim on behalf of another—
- [^{F3}(za) for personal independence payment by virtue of section 82 of the Welfare Reform Act 2012; or]
 - (a) for an attendance allowance by virtue of section 66(1) of the Contributions and Benefits Act; ^{F4}...
 - ^{F4}(b)
- that other shall be regarded for the purposes of this section as making the claim, notwithstanding that it is made without his knowledge or authority.
- (4) In this section and section 2 below “benefit” means—
- [^{F5}(za) universal credit;]
 - [^{F6}(zb) state pension or a lump sum under Part 1 of the Pensions Act 2014;]
 - (a) benefit as defined in section 122 of the Contributions and Benefits Act;
 - [^{F7}(aa) a jobseeker's allowance;]
 - [^{F8}(ab) state pension credit;]
 - [^{F9}(ac) an employment and support allowance;] and
 - [^{F10}(ad) personal independence payment.]
 - (b) any income-related benefit.
- (5) This section (which corresponds to section 165A of the 1975 Act, as it had effect immediately before this Act came into force) applies to claims made on or after 1st October 1990 or treated by virtue of regulations under that section or this section as having been made on or after that date.
- (6) Schedule 1 to this Act shall have effect in relation to other claims.

Textual Amendments

- F1** S. 1(1A)-(1C) inserted (7.11.1997 for the purposes of authorising the making of regs; 1.12.1997 for all other purposes) by [Social Security Administration \(Fraud\) Act 1997 \(c. 47\)](#), **ss. 19, 25(1)**; [S.I. 1997/2669](#), art. 2
- F2** Words in s. 1(2)(a) substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), **Sch. 8 para. 16**; [S.I. 2000/1047](#), art. 2(2)(a), Sch. Pt. I

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- F3** S. 1(3)(za) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 8(2)(a)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F4** S. 1(3)(b) and preceding word repealed (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 8(2)(b)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2
- F5** S. 1(4)(za) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 4**; S.I. 2013/358, art. 2(1), Sch. 1 para. 20; S.I. 2013/983, art. 3(1)(b)(ii)
- F6** S. 1(4)(zb) inserted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 9**
- F7** S. 1(4)(aa) inserted (22.4.1996) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 38**; S.I. 1996/1126, art. 2(a)
- F8** S. 1(4)(ab) inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 1 para. 2**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)
- F9** S. 1(4)(ac) inserted (18.3.2008 for specified purposes, 27.7.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(2)**; S.I. 2008/787, art. 2(1)(3)(a)(4)(f), Sch.
- F10** S. 1(4)(ad) inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 8(3)**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

Modifications etc. (not altering text)

- C1** S. 1 excluded (31.8.1992) by The Council Tax Benefit (Transitional) Order 1992 (S.I. 1992/1909), arts. 1(1), **3(1)**

2 Retrospective effect of provisions making entitlement to benefit dependent on claim

- (1) This section applies where a claim for benefit is made or treated as made at any time on or after 2nd September 1985 (the date on which section 165A of the 1975 Act (general provision as to necessity of claim for entitlement to benefit), as originally enacted, came into force) in respect of a period the whole or any part of which falls on or after that date.
- (2) Where this section applies, any question arising as to—
- whether the claimant is or was at any time (whether before, on or after 2nd September 1985) entitled to the benefit in question, or to any other benefit on which his entitlement to that benefit depends; or
 - in a case where the claimant's entitlement to the benefit depends on the entitlement of another person to a benefit, whether that other person is or was so entitled, shall be determined as if the relevant claim enactment and any regulations made under or referred to in that enactment had also been in force, with any necessary modifications, at all times relevant for the purpose of determining the entitlement of the claimant, and, where applicable, of the other person, to the benefit or benefits in question (including the entitlement of any person to any benefit on which that entitlement depends, and so on).
- (3) In this section “the relevant claim enactment” means section 1 above as it has effect in relation to the claim referred to in subsection (1) above.
- (4) In any case where—
- a claim for benefit was made or treated as made (whether before, on or after 2nd September 1985, and whether by the same claimant as the claim referred

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to in subsection (1) above or not), and benefit was awarded on that claim, in respect of a period falling wholly or partly before that date; but

- (b) that award would not have been made had the current requirements applied in relation to claims for benefit, whenever made, in respect of periods before that date; and
- (c) entitlement to the benefit claimed as mentioned in subsection (1) above depends on whether the claimant or some other person was previously entitled or treated as entitled to that or some other benefit,

then, in determining whether the conditions of entitlement to the benefit so claimed, are satisfied, the person to whom benefit was awarded as mentioned in paragraphs (a) and (b) above shall be taken to have been entitled to the benefit so awarded, notwithstanding anything in subsection (2) above.

- (5) In subsection (4) above “the current requirements” means—
 - (a) the relevant claim enactment, and any regulations made or treated as made under that enactment, or referred to in it, as in force at the time of the claim referred to in subsection (1) above, with any necessary modifications; and
 - (b) subsection (1) (with the omission of the words following “at any time”) and subsections (2) and (3) above.

[^{F11}Work-focused interviews [^{F12}and work-related activity]

Textual Amendments

- F11** Ss. 2A, 2B and cross-heading inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), [ss. 57, 89\(4\)\(a\)](#)
- F12** Words in s. 2A cross-heading inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), [ss. 2\(3\), 61\(1\)](#)

2A Claim or full entitlement to certain benefits conditional on work-focused interview

- (1) Regulations may make provision for or in connection with—
 - (a) imposing, as a condition falling to be satisfied by a person who—
 - (i) makes a claim for a benefit to which this section applies, and
 - ^{F13}(ii) has not attained pensionable age at the time of making the claim (but see subsection (1A)),]
 a requirement to take part in ^{F14}one or more work-focused interviews];
 - (b) imposing, at a time when—
 - (i) a person ^{F15}has not attained pensionable age and is] entitled to such a benefit, and
 - (ii) any prescribed circumstances exist,
 a requirement to take part in ^{F16}one or more work-focused interviews] as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.

^{F17}(1A) [For the purposes of subsection (1) a man born before ^{F18}6 December 1953] is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

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(2) The benefits to which this section applies are—

- (a) income support;
- (b) housing benefit;
- (c) council tax benefit;
- (d) widow's and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act (other than a bereavement payment);
- (e) incapacity benefit;
- (f) severe disablement allowance; and
- (g) [^{F19}carer's allowance].

[No requirement may be imposed by virtue of this section on a person who—

- ^{F20}(2A) (a) is not a member of a couple, and
(b) is responsible for, and a member of the same household as, a child under the age of one.

(2B) For the purposes of subsection (2A)(b) regulations may make provision—

- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
- (b) as to circumstances in which persons are to be treated as being or not being members of the same household.]

(3) Regulations under this section may, in particular, make provision—

- (a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—
 - (i) that he is only required to take part in one interview, and
 - (ii) that any such interview is capable of counting for the purposes of all those benefits;
- (b) for determining the persons by whom interviews are to be conducted;
- (c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
- (d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;
- (e) for securing that the appropriate consequences mentioned in subsection (4) (a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—
 - (i) fails to take part in the interview, and
 - (ii) does not show, within the prescribed period, that he had good cause for that failure;
- (f) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or
 - (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.

(4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—

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- (a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—
 - (i) the person in question is to be regarded as not having made a claim for the benefit, or
 - (ii) if (in the case of an interview postponed in accordance with subsection (7)) that person has already been awarded the benefit, his entitlement to the benefit is to terminate immediately;
 - (b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.
- (5) Regulations under this section may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;
 - (b) is not to apply if the designated authority determines that an interview-
 - (i) would not be of assistance to that person, or
 - (ii) would not be appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines, if that authority determines that an interview-
 - (i) would not be of assistance to that person, or
 - (ii) would not be appropriate in the circumstances, until that time;
- and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

(7) Where—

- (a) a person is required to take part in an interview by virtue of subsection (1) (a), and
- (b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c),

the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.

[Information supplied in pursuance of regulations under this section shall be taken for ^{F21}(7A) all purposes to be information relating to social security.]

(8) In this section—

[^{F22}“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]

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“the designated authority” means such of the following as may be specified, namely-

- (a) the Secretary of State,
- (b) a person providing services to the Secretary of State,
- (c) a local authority,
- (ca) [^{F23}subject to subsection (9), a county council in England,]
- (d) [^{F24}subject to subsection (9),] a person providing services to, or authorised to exercise any function of, [^{F25}any authority mentioned in paragraph (c) or (ca)];

and the purposes which may be so specified include purposes connected with a person's existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.

“interview” (in subsections (3) to (7)) means a work-focused interview; “relevant benefit”, in relation to any person required to take part in a work-focused interview, means any benefit in relation to which that requirement applied by virtue of subsection (1)(a) or (b) above;

“specified” means prescribed by or determined in accordance with regulations;

“work-focused interview”, in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

[A county council in England or a person providing services to, or authorised to ^{F26}(9) exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

Textual Amendments

- F13** S. 2A(1)(a)(ii) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(a)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F14** Words in s. 2A(1)(a) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F15** Words in s. 2A(1)(b)(i) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(b)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F16** Words in s. 2A(1) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F17** S. 2A(1A) inserted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(2)(c)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F18** Words in s. 2A(1A) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 3**
- F19** Words in s. 2A(2)(g) substituted (28.10.2002 for specified purposes, 1.4.2003 in so far as not already in force) by [The Regulatory Reform \(Carers Allowance\) Order 2002 \(S.I. 2002/1457\)](#), art. 1(1)(b), **Sch. paras. 1, 3(a)**
- F20** S. 2A(2A)(2B) inserted (6.10.2011 for specified purposes, 31.10.2011 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 3(2)(a)**, 61(3); S.I. 2011/2427, art. 2(1)(a)(b)
- F21** S. 2A(7A) inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 34(1)**, 61(2)
- F22** Words in s. 2A(8) inserted (6.10.2011 for specified purposes, 31.10.2011 in so far as not already in force) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 3(2)(b)**, 61(3); S.I. 2011/2427, art. 2(1)(a)(b)

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- F23** Words in s. 2A(8) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 45(2)(a)**; S.I. 2008/3077, art. 4(g)
- F24** Words in s. 2A(8) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 45(2)(b)**; S.I. 2008/3077, art. 4(g)
- F25** Words in s. 2A(8) substituted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 45(2)(c)**; S.I. 2008/3077, art. 4(g)
- F26** S. 2A(9) inserted (26.1.2009) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 45(3)**; S.I. 2008/3077, art. 4(g)

[^{F27}2AA Full entitlement to certain benefits conditional on work-focused interview for partner

- (1) Regulations may make provision for or in connection with imposing, at a time when—
- (a) a person (“the claimant”) who—
 - ^{F28}(i) has not attained pensionable age (but see subsection (1A)), and
 - (ii) has a partner who has also not attained pensionable age,
 is entitled to a benefit to which this section applies at a higher rate referable to his partner, and
 - (b) prescribed circumstances exist,
- a requirement for the partner to take part in ^{F29}one or more work-focused interviews] as a condition of the benefit continuing to be payable to the claimant at that rate.

^{F30}(1A) [For the purposes of subsection (1) a man born before ^{F31}6 December 1953] is treated as attaining pensionable age when a woman born on the same day as the man would attain pensionable age.]

- (2) The benefits to which this section applies are—
- (a) income support;
 - (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance;
 - (c) incapacity benefit;
 - (d) severe disablement allowance; and
 - ^{F32}(e) carer's allowance][^{F33}; and
 - (f) an employment and support allowance.]
- (3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—
- (a) is more than it would be if the person concerned was not a member of a couple; or
 - (b) includes an increase of benefit for his partner as an adult dependant of his.
- (4) Regulations under this section may, in particular, make provision—
- (a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—
 - (i) that the partner is required instead to take part in only one such interview; and
 - (ii) that the interview is capable of counting for the purposes of all those benefits;

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- (b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each of them to take part in such an interview;
 - (c) for determining the persons by whom work-focused interviews are to be conducted;
 - (d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
 - (e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;
 - (f) for securing that if—
 - (i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and
 - (ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specified time;
 - (g) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations; or
 - (ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.
- (5) Regulations under this section may, in relation to a reduction under subsection (4)(f), provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining the extent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of the regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;
 - (b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him or appropriate in the circumstances until that time);
- and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

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[Information supplied in pursuance of regulations under this section shall be taken for ^{F34}(6A) all purposes to be information relating to social security.]

(7) In this section—

[^{F35}“couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;]

“designated authority” means such of the following as may be specified, namely—

- (a) the Secretary of State,
- (b) a person providing services to the Secretary of State,
- (c) a local authority, and
- (ca) [^{F36}subject to subsection (8), a county council in England,]
- (d) [^{F37}subject to subsection (8),] a person providing services to, or authorised to exercise any function of, [^{F38}any authority mentioned in paragraph (c) or (ca)];

“partner” means a person who is a member of the same couple as the claimant;

“specified” means prescribed by or determined in accordance with regulations; and

“work-focused interview” has the same meaning as in section 2A above.

[A county council in England or a person providing services to, or authorised to ^{F39}(8) exercise any function of, such a council may be specified as the designated authority only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

Textual Amendments

- F27** S. 2AA inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), **ss. 49**, 55(2); S.I. 2003/1666, art. 2(a)
- F28** S. 2AA(1)(a)(i)(ii) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(3)(a)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F29** Words in s. 2AA(1) substituted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(4)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F30** S. 2AA(1A) inserted (10.2.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 35(3)(b)**, 61(3); S.I. 2010/293, art. 2(1)(b)
- F31** Words in s. 2AA(1A) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), s. 38(3)(a), **Sch. 1 para. 4**
- F32** S. 2AA(2)(e) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(1), **Sch. 7 para. 3(2)**
- F33** S. 2AA(2)(f) and preceding word inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 10(3)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F34** S. 2AA(6A) inserted (12.1.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 34(2)**, 61(2)
- F35** Words in s. 2AA(7) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 55**; S.I. 2005/3175, art. 2(1), Sch. 1
- F36** Words in s. 2AA(7) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(a)**; S.I. 2008/3077, art. 4(g)
- F37** Words in s. 2AA(7) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(b)**; S.I. 2008/3077, art. 4(g)
- F38** Words in s. 2AA(7) substituted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 46(2)(c)**; S.I. 2008/3077, art. 4(g)

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F39 S. 2AA(8) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\), s. 173\(4\), Sch. 1 para. 46\(3\)](#); S.I. 2008/3077, art. 4(g)

[^{F11}2B Supplementary provisions relating to work-focused interviews

- (1) Chapter II of Part I of the Social Security Act 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions [^{F40}made under regulations under section 2A or 2AA] subject to and in accordance with subsections (3) to (8) below (and in those subsections “the 1998 Act” means that Act).
- (2) For the purposes of this section a “relevant decision” [^{F41}, in relation to regulations under section 2A above, is a decision] that a person—
 - (a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or
 - (b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.

[For the purposes of this section a “relevant decision”, in relation to regulations under ^{F42}(2A) section 2AA above, is a decision that—

- (a) the partner of a person entitled to a benefit has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or
- (b) it has not been shown, within the prescribed period mentioned in section 2AA(4)(f)(ii) above, that the partner had good cause for such a failure.]
- (3) Section 8(1)(c) of the 1998 Act (decisions falling to be made under or by virtue of certain enactments are to be made by the Secretary of State) shall have effect subject to any provisions of regulations under section 2A [^{F43}or 2AA] above by virtue of which relevant decisions fall to be made otherwise than by the Secretary of State.
- (4) For the purposes of each of sections 9 and 10 of the 1998 Act (revision and supersession of decisions of Secretary of State) any relevant decision made otherwise than by the Secretary of State shall be treated as if it were such a decision made by the Secretary of State (and accordingly may be revised by him under section 9 or superseded by a decision made by him under section 10).
- (5) Subject to any provisions of regulations under either section 9 or 10 of the 1998 Act, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Secretary of State may be—
 - (a) revised under section 9 by a person or authority exercising functions under regulations under section 2A [^{F44}or 2AA] above other than the Secretary of State, or
 - (b) superseded under section 10 by a decision made by such a person or authority, as if that person or authority were the Secretary of State.
- (6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under section 12 of the 1998 Act (appeal to [^{F45}First-tier Tribunal]) against—
 - (a) any relevant decision, and
 - (b) any decision under section 10 of that Act superseding any such decision, whether made by the Secretary of State or otherwise.

(7) Subsections (4) to (6) above apply whether—

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- (a) the relevant decision, or
 - (b) (in the case of subsection (6)(b)) the decision under section 10 of the 1998 Act, is as originally made or has been revised (by the Secretary of State or otherwise) under section 9 of that Act; and regulations under subsection (6) above may make provision for treating, for the purposes of section 12 of that Act, any decision made or revised otherwise than by the Secretary of State as if it were a decision made or revised by him.
- (8) Section 12 of the 1998 Act shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.
- (9) In ^{F46} ...
- (a) ^{F46}
 - (b) section 72(6) of the Welfare Reform and Pensions Act 1999 (supply of information),
- any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A [^{F47}or 2AA] above.
- (10) In this section “interview” means a work-focused interview within the meaning of section 2A above.]

Textual Amendments

- F40** Words in s. 2B(1) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(2\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F41** Words in s. 2B(2) substituted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(3\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F42** S. 2B(2A) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(4\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F43** Words in s. 2B(3) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F44** Words in s. 2B(5)(a) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666, art. 2\(b\)](#)
- F45** Words in s. 2B(6) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\), art. 1\(1\), Sch. 3 para. 102](#)
- F46** Words in s. 2B(9) repealed (24.11.2002) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 8\(1\)](#); [S.I. 2002/2866, art. 2\(4\), Sch. 2 Pt. 1](#)
- F47** Words in s. 2B(9) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\), s. 55\(2\), Sch. 7 para. 9\(5\)](#); [S.I. 2003/1666, art. 2\(b\)](#)

[^{F48}2C] Optional work-focused interviews

- (1) Regulations may make provision for conferring on local authorities [^{F49}or, subject to subsection (3A), county councils in England] functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.
- (2) This section applies to [^{F50}—
- (a) persons making claims for or entitled to any of the benefits listed in section 2A(2) above or any prescribed benefit; and
 - (b) partners of persons entitled to any of the benefits listed in section 2AA(2) above or any prescribed benefit;]

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and it so applies regardless of whether such persons have, in accordance with regulations under section 2A [^{F51}or 2AA] above, already taken part in interviews conducted under such regulations.

- (3) The functions which may be conferred on a local authority [^{F52}or on a county council in England] by regulations under this section include functions relating to—
- (a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;
 - (b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;
 - (c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.

[Regulations under this section may confer functions on a county council in England ^{F53}(3A) only in relation to interviews with persons to whom the council is required to make support services available under section 68(1) of the Education and Skills Act 2008 (support services: provision by local authorities).]

- (4) Regulations under this section may make different provision for different areas or different authorities.
- (5) In this section “work-focused interview”, in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—
- (a) purposes connected with the existing or future employment or training prospects or needs of such a person, and
 - (b) (in particular) assisting or encouraging such a person to enhance his employment prospects.]

Textual Amendments

- F48** S. 2C inserted (11.11.1999) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), **ss. 58**, 89(4)(a)
- F49** Words in s. 2C(1) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(2)**; S.I. 2008/3077, art. 4(g)
- F50** S. 2C(2)(a)(b) substituted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 10(a)**; S.I. 2003/1666, art. 2(b)
- F51** Words in s. 2C(2) inserted (5.7.2003) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 10(b)**; S.I. 2003/1666, art. 2(b)
- F52** Words in s. 2C(3) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(3)**; S.I. 2008/3077, art. 4(g)
- F53** S. 2C(3A) inserted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 47(4)**; S.I. 2008/3077, art. 4(g)

[^{F54}2D Work-related activity

- (1) Regulations may make provision for or in connection with imposing on a person who—
- (a) is entitled to income support, and
 - (b) is not a lone parent of a child under the age of 3,

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a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount of income support payable apart from the regulations.

(2) Regulations may make provision for or in connection with imposing on a person (“P”) who—

- (a) is under pensionable age, and
- (b) is a member of a couple the other member of which (“C”) is entitled to a benefit to which subsection (3) applies at a higher rate referable to P,

a requirement to undertake work-related activity in accordance with regulations as a condition of the benefit continuing to be payable to C at that rate.

(3) The benefits to which this subsection applies are—

- (a) income support;
- (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
- (c) an income-related employment and support allowance.

(4) Regulations under this section may, in particular, make provision—

- (a) prescribing circumstances in which a person is to be subject to any requirement imposed by the regulations (a “relevant requirement”);
- (b) for notifying a person of a relevant requirement;
- (c) prescribing the time or times at which a person who is subject to a relevant requirement is required to undertake work-related activity and the amount of work-related activity the person is required at any time to undertake;
- (d) prescribing circumstances in which a person who is subject to a relevant requirement is, or is not, to be regarded as undertaking work-related activity;
- (e) in a case where C is a member of more than one couple, for determining which of the members of the couples is to be subject to a relevant requirement or requiring each of them to be subject to a relevant requirement;
- (f) for securing that the appropriate consequence follows if —
 - (i) a person who is subject to a relevant requirement has failed to comply with the requirement, and
 - (ii) it is not shown, within a prescribed period, that the person had good cause for that failure;
- (g) prescribing the evidence which a person who is subject to a relevant requirement needs to provide in order to show compliance with the requirement;
- (h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with a relevant requirement;
- (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.

(5) For the purposes of subsection (4)(f) the appropriate consequence is that the amount of the benefit payable is to be reduced by the prescribed amount until the prescribed time.

(6) Regulations under subsection (5) may, in relation to any such reduction, provide—

- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;

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- (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent.
- (7) Regulations under this section may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.
- (8) Regulations under this section must include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.
- (9) For the purposes of this section and sections 2E and 2F—
- (a) “couple” has the meaning given by section 137(1) of the Contributions and Benefits Act;
 - (b) “lone parent” means a person who—
 - (i) is not a member of a couple, and
 - (ii) is responsible for, and a member of the same household as, a child;
 - (c) “prescribed” means specified in, or determined in accordance with, regulations;
 - (d) “work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;
 - (e) any reference to a person attaining pensionable age is, in the case of a man born before ^{F55}6 December 1953], a reference to the time when a woman born on the same day as the man would attain pensionable age;
 - (f) any reference to a benefit payable to C at a higher rate referable to P is a reference to any case where the amount payable is more than it would be if C and P were not members of the same couple.
- (10) For the purposes of this section regulations may make provision—
- (a) as to circumstances in which one person is to be treated as responsible or not responsible for another;
 - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.
- (11) Information supplied in pursuance of regulations under this section is to be taken for all purposes to be information relating to social security.

Textual Amendments

F54 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), [ss. 2\(2\)](#), 61(1)

F55 Words in s. 2D(9)(e) substituted (3.1.2012) by [Pensions Act 2011 \(c. 19\)](#), [s. 38\(3\)\(a\)](#), [Sch. 1 para. 5](#)

2E Action plans in connection with work-focused interviews

- (1) The Secretary of State must in prescribed circumstances provide a document (referred to in this section as an “action plan”) prepared for such purposes as may be prescribed to a person who is subject to a requirement imposed under section 2A or 2AA in relation to any of the following benefits.
- (2) The benefits are—
- (a) income support;

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- (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance; and
 - (c) an income-related employment and support allowance.
- (3) Regulations may make provision about—
- (a) the form of action plans;
 - (b) the content of action plans;
 - (c) the review and updating of action plans.
- (4) Regulations under this section may, in particular, make provision for action plans which are provided to a person who is subject under section 2D to a requirement to undertake work-related activity to contain particulars of activity which, if undertaken, would enable the requirement to be met.
- (5) Regulations may make provision for reconsideration of an action plan at the request of the person to whom it is provided and may, in particular, make provision about—
- (a) the circumstances in which reconsideration may be requested;
 - (b) the period within which any reconsideration must take place;
 - (c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;
 - (d) notification of the decision on reconsideration;
 - (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.
- (6) In preparing any action plan, the Secretary of State must have regard (so far as practicable) to its impact on the well-being of any person under the age of 16 who may be affected by it.

Textual Amendments

F54 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

2F Directions about work-related activity

- (1) In prescribed circumstances, the Secretary of State may by direction given to a person subject to a requirement imposed under section 2D provide that the activity specified in the direction is—
- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
 - (b) to be regarded, in the person's case, as not being work-related activity.
- (2) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.
- (3) A direction under subsection (1) given to any person—
- (a) must be reasonable, having regard to the person's circumstances;
 - (b) must be given to the person by being included in an action plan provided to the person under section 2E; and
 - (c) may be varied or revoked by a subsequent direction under subsection (1).

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- (4) Where a direction under subsection (1) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.

Textual Amendments

F54 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

2G Contracting-out

- (1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—
- conducting interviews under section 2A or 2AA;
 - providing documents under section 2E;
 - giving, varying or revoking directions under section 2F.
- (2) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—
- any function under regulations under any of sections 2A to 2F, except the making of an excluded decision (see subsection (3));
 - the function under section 9(1) of the 1998 Act (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under regulations under any of sections 2A to 2F;
 - the function under section 10(1) of the 1998 Act (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Secretary of State that relate to any matter arising under regulations under any of sections 2A to 2F;
 - any function under Chapter 2 of Part 1 of the 1998 Act (social security decisions), except section 25(2) and (3) (decisions involving issues arising on appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).
- (3) Each of the following is an “excluded decision” for the purposes of subsection (2)—
- a decision about whether a person has failed to comply with a requirement imposed by regulations under section 2A, 2AA or 2D;
 - a decision about whether a person had good cause for failure to comply with such a requirement;
 - a decision about the reduction of a benefit in consequence of a failure to comply with such a requirement.
- (4) Regulations under subsection (2) may provide that a function to which that subsection applies may be exercised—
- either wholly or to such extent as the regulations may provide,
 - either generally or in such cases as the regulations may provide, and
 - either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.

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- (5) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
 - (b) either generally or in such cases as may be so specified, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;
- but, in the case of an authorisation given by virtue of regulations under subsection (2), this subsection is subject to the regulations.
- (6) An authorisation given by virtue of any provision made by or under this section—
- (a) may specify its duration,
 - (b) may be revoked at any time by the Secretary of State, and
 - (c) does not prevent the Secretary of State or any other person from exercising the function to which the authorisation relates.
- (7) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Secretary of State.
- (8) But subsection (7) does not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).
- (9) Any decision which an authorised person makes in exercise of the function concerned has effect as a decision of the Secretary of State under section 8 of the 1998 Act.
- (10) Where—
- (a) the authorisation of an authorised person is revoked at any time, and
 - (b) at the time of the revocation so much of any contract made between the authorised person and the Secretary of State as relates to the exercise of the function is subsisting,
- the authorised person is entitled to treat the contract as repudiated by the Secretary of State (and not as frustrated by reason of the revocation).
- (11) In this section—
- (a) “the 1998 Act” means the Social Security Act 1998;
 - (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
 - (c) references to functions of the Secretary of State under any enactment (including one comprised in regulations) include functions which the Secretary of State has by virtue of the application of section 8(1)(c) of the 1998 Act in relation to the enactment.

Textual Amendments

F54 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

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2H Good cause for failure to comply with regulations

- (1) This section applies to any regulations made under section 2A, 2AA or 2D that prescribe matters to be taken into account in determining whether a person has good cause for any failure to comply with the regulations.
- (2) The provision made by the regulations prescribing those matters must include provision relating to—
 - (a) the person's physical or mental health or condition;
 - (b) the availability of childcare.]

Textual Amendments

F54 Ss. 2D-2H inserted (12.11.2009) by [Welfare Reform Act 2009 \(c. 24\)](#), **ss. 2(2)**, 61(1)

[^{F56}Bereavement benefits

Textual Amendments

F56 S. 3 and cross-heading substituted (24.4.2000 for specified purposes, 9.4.2001 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), s. 89(1), **Sch. 8 para. 17**; S.I. 2000/1047, art. 2(2)(a), **Sch. Pt. I**

3 Late claims for bereavement benefit where death is difficult to establish

- (1) This section applies where a person's spouse [^{F57}or civil partner] has died or may be presumed to have died on or after the appointed day and the circumstances are such that—
 - (a) more than 12 months have elapsed since the date of death; and
 - (b) either
 - (i) the spouse's [^{F58}or civil partner's] body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse [^{F57}or civil partner] does not know that fact; or
 - (ii) less than 12 months have elapsed since the surviving spouse [^{F57}or civil partner] first knew of the discovery and identification of the body.
- (2) Where this section applies, notwithstanding that any time prescribed for making a claim for a bereavement benefit in respect of the death has elapsed, then—
 - (a) in any case falling within paragraph (b) (i) of subsection (1) above where it has been decided under section 8 of the Social Security Act 1998 that the spouse [^{F57}or civil partner] has died or is presumed to have died; or
 - (b) in any case falling within paragraph (b) (ii) of subsection (1) above where the identification was made not more than 12 months before the surviving spouse [^{F57}or civil partner] first knew of the discovery and identification of the body, such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that decision was made or, as the case may be, the date on which the surviving spouse [^{F57}or civil partner] first knew of the discovery and identification.

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- (3) If, in a case where a claim for a bereavement benefit is made or treated as made by virtue of this section, the claimant would, apart from subsection (2) of section 1 above, be entitled to—
- (a) a bereavement payment in respect of the spouse's [^{F58}or civil partner's] death more than 12 months before the date on which the claim is made or treated as made; or
 - (b) any other bereavement benefit in respect of his or her death for a period more than 12 months before that date,
- then, notwithstanding anything in that section, the surviving spouse [^{F57}or civil partner] shall be entitled to that payment or, as the case may be, to that other benefit ^{F59}...
- (4) In subsection (1) above “the appointed day” means the day appointed for the coming into force of sections 54 to 56 of the Welfare Reform and Pensions Act 1999.]

Textual Amendments

- F57** Words in s. 3 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 56\(a\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F58** Words in s. 3 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(8\)\(d\), Sch. 24 para. 56\(b\)](#); S.I. 2005/3175, art. 2(1), Sch. 1
- F59** Words in s. 3(3) repealed with savings (6.4.2003) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); S.I. 2003/938, art. 2, [Sch.](#) (with art. 3)

4 Treatment of payments of benefit to certain widows

In any case where—

- (a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before 13th July 1990 (the date of the passing of the ^{M1}Social Security Act 1990); and
- (b) the Secretary of State has made a payment to or for the claimant on the ground that if the claim had been received immediately after the passing of that Act she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,

the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

Marginal Citations

- M1** 1990 c. 27.

Claims and payments regulations

5 Regulations about claims for and payments of benefit

- (1) Regulations may provide—
- (a) for requiring a claim for a benefit to which this section applies to be made by such person, in such manner and within such time as may be prescribed;

Status: Point in time view as at 09/06/2016.

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- (b) for treating such a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
- (c) for permitting such a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
- (d) for permitting an award on such a claim to be made for such a period subject to ^{F60}—
 - (i) the condition that the requirements for entitlement are satisfied at a prescribed time after the making of the award, or
 - (ii) other prescribed conditions;
- ^{F61}(e) for any such award to be revised under section 9 of the Social Security Act 1998, or superseded under section 10 of that Act, if any of ^{F62}the conditions referred to in paragraph (d)] are found not to have been satisfied;
- (f) for the disallowance on any ground of a person's claim for a benefit to which this section applies to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
- (g) for enabling one person to act for another in relation to a claim for a benefit to which this section applies ^{F63}(including in particular, in the case of a benefit to be claimed by persons jointly, enabling one person to claim for such persons jointly)] and for enabling such a claim to be made and proceeded with in the name of a person who has died;
- ^{F64}(h)
- ^{F64}(hh)
- (i) for the person to whom, time when and manner in which a benefit to which this section applies is to be paid and for the information and evidence to be furnished in connection with the payment of such a benefit;
- (j) for notice to be given of any change of circumstances affecting the continuance of entitlement to such a benefit or payment of such a benefit ^{F65}or of any other change of circumstance of a prescribed description];
- (k) for the day on which entitlement to such a benefit is to begin or end;
- (l) for calculating the amounts of such a benefit according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or facilitate computation;
- (m) for extinguishing the right to payment of such a benefit if payment is not obtained within such period, not being less than 12 months, as may be prescribed from the date on which the right is treated under the regulations as having arisen;
- ^{F66}(n)
- ^{F66}(o)
- (p) for the circumstances and manner in which payments of such a benefit may be made to another person on behalf of the beneficiary for any purpose, which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person;
- (q) for the payment or distribution of such a benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;
- (r) ^{F67}for the making of a payment on account of such a benefit—

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- (i) in cases where it is impracticable for a claim to be made or determined immediately, or for an award to be determined or paid in full immediately,
- (ii) in cases of need, or
- (iii) in cases where the Secretary of State considers in accordance with prescribed criteria that the payment can reasonably be expected to be recovered;]

[^{F68}(1A) Regulations may make provision for requiring a person of a prescribed description to supply any information or evidence which is, or could be, relevant to—

- (a) a claim or award relating to a benefit to which this section applies, or
- (b) potential claims or awards relating to such a benefit.]

(2) This section applies to the following benefits—

- [^{F69}(za) universal credit;]
- [^{F70}(zb) state pension or a lump sum under Part 1 of the Pensions Act 2014;]

 - (a) benefits as defined in section 122 of the Contributions and Benefits Act;

- [^{F71}(aa) a jobseeker's allowance;]
- [^{F72}(ab) state pension credit]
- [^{F73}(ac) an employment and support allowance;]
- [^{F74}(ad) personal independence payment;]

 - (b) income support;
 - ^{F75}(c)
 - ^{F75}(d)
 - (e) housing benefit;
 - (f) any social fund payments such as are mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;

- [^{F76}(fa) health in pregnancy grant;]

 - (g) child benefit; and
 - (h) Christmas bonus.

[^{F77}(2A) The regulations may also require such persons as are prescribed to provide a rent officer with information or evidence of such description as is prescribed.

(2B) For the purposes of subsection (2A), the Secretary of State may prescribe any description of information or evidence which he thinks is necessary or expedient to enable rent officers to carry out their functions under section 122 of the Housing Act 1996.

(2C) Information or evidence required to be provided by virtue of subsection (2A) may relate to an individual claim or award or to any description of claims or awards.]

^{F78}(3)

^{F79}(3A)

[^{F80}(3B) The power in subsection (1)(i) above to make provision for the person to whom a benefit is to be paid includes, in the case of a benefit awarded to persons jointly, power to make provision for the Secretary of State to determine to which of them all or any part of a payment should be made, and in particular for the Secretary of State—

- (a) to determine that payment should be made to whichever of those persons they themselves nominate, or

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(b) to determine that payment should be made to one of them irrespective of any nomination by them.]

^{F81}(4)

(5) Subsection (1)(g), (i), (1)(p) and (q) above shall have effect as if statutory sick pay^{F82}, statutory maternity pay^{F83}, ^{F84}statutory paternity pay,] statutory adoption pay^{F85} and statutory shared parental pay] were benefits to which this section applies.

^{F86}(6) As it has effect in relation to ^{F87}universal credit or] housing benefit subsection (1) (p) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.]

Textual Amendments

- F60** Words in s. 5(1)(d) substituted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(2)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F61** S. 5(1)(e) substituted (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), **Sch. 7 para. 79(1)(a)**; S.I. 1999/1958, art. 2(1)(b), Sch. 1; S.I. 1999/2422, art. 2(c), Sch. 1; S.I. 1999/2739, art. 2, Sch. 1; S.I. 1999/2860, art. 2(c), Sch. 1; S.I. 1999/3178, art. 2(1)(a), Sch. 1
- F62** Words in s. 5(1)(e) substituted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(3)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F63** Words in s. 5(1)(g) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(4)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F64** S. 5(1)(h)(hh) repealed (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 99(2)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 35
- F65** Words in s. 5(1)(j) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 98(5)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 34
- F66** S. 5(1)(n)(o) repealed (5.7.1999 for specified purposes, 6.9.1999 for specified purposes, 5.10.1999 for specified purposes, 18.10.1999 for specified purposes, 29.11.1999 for specified purposes, 2.7.2001 for specified purposes) by the [Social Security Act 1998 \(c. 14\)](#), Sch. 7 para. 79(1)(b), **Sch. 8**; S.I. 1999/1958, art. 2(1)(b), **Sch. 1**; S.I. 1999/2422, art. 2(c), **Sch. 1**; S.I. 1999/2739, art. 2, **Sch. 1**; S.I. 1999/2860, art. 2(c), **Sch. 1**; S.I. 1999/3178, art. 2(1)(a), **Sch. 1**; S.I. 2001/2316, **art. 2(b)(c)(ii)**
- F67** S. 5(1)(r) substituted (25.2.2013 for specified purposes) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 101(1)**, 150(3); S.I. 2013/358, art. 2(1), Sch. 1 para. 17
- F68** S. 5(1A) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 99(3)**, 150(3); S.I. 2013/358, art. 2(2), Sch. 2 para. 35
- F69** S. 5(2)(za) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 5(a)**; S.I. 2013/358, art. 2(2), Sch. 2 para. 40
- F70** S. 5(2)(zb) inserted (6.4.2016) by [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 12 para. 10**
- F71** S. 5(2)(aa) inserted (22.4.1996) [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2), **Sch. 2 para. 39**; S.I. 1996/1126, **art. 2(a)**
- F72** S. 5(2)(ab) inserted (2.7.2002 for specified purposes, 7.4.2003 in so far as not already in force) by [State Pension Credit Act 2002 \(c. 16\)](#), s. 22(3), **Sch. 1 para. 3(2)**; S.I. 2002/1691, art. 2(i); S.I. 2003/966, art. 2(a)
- F73** S. 5(2)(ac) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), s. 70(2), **Sch. 3 para. 10(4)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F74** S. 5(2)(ad) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 9 para. 9**; S.I. 2013/358, art. 2(2), Sch. 2 para. 43
- F75** S. 5(2)(c)(d) repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4) (e), Sch. 2 (with art. 3)

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- F76** S. 5(2)(fa) inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 132(1)**, 170; S.I. 2008/3137, art. 2
- F77** S. 5(2A)-(2C) inserted (1.10.2007 for specified purposes, 7.4.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 35(2)**, 70(2); S.I. 2007/2872, art. 2(2)(c)(3) (with arts. 3-5)
- F78** S. 5(3) repealed (7.4.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 35(3)**, 70(2), **Sch. 8**; S.I. 2007/2872, art. 2(1)(b)(c)
- F79** S. 5(3A) repealed (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 99(4)**, 150(3); S.I. 2013/358, art. 2(2), **Sch. 2 para. 35**
- F80** S. 5(3B) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 100**, 150(3); S.I. 2013/358, art. 2(2), **Sch. 2 para. 36**
- F81** S. 5(4) repealed (2.7.2001) by [Social Security Act 1998 \(c. 14\)](#), s. 87(2), **Sch. 7 para. 79(2)**, **Sch. 8**; S.I. 2001/2316, art. 2(a)(c)(i)
- F82** Words in s. 5(5) substituted (8.12.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 11**; S.I. 2002/2866, art. 2(2), **Sch. 1 Pt. 2**
- F83** Words in s. 5(5) substituted (3.3.2010) by [Work and Families Act 2006 \(c. 18\)](#), s. 19(2), **Sch. 1 para. 24**; S.I. 2010/495, art. 3(c)
- F84** Words in s. 5(5) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 24(a)**; S.I. 2014/1640, art. 7(h) (with art. 16)
- F85** Words in s. 5(5) substituted (30.6.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 7 para. 24(b)**; S.I. 2014/1640, art. 3(2)(e)
- F86** S. 5(6) inserted (with unlimited retrospective effect) by [Housing Act 1996 \(c. 52\)](#), s. **120(1)** (with s. 120(2))
- F87** Words in s. 5(6) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 5(b)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**

Modifications etc. (not altering text)

- C2** S. 5(1) modified (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 5(2)**, 70(2); S.I. 2008/787, art. 2(1)(4)(a), **Sch.**

Community charge benefits etc.

6 Regulations about community charge benefits administration

- [^{F88}(1) Regulations may provide as follows as regards [^{F89}council tax benefit]—
- (a) for requiring a claim for a benefit to be made by such person, in such manner and within such time as may be prescribed;
 - (b) for treating a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
 - (c) for permitting a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
 - (d) for permitting an award on a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable, or any right to a reduction ^{F90}... becomes available, under the award;
 - (e) for a review of any award if those requirements are found not to have been satisfied;
 - (f) for the disallowance on any ground of a person's claim for a benefit to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;

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- (g) for enabling one person to act for another in relation to a claim for a benefit and for enabling such a claim to be made and proceeded with in the name of a person who has died;
 - (h) for requiring any information or evidence needed for the determination of a claim or of any question arising in connection with a claim to be furnished by such person as may be prescribed in accordance with the regulations;
 - [^{F91}(hh) for requiring such person as may be prescribed in accordance with the regulations to furnish any information or evidence needed for a determination whether a decision on an award of a benefit—
 - (i) should be revised under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act 2000; or
 - (ii) should be superseded under paragraph 4 of that Schedule;]
 - (i) for the time when and manner in which any benefit (or part) which takes the form of a payment is to be paid, and for the information and evidence to be furnished in connection with the payment;
 - (j) for the time when the right to make a reduction ^{F92}... may be exercised;
 - (k) for notice to be given of any change of circumstances affecting the continuance of entitlement to a benefit;
 - (l) for the day on which entitlement to a benefit is to begin or end;
 - (m) for calculating the amount of a benefit according to a prescribed scale or otherwise adjusting it so as to avoid fractional amounts or facilitate computation;
 - ^{F93}(n)
 - ^{F94}(o)
 - (p) in the case of any benefit (or part) which takes the form of a payment, for payment or distribution to or among persons claiming to be entitled on the death of any person, and for dispensing with strict proof of their title;
 - (q) in the case of any benefit (or part) which takes the form of a payment, for the circumstances and manner in which payment may be made to one person on behalf of another for any purpose, which may be to discharge, in whole or in part, an obligation of the person entitled to the benefit or any other person;
 - (r) for making a payment on account of a benefit, or conferring a right to make a reduction ^{F95}... on account, where no claim has been made and it is impracticable for one to be made immediately;
 - (s) for making a payment on account of a benefit, or conferring a right to make a reduction ^{F96}... on account, where a claim has been made but it is impracticable for the claim or an appeal, reference, review or application relating to it to be determined immediately;
 - (t) for making a payment on account of a benefit, or conferring a right to make a reduction ^{F97}... on account, where an award has been made but it is impracticable to institute the benefit immediately;
 - (u) generally as to administration.
- (2) Regulations under this section may include [^{F98}provision in relation to council tax benefit that prescribed provisions shall apply instead of prescribed provisions of Part I or II of the Local Government Finance Act 1992, or that prescribed provisions of either of those Parts shall not apply] or shall apply subject to prescribed amendments or adaptations.

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[^{F99}(3) References in subsection (2) above to either of the Parts there mentioned include references to regulations made under the Part concerned.]]

Textual Amendments

- F88** S. 6 repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\), Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F89** Words in s. 6(1) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(1\)\(a\)](#)
- F90** Words in s. 6(1)(d) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(1\)\(b\), Sch. 14](#)
- F91** S. 6(1)(hh) inserted (1.11.2000 for specified purposes, 2.7.2001 in so far as not already in force) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), s. 68, Sch. 7 para. 21\(2\)](#); S.I. 2000/2950, art. 3(c); S.I. 2001/1252, art. 2(2)(a)(iii)
- F92** Words in s. 6(1)(j) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(1\)\(c\), Sch. 14](#)
- F93** S. 6(1)(n) repealed (2.7.2001) by [Social Security Act 1998 \(c. 14\), s. 86\(1\)\(2\), Sch. 7 para. 80, Sch. 8](#); S.I. 2001/2316, art. 2(a)(c)(i)
- F94** S. 6(1)(o) repealed (2.7.2001) by [Social Security Act 1998 \(c. 14\), s. 86\(1\)\(2\), Sch. 7 para. 80, Sch. 8](#); S.I. 2001/2316, art. 2(a)(c)(i)
- F95** Words in s. 6(1)(r) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(1\)\(c\), Sch. 14](#)
- F96** Words in s. 6(1)(s) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(1\)\(c\), Sch. 14](#)
- F97** Words in s. 6(1)(t) omitted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(1\)\(c\), Sch. 14](#)
- F98** Words in s. 6(2) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(2\)](#)
- F99** S. 6(3) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\), Sch. 9 para. 12\(3\)](#)

7 Relationship between [^{F100}community charge benefits and other] benefits

- (1) Regulations may provide for a claim for one relevant benefit to be treated, either in the alternative or in addition, as a claim for any other relevant benefit that may be prescribed.
- [^{F101}(2) Regulations may provide for treating a payment made or right conferred by virtue of regulations—
 - ^{F102}(a)
 - (b) under section 6(l)(r) to (t) above,
as made or conferred on account of any relevant benefit that is subsequently awarded or paid.]
- (3) For the purposes of [^{F103}subsection (1)] above relevant benefits are—
 - (a) any benefit to which section 5 above applies; [^{F104}and
 - (b) [^{F105}council tax benefit].]

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Textual Amendments

- F100** Words in s. 7 heading repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F101** S. 7(2) repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F102** S. 7(2)(a) repealed (1.4.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 11](#); S.I. 2013/358, art. 4
- F103** Words in s. 7(3) substituted (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 3 para. 5](#); S.I. 2013/358, art. 8(b)
- F104** S. 7(3)(b) and preceding word repealed with savings (1.4.2013 in so far as relates to the abolition of council tax benefit) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 14 Pt. 1](#); S.I. 2013/358, art. 8(c), Sch. 4 (with arts. 9, 10, Sch. 5)
- F105** Words in s. 7(3)(b) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 118\(4\)](#), [Sch. 9 para. 13](#)

^{F106}Sharing of functions as regards certain claims and information

Textual Amendments

- F106** S. 7A and cross-heading inserted (11.11.1999) by the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), [ss. 71, 89\(4\)\(a\)](#)

7A Sharing of functions as regards certain claims and information

- (1) Regulations may, for the purpose of supplementing the persons or bodies to whom claims for relevant benefits may be made, make provision—
- (a) as regards housing benefit or council tax benefit, for claims for that benefit to be made to—
 - (i) a Minister of the Crown, or
 - (ii) a person providing services to a Minister of the Crown;
 - (b) as regards any other relevant benefit, for claims for that benefit to be made to—
 - (i) a local authority,
 - (ii) a person providing services to a local authority, or
 - (iii) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit;
 - ^{F107}(c) [as regards any relevant benefit, for claims for that benefit to be made to—
 - (i) a county council in England,
 - (ii) a person providing services to a county council in England, or
 - (iii) a person authorised to exercise any function a county council in England has under this section.]
- (2) Regulations may make provision for or in connection with—
- (a) the forwarding by a relevant authority of—

Status: Point in time view as at 09/06/2016.

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- (i) claims received by virtue of any provision authorised by subsection (1) above, and
 - (ii) information or evidence supplied in connection with making such claims (whether supplied by persons making the claims or by other persons);
 - (b) the receiving and forwarding by a relevant authority of information or evidence relating to social security [^{F108}or work] matters supplied by, or the obtaining by a relevant authority of such information or evidence from—
 - (i) persons making, or who have made, claims for a relevant benefit, or
 - (ii) other persons in connection with such claims
 including information or evidence not relating to the claims or benefit in question;
 - (c) the recording by a relevant authority of information or evidence relating to social security [^{F108}or work] matters supplied to, or obtained by, the authority and the holding by the authority of such information or evidence (whether as supplied or obtained or as recorded);
 - (d) the giving of information or advice with respect to social security [^{F108}or work] matters by a relevant authority to persons making, or who have made, claims for a relevant benefit;
 - [^{F109}(e) the verification by a relevant authority of information or evidence supplied to or obtained by the authority in connection with a claim for or an award of a relevant benefit.]
- (3) In paragraphs (b)[^{F110}, (d) and (e)] of subsection (2) above—
- (a) references to claims for a relevant benefit are to such claims whether made as mentioned in subsection [^{F111}(1)(a), (b) or (c)] above or not; and
 - (b) references to persons who have made such claims include persons to whom awards of benefit have been made on the claims.
- (4) Regulations under this section may make different provision for different areas.
- (5) Regulations under any other enactment may make such different provision for different areas as appears to the Secretary of State expedient in connection with any exercise by regulations under this section of the power conferred by subsection (4) above.
- (6) In this section—
- (a) “benefit” includes child support or a war pension (any reference to a claim being read, in relation to child support, as a reference to an application [^{F112}(or an application treated as having been made)] under the Child Support Act 1991 for a [^{F113}maintenance calculation]);
 - (b) “local authority” means an authority administering housing benefit or council tax benefit;
 - [^{F114}(c) “relevant authority” means—
 - (i) a Minister of the Crown;
 - (ii) a local authority;
 - (iii) a county council in England;
 - (iv) a person providing services to a person mentioned in sub-paragraphs (i) to (iii);
 - (v) a person authorised to exercise any function of a local authority relating to housing benefit or council tax benefit;

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- (vi) a person authorised to exercise any function a county council in England has under this section;]
- (d) “relevant benefit” means housing benefit, council tax benefit or any other benefit prescribed for the purposes of this section;
- [^{F115}(e) “social security or work matters” means matters relating to—
 - (i) social security, child support or war pensions, or
 - (ii) employment or training;]

and in this subsection “war pension” means a war pension within the meaning of section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).]

Textual Amendments

- F107** S. 7A(1)(c) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(a)**, 70(1)
- F108** Words in s. 7A(2) inserted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 12(a)**; [S.I. 2002/2866](#), art. 2(1), [Sch. 1 Pt. 1](#)
- F109** S. 7A(2)(e) inserted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(b)**, 70(1)
- F110** Words in s. 7A(3) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(c)**, 70(1)
- F111** Words in s. 7A(3)(a) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(d)**, 70(1)
- F112** Words in s. 7A(6)(a) inserted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 12(a)** (with s. 83(6)); [S.I. 2003/192](#), art. 3, [Sch. 3](#), [Sch. 3](#).
- F113** Words in s. 7A(6)(a) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), **Sch. 3 para. 12(b)** (with s. 83(6)); [S.I. 2003/192](#), art. 3, [Sch. 3](#), [Sch. 3](#).
- F114** S. 7A(6)(c) substituted (3.7.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(2)(e)**, 70(1)
- F115** S. 7A(6)(e) substituted (24.11.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), **Sch. 7 para. 12(b)**; [S.I. 2002/2866](#), art. 2(1), [Sch. 1 Pt. 1](#)

[^{F116}7B Use of social security information

- (1) A relevant authority may use for a relevant purpose any social security information which it holds.
- (2) Regulations may make provision as to the procedure to be followed by a relevant authority for the purposes of any function it has relating to the administration of a specified benefit if the authority holds social security information which—
 - (a) is relevant for the purposes of anything which may or must be done by the authority in connection with a claim for or an award of the benefit, and
 - (b) was used by another relevant authority in connection with a claim for or an award of a different specified benefit or was verified by that other authority in accordance with regulations under section 7A(2)(e) above.
- (3) A relevant purpose is anything which is done in relation to a claim which is made or which could be made for a specified benefit if it is done for the purpose of—
 - (a) identifying persons who may be entitled to such a benefit;
 - (b) encouraging or assisting a person to make such a claim;
 - (c) advising a person in relation to such a claim.
- (4) Social security information means—
 - (a) information relating to social security, child support or war pensions;

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- (b) evidence obtained in connection with a claim for or an award of a specified benefit.
- (5) A specified benefit is a benefit which is specified in regulations for the purposes of this section.
- (6) Expressions used in this section and in section 7A have the same meaning in this section as in that section.
- (7) This section does not affect any power which exists apart from this section to use for one purpose social security information obtained in connection with another purpose.]

Textual Amendments

F116 S. 7B inserted (1.10.2007) by [Welfare Reform Act 2007 \(c. 5\)](#), **ss. 41(1), 70(2)**; S.I. 2007/2819, art. 2(1)(a)

Industrial injuries benefit

8 Notification of accidents, etc

Regulations may provide—

- (a) for requiring the prescribed notice of an accident in respect of which industrial injuries benefit may be payable to be given within the prescribed time by the employed earner to the earner's employer or other prescribed persons;
- (b) for requiring employers—
 - (i) to make reports, to such person and on such form and within such time as may be prescribed, of accidents in respect of which industrial injuries benefit may be payable;
 - (ii) to furnish to the prescribed person any information required for the determination of claims, or of questions arising in connection with claims or awards;
 - (iii) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions so arising.

9 Medical examination and treatment of claimants

- (1) Regulations may provide for requiring claimants for disablement benefit—
 - (a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty;
 - (b) to submit themselves from time to time to appropriate medical treatment for the injury or loss of faculty.
- (2) Regulations under subsection (1) above requiring persons to submit themselves to a medical examination or treatment may—
 - (a) require those persons to attend at such places and at such times as may be required; and

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- (b) with the consent of the Treasury provide for the payment by the Secretary of State to those persons of travelling and other allowances (including compensation for loss of remunerative time).

10 Obligations of claimants

(1) Subject to subsection (3) below, regulations may provide for disqualifying a claimant for the receipt of industrial injuries benefit—

- (a) for failure without good cause to comply with any requirement of regulations to which this subsection applies (including in the case of a claim for industrial death benefit, a failure on the part of some other person to give the prescribed notice of the relevant accident);
- (b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under regulations to which this subsection applies to submit himself, or in proceedings under this Act for the determination of his right to benefit or to its receipt,

or for suspending proceedings on the claim or payment of benefit as the case may be, in the case of any such failure, obstruction or misconduct.

(2) The regulations to which subsection (1) above applies are—

- (a) any regulations made by virtue of section 5(1)(h), (i) or (1) above, so far as relating to industrial injuries benefit; and
- (b) regulations made by virtue of section 8 or 9 above.

(3) Regulations under subsection (1) above providing for disqualification for the receipt of benefit for any of the following matters, that is to say—

- (a) for failure to comply with the requirements of regulations under section 9(1) or (2) above;
- (b) for obstruction of, or misconduct in connection with, medical examination or treatment,

shall not be made so as to disentitle a claimant to a benefit for a period exceeding 6 weeks on any disqualification.

[^{F117}Disabled person's tax credit]

Textual Amendments

F117 Words substituted (5.10.99) in s. 11(1) by para. 3(b) of Sch. 1 to the [Tax Credits Act 1999 \(c. 10\)](#).

^{F118}11 Initial claims and repeat claims

Textual Amendments

F118 S. 11 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(4)(e), [Sch. 2](#) (with art. 3)

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The social fund

12 Necessity of application for certain payments

- [^{F119}(1) A social fund payment such as is mentioned in section 138(1)(b) of the Contributions and Benefits Act may be awarded to a person only if an application for such a payment has been made by him or on his behalf in such form and manner as may be prescribed.
- (2) The Secretary of State may by regulations—
- (a) make provision with respect to the time at which an application for such a social fund payment is to be treated as made;
 - (b) prescribe conditions that must be satisfied before any determination in connection with such an application may be made or any award of such a payment may be paid;
 - (c) prescribe circumstances in which such an award becomes extinguished.]

Textual Amendments

F119 S. 12 repealed (1.4.2013) (with savings relating to budgeting loans and relating to community care grants and crisis loans applied for before 1.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 14 Pt. 8](#); S.I. 2012/3090, art. 2(1)(d) (with art. 3)

[^{F120}Health in pregnancy grant

Textual Amendments

F120 S. 12A and cross-heading inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 132\(3\), 170](#); S.I. 2008/3137, art. 2

12A Necessity of application for health in pregnancy grant

- (1) No person is entitled to health in pregnancy grant unless she claims it in the manner, and within the time, prescribed in relation to health in pregnancy grant by regulations under section 5.
- (2) No person is entitled to health in pregnancy grant unless subsection (3) or (4) is satisfied in relation to her.
- (3) This subsection is satisfied in relation to a person if her claim for health in pregnancy grant is accompanied by—
 - (a) a statement of her national insurance number and information or evidence establishing that that number has been allocated to her; or
 - (b) information or evidence enabling the national insurance number that has been allocated to her to be ascertained.
- (4) This subsection is satisfied in relation to a person if she makes an application for a national insurance number to be allocated to her which is accompanied by information or evidence enabling a national insurance number to be allocated to her.

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- (5) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision disapplying subsection (2) in the case of prescribed descriptions of persons making a claim.]

Child benefit

13 Necessity of application for child benefit

- (1) Subject to the provisions of this Act, no person shall be entitled to child benefit unless he claims it in the manner, and within the time, prescribed in relation to child benefit by regulations under section 5 above.

[^{F121}(1A) No person shall be entitled to child benefit unless subsection (1B) below is satisfied in relation to him.

- (1B) This subsection is satisfied in relation to a person if—
- (a) his claim for child benefit is accompanied by—
 - (i) a statement of his national insurance number and information or evidence establishing that that number has been allocated to him; or
 - (ii) information or evidence enabling the national insurance number that has been allocated to him to be ascertained; or
 - (b) he makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

- (1C) Regulations may make provision disapplying subsection (1A) above in the case of—
- (a) prescribed descriptions of persons making claims; or
 - (b) prescribed descriptions of children [^{F122}or qualifying young persons] in respect of whom child benefit is claimed,
or in other prescribed circumstances.]

- (2) Except where regulations otherwise provide, no person shall be entitled to child benefit for any week on a claim made by him after that week if child benefit in respect of the same child [^{F123}or qualifying young person] has already been paid for that week to another person, whether or not that other person was entitled to it.

Textual Amendments

F121 S. 13(1A)-(1C) inserted (17.4.2000 for specified purposes, 15.5.2000 in so far as not already in force) by [Welfare Reform and Pensions Act 1999 \(c. 30\)](#), **ss. 69, 89(1)**; S.I. 2000/1047, art. 2(1)

F122 Words in s. 13(1C) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 20(2)**

F123 Words in s. 13(2) inserted (10.4.2006) by [Child Benefit Act 2005 \(c. 6\)](#), s. 6(2), **Sch. 1 para. 20(3)**

[^{F124}13A Election not to receive child benefit

- (1) A person (“P”) who is entitled to child benefit in respect of one or more children may elect for all payments of the benefit to which P is entitled not to be made.
- (2) An election may be made only if P reasonably expects that, in the absence of the election, P or another person would be liable to a high income child benefit charge

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in respect of the payments to which the election relates made for weeks in the first tax year.

- (3) An election has effect in relation to payments made for weeks beginning after the election is made.
- (4) But where entitlement to child benefit is backdated, an election may have effect in relation to payments for weeks beginning in the period of three months ending immediately before the claim for the benefit was made.
- (5) An election may be revoked.
- (6) A revocation has effect in relation to payments made for weeks beginning after the revocation is made.
- (7) But if—
 - (a) P makes an election which results in all payments, in respect of child benefit, to which P is entitled for one or more weeks in a tax year not being paid, and
 - (b) had no election been made, neither P nor any other person would have been liable to a high income child benefit charge in relation to the payments,
 P may, no later than two years after the end of the tax year, revoke the election so far as it relates to the payments.
- (8) Subsections (2) to (7) are subject to directions under subsection (9).
- (9) The Commissioners for Her Majesty's Revenue and Customs may give directions as to—
 - (a) the form of elections and revocations under this section, the manner in which they are to be made and the time at which they are to be treated as made, and
 - (b) the circumstances in which, if child benefit is not being paid to a person at the full rate or the Commissioners are satisfied that there are doubts as to a person's entitlement to child benefit for a child, an election or revocation is not to have effect or its effect is to be postponed.
- (10) For the purposes of this section—
 - “child” includes a qualifying young person;
 - “first tax year”, in relation to an election, means the tax year in which the first week beginning after the election is made falls;
 - “week” means a period of 7 days beginning with a Monday; and a week is in a tax year if (and only if) the Monday with which it begins is in the tax year.]

Textual Amendments

F124 S. 13A inserted (with effect for the tax year 2012-13 and subsequent tax years) by [Finance Act 2012 \(c. 14\)](#), [Sch. 1 para. 3](#) (with [Sch. 1 para. 7](#))

Statutory Sick pay

14 Duties of employees etc. in relation to statutory sick pay

- (1) Any employee who claims to be entitled to statutory sick pay from his employer shall, if so required by his employer, provide such information as may reasonably be required

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for the purpose of determining the duration of the period of entitlement in question or whether a period of entitlement exists as between them.

- (2) The Secretary of State may by regulations [^{F125}made with the concurrence of the Inland Revenue] direct—
- (a) that medical information required under subsection (1) above shall, in such cases as may be prescribed, be provided in a prescribed form;
 - (b) that an employee shall not be required under subsection (1) above to provide medical information in respect of such days as may be prescribed in a period of incapacity for work.
- (3) Where an employee asks an employer of his to provide him with a written statement, in respect of a period before the request is made, of one or more of the following—
- (a) the days within that period which the employer regards as days in respect of which he is liable to pay statutory sick pay to that employee;
 - (b) the reasons why the employer does not so regard the other days in that period;
 - (c) the employer's opinion as to the amount of statutory sick pay to which the employee is entitled in respect of each of those days,
- the employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

Textual Amendments

F125 Words in s. 14(2) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), s. 28(3), [Sch. 3 para. 42](#); S.I. 1999/527, art. 2(b), Sch. 2

Statutory maternity pay

15 Duties of women etc. in relation to statutory maternity pay

- (1) A woman shall provide the person who is liable to pay her statutory maternity pay—
- (a) with evidence as to her pregnancy and the expected date of confinement in such form and at such time as may be prescribed; and
 - (b) where she commences work after her confinement but within the maternity pay period, with such additional information as may be prescribed.
- [^{F126}(1A) Any regulations for the purposes of subsection (1) above must be made with the concurrence of the Inland Revenue.]
- (2) Where a woman asks an employer or former employer of hers to provide her with a written statement, in respect of a period before the request is made, of one or more of the following—
- (a) the weeks within that period which he regards as weeks in respect of which he is liable to pay statutory maternity pay to the women;
 - (b) the reasons why he does not so regard the other weeks in that period; and
 - (c) his opinion as to the amount of statutory maternity pay to which the woman is entitled in respect of each of the weeks in respect of which he regards himself as liable to make a payment,
- the employer or former employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

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Textual Amendments

F126 S. 15(1A) inserted (1.4.1999) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 28\(3\), Sch. 3 para. 43](#); S.I. 1999/527, art. 2(b), Sch. 2

^{F127}Payments in respect of mortgage interest etc

Textual Amendments

F127 S. 15A and cross-heading inserted (1.7.1992) by [Social Security \(Mortgage Interest Payments\) Act 1992 \(c. 33\), Sch. para. 1](#)

15A Payment out of benefit of sums in respect of mortgage interest etc

(1) This section applies in relation to cases where—

- (a) mortgage interest is payable to a qualifying lender by a person (“the borrower”) who is entitled, or whose partner, former partner or qualifying associate is entitled, to [^{F128}universal credit,] income support^{F129}, an income-based jobseeker's allowance or an income-related employment and support allowance]; and
- (b) a sum in respect of that mortgage interest is or was brought into account in determining [^{F130}the maximum amount for the purposes of universal credit or] the applicable amount for the purposes of income support^{F129}, an income-based jobseeker's allowance or an income-related employment and support allowance] in the case of the borrower or the partner, former partner or qualifying associate;

and any reference in this section to “the relevant beneficiary” is a reference to the person whose [^{F131}maximum amount for the purposes of universal credit or] applicable amount for the purposes of income support^{F129}, an income-based jobseeker's allowance or an income-related employment and support allowance] is or was determined as mentioned in paragraph (b) above.

[This section also applies in relation to cases where—

- ^{F132}(1A) (a) mortgage interest is payable to a qualifying lender by a person (also referred to as “the borrower”) who is, or whose partner, or former partner or qualifying associate is, entitled to state pension credit; and
- (b) a sum in respect of that mortgage interest is or was brought into account in determining the appropriate minimum guarantee for the purposes of state pension credit in the case of the borrower or the partner, former partner or qualifying associate;

and any reference in this section to “the relevant beneficiary” includes a reference to the person whose appropriate minimum guarantee for the purposes of state pension credit is or was determined as mentioned in paragraph (b) above.]

(2) Without prejudice to paragraphs (i) and (p) of section 5(1) above, regulations may, in relation to cases where this section applies, make provision—

- (a) requiring that, in prescribed circumstances, a prescribed part of any relevant benefits [^{F133}(other than state pension credit)] to which the relevant beneficiary is entitled shall be paid by the Secretary of State directly to the qualifying

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lender and applied by that lender towards the discharge of the liability in respect of the mortgage interest;

[^{F134}(aa) authorising or requiring that, in prescribed circumstances, a prescribed part of any state pension credit to which the relevant beneficiary is entitled may (or, as the case may be, shall) be paid by the Secretary of State directly to the qualifying lender and shall be applied by that lender towards the discharge of the liability in respect of the mortgage interest;]

(b) for the expenses of the Secretary of State in administering the making of payments under the regulations to be defrayed, in whole or in part, at the expense of qualifying lenders, whether by requiring them to pay prescribed fees or by deducting and retaining a prescribed part of the payments that would otherwise be made to them under the regulations or by such other method as may be prescribed;

(c) for requiring a qualifying lender, in a case where by virtue of paragraph (b) above the amount of the payment made to him under the regulations is less than it would otherwise have been, to credit against the liability in respect of the mortgage interest (in addition to the payment actually made) an amount equal to the difference between—

(i) the payment that would have been so made, apart from paragraph (b) above; and

(ii) the payment actually made;

and, in any such case, for treating the amount so credited as properly paid on account of benefit due to the relevant beneficiary;

(d) for enabling a body which, or person who, would otherwise be a qualifying lender to elect not to be regarded as such for the purposes of this section, other than this paragraph;

(e) for the recovery from any body or person—

(i) of any sums paid to that body or person by way of payment under the regulations that ought not to have been so paid; or

(ii) of any fees or other sums due from that body or person by virtue of paragraph (b) above;

(f) for cases where the same person is the borrower in relation to mortgage interest payable in respect of two or more different loans; and

(g) for any person of a prescribed class or description who would otherwise be regarded for the purposes of this section as the borrower in relation to any mortgage interest not to be so regarded, except for the purposes of this paragraph;

but the Secretary of State shall not make any regulations under paragraph (b) above unless he has consulted with such organisations representing qualifying lenders likely to be affected by the regulations as he considers appropriate.

(3) The bodies and persons who “qualifying lenders” for the purposes of this section are—

[^{F135}(a) a deposit taker,]

[^{F136}(b)

[^{F137}(c) an insurer],

(d) any county council, [^{F138}county borough council,] district council ^{F139}... or London Borough Council,

(e) the Common Council of the City of London,

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[^{F140}(ee) any council constituted under section 2 of the ^{M2}Local Government etc. (Scotland) Act 1994],
 (f) the Council of the Isles of Scilly,
 (g) any new town corporation,
 and such bodies or persons not falling within the above paragraphs as may be prescribed.

(4) In this section—

^{F141}“appropriate minimum guarantee” has the meaning given by section 2(3) of the State Pension Credit Act 2002;]

^{F142}“deposit taker” means—

- (a) a person who has permission under [^{F143}Part 4A] of the Financial Services and Markets Act 2000 to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits;

“insurer” means—

- (a) a person who has permission under [^{F143}Part 4A] of the Financial Services and Markets Act 2000 to effect and carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in [^{F144}paragraph 5(d)] of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect and carry out contracts of insurance;]

“mortgage interest” means interest on a loan which is secured by a mortgage of or charge over land, or (in Scotland) by a heritable security, and which has been taken out to defray money applied for any of the following purposes, that is to say—

- (a) acquiring any residential land which was intended, at the time of the acquisition, for occupation by the borrower as his home;
- (b) carrying out repairs or improvements to any residential land which was intended, at the time of taking out the loan, for occupation by the borrower as his home
- (c) paying off another loan; or
- (d) any prescribed purpose not falling within paragraphs (a) to (c) above;

but interest shall be regarded as mortgage interest by virtue of paragraph (c) above only to the extent that interest on that other loan would have been regarded as mortgage interest for the purposes of this section had the loan not been paid off;

“partner” means—

- (a) any person [^{F145}who is married to, or a civil partner of, the borrower] and who is a member of the same household as the borrower; or
- (b) any person [^{F146}who is neither married to, nor a civil partner of, the borrower but who lives together with the borrower as [^{F147}if they were a married couple]], otherwise than in prescribed circumstances;

and “former partner” means a person who has at some time been, but no longer is, the borrowers's partner;

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“qualifying associate”, in relation to the borrower, means a person who, for the purposes of income support^{F148}, an income-based jobseeker’s allowance^{F149}, state pension credit or an income-related employment and support allowance^{F150}, or universal credit^{F151} falls to be treated by regulations under Part VII of the Contributions and Benefits Act^{F151} or (as the case may be) under the Jobseekers Act 1995^{F149}, the State Pension Credit Act 2002 or Part 1 of the Welfare Reform Act 2007^{F152} or Part 1 of the Welfare Reform Act 2012] as responsible for so much of the expenditure which relates to housing costs (within the meaning of those regulations) as consists of any of the mortgage interest payable by the borrower, and who falls to be so treated because—

- (a) the borrower is not meeting those costs, so that the person has to meet them if he is to continue to live in the dwelling occupied as his home; and
- (b) the person is one whom it is reasonable, in the circumstances, to treat as liable to meet those costs;

“relevant benefits” means such of the following benefits as may be prescribed, namely—

- (za) ^{F153}universal credit;]
- (a) benefits, as defined in section 122 of the Contributions and Benefits Act;
- (aa) ^{F154}a jobseeker's allowance;]
- (b) income support;
- (c) ^{F155}state pension credit;]
- (d) ^{F156}an employment and support allowance;]

“residential land” means any land which consists of or includes a dwelling.

[The definitions of “deposit taker” and “insurer” in subsection (4) must be read with—

- ^{F157}(4A) (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

^{F158}(4B)

- (5) For the purposes of this section, regulations may make provision—
 - (a) as to circumstances in which residential land is or is not to be treated as intended for occupation by the borrower as his home; or
 - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.]

Textual Amendments

- F128** Words in s. 15A(1)(a) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 2 para. 6\(2\)\(a\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 40
- F129** Words in s. 15A(1) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by [Welfare Reform Act 2007 \(c. 5\), s. 70\(2\)](#), [Sch. 3 para. 10\(5\)\(a\)](#); S.I. 2008/787, art. 2(1)(4)(f), Sch.
- F130** Words in s. 15A(1)(b) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 2 para. 6\(2\)\(b\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 40
- F131** Words in s. 15A(1) inserted (25.2.2013) by [Welfare Reform Act 2012 \(c. 5\), s. 150\(3\)](#), [Sch. 2 para. 6\(2\)\(c\)](#); S.I. 2013/358, art. 2(2), Sch. 2 para. 40

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- F132** S. 15A(1A) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(2)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F133** Words in s. 15A(2)(a) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(3)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F134** S. 15A(2)(aa) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(4)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F135** S. 15(3)(a) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(2)(a)**
- F136** S. 15A(3)(b) repealed (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(2)(b)**
- F137** S. 15A(3)(c) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(2)(c)**
- F138** Words in s. 15A(3)(d) inserted (1.4.1996) by Local Government (Wales) Act 1994 (c. 19), s. 66(3), **Sch. 8 para. 11**; S.I. 1996/396, art. 3, **Sch.1**
- F139** Words in s. 15A(3)(d) omitted (1.4.1996) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), **Sch. 13 para. 175(2)(a)**, **Sch. 14**; S.I. 1996/323, art. 4(c)(d), **Sch. 2**
- F140** S. 15A(3)(ee) inserted (1.4.1996) by Local Government etc. (Scotland) Act 1994 (c. 39), s. 184(2), **Sch. 13 para. 175(2)(b)**; S.I. 1996/323, **art. 4(c)**
- F141** Words in s. 15A(4) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(5)(a)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F142** Words in s. 15A(4) inserted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(3)**
- F143** Words in s. 15A(4) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 74(2)** (with **Sch. 20**); S.I. 2013/423, art. 3, **Sch.**
- F144** Words in s. 15A(4) substituted (3.7.2002) by The Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002 (S.I. 2002/1555), arts. 1, **17**
- F145** Words in s. 15A(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 57(2)(a)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F146** Words in s. 15A(4) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 57(2)(b)**; S.I. 2005/3175, art. 2(1), **Sch. 1**
- F147** Words in s. 15A(4) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 23(a)** and substituted (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 9(a)**
- F148** Words in s. 15A(4) substituted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(5)(b)(i)**; S.I. 2002/1691, art. 2(l); S.I. 2003/1766, art. 2(a)
- F149** Words in s. 15A(4) substituted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(5)(b)**; S.I. 2008/787, art. 2(1)(4)(f), **Sch.**
- F150** Words in s. 15A(4) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 6(3)(a)(i)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**
- F151** Words in s. 15A(4) inserted (22.4.96) by Jobseekers Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 40(3)(b)**; S.I. 1996/1126, **art. 2(a)**
- F152** Words in s. 15A(4) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 6(3)(a)(ii)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**
- F153** Words in s. 15A(4) inserted (25.2.2013) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 2 para. 6(3)(b)**; S.I. 2013/358, art. 2(2), **Sch. 2 para. 40**

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- F154** Words in s. 15A(4) inserted (22.4.1996) by Jobseeker's Act 1995 (c. 18), s. 41(2), **Sch. 2 para. 40(4)**; S.I. 1996/1126, **art. 2(a)**
- F155** Words in s. 15A(4) inserted (2.7.2002 for specified purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act 2002 (c. 16), s. 22(3), **Sch. 2 para. 9(5)(c)**; S.I. 2002/1691, art. 2(1); S.I. 2003/1766, art. 2(a)
- F156** S. 15A(4)(d) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 10(5)(c)**; S.I. 2008/787, art. 2(1)(4)(f), **Sch. 1 para. 23(b)** and omitted (S.) (16.12.2014) by virtue of The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 9(b)**
- F157** S. 15A(4A) inserted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649), arts. 1, **330(4)**
- F158** S. 15A(4B) omitted (E.W.) (13.3.2014) by virtue of The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 23(b)** and omitted (S.) (16.12.2014) by virtue of The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 9(b)**

Marginal Citations

M2 1994 c. 39.

^{F159}Expenses in respect of vehicle hire etc.

Textual Amendments

F159 S. 15B and cross-heading inserted (30.5.2016) by Welfare Reform and Work Act 2016 (c. 7), **ss. 22, 36(6)**; S.I. 2016/394, **reg. 6**

15B Expenses of paying sums in respect of vehicle hire etc.

- (1) This section applies where—
- a relevant benefit component is payable in respect of a person (“the beneficiary”),
 - an agreement has been entered into by or on behalf of the beneficiary with a relevant provider for the lease or hire purchase of a motor vehicle, and
 - by virtue of regulations under section 5(1), the Secretary of State pays all or part of the relevant benefit component to the relevant provider for the purpose of discharging, in whole or in part, an obligation of the beneficiary under the agreement.
- (2) Regulations may make provision—
- for the expenses of the Secretary of State in administering the making of payments to relevant providers to be defrayed, in whole or in part, at the expense of relevant providers, whether by requiring them to pay prescribed fees or by deducting and retaining a prescribed part of the payments that would otherwise be made to them or by such other method as may be prescribed;
 - for the recovery from a relevant provider of any fees or other sums due from that provider under paragraph (a).
- (3) In this section—
- “relevant benefit component” means—

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- (a) the mobility component of disability living allowance, if it is payable at the higher rate (see section 73(11)(a) of the Contributions and Benefits Act), or
- (b) the mobility component of personal independence payment, if it is payable at the enhanced rate (see section 79(2) of the Welfare Reform Act 2012);

“relevant provider” means a person whose business consists of or includes the supply by way of lease or hire purchase of motor vehicles to persons in respect of whom a relevant benefit component is payable.]

Emergency payments

16 Emergency payments by local authorities and other bodies

- (1) The Secretary of State may make arrangements—
 - (a) with a local authority to which this section applies; or
 - (b) with any other body,
 for the making on his behalf by members of the staff of any such authority or body of payments on account of benefits to which section 5 above applies in circumstances corresponding to those in which the Secretary of State himself has the power to make such payments under subsection (1)(r) of that section; and a local authority to which this section applies shall have power to enter into any such arrangements.
- (2) A payment under any such arrangements shall be treated for the purposes of any Act of Parliament or instrument made under an Act of Parliament as if it had been made by the Secretary of State.
- (3) The Secretary of State shall repay a local authority or other body such amount as he determines to be the reasonable administrative expenses incurred by the authority or body in making payments in accordance with arrangements under this section.
- (4) The local authorities to which this section applies are—
 - (a) a local authority as defined by section 270(1) of the ^{M3}Local Government Act 1972, other than a parish or community council;
 - (b) the Common Council of the City of London; and
 - (c) a local authority as defined in section 235(1) of the ^{M4}Local Government (Scotland) Act 1973.

Marginal Citations

M3 1972 c. 70.

M4 1973 c. 65.

Status:

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