



# 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.
- [<sup>F1</sup>(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.]

[<sup>F2</sup>(2) Where under subsection (1) 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, the person is not entitled to it in respect of any period more than 12 months before the date on which the claim is made or treated as made.]

[<sup>F2</sup>(2A) But subsection (2) does not apply—

- (a) to disablement benefit or reduced earnings allowance, or
- (b) in a case where a claim for the benefit is made or treated as made by virtue of section 3(2).]

(3) Where a person purports to make a claim on behalf of another—

[<sup>F3</sup>(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; <sup>F4</sup>...

<sup>F4</sup>(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—

[<sup>F5</sup>(za) universal credit;]

[<sup>F6</sup>(zb) state pension or a lump sum under Part 1 of the Pensions Act 2014;]

[<sup>F7</sup>(zc) bereavement support payment under section 30 of the Pensions Act 2014;]

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

[<sup>F8</sup>(aa) a jobseeker's allowance;]

[<sup>F9</sup>(ab) state pension credit;]

[<sup>F10</sup>(ac) an employment and support allowance;] and

[<sup>F11</sup>(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** S. 1(2)(2A) substituted for s. 1(2) (6.4.2017) by [Pensions Act 2014 \(c. 19\)](#), s. 56(1), **Sch. 16 para. 21(2)**; S.I. 2017/297, art. 3(2) (with arts. 4, 5)

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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)(zc) inserted (6.4.2017) by Pensions Act 2014 (c. 19), s. 56(1), **Sch. 16 para. 21(3)**; S.I. 2017/297, art. 3(2) (with arts. 4, 5)
- F8** 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)
- F9** 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)
- F10** 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.
- F11** 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)**
- C2** S. 1(2) excluded (9.2.2023) by The Bereavement Benefits (Remedial) Order 2023 (S.I. 2023/134), arts. 1(2), **3(7)** (with art. 2)

## 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).

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- (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) 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 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.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.I. 2019/1302 art. 2](#) (This amendment not applied to legislation.gov.uk S.I. 2019/1302 revoked (17.12.2020) by The Social Security (Iceland, Liechtenstein and Norway) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1569), arts. 1(2), 2)
- Act modified by [S.I. 2019/1303 art. 2](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/1303 revoked (17.12.2020) by The Social Security (Switzerland) (Citizens' Rights Agreement) (Revocation) Order 2020 (S.I. 2020/1570), arts. 1(2), 2)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 2G(1)(d) inserted by [2012 c. 5 s. 59\(5\)](#)
- s. 5(1A)-(1C) inserted by [2009 c. 24 s. 22\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 22 repealed (1.4.2013) by 2012 c. 5, s. 101(2); S.I. 2013/358, art. 4(2))
- s. 78A inserted by [2009 c. 24 s. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 121B(1)(aa) inserted by [2007 asp 3 Sch. 5 para. 19\(a\)](#) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 121B(4) words inserted by [2007 asp 3 Sch. 5 para. 19\(b\)](#) (S. 121B repealed by Finance Act 2008 (c. 9), Sch. 43 para. 14)
- s. 122F(5) inserted by [2012 c. 5 Sch. 4 para. 12\(4\)](#)
- s. 122G inserted by [2009 c. 24 s. 18](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 122H inserted by [2009 c. 24 s. 20\(3\)](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- s. 134(2)-(2B) substituted for s. 134(2) by [2007 c. 5 s. 37](#)
- s. 148AB inserted by [2008 c. 30 Sch. 4 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 4 paras. 13-22 repealed (1.10.2014) without ever being in force by 2014 c. 19, Sch. 12 para. 96(c); S.I. 2014/2377, art. 2(1)(a)(ii)(3)(c))
- s. 148AB(1)(2) words substituted by [2011 c. 19 Sch. 3 para. 8\(2\)](#)
- s. 148AB(9) inserted by [2011 c. 19 Sch. 3 para. 8\(3\)](#)
- s. 151(10)(b)(i)(ii) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 160C inserted by [2012 c. 5 Sch. 2 para. 24](#)
- s. 165(1)(b)(viii) and word inserted by [2023 c. 20 Sch. para. 19\(2\)\(b\)](#)
- s. 190(1)(ac) inserted by [2009 c. 24 s. 21](#) (This amendment not applied to legislation.gov.uk. Ss. 16-21 repealed (1.4.2013) by 2012 c. 5, s. 73; S.I. 2012/3090, art. 2(1)(b))
- Sch. 4 Pt. 3 para. 5 word substituted by [S.I. 2010/978 art. 2](#)