

TAX CREDITS ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Tax Credits

Section 4: Claims: supplementary

44. **Section 4** allows for the detailed rules about claims to be set out in regulations. These regulations may:
- specify the manner in which a claim must be made and the time limits for claims (*subsection (1)(a)*);
 - in certain circumstances, allow a claim to be treated as made on a date different from the date on which it is actually made (*subsection (1)(b)*). For example, regulations may allow a claim for working tax credit to be treated as made on the date of an earlier claim if the reason the earlier claim failed was because the person was awaiting a decision from DWP on their claim for a disability benefit which was later successful;
 - allow claims to be made covering a period wholly or partly after the date of the claim (*subsection (1)(c)*);
 - allow tax credit awards to be made conditional on the requirements for entitlement to the award being met when the award actually becomes payable (*subsection (1)(d)*);
 - allow the executors or administrators of a deceased person's estate to make or continue with a claim on behalf of the estate (*subsection (1)(e)*);
 - in certain circumstances, enable one person to act on behalf of another in making a claim or one member of a couple to be taken as acting for the other in the case of a joint claim (*subsection (1)(f) and (g)*). For example, a person who is mentally or physically incapable of making a claim may be able to have his claim made on his behalf by a representative; and
 - allow claimants to be treated as having made a claim to tax credits (*subsection (1)(h)*). This will, for example, allow certain awards to be renewed each year, without a new claim being required, as may happen now for claims to the children's tax credit.
45. This section also enables the Board to disclose to a claimant (whether or not a joint claimant) information in relation to his claim or an award of tax credit on the claim or to any change of circumstances relevant to his claim or award and any other information which is or appears to be relevant to his entitlement to a tax credit. For example, where a couple have made a joint claim and one member of that couple notifies the Board of a change of circumstances, the Board can explain to the other member of the couple why they have amended the award.