

STATUTORY INSTRUMENTS

1987 No. 1968

The Social Security (Claims and Payments) Regulations 1987

PART I

GENERAL

Citation^[F1], commencement and application

^{F1}1.—^[F2](1) These Regulations may be cited as the Social Security (Claims and Payments) Regulations 1987 and shall come into operation on 11th April 1988.

^[F3](2) In so far as these Regulations apply to—

- (a) an employment and support allowance, they apply to that allowance under Part 1 of the Welfare Reform Act as it has effect apart from the amendments made by Schedule 3 and Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-related allowance;
- (b) a jobseeker's allowance, they apply to that allowance under the Jobseekers Act as it has effect apart from the amendments made by Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance.

(3) These Regulations do not apply to universal credit (within the meaning of Part 1 of the Welfare Reform Act 2012) or personal independence payment (within the meaning of Part 4 of that Act).]

Textual Amendments

- F1** Words in [reg. 1](#) heading substituted (8.4.2013 for specified purposes, 29.4.2013 for specified purposes) by [The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance \(Claims and Payments\) Regulations 2013 \(S.I. 2013/380\)](#), [reg. 1\(2\)\(3\)](#), [Sch. 3 para. 1\(2\)](#)
- F2** [Reg. 1\(1\)](#): [reg. 1](#) renumbered as [reg. 1\(1\)](#) (8.4.2013 for specified purposes, 29.4.2013 for specified purposes) by [The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance \(Claims and Payments\) Regulations 2013 \(S.I. 2013/380\)](#), [reg. 1\(2\)\(3\)](#), [Sch. 3 para. 1\(3\)](#)
- F3** [Reg. 1\(2\)\(3\)](#) inserted (8.4.2013 for specified purposes, 29.4.2013 for specified purposes) by [The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance \(Claims and Payments\) Regulations 2013 \(S.I. 2013/380\)](#), [reg. 1\(2\)\(3\)](#), [Sch. 3 para. 1\(4\)](#)

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

^{F4}^[F5] ...]

^[F6]“the 1992 Act” means the Social Security Administration Act 1992;]

Status: Point in time view as at 10/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1987, PART I. (See end of Document for details)

[^{F7}“the 2000 Act” means the Electronic Communications Act 2000;]

[^{F8}“the 2002 Act” means the State Pension Credit Act 2002;]

[^{F9}“the 2013 Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013;]

[^{F8}“advance period” means the period specified in regulation 4E(2);]

[^{F10}“appropriate office” means an office of the Department for Work and Pensions and, where any provision in these Regulations relates to a claim, notice or other information, evidence or document being received by or sent, delivered or otherwise furnished in writing to an appropriate office, includes a postal address specified by the Secretary of State for that purpose.]

^{F11}[^{F12} ...]

[^{F13}“bereavement allowance” means an allowance referred to in section 39B of the Contributions and Benefits Act;]

[^{F13}“bereavement benefit” means a benefit referred to in section 20(1)(ea) of the Contributions and Benefits Act;]

[^{F14}“the Board” means the Commissioners of Inland Revenue; and references to “the Board” in these Regulations have effect only with respect to working families' tax credit and disabled person’s tax credit;]

[^{F15}“claim for asylum” has the same meaning as in the Asylum and Immigration Appeals Act 1993;]

“claim for benefit” includes—

- (a) an application for a declaration that an accident was an industrial accident;
- (b) ^{F16} ...
- (c) an application for [^{F17}a revision under section 9 of the Social Security Act 1998 or a supersession under section 10 of that Act of] a decision for the purpose of obtaining any increase of benefit [^{F18}in respect of a child or adult dependant under the Social Security Act 1975 or an increase in disablement benefit under section 60 (special hardship), 61 (constant attendance), 62 (hospital treatment allowance) or 63 (exceptionally severe disablement) of the Social Security Act 1975], but does not include any other application for [^{F19}a revision or a supersession of] a decision;

[^{F13}“Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

^{F20}[^{F21}“couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as a married couple;]

[^{F22}“Crown servant posted overseas” means a person performing the duties of any office or employment under the Crown in right of the United Kingdom who is, or was prior to his posting, ordinarily resident in the United Kingdom;]

[^{F23}“disabled person’s tax credit” and “working families' tax credit” shall be construed in accordance with section 1(1) of the Tax Credits Act 1999;.]

[^{F24}“electronic communication” has the same meaning as in section 15(1) of the 2000 Act;]

[^{F25}“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

[^{F26}“guarantee credit” is to be construed in accordance with sections 1 and 2 of the 2002 Act;]

^{F27} [^{F28} ...]

[^{F29}“the Jobseekers Act” means the Jobseekers Act 1995;]

^{F30} [^{F29} ...;]

[^{F29}“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996;]

[^{F31}“joint-claim couple” and “joint-claim jobseeker’s allowance” have the same meaning in these Regulations as they have in the Jobseekers Act by virtue of section 1(4) of that Act;]

[^{F32}“limited capability for work” has the same meaning as in section 1(4) of the Welfare Reform Act]

“long-term benefits” means any retirement pension, [^{F33}a shared additional pension,] a widowed mother's allowance, a widow's pension, [^{F34}widowed parent’s allowance, bereavement allowance,] attendance allowance, [^{F35}disability living allowance], [^{F36}carer’s allowance], ^{F37} ... any pension or allowance for industrial injury or disease and any increase in any such benefit;

^{F38} ...

“partner” means one of [^{F39}a couple];

[^{F40}“pension fund holder” means with respect to a personal pension scheme or retirement annuity contract, the trustees, managers or scheme administrators, as the case may be, of the scheme or contract concerned;]

^{F41} ...

[^{F40}“personal pension scheme” has the same meaning as in section 1 of the Pension Schemes Act 1993 in respect of employed earners and in the case of self-employed earners, includes a scheme approved by the Board of Inland Revenue under Chapter IV of Part XIV of the Income and Corporation Taxes Act 1988;]

[^{F42}“qualifying age” has the same meaning as in the 2002 Act by virtue of section 1(6) of that Act;]

[^{F15}“refugee” means a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;]

[^{F43}“relevant authority” means a person within section 72(2) of the Welfare Reform and Pensions Act 1999;]

[^{F40}“retirement annuity contract” means a contract or trust scheme approved under Chapter III of Part XIV of the Income and Corporation Taxes Act 1988;]

[^{F44}“shared additional pension” means a shared additional pension under section 55A of the Contributions and Benefits Act;]

[^{F45}“state pension credit” means state pension credit under the 2002 Act;]

[^{F45}“State Pension Credit Regulations” means the State Pension Credit Regulations 2002;]

Status: Point in time view as at 10/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1987, PART I. (See end of Document for details)

[^{F46}“universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012;]

^{F38} ...

“week” means a period of 7 days beginning with midnight between Saturday and Sunday.

[^{F47}“the Welfare Reform Act” means the Welfare Reform Act 2007;]

[^{F13}“widowed parent’s allowance” means an allowance referred to in section 39A of the Contributions and Benefits Act;]

[^{F48}“working age benefit” means any of the following—

- (a) bereavement allowance;
- (b) an employment and support allowance;
- (c) incapacity benefit;
- (d) income support;
- (e) a jobseeker’s allowance;
- (f) widowed mother’s allowance;
- (g) widowed parent’s allowance;
- (h) widow’s pension.]

(2) Unless the context otherwise requires, any reference in these Regulations to—

- (a) a numbered regulation, Part or Schedule is a reference to the regulation, Part or Schedule bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation having that number;
- (b) a benefit includes any benefit under the Social Security Act 1975 ^{M1}, child benefit under Part I of the Child Benefit Act 1975 ^{M2}, income support[^{F49}, state pension credit][^{F50}, [^{F51}working families’ tax credit] and [^{F52}disabled persons’ tax credit]] under the Social Security Act 1986 and any social fund payments such as are mentioned in section 32(2)(a) [^{F53}and section 32(2A)] of that Act [^{F54}and a jobseeker’s allowance under Part I of the Jobseekers Act][^{F55}, a shared additional pension or an employment and support allowance under Part 1 of the Welfare Reform Act] .

[^{F56}(2A) References in regulations 20, 21 (except paragraphs (3) and (3A)), 29, 30, 32 to 34, 37 (except paragraph (1A)), 37A, 37AA (except paragraph (3)), 37AB, 37B, 38 and 47 to “benefit”, “income support” or “a jobseeker’s allowance”, include a reference to a back to work bonus which, by virtue of regulation 25 of the Social Security (Back to Work Bonus) Regulations 1996, is to be treated as payable as income support or, as the case may be, as a jobseeker’s allowance.]

(3) For the purposes of the provisions of these Regulations relating to the making of claims every increase of benefit under the Social Security Act 1975 shall be treated as a separate benefit ^{F57}....

[^{F58}(4) In these Regulations, references to “beneficiary” include any person entitled to state pension credit.]

Textual Amendments

- F4** Words in reg. 2(1) omitted (29.11.1999) by virtue of [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), reg. 3(1)(a), [Sch. 6 para. 2\(a\)](#) (with reg. 3(1)(b), [Schs. 21-23](#))
- F5** Words in reg. 2(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Tax Credits \(Claims and Payments\) \(Amendment\) Regulations 1999 \(S.I. 1999/2572\)](#), regs. 1(1), [3\(a\)](#)

- F6** Words in reg. 2(1) inserted (27.12.2006) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2006 (S.I. 2006/3188), regs. 1, **2(2)**
- F7** Words in reg. 2(1) inserted (1.12.2003) by The Social Security (Electronic Communications) (Carers Allowance) Order 2003 (S.I. 2003/2800), arts. 1(1), **2(1)(a)**
- F8** Words in reg. 2(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **3(a)(i)**
- F9** Words in reg. 2(1) inserted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **2(2)**
- F10** Words in reg. 2(1) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(2)**
- F11** Words in reg. 2(1) omitted (29.7.2013) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **4**
- F12** Words in reg. 2(1) inserted (28.10.2002) by The Social Security (Electronic Communications) (Child Benefit) Order 2002 (S.I. 2002/1789), arts. 1(1), **2(a)**
- F13** Words in reg. 2(1) inserted (9.4.2001) by The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 (S.I. 2000/1483), regs. 1, **9(2)(a)**
- F14** Words in reg. 2(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572), regs. 1(1), **3(c)**
- F15** Words in reg. 2(1) inserted (15.10.1996) by The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/2431), regs. 1(1), **7(a)**
- F16** Words in reg. 2(1) omitted (9.10.1989) by virtue of The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1989 (S.I. 1989/1686), regs. 1, **3**
- F17** Words in reg. 2(1) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 6 para. 2(b)(i)** (with reg. 3(1)(b), Schs. 21-23)
- F18** Words in reg. 2(1) inserted (9.3.1992) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1992 (S.I. 1992/247), regs. 1(1), **9(2)**
- F19** Words in reg. 2(1) substituted (29.11.1999) by The Social Security Act 1998 (Commencement No. 12 and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/3178), reg. 3(1)(a), **Sch. 6 para. 2(b)(ii)** (with reg. 3(1)(b), Schs. 21-23)
- F20** Words in reg. 2(1) 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. 6 para. 6**
- F21** Words in reg. 2(1) substituted (E.W.) (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014 (S.I. 2014/107), art. 1(2), **Sch. 1 para. 10**
- F22** Words in reg. 2(1) inserted (with effect in accordance with reg. 1(4) of the amending S.I.) by The Tax Credits (Miscellaneous Amendments No. 4) Regulations 2002 (S.I. 2002/1696), regs. 1(1), **13(b)**
- F23** Words in reg. 2(1) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572), regs. 1(1), **3(d)**
- F24** Words in reg. 2(1) inserted (28.10.2002 for specified purposes, 1.12.2003 for further specified purposes) by The Social Security (Electronic Communications) (Child Benefit) Order 2002 (S.I. 2002/1789), arts. 1(1), **2(b)**; S.I. 2003/2800, arts. 1(1), 2(1)(b)
- F25** Words in reg. 2(1) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **10(a)(i)**
- F26** Words in reg. 2(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **3(a)(ii)**
- F27** Words in reg. 2(1) omitted (10.4.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(2)**
- F28** Words in reg. 2 inserted (10.1.1995) by The Social Security (Claims and Payments) Amendment (No. 4) Regulations 1994 (S.I. 1994/3196), **reg. 1(1)**, **2**
- F29** Words in reg. 2 inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1(1), **2(2)(a)(ii)**

Status: Point in time view as at 10/03/2015.

Changes to legislation: There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1987, PART I. (See end of Document for details)

- F30** Words in reg. 2(1) omitted (8.4.2013 for specified purposes, 29.4.2013 for specified purposes) by virtue of The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380), reg. 1(2)(3), **Sch. 3 para. 1(5)**
- F31** Reg. 2 defn(s). added (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), **reg. 2(2)**
- F32** Words in reg. 2(1) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **10(a)(ii)**
- F33** Words in reg. 2(1) inserted (6.7.2005) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(a), **2(2)(a)(i)** (with reg. 10)
- F34** Words in reg. 2(1) inserted (9.4.2001) by The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 (S.I. 2000/1483), regs. 1, **9(2)(b)**
- F35** Words in reg. 2(1) substituted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **2(a)**
- F36** Words in reg. 2 substituted (1.4.2003) by The Social Security Amendment (Carers Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), Sch. 2 paras. 12
- F37** Words in reg. 2(1) omitted (20.9.1999) by virtue of The Social Security (Claims and Payments) Amendment Regulations 1999 (S.I. 1999/2358), regs. 1, **2(2)**
- F38** Words in reg. 2 omitted (5.12.2005) by virtue of The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 14(2)(b)** (with art. 3)
- F39** Words in reg. 2 substituted (5.12.2005) by The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order 2005 (S.I. 2005/2877), art. 1, **Sch. 3 para. 14(2)(c)** (with art. 3)
- F40** Words in reg. 2(1) inserted (2.10.1995) by The Income-related Benefits Schemes and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations 1995 (S.I. 1995/2303), regs. 1(1)(a), **10(2)**
- F41** Words in reg. 2(1) omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **5**
- F42** Words in reg. 2(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **3(a)(iii)**
- F43** Reg. 2(1) entry inserted (29.11.1999) by The Social Security (Claims and Information) Regulations 1999 (S.I. 1999/3108), reg. 1, **Sch. 3 para. 2(2)**
- F44** Words in reg. 2(1) inserted (6.7.2005) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(a), **2(2)(a)(ii)** (with reg. 10)
- F45** Words in reg. 2(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **3(a)(iv)**
- F46** Words in reg. 2(1) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **29(2)**
- F47** Words in reg. 2(1) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **10(a)(iii)**
- F48** Words in reg. 2(1) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 6) Regulations 2009 (S.I. 2009/3229), regs. 1, **2(2)**
- F49** Words in reg. 2(2)(b) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **3(b)**
- F50** Words in reg. 2(2)(b) substituted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **2(b)**
- F51** Words in reg. 2(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572), regs. 1(1), 24, **Sch. Pt. V**

- F52** Words in reg. 2(2)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572), regs. 1(1), 25, **Sch. Pt. VI**
- F53** Words in reg. 2(2)(b) inserted (7.11.1988) by The Social Security (Common Provisions) Miscellaneous Amendment Regulations 1988 (S.I. 1988/1725), regs. 1(1), **3(2)(b)**
- F54** Words in reg. 2 added (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(2)(b)**
- F55** Words in reg. 2(2)(b) substituted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **10(b)**
- F56** Reg. 2(2A) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(2)(c)**
- F57** Words in reg. 2(3) omitted (7.4.1997) by virtue of The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), regs. 1(b), **18**
- F58** Reg. 2(4) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **3(c)**

Marginal Citations

- M1** 1975 c. 14; amendments altering the range of benefits available under this Act were made by the Social Security Pensions Act 1975 (c. 60), **sections 15, 16, 22 and 66(2)**, the Social Security and Housing Benefits Act 1982 (c. 24), **s.39**, the Health and Social Security Act 1984 (c. 48), **sections 11 to 13** and Schedule 5 and the Social Security Act 1986 (c. 50), sections 36 to 42, **Schedule 3** and Schedule 4, paragraph 13.
- M2** 1975 c. 61.

Status:

Point in time view as at 10/03/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1987, PART I.