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STATUTORY INSTRUMENTS

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**1987 No. 1968**

**The Social Security (Claims and Payments) Regulations 1987**

**PART II**

**CLAIMS**

**Claims not required for entitlement to benefit in certain cases**

**3.**—<sup>[F1]</sup>(1) It shall not be a condition of entitlement to benefit that a claim be made for it in the following cases:—

- <sup>[F2]</sup>(za) in the case of a Category A or B retirement pension, where the beneficiary is a person to whom regulation 3A applies;]
- (a) in the case of a Category C retirement pension where the beneficiary is in receipt of—
  - (i) another retirement pension under the Social Security Act 1975; or
  - (ii) widow's benefit under Chapter 1 of Part II of that Act; or
  - (iii) benefit by virtue of section 39(4) of that Act corresponding to a widow's pension or a widowed mother's allowance; <sup>[F3]</sup>or]
  - <sup>[F3]</sup>(iv) bereavement benefit under Part II of the Contributions and Benefits Act;]
- (b) in the case of a Category D retirement pension where the beneficiary—
  - (i) was ordinarily resident in Great Britain on the day on which he attained 80 years of age; and
  - (ii) is in receipt of another retirement pension under the Social Security Act 1975;
- (c) age addition in any case;
- <sup>[F4]</sup>(ca) in the case of a Category A retirement pension where the beneficiary—
  - (i) is entitled to any category of retirement pension other than a Category A retirement pension; and
  - (ii) becomes divorced or the beneficiary's civil partnership is dissolved;]
- <sup>[F5]</sup>(cb) in the case of a Category B retirement pension where the beneficiary is entitled to either a Category A retirement pension or to a graduated retirement benefit or to both and
  - (i) the spouse or civil partner of the beneficiary becomes entitled to a Category A retirement pension <sup>[F6]</sup>or a state pension under section 4 of the Pensions Act 2014; or
  - (ii) the beneficiary marries or enters into a civil partnership with a person who is entitled to a Category A retirement pension <sup>[F7]</sup>or a state pension under section 4 of the Pensions Act 2014;]<sup>[F8]</sup>or]
  - <sup>[F8]</sup>(iii) the spouse or civil partner of the beneficiary dies having been entitled to a Category A retirement pension <sup>[F9]</sup>or a state pension under section 4 of the Pensions Act 2014 at the date of death;]

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- (d) in the case of a Category A or B retirement pension [<sup>F10</sup>or a state pension under Part 1 of the Pensions Act 2014]—
  - (i) where the beneficiary is a woman over the age of 65 and entitled to a widowed mother's allowance [<sup>F11</sup>or widowed parent's allowance], on her ceasing to be so entitled; or
  - (ii) where the beneficiary is a woman under the age of 65 and in receipt of widow's pension [<sup>F12</sup>or bereavement allowance], on her attaining that age.
- <sup>F13</sup>(da) in the case of a bereavement payment where the beneficiary is in receipt of a retirement pension [<sup>F14</sup>or a state pension under Part 1 of the Pensions Act 2014] at the date of death of the beneficiary's spouse or civil partner and satisfies the conditions of entitlement under section 36(1) of the Contributions and Benefits Act;]
- <sup>F15</sup>(e) in the case of retirement allowance.]
- <sup>F16</sup>(f) .....
- <sup>F17</sup>(g) in the case of a jobseeker's allowance where—
  - (i) payment of benefit has been suspended in the circumstance prescribed in regulation 16(2) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999; and
  - (ii) the claimant whose benefit has been suspended satisfies the conditions of entitlement (apart from the requirement to claim) to that benefit immediately before the suspension ends;]
- <sup>F18</sup>(h) in the case of income support where the beneficiary—
  - (i) is a person to whom regulation <sup>F19</sup>... [<sup>F20</sup>6(5)] of the Income Support (General) Regulations 1987 (persons not treated as engaged in remunerative work) applies;
  - (ii) was in receipt of an income-based jobseeker's allowance [<sup>F21</sup>or an income-related employment and support allowance] on the day before the day on which he was first engaged in the work referred to in sub-paragraph (a) of [<sup>F22</sup>those paragraphs]; and
  - (iii) would satisfy the conditions of entitlement to income support (apart from the condition of making a claim which would apply in the absence of this paragraph) only by virtue of <sup>F23</sup>... [<sup>F24</sup>regulation 6(6)] of those Regulations.]
- <sup>F25</sup>(i) in the case of a shared additional pension where the beneficiary is in receipt of a retirement pension of any category.]
- <sup>F26</sup>(j) in the case of an employment and support allowance where—
  - (i) the beneficiary has made and is pursuing an appeal against a relevant decision of the Secretary of State, and
  - (ii) that appeal relates to a decision to terminate or not to award a benefit for which a claim was made.]
- <sup>F27</sup>(ja) in the case of a state pension under any section of Part 1 of the Pensions Act 2014 where the beneficiary is entitled to—
  - (i) a state pension under a different section of Part 1 of that Act; or
  - (ii) another state pension under the same section of Part 1 of that Act.]
- <sup>F28</sup>(2) In this regulation—
  - “appellate authority” means the First-tier Tribunal, the Upper Tribunal, the Court of Appeal, the Court of Session, or the Supreme Court; and
  - “relevant decision” means—

- (a) a decision that embodies the first determination by the Secretary of State that the claimant does not have limited capability for work; or
- (b) a decision that embodies the first determination by the Secretary of State that the claimant does not have limited capability for work since a previous determination by the Secretary of State or appellate authority that the claimant does have limited capability for work.]

### Textual Amendments

- F1** Reg. 3(1): reg. 3 renumbered as reg. 3(1) (with application in accordance with reg. 2 of the amending S.I.) by [The Employment and Support Allowance \(Repeat Assessments and Pending Appeal Awards\) \(Amendment\) Regulations 2015 \(S.I. 2015/437\)](#), regs. 1, **5(2)**
- F2** Reg. 3(za) inserted (2.11.2010) by [The Social Security \(Exemption from Claiming Retirement Pension\) Regulations 2010 \(S.I. 2010/1794\)](#), regs. 1, **2(2)**
- F3** Reg. 3(a)(iv) and word added (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **9(3)(a)**
- F4** Reg. 3(ca)(cb) inserted (24.9.2007) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **2(2)(a)**
- F5** Reg. 3(cb) substituted (17.3.2008) by [The Social Security \(Claims and Payments\) Amendment Regulations 2008 \(S.I. 2008/441\)](#), regs. 1, **2(2)**
- F6** Words in reg. 3(1)(cb)(i) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(3)(a)**
- F7** Words in reg. 3(1)(cb)(ii) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(3)(a)**
- F8** Reg. 3(cb)(iii) and word added (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(3)**
- F9** Words in reg. 3(1)(cb)(iii) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(3)(a)**
- F10** Words in reg. 3(1)(d) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(3)(b)**
- F11** Words in reg. 3(d)(i) inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **9(3)(b)(i)**
- F12** Words in reg. 3(d)(ii) inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **9(3)(b)(ii)**
- F13** Reg. 3(da) substituted (30.10.2008) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2008 \(S.I. 2008/2667\)](#), regs. 1, **2(2)**
- F14** Words in reg. 3(1)(da) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(3)(c)**
- F15** Reg. 3(1)(e) added (10.4.1989) by [The Social Security \(Claims and Payments and Payments on account, Overpayments and Recovery\) Amendment Regulations 1989 \(S.I. 1989/136\)](#), regs. 1(1), **2(2)**
- F16** Reg. 3(1)(f) repealed (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **2**
- F17** Reg. 3(g) 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. 3** (with reg. 3(1)(b), Schs. 21-23)
- F18** Reg. 3(h) added (4.10.1999) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 1999 \(S.I. 1999/2556\)](#), regs. 1, **7**

*Status: Point in time view as at 23/05/2016.*

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- F19** Words in reg. 3(h)(i) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **5(a)**
- F20** Words in reg. 3(h)(i) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **11(2)(a)**
- F21** Words in reg. 3(h)(ii) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **11(a)**
- F22** Words in reg. 3(h)(ii) substituted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **11(2)(b)**
- F23** Words in reg. 3(h)(iii) omitted (25.10.2004) by virtue of The Social Security (Back to Work Bonus and Lone Parent Run-on) (Amendment and Revocation) Regulations 2003 (S.I. 2003/1589), regs. 1(1), **5(b)**
- F24** Words in reg. 3(h)(iii) inserted (9.4.2001) by The Social Security (Miscellaneous Amendments) Regulations 2001 (S.I. 2001/488), regs. 1(1), **11(2)(c)**
- F25** Reg. 3(i) added (6.7.2005) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(a), **2(3)** (with reg. 10)
- F26** Reg. 3(1)(j) substituted (with application in accordance with reg. 2 of the amending S.I.) by The Employment and Support Allowance (Repeat Assessments and Pending Appeal Awards) (Amendment) Regulations 2015 (S.I. 2015/437), regs. 1, **5(3)**
- F27** Reg. 3(1)(ja) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(3)(d)**
- F28** Reg. 3(2) inserted (with application in accordance with reg. 2 of the amending S.I.) by The Employment and Support Allowance (Repeat Assessments and Pending Appeal Awards) (Amendment) Regulations 2015 (S.I. 2015/437), regs. 1, **5(4)**

**Modifications etc. (not altering text)**

- C1** Reg. 3 modified by SI 2010/1907 Sch. 2 para. 18 (as amended) (1.11.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) (Amendment) Regulations 2010 (S.I. 2010/2430), regs. 1(2), **17(9)(b)(ii)**

**[<sup>F29</sup>Notification that claim not required for entitlement to a Category A or B retirement pension**

**3A.**—(1) Subject to paragraph (4), this regulation applies to a beneficiary who has received, on or before the day provided for in paragraph (2), a written notification from the Secretary of State that no claim is required for a Category A or B retirement pension.

(2) The day referred to in paragraph (1) is—

- (a) the day which falls 2 weeks before the day on which the beneficiary reaches pensionable age; or
- (b) such later day as the Secretary of State may consider reasonable in any particular case or class of case.

(3) The Secretary of State may give a notification under paragraph (1) only in a case where, on the day which falls 8 weeks before the day on which the beneficiary reaches pensionable age, the beneficiary—

- (a) is in receipt of an exempt benefit, or would be in receipt of it but for that benefit not being payable as a result of the application of any of the legislation listed in paragraph (7); and
- (b) is neither entitled to, nor awaiting the determination of a claim for, a non-exempt benefit.

(4) Receipt of a written notification under paragraph (1) does not affect the requirement that a beneficiary who—

- (a) before reaching pensionable age, informs the Secretary of State that they want their entitlement to a Category A or B retirement pension to be deferred in accordance with section 55(3)(a) of the Contributions and Benefits Act; or
  - (b) after reaching pensionable age, elects to be treated as not having become entitled to either a Category A or B retirement pension in accordance with regulation 2 of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979,
- must make a claim in order subsequently to be entitled to a Category A or B retirement pension.

(5) For the purposes of paragraph (3)(a), a beneficiary who is in receipt of an exempt benefit includes a beneficiary who—

- (a) has been awarded such a benefit on or before the day which falls 8 weeks before the day on which the beneficiary reaches pensionable age; and
- (b) has not yet received the first payment of that benefit.

(6) For the purposes of this regulation—

“exempt benefit” means any of the following—

- (a) an employment and support allowance;
- (b) income support;
- (c) a jobseeker's allowance;
- (d) long-term incapacity benefit;
- (e) state pension credit; and

“non-exempt benefit” means any of the following—

- (a) carer's allowance;
- (b) short-term incapacity benefit;
- (c) severe disablement allowance;
- (d) widowed mother's allowance;
- (e) widow's pension.

(7) The legislation referred to in paragraph (3)(a) is—

- (a) section 19 of the Jobseekers Act (circumstances in which a jobseeker's allowance is not payable);
- (b) section 20A of that Act (denial or reduction of joint-claim jobseeker's allowance);
- (c) regulations made by virtue of any of the following provisions of the Jobseekers Act—
  - (i) section 8(2)(a) (attendance, information and evidence);
  - (ii) section 17A(5)(d) (schemes for assisting persons to obtain employment: “work for your benefit” schemes etc.);
  - (iii) paragraph 7(1)(a) of Schedule A1 (persons dependent on drugs etc.);

[ any provision of the Social Security Fraud Act 2001 and regulations made by virtue of <sup>F30</sup>(ca) any such provision;]

- (d) regulation 18 of the Social Security (Incapacity for Work) (General) Regulations 1995 (disqualification for misconduct etc.); and
- (e) regulation 157 of the Employment and Support Allowance Regulations (disqualification for misconduct etc.).]

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

### Textual Amendments

- F29** Reg. 3A inserted (2.11.2010) by [The Social Security \(Exemption from Claiming Retirement Pension\) Regulations 2010 \(S.I. 2010/1794\)](#), regs. 1, 2**(3)**
- F30** Reg. 3A(7)(ca) inserted (11.10.2011) by [The Social Security \(Exemption from Claiming Retirement Pension\) Regulations 2011 \(S.I. 2011/1554\)](#), regs. 1, 2

### Making a claim for benefit

4.—(1) [<sup>F31</sup>Subject to [<sup>F32</sup>paragraphs (10) to (11B),] every] claim for benefit [<sup>F33</sup>other than a claim for income support or jobseeker's allowance] shall be made in writing on a form approved by the Secretary of State [<sup>F34</sup>or the Board][<sup>F35</sup>for the purpose of the benefit for which the claim is made], or in such other manner, being in writing, as the Secretary of State [<sup>F34</sup>or the Board] may accept as sufficient in the circumstances of any particular case.

[<sup>F36</sup>(1A) [<sup>F37</sup>Subject to paragraph (11A), in the case of] of a claim for income support or jobseeker's allowance, the claim shall—

- (a) be made in writing on a form approved by the Secretary of State for the purpose of the benefit for which the claim is made;
- (b) unless any of the reasons specified in paragraph (1B) applies, be made in accordance with the instructions on the form; and
- (c) unless any of the reasons specified in paragraph (1B) applies, include such information and evidence as the form may require in connection with the claim.

(1B) The reasons referred to in paragraph (1A) are—

- (a) [<sup>F38</sup>subject to paragraph (1BA),]
  - (i) the person making the claim is unable to complete the form in accordance with the instructions or to obtain the information or evidence it requires because he has a physical, learning, mental or communication difficulty; and
  - (ii) it is not reasonably practicable for the claimant to obtain assistance from another person to complete the form or obtain the information or evidence;
- or
- (b) the information or evidence required by the form does not exist;
- or
- (c) the information or evidence required by the form can only be obtained at serious risk of physical or mental harm to the claimant, and it is not reasonably practicable for the claimant to obtain the information or evidence by other means;
- or
- (d) the information or evidence required by the form can only be obtained from a third party, and it is not reasonably practicable for the claimant to obtain such information or evidence from such third party;
- or
- (e) the Secretary of State is of the opinion that the person making the claim [<sup>F39</sup>or, in the case of a claim for a jobseeker's allowance by a joint-claim couple, either member of that couple,] has provided sufficient information or evidence to show that he is not entitled to the benefit for which the claim is made, and that it would be inappropriate to require the form to be completed or further information or evidence to be supplied.

[<sup>F40</sup>(1BA) In the case of a joint-claim couple claiming a jobseeker’s allowance jointly, paragraph (1B) (a) shall not apply to the extent that it is reasonably practicable for a member of a joint-claim couple to whom that sub-paragraph applies to obtain assistance from the other member of that couple.]

(1C) If a person making a claim is unable to complete the claim form or supply the evidence or information it requires because one of the reasons specified in sub-paragraphs (a) to (d) of paragraph (1B) applies, he may so notify an appropriate office by whatever means.]

[<sup>F41</sup>(1D) In calculating any period of one month for the purposes of paragraph (7) and regulation 6(1A)(b), there shall be disregarded any period commencing on a day on which a person is first notified of a decision that he failed to take part in a work-focused interview and ending on a day on which he was notified that that decision has been revised so that the decision as revised is that he did take part.]

[<sup>F42</sup>(2) In the case of a claim for working families' tax credit, where a married or unmarried couple is included in the family, the claim shall be made by whichever partner they agree should so claim.]

[<sup>F42</sup>(2A) Where, in a case to which paragraph (2) applies, the partners are unable to agree which of them should make the claim, the Board may in their discretion determine that the claim shall be made by the partner who, on the information available to the Board at the time of their determination, is in their opinion mainly caring for the children.]

(3) [<sup>F43</sup>Subject to paragraph (3C),] in the case of [<sup>F44</sup>a couple], a claim for income support shall be made by whichever partner they agree should so claim or, in default of agreement, by such one of them as the Secretary of State shall in his discretion determine.

[<sup>F45</sup>(3A) In the case of a married or unmarried couple where both partners satisfy the conditions set out in [<sup>F46</sup>section 129(1) of the Social Security Contributions and Benefits Act 1992], a claim for [<sup>F47</sup>disabled persons' tax credit] shall be made by whichever partner they agree should so claim, or in default of agreement, by such one of them as the [<sup>F48</sup>Board] shall determine.]

[<sup>F49</sup>(3B) For the purposes of income-based jobseeker’s allowance—

(a) in the case of [<sup>F50</sup>a couple], a claim shall be made by whichever partner they agree should so claim or, in default of agreement, by such one of them as the Secretary of State shall in his discretion determine;

[<sup>F51</sup>(b) where there is no entitlement to a contribution-based jobseeker’s allowance on a claim made—

(i) by a member of a joint-claim couple, he subsequently claims a joint-claim jobseeker’s allowance with the other member of that couple, the claim made by the couple shall be treated as having been made on the date on which the member of that couple made the claim for a jobseeker’s allowance in respect of which there was no entitlement to contribution-based jobseeker’s allowance;

(ii) by one partner and the other partner wishes to claim income-based jobseeker’s allowance, the claim made by that other partner shall be treated as having been made on the date on which the first partner made his claim;]

(c) where entitlement to income-based jobseeker’s allowance arises on the expiry of entitlement to contribution-based jobseeker’s allowance consequent on a claim made by one partner and the other partner then makes a claim—

(i) the claim of the first partner shall be terminated; and

(ii) the claim of the second partner shall be treated as having been made on the day after the entitlement to contribution-based jobseeker’s allowance expired.]

<sup>F52</sup>[<sup>F53</sup>(3C)] .....

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(4) Where one of [<sup>F54</sup>a couple] is entitled to income support under an award and, with his agreement, his partner claims income support that entitlement shall terminate on the day before that claim is made or treated as made.

[<sup>F55</sup>(5) Where a person who wishes to make a claim for benefit and who has not been supplied with an approved form of claim notifies an appropriate office (by whatever means) of his intention to make a claim, he<sup>F56</sup>, or if he is a member of a joint-claim couple, either member of that couple] shall be supplied, without charge, with such form of claim by such person as the Secretary of State [<sup>F57</sup>or the Board] may appoint or authorise for that purpose.]

[<sup>F58</sup>(6) [<sup>F59</sup>Subject to paragraphs (6A) to (6D),] a person wishing to make a claim for benefit shall—

- (a) if it is a claim for a jobseeker's allowance, unless the [<sup>F60</sup>employment officer] otherwise directs, attend in person at an appropriate office or such other place, and at such time, as the [<sup>F60</sup>employment officer] may specify in his case in a [<sup>F61</sup>notification under regulation 23 or 23A] of the Jobseeker's Allowance Regulations;
- (b) if it is a claim for any other benefit, deliver or send the claim to an appropriate office.]

[<sup>F62</sup>(6A) [<sup>F63</sup>This paragraph applies to a person]—

- (a) who has attained the qualifying age and makes a claim for—
  - (i) an attendance allowance, a bereavement benefit, a carer's allowance, a disability living allowance or incapacity benefit; or
  - (ii) a retirement pension of any category [<sup>F64</sup>, a state pension under Part 1 of the Pensions Act 2014][<sup>F65</sup>or a shared additional pension] for which a claim is required or a winter fuel payment for which a claim is required under regulation 3(1)(b) of the Social Fund Winter Fuel Payment Regulations 2000 ;
- (b) who has not yet attained the qualifying age and makes a claim for a retirement pension [<sup>F66</sup>, a state pension under Part 1 of the Pensions Act 2014][<sup>F67</sup>or a shared additional pension] in advance in accordance with regulation 15(1); <sup>F68</sup>...

[<sup>F69</sup>(c) who makes a claim for income support; or]

[ who has not attained the qualifying age and who makes a claim for a carer's <sup>F70</sup>(d) allowance, disability living allowance [<sup>F71</sup>, incapacity benefit or an employment and support allowance].]

(6B) A person to whom paragraph (6A) applies may make a claim by sending or delivering it to, or by making it in person at—

- (a) an office designated by the Secretary of State for accepting such claims; or

[<sup>F72</sup>(b) the offices of—

- (i) a local authority administering housing benefit <sup>F73</sup> ...,
- (ii) a county council in England,
- (iii) a person providing services to a person mentioned in head (i) or (ii),
- (iv) a person authorised to exercise any function of a local authority relating to housing benefit <sup>F74</sup> ..., or
- (v) a person authorised to exercise any function a county council in England has under section 7A of the Social Security Administration Act 1992,

if the Secretary of State has arranged with the local authority, county council or other person for them to receive claims in accordance with this sub-paragraph.]



provided that the claim is made on a form which is approved by the Secretary of State for the purpose.

(6C) Where a person to whom paragraph (6A) applies makes a claim in accordance with paragraph (6B)(b), on receipt of the claim the local authority or other person specified in that sub-paragraph—

- (a) shall forward the claim to the Secretary of State as soon as reasonably practicable;
- (b) may receive information or evidence relating to the claim supplied by—
  - (i) the person making, or who has made, the claim; or
  - (ii) other persons in connection with the claim,

and shall forward it to the Secretary of State as soon as reasonably practicable;

- (c) may obtain information or evidence relating to the claim from the person who has made the claim, but not any medical information or evidence except for that which the claimant must provide in accordance with instructions on the form, and shall forward the information or evidence to the Secretary of State as soon as reasonably practicable;

[<sup>F75</sup>(cc) may verify any non-medical information or evidence supplied or obtained in accordance with sub-paragraph (b) or (c) and shall forward it to the Secretary of State as soon as reasonably practicable;]

- (d) may record information or evidence relating to the claim supplied or obtained in accordance with sub-paragraphs (b) or (c) and may hold the information or evidence (whether as supplied or obtained or as recorded) for the purpose of forwarding it to the Secretary of State; and
- (e) may give information and advice with respect to the claim to the person who makes, or who has made, the claim.

[<sup>F76</sup>(6CC) Paragraphs (6C)(b) to (e) apply in respect of information, evidence and advice relating to any claim by a person to whom paragraph (6A) applies, whether the claim is made in accordance with paragraph (6B)(b) or otherwise.]

(6D) The benefits specified in paragraph (6A) are relevant benefits for the purposes of section 7A of the Social Security Administration Act 1992.]

[<sup>F77</sup>(7) If a claim, other than a claim for income support or jobseeker's allowance, is defective at the date it is received in an appropriate office or office specified in paragraph (6B) where that paragraph applies—

- (a) the Secretary of State shall advise the claimant of the defect; and
- (b) if a properly completed claim is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date on which the claimant is [<sup>F78</sup>first] advised of the defect, the Secretary of State shall treat the claim as properly made in the first instance.]

[<sup>F77</sup>(7ZA) If a claim, other than a claim for income support or jobseeker's allowance, has been made in writing but not on the form approved for the time being—

- (a) the Secretary of State may supply the claimant with the approved form; and
- (b) if the form is received properly completed within one month, or such longer period as the Secretary of State may consider reasonable, from the date on which the claimant is supplied with the approved form, the Secretary of State shall treat the claim as properly made in the first instance.]

[<sup>F79</sup>[<sup>F80</sup>(7A)] In the case of a claim for income support, if a defective claim is received, the Secretary of State shall advise the person making the claim of the defect and of the relevant provisions of regulation 6(1A) relating to the date of claim.]

*Status: Point in time view as at 23/05/2016.*

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

[<sup>F79</sup>(7B) In the case of a claim for a jobseeker's allowance, if a defective claim is received, the Secretary of State shall advise—

- (a) in the case of a claim made by a joint-claim couple, each member of the couple of the defect and of the relevant provisions of regulation 6(4ZA) relating to the date of the claim;
- (b) in any other case, the person making the claim of the defect and of the relevant provisions of regulation 6(4A) relating to the date of claim.]

[<sup>F81</sup>(8) A claim, other than a claim for income support or jobseeker's allowance, which is made on the form approved for the time being is, for the purposes of these Regulations, properly completed if completed in accordance with the instructions on the form and defective if not so completed.]

[<sup>F82</sup>(8A) Where—

- (a) the Board determine under paragraph (2A) that a claim for working families' tax credit shall be made by the partner who in their opinion is mainly caring for the children,
- (b) a claim for working families' tax credit is made by that partner on the form approved for the time being, and
- (c) the claim is not completed in accordance with the instructions on the form by reason only that, in consequence of the other partner not agreeing which of them should make the claim, it has not been signed by the other partner,

the Board may in their discretion treat that claim as completed in accordance with the instructions on the form for the purposes of paragraph (8), notwithstanding that it has not been signed by the other partner in accordance with those instructions.]

[<sup>F81</sup>(9) In the case of a claim for income support or jobseeker's allowance, a properly completed claim is a claim which meets the requirements of paragraph (1A) and a defective claim is a claim which does not meet those requirements.]

[<sup>F83</sup>(10) This regulation shall not apply to a claim for state pension credit[<sup>F84</sup>, subject to regulation 6(1G),][<sup>F85</sup>or an employment and support allowance].]

[<sup>F86</sup>(11) A claim for graduated retirement benefit[<sup>F87</sup>, a shared additional pension][<sup>F88</sup>, a retirement pension, [<sup>F89</sup>a state pension under Part 1 of the Pensions Act 2014,] a [<sup>F90</sup>bereavement benefit,] a social fund payment for funeral expenses][<sup>F91</sup>or winter fuel payment] may be made by telephone call to [<sup>F92</sup>a telephone number specified by the Secretary of State for the purpose of the benefit for which the claim is made], unless the Secretary of State directs, in any particular case, that the claim must be made in writing.

[<sup>F93</sup>(11A) A claim for income support or jobseeker's allowance may be made by telephone call to the telephone number specified by the Secretary of State where such a claim falls within a category of case [<sup>F94</sup>for which the Secretary of State accepts telephone claims, or in any other case where the Secretary of State is willing to do so].

(11B) Paragraph (11A) shall apply unless in any particular case the Secretary of State directs that the claim must be made in writing.]

[<sup>F95</sup>(12) A claim made by telephone in accordance with paragraph (11) or (11A) is properly completed if the Secretary of State is provided with all the information required to determine the claim and the claim is defective if not so completed.]

[<sup>F96</sup>(13) Where a claim made by telephone is defective—

- (a) in the case of a claim other than a claim for income support or jobseeker's allowance, paragraph (7) applies;
- (b) in the case of a claim for income support, paragraph (7A) applies; and

(c) in the case of a claim for jobseeker's allowance, paragraph (7B) applies, except that references to a defective claim being received or received in an appropriate office or office specified in paragraph (6B) where that paragraph applies are to be read as references to a defective claim being made by telephone and the reference in paragraph (7)(b) to a properly completed claim being received is to be read as a reference to a claim made by telephone being properly completed.]

<sup>F97</sup>(14) . . . . .]

### Textual Amendments

- F31** Words in reg. 4(1) substituted (2.5.2005) by The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 2005 (S.I. 2005/34), regs. 1, **2(2)(a)**
- F32** Words in reg. 4(1) substituted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(3)(a)**
- F33** Words in reg. 4(1) inserted (6.10.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(f), **2(2)**
- F34** Words in reg. 4(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), 20, **Sch. Pt. I**
- F35** Words in reg. 4(1) inserted (9.3.1992) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1992 (S.I. 1992/247), regs. 1(1), **10**
- F36** Reg. 4(1A)-(1C) inserted (6.10.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(f), **2(3)**
- F37** Words in reg. 4(1A) substituted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(3)(b)**
- F38** Words in reg. 4(1B)(a) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(3)(a)(i)**
- F39** Words in reg. 4(1B)(e) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(3)(a)(ii)**
- F40** Reg. 4(1BA) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(3)(b)**
- F41** Reg. 4(1D) inserted (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 5 para. 2** (with reg. 2(5))
- F42** Reg. 4(2)(2A) substituted for reg. 4(2) (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), **4(a)**
- F43** Words in reg. 4(3) 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(b)(i)**
- F44** Words in reg. 4(3) 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(3)** (with art. 3)
- F45** Reg. 4(3A) inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **3**
- F46** Words in reg. 4(3A) 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), **4(b)**
- F47** Words in reg. 4(3A) 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**
- F48** Word in reg. 4(3A) 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), 21, **Sch. Pt. II**

*Status: Point in time view as at 23/05/2016.*

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

- F49** Reg. 4(3B) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(4)(a)**
- F50** Words in reg. 4(3B)(a) 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(3)** (with art. 3)
- F51** Reg. 4(3B)(b) substituted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(3)(c)**
- F52** Reg. 4(3C) ceases to have effect (14.6.2007) by virtue of Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 12(2)(c)(i)**, 48(3)(c); S.I. 2007/1602, art. 2(1) (with art. 2(3)(4))
- F53** Reg. 4(3C) 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(b)(ii)**
- F54** Words in reg. 4(4) 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(3)** (with art. 3)
- F55** Reg. 4(5) substituted (7.4.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(b), **2(4)**
- F56** Words in reg. 4(5) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), **regs.**, 1 2(3)(d)
- F57** Words in reg. 4(5) 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), 20, **Sch. Pt. I**
- F58** Reg. 4(6) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(4)(b)**
- F59** Words in reg. 4(6) inserted (21.7.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1632), regs. 1(1), **2(2)(a)**
- F60** Words in reg. 4(6) substituted (29.11.1999) by The Social Security (Claims and Information) Regulations 1999 (S.I. 1999/3108), reg. 1, **Sch. 3 para. 2(3)(4)(a)**
- F61** Words in reg. 4(6)(a) substituted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(3)(e)**
- F62** Reg. 4(6A)-(6D) inserted (21.7.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1632), regs. 1(1), **2(2)(b)**
- F63** Words in reg. 4(6A) substituted (31.10.2007) by The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **6(2)(a)(i)**
- F64** Words in reg. 4(6A)(a)(ii) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(4)(a)**
- F65** Words in reg. 4(6A)(a)(ii) inserted (6.7.2005) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(a), **2(4)(a)(i)** (with reg. 10)
- F66** Words in reg. 4(6A)(b) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(4)(b)**
- F67** Words in reg. 4(6A)(b) inserted (6.7.2005) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(a), **2(4)(a)(ii)** (with reg. 10)
- F68** Word in reg. 4(6A)(b) omitted (10.4.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(3)(a)**
- F69** Reg. 4(c)(d) substituted (31.10.2007) by The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **6(2)(a)(ii)**
- F70** Reg. 4(6A)(d) added (10.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(3)(c)**
- F71** Words in reg. 4(6A)(d) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(4)(a)**

- F72** Reg. 4(6B)(b) substituted (31.10.2007) by The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **6(2)(b)**
- F73** Words in reg. 4(6B)(b)(i) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F74** Words in reg. 4(6B)(b)(iv) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F75** Reg. 4(6C)(cc) inserted (31.10.2007) by The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **6(2)(c)**
- F76** Reg. 4(6CC) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **7(2)**
- F77** Reg. 4(7)-(7ZA) substituted for reg. 4(7) (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(4)(b)**
- F78** Word in reg. 4(7)(b) inserted (26.10.2009) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(1), **3(2)**
- F79** Reg. 4(7A)(7B) substituted for reg. 4(7A) (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), **regs.**, 1 2(3(f))
- F80** Reg. 4(7A) added (6.10.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(f), **2(6)**
- F81** Reg. 4(8)(9) substituted for reg. 4(8) (6.10.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(f), **2(7)**
- F82** Reg. 4(8A) 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), **4(c)**
- F83** Reg. 4(10) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **4(1)**
- F84** Words in reg. 4(10) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(4)(c)**
- F85** Words in reg. 4(10) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **12**
- F86** Reg. 4(11)-(14) added (2.5.2005) by The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 2005 (S.I. 2005/34), regs. 1, **2(2)(b)**
- F87** Words in reg. 4(11) inserted (6.7.2005) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(a), **2(4)(b)** (with reg. 10)
- F88** Words in reg. 4(11) substituted (29.7.2010) by The Social Security (Claims and Payments) Amendment (No. 3) Regulations 2010 (S.I. 2010/1676), regs. 1, **2(a)**
- F89** Words in reg. 4(11) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(4)(c)**
- F90** Words in reg. 4(11) substituted (28.4.2014) by The Social Security (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/591), regs. 1, **3(2)(a)**
- F91** Words in reg. 4(11) inserted (28.4.2014) by The Social Security (Miscellaneous Amendments) Regulations 2014 (S.I. 2014/591), regs. 1, **3(2)(b)**
- F92** Words in reg. 4(11) substituted (29.7.2010) by The Social Security (Claims and Payments) Amendment (No. 3) Regulations 2010 (S.I. 2010/1676), regs. 1, **2(b)**
- F93** Reg. 4(11A)-(11B) inserted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(3)(c)**
- F94** Words in reg. 4(11A) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(4)(d)**
- F95** Reg. 4(12) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(4)(e)**
- F96** Reg. 4(13) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(4)(f)**

*Status: Point in time view as at 23/05/2016.*

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

**F97** Reg. 4(14) omitted (13.7.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(4)(g)**

**[<sup>F98</sup>Further provisions as to claims**

**4A.—(1)** Where a claimant resides in both—

- (a) the area of a local authority specified in Part I or II of Schedule 1 to the Social Security (Claims and Information) Regulations 1999; and
- (b) a postcode district identified in Part I or II of Schedule 2 to the Social Security (Claims and Information) Regulations 1999,

any claim for a benefit to which paragraph (2) applies may be made to any office [<sup>F99</sup>of a relevant authority] displaying the One logo (whether or not that office is situated within the area of the local authority in which the claimant resides).

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

- (a) a jobseeker’s allowance;
- (b) income support;
- (c) incapacity benefit;
- (d) [<sup>F100</sup>carer’s allowance];
- (e) severe disablement allowance;
- (f) widow’s benefit;
- (g) bereavement benefits;
- (h) disability living allowance.

(3) A claim made in accordance with paragraph (1), other than a claim for income support or a jobseeker’s allowance, shall be made in writing on a form approved by the Secretary of State for the purpose of the benefit to which the claim is made, or in such other manner, being in writing, as the person to whom the claim is made may accept as sufficient in the circumstances of the particular case.

(4) In the case of a claim for income support or a jobseeker’s allowance, the provisions of regulation 4(1A) to (1C) shall apply.

(5) In its application to the area of any authority specified in Part I or II of Schedule 1 to the Social Security (Claims and Information) Regulations 1999, the “appropriate office” in these Regulations includes also an office of an authority or person to whom claims may be made in accordance with paragraph (1).

(6) In these Regulations, a “participating authority” means any local authority or person to whom claims may be made in accordance with paragraph (1).

**Textual Amendments**

- F98** Reg. 4A - Reg. 4B inserted (29.11.1999) by [The Social Security \(Claims and Information\) Regulations 1999 \(S.I. 1999/3108\)](#), regs. 1, **5**
- F99** Words in reg. 4A(1) inserted (3.4.2000) by [The Social Security \(Work-focused Interviews\) Regulations 2000 \(S.I. 2000/897\)](#), regs. 1, **17(1)**
- F100** Words in reg. 4A substituted (1.4.2003) by [The Social Security Amendment \(Carers Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. **12**



## Forwarding claims and information

**4B.**—(1) A participating authority may —

- (a) record information or evidence relating to any social security matter supplied by or obtained from a person at an office displaying the One logo, whether or not the information or evidence is supplied or obtained in connection with the making of a claim for benefit;
- (b) give information or advice with respect to any social security matter to persons who are making, or have made, claims for any benefit to which regulation 4A(2) applies [<sup>F101</sup>or for state pension credit].

(2) A participating authority shall forward to the Secretary of State —

- (a) any claim for benefit, other than a claim for housing benefit <sup>F102</sup>..., together with any information or evidence supplied to the authority in connection with that claim; and
- (b) any information or evidence relating to any other social security matter, except where the information or evidence relates solely to housing benefit <sup>F103</sup>... given to the authority by a person making a claim for, or who has claimed, a benefit to which regulation 4A(2) applies.]

### Textual Amendments

- F98** Reg. 4A - Reg. 4B inserted (29.11.1999) by [The Social Security \(Claims and Information\) Regulations 1999 \(S.I. 1999/3108\)](#), regs. 1, **5**
- F101** Words in reg. 4B(1)(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), **4(2)**
- F102** Words in reg. 4B(2)(a) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**
- F103** Words in reg. 4B(2)(b) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**

### [<sup>F104</sup>Electronic claims for benefit

**4ZC.**—(1) Any claim for benefit in relation to which this regulation applies, and any certificate, notice, information or evidence given in connection with that claim, may be made or given by means of an electronic communication, in accordance with the provisions set out in Schedule 9ZC.

(2) This regulation applies in relation to carer's allowance<sup>F105</sup>, attendance allowance, disability living allowance, graduated retirement benefit, [<sup>F106</sup>a jobseeker's allowance,] retirement pension<sup>F107</sup>, state pension under Part 1 of the Pensions Act 2014] and shared additional pension.]]

### Textual Amendments

- F104** Reg. 4ZC inserted (1.12.2003) by [The Social Security \(Electronic Communications\) \(Carers Allowance\) Order 2003 \(S.I. 2003/2800\)](#), arts. 1(1), **2(2)**
- F105** Words in reg. 4ZC(2) added (30.1.2006) by [The Social Security \(Electronic Communications\) \(Miscellaneous Benefits\) Order 2005 \(S.I. 2005/3321\)](#), arts. 1, **2(2)**
- F106** Words in reg. 4ZC(2) inserted (1.2.2012) by [The Social Security \(Electronic Communications\) Order 2011 \(S.I. 2011/1498\)](#), arts. 1(2), **4(2)**
- F107** Words in reg. 4ZC(2) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(5)**

*Status: Point in time view as at 23/05/2016.*

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

### [<sup>F108</sup>Electronic claims for benefit

**4C.**—(1) Any claim for benefit in relation to which this regulation applies, and any certificate, notice, information or evidence given in connection with that claim, may be made or given by means of an electronic communication, in accordance with the provisions set out in Schedule 9C.

(2) This regulation applies in relation to child benefit.]

#### Textual Amendments

**F108** Reg. 4C inserted (28.10.2002) by [The Social Security \(Electronic Communications\) \(Child Benefit\) Order 2002 \(S.I. 2002/1789\)](#), arts. 1(1), 3

### [<sup>F109</sup>Making a claim for state pension credit

**4D.**—(1) A claim for state pension credit need only be made in writing if the Secretary of State so directs in any particular case.

(2) A claim is made in writing either—

- (a) by completing and returning in accordance with the instructions printed on it a form approved or provided by the Secretary of State for the purpose; or
- (b) in such other written form as the Secretary of State accepts as sufficient in the circumstances of the case.

(3) A claim for state pension credit may be made in writing whether or not a direction is issued under paragraph (1) and may also be made <sup>F110</sup>... in person at, an appropriate office <sup>F111</sup>....

[<sup>F112</sup>(3A) A claim made in writing may also be made at an office designated by the Secretary of State for accepting claims for state pension credit.]

[<sup>F113</sup>(4) A claim made in writing may also be made at the offices of—

- (a) a local authority administering housing benefit <sup>F114</sup>...;
- (b) a county council in England;
- (c) a person providing services to a person mentioned in sub-paragraph (a) or (b);
- (d) a person authorised to exercise any functions of a local authority relating to housing benefit <sup>F114</sup>...; or
- (e) a person authorised to exercise any function a county council in England has under section 7A of the Social Security Administration Act 1992,

if the Secretary of State has arranged with the local authority, county council or other person for them to receive claims in accordance with this paragraph.]

[<sup>F115</sup>(5) Where a claim is made in accordance with paragraph (4), the local authority or other specified person—

- (a) shall forward the claim to the Secretary of State as soon as reasonably practicable;
- (b) may receive information or evidence relating to the claim supplied by the person making, or who has made, the claim or another person, and shall forward it to the Secretary of State as soon as reasonably practicable;
- (c) may obtain information or evidence relating to the claim from the person who has made the claim and shall forward it to the Secretary of State as soon as reasonably practicable;



[<sup>F116</sup>(cc) may verify any non-medical information or evidence supplied or obtained in accordance with sub-paragraph (b) or (c) and shall forward it to the Secretary of State as soon as reasonably practicable;]

(d) may record information or evidence relating to the claim supplied or obtained in accordance with sub-paragraph (b) or (c) and may hold the information or evidence (whether as supplied or obtained or as recorded) for the purpose of forwarding it to the Secretary of State; and

(e) may give information and advice with respect to the claim to the person who makes, or has made, the claim.]

[  
<sup>F117</sup>(5A) Paragraph (5)(b) to (e) applies in respect of information, evidence and advice relating to any claim for state pension credit, whether it is made in accordance with paragraph (4) or otherwise.]

(6) A claim for state pension credit made in person <sup>F118</sup>... is not a valid claim unless a written statement of the claimant's circumstances, provided for the purpose by the Secretary of State, is approved by the person making the claim.

[  
<sup>F119</sup>(6A) A claim for state pension credit may be made by telephone call to the telephone number specified by the Secretary of State.]

[  
<sup>F119</sup>(6B) Where the Secretary of State, in any particular case, directs that the person making the claim approves a written statement of his circumstances, provided for the purpose by the Secretary of State, a claim made by telephone is not a valid claim unless the person complies with the direction.]

[  
<sup>F119</sup>(6C) A claim made by telephone in accordance with paragraph (6A) is defective unless the Secretary of State is provided, during that telephone call, with all the information he requires to determine the claim.]

[  
<sup>F119</sup>(6D) Where a claim made by telephone in accordance with paragraph (6A) is defective, the Secretary of State is to provide the person making it with an opportunity to correct the defect.]

[  
<sup>F119</sup>(6E) If the person corrects the defect within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State [<sup>F120</sup>first] drew attention to the defect, the Secretary of State shall treat the claim as if it had been duly made in the first instance.]

(7) A [<sup>F121</sup>couple] may agree between them as to which partner is to make a claim for state pension credit, but in the absence of an agreement, the Secretary of State shall decide which of them is to make the claim.

(8) Where one member of a [<sup>F122</sup>couple] ("the former claimant") is entitled to state pension credit under an award but a claim for state pension credit is made by the other member of the couple, then, if both members of the couple confirm in writing that they wish the claimant to be the other member, the former claimant's entitlement shall terminate on the last day of the benefit week specified in paragraph (9).

(9) That benefit week is the benefit week of the former claimant which includes the day immediately preceding the day the partner's claim is actually made or, if earlier, is treated as made.

(10) If a claim for state pension credit is defective when first received, the Secretary of State is to provide the person making it with an opportunity to correct the defect.

(11) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within 1 month [<sup>F123</sup>, or such longer period as the Secretary of State

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considers reasonable,] of the date the Secretary of State [<sup>F124</sup>first] drew attention to the defect, the claim shall be treated as having been properly made on the date—

- (a) the defective claim was first received by the Secretary of State or the person acting on his behalf; or
- (b) if regulation 4F(3) applies, the person informed an appropriate office [<sup>F125</sup>or other office specified in regulation 4F(3)] of his intention to claim state pension credit.

(12) [<sup>F126</sup>Paragraphs (6E) and (11) do] not apply in a case to which regulation 4E(3) applies.

(13) State pension credit is a relevant benefit for the purposes of section 7A of the Social Security Administration Act 1992.

### Textual Amendments

- F109** Reg. 4D–4F inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **4(3)**
- F110** Words in reg. 4D(3) omitted (24.7.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **3(2)(a)**
- F111** Words in reg. 4D(3) omitted (18.3.2005) by virtue of The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **7(3)(a)**
- F112** Reg. 4D(3A) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **7(3)(b)**
- F113** Reg. 4D(4) substituted (31.10.2007) by The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **6(3)(a)**
- F114** Words in reg. 4D(4)(a), reg. 4D(4)(d) revoked (1.4.2013) by The Council Tax Benefit Abolition (Consequential Provision) Regulations 2013 (S.I. 2013/458), reg. 1, **Sch. 1**
- F115** Reg. 4D(5) substituted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **7(3)(c)**
- F116** Reg. 4D(5)(cc) inserted (31.10.2007) by The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **6(3)(b)**
- F117** Reg. 4D(5A) inserted (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **7(3)(d)**
- F118** Words in reg. 4D(6) omitted (24.7.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **3(2)(b)**
- F119** Regs. 4D(6A)–(6E) inserted (24.7.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **3(2)(c)**
- F120** Word in reg. 4D(6E) substituted (26.10.2009) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(1), **3(3)(a)**
- F121** Word in reg. 4D(7) 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(4)** (with art. 3)
- F122** Word in reg. 4D(8) 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(4)** (with art. 3)
- F123** Words in reg. 4D(11) inserted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(2)**
- F124** Word in reg. 4D(11) substituted (26.10.2009) by The Social Security (Miscellaneous Amendments) (No. 4) Regulations 2009 (S.I. 2009/2655), regs. 1(1), **3(3)(a)**
- F125** Words in reg. 4D(11)(b) inserted (21.7.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1632), regs. 1(1), **2(3)(b)**
- F126** Words in reg. 4D(12) substituted (24.7.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **3(2)(d)**

### Making a claim before attaining the qualifying age

**4E.**—(1) A claim for state pension credit may be made, and any claim made may be determined, at any time within the advance period.

(2) The advance period begins on the date which falls 4 months before the day on which the claimant attains the qualifying age and ends on the day before he attains that age.

(3) A person who makes a claim within the advance period which is defective may correct the defect at any time before the end of the advance period.

#### Textual Amendments

**F109** Reg. 4D–4F inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **4(3)**

### Making a claim after attaining the qualifying age: date of claim

**4F.**—(1) This regulation applies in the case of a person who claims state pension credit on or after attaining the qualifying age.

(2) The date on which a claim is made shall, subject to paragraph (3), be—

(a) where the claim is made in writing and is not defective, the date on which the claim is first received—

(i) by the Secretary of State or the person acting on his behalf; or

(ii) in a case to which regulation 4D(4) relates, in the office of a person specified therein;

(b) where the claim is not made in writing but is otherwise made in accordance with regulation 4D(3) [<sup>F127</sup>or (6A)] and is not defective, the date the claimant provides details of his circumstances by telephone to, or in person at, the appropriate office or other office designated by the Secretary of State to accept claims for state pension credit; or

(c) where a claim is initially defective but the defect is corrected under regulation [<sup>F127</sup>4D(6E) or (11)], the date the claim is treated as having been made under that regulation.

(3) If a [<sup>F128</sup>person wishing to make a claim]—

(a) informs [<sup>F129</sup>(by whatever means)] an appropriate office [<sup>F130</sup>, or other office designated by the Secretary of State for accepting claims for state pension credit or the office of a person specified in regulation 4D(4),] of his intention to claim state pension credit; and

(b) subsequently makes the claim in accordance with regulation 4D within 1 month of complying with sub-paragraph (a), or within such longer period as the Secretary of State may allow,

the claim may, where in the circumstances of the particular case it is appropriate to do so, be treated as made on the day the claimant first informed [<sup>F131</sup>an office specified in sub-paragraph (a)] of his intention to claim the credit.]

#### Textual Amendments

**F109** Reg. 4D–4F inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **4(3)**

**F127** Words in reg. 4F(2)(c) substituted (24.7.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2),**3(3)(a)3(3)(b)**

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- F128** Words in reg. 4F(3) substituted (6.10.2004) by [The Social Security \(Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2327\)](#), regs. 1(1)(b), **8(a)**
- F129** Words in reg. 4F(3)(a) inserted (6.10.2004) by [The Social Security \(Housing Benefit, Council Tax Benefit, State Pension Credit and Miscellaneous Amendments\) Regulations 2004 \(S.I. 2004/2327\)](#), regs. 1(1)(b), **8(b)**
- F130** Words in reg. 4F(3)(a) inserted (21.7.2003) by [The Social Security \(Claims and Payments and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1632\)](#), regs. 1(1), **2(4)(a)**
- F131** Words in reg. 4F(3) substituted (21.7.2003) by [The Social Security \(Claims and Payments and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1632\)](#), regs. 1(1), **2(4)(b)**

### **[<sup>F132</sup>Making a claim for employment and support allowance by telephone**

**4G.**—(1) A claim (“a telephone claim”) for an employment and support allowance may be made by telephone call to the telephone number specified by the Secretary of State.

(2) Where the Secretary of State, in any particular case, directs that the person making the claim approves a written statement of his circumstances, provided for the purpose by the Secretary of State, a telephone claim is not a valid claim unless the person complies with the direction.

(3) A telephone claim is defective unless the Secretary of State is provided, during that telephone call, with all the information he requires to determine the claim.

(4) Where a telephone claim is defective, the Secretary of State is to advise the person making it of the defect and of the relevant provisions of regulation 6(1F) relating to the date of claim.

(5) If the person corrects the defect within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State [<sup>F133</sup>first] drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

#### **Textual Amendments**

- F132** Regs. 4G-4I inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **13**
- F133** Word in reg. 4G(5) substituted (26.10.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(1), **3(3)(b)**

### **Making a claim for employment and support allowance in writing**

**4H.**—(1) A claim (“a written claim”) for employment and support allowance need only be made in writing if the Secretary of State so directs in any particular case but a written claim may be made whether or not a direction is issued.

(2) A written claim must be made on a form approved for the purpose by the Secretary of State and be made in accordance with the instructions on the form.

(3) A claim in writing may also be made at the offices of—

- (a) a local authority administering housing benefit <sup>F134</sup> ...;
- (b) a person providing to such an authority services relating to housing benefit <sup>F135</sup> ...; or
- (c) a person authorised to exercise the function of a local authority relating to housing benefit <sup>F136</sup> ...

if the Secretary of State has arranged with the local authority or person specified in sub-paragraph (b) or (c) for them to receive claims in accordance with this paragraph.

- (4) Where a written claim is made in accordance with paragraph (3), on receipt of that claim the local authority or other person specified in that paragraph—
- (a) must forward the claim to the Secretary of State as soon as reasonably practicable;
  - (b) may receive information or evidence relating to the claim supplied by—
    - (i) the person making, or who has made, the claim; or
    - (ii) other persons in connection with the claim,and shall forward it to the Secretary of State as soon as reasonably practicable;
  - (c) may obtain information or evidence relating to the claim from the person who has made the claim, but not any medical information or evidence except for that which the claimant must provide in accordance with instructions on the form, and must forward the information or evidence to the Secretary of State as soon as reasonably practicable;
  - (d) may record information or evidence relating to the claim supplied or obtained in accordance with sub-paragraph (b) or (c) and may hold the information or evidence (whether as supplied or obtained or as recorded) for the purpose of forwarding it to the Secretary of State; and
  - (e) may give information and advice with respect to the claim to the person who makes, or who has made, the claim.
- (5) Paragraphs (4)(b) to (e) apply in respect of information, evidence and advice relating to any claim whether the claim is made in accordance with paragraph (3) or otherwise.
- (6) If a written claim is defective when first received, the Secretary of State is to advise the person making it of the defect and of the provisions of regulation 6(1F) relating to the date of claim.
- (7) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State [<sup>F137</sup>first] drew attention to the defect, the claim must be treated as having been properly made in the first instance.

#### Textual Amendments

- F132** Regs. 4G-4I inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **13**
- F134** Words in reg. 4H(3)(a) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**
- F135** Words in reg. 4H(3)(b) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**
- F136** Words in reg. 4H(3)(c) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**
- F137** Word in reg. 4H(7) substituted (26.10.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 4\) Regulations 2009 \(S.I. 2009/2655\)](#), regs. 1(1), **3(3)(c)**

#### Claims for employment and support allowance: supplemental

**4I.—(1)** Where a person who is a member of a couple may be entitled to an income-related employment and support allowance the claim for an employment and support allowance must be made by whichever member of the couple they agree should claim or, in default of agreement, by such one of them as the Secretary of State may choose.

(2) Where one member of a couple (“the former claimant”) is entitled to an income-related employment and support allowance under an award but a claim for an employment and support allowance is made by the other member of the couple and the Secretary of State considers that the

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other member is entitled to an income-related employment and support allowance, then, if both members of the couple confirm in writing that they wish the claimant to be the other member, the former claimant's entitlement terminates on the day the partner's claim is actually made or, if earlier, is treated as made.

(3) In calculating any period of one month for the purposes of regulations 4G and 4H, any period commencing on a day on which a person is first notified of a decision in connection with his failure to take part in a work-focused interview and ending on a day on which he was notified that that decision has been revised so that the decision as revised is that he did take part is to be disregarded.

(4) Employment and support allowance is a relevant benefit for the purposes of section 7A of the 1992 Act.]

#### Textual Amendments

**F132** Regs. 4G-4I inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **13**

#### Amendment and withdrawal of claim

5.—<sup>F138</sup>(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept.]

<sup>F138</sup>(1A) Any claim amended in accordance with paragraph (1) may be treated as if it had been so amended in the first instance.]

(2) A person who has made a claim may withdraw it at any time before a determination has been made on it, by notice to an appropriate office, and any such notice of withdrawal shall have effect when it is received.

#### Textual Amendments

**F138** Reg. 5(1)(1A) substituted for reg. 5(1) (29.10.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2013 \(S.I. 2013/2536\)](#), regs. 1(1), **5(2)**

#### Date of claim

6.—(1) [<sup>F139</sup>Subject to the following provisions of this regulation,][<sup>F140</sup>or regulation 6A (claims by persons subject to work-focused interviews)] the date on which a claim is made shall be—

(a) in the case of a claim which meets the requirements of regulation 4(1), the date on which it is received in an appropriate office;

<sup>F141</sup>(aa) in the case of a claim for—

<sup>F142</sup>[<sup>F143</sup> ... ];

<sup>F142</sup>[<sup>F144</sup> ... ];

jobseeker's allowance if first notification is received before 6th October 1997; or

income support if first notification is received before 6th October 1997;

which meets the requirements of regulation 4(1) and which is received in an appropriate office within one month of first notification in accordance with regulation 4(5), whichever is the later of—

(i) the date on which that notification is received; and

- (ii) the first date on which that claim could have been made in accordance with these Regulations;]
- (b) in the case of a claim which does not meet the requirements of regulation 4(1) but which is treated, under regulation 4(7) as having been [<sup>F145</sup>properly] made, the date on which the claim was received in an appropriate office in the first instance.
- [<sup>F146</sup>(c) in the case of a claim made by telephone in accordance with [<sup>F147</sup>regulation 4(11) or (11A)], the date [<sup>F148</sup>the claim is properly completed];
- (d) in the case of a claim made by telephone which is defective but which is treated, under [<sup>F149</sup>4(13)(a) as having been properly] made, the date of that telephone call.]
- [<sup>F150</sup>(1ZA) In the case of a claim made in accordance with regulation 4(6B)—
- (a) paragraph (1) shall apply in relation to a claim received at an office specified in that regulation as it applies in relation to a claim received at an appropriate office; and
- (b) paragraph (1A) shall apply in relation to an office specified in that regulation as it applies in relation to an appropriate office.]
- [<sup>F151</sup>(1A) In the case of a claim for income support—
- (a) subject to the following sub-paragraphs, the date on which a claim is made shall be the date on which a properly completed claim is received in an appropriate office [<sup>F152</sup>or a claim made by telephone is properly completed] or the first day in respect of which the claim is made if later;
- (b) where a properly completed claim is received in an appropriate office [<sup>F152</sup>or a claim made by telephone is properly completed] within one month of first notification of intention to make that claim, the date of claim shall be the date on which that notification is [<sup>F153</sup>made or is] deemed to be made or the first day in respect of which the claim is made if later;
- (c) a notification of intention to make a claim will be deemed to be made on the date when an appropriate office receives—
- (i) a notification in accordance with regulation 4(5); or
- (ii) a defective claim.]
- [<sup>F154</sup>(1B) Subject to paragraph (1C), in the case of a claim for working families' tax credit or disabled person's tax credit which meets the requirements of regulation 4(1) and which is received in an appropriate office within one month of first notification in accordance with regulation 4(5)—
- (a) where the claimant is entitled to that credit on the date on which that notification is received ("the notification date") and the first day of the period in respect of which that claim is made is on or before the notification date, the date on which a claim is made shall be the notification date; or
- (b) where the claimant is not entitled to that credit on the notification date but becomes so entitled before the date on which the claim is received, the date on which a claim is made shall be—
- (i) the date on which the claimant becomes so entitled, or
- (ii) if later, the first day of the period in respect of which the claim is made provided that it is not later than the date on which the claim is received.
- (1C) Paragraph (1B) shall not apply in the case of a claim which is received in an appropriate office—
- (a) in the case of working families' tax credit, within the period specified opposite that credit at paragraphs (a) or (aa) in column (2) of Schedule 4; or
- (b) in the case of disabled person's tax credit, within the period specified opposite that credit in paragraphs (a) or (b) in column (2) of Schedule 4.]



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[<sup>F155</sup>unless the previous award of working families' tax credit or disabled person's tax credit was terminated by virtue of regulation 49ZA of the Family Credit (General) Regulations 1987 or regulation 54A of the Disability Working Allowance (General) Regulations 1991.]

[<sup>F156</sup>(1D) Subject to paragraph (1E) and without prejudice to the generality of paragraph (1), where a properly completed claim for incapacity benefit is received in an appropriate office within one month of the claimant first notifying such an office, by whatever means, of his intention to make that claim, the date of claim shall be the date on which that notification is made or the first day in respect of which the claim is made if later.

(1E) For the purposes of paragraph (1D), a person <sup>F157</sup>... may notify his intention and may send or deliver his claim to an office specified in regulation 4(6B).]

[<sup>F158</sup><sup>F159</sup>(1F) In the case of a claim for an employment and support allowance, the date on which the claim is made or treated as made shall be the first date on which—

- (a) a claim made by telephone is properly completed, or a properly completed claim is received in an appropriate office, or office mentioned in regulation 4H(3);
- (b) a defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 4G(5) in the case of a telephone claim, or 4H(7) in the case of a written claim; or
- (c) the Secretary of State is notified of an intention to claim and within one month or such longer period as the Secretary of State considers reasonable of first notification, a claim made by telephone is properly completed, or a properly completed claim is received in an appropriate office, or office mentioned in regulation 4H(3),

or the first day in respect of which the claim is made, if later.]]

[<sup>F160</sup>(1G) In paragraph (1F) “properly completed” has the meaning assigned by regulation 4(8) in the case of a written claim and 4(12) in the case of a telephone claim.]

<sup>F161</sup>(2) .....

[<sup>F162</sup>(3) In the case of a claim for income support, [<sup>F163</sup>working families' tax credit][<sup>F164</sup>, [<sup>F165</sup>disabled persons' tax credit]][<sup>F166</sup>or jobseeker's allowance]<sup>F167</sup>..., where the time for claiming is extended under regulation 19 the claim shall be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of that regulation, timeously made.

(4) Paragraph (3) shall not apply when the time for claiming income support[<sup>F168</sup>, [<sup>F163</sup>working families' tax credit]][<sup>F169</sup>, [<sup>F165</sup>disabled persons' tax credit] or jobseeker's allowance] has been extended under regulation 19 and the failure to claim within the prescribed time for the purposes of that regulation is for the reason only that the claim has been sent by post.]

[<sup>F170</sup>(4ZA) Where a member of a joint-claim couple notifies the employment officer (by whatever means) that he wishes to claim a jobseeker's allowance jointly with the other member of that couple, the claim shall be treated as made on the relevant date specified in accordance with paragraphs (4ZB) to (4ZD).

(4ZB) Where each member of a joint-claim couple is required to attend under regulation 4(6)(a)—

- (a) if each member subsequently attends for the purpose of jointly claiming a jobseeker's allowance at the time and place specified by the employment officer and complies with the requirements of paragraph (4AA)(a), the claim shall be treated as made on whichever is the later of the first notification of intention to make that claim and the first day in respect of which the claim is made;
- (b) if, without good cause, either member fails to attend for the purpose of jointly claiming a jobseeker's allowance at either the time or place so specified or does not comply with the requirements of paragraph (4AA)(a), the claim shall be treated as made on the first



day on which a member of the couple attends at the specified place and complies with the requirements of paragraph (4AA)(a).

- (4ZC) Where only one member of the couple is required to attend under regulation 4(6)(a)—
- (a) subject to the following sub-paragraphs, the date on which the claim is made shall be the date on which a properly completed claim is received in an appropriate office [<sup>F171</sup>or a claim made by telephone is properly completed] or the first day in respect of which the claim is made, if later, provided the member of the couple who is required to attend under regulation 4(6)(a) does so attend;
  - (b) where a properly completed form is received in an appropriate office [<sup>F171</sup>or a claim made by telephone is properly completed] within one month of first notification of intention to make that claim, the date of claim shall be the date of that notification;
  - (c) if, without good cause, the member of the couple who is required to attend under regulation 4(6)(a) fails to attend for the purpose of making a claim at either the time or place so specified or does not comply with the requirements of paragraph (4AA), the claim shall be treated as made on the first day on which that member does attend at that place and does provide a properly completed claim.

(4ZD) Where, as at the day on which a member of a joint-claim couple (“the first member”) notifies the employment officer in accordance with paragraph (4ZA), the other member of that couple is temporarily absent from Great Britain in the circumstances specified in regulation 50(6B) of the Jobseeker’s Allowance Regulations, the date on which the claim is made shall be the relevant date specified in paragraph (4ZB) or (4ZC) but nothing in this paragraph shall treat the claim as having been made on a day which is more than three months after the day on which the first member notified the employment officer in accordance with paragraph (4ZA).]

[<sup>F172</sup>[<sup>F173</sup>(4A) Where a person [<sup>F174</sup>who is not a member of a joint-claim couple] notifies the [<sup>F175</sup>employment officer] (by whatever means) that he wishes to claim a jobseeker’s allowance—

- (a) if he is required to attend under regulation 4(6)(a)—
  - (i) if he subsequently attends for the purpose of making a claim for that benefit at the time and place specified by the [<sup>F175</sup>employment officer] and complies with the requirements of paragraph (4AA)[<sup>F176</sup>(b)], the claim shall be treated as made on whichever is the later of first notification of intention to make that claim and the first day in respect of which the claim is made;
  - (ii) if, without good cause, he fails to attend for the purpose of making a claim for that benefit at either the time or place so specified, or does not comply with the requirements of paragraph (4AA)[<sup>F176</sup>(b)], the claim shall be treated as made on the first day on which he does attend at that place and does provide a properly completed claim;
- (b) if under regulation 4(6)(a) the [<sup>F175</sup>employment officer] directs that he is not required to attend—
  - (i) subject to the following sub-paragraph, the date on which the claim is made shall be the date on which a properly completed claim is received in an appropriate office [<sup>F177</sup>or a claim made by telephone is properly completed] or the first day in respect of which the claim is made if later;
  - (ii) where a properly completed claim is received in an appropriate office [<sup>F177</sup>or a claim made by telephone is properly completed] within one month of first notification of intention to make that claim, the date of claim shall be the date of that notification.

(4AA) [<sup>F178</sup>Unless the Secretary of State otherwise directs, a properly completed claim form shall be provided [<sup>F179</sup>or made]—

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- (a) in a case to which paragraph (4ZA) applies, at or before the time when a member of the joint-claim couple is first required to attend for the purpose of making a claim for a jobseeker’s allowance;
- (b) in any other case, at or before the time when the person making the claim for a jobseeker’s allowance is required to attend for the purpose of making a claim.]

(4AB) The Secretary of State may direct that the time for providing [<sup>F180</sup>or making] a properly completed claim may be extended to a date no later than the date one month after the date of first notification of intention to make that claim.]

(4B) Where a person’s entitlement to a jobseeker’s allowance has ceased in any of the circumstances specified in regulation 25(1)(a), (b) or (c) of the Jobseeker’s Allowance Regulations (entitlement ceasing on a failure to comply) and—

- (a) where he had normally been required to attend in person, he shows that the failure to comply which caused the cessation of his previous entitlement was due to any of the circumstances mentioned in regulation 30(c) or (d) of those Regulations, and no later than the day immediately following the date when those circumstances cease to apply he makes a further claim for jobseeker’s allowance; or
- (b) where he had not normally been required to attend in person, he shows that he did not receive the notice to attend and he immediately makes a further claim for jobseeker’s allowance,

that further claim shall be treated as having been made on the day following that cessation of entitlement.

(4C) Where a person’s entitlement to a jobseeker’s allowance ceases in the circumstances specified in regulation 25(1)(b) of the Jobseeker’s Allowance Regulations (failure to attend at time specified) and that person makes a further claim for that allowance on the day on which he failed to attend at the time specified, that claim shall be treated as having been made on the following day.]

<sup>F181</sup>[<sup>F182</sup>(4D)] .....

[<sup>F183</sup>(5) Where a person submits a claim for attendance allowance [<sup>F184</sup>or disability living allowance or a request under paragraph (8)] by post and the arrival of that [<sup>F185</sup>claim or request] at an appropriate office is delayed by postal disruption caused by industrial action, whether within the postal service or elsewhere, the [<sup>F185</sup>claim or request] shall be treated as received on the day on which it would have been received if it had been delivered in the ordinary course of post.]

[<sup>F186</sup>(6) Where—

- (a) on or after 9th April 1990 a person satisfies the capital condition in section 22(6) of the Social Security Act 1986 for income support and he would not have satisfied that condition had the amount prescribed under regulation 45 of the Income Support (General) Regulations 1987 been £6,000; and
- (b) a claim for that benefit is received from him in an appropriate office not later than 27th May 1990;

the claim shall be treated as made on the date [<sup>F187</sup>not later than 5th December 1990] determined in accordance with paragraph (7).

(7) For the purpose of paragraph (6), where—

- (a) the claimant satisfies the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfied that condition;
- (b) the claimant does not satisfy the other conditions of entitlement to income support on the date on which he satisfies the capital condition, the date shall be the date on which he satisfies the conditions of entitlement to that benefit.]

<sup>F188</sup>(8) <sup>F189</sup>Subject to <sup>F190</sup>paragraphs (8A) and (8B)]] where—

- (a) a request is received in an appropriate office for a claim form for disability living allowance or attendance allowance; and
- (b) in response to the request a claim form for disability living allowance or attendance allowance is issued from an appropriate office; and
- (c) within the time specified the claim form properly completed is received in an appropriate office,

the date on which the claim is made shall be the date on which the request was received in the appropriate office.

<sup>F191</sup>(8A) Where, in a case which would otherwise fall within paragraph (8), it is not possible to determine the date when the request for a claim form was received in an appropriate office because of a failure to record that date, the claim shall be treated as having been made on the date 6 weeks before the date on which the properly completed claim form is received in an appropriate office.]

<sup>F192</sup>(8B) In the case of a claim for disability living allowance or attendance allowance made in accordance with regulation 4(6B), paragraphs (8) and (8A) shall apply in relation to an office specified in that regulation as they apply in relation to an appropriate office.]

(9) <sup>F193</sup>In paragraphs (8) and (8A)]—

- “a claim form” means a form approved by the Secretary of State under regulation 4(1);
- “properly completed” has the meaning assigned by regulation 4(8);
- “the time specified” means 6 weeks from the date on which the request was received or such longer period as the Secretary of State may consider reasonable.]

<sup>F194</sup>(10) Where a person starts a job on a Monday or Tuesday in any week and he makes a claim for <sup>F195</sup>disabled persons' tax credit] in that week the claim shall be treated as made on the Tuesday of that week.

<sup>F196</sup>(11) . . . . .]

<sup>F197</sup>(12) <sup>F198</sup>... where a person has claimed <sup>F199</sup>disabled persons' tax credit] and that claim (“the original claim”) has been refused, and a further claim is made in the circumstances specified in paragraph (13), that further claim shall be treated as made—

- (a) on the date of the original claim; or
- (b) on the first date in respect of which the qualifying benefit was payable,

whichever is the later.

(13) The circumstances referred to in paragraph (12) are that—

- (a) the original claim was refused on the ground that the claimant did not qualify under section 129(2) of the Contributions and Benefits Act;
- (b) at the date of the original claim the claimant had made a claim for a qualifying benefit and that claim had not been determined;
- (c) after the original claim had been determined, the claim for the qualifying benefit was determined in the claimant’s favour; and
- (d) the further claim for <sup>F199</sup>disabled persons' tax credit] was made within three months of the date that the claim for the qualifying benefit was determined.

<sup>F200</sup>(14) . . . . .]

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(15) In paragraphs (12) and (13) “qualifying benefit” means any of the benefits referred to in section 129(2) of the Contributions and Benefits Act.

[<sup>F201</sup>(15A) Paragraphs (16) to (34) shall not apply in any case where it would be advantageous to the claimant to apply the provisions of regulation 19 (time for claiming benefit.)]

[<sup>F202</sup>(16) Where a person has claimed a relevant benefit and that claim (“the original claim”) has been refused in the circumstances specified in paragraph (17), and a further claim is made in the additional circumstances specified in paragraph (18), that further claim shall be treated as made—

- (a) on the date of the original claim; or
- (b) on the first date in respect of which the qualifying benefit was [<sup>F203</sup>awarded],

whichever is the later.]

[<sup>F202</sup>(17) The circumstances referred to in paragraph (16) are that the ground for refusal was—

- (a) in the case of severe disablement allowance, that the claimant’s disablement was less than 80 per cent.;

<sup>F204</sup>(b) .....

- (c) in any case, that the claimant [<sup>F205</sup>, a member of his family or the disabled person] had not been awarded a qualifying benefit.]

[<sup>F202</sup>(18) The additional circumstances referred to in paragraph (16) are that—

- (a) [<sup>F206</sup>a claim for the qualifying benefit was made not later than 10 working days after the date of the original claim and the claim for the qualifying benefit had not been decided;]
- (b) [<sup>F206</sup>after the original claim had been decided the claim for the qualifying benefit had been decided in favour of the claimant, a member of his family or the disabled person; and]
- (c) the further claim was made within three months of the date on which the claim for the qualifying benefit was decided.]

[<sup>F202</sup>(19) Where a person has been awarded a relevant benefit and that award (“[<sup>F207</sup>original award”) has been terminated or reduced or payment under that award ceases in the circumstances] specified in paragraph (20), and a further claim is made in the additional circumstances specified in paragraph (21), that further claim shall be treated as made—

- (a) on the date of termination of the original award; or
- (b) on the first date in respect of which the qualifying benefit [<sup>F208</sup>is [<sup>F209</sup>awarded or][<sup>F210</sup>re-awarded or becomes payable again]] ,

whichever is the later.]

[<sup>F202</sup>(20)] [<sup>F211</sup>The circumstances referred to in paragraph (19) are—

- (a) that the award of the qualifying benefit has itself been terminated or reduced by means of a revision, supersession, appeal or termination of an award for a fixed period in such a way as to affect the original award; <sup>F212</sup>...
- (b) at the date the original award was terminated the claimant’s claim for a qualifying benefit had not been decided; [<sup>F213</sup>or]]

[ that the qualifying benefit has ceased to be payable in accordance with—

- <sup>F214</sup>(c) (i) regulation 6(1) of the Social Security (Attendance Allowance) Regulations 1991 or regulation 8(1) of the Social Security (Disability Living Allowance) Regulations 1991 because the claimant is undergoing treatment as an in-patient in a hospital or similar institution, or

- (ii) regulation 7 of the Social Security (Attendance Allowance) Regulations 1991 or regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991 because the claimant is resident in certain accommodation other than a hospital.]

[<sup>F202</sup>(21) [<sup>F215</sup>Subject to paragraph (21A), the additional] circumstances referred to in paragraph (19) are that—

- (a) after the original award has been terminated the claim for the qualifying benefit is decided in [<sup>F216</sup>favour of the claimant, a member of his family or the disabled person]; [<sup>F215</sup>or]
- (b) [<sup>F217</sup>the qualifying benefit is re-awarded following revision, supersession or appeal; or]
- [<sup>F217</sup>(c) the qualifying benefit is re-awarded on a renewal claim when an award for a fixed period expires; or]
- [<sup>F217</sup>(d) the cessation of payment ends when the claimant leaves the hospital or similar institution or accommodation referred to in paragraph (20)(c); and]

[<sup>F217</sup>the further claim [<sup>F218</sup>for a relevant benefit] referred to in paragraph (19), is made within three months of the date [<sup>F219</sup>of the decision to award, re-award, or recommence payment of the qualifying benefit on the grounds that sub-paragraph (a), (b), (c) or (d) was satisfied].]

[<sup>F220</sup>(21A) Paragraph (21) applies whether the benefit is re-awarded when the further claim is decided or following a revision of, or an appeal against, such a decision.]

[<sup>F202</sup>(22) In paragraphs (16) to (21) [<sup>F221</sup>[<sup>F222</sup>, (30) and (33)]]—

“relevant benefit” means any of the following, namely—

- (a) benefit under Parts II to V of the Contributions and Benefits Act except incapacity benefit;
- (b) income support;
- (c) a jobseeker’s allowance;
- (d) a social fund payment mentioned in section 138(1)(a) or (2) of the Contributions and Benefits Act;
- (e) child benefit;
- [<sup>F223</sup>(f) state pension credit]

“qualifying benefit” means—

- (a) in relation to severe disablement allowance, the highest rate of the care component of disability living allowance;
- (b) in relation to invalid care allowance [<sup>F224</sup>or carer’s allowance, as the case may be,] any benefit or payment referred to in section 70(2) of the Contributions and Benefits Act;
- (c) in relation to a social fund payment in respect of maternity or funeral expenses, any benefit referred to in [<sup>F225</sup>regulation 5(1)(a) or 7(4)(a) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005];
- (d) any other relevant benefit which [<sup>F226</sup>, when it is awarded or re-awarded,] has the effect of making another relevant benefit payable or payable at an increased rate;

“the disabled person” means the person for whom the invalid care allowance [<sup>F227</sup>or carer’s allowance, as the case may be,] claimant is caring in accordance with section 70(1)(a) of the Contributions and Benefits Act.

[<sup>F228</sup>“family” has the same meaning as in section 137(1) of the Contributions and Benefits Act or, as the case may be, section 35(1) of the Jobseekers Act [<sup>F229</sup>, and in the case of state pension credit

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“member of his family” means the other member of a couple where the claimant is a member of a <sup>F230</sup>... couple].]

[<sup>F202</sup>(23) Where a person has ceased to be entitled to incapacity benefit, and a further claim for that benefit is made in the circumstances specified in paragraph (24), that further claim shall be treated as made—

- (a) on the date on which entitlement to incapacity benefit ceased; or
- (b) on the first date in respect of which the qualifying benefit was payable,

whichever is the later.]

[<sup>F202</sup>(24) The circumstances referred to in paragraph (23) are that—

- (a) entitlement to incapacity benefit ceased on the ground that the claimant was not incapable of work;
- (b) at the date that entitlement ceased the claimant had made a claim for a qualifying benefit and that claim had not been decided;
- (c) after entitlement had ceased, the claim for the qualifying benefit was decided in the claimant’s favour; and
- (d) the further claim for incapacity benefit was made within three months of the date on which the claim for the qualifying benefit was decided.]

[<sup>F202</sup>(25) In paragraphs (23) and (24) “qualifying benefit” means any of the payments referred to in regulation 10(2)(a) of the Social Security (Incapacity for Work) (General) Regulations 1995.]

[<sup>F202</sup>(26) In paragraphs [<sup>F231</sup>(18)(a) and (c), (21)(a), (24) and (30) and in paragraph (18)(b)] where the word appears for the second time, “decided” includes the making of a decision following a revision, supersession or an appeal, whether by the Secretary of State, [<sup>F232</sup>the First-tier Tribunal, the Upper Tribunal] or the court.]

(27) Where a claim is made for [<sup>F233</sup>working families' tax credit] or [<sup>F234</sup>disabled persons' tax credit] , and—

- (a) the claimant had previously made a claim for income support or jobseeker’s allowance (“the original claim”);
- (b) the original claim was refused on the ground that the claimant or his partner was in remunerative work; and
- (c) the claim for [<sup>F233</sup>working families' tax credit] or [<sup>F234</sup>disabled persons' tax credit] was made within 14 days of the date that the original claim was determined,

that claim shall be treated as made on the date of the original claim, or, if the claimant so requests, on a later date specified by the claimant.

(28) Where a claim is made for income support or jobseeker’s allowance, and—

- (a) the claimant had previously made a claim for [<sup>F235</sup>working tax credit] (“the original claim”);
- (b) the original claim was refused on the ground that the claimant or his partner was not in remunerative work [<sup>F236</sup>for the purposes of that tax credit]; and
- (c) the claim for income support or jobseeker’s allowance was made within 14 days of the date that the original claim was determined,

that claim shall be treated as made on the date of the original claim, or, if the claimant so requests, on a later date specified by the claimant.]

[<sup>F237</sup>(29) In the case of a claim for an increase of severe disablement allowance or of invalid care allowance [<sup>F238</sup>or carer’s allowance, as the case may be,] in respect of a child or adult dependant,

[<sup>F239</sup> paragraphs (16) and (19)] shall apply to the claim as if it were a claim for severe disablement allowance or, as the case may be, invalid care allowance [<sup>F238</sup> or carer's allowance, as the case may be,].]

[<sup>F240</sup>(30) Where—

- (a) a claimant was awarded income support or income-based jobseeker's allowance ("the original award");
- (b) the original award was terminated and <sup>F241</sup>... the claimant, a member of his family or the disabled person claimed a qualifying benefit; and
- (c) the claimant makes a further claim for income support or income-based jobseeker's allowance within 3 months of the date on which the claim for the qualifying benefit was decided,

the further claim shall be treated as made on the date of termination of the original award or the first date in respect of which the qualifying benefit is awarded, whichever is the later.]

[<sup>F242</sup>(31) Subject to paragraph (32), where—

- (a) a person—
  - (i) has attained pensionable age, but for the time being makes no claim for a Category A retirement pension; or
  - (ii) has attained pensionable age and has a spouse [<sup>F243</sup> or civil partner] who has attained pensionable age, but for the time being makes no claim for a Category B retirement pension;
- (b) in accordance with regulation 50A of the Social Security (Contributions) Regulations 2001, (Class 3 contributions: tax years 1996-97 to 2001-02) the Commissioners of Inland Revenue subsequently accept Class 3 contributions paid after the due date by the person or, in the case of a Category B retirement pension, the spouse [<sup>F244</sup> or civil partner];
- (c) in accordance with regulation 6A of the Social Security (Crediting and Treatment of Contributions, and National Insurance Numbers) Regulations 2001 the contributions are treated as paid on a date earlier than the date on which they were paid; and
- (d) the person claims a Category A or, as the case may be, a Category B retirement pension,

the claim shall be treated as made on—

- (i) 1<sup>st</sup> October 1998; or
- (ii) the date on which the person attained pensionable age in the case of a Category A retirement pension, or, in the case of a Category B retirement pension, the date on which the person's spouse [<sup>F245</sup> or civil partner] attained pensionable age,

whichever is later.

(32) Paragraph (31) shall not apply where—

- (a) the person's entitlement to a Category A or B retirement pension has been deferred by virtue of section 55(2)(a) of the Contributions and Benefits Act (increase of retirement pension where entitlement is deferred); or
- (b) the person's nominal entitlement to a Category A or B retirement pension is deferred in pursuance of section 36(4) and (7) of the National Insurance Act 1965 (increase of graduated retirement benefit where entitlement is deferred),

nor where sub-paragraph (a) and (b) both apply.]

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[<sup>F246</sup>(33) [<sup>F247</sup>Subject to paragraph (34), where] a person makes a claim for a carer’s allowance [<sup>F248</sup>or for an increase in carer’s allowance in respect of an adult or child dependant] within 3 months of a decision made—

- (a) on a claim;
- (b) on revision or supersession; or
- (c) on appeal whether by [<sup>F249</sup>the First-tier Tribunal, the Upper Tribunal] or the court,

awarding a qualifying benefit to the disabled person, the date of claim [<sup>F250</sup>shall be treated as the first day of the benefit week in which the award of the qualifying benefit became payable].]

[<sup>F251</sup>[<sup>F252</sup>(34)] Where the decision awarding a qualifying benefit is made in respect of a renewal claim where a fixed period award of that benefit has expired, or is due to expire, the date of claim for carer’s allowance shall be treated as the first day of the benefit week in which the renewal award of qualifying benefit became payable.]

[<sup>F253</sup>(35) A claim for attendance allowance or the care component of disability living allowance which is in respect of a period beginning on or before 18th October 2007 but which is made after that date, is to be treated as made on 18th October 2007 where—

- (a) on or after 8th March 2001, the claimant had an award of that benefit;
- (b) the Secretary of State made a superseding decision to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of the claimant’s moving, or planning to move, from Great Britain to an EEA state or Switzerland;
- (c) that superseding decision was confirmed on appeal; and
- (d) the claimant has not received an extra-statutory payment in respect of the benefit being claimed.

(36) A claim for carer’s allowance which is in respect of a period beginning on or before 18th October 2007 but which is made after that date, is to be treated as made on 18th October 2007 where—

- (a) on or after 8th March 2001, the claimant had an award of that benefit;
- (b) the Secretary of State made a superseding decision to end that award on the ground that there had been, or it was anticipated that there would be, a relevant change of circumstances as a result of—
  - (i) the claimant’s moving from Great Britain to an EEA state or Switzerland; or
  - (ii) the claimant no longer caring for a severely disabled person, as defined in section 70(2) of the Contributions and Benefits Act, because that person’s award of attendance allowance or the care component of disability living allowance had ended, or would end, by virtue of a superseding decision made on the ground of that person’s moving from Great Britain to an EEA state or Switzerland; and
- (c) the claimant has not received an extra-statutory payment in respect of that allowance.

(37) In paragraphs (35)(d) and (36)(c), “extra-statutory payment” means a payment made by the Secretary of State, in respect of attendance allowance, the care component of disability living allowance or carer’s allowance which, but for the superseding decision referred to in paragraph (35) (b) or, as the case may be, (36)(b), would have been payable from 18th October 2007.]

#### Textual Amendments

**F139** Words in reg. 6(1) substituted (9.4.1990) by [The Social Security \(Claims and Payments\) Amendment Regulations 1990 \(S.I. 1990/725\)](#), regs. 1, **2(2)**



- F140** Words in reg. 6(1) inserted (3.4.2000) by The Social Security (Work-focused Interviews) Regulations 2000 (S.I. 2000/897), reg. 1, **Sch. 5 para. 3** (with reg. 2(5))
- F141** Reg. 6(1)(aa) inserted (7.4.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(b), **3(2)**
- F142** Words in reg. 6(1)(aa) omitted (10.4.2001) by virtue of The Tax Credits (Claims and Payments) (Amendment) Regulations 2001 (S.I. 2001/567), regs. 1(1), **3(a)** (with reg. 1(2))
- F143** Words in reg. 6(1)(aa) 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**
- F144** Words in reg. 6(1)(aa) 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**
- F145** Word in reg. 6(1)(b) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(a)**
- F146** Reg. 6(1)(c)(d) inserted (2.5.2005) by The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 2005 (S.I. 2005/34), regs. 1, **2(4)**
- F147** Words in reg. 6(1)(c) substituted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(4)(a)**
- F148** Words in reg. 6(1)(c) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(b)**
- F149** Words in reg. 6(1)(d) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(c)**
- F150** Reg. 6(1ZA) inserted (21.7.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1632), regs. 1(1), **2(5)(a)**
- F151** Reg. 6(1A) added (6.10.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(f), **3(3)**
- F152** Words in reg. 6(1A)(a)(b) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(d)(i)**
- F153** Words in reg. 6(1A)(b) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(d)(ii)**
- F154** Reg. 6(1B)(1C) inserted (10.4.2001) by The Tax Credits (Claims and Payments) (Amendment) Regulations 2001 (S.I. 2001/567), regs. 1(1), **3(a)** (with reg. 1(2))
- F155** Words in reg. 6(1C) added (10.4.2001) by The Tax Credits (Miscellaneous Amendments No. 3) Regulations 2001 (S.I. 2001/892), regs. 1(2), **20(2)**
- F156** Reg. 6(1D)(1E) inserted (10.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(4)(a)**
- F157** Words in reg. 6(1E) omitted (31.10.2007) by virtue of The Social Security (Claims and Information) Regulations 2007 (S.I. 2007/2911), regs. 1(1), **6(4)**
- F158** Reg. 6(1F) substituted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(e)**
- F159** Reg. 6(1F) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **14**
- F160** Reg. 6(1G) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(f)**
- F161** Reg. 6(2) omitted (11.4.1988) by virtue of The Social Security (Claims and Payments) Amendment Regulations 1988 (S.I. 1988/522), regs. 1(1), **2(2)**
- F162** Reg. 6(3)(4) inserted (11.4.1988) by The Social Security (Claims and Payments) Amendment Regulations 1988 (S.I. 1988/522), regs. 1(1), **2(3)**
- F163** Words in reg. 6(3)(4) 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**
- F164** Words in reg. 6(3) substituted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1)(a), **4(a)**

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- F165** Words in reg. 6(3)(4) 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**
- F166** Words in reg. 6(3) substituted (7.4.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(b), **3(4)**
- F167** Words in reg. 6(3) omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **6**
- F168** Words in reg. 6(4) substituted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1)(a), **4(b)**
- F169** Words in reg. 6(4) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(5)(b)**
- F170** Reg. 6(4ZA)-(4ZD) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(4)(a)**
- F171** Words in reg. 6(4ZC)(a)(b) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(g)**
- F172** Reg. 6(4A)-(4AB) substituted for reg. 6(4A) (6.10.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(f), **3(5)**
- F173** Reg. 6(4A)-(4C) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(5)(c)**
- F174** Words in reg. 6(4A) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(4)(b)(i)**
- F175** Words in reg. 6(4A) substituted (29.11.1999) by The Social Security (Claims and Information) Regulations 1999 (S.I. 1999/3108), reg. 1, Sch. 3 para. 2(3)**(4)(b)**
- F176** Words in reg. 6(4A)(a) inserted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(4)(b)(ii)**
- F177** Words in reg. 6(4A)(b)(i)(ii) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(h)**
- F178** Reg. 6(4AA) substituted (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(4)(c)**
- F179** Words in reg. 6(4AA) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(i)**
- F180** Words in reg. 6(4AB) inserted (13.7.2009) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 (S.I. 2009/1490), regs. 1, **2(6)(j)**
- F181** Reg. 6(4D) ceases to have effect (14.6.2007) by virtue of Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. **12(2)(c)(ii)**, 48(3)(c); S.I. 2007/1602, art. 2(1) (with art. 2(3)(4))
- F182** Reg. 6(4D) 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(c)**
- F183** Reg. 6(5) inserted (9.10.1989) by The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1989 (S.I. 1989/1686), regs. 1, **4(3)**
- F184** Words in reg. 6(5) substituted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1)(a), **4(c)**
- F185** Words in reg. 6(5) inserted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **4(c)**
- F186** Reg. 6(6)(7) inserted (9.4.1990) by The Social Security (Claims and Payments) Amendment Regulations 1990 (S.I. 1990/725), regs. 1, **2(3)**
- F187** Words in reg. 6(6) inserted (5.12.1990) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1990 (S.I. 1990/2208), regs. 1(1)(c), **9**
- F188** Reg. 6(8)(9) inserted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **4(d)**
- F189** Words in reg. 6(8) inserted (27.9.1993) by The Social Security (Claims and Payments) Amendment (No. 3) Regulations 1993 (S.I. 1993/2113), regs. 1(2), **3(2)**
- F190** Words in reg. 6(8) substituted (21.7.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1632), regs. 1(1), **2(5)(b)**

- F191** Reg. 6(8A) inserted (27.9.1993) by The Social Security (Claims and Payments) Amendment (No. 3) Regulations 1993 (S.I. 1993/2113), regs. 1(2), **3(2)**
- F192** Reg. 6(8B) inserted (21.7.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1632), regs. 1(1), **2(5)(c)**
- F193** Words in reg. 6(9) substituted (3.10.1994) by The Social Security (Claims and Payments) Amendment Regulations 1994 (S.I. 1994/2319), regs. 1(1), **2**
- F194** Reg. 6(10)(11) inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **4(e)**
- F195** Words in reg. 6(10) 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**
- F196** Reg. 6(11) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572), regs. 1(1), **5(a)**
- F197** Reg. 6(12)-(28) added (7.4.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(b), **3(6)**
- F198** Words in reg. 6(12) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572), regs. 1(1), **5(b)**
- F199** Words in reg. 6(12)(13) 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**
- F200** Reg. 6(14) omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of The Tax Credits (Claims and Payments) (Amendment) Regulations 1999 (S.I. 1999/2572), regs. 1(1), **5(a)**
- F201** Reg. 6(15A) inserted (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(3)**
- F202** Reg. 6(16)-(26) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **3(a)**
- F203** Word in reg. 6(16)(b) substituted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(2)**
- F204** Reg. 6(17)(b) omitted (10.4.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(4)(b)**
- F205** Words in reg. 6(17)(c) inserted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(3)**
- F206** Reg. 6(18)(a)(b) substituted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(4)**
- F207** Words in reg. 6(19) substituted (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(4)**
- F208** Words in reg. 6(19)(b) substituted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(5)**
- F209** Words in reg. 6(19)(b) inserted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(3)(a)**
- F210** Words in reg. 6(19)(b) substituted (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(4)**
- F211** Reg. 6(20) substituted (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(3)(b)**
- F212** Word in reg. 6(20) omitted (24.9.2007) by virtue of The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(5)(a)**
- F213** Word in reg. 6(20)(b) added (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(5)(b)**
- F214** Reg. 6(20)(c) added (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(5)(c)**
- F215** Words in reg. 6(21) substituted (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(6)(a)**

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- F216** Words in reg. 6(21)(a) substituted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(6)**
- F217** Reg. 6(21)(b)-(d) substituted for reg. 6(21)(b) (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(6)(b)**
- F218** Words in reg. 6(21) inserted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(4)(b)(i)**
- F219** Words in reg. 6(21) substituted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(4)(b)(ii)**
- F220** Reg. 6(21A) inserted (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(7)**
- F221** Words in reg. 6(22) inserted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(7)(a)**
- F222** Words in reg. 6(22) substituted (10.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(4)(c)**
- F223** Words in reg. 6(22) added (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **7(4)(c)(i)**
- F224** Words in reg. 6(22) inserted (1.4.2003) by The Social Security Amendment (Carers Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), **Sch. 2 para. 3**
- F225** Words in reg. 6(22)(c) substituted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(2)**
- F226** Words in reg. 6(22) inserted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(7)(b)**
- F227** Words in reg. 6 added (1.4.2003) by The Social Security Amendment (Carers Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), **Sch. 2 para. 3(a)**
- F228** Words in reg. 6(22) added (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(7)(c)**
- F229** Words in reg. 6(22) added (18.3.2005) by The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/337), regs. 1, **7(4)(c)(ii)**
- F230** Words in reg. 6(22) omitted (5.12.2005) by virtue of The Social Security (Civil Partnership) (Consequential Amendments) Regulations 2005 (S.I. 2005/2878), regs. 1, **5(2)**
- F231** Words in reg. 6(26) substituted (10.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(4)(d)**
- F232** Words in reg. 6(26) substituted (3.11.2008) by The Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 43**
- F233** Words in reg. 6(27)(28) 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**
- F234** Words in reg. 6(27)(28) 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**
- F235** Words in reg. 6(28)(a) substituted (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 3(a)**
- F236** Words in reg. 6(28)(b) added (7.4.2003) by The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendments) Regulations 2003 (S.I. 2003/455), reg. 1(10)(c), **Sch. 4 para. 3(b)**
- F237** Reg. 6(29) inserted (13.10.1997) by The Social Security (Claims and Payments and Adjudication) Amendment No. 2 Regulations 1997 (S.I. 1997/2290), regs. 1(1)(b), **5**
- F238** Words in reg. 6(29) inserted (1.4.2003) by The Social Security Amendment (Carers Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), **Sch. 2 para. 3**
- F239** Words in reg. 6(29) substituted (19.6.2000) by The Social Security and Child Support (Miscellaneous Amendments) Regulations 2000 (S.I. 2000/1596), regs. 1(1), **3(b)**



- F240** Reg. 6(30) added (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **2(8)**
- F241** Words in reg. 6(30)(b) omitted (24.9.2007) by virtue of The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(8)**
- F242** Reg. 6(31)(32) added (27.9.2004) by The Social Security (Retirement Pensions) Amendment Regulations 2004 (S.I. 2004/2283), regs. 1, **2**
- F243** Words in reg. 6(31)(a)(ii) inserted (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(5)** (with art. 3)
- F244** Words in reg. 6(31)(b) inserted (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(5)** (with art. 3)
- F245** Words in reg. 6(31)(ii) inserted (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(5)** (with art. 3)
- F246** Reg. 6(33) added (10.4.2006) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2006 (S.I. 2006/832), regs. 1(2), **2(4)(e)**
- F247** Words in reg. 6(33) substituted (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(9)**
- F248** Words in reg. 6(33) inserted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(4)(c)(i)**
- F249** Words in reg. 6(33)(c) substituted (3.11.2008) by The Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683), art. 1, **Sch. 1 para. 43**
- F250** Words in reg. 6(33) substituted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(4)(c)(ii)**
- F251** Reg. 6(34) substituted (30.10.2008) by The Social Security (Miscellaneous Amendments) (No. 5) Regulations 2008 (S.I. 2008/2667), regs. 1, **2(4)(d)**
- F252** Reg. 6(34) added (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(10)**
- F253** Reg. 6(35)-(37) added (31.10.2011) by The Social Security (Disability Living Allowance, Attendance Allowance and Carers Allowance) (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/2426), regs. 1, **3**

#### [<sup>F254</sup>Claims by persons subject to work-focused interviews

**6A.**—[<sup>F255</sup>(1) This regulation applies to any person who is required to take part in a work-focused interview in accordance with regulations made under section 2A(1)(a) of the Social Security Administration Act 1992.]

(2) Subject to the following provisions of this regulation, where a person takes part in a work-focused interview, the date on which the claim is made shall be—

- (a) in a case where—
- (i) the claim made by the claimant meets the requirements of regulation 4(1), or
  - (ii) the claim made by the claimant is for income support and meets the requirements of regulation 4(1A),
- the date on which the claim is received in the appropriate office;
- (b) in a case where a claim does not meet the requirements of regulation 4(1) but is treated, under regulation 4(7), as having been duly made, the date on which the claim was treated as received in the appropriate office in the first instance;
- (c) in a case where—

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- (i) first notification of intention to claim income support is made to an appropriate office, or
- (ii) a claim for income support is received in an appropriate office which does not meet the requirements of regulation 4(1A),

the date of notification or, as the case may be, the date the claim is first received where the properly completed claim form is received within 1 month of notification or the date the claim is first received, or the day on which a properly completed claim form is received where these requirements are not met.

[ without prejudice to sub-paragraphs (a) and (b), where a properly completed claim for <sup>F256</sup>(d) incapacity benefit is received in an appropriate office within one month of the claimant first notifying such an office, by whatever means, of his intention to make that claim, the date of claim shall be the date on which that notification is made or the first day in respect of which the claim is made if later.]

(3) In a case where a decision is made that a person is regarded as not having made a claim for any benefit because he failed to take part in a work-focused interview but subsequently claims such a benefit, in applying paragraph (2) to that claim no regard shall be had to any claim regarded as not having been made in consequence of that decision.

(4) Paragraph (2) shall not apply in any case where a decision has been made that the claimant has failed to take part in a work-focused interview.

[<sup>F257</sup>(5) In regulation 4 and this regulation, “work-focused interview” means an interview which [<sup>F258</sup>is conducted for such purposes connected with employment or training as are specified in regulations made under section 2A of the Social Security Administration Act 1992].]

#### Textual Amendments

**F254** Reg. 6A inserted (3.4.2000) by [The Social Security \(Work-focused Interviews\) Regulations 2000 \(S.I. 2000/897\)](#), reg. 1, **Sch. 5 para. 4** (with reg. 2(5))

**F255** Reg. 6A(1) substituted (22.10.2001) by [The Social Security \(Jobcentre Plus Interviews\) Regulations 2001 \(S.I. 2001/3210\)](#), reg. 1, **Sch. 2 para. 1**

**F256** Reg. 6A(2)(d) added (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(5)**

**F257** Reg. 6A(5) substituted (30.9.2002) by [The Social Security \(Jobcentre Plus Interviews\) Regulations 2002 \(S.I. 2002/1703\)](#), reg. 1, **Sch. 2 para. 1**

**F258** Words in reg. 6A(5) substituted (26.4.2004) by [The Social Security \(Working Neighbourhoods\) Regulations 2004 \(S.I. 2004/959\)](#), regs. 1, **22(2)**

#### Evidence and information

7.—(1) [<sup>F259</sup>Subject to paragraph (7),] every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as may be required by the [<sup>F260</sup>Board][<sup>F261</sup>or, in a case where regulation 4A applies, the relevant authority] and shall do so within one month of being required to do so or such longer period as the [<sup>F260</sup>Board] may consider reasonable.

[<sup>F262</sup>(1A) A claimant shall furnish such information and evidence as the Secretary of State may require as to the likelihood of future changes in his circumstances which is needed to determine—

- (a) whether a period should be specified as an assessed income period under section 6 of the 2002 Act in relation to any decision; and
- (b) if so, the length of the period to be so specified.

(1B) The information and evidence required under paragraph (1A) shall be furnished within 1 month of the Secretary of State notifying the claimant of the requirement, or within such longer period as the Secretary of State considers reasonable in the claimant's case.

(1C) In the case of a claimant making a claim for state pension credit in the advance period, time begins to run for the purposes of paragraphs (1) and (1B) on the day following the end of that period.]

(2) [<sup>F263</sup>Subject to paragraph (7),] where a benefit may be claimed by either of two partners or where entitlement to or the amount of any benefit is or may be affected by the circumstances of a partner, the [<sup>F260</sup>Board] may require the partner other than the [<sup>F264</sup>claimant to do either or both of the following, within one month of being required to do so or such longer period as the Board may consider reasonable—

- (a) to certify in writing whether he agrees to the claimant making the claim or, as the case may be, that he confirms the information given about his circumstances;
- (b) to furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as the Board may require.]

(3) In the case of a claim for [<sup>F265</sup>working families' tax credit][<sup>F266</sup>or [<sup>F267</sup>disabled persons' tax credit]], the employer of the claimant or, as the case may be, of the partner shall[<sup>F268</sup>, within one month of being required to do so or such longer period as the Board may consider reasonable,] furnish such certificates, documents, information and evidence in connection with the claim or any question arising out of it as may be required by the [<sup>F260</sup>Board].

[<sup>F269</sup>(4) In the case of a person who is claiming [<sup>F267</sup>disabled persons' tax credit], [<sup>F265</sup>working families' tax credit][<sup>F270</sup>, income support [<sup>F271</sup>jobseeker's allowance][<sup>F272</sup>, state pension credit or employment and support allowance]]], where that person or any partner [<sup>F273</sup>has attained the qualifying age] and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, or is a party to, or a person deriving entitlement to a pension under, a retirement annuity contract, he shall where the [<sup>F274</sup>Board so require, within one month of being required to do so or such longer period as the Board may consider reasonable,] furnish the following information—

- (a) the name and address of pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme or retirement annuity contract to be identified.

(5) Where the pension fund holder receives from the [<sup>F275</sup>Board] a request for details concerning the personal pension scheme or retirement annuity contract relating to a person or any partner to whom paragraph (4) refers, the pension fund holder shall[<sup>F276</sup>, within one month of the request or such longer period as the Board may consider reasonable,] provide the [<sup>F275</sup>Board] with any information to which paragraph (6) refers.

(6) The information to which this paragraph refers is—

- (a) where the purchase of an annuity under a personal pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme;
- (b) in the case of—
  - (i) a personal pension scheme where income withdrawal is available, the maximum amount of income which may be withdrawn from the scheme; or
  - (ii) a personal pension scheme where income withdrawal is not available, or a retirement annuity contract, the maximum amount of income which might be withdrawn from the fund if the fund were held under a personal pension scheme where income withdrawal was available,

calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.]

*Status: Point in time view as at 23/05/2016.*

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

[<sup>F277</sup>(7) Paragraphs (1) and (2) do not apply in the case of jobseeker's allowance.]

[<sup>F278</sup>(8) Every person providing childcare in respect of which a claimant to whom regulation 46A of the Family Credit (General) Regulations 1987 applies is incurring relevant childcare charges, including a person providing childcare on behalf of a school, local authority, childcare scheme or establishment within paragraph (2)(b), (c) or (d) of that regulation, shall furnish such certificates, documents, information and evidence in connection with the claim made by the claimant, or any question arising out of it, as may be required by the Board, and shall do so within one month of being required to do so or such longer period as the Board may consider reasonable.

(9) In paragraph (8) "relevant childcare charges" has the meaning given by regulation 46A(2) of the Family Credit (General) Regulations 1987.]

### Textual Amendments

- F259** Words in reg. 7(1) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(6)(a)**
- F260** Word in reg. 7(1)(2)(3) 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), 21, **Sch. Pt. II**
- F261** Words in reg. 7(1) inserted (29.11.1999) by [The Social Security \(Claims and Information\) Regulations 1999 \(S.I. 1999/3108\)](#), reg. 1, **Sch. 3 para. 2(5)**
- F262** Reg. 7(1A)-(1C) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **5(a)**
- F263** Words in reg. 7(2) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(6)(a)**
- F264** Words in reg. 7(2) 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), **6(2)**
- F265** Words in reg. 7(3)(4) 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**
- F266** Words in reg. 7(3) substituted (3.2.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), **regs. 1(1)(a), 5**
- F267** Words in reg. 7(3)(4) 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**
- F268** Words in reg. 7(3) 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), **6(3)**
- F269** Reg. 7(4)-(6) added (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(3)**
- F270** Words in reg. 7(4) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(6)(b)**
- F271** Words in reg. 7(4) substituted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **5(b)**
- F272** Words in reg. 7(4) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **15**
- F273** Words in reg. 7(4) substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2010 \(S.I. 2010/641\)](#), regs. 1(1), **3**
- F274** Words in reg. 7(4) 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), **6(4)**
- F275** Word in reg. 7(5) 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), 21, **Sch. Pt. II**



- F276** Words in reg. 7(5) 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), **6(5)**
- F277** Reg. 7(7) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(6)(c)**
- F278** Reg. 7(8)(9) added (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), **6(6)**

**Attendance in person**

8.—<sup>F279</sup>(1) .....

(2) Every person who makes a claim for benefit [<sup>F280</sup>(other than a jobseeker’s allowance)] shall attend at such office or place and on such days and at such times as the Secretary of State [<sup>F281</sup>or the Board] may direct, for the purpose of furnishing certificates, documents, information and evidence under regulation 7, if reasonably so required by the Secretary of State.

**Textual Amendments**

- F279** Reg. 8(1) omitted (7.10.1996) by virtue of [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(7)(a)**
- F280** Words in reg. 8(2) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(7)(b)**
- F281** Words in reg. 8(2) 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), 20, **Sch. Pt. I**

**Interchange with claims for other benefits**

9.—(1) Where it appears that a person who has made a claim for benefit specified in column (1) of Part I of Schedule 1 may be entitled to the benefit specified opposite to it in column (2) of that Part, any such claim may be treated by the Secretary of State [<sup>F282</sup>or the Board] as a claim alternatively, or in addition, to the benefit specified opposite to it in that column.

(2) Where it appears that a person who has claimed any benefit specified in Part II of Schedule 1 in respect of a child may be entitled to child benefit in respect of the same child, the Secretary of State may treat the claim alternatively, or in addition, for the benefit in question as a claim by that person for child benefit.

(3) Where it appears that a person who has claimed child benefit in respect of a child may be entitled to any benefit specified in Part II of Schedule 1 <sup>F283</sup>... in respect of the same child, the Secretary of State may treat the claim for child benefit as a claim alternatively, or in addition, by that person for the benefit in question specified in that Part.

(4) Where it appears that a person who has made a claim for benefit other than child benefit is not entitled to it, but that some other person may be entitled to an increase of benefit in respect of him, the Secretary of State may treat the claim as if it were a claim by such other person for an increase of benefit in respect of the claimant.

(5) Where it appears that a person who has made a claim for an increase of benefit other than child benefit in respect of a child or adult dependant is not entitled to it but that some other person may be entitled to such an increase of benefit in respect of that child or adult dependant, the Secretary of State may treat the claim as if it were a claim by that other person for such an increase.

(6) Where it appears that a person who has made a claim for a guardian's allowance in respect of any child is not entitled to it, but that the claimant, or the wife or husband of the claimant, may be

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entitled to an increase of benefit for that child, the Secretary of State may treat the claim as if it were a claim by the claimant or the wife or husband of the claimant for an increase of benefit for that child.

[<sup>F284</sup>(7) In determining whether he [<sup>F285</sup>or they] should treat a claim alternatively or in addition to another claim (the original claim) under this regulation the Secretary of State [<sup>F286</sup>or the Board] shall treat the alternative or additional claim, whenever made, as having been made at the same time as the original claim.]

**Textual Amendments**

- F282** Words in reg. 9(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), 20, **Sch. Pt. I**
- F283** Words in reg. 9(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), **19**
- F284** Reg. 9(7) added (9.3.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1992 \(S.I. 1992/247\)](#), regs. 1(1), **12**
- F285** Words in reg. 9(7) 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), 22, **Sch. Pt. III**
- F286** Words in reg. 9(7) 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), 20, **Sch. Pt. I**

**[<sup>F287</sup>Claim for incapacity benefit]<sup>F288</sup>, severe disablement allowance or employment and support allowance] where no entitlement to statutory sick pay or statutory maternity pay]**

**10.—(1)** [<sup>F289</sup>Paragraph (2) applies to a claim for incapacity benefit] for a period of incapacity for work of which the claimant gave his employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations 1982 <sup>M1</sup>, and for which he has been informed in writing by his employer that there is no entitlement to statutory sick pay.

[<sup>F290</sup>(1A) Paragraph (2) also applies to a claim for an employment and support allowance for a period of limited capability for work in relation to which the claimant gave his employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations 1982 , and for which he has been informed in writing by his employer that there is no entitlement to statutory sick pay.]

(2) A claim to which this paragraph applies shall be treated as made on the date accepted by the claimant's employer as the first day of incapacity, provided that he makes the claim—

- (a) within the appropriate time specified in paragraph 2 of Schedule 4 beginning with the day on which he is informed in writing that he was not entitled to statutory sick pay; or

<sup>F291</sup>(b) .....

(3) Paragraph (4) applies to a claim for maternity allowance for a pregnancy or confinement by reason of which the claimant gave her employer notice of absence from work under section 46(4) of the Social Security Act 1986 and regulation 23 of the Statutory Maternity Pay (General) Regulations 1986 <sup>M2</sup> and in respect of which she has been informed in writing by her employer that there is no entitlement to statutory maternity pay.

(4) A claim to which this paragraph applies shall be treated as made on the date when the claimant gave her employer notice of absence from work or at the beginning of the 14th week before the expected week of confinement, whichever is later, provided that she makes the claim—

- (a) within [<sup>F292</sup>three months] of being informed in writing that she was not entitled to statutory maternity pay; or

<sup>F293</sup>(b) .....

**Textual Amendments**

- F287** Reg. 10 heading substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **3**
- F288** Words in reg. 10 heading substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **16(a)**
- F289** Words in reg. 10(1) substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **3**
- F290** Reg. 10(1A) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **16(b)**
- F291** Reg. 10(2)(b) omitted (7.4.1997) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 1997 \(S.I. 1997/793\)](#), regs. 1(1)(b), **4(a)**
- F292** Words in reg. 10(4)(a) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 1997 \(S.I. 1997/793\)](#), regs. 1(1)(b), **4(b)(i)**
- F293** Reg. 10(4)(b) omitted (7.4.1997) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 1997 \(S.I. 1997/793\)](#), regs. 1(1)(b), **4(b)(ii)**

**Marginal Citations**

- M1** [S.I. 1982/894](#); the relevant amending instruments are [S.I. 1984/385](#) and [1987/372](#).
- M2** [S.I. 1986/1960](#).

**Special provisions where it is certified that a woman is expected to be confined or where she has been confined**

**11.—(1)** Where in a certificate issued or having effect as issued under the Social Security (Medical Evidence) Regulations 1976 <sup>M3</sup> it has been certified that it is to be expected that a woman will be confined, and she makes a claim for maternity allowance in expectation of that confinement any such claim may, unless the Secretary of State otherwise directs, be treated as a claim for [<sup>F294</sup>incapacity benefit][<sup>F295</sup>severe disablement allowance or an employment and support allowance,] made in respect of any days in the period beginning with either—

- (a) the beginning of the 6th week before the expected week of confinement; or
- (b) the actual date of confinement,

whichever is the earlier, and ending in either case on the 14th day after the actual date of confinement.

(2) Where, in a certificate issued under the Social Security (Medical Evidence) Regulations 1976 it has been certified that a woman has been confined and she claims maternity allowance within [<sup>F296</sup>three months] of that date, her claim may be treated in the alternative or in addition as a claim for [<sup>F297</sup>incapacity benefit][<sup>F298</sup>severe disablement allowance or an employment and support allowance,] for the period beginning with the date of her confinement and ending 14 days after that date.

**Textual Amendments**

- F294** Words in reg. 11(1) substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **4**

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

- F295** Words in reg. 11(1) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **17(a)**
- F296** Words in reg. 11(2) substituted (7.4.1997) by [The Social Security \(Miscellaneous Amendments\) \(No.2\) Regulations 1997 \(S.I. 1997/793\)](#), regs. 1(1)(b), **5**
- F297** Words in reg. 11(2) substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **4**
- F298** Words in reg. 11(2) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **17(b)**

**Marginal Citations**

**M3** [S.I. 1976/615](#); the relevant amending instruments are S.I.s 1982/699, 1984/1303 and 1987/409.

**Self-certified claims for first 7 days of a spell of incapacity for work**

**12.**—(1) Where a self-certificate in respect of a claimant is submitted in support of a claim for sickness or invalidity benefit or severe disablement allowance, that claim shall be treated as if made for days, whether or not after the date of the claim, to which the self-certificate relates, not being days later than the first 7 days of a spell of incapacity that exceeds that length.

(2) Where a claim to which paragraph (1) applies includes one or more days subsequent to the date of claim, an award of benefit made in respect of them shall be subject to the condition that the claimant satisfies the requirements for entitlement throughout those days and if those requirements are found not to have been satisfied on any of those days the award shall be reviewed.

(3) For the purposes of this regulation—

“self-certificate” has the meaning ascribed to it by regulation 5 of the Social Security (Medical Evidence) Regulations 1976 (claimant's declaration of incapacity as evidence for determining his right to benefit);

a “spell of incapacity” means a continuous period of incapacity for work (not excluding bank or other holidays) which is immediately preceded by a day on which the claimant either worked or was not incapable of work.

**Advance claims and awards**

**13.**—(1) Where, although a person does not satisfy the requirements for entitlement to benefit on the date on which a claim is made, the [<sup>F299</sup>Secretary of State] is of the opinion that unless there is a change of circumstances he will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than 3 months after the date on which the claim is made, then [<sup>F299</sup>the Secretary of State] may—

- (a) treat the claim as if made for a period beginning with the relevant day; and
- (b) award benefit accordingly, subject to the condition that the person satisfies the requirements for entitlement when benefit becomes payable under the award.

(2) [<sup>F300</sup>A decision pursuant to paragraph (1)(b) to award benefit may be revised under section 9 of the Social Security Act 1998] if the requirements for entitlement are found not to have been satisfied on the relevant day.

(3) [<sup>F301</sup>... Paragraphs (1) and (2) do not] apply to any claim for maternity allowance, attendance allowance, mobility allowance, retirement pension or increase, [<sup>F303</sup>state pension under Part 1 of the Pensions Act 2014,]<sup>F304</sup> a shared additional pension,<sup>F305</sup> ..., [<sup>F306</sup> ... [<sup>F307</sup>state pension credit] or any claim within regulation 11(1)(a) or (b).

<sup>F308</sup> [<sup>F309</sup>(4) .....

- F<sup>308</sup>(5) . . . . . ]
- F<sup>308</sup>[F<sup>310</sup>(6) . . . . . ]
- F<sup>308</sup>[F<sup>311</sup>(7) . . . . . ]
- F<sup>308</sup>(8) . . . . . ]
- [F<sup>312</sup>(9) Paragraphs (1) and (2) do not apply to—
- (a) a claim for income support made by a person from abroad as defined in regulation 21AA of the Income Support (General) Regulations 1987 (special cases: supplemental-persons from abroad); F<sup>313</sup>...
  - (b) a claim for a jobseeker’s allowance made by a person from abroad as defined in regulation 85A of the Jobseeker’s Allowance Regulations (special cases: supplemental-persons from abroad)]; [F<sup>314</sup>and]
- [F<sup>314</sup>(c) a claim for an employment and support allowance made by a person from abroad as defined in regulation 70 of the Employment and Support Allowance Regulations (special cases: supplemental – persons from abroad).]

**Textual Amendments**

- F299** Words in reg. 13(1) substituted (6.9.1999 for specified purposes, 29.11.199 for all other purposes) by [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), art. 2, **Sch. 7 para. 2(a)**; (S.I. 1999/3178), Sch. 6 para. 4(a) (with reg. 3(1)(b) Sch. 21-23)
- F300** Words in reg. 13(2) substituted (6.9.1999 for specified purposes, 29.11.199 for all other purposes) by [The Social Security Act 1998 \(Commencement No. 9, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2422\)](#), art. 2, **Sch. 7 para. 2(b)**; (S.I. 1999/3178), Sch. 6 para. 4(b) (with reg. 3(1)(b) Sch. 21-23)
- F301** Words in reg. 13(3) omitted (23.5.2007) by virtue of [The Social Security, Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/1331\)](#), regs. 1, **2(2)(a)(i)**
- F302** Words in reg. 13(3) substituted (3.10.1994) by [The Social Security \(Claims and Payments\) Amendment Regulations 1994 \(S.I. 1994/2319\)](#), regs. 1(1), **3(2)**
- F303** Words in reg. 13(3) inserted (4.1.2016) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(a), **9(6)**
- F304** Words in reg. 13(3) inserted (6.7.2005) by [The Social Security \(Shared Additional Pension\) \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/1551\)](#), regs. 1(1)(a), **2(5)** (with reg. 10)
- F305** Words in reg. 13(3) omitted (23.5.2007) by virtue of [The Social Security, Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/1331\)](#), regs. 1, **2(2)(a)(iii)**
- F306** Words in reg. 13(3) omitted (23.5.2007) by virtue of [The Social Security, Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/1331\)](#), regs. 1, **2(2)(a)(ii)**
- F307** Words in reg. 13(3) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **6(1)**
- F308** Reg. 13(4)-(8) omitted (23.5.2007) by virtue of [The Social Security, Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/1331\)](#), regs. 1, **2(2)(b)**
- F309** Reg. 13(4)(5) added (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **7(2)**
- F310** Reg. 13(6) added (3.10.1994) by [The Social Security \(Claims and Payments\) Amendment Regulations 1994 \(S.I. 1994/2319\)](#), regs. 1(1), **3(3)**
- F311** Reg. 13(7)(8) added (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), **7(b)**
- F312** Reg. 13(9) added (23.5.2007) by [The Social Security, Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/1331\)](#), regs. 1, **2(c)**

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**F313** Word in reg. 13(9)(a) omitted (27.7.2008) by virtue of [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **18(a)**

**F314** Reg. 13(9)(c) and word added (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **18(b)**

### **[<sup>F315</sup>Advance award of disability living allowance**

**13A.**—(1) Where, although a person does not satisfy the requirements for entitlement to disability living allowance on the date on which the claim is made, the [<sup>F316</sup>Secretary of State] is of the opinion that unless there is a change of circumstances he will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than 3 months after the date on which the claim is made, then [<sup>F317</sup>the Secretary of State] may award disability living allowance from the relevant day subject to the condition that the person satisfies the requirements for entitlement on the relevant day.

(2) Where a person makes a claim for disability living allowance on or after 3rd February 1992 and before 6th April 1992 the [<sup>F317</sup>Secretary of State] may award benefit for a period beginning on any day after 5th April 1992 being a day not more than three months after the date on which the claim was made, subject to the condition that the person satisfies the requirements for entitlement when disability living allowance becomes payable under the award.

(3) [<sup>F318</sup>A decision pursuant to paragraph (1) or (2) to award benefit may be revised under section 9 of the Social Security Act 1998] if the requirements for entitlement are found not to have been satisfied when disability living allowance becomes payable under the award.]

#### **Textual Amendments**

**F315** Reg. 13A inserted (3.2.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **7(1)**

**F316** Words in reg. 13A(1) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 4**

**F317** Words in reg. 13A(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. 5(a)** (with reg. 3(1)(b), Schs. 21-23)

**F318** Words in reg. 13A(3) 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. 5(b)** (with reg. 3(1)(b), Schs. 21-23)

### **[<sup>F319</sup>Advance claim for and award of disability working allowance**

**13B.**—(1) Where a person makes a claim for disability working allowance on or after 10th March 1992 and before 7th April 1992 the [<sup>F320</sup>Secretary of State] may—

- (a) treat the claim as if it were made for a period beginning on 7th April 1992; and
- (b) award benefit accordingly, subject to the condition that the person satisfies the requirements for entitlement on 7th April 1992.

(2) An award under paragraph (1)(b) shall be reviewed by the [<sup>F320</sup>Secretary of State] if the requirements for entitlement are found not to have been satisfied on 7th April 1992.]



#### Textual Amendments

- F319** Reg. 13B inserted (10.3.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **7(2)**
- F320** Words in Instrument substituted (29.11.1999) by [The Social Security Act 1998 \(Commencement No. 12 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/3178\)](#), **Sch. 6 para. 1** (with reg. 3(1)(b), Schs. 21-23)

#### <sup>F321</sup><sup>F322</sup> Further claim for and award of disability living allowance or attendance allowance

**13C.**—<sup>F322</sup>(1) A person entitled to an award of disability living allowance or attendance allowance may make a further claim for disability living allowance or attendance allowance, as the case may be, during the period of 6 months immediately before the existing award expires.]

(2) Where a person makes a claim in accordance with paragraph (1) the <sup>F323</sup>Secretary of State] may—

- (a) treat the claim as if made on the first day after the expiry of the existing award (“the renewal date”); and
- (b) award benefit accordingly, subject to the condition that the person satisfies the requirements for entitlement on the renewal date.

(3) <sup>F324</sup>A decision pursuant to paragraph (2)(b) to award benefit may be <sup>F323</sup>revised] under section 9 of the Social Security Act 1998] if the requirements for entitlement are found not to have been satisfied on the renewal date.]

#### Textual Amendments

- F321** Reg. 13C inserted (3.2.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **8**
- F322** Reg. 13C(1) and words in heading substituted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **7(5)**
- F323** Words in reg. 13C(2) substituted (18.10.1999 for specified purposes) by [The Social Security Act 1998 \(Commencement No. 11, and Savings and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/2860\)](#), reg. 3(1), **Sch. 3 para. 5**
- F324** Words in reg. 13C(3) 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. 6** (with reg. 3(1)(b), Schs. 21-23)

#### <sup>F325</sup> Advance claims for and awards of state pension credit

**13D.**—(1) Paragraph (2) applies if—

- (a) a person does not satisfy the requirements for entitlement to state pension credit on the date on which the claim is made; and
- (b) the Secretary of State is of the opinion that unless there is a change of circumstances he will satisfy those requirements—
  - (i) where the claim is made in the advance period, when he attains the qualifying age; or
  - (ii) in any other case, within 4 months of the date on which the claim is made.

(2) Where this paragraph applies, the Secretary of State may—

*Status: Point in time view as at 23/05/2016.*

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

- (a) treat the claim as made for a period beginning on the day (“the relevant day”) the claimant—
- (i) attains the qualifying age, where the claim is made in the advance period; or
  - (ii) is likely to satisfy the requirements for entitlement in any other case; and
- (b) if appropriate, award state pension credit accordingly, subject to the condition that the person satisfies the requirements for entitlement on the relevant day.
- (3) An award under paragraph (2) may be revised under section 9 of the Social Security Act 1998 if the claimant fails to satisfy the conditions for entitlement to state pension credit on the relevant day.]
- [<sup>F326</sup>(4) This regulation does not apply to a claim made by a person not in Great Britain as defined in regulation 2 of the State Pension Credit Regulations (persons not in Great Britain).]

#### Textual Amendments

**F325** Reg. 13D inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **6(2)**

**F326** Reg. 13D(4) added (23.5.2007) by [The Social Security, Housing Benefit and Council Tax Benefit \(Miscellaneous Amendments\) Regulations 2007 \(S.I. 2007/1331\)](#), regs. 1, **2(3)**

#### Advance claim for and award of maternity allowance

**14.**—(1) Subject to the following provisions of this regulation, a claim for maternity allowance in expectation of confinement, or for an increase in such an allowance in respect of an adult dependant, and an award on such a claim, may be made not earlier than 14 weeks before the beginning of the expected week of confinement.

(2) A claim for an increase of maternity allowance in respect of an adult dependant may not be made in advance unless, on the date when made, the circumstances relating to the adult dependant concerned are such as would qualify the claimant for such an increase if they occurred in a period for which she was entitled to a maternity allowance.

#### Advance notice of retirement and claim for and award of pension

**15.**—(1) A claim for a retirement pension of any category, and for any increase in any such pension, [<sup>F327</sup>or a state pension under Part 1 of the Pensions Act 2014][<sup>F328</sup>or a shared additional pension,] and an award on such a claim, may be made at any time not more than 4 months before the date on which the claimant will, subject to the fulfilment of the necessary conditions, become entitled to such a pension.

(2) A notice for the purpose of section 27(4) of the Social Security Act 1975 (retirement from regular employment) shall be given to the Secretary of State in writing and shall specify a date, being a date not earlier than the date on which the person giving the notice attains pensionable age and not later than the expiration of the period of 4 months after the date on which the notice is given, as the date of that person's retirement.

(3) Where the person giving notice of retirement specifies a date earlier than the date on which he attains pensionable age, the notice shall be treated as if the latter date had been specified.

(4) For the purposes of that section 27(4) the prescribed period shall be the period of 12 months.

[<sup>F329</sup>(5) Where a person claims a Category A or Category B retirement pension and is, or but for that claim would be, in receipt of [<sup>F330</sup>incapacity benefit]<sup>F331</sup> ... for a period which includes the first day to which the claim relates, then if that day is not the appropriate day for the payment of



retirement pension in his case, the claim shall be treated as if the first day of the claim was instead the next following such pay day.]

[<sup>F329</sup>(6) Where the spouse [<sup>F332</sup>or civil partner] of such a person as is mentioned in paragraph (5) above claims a Category A or Category B retirement pension and the first day of that claim is the same as the first day of the claim made by that person, the provisions of that paragraph shall apply also to the claim made by the spouse [<sup>F332</sup>or civil partner].]

(7) For the purposes of facilitating the determination of a subsequent claim for a Category A, B or C retirement pension [<sup>F333</sup>or a state pension under Part 1 of the Pensions Act 2014], a person may at any time not more than 4 months before the date on which he will attain pensionable age, and notwithstanding that he [<sup>F334</sup>intends to defer his entitlement to a Category A or Category B retirement pension][<sup>F333</sup>or a state pension under Part 1 of the Pensions Act 2014] at that date, submit particulars in writing to the Secretary of State in a form approved by him for that purpose with a view to the determination (in advance of the claim) of any question under the Act [<sup>F335</sup>or the Pensions Act 2014] relating to that person's title to such a [<sup>F336</sup>pension]<sup>F337</sup> ..., and subject to the necessary modifications, the provisions of these regulations shall apply to any such particulars.

#### Textual Amendments

- F327** Words in reg. 15(1) inserted (4.1.2016) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(a), **9(7)(a)**
- F328** Words in reg. 15(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(6)** (with reg. 10)
- F329** Reg. 15(5)(6) substituted (1.10.1989) by The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 (S.I. 1989/1642), regs. 1, **2(2)**
- F330** Words in reg. 15(5) substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **5**
- F331** Words in reg. 15(5) omitted (7.10.1996) by virtue of The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(8)**
- F332** Words in reg. 15(6) inserted (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(6)** (with art. 3)
- F333** Words in reg. 15(7) inserted (4.1.2016) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(a), **9(7)(b)(i)**
- F334** Words in reg. 15(7) substituted (1.10.1989) by The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 (S.I. 1989/1642), regs. 1, **2(3)**
- F335** Words in reg. 15(7) inserted (4.1.2016) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(a), **9(7)(b)(iii)**
- F336** Word in reg. 15(7) substituted (4.1.2016) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(a), **9(7)(b)(ii)**
- F337** Words in reg. 15(7) omitted (1.10.1989) by The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 (S.I. 1989/1642), regs. 1, **2(3)**

#### Modifications etc. (not altering text)

- C2** Reg. 15(2)(3)(4) applied (with modifications) (1.10.1989) by The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 (S.I. 1989/1642), regs. 1, **2(4)(a)**
- C3** Reg. 15(5)(6)(7) applied (with modifications) (1.10.1989) by The Social Security (Abolition of Earnings Rule) (Consequential) Regulations 1989 (S.I. 1989/1642), regs. 1, **2(4)(b)**

*Status: Point in time view as at 23/05/2016.*

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

**[<sup>F338</sup>Cold weather payments**

<sup>F339</sup>15A]. . . . .

**Textual Amendments**

**F338** Reg. 15A inserted (7.11.1988) by [The Social Security \(Common Provisions\) Miscellaneous Amendment Regulations 1988 \(S.I. 1988/1725\)](#), **regs. 1(1), 3(4)**

**F339** Reg. 15A omitted (1.11.1991) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), **regs. 1, 8**

**[<sup>F340</sup>Advance claim for pension following deferment**

<sup>F341</sup>15B.—[<sup>F342</sup>(1)] Where a person’s entitlement to a Category A or Category B retirement pension or a shared additional pension is deferred in accordance with section 55(3) of the Contributions and Benefits Act (pension increase or lump sum where entitlement to retirement pension is deferred) or section 55C(3) (pension increase or lump sum where entitlement to shared additional pension is deferred) thereof (as the case may be) a claim for—

- (a) a Category A or Category B retirement pension;
- (b) any increase in that pension; and
- (c) a shared additional pension,

may be made at any time not more than 4 months before the date on which the period of deferment, within the meaning of section 55(3) or section 55C(3) (as the case may be), ends.]]

[<sup>F343</sup>(2) Where a person’s entitlement to a state pension under Part 1 of the Pensions Act 2014 is deferred in accordance with sections 16 and 17 of that Act (option to defer and effect of deferring a state pension), a claim for such a state pension may be made at any time not more than 4 months before the date on which the period during which the person’s entitlement to a state pension was deferred ends.]

**Textual Amendments**

**F340** Reg. 15B inserted (6.4.2005) by [The Social Security \(Claims and Payments\) Amendment Regulations 2005 \(S.I. 2005/455\)](#), **regs. 1(1)(a), 2 (with reg. 6)**

**F341** Reg. 15B substituted (6.7.2005) by [The Social Security \(Shared Additional Pension\) \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/1551\)](#), **regs. 1(1)(a), 2(7) (with reg. 10)**

**F342** Reg. 15B(1): reg. 15B renumbered as reg. 15B(1) (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), **arts. 1(2)(b), 9(8)(a)**

**F343** Reg. 15B(2) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), **arts. 1(2)(b), 9(8)(b)**

**Date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate**

**16.—(1)** For the purpose only of determining the day from which benefit is to become payable, where a benefit other than one of those specified in paragraph (4) is awarded for a period of a week, or weeks, and the earliest date on which entitlement would otherwise commence is not the first day of a benefit week, entitlement shall begin on the first day of the benefit week next following.

<sup>F344</sup>(1A) Where a claim for <sup>F345</sup>working families' tax credit] is made in accordance with paragraph 7(a) <sup>F346</sup>or (aa)] of Schedule 4 for a period following the expiration of an existing award of <sup>F345</sup>working families' tax credit]<sup>F346</sup> or <sup>F347</sup>disabled persons' tax credit],] entitlement shall begin on the day after the expiration of that award.

(1B) Where a claim for <sup>F345</sup>working families' tax credit]<sup>F348</sup> or <sup>F347</sup>disabled persons' tax credit],] is made on or after the date when an up-rating order is made under <sup>F349</sup>section 150 of the Social Security Administration Act 1992], but before the date when that order comes into force, and—

- (a) an award cannot be made on that claim as at the date it is made but could have been made if that order were then in force, and
- (b) the period beginning with the date of claim and ending immediately before the date when the order came into force does not exceed 28 days,

entitlement shall begin from the date the up-rating order comes into force.]

<sup>F350</sup>(1C) Where a claim for <sup>F347</sup>disabled persons' tax credit] is made in accordance with paragraph 11(a) or (b) of Schedule 4 for a period following the expiration of an existing award of <sup>F347</sup>disabled persons' tax credit] or <sup>F345</sup>working families' tax credit], entitlement shall begin on the day after the expiration of that award.]

<sup>F351</sup>(1D) Except in a case where regulation 22D(1) or (2) applies, for the purpose only of determining the day from which retirement pension payable in arrears under regulation 22C is to become payable, where entitlement would otherwise begin on a day which is not the first day of the benefit week, entitlement shall begin on the first day of the benefit week next following.]

<sup>F352</sup>(1E) Except in a case where regulation 22DA applies, for the purpose only of determining the day from which state pension under Part 1 of the Pensions Act 2014 payable in arrears under regulation 22CA is to become payable, where entitlement would otherwise begin on a day which is not the first day of the benefit week, entitlement shall begin on the first day of the benefit week next following.]

(2) Where there is a change in the rate of any benefit to which paragraph (1) applies <sup>F353</sup>(other than widowed mother's allowance and widow's pension)] the change, if it would otherwise take effect on a day which is not the <sup>F354</sup>first day of the benefit week] for that benefit, shall take effect from the <sup>F354</sup>first day of the benefit week] next following.

<sup>F355</sup>(2A) Subject to paragraph (2B), where there is a change in the rate of bereavement allowance, widowed mother's allowance, widowed parent's allowance or widow's pension, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the first day of the benefit week next following.

(2B) Paragraph (2A) shall not apply in a case where an award of benefit is terminated and benefit is paid in arrears.

(2C) Where a benefit specified in paragraph (2A) is paid in advance and the award is terminated, the termination, if it would otherwise take effect on a day which is not the first day of a benefit week, shall take effect on the first day of the benefit week next following.]

<sup>F356</sup>(2D) <sup>F357</sup>Where an award of retirement pension] is terminated due to the death of the beneficiary, the termination shall take effect on the first day of the benefit week next following the date of death.]

<sup>F356</sup>(2E) Except in a case where <sup>F358</sup>paragraph (2F) or] regulation 22D(2) applies, where a retirement pension is paid in arrears under regulation 22C and there is a change in the rate of that benefit, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the start of the benefit week in which the change occurs.]

*Status: Point in time view as at 23/05/2016.*

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

<sup>F359</sup>(2F) Except in a case where regulation 22D(2) applies, where a retirement pension is paid in arrears under regulation 22C and a change in the rate of that benefit takes effect under an order made under section 150 or 150A of the 1992 Act (annual up-rating of benefits, basic pension etc.) the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect on the first day of the benefit week next following.]

<sup>F360</sup>(2G) Except in a case where paragraph (2H) applies, where—

(a) a state pension under Part 1 of the Pensions Act 2014 is paid in arrears under regulation 22CA; and

(b) there is a change in the rate of that benefit,

the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the start of the benefit week in which the change occurs.

(2H) Where—

(a) a state pension under Part 1 of the Pensions Act 2014 is paid in arrears under regulation 22CA; and

(b) a change in the rate of that benefit takes effect under an Order made under section 150, 150A or 151A of the 1992 Act,

the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect on the first day of the benefit week next following.]

<sup>F361</sup>(3) For the purposes of this regulation the first day of the benefit week—

(a) in the case of child benefit <sup>F362</sup>and guardian's allowance] is Monday,

(b) in the case of <sup>F363</sup>working families' tax credit]<sup>F364</sup>or <sup>F365</sup>disabled persons' tax credit]] is Tuesday, and

(c) <sup>F366</sup>in any other case is —

(i) when paid in advance, the day of the week on which the benefit is payable in accordance with regulation 22 (long-term benefits) or 22A (bereavement allowance, widowed mother's allowance, widowed parent's allowance and widow's pension);

(ii) when paid in arrears, the first day of the period of 7 days which ends on the day on which the benefit is payable in accordance with <sup>F367</sup>regulation 22, 22A<sup>F368</sup>, 22C or 22CA]].]

(4) The benefits specified for exclusion from the scope of paragraph (1) are <sup>F369</sup>jobseeker's allowance], <sup>F370</sup>incapacity benefit]<sup>F371</sup>, employment and support allowance], maternity allowance, <sup>F372</sup>... severe disablement allowance, income support <sup>F373</sup>, state pension credit]<sup>F374</sup>, bereavement allowance, widowed parent's allowance]<sup>F375</sup>, retirement pension payable in arrears under regulation 22C]<sup>F376</sup>, state pension under Part 1 of the Pensions Act 2014 payable in arrears under regulation 22CA]<sup>F372</sup>... and any increase of those benefits.

### Textual Amendments

**F344** Reg. 16(1A)(1B) inserted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **3(1)**

**F345** Words in reg. 16(1A)(1B)(1C) 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**

**F346** Words in reg. 16(1A) inserted (10.3.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **9(a)**

- F347** Words in reg. 16(1A)(1B)(1C) 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**
- F348** Words in reg. 16(1B) inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **9(b)**
- F349** Words in reg. 16(1B) 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), **8**
- F350** Reg. 16(1C) inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **9(c)**
- F351** Reg. 16(1D) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 6) Regulations 2009 (S.I. 2009/3229), regs. 1, **2(3)(a)**
- F352** Reg. 16(1E) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(9)(a)**
- F353** Words in reg. 16(2) inserted (6.4.2009) by The Social Security (Claims and Payments) Amendment Regulations 2009 (S.I. 2009/604), regs. 1, **2(2)(a)**
- F354** Words in reg. 16(2) substituted (6.4.2009) by The Social Security (Claims and Payments) Amendment Regulations 2009 (S.I. 2009/604), regs. 1, **2(2)(a)**
- F355** Reg. 16(2A)-(2C) inserted (6.4.2009) by The Social Security (Claims and Payments) Amendment Regulations 2009 (S.I. 2009/604), regs. 1, **2(2)(b)**
- F356** Reg. 16(2D)(2E) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 6) Regulations 2009 (S.I. 2009/3229), regs. 1, **2(3)(b)**
- F357** Words in reg. 16(2D) substituted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(3)(a)**
- F358** Words in reg. 16(2E) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(3)(b)**
- F359** Reg. 16(2F) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(3)(c)**
- F360** Reg. 16(2G)(2H) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(9)(b)**
- F361** Reg. 16(3) substituted (11.4.1988) by The Social Security (Claims and Payments) Amendment Regulations 1988 (S.I. 1988/522), regs. 1, **3(2)**
- F362** Words in reg. 16(3)(a) inserted (20.9.1999) by The Social Security (Claims and Payments) Amendment Regulations 1999 (S.I. 1999/2358), regs. 1, **2(3)**
- F363** Words in reg. 16(3) 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**
- F364** Words in reg. 16(3)(b) inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **9(d)**
- F365** Words in reg. 16(3) 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**
- F366** Reg. 16(3)(c) substituted (6.4.2009) by The Social Security (Claims and Payments) Amendment Regulations 2009 (S.I. 2009/604), regs. 1, **2(2)(c)**
- F367** Words in reg. 16(3)(c)(ii) substituted (6.4.2010) by The Social Security (Miscellaneous Amendments) (No. 6) Regulations 2009 (S.I. 2009/3229), regs. 1, **2(3)(c)**
- F368** Words in reg. 16(3)(c)(ii) substituted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by The Pensions Act 2014 (Consequential, Supplementary and Incidental Amendments) Order 2015 (S.I. 2015/1985), arts. 1(2)(b), **9(9)(c)**
- F369** Words in reg. 16(4) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(9)**

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

- F370** Words in reg. 16(4) substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **6**
- F371** Words in reg. 16(4) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **19**
- F372** Words in reg. 16(4) omitted (11.4.1988) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **3(3)**
- F373** Words in reg. 16(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), **7(1)**
- F374** Words in reg. 16(4) inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(2)(d)**
- F375** Words in reg. 16(4) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **2(3)(d)**
- F376** Words in reg. 16(4) inserted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(9)(d)**

**[<sup>F377</sup>Date of entitlement under an award of state pension credit for the purpose of payability and effective date of change of rate**

**16A.—(1)** For the purpose only of determining the day from which state pension credit is to become payable, where the credit is awarded from a day which is not the first day of the claimant's benefit week, entitlement shall begin on the first day of the benefit week next following.

(2) In the case of a claimant who—

- (a) immediately before attaining the qualifying age was entitled to income support<sup>[<sup>F378</sup>, <sup>F379</sup>universal credit,]</sup> income-based jobseeker's allowance or income-related employment and support allowance] and is awarded state pension credit from the day on which he attains the qualifying age; or
- (b) was entitled to an income-based jobseeker's allowance [<sup>F380</sup>or universal credit] after attaining the qualifying age and is awarded state pension credit from the day which falls after the date that entitlement ends,

entitlement to the guarantee credit shall, notwithstanding paragraph (1), begin on the first day of the award.

(3) Where a change in the rate of state pension credit would otherwise take effect on a day which is not the first day of the claimant's benefit week, the change shall take effect from the first day of the benefit week next following.

<sup>[<sup>F381</sup>(4)</sup> For the purpose of this regulation, "benefit week" means—

- (a) where state pension credit is paid in advance, the period of 7 days beginning on the day on which, in the claimant's case, that benefit is payable;
- (b) where state pension credit is paid in arrears, the period of 7 days ending on the day on which, in the claimant's case, that benefit is payable.]]

**Textual Amendments**

- F377** Reg. 16A inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **7(2)**
- F378** Words in reg. 16A(2)(a) substituted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **20**
- F379** Words in reg. 16A(2)(a) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **29(3)(a)**



- F380** Words in reg. 16A(2)(b) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **29(3)(b)**
- F381** Reg. 16A(4) substituted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(4)**

### Duration of awards

17.—(1) Subject to the provisions of this regulation and of section <sup>F382</sup>37ZA(3) of the Social Security Act 1975 (disability living allowance) and section] 20(6) <sup>F382</sup>and (6F)] of the Social Security Act 1986 (<sup>F383</sup>working families' tax credit]<sup>F382</sup>and [<sup>F384</sup>disabled persons' tax credit]]) a claim for benefit shall be treated as made for an indefinite period and any award of benefit on that claim shall be made for an indefinite period.

<sup>F385</sup>(1A) Where an award of income support or an income-based jobseeker's allowance is made in respect of <sup>F386</sup>a couple] and one member of the couple is, at the date of claim, a person to whom section 126 of the Contributions and Benefits Act or, as the case may be, section 14 of the Jobseekers Act applies, the award of benefit shall cease when the person to whom section 126 or, as the case may be, section 14 applies returns to work with the same employer.]

<sup>F387</sup>(2) .....

(3) <sup>F388</sup>Except in the case of claims for and awards of state pension credit,] if <sup>F389</sup>... it would be inappropriate to treat a claim as made and to make an award for an indefinite period (for example where a relevant change of circumstances is reasonably to be expected in the near future) the claim shall be treated as made and the award shall be for a definite period which is appropriate in the circumstances.

(4) In any case where benefit is awarded in respect of days subsequent to the date of claim the award shall be subject to the condition that the claimant satisfies the requirements for entitlement<sup>F390</sup> .....

(5) The provisions of Schedule 2 shall have effect in relation to claims for <sup>F391</sup>a jobseeker's allowance] made during periods connected with public holidays.

### Textual Amendments

- F382** Words in reg. 17(1) inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1)(b), 10(a)-(c)
- F383** Words in reg. 17(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), 24, **Sch. Pt. V**
- F384** Words in reg. 17(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), 25, **Sch. Pt. VI**
- F385** Reg. 17(1A) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(10)**
- F386** Words in reg. 17(1A) 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(7)** (with art. 3)
- F387** Reg. 17(2) omitted (7.10.1996) by virtue of The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(10)**
- F388** Words in reg. 17(3) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **8(1)**

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- F389** Words in reg. 17(3) omitted (7.10.1996) by virtue of [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(10)**
- F390** Words in reg. 17(4) 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. 7** (with reg. 3(1)(b), Schs. 21-23)
- F391** Words in reg. 17(5) substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(10)**

**Duration of disallowance**

<sup>F392</sup>**18.** .....

- Textual Amendments**
- F392** Reg. 18 omitted (7.10.1996) by virtue of [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(11)**

**Time for claiming benefit**

<sup>F393</sup>**19.**—(1) Subject to the following provisions of this regulation, the prescribed time for claiming any benefit specified in column (1) of Schedule 4 is the appropriate time specified opposite that benefit in column (2) of that Schedule.

(2) The prescribed time for claiming the benefits specified in paragraph (3) is three months beginning with any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to the benefit concerned.

(3) The benefits to which paragraph (2) applies are—

- (a) child benefit;
- (b) guardian’s allowance;
- <sup>F394</sup>(c) .....
- (d) invalid care allowance [<sup>F395</sup>or carer’s allowance, as the case may be,] ;
- (e) maternity allowance;
- <sup>F396</sup>(f) .....
- <sup>F397</sup>[<sup>F398</sup>(ff)] .....
- (g) widow’s benefit;
- [<sup>F399</sup>(ga) [<sup>F400</sup>subject to paragraphs (3A) and (3B), bereavement benefit;]]
- (h) <sup>F401</sup>... any increase in any benefit (other than income support or jobseeker’s allowance) in respect of a child or adult dependant.
- (i) [<sup>F402</sup>state pension credit.]

[<sup>F403</sup>(3A) The prescribed time for claiming a bereavement payment [<sup>F404</sup>within the meaning of section 36 of the Contributions and Benefits Act] is 12 months beginning with the day on which, apart from satisfying the condition of making a claim, the claimant is entitled to such a payment.]

[<sup>F405</sup>(3B) The time prescribed for claiming a bereavement benefit in respect of the day on which the claimant’s spouse [<sup>F406</sup>or civil partner] has died or may be presumed to have died where—

- (a) less than 12 months have elapsed since the day of the death; and



- (b) the circumstances are as specified in section 3(1)(b) of the Social Security Administration Act 1992 (death is difficult to establish),

is that day and the period of 12 months immediately following that day if the other conditions of entitlement are satisfied.]

[<sup>F407</sup>(3C) In any case where the application of paragraphs (16) to (34) of regulation 6 would be advantageous to the claimant, this regulation shall apply subject to those provisions.]

(4) Subject to paragraph (8), in the case of a claim for income support, jobseeker's allowance, [<sup>F408</sup>working families' tax credit] or [<sup>F409</sup>disabled persons' tax credit], where the claim is not made within the time specified for that benefit in Schedule 4, the prescribed time for claiming the benefit shall be extended, subject to a maximum extension of three months, to the date on which the claim is made, where—

- (a) any [<sup>F410</sup>one or more] of the circumstances specified in paragraph (5) applies or has applied to the claimant; and
- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (5) The circumstances referred to in paragraph (4) are—

- (a) the claimant has difficulty communicating because—
- (i) he has learning, language or literacy difficulties; or
- (ii) he is deaf or blind,
- and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
- (b) except in the case of a claim for jobseeker's allowance, the claimant was ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
- (c) the claimant was caring for a person who is ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
- (d) the claimant was given information by an officer of the [<sup>F411</sup>Department for Work and Pensions][<sup>F412</sup>or in a case to which regulation 4A applies, a representative of a relevant authority][<sup>F413</sup>or of the Board] which led the claimant to believe that a claim for benefit would not succeed;
- (e) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, a local authority, or a person working in a Citizens Advice Bureau or a similar advice agency, which led the claimant to believe that a claim for benefit would not succeed;
- (f) the claimant or his partner was given written information about his income or capital by his employer or former employer, or by a bank or building society, which led the claimant to believe that a claim for benefit would not succeed;
- (g) the claimant was required to deal with a domestic emergency affecting him and it was not reasonably practicable for him to obtain assistance from another person to make his claim; or
- (h) the claimant was prevented by adverse weather conditions from attending the appropriate office.

(6) In the case of a claim for income support, jobseeker's allowance, [<sup>F414</sup>working families' tax credit] or [<sup>F415</sup>disabled persons' tax credit], [<sup>F416</sup>where the claim is not made within the time specified for that benefit in Schedule 4, the prescribed time for claiming the benefit shall be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—

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- (a) any one or more of the circumstances specified in paragraph (7) applies or has applied to the claimant; and
  - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.]
- (7) The circumstances referred to in paragraph (6) are—
- (a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;
  - (b) the claimant was unable to attend the appropriate office due to difficulties with his normal mode of transport and there was no reasonable alternative available;
  - (c) there were adverse postal conditions;
  - (d) the claimant [<sup>F417</sup>or, in the case of income support or jobseeker’s allowance, the claimant or his partner] was previously in receipt of another benefit, and notification of expiry of entitlement to that benefit was not sent to the claimant [<sup>F418</sup>or his partner, as the case may be,] before the date that his entitlement expired;
  - (e) [<sup>F419</sup>in the case of a claim for working families' tax credit, the claimant had previously been entitled, or the partner of the claimant had previously been entitled in relation to the claimant, to income support or jobseeker’s allowance and the claim for working families' tax credit was made within one month of—
    - (i) the expiry of entitlement to income support ignoring any period in which entitlement resulted from the person entitled not being treated as engaged in remunerative work by virtue of [<sup>F420</sup>paragraphs (2) and (3), or paragraphs (5) and (6), of regulation 6] of the Income Support (General) Regulations 1987; or
    - (ii) the expiry of entitlement to jobseeker’s allowance;]
  - (f) except in the case of a claim for [<sup>F414</sup>working families' tax credit] or [<sup>F415</sup>disabled persons' tax credit], the claimant had ceased to be a member of a married or unmarried couple within the period of one month before the claim was made; <sup>F421</sup>...
  - (g) during the period of one month before the claim was made a close relative of the claimant had died, and for this purpose “close relative” means partner, parent, son, daughter, brother or [<sup>F422</sup>sister; or].
  - [<sup>F423</sup>(h) [<sup>F424</sup>in the case of a claim for disabled person’s tax credit, the claimant had previously been entitled to income support, jobseeker’s allowance, incapacity benefit or severe disablement allowance and the claim for disabled person’s tax credit was made within one month of—
    - (i) the expiry of entitlement to income support ignoring any period in which entitlement resulted from the claimant not being treated as engaged in remunerative work by virtue of [<sup>F425</sup>paragraphs (2) and (3), or paragraphs (5) and (6), of regulation 6] of the Income Support (General) Regulations 1987; or
    - (ii) the expiry of entitlement to jobseeker’s allowance, incapacity benefit or severe disablement allowance;]]
    - [<sup>F424</sup>(ha) in the case of a claim for disabled person’s tax credit, the partner of the claimant had previously been entitled in relation to the claimant to income support or jobseeker’s allowance, and the claim for disabled person’s tax credit was made within one month of—
      - (i) the expiry of entitlement to income support ignoring any period in which entitlement resulted from the partner of the claimant not being treated as engaged in remunerative work by virtue of [<sup>F426</sup>paragraphs (2) and (3), or paragraphs (5) and (6), of regulation 6] of the Income Support (General) Regulations 1987; or
      - (ii) the expiry of entitlement to jobseeker’s allowance;]

- [<sup>F427</sup>(i) in the case of a claim for a jobseeker’s allowance by a member of a joint-claim couple where the other member of that couple failed to attend at the time and place specified by the Secretary of State for the purposes of regulation 6.]
- [<sup>F428</sup>(j) the claimant was unable to make telephone contact with the appropriate office where he would be expected to notify his intention of making a claim because the telephone lines to that office were busy or inoperative.]
- <sup>F429</sup>(8) . . . . .]

**Textual Amendments**

- F393** Reg. 19 substituted (7.4.1997 for specified purposes, 4.8.1997 for specified purposes) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), reg. 1(1)(b)(c), **6** (with reg. 20(1))
- F394** Reg. 19(3)(c) omitted (6.4.2006) by virtue of The Social Security (Claims and Payments) Amendment Regulations 2005 (S.I. 2005/455), regs. 1(1)(c), **3** (with reg. 6)
- F395** Words in reg. 19 added (1.4.2003) by The Social Security Amendment (Carers Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), **Sch. 2 para. 3(a)**
- F396** Reg. 19(3)(f) omitted (6.4.2006) by virtue of The Social Security (Claims and Payments) Amendment Regulations 2005 (S.I. 2005/455), regs. 1(1)(c), **3** (with reg. 6)
- F397** Reg. 19(3)(ff) omitted (6.10.2004) by virtue of The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2004 (S.I. 2004/1821), regs. 1, **2(a)**
- F398** Reg. 19(3)(ff) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **8(2)**
- F399** Reg. 19(3)(ga) inserted (9.4.2001) by The Social Security (Benefits for Widows and Widowers) (Consequential Amendments) Regulations 2000 (S.I. 2000/1483), regs. 1, **9(4)**
- F400** Reg. 19(3)(ga) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **2(a)(i)**
- F401** Words in reg. 19(3)(h) omitted (11.4.2005) by virtue of The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **2(a)(ii)**
- F402** Reg. 19(3)(i) added (6.10.2008) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2008 (S.I. 2008/2424), regs. 1, **2(2)**
- F403** Reg. 19(3A) inserted (1.4.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 3) Regulations 2002 (S.I. 2002/2660), regs. 1, **2(2)(b)** (with reg. 4)
- F404** Words in reg. 19(3A) inserted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **2(b)**
- F405** Reg. 19(3B) inserted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **2(c)**
- F406** Words in reg. 19(3B) inserted (5.12.2005) by The Social Security (Civil Partnership) (Consequential Amendments) Regulations 2005 (S.I. 2005/2878), regs. 1, **5(3)**
- F407** Reg. 19(3C) inserted (24.9.2007) by The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007 (S.I. 2007/2470), regs. 1, **2(11)**
- F408** Words in reg. 19(4) 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**
- F409** Words in reg. 19(4) 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**
- F410** Words in reg. 19(4)(a) inserted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **3(2)**
- F411** Words in reg. 19(5)(d) substituted (27.6.2002) by The Secretaries of State for Education and Skills and for Work and Pensions Order 2002 (S.I. 2002/1397), art. 1(2), **Sch. para. 18(3)**

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

- F412** Words in reg. 19(5)(d) inserted (29.11.1999) by The Social Security (Claims and Information) Regulations 1999 (S.I. 1999/3108), reg. 1, **Sch. 3 para. 2(6)**
- F413** Words in reg. 19(5)(d) 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), **10(a)**
- F414** Words in reg. 19(6)(7) 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**
- F415** Words in reg. 19(6)(7) 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**
- F416** Words in reg. 19(6) substituted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **3(3)**
- F417** Words in reg. 19(7)(d) inserted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **3(4)(a)**
- F418** Words in reg. 19(7)(d) inserted (2.4.2002) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2002 (S.I. 2002/428), regs. 1(1), **3(4)(b)**
- F419** Reg. 19(7)(e) substituted (with effect in accordance with reg. 10(3) of the amending S.I.) by The Tax Credits Schemes (Miscellaneous Amendments No. 4) Regulations 2000 (S.I. 2000/2978), regs. 1(1), **10(2)(a)**
- F420** Words in reg. 19(7)(e) substituted (10.4.2001) by The Tax Credits (Claims and Payments) (Amendment) Regulations 2001 (S.I. 2001/567), regs. 1(1), **4** (with reg. 1(2))
- F421** Words in reg. 19(7)(f) omitted (13.10.1997) by virtue of The Social Security (Claims and Payments and Adjudication) Amendment No. 2 Regulations 1997 (S.I. 1997/2290), regs. 1(1)(b), **6(2)**
- F422** Words in reg. 19(7)(g) substituted (13.10.1997) by The Social Security (Claims and Payments and Adjudication) Amendment No. 2 Regulations 1997 (S.I. 1997/2290), regs. 1(1)(b), **6(2)**
- F423** Reg. 19(7)(h) inserted (13.10.1997) by The Social Security (Claims and Payments and Adjudication) Amendment No. 2 Regulations 1997 (S.I. 1997/2290), regs. 1(1)(b), **6(2)**
- F424** Reg. 19(7)(h)(ha) substituted for reg. 19(7)(h) (with effect in accordance with reg. 10(3) of the amending S.I.) by The Tax Credits Schemes (Miscellaneous Amendments No. 4) Regulations 2000 (S.I. 2000/2978), regs. 1(1), **10(2)(b)**
- F425** Words in reg. 19(7)(h) substituted (10.4.2001) by The Tax Credits (Claims and Payments) (Amendment) Regulations 2001 (S.I. 2001/567), regs. 1(1), **4** (with reg. 1(2))
- F426** Words in reg. 19(7)(ha) substituted (10.4.2001) by The Tax Credits (Claims and Payments) (Amendment) Regulations 2001 (S.I. 2001/567), regs. 1(1), **4** (with reg. 1(2))
- F427** Reg. 19(7)(i) added (19.3.2001) by The Social Security (Joint Claims: Consequential Amendments) Regulations 2000 (S.I. 2000/1982), regs. 1, **2(5)**
- F428** Reg. 19(7)(j) added (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(4)**
- F429** Reg. 19(8) ceases to have effect (14.6.2007) by virtue of Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), **ss. 12(2)(c)(iii)**, 48(3)(c); S.I. 2007/1602, art. 2(1) (with art. 2(3)(4))

**Status:**

Point in time view as at 23/05/2016.

**Changes to legislation:**

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