

STATUTORY INSTRUMENTS

**1987 No. 1968**

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

**PART III**

**PAYMENTS**

**[<sup>F1</sup>Time of payment: general provision]**

[<sup>F1</sup>20. Subject to regulations 21 to 26B, benefit shall be paid in accordance with an award as soon as is reasonably practicable after the award has been made.]

**Textual Amendments**

- F1** Reg. 20 substituted (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(6)**

**[<sup>F2</sup>Payment on presentation of an instrument for benefit payment**

**<sup>F3</sup>20A].** . . . . .

**Textual Amendments**

- F2** Words in reg. 20A inserted (10.1.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 4\) Regulations 1994 \(S.I. 1994/3196\)](#), regs. 1(1), 4
- F3** Reg. 20A omitted (10.4.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(7)**

**Direct credit transfer**

**21.**—[<sup>F4</sup>(1) The Secretary of State may arrange for benefit to be paid by way of direct credit transfer into a bank or other account nominated by the person entitled to benefit or a person acting on their behalf.]

**<sup>F5</sup>(2)** . . . . .

(3) [<sup>F6</sup>Subject to paragraph (3A)] benefit shall be paid in accordance with paragraph (1) within seven days of the last day of each successive period of entitlement <sup>F7</sup>... [<sup>F8</sup>or, so far as concerns working families' tax credit or disabled person's tax credit, within such time as the Board may direct].

[<sup>F9</sup>(3A) Income Support shall be paid in accordance with paragraph (1) within 7 days of the time determined for the payment of income support in accordance with Schedule 7.]

[<sup>F10</sup>(3B) Where child benefit is payable in accordance with paragraph (1), [<sup>F11</sup>an arrangement under that paragraph] shall also have effect for any guardian's allowance to which the claimant is

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entitled and that allowance shall be paid in the same manner as the child benefit which is due in his case.

(3C) Where guardian’s allowance is payable in accordance with paragraph (1), [F11an arrangement under that paragraph] shall also have effect for the child benefit to which the claimant is entitled and that child benefit shall be paid in the same manner as the guardian’s allowance which is due in his case.]

(4) In respect of benefit which is the subject of an arrangement for payment under this regulation, the Secretary of State [F12or the Board] may make a particular payment by credit transfer otherwise than is provided by paragraph (3) [F13or (3A)] if it appears to him [F14or them] appropriate to do so for the purpose of–

- (a) paying any arrears of benefit, or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

F15(5) .....

[F16(5A) In relation to payment of a joint-claim jobseeker’s allowance, references in this regulation to the person entitled to benefit shall be construed as references to the member of the joint-claim couple who is the nominated member for the purposes of section 3B of the Jobseekers Act.]

F17[F18(6)] .....

**Textual Amendments**

- F4** Reg. 21(1) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Universal Credit and Miscellaneous Amendments \(No.2\) Regulations 2014 \(S.I. 2014/2888\)](#), regs. 1(1), **5(2)**
- F5** Reg. 21(2) omitted (8.4.2003) by virtue of [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2441\)](#), regs. 1(1)(c), **2(b)** (with reg. 15)
- F6** Words in reg. 21(3) inserted (12.5.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1993 \(S.I. 1993/1113\)](#), regs. 1(1), **2(a)**
- F7** Words in reg. 21(3) omitted (8.4.2003) by virtue of [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2441\)](#), regs. 1(1)(c), **2(c)** (with reg. 15)
- F8** Words in reg. 21(3) 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), **11**
- F9** Reg. 21(3A) inserted (12.5.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1993 \(S.I. 1993/1113\)](#), regs. 1(1), **2(b)**
- F10** Reg. 21(3B)(3C) inserted (20.9.1999) by [The Social Security \(Claims and Payments\) Amendment Regulations 1999 \(S.I. 1999/2358\)](#), regs. 1, **2(4)**
- F11** Words in reg. 21(3B)(3C) substituted (8.4.2003) by [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2441\)](#), regs. 1(1)(c), **2(d)** (with reg. 15)
- F12** Words in reg. 21(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**
- F13** Words in reg. 21(4) inserted (12.5.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1993 \(S.I. 1993/1113\)](#), regs. 1(1), **2(c)**
- F14** Words in reg. 21(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), 23, **Sch. Pt. IV**
- F15** Reg. 21(5) omitted (1.4.2012) by virtue of [The Social Security \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/757\)](#), regs. 1(4), **15(2)(b)**

- F16** Reg. 21(5A) inserted (19.3.2001) by [The Social Security \(Joint Claims: Consequential Amendments\) Regulations 2000 \(S.I. 2000/1982\)](#), regs. 1, **2(6)**
- F17** Reg. 21(6) omitted (4.4.1996) by virtue of [The Social Security \(Claims and Payments Etc.\) Amendment Regulations 1996 \(S.I. 1996/672\)](#), regs. 1, **2(3)(b)**
- F18** Reg. 21(6) added (9.3.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1992 \(S.I. 1992/247\)](#), regs. 1(1), **15(3)**

**[<sup>F19</sup>Delayed payment of lump sum**

**21A.—**(1) This regulation applies where—

- (a) a person (“P”) is entitled to a lump sum under, as the case may be—
- (i) Schedule 5 to the Contributions and Benefits Act (pension increase or lump sum where entitlement to retirement pension is deferred);
  - (ii) Schedule 5A to that Act (pension increase or lump sum where entitlement to shared additional pension is deferred); or
  - (iii) Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005 (further provisions replacing section 36(4) of the National Insurance Act 1965: increases of graduated retirement benefit and lump sums);
- [ section 8 of the Pensions Act 2014 (choice of lump sum or survivor’s pension in <sup>F20</sup>(iv) certain cases); or
- (v) Regulations under section 10 of the Pensions Act 2014 (inheritance of graduated retirement benefit) which make provision corresponding or similar to section 8 of that Act;]

or

- (b) the Secretary of State decides to make a payment on account of such a lump sum.

(2) Subject to paragraph (3), for the purposes of section 7 of the Finance (No. 2) Act 2005 (charge to income tax of lump sum), P may elect to be paid the lump sum in the tax year (“the later year of assessment”) next following the tax year which would otherwise be the applicable year of assessment by virtue of section 8 of that Act (meaning of “applicable year of assessment” in section 7).

(3) P may not elect in accordance with paragraph (2) (“a tax election”) unless he elects on the same day as he chooses a lump sum in accordance with, as the case may be—

- (a) paragraph A1 or 3C of Schedule 5 to the Contributions and Benefits Act;
- (b) paragraph 1 of Schedule 5A to that Act;
- (c) paragraph 12 or 17 of Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005,

[ section 8 of the Pensions Act 2014;

<sup>F21</sup>(d)

- (e) Regulations under section 10 of the Pensions Act 2014 which make provision corresponding or similar to section 8 of that Act,]

or within a month of that day.

(4) A tax election may be made in writing to an office specified by the Secretary of State for accepting such elections or, except where in any particular case the Secretary of State directs that the election must be made in writing, it may be made by telephone call to the number specified by the Secretary of State.

*Status: Point in time view as at 10/04/2017.*

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(5) If P makes a tax election, payment of the lump sum, or any payment on account of the lump sum, shall be made in the first month of the later year of assessment or as soon as reasonably practicable after that month, unless P revokes the tax election before the payment is made.

(6) If P makes no tax election in accordance with paragraphs (2) and (3), or revokes a tax election, payment of the lump sum or any payment on account of the lump sum shall be made as soon as reasonably practicable after P—

- (a) elected for a lump sum, or was treated as having so elected; or
- (b) revoked a tax election.

(7) If P dies before the beginning of the later year of assessment—

- (a) any tax election in respect of P's lump sum shall cease to have effect; and
- (b) no person appointed under regulation 30 to act on P's behalf may make a tax election.

(8) In this regulation “the later year of assessment” has the meaning given by section 8(5) of the Finance (No. 2) Act 2005.]

#### Textual Amendments

- F19** Reg. 21A inserted (6.4.2006) by [The Social Security \(Deferral of Retirement Pensions, Shared Additional Pension and Graduated Retirement Benefit\) \(Miscellaneous Provisions\) Regulations 2005](#) (S.I. 2005/2677), regs. 1(1), **8**
- F20** Reg. 21A(1)(a)(iv)(v) 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(10)(a)**
- F21** Reg. 21A(3)(d)(e) 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(10)(b)**

#### Long term benefits

**22.**—<sup>F22</sup>(1) Subject to the provisions of this regulation and <sup>F23</sup>regulations 22A, 22C and 25(1)], long term benefits may be paid at intervals of <sup>F24</sup>four weeks in arrears, weekly in advance or, where the beneficiary agrees, at intervals not exceeding 13 weeks in arrears].]

<sup>F22</sup>(1A) <sup>F25</sup>Subject to paragraph (1B), disability] living allowance shall be paid at intervals of four weeks.]

<sup>F26</sup>(1B) The Secretary of State may, in any particular case or class of case, arrange that attendance allowance or disability living allowance shall be paid at such other intervals not exceeding four weeks as may be specified.]

(2) Where the amount of long-term benefit payable is less than <sup>F27</sup>£5.00] a week the Secretary of State may direct that it shall be paid (whether in advance or in arrears) at such intervals as may be specified not exceeding 12 months.

(3) Schedule 6 specifies the days of the week on which the various long term benefits are payable.

#### Textual Amendments

- F22** Reg. 22(1)(1A) substituted for reg. 22(1) (8.4.2003) by [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002](#) (S.I. 2002/2441), regs. 1(1)(c), **3** (with reg. 15)
- F23** Words in reg. 22(1) substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009](#) (S.I. 2009/3229), regs. 1, **2(4)**

- F24** Words in reg. 22(1) substituted (30.10.2008) by [The Social Security \(Miscellaneous Amendments\) \(No. 5\) Regulations 2008 \(S.I. 2008/2667\)](#), regs. 1, **2(5)**
- F25** Words in reg. 22(1A) substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(5)(a)**
- F26** Reg. 22(1B) inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(5)(b)**
- F27** Word in reg. 22(2) substituted (7.10.1996) by [The Social Security \(Claims and Payments and Adjudication\) Amendment Regulations 1996 \(S.I. 1996/2306\)](#), regs. 1(1), **3**

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

- C1** Reg. 22 applied (10.4.2006) by [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), reg. 1(a)(b)(i)

**[<sup>F28F29</sup>... Widowed mother's allowance, widowed parent's allowance and widow's pension**

**22A.—**(1) Subject to paragraphs (2) and (4), <sup>F30</sup>... widowed mother's allowance, widowed parent's allowance and widow's pension shall be paid fortnightly in arrears on the day of the week specified in paragraph (3).

(2) The Secretary of State may, in any particular case or class of case, arrange that a benefit specified in paragraph (1) be paid on any other day of the week.

(3) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday.

(4) The Secretary of State may, in any particular case or class of case, arrange that the beneficiary be paid weekly in advance or in arrears or, where the beneficiary agrees to be paid in such manner, at intervals of four or 13 weeks in arrears.

**Textual Amendments**

- F28** Reg. 22A - Reg. 22B inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(4)**
- F29** Words in reg. 22A heading omitted (coming into force in accordance with art. 1-3 of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **10(8)**
- F30** Words in reg. 22A(1) omitted (coming into force in accordance with art. 1-3 of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **10(8)**

Status: Point in time view as at 10/04/2017.

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**Payment of <sup>F31</sup>... widowed mother’s allowance, widowed parent’s allowance and widow’s pension at a daily rate**

**22B.**—(1) Where entitlement to a <sup>F32</sup>... widowed parent’s allowance begins on a day which is not the first day of the benefit week, it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

(2) Where the Secretary of State changes the day on which a benefit mentioned in paragraph (5) is payable, the benefit shall be paid at a daily rate in respect of any day for which payment would have been made but for that change.

(3) An award of benefit mentioned in paragraph (5) shall be paid at a daily rate where—

- (a) the award is terminated;
- (b) entitlement ends on a day other than the last day of the benefit week; and
- (c) the benefit is paid in arrears.

(4) Where benefit is paid at a daily rate in the circumstances mentioned in paragraph (3), it shall be so paid in respect of the period beginning with the first day of the final benefit week and ending on the last day for which there is an entitlement to the benefit.

(5) Paragraphs (2) and (3) apply to—

- <sup>F33</sup>(a) .....
- (b) widowed mother’s allowance;
- (c) widowed parent’s allowance; and
- (d) widow’s pension.

(6) Where benefit is payable at a daily rate in the circumstances mentioned in this regulation, the daily rate shall be 1/7<sup>th</sup> of the weekly rate.]

**Textual Amendments**

**F28** Reg. 22A - Reg. 22B inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(4)**

**F31** Words in [reg. 22B](#) heading omitted (coming into force in accordance with art. 1-3 of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **10(9)(a)**

**F32** Words in [reg. 22B\(1\)](#) omitted (coming into force in accordance with art. 1-3 of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **10(9)(b)**

**F33** [Reg. 22B\(5\)\(a\)](#) omitted (coming into force in accordance with art. 1-3 of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **10(9)(c)**

**[<sup>F34</sup>Retirement pension**

**22C.**—(1) This regulation applies in relation to payment of a retirement pension to persons who reach pensionable age on or after 6th April 2010, other than to a person to whom paragraph (7) applies.

(2) Subject to paragraphs (4) to (6), a retirement pension shall be paid weekly, fortnightly or four weekly (as the Secretary of State may in any case determine) in arrears on the day of the week specified in paragraph (3).

(3) The day specified for the purposes of paragraph (2) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

(4) The Secretary of State may, in any particular case or class of case, arrange that retirement pension be paid on any other day of the week.

(5) The Secretary of State may, in any particular case or class of case, arrange that the beneficiary be paid in arrears at intervals of 13 weeks where the beneficiary agrees.

(6) Where the amount of a retirement pension payable is less than £5.00 per week the Secretary of State may direct that it shall be paid in arrears at such intervals, not exceeding 12 months, as may be specified in the direction.

(7) This paragraph applies to a man who—

- (a) was in receipt of state pension credit in respect of any day in the period beginning with the day 4 months and 4 days before the day on which he reaches pensionable age and ending on 5th April 2010; or
- (b) was in continuous receipt of state pension credit from 5th April 2010 until a day no earlier than the day 4 months and 4 days before the day on which he reaches pensionable age.]

#### Textual Amendments

**F34** Reg. 22C - Reg. 22D inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **2(5)**

#### [<sup>F35</sup>State pension under Part 1 of the Pensions Act 2014

**22CA.**—(1) This regulation applies in relation to payment of a state pension under Part 1 of the Pensions Act 2014.

- (2) State pension is to be paid in arrears.
- (3) The Secretary of State may arrange to pay state pension at intervals of—
  - (a) one week;
  - (b) two weeks, if the beneficiary was in receipt of a working age benefit immediately before becoming entitled to the state pension which was paid fortnightly;
  - (c) four weeks;
  - (d) 13 weeks, if the beneficiary agrees; or
  - (e) such length not exceeding 12 months as the Secretary of State may choose, if—
    - (i) the Secretary of State makes a direction specifying that length; and
    - (ii) the amount of the state pension payable is less than £5.00 per week.

*Status: Point in time view as at 10/04/2017.*

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

- (4) State pension is to be paid—
- (a) on the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person’s national insurance number; or
  - (b) in any particular case or class of case, on any other day of the week that the Secretary of State may choose.

(1) Last 2 digits national insurance number	(2) Day to be paid state pension
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday]

**Textual Amendments**

**F35** Reg. 22CA 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(11)**

**[F34] Payment of retirement pension at a daily rate**

**22D.**—(1) Where the entitlement of a person (B) to a retirement pension begins on a day which is not the first day of the benefit week in the circumstances specified in paragraph (3), it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

- (2) Where in respect of a retirement pension—
- (a) the circumstances specified in paragraph (3) apply,
  - (b) B’s entitlement to that benefit begins on a day which is not the first day of the benefit week, and
  - (c) a change in the rate of that benefit takes effect under an order made under [F36]section 150 or 150A] of the 1992 Act (annual up-rating of basic pension etc.) on a day, in the same benefit week, subsequent to the day on which B’s entitlement arose,

it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

- (3) The circumstances referred to in paragraphs (1) and (2) are where—
- (a) the retirement pension is paid in arrears,
  - (b) B has not opted to defer entitlement to a retirement pension under section 55 of the Contributions and Benefits Act, and
  - (c) B—
    - (i) was in receipt of a working age benefit in respect of any day in the period beginning with the day 8 weeks and a day before B reaches pensionable age and ending immediately before the day B reaches such age, or

(ii) has reached pensionable age and is a dependent spouse of a person who is in receipt of an increase for an adult dependant under section 83 or 84 of the Contributions and Benefits Act.

(4) Where benefit is payable at a daily rate in the circumstances mentioned in this regulation, the daily rate which shall apply in respect of a particular day in the relevant period shall be 1/7th of the weekly rate which, if entitlement had begun on the first day of the benefit week, would have had effect on that particular day.

(5) In this regulation, “benefit week” means the period of 7 days which ends on the day on which, in B’s case, the benefit is payable in accordance with regulation 22C.]

#### Textual Amendments

**F34** Reg. 22C - Reg. 22D inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **2(5)**

**F36** Words in reg. 22D(2)(c) substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(6)**

#### [<sup>F37</sup>Payment of state pension under Part 1 of the Pensions Act 2014 at a daily rate

**22DA.**—(1) State pension under Part 1 of the Pensions Act 2014 is to be paid at a daily rate where—

(a) the day on which a person’s first benefit week begins is after—

(i) the day on which the person reaches pensionable age; or

(ii) where the person has deferred their state pension under sections 16 and 17 of the Pensions Act 2014, the first day in respect of which the person makes a claim for their state pension; or

(b) the day on which a person’s last benefit week begins is before the day on which the person dies.

(2) The period for which a daily rate is to be paid is—

(a) where paragraph (1)(a) applies, the period—

(i) beginning on the day on which the person reaches pensionable age or the first day in respect of which the person makes a claim for their state pension; and

(ii) ending on the day before the day on which the person’s first benefit week begins; or

(b) where paragraph (1)(b) applies, the period beginning on the day on which the person’s last benefit week begins and ending on the day on which the person dies.

(3) The daily rate at which state pension is payable under this regulation is 1/7th of the weekly rate which would have had effect on the day if a weekly rate had been payable.

(4) In this regulation, “benefit week” means the period of 7 days ending on the day on which the person’s state pension is payable in accordance with regulation 22CA(4).]

#### Textual Amendments

**F37** [Reg. 22DA](#) 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(12)**

*Status: Point in time view as at 10/04/2017.*

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

### **[<sup>F38</sup>Child benefit and guardian's allowance]**

**23.**—(1) Subject to the provisions of this regulation <sup>F39</sup> ..., child benefit shall be payable as follows:—

- (a) in a case where a person entitled to child benefit elects to receive payment weekly in accordance with the provisions of Schedule 8, child benefit shall be payable weekly from the first convenient date after the election has been made;
- (b) in any other case child benefit shall be payable in the last week of each successive period of four weeks of the period of entitlement.

(2) Subject to paragraph (3) and regulation 21, child benefit payable weekly or four-weekly shall be payable on Mondays or Tuesdays (as the Secretary of State may in any case determine) [<sup>F40</sup>by means of serial orders or on presentation of an instrument for benefit payment].

(3) In such cases as the Secretary of State may determine, child benefit shall be payable otherwise than—

- (a) by means of serial orders [<sup>F41</sup>or on presentation of an instrument for benefit payment], or
- (b) on Mondays or Tuesdays, or
- (c) at weekly or four-weekly intervals,

and where child benefit is paid at four-weekly intervals in accordance with paragraph (1)(b) the Secretary of State shall arrange for it to be paid weekly if satisfied that payment at intervals of four weeks is causing hardship.

[<sup>F42</sup>(3A) Where a claimant for child benefit is also entitled to guardian's allowance, that allowance shall be payable in the same manner and at the same intervals as the claimant's child benefit under this regulation.]

(4) The Secretary of State shall take steps to notify persons to whom child benefit is payable of the arrangements he has made for payment so far as those arrangements affect such persons.

#### **Textual Amendments**

- F38** Reg. 23 heading substituted (20.9.1999) by [The Social Security \(Claims and Payments\) Amendment Regulations 1999 \(S.I. 1999/2358\)](#), regs. 1, **2(5)(a)**
- F39** Words in reg. 23(1) omitted (1.4.2003 comes into force immediately before IF Date1) by virtue of [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2441\)](#), regs. 1(1)(b), **4** (with reg. 15)
- F40** Words in reg. 23(2) substituted (10.1.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 4\) Regulations 1994 \(S.I. 1994/3196\)](#), regs. 1(1), **6(2)**
- F41** Words in reg. 23(3)(a) inserted (10.1.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 4\) Regulations 1994 \(S.I. 1994/3196\)](#), regs. 1(1), **6(3)**
- F42** Reg. 23(3A) inserted (20.9.1999) by [The Social Security \(Claims and Payments\) Amendment Regulations 1999 \(S.I. 1999/2358\)](#), regs. 1, **2(5)(b)**

### **<sup>F43</sup>[<sup>F44</sup>... Incapacity benefit, maternity allowance and severe disablement allowance**

**24.**—(1) Subject to <sup>F45</sup> ... [<sup>F46</sup>paragraphs (3) and (3A),]<sup>F47</sup>... incapacity benefit[<sup>F48</sup>, maternity allowance] and severe disablement allowance shall be paid fortnightly in arrears unless, [<sup>F49</sup>in any particular case or class of case], the Secretary of State arranges otherwise.

[<sup>F50</sup>(1A) Subject to paragraph (1B), the benefits specified in paragraph (1) shall be paid on the day of the week specified in paragraph (1C).

(1B) The Secretary of State may, in any particular case or class of case, arrange that a benefit specified in paragraph (1) be paid on any other day of the week.

(1C) The day specified for the purposes of paragraph (1A) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday.]

<sup>F51</sup>(2) .....

(3) If the weekly amount of incapacity benefit or severe disablement allowance is less than £1.00 it may be paid in arrears at intervals of 4 weeks.

[<sup>F52</sup>(3A) Where the amount of incapacity benefit payable after reduction for pension payments under section 30DD of the Social Security Contributions and Benefits Act 1992 (including any reduction for other purposes) is less than £5.00 a week, the Secretary of State may direct that it shall be paid [<sup>F53</sup>in arrears] at such intervals as may be specified not exceeding 12 months.]

<sup>F54</sup>(4) .....]

**Textual Amendments**

- F43** Words in reg. 24 heading 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(13)**
- F44** Reg. 24 substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **9**
- F45** Words in reg. 24(1)(2) omitted (8.4.2003) by virtue of [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2441\)](#), regs. 1(1)(c), **5** (with reg. 15)
- F46** Words in reg. 24(1) substituted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(5)(a)(i)**
- F47** Words in reg. 24(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(13)**
- F48** Words in reg. 24(1) inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(5)(a)(ii)**
- F49** Words in reg. 24(1) substituted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(5)(a)(iii)**
- F50** Reg. 24(1A)-(1C) inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(5)(b)**
- F51** Reg. 24(2) omitted (6.4.2009) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(5)(c)**
- F52** Reg. 24(3A) inserted (6.4.2001) by [The Social Security \(Incapacity Benefit\) Miscellaneous Amendments Regulations 2000 \(S.I. 2000/3120\)](#), regs. 1, **3(c)** (with reg. 6)
- F53** Words in reg. 24(3A) substituted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(5)(d)**

*Status: Point in time view as at 10/04/2017.*

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

**F54** Reg. 24(4) omitted (6.4.2009) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(5)(c)**

### Payment of attendance allowance and constant attendance allowance at a daily rate

**25.**—(1) Attendance allowance [<sup>F55</sup>or disability living allowance <sup>F56</sup>...] shall be paid in respect of any person, for any day falling within a period to which paragraph (2) applies, at the daily rate (which shall be equal to 1/7th of the weekly rate) and attendance allowance [<sup>F55</sup>or disability living allowance <sup>F56</sup>...] payable in pursuance of this regulation shall be paid weekly or as the Secretary of State may direct in any case.

(2) This paragraph applies to any period which—

(a) begins on the day immediately following the last day of a period during which a person was living in [<sup>F57</sup>a hospital specified in or other accommodation provided as specified in regulations made under section 37ZB(8) of the Social Security Act 1975 <sup>M1</sup> (“specified hospital or other accommodation”)]; and

(b) ends—

(i) if the first day of the period was a day of payment, at midnight on the day preceding the [<sup>F57</sup>4th] following day of payment, or

(ii) if that day was not a day of payment, at midnight on the day preceding the [<sup>F57</sup>5th] following day of payment, or

(iii) if earlier, on the day immediately preceding the day on which [<sup>F57</sup>he next lives in specified hospital or other accommodation];

if on the first day of the period it is expected that, before the expiry of the period of [<sup>F57</sup>28 days] beginning with that day, he will return to [<sup>F57</sup>specified hospital or other accommodation].

(3) An increase of disablement pension under section 61 of the Social Security Act 1975 where constant attendance is needed (“constant attendance allowance”) shall be paid at a daily rate of 1/7th of the weekly rate in any case where it becomes payable for a period of less than a week which is immediately preceded and immediately succeeded by periods during which the constant attendance allowance was not payable because regulation 21(1) of the Social Security (General Benefit) Regulations 1982 <sup>M2</sup> applied.

#### Textual Amendments

**F55** Words in reg. 25(1) inserted (6.4.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **13(a)**

**F56** Words in reg. 25(1) omitted (31.7.1996) by virtue of [The Social Security \(Disability Living Allowance and Claims and Payments\) Amendment Regulations 1996 \(S.I. 1996/1436\)](#), regs. 1, **3**

**F57** Words in reg. 25(2) inserted (6.4.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **13(b)13(f)**

#### Marginal Citations

**M1** [S.I. 1975/598](#); amending instruments are [S.I. 1977/342](#), 417, 1980/1136, 1983/1015, 1137, 1741.

**M2** [S.I. 1982/1408](#).

**Income support**

26.—(1) [<sup>F58</sup>Subject to regulation 21 (direct credit transfer), Schedule 7] shall have effect for determining the <sup>F59</sup>... time at which income support is to be paid<sup>F60</sup>... and the day when entitlement to income support is to begin.

<sup>F61</sup>(2) .....

<sup>F61</sup>(3) .....

(4) Where the entitlement to income support is less than 10 pence or, in the case of a beneficiary to whom [<sup>F62</sup>section 23A] of the Social Security Act 1986 applies, £5, that amount shall not be payable unless the claimant is also entitled to payment of any other benefit with which income support [<sup>F63</sup>may be paid] under arrangements made by the Secretary of State.

**Textual Amendments**

- F58** Words in reg. 26(1) substituted (12.5.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1993 \(S.I. 1993/1113\)](#), regs. 1(1), **3**
- F59** Words in reg. 26(1) omitted (10.4.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(9)(a)**
- F60** Words in reg. 26(1) omitted (19.6.2000) by virtue of [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **4(1)**
- F61** Reg. 26(2)(3) omitted (10.4.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(9)(b)**
- F62** Words in reg. 26(4) substituted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **6**
- F63** Words in reg. 26(4) substituted (27.2.1989) 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(5)(c)**

**[<sup>F64</sup>Jobseeker’s allowance**

26A.—(1) Subject to the following provisions of this regulation, jobseeker’s allowance shall be paid fortnightly in arrears unless in any particular case or class of case the Secretary of State arranges otherwise.

(2) The provisions of paragraph 2A of Schedule 7 (payment of income support at times of office closure) shall apply for the purposes of payment of a jobseeker’s allowance as they apply for the purposes of payment of income support<sup>F65</sup>....

(3) Where the amount of a jobseeker’s allowance is less than £1.00 a week the Secretary of State may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

<sup>F66</sup>(4) .....

<sup>F66</sup>(5) .....

<sup>F66</sup>(6) .....

<sup>F66</sup>(7) .....

<sup>F66</sup>(8) .....]

*Status: Point in time view as at 10/04/2017.*

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

**Textual Amendments**

- F64** Reg. 26A inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(14)**
- F65** Words in reg. 26A(2) revoked (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(4)**
- F66** Regs. 26A(4)-(8) omitted (19.6.2000) by virtue of [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **4(2)**

**[<sup>F67</sup>State pension credit**

**26B.**—(1) Except where [<sup>F68</sup>paragraph (2) or regulation 26BA] applies, state pension credit shall be payable on Mondays, but subject [<sup>F69</sup>to regulation 21 where payment is by direct credit transfer].

(2) State pension credit shall be payable—

[<sup>F70</sup>(a) on the same day as any—

(i) state pension under Part 1 of the Pensions Act 2014; or

(ii) retirement pension,

is payable to the claimant; or]

(b) on such other day of the week as the Secretary of State may, in the particular circumstances of the case, determine.

<sup>F71</sup>(3) .....

(4) [<sup>F72</sup>Subject to regulation 26BA, state pension credit] paid [<sup>F73</sup>otherwise than in accordance with regulation 21] shall be paid weekly in advance.

(5) Where the amount of state pension credit payable is less than £1.00 per week, the Secretary of State may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

<sup>F74</sup>(6) .....

<sup>F74</sup>(7) .....]

**Textual Amendments**

- F67** Reg. 26B inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **9** (with reg. 36(6))
- F68** Words in reg. 26B(1) substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **2(6)(a)**
- F69** Words in reg. 26B(1) substituted (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(10)(a)**
- F70** Reg. 26B(2)(a) 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(13)**
- F71** Reg. 26B(3) omitted (10.4.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(10)(b)**
- F72** Words in reg. 26B(4) substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **2(6)(b)**
- F73** Words in reg. 26B(4) substituted (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(10)(c)**

**F74** Reg. 26B(6)(7) omitted (10.4.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(10)(d)**

### [<sup>F75</sup>Intervals for payment of state pension credit

**26BA.**—(1) Where state pension credit is payable to a person who reaches pensionable age on or after 6th April 2010, other than a person to whom regulation 22C(7) applies, it shall be paid weekly, fortnightly or four weekly (as the Secretary of State may in any case determine) in arrears on the day of the week specified in paragraph (2).

(2) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

(3) The Secretary of State may, in any particular case or class of case, arrange that state pension credit be paid on any other day of the week.

(4) Where the amount of state pension credit payable is less than £1.00 per week the Secretary of State may direct that it shall be paid in arrears at such intervals, not exceeding 13 weeks, as may be specified in the direction.]

### Textual Amendments

**F75** Reg. 26BA inserted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009 \(S.I. 2009/3229\)](#), regs. 1, **2(7)**

### [<sup>F76</sup>Employment and support allowance

**26C.**—(1) Subject to paragraphs (3) to (7), employment and support allowance is to be paid fortnightly in arrears on the day of the week determined in accordance with paragraph (2).

(2) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the claimant's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

*Status: Point in time view as at 10/04/2017.*

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

(3) The Secretary of State may, in any particular case or class of case, arrange that the claimant be paid otherwise than fortnightly.

(4) The Secretary of State may, in any particular case or class of case, arrange that employment and support allowance be paid on any day of the week and where it is in payment to any person and the day on which it is payable is changed, it must be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(5) Where the weekly amount of employment and support allowance is less than £1.00 it may be paid in arrears at intervals of not more than 13 weeks.

(6) Where the weekly amount of an employment and support allowance is less than 10 pence that allowance is not payable.

(7) The provisions of paragraph 2A of Schedule 7 (payment of income support at time of office closure) apply for the purposes of payment of employment and support allowance as they apply for the purposes of payment of income support.]

#### Textual Amendments

**F76** Reg. 26C inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **21**

#### [<sup>F77</sup>[<sup>F78</sup>Working families' tax credit] and [<sup>F79</sup>disabled persons' tax credit]

27.—(1) Subject to regulation 21 [<sup>F80</sup>and paragraph (1A)], [<sup>F81</sup>working families' tax credit] and [<sup>F82</sup>disabled persons' tax credit] shall be payable in respect of any benefit week on the Tuesday next following the end of that week by means of a book of serial orders [<sup>F83</sup>or on presentation of an instrument for benefit payment] unless in any case the [<sup>F84</sup>Board arrange] otherwise.

[<sup>F85</sup>(1A) Subject to paragraph (2), where an amount of [<sup>F81</sup>working families' tax credit] or [<sup>F82</sup>disabled persons' tax credit] becomes payable which is at a weekly rate of not more than £4.00, that amount shall, if the [<sup>F86</sup>Board so direct], be payable as soon as practicable by means of a single payment; except that if that amount represents an increase in the amount of either of those benefits which has previously been paid in respect of the same period, this paragraph shall apply only if that previous payment was made by means of a single payment.]

(2) Where the entitlement to [<sup>F81</sup>working families' tax credit] or [<sup>F82</sup>disabled persons' tax credit] is less than 50 pence a week that amount shall not be payable.]

#### Textual Amendments

**F77** Reg. 27 substituted (6.4.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **14**

**F78** Words in reg. 27 heading 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**

**F79** Words in reg. 27 heading 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**

**F80** Words in reg. 27(1) inserted (25.10.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 3\) Regulations 1993 \(S.I. 1993/2113\)](#), regs. 1(2), **3(4)**

**F81** Words in reg. 27(1)(1A)(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), **24, Sch. Pt. V**

- F82** Words in reg. 27(1)(1A)(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), 25, **Sch. Pt. VI**
- F83** Words in reg. 27(1) inserted (10.1.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 4\) Regulations 1994 \(S.I. 1994/3196\)](#), regs. 1(1), 7
- F84** Words in reg. 27(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), **12(a)**
- F85** Reg. 27(1A) inserted (25.10.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 3\) Regulations 1993 \(S.I. 1993/2113\)](#), regs. 1(2), **3(4)**
- F86** Words in reg. 27(1A) 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), **12(b)**

### Fractional amounts of benefit

**28.**—<sup>F87</sup>(1) <sup>F88</sup>Subject to paragraph (2),] where the amount of any benefit payable would, but for this regulation, include a fraction of a penny, that fraction shall be disregarded if it is less than a half penny and shall otherwise be treated as a penny.]

<sup>F89</sup>(2) Where the amount of any maternity allowance payable would, but for this regulation, include a fraction of a penny, that fraction shall be treated as a penny.]

#### Textual Amendments

- F87** Reg. 28(1): reg. 28 renumbered as reg. 28(1) (2.9.2002) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2002 \(S.I. 2002/1950\)](#), regs. 1(2), **2**
- F88** Words in reg. 28(1) inserted (2.9.2002) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2002 \(S.I. 2002/1950\)](#), regs. 1(2), **2(a)**
- F89** Reg. 28(2) added (2.9.2002) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2002 \(S.I. 2002/1950\)](#), regs. 1(2), **2(b)**

### <sup>F90</sup>Payment to a person under age 18

**29.** Where benefit is paid to a person under the age of 18 (whether on his own behalf or on behalf of another) <sup>F91</sup>a direct credit transfer under regulation 21 into that person's account, or the receipt by him of a payment made by some other means,] shall be a sufficient discharge to the Secretary of State <sup>F92</sup>or the Board].]

#### Textual Amendments

- F90** Reg. 29 substituted (4.4.1996) by [The Social Security \(Claims and Payments Etc.\) Amendment Regulations 1996 \(S.I. 1996/672\)](#), regs. 1, **2(4)**
- F91** Words in reg. 29 substituted (23.10.2002) by [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2441\)](#), regs. 1(1)(a), **6** (with reg. 15)
- F92** Words in reg. 29 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**

*Status: Point in time view as at 10/04/2017.*

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

## Payments on death

**30.**—(1) On the death of a person who has made a claim for benefit, the Secretary of State [<sup>F93</sup>or the Board] may appoint such person as he [<sup>F94</sup>or they] may think fit to proceed with the claim [<sup>F95</sup>and any related issue of revision, supersession or appeal].

(2) Subject to [<sup>F96</sup>paragraphs (4) and (4A)], any sum payable by way of benefit which is payable under an award on a claim proceeded with under paragraph (1) may be paid or distributed by the Secretary of State [<sup>F97</sup>or the Board] to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons over the age of 16), and the provisions of regulation 38 (extinguishment of right) shall apply to any such payment or distribution; and

- (a) [<sup>F98</sup>a direct credit transfer under regulation 21 into any such person's account, or the receipt by him of a payment made by some other means,] shall be a good discharge to the Secretary of State [<sup>F97</sup>or the Board] for any sum so paid; and
- (b) where the Secretary of State is satisfied [<sup>F99</sup>or the Board are satisfied] that any such sum or part thereof is needed for the benefit of any person under the age of 16, he [<sup>F100</sup>or they] may obtain a good discharge therefor by paying the sum or part thereof to a person over that age who satisfies the Secretary of State [<sup>F97</sup>or the Board] that he will apply the sum so paid for the benefit of the person under the age of 16.

(3) Subject to paragraph (2), any sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and regulation 38 shall apply to any such payment or distribution, except that, for the purpose of that regulation, the period of 12 months shall be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.

(4) [<sup>F101</sup>Subject to paragraph (4B), paragraphs] (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Secretary of State [<sup>F102</sup>or the Board] within 12 months from the date of the deceased's death or within such longer period as the Secretary of State [<sup>F102</sup>or the Board] may allow in any particular case.

[<sup>F103</sup>(4A) In a case where a joint-claim jobseeker's allowance has been awarded to a joint-claim couple and one member of that couple dies, the amount payable under that award shall be payable to the other member of that couple.]

[<sup>F104</sup>(4B) A written application is not required where—

- (a) an executor or administrator has not been appointed;
- (b) the deceased was in receipt of a retirement pension of any category [<sup>F105</sup>, a state pension under Part 1 of the Pensions Act 2014] or state pension credit including where any other benefit was combined for payment purposes with either of those benefits at the time of death;
- (c) the sum payable by way of benefit to the deceased is payable to a person who was the spouse or civil partner of the deceased at the time of death; and
- (d) either—
  - (i) the spouse or civil partner and the deceased were living together at the time of death; or
  - (ii) they would have been living together at the time of death but for the fact that either or both of them were in a residential care or a nursing home or in a hospital.]

(5) <sup>F106</sup>Subject to paragraphs (5A) to <sup>F107</sup>(5H) ,] where the conditions specified in paragraph (6) are satisfied, a claim may be made on behalf of the deceased to any benefit other than <sup>F108</sup>jobseeker's allowance,] income support<sup>F109</sup>, state pension credit<sup>F110</sup>, <sup>F111</sup>working families' tax credit] or <sup>F112</sup>disabled persons' tax credit]] or a social fund payment such as is mentioned in section 32(2) (a) <sup>F113</sup>and section 32(2A)] of the Social Security Act 1986 <sup>F114</sup>, or reduced earnings allowance or disablement benefit], to which he would have been entitled if he had claimed it in the prescribed manner and within the prescribed time.

<sup>F115</sup><sup>F116</sup>(5A) Subject to paragraphs (5B) to (5G), a claim may be made in accordance with paragraph (5) on behalf of the deceased for a Category A or Category B retirement pension or graduated retirement benefit provided that the deceased was not married or in a civil partnership on the date of his death.]

<sup>F115</sup>(5B) But, subject to paragraphs (5C) to (5G), a claim may be made in accordance with paragraph (5) on behalf of the deceased for a Category A or Category B retirement pension or graduated retirement benefit where the deceased was a married woman or a civil partner on the date of death if the deceased's widower or surviving civil partner was under pensionable age on that date and due to attain pensionable age before 6th April 2010.]

<sup>F115</sup>(5C) Where a claim is made for a shared additional pension <sup>F117</sup>or a state pension under Part 1 of the Pensions Act 2014] under paragraph (5) or for a retirement pension or graduated retirement benefit under paragraphs (5) and (5A) or (5B), in determining the benefit to which the deceased would have been entitled if he had claimed within the prescribed time, the prescribed time shall be the period of three months ending on the date of his death and beginning with any day on which, apart from satisfying the condition of making a claim, he would have been entitled to the pension or benefit.]

<sup>F115</sup>(5D) Paragraph (5E) applies where, throughout the period of 12 months ending with the day before the death of the deceased person, his entitlement to a Category A or a Category B retirement pension, shared additional pension or graduated retirement benefit was deferred in accordance with, as the case may be—

- (a) section 55 of the Contributions and Benefits Act (pension increase or lump sum where entitlement to retirement pension is deferred);
- (b) section 55C of that Act (pension increase or lump sum where entitlement to shared additional pension is deferred); or
- (c) section 36(4A) of the National Insurance Act 1965 (deferment of graduated retirement benefit).]

(5E) Paragraph (5F) applies where—

- (a) the deceased person was a widow or widower (“W”) who was married to the other party of the marriage (“S”) when S died;
- (b) throughout the period of 12 months ending with the day before S's death, S's entitlement to a Category A or a Category B retirement pension or to graduated retirement benefit was deferred in accordance with, as the case may be, paragraph (5C)(a) or (b); and
- (c) W made no statutory election in consequence of the deferral.

<sup>F115</sup>(5F) <sup>F118</sup>Paragraphs (5G) and (5H) apply] where—

- (a) the deceased person was a widow, widower or surviving civil partner (“W”) who was married to, or in a civil partnership with, the other party of the marriage or civil partnership (“S”) when S died;
- (b) throughout the period of 12 months ending with the day before S's death, S's entitlement to a Category A or a Category B retirement pension or graduated retirement benefit was deferred in accordance with, as the case may be, paragraph (5D)(a) or (c); and

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- (c) W made no statutory election<sup>[F119]</sup>, or choice under section 8(2) of the Pensions Act 2014 or Regulations under section 10 of that Act which make provision corresponding or similar to section 8(2),] in consequence of the deferral.]]

<sup>[F115]</sup>(5G) Where a person claims under paragraphs (5) and (5A) the deceased <sup>[F120]</sup>(referred to as W in paragraph (5F)) shall be treated as having made an election in accordance with, as the case may be—

- (a) paragraph 3C(2)(a) of Schedule 5 to the Contributions and Benefits Act (electing to have an increase of pension), where paragraph (5D)(a) applies; or
- (b) paragraph 17(2)(a) of Schedule 1 to the Social Security (Graduated Retirement Benefit) Regulations 2005 (electing to have an increase in benefit), where paragraph (5D)(c) applies.]

<sup>[F121]</sup>(5H) Where a person makes a claim under paragraph (5) for a state pension under Part 1 of the Pensions Act 2014, the deceased (referred to as W in paragraph (5F)) shall be treated as having made a choice to be paid a state pension under—

- (a) section 9 of the Pensions Act 2014 (survivor's pension based on inheritance of deferred old state pension) in accordance with section 8(2)(b) of that Act; or
- (b) Regulations under section 10 of the Pensions Act 2014 which make provision corresponding or similar to section 9 of that Act in accordance with Regulations under section 10 which make provision corresponding or similar to section 8(2)(b).]

(6) <sup>[F122]</sup>Subject to the following provisions of this regulation,] the following conditions are specified for the purposes of paragraph (5)—

- (a) within six months of the death an application must have been made in writing to the Secretary of State for a person, whom the Secretary of State thinks fit to be appointed to make the claim, to be so appointed;
- (b) a person must have been appointed by the Secretary of State to make the claim;
- (c) there must have been no longer period than six months between the appointment and the making of the claim.

<sup>[F123]</sup>(6A) Where the conditions specified in paragraph (6B) are satisfied, a person may make a claim for reduced earnings allowance or disablement benefit, including any increase under section 61 or 63 of the Social Security Act 1975, in the name of a person who has died.

(6B) <sup>[F124]</sup>Subject to the following provisions of this regulation,] the conditions specified for the purposes of paragraph (6A) are—

- (a) that the person who has died would have been entitled to the benefit claimed if he had made a claim for it in the prescribed manner and within the prescribed time;
- (b) that within 6 months of a death certificate being issued in respect of the person who has died, the person making the claim has applied to the Secretary of State to be made an appointee of the person who has died <sup>F125</sup>...;

[ that that person has been appointed by the Secretary of State to make the claim;]

<sup>F126</sup>(ba)

- (c) the claim is made within 6 months of the appointment.]

<sup>[F127]</sup>(6C) Subject to paragraph (6D), where the Secretary of State certifies that to do so would be consistent with the proper administration of the Social Security Contributions and Benefits Act 1992 the period specified in paragraphs (6)(a) and (c) and (6B)(b) and (c) shall be extended by such period, not exceeding 6 months, as may be specified in the certificate.

- (a) (6D) (a) Where a certificate is given under paragraph (6C) extending the period specified in paragraph (6)(a) or (6B)(b), the period specified in paragraph (6)(c) or (6B)(c) shall be shortened by a period corresponding to the period specified in the certificate;
- (b) no certificate shall be given under paragraph (6C) which would enable a claim to be made more than 12 months after the date of death (in a case falling within paragraph (6)) or the date of a death certificate being issued in respect of the person who has died (in a case falling within paragraph (6B)); and
- (c) in the application of sub-paragraph (b) any period between the date when an application for a person to be appointed to make a claim is made and the date when that appointment is made shall be disregarded.]
- (7) A claim made in accordance with paragraph (5) [<sup>F128</sup>or paragraph (6A)] shall be treated, for the purposes of these regulations, as if made by the deceased on the date of his death.
- (8) The Secretary of State [<sup>F129</sup>or the Board] may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.
- (9) In paragraph (2) “next of kin” means—
- (a) in England and Wales, the persons who would take beneficially on an intestacy; and
- (b) in Scotland, the persons entitled to the moveable estate of the deceased on intestacy.

#### Textual Amendments

- F93** Words in reg. 30(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**
- F94** Words in reg. 30(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), 22, **Sch. Pt. III**
- F95** Words in reg. 30(1) added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **7(6)**
- F96** Words in reg. 30(2) substituted (19.3.2001) by [The Social Security \(Joint Claims: Consequential Amendments\) Regulations 2000 \(S.I. 2000/1982\)](#), regs. 1, **2(7)(a)**
- F97** Words in reg. 30(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**
- F98** Words in reg. 30(2)(a) substituted (23.10.2002) by [The Social Security \(Claims and Payments and Miscellaneous Amendments\) \(No. 2\) Regulations 2002 \(S.I. 2002/2441\)](#), regs. 1(1)(a), **7** (with reg. 15)
- F99** Words in reg. 30(2)(b) 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), **13**
- F100** Words in reg. 30(2)(b) 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**
- F101** Words in reg. 30(4) substituted (24.9.2007) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **2(12)**
- F102** Words in reg. 30(4) 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**
- F103** Reg. 30(4A) inserted (19.3.2001) by [The Social Security \(Joint Claims: Consequential Amendments\) Regulations 2000 \(S.I. 2000/1982\)](#), regs. 1, **2(7)(b)**
- F104** Reg. 30(4B) inserted (24.9.2007) by [The Social Security \(Miscellaneous Amendments\) \(No.4\) Regulations 2007 \(S.I. 2007/2470\)](#), regs. 1, **2(13)**

*Status: Point in time view as at 10/04/2017.*

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

- F105** Words in reg. 30(4B)(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(14)(a)**
- F106** Words in reg. 30(5) inserted (6.4.2006) by The Social Security (Claims and Payments) Amendment Regulations 2005 (S.I. 2005/455), regs. 1(1)(c), **4(a)** (with reg. 6)
- F107** Word in reg. 30(5) 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(14)(b)**
- F108** Words in reg. 30(5) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(15)**
- F109** Words in reg. 30(5) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **10**
- F110** Words in reg. 30(5) substituted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **15**
- F111** Words in reg. 30(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), **24, Sch. Pt. V**
- F112** Words in reg. 30(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), **25, Sch. Pt. VI**
- F113** Words in reg. 30(5) inserted (7.11.1988) by The Social Security (Common Provisions) Miscellaneous Amendment Regulations 1988 (S.I. 1988/1725), regs. 1(1), **3(6)**
- F114** Words in reg. 30(5) inserted (5.12.1990) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1990 (S.I. 1990/2208), regs. 1(1)(c), **11(2)**
- F115** Reg. 30(5A)-(5G) substituted for reg. 30(5A)-(5F) (6.4.2006) by The Social Security (Retirement Pensions and Graduated Retirement Benefit) (Widowers and Civil Partnership) Regulations 2005 (S.I. 2005/3078), regs. 1(1)(b), **4(b)**
- F116** Reg. 30(5A)-(5F) inserted (6.4.2006) by The Social Security (Claims and Payments) Amendment Regulations 2005 (S.I. 2005/455), regs. 1(1)(c), **4(b)** (with reg. 6)
- F117** Words in reg. 30(5C) 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(14)(c)**
- F118** Words in reg. 30(5F) 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(14)(d)(i)**
- F119** Words in reg. 30(5F)(c) 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(14)(d)(ii)**
- F120** Words in reg. 30(5G) 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(14)(e)**
- F121** Reg. 30(5H) 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(14)(f)**
- F122** Words in reg. 30(6) inserted (27.9.1993) by The Social Security (Claims and Payments) Amendment (No. 3) Regulations 1993 (S.I. 1993/2113), regs. 1(2), **3(5)(a)**
- F123** Reg. 30(6A)(6B) inserted (5.12.1990) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1990 (S.I. 1990/2208), regs. 1(1)(c), **11(3)**
- F124** Words in reg. 30(6B) inserted (27.9.1993) by The Social Security (Claims and Payments) Amendment (No. 3) Regulations 1993 (S.I. 1993/2113), regs. 1(2), **3(5)(a)**
- F125** Words in reg. 30(6B)(b) omitted (3.10.1994) by virtue of The Social Security (Claims and Payments) Amendment Regulations 1994 (S.I. 1994/2319), regs. 1(1), **5**

- F126** Reg. 30(6B)(ba) inserted (3.10.1994) by [The Social Security \(Claims and Payments\) Amendment Regulations 1994 \(S.I. 1994/2319\)](#), regs. 1(1), **5**
- F127** Reg. 30(6C)-(6D) inserted (27.9.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 3\) Regulations 1993 \(S.I. 1993/2113\)](#), regs. 1(2), **3(5)(b)**
- F128** Words in reg. 30(7) inserted (5.12.1990) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1990 \(S.I. 1990/2208\)](#), regs. 1(1)(c), **11(4)**
- F129** Words in reg. 30(8) 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>F130</sup>Payments of arrears of joint-claim jobseeker's allowance where the nominated person can no longer be traced**

**30A.** Where—

- (a) an award of joint-claim jobseeker's allowance has been awarded to a joint-claim couple;
- (b) that couple ceases to be a joint-claim couple; and
- (c) the member of the joint-claim couple nominated for the purposes of section 3B of the Jobseekers Act cannot be traced,

arrears on the award of joint-claim jobseeker's allowance shall be paid to the other member of the former joint-claim couple.]

**Textual Amendments**

- F130** Reg. 30A inserted (19.3.2001) by [The Social Security Amendment \(Joint Claims\) Regulations 2001 \(S.I. 2001/518\)](#), regs. 1(1), **5**

**Time and manner of payments of industrial injuries gratuities**

**31.**—(1) This regulation applies to any gratuity payable under Chapter IV or V of Part II of the Social Security Act 1975.

(2) Subject to the following provisions of this regulation, every gratuity shall be payable in one sum.

(3) A gratuity may be payable by instalments of such amounts and at such times as appear reasonable in the circumstances of the case to the [<sup>F131</sup>Secretary of State] awarding the gratuity if—

- (a) the beneficiary to whom the gratuity has been awarded is, at the date of the award, under the age of 18 years, or
- (b) in any other case, the amount of the gratuity so awarded (not being a gratuity payable to the widow of a deceased person on her remarriage) exceeds £52 and the beneficiary requests that payments should be made by instalments.

(4) An appeal shall not be brought against any decision that a gratuity should be payable by instalments or as to the amounts of any such instalments or the time of payment <sup>F132</sup>....

(5) Subject to the provisions of regulation 37 (suspension), a gratuity shall—

- (a) if it is payable by equal weekly instalments, be paid in accordance with the provisions of regulation 22 insofar as they are applicable; or
- (b) in any case, be paid by such means as may appear to the Secretary of State to be appropriate in the circumstances.

*Status: Point in time view as at 10/04/2017.*

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### Textual Amendments

**F131** 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)

**F132** Words in reg. 31(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. 10** (with reg. 3(1)(b), Schs. 21-23)

### [<sup>F133</sup>Information to be given and changes to be notified]

**32.**—[<sup>F133</sup>(1) Except in the case of a jobseeker's allowance, every beneficiary and every person by whom, or on whose behalf, sums by way of benefit are receivable shall furnish in such manner <sup>F134</sup> ... as the Secretary of State may determine [<sup>F135</sup> and within the period applicable under regulation 17(4) of the Decisions and Appeals Regulations] such information or evidence as the Secretary of State may require for determining whether a decision on the award of benefit should be revised under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act.]

[<sup>F133</sup>(1A) Every beneficiary and every person by whom, or on whose behalf, sums by way of benefit are receivable shall furnish in such manner and at such times as the Secretary of State may determine such information or evidence as the Secretary of State may require in connection with payment of the benefit claimed or awarded.]

[<sup>F133</sup>(1B) Except in the case of a jobseeker's allowance, every beneficiary and every person by whom or on whose behalf sums by way of benefit are receivable shall notify the Secretary of State of any change of circumstances which he might reasonably be expected to know might affect—

- (a) the continuance of entitlement to benefit; or
- (b) the payment of the benefit,

as soon as reasonably practicable after the change occurs by giving notice [<sup>F136</sup>of the change to the appropriate office—

- (i) in writing or by telephone (unless the Secretary of State determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (ii) in writing if in any class of case he requires written notice (unless he determines in any particular case to accept notice given otherwise than in writing)]]

[<sup>F137</sup>[<sup>F138</sup>(1C)] In the case of a person who made a claim for benefit in accordance with regulation 4A(1), a change of circumstances may be notified to a relevant authority at any office to which the claim for benefit could be made in accordance with that provision.]

(2) Where any sum is receivable on account of an increase of benefit in respect of an adult dependant, the Secretary of State may require the beneficiary to furnish a declaration signed by such dependant confirming the particulars respecting him, which have been given by the claimant.

[<sup>F139</sup>(3) In the case of a person who is claiming income support[<sup>F140</sup>, state pension credit][<sup>F141</sup>, a jobseeker's allowance or an employment and support allowance] where that person or any partner is aged not less than 60 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 Secretary of State so requires furnish the following information—

- (a) the name and address of the 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.

(4) Where the pension fund holder receives from the Secretary of State a request for details concerning a personal pension scheme or retirement annuity contract relating to a person or any partner to whom paragraph (3) refers, the pension fund holder shall provide the Secretary of State with any information to which paragraph (5) refers.

(5) 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.]

[<sup>F142</sup>(6) This regulation shall apply in the case of state pension credit subject to the following modifications—

- (a) [<sup>F143</sup>in connection with the setting of a new assessed income period], the information and evidence [<sup>F143</sup>which the Secretary of State may require] to be notified in accordance with this regulation includes information and evidence as to the likelihood of future changes in the claimant’s circumstances needed to determine—
  - (i) whether a period should be specified as an assessed income period under section 6 of the 2002 Act in relation to any decision; and
  - (ii) if so, the length of the period to be so specified; <sup>F144</sup>...

- [<sup>F145</sup>(b) except to the extent that sub-paragraph (a) applies, changes to an element of the claimant’s retirement provision need not be notified if—
  - (i) an assessed income period is current in his case; [<sup>F146</sup>or]
  - (ii) [<sup>F147</sup>the period applicable under regulation 17(4) of the Decisions and Appeals Regulations has not expired;]

<sup>F148</sup>(iii) .....

<sup>F149</sup>[ .....

<sup>F145</sup>(c)]

[<sup>F150</sup>(7) In this regulation, “the Decisions and Appeals Regulations” means the Social Security and Child Support (Decisions and Appeals) Regulations 1999.]

**Textual Amendments**

- F133** Reg. 32(1)(1A)(1B) and heading substituted for reg. 32(1) (5.5.2003) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/1050\)](#), regs. 1(1)(a), 2 (with reg. 6)
- F134** Words in reg. 32(1) omitted (17.4.2012) by virtue of [The Social Security \(Suspension of Payment of Benefits and Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/824\)](#), regs. 1, 2(2)(a)
- F135** Words in reg. 32(1) inserted (17.4.2012) by [The Social Security \(Suspension of Payment of Benefits and Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/824\)](#), regs. 1, 2(2)(b)
- F136** Words in reg. 32(1B) substituted (6.1.2004) by [The Social Security \(Notification of Change of Circumstances\) Regulations 2003 \(S.I. 2003/3209\)](#), regs. 1, 2

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- F137** Reg. 32(1C) inserted (29.11.1999) by The Social Security (Claims and Information) Regulations 1999 (S.I. 1999/3108), reg. 1, **Sch. 3 para. 2(8)**
- F138** Reg. 32(1C): reg. 32(1A) renumbered as reg. 32(1C) (21.7.2003) by The Social Security (Claims and Payments and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/1632), regs. 1(1), **2(6)**
- F139** Reg. 32(3)-(5) 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(4)**
- F140** Words in reg. 32(3) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), reg. 1(2)(a), **11(a)**
- F141** Words in reg. 32(3) substituted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), reg. 1(2)(a), **22**
- F142** Reg. 32(6) added (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), reg. 1(2)(a), **11(b)**
- F143** Words in reg. 32(6)(a) substituted (25.8.2008) by The Social Security (Students and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/1599), reg. 1(4), **3(2)(a)**
- F144** Word in reg. 32(6)(a) deleted (6.10.2003) by The State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), reg. 1, **4(a)**
- F145** Reg. 32(6)(b)(c) substituted for reg. 32(6)(b) (6.10.2003) by The State Pension Credit (Transitional and Miscellaneous Provisions) Amendment Regulations 2003 (S.I. 2003/2274), reg. 1, **4(b)**
- F146** Word in reg. 32(6) inserted (17.4.2012) by The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012 (S.I. 2012/824), reg. 1, **2(3)(a)**
- F147** Reg. 32(6)(b)(ii) substituted (17.4.2012) by The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012 (S.I. 2012/824), reg. 1, **2(3)(b)**
- F148** Reg. 32(6)(b)(iii) omitted (17.4.2012) by virtue of The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012 (S.I. 2012/824), reg. 1, **2(3)(c)**
- F149** Reg. 32(6)(c) omitted (17.4.2012) by virtue of The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012 (S.I. 2012/824), reg. 1, **2(3)(c)**
- F150** Reg. 32(7) added (17.4.2012) by The Social Security (Suspension of Payment of Benefits and Miscellaneous Amendments) Regulations 2012 (S.I. 2012/824), reg. 1, **2(4)**

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

- C2** Reg. 32(1) applied (with modifications) (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 1(2), 6(1)(2)(c), **Sch. 1 para. 13(a)** (with reg. 3)
- C3** Reg. 32(1A) applied (with modifications) (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 1(2), 6(1)(2)(c), **Sch. 1 para. 13(b)** (with reg. 3)

#### **[<sup>F151</sup> Alternative means of notifying changes of circumstances**

**3ZZA.**—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 32(1B) to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (a) where the change of circumstances is a birth or death, through a relevant authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

(2) In this regulation “relevant authority” has the same meaning as in the Housing Benefit Regulations 2006 <sup>F152</sup> ....]

**Textual Amendments**

- F151** Reg. 32ZZA inserted (5.4.2010) by [The Social Security \(Notification of Changes of Circumstances\) Regulations 2010 \(S.I. 2010/444\)](#), regs. 1, 2
- F152** Words in reg. 32ZZA(2) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**

**[<sup>F153</sup>Information given electronically]**

**32ZA.**—(1) Where this regulation applies a person may give any certificate, notice, information or evidence required to be given and in particular may give notice of any change of circumstances required to be notified under regulation 32 by means of an electronic communication, in accordance with the provisions set out in Schedule 9ZC.

[<sup>F154</sup>(2) This regulation applies in relation to an award of—

(a) attendance allowance;

[<sup>F155</sup>(aa) bereavement support payment;]

(b) carer's allowance;

(c) disability living allowance;

(d) an employment and support allowance;

[<sup>F156</sup>(da) incapacity benefit;]

(e) income support;

(f) a jobseeker's allowance.]]

[<sup>F157</sup>(g) retirement pension;

(h) state pension credit.]

[<sup>F158</sup>(i) state pension under Part 1 of the Pensions Act 2014.]

[<sup>F159</sup>(j) industrial injuries benefit.]

**Textual Amendments**

- F153** Reg. 32ZA inserted (1.12.2003) by [The Social Security \(Electronic Communications\) \(Carers Allowance\) Order 2003 \(S.I. 2003/2800\)](#), arts. 1(1), **2(3)**
- F154** Reg. 32ZA(2) substituted (20.6.2011) by [The Social Security \(Electronic Communications\) Order 2011 \(S.I. 2011/1498\)](#), arts. 1(1), **4(3)**
- F155** Reg. 32ZA(2)(aa) inserted (coming into force in accordance with art. 1-3 of the amending S.I.) by [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **10(10)**
- F156** Reg. 32ZA(2)(da) inserted (23.1.2012) by [The Social Security \(Electronic Communications\) \(No. 2\) Order 2011 \(S.I. 2011/2943\)](#), arts. 1, **2(2)(a)**
- F157** Reg. 32ZA(2)(g)(h) inserted (23.1.2012) by [The Social Security \(Electronic Communications\) \(No. 2\) Order 2011 \(S.I. 2011/2943\)](#), arts. 1, **2(2)(b)**
- F158** Reg. 32ZA(2)(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(15)**
- F159** Reg. 32ZA(2)(j) added (15.6.2016) by [The Social Security \(Claims and Payments\) Amendment Regulations 2016 \(S.I. 2016/544\)](#), **reg. 2(4)**

Status: Point in time view as at 10/04/2017.

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

[<sup>F160</sup>Information given electronically

32A.—(1) Where this regulation applies a person may give any certificate, notice, information or evidence required to be given and in particular may give notice of any change of circumstances required to be notified under regulation 32 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

F160 Reg. 32A inserted (28.10.2002) by The Social Security (Electronic Communications) (Child Benefit) Order 2002 (S.I. 2002/1789), arts. 1(1), 4

[<sup>F161</sup>Information relating to awards of benefit

32B.—(1) Where an authority or person to whom paragraph (2) applies has arranged with the Secretary of State for the authority or person to receive claims for a specified benefit or obtain information or evidence relating to claims for a specified benefit in accordance with regulation 4 or 4D, the authority or person may—

- (a) receive information or evidence which relates to an award of that benefit and which is supplied by—
  - (i) the person to whom the award has been made; or
  - (ii) other persons in connection with the award,
 and shall forward it to the Secretary of State as soon as reasonably practicable;
- (b) verify any information or evidence supplied; and
- (c) record the information or evidence supplied and hold it (whether as supplied or recorded) for the purpose of forwarding it to the Secretary of State.

(2) This paragraph applies to—

- (a) a local authority administering housing benefit <sup>F162</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 function of a local authority relating to housing benefit <sup>F163</sup>...;
- (e) a person authorised to exercise any function a county council in England has under section 7A of the Social Security Administration Act 1992.

(3) In paragraph (1), “specified benefit” means one or more of the following benefits—

- (a) attendance allowance;
- <sup>F164</sup>(b) .....
- <sup>F164</sup>(c) .....
- (d) carer's allowance;
- (e) disability living allowance;
- (ee) [<sup>F165</sup>employment and support allowance;]
- (f) incapacity benefit;
- (g) income support;

- (h) jobseeker's allowance;
- (i) retirement pension;
- (j) state pension credit;
- (k) widowed parent's allowance;
- (l) winter fuel payment.]

[<sup>F166</sup>(m) state pension under Part 1 of the Pensions Act 2014.]

#### Textual Amendments

- F161** Reg. 32B inserted (31.10.2007) by [The Social Security \(Claims and Information\) Regulations 2007 \(S.I. 2007/2911\)](#), regs. 1(1), **6(5)**
- F162** Words in reg. 32B(2)(a) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**
- F163** Words in reg. 32B(2)(d) revoked (1.4.2013) by [The Council Tax Benefit Abolition \(Consequential Provision\) Regulations 2013 \(S.I. 2013/458\)](#), reg. 1, **Sch. 1**
- F164** Reg. 32B(3)(b)(c) omitted (coming into force in accordance with art. 1-3 of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2017 \(S.I. 2017/422\)](#), arts. 1(2), **10(11)**
- F165** Reg. 32B(3)(ee) inserted (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(7)**
- F166** Reg. 32B(3)(m) 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(16)**

**Status:**

Point in time view as at 10/04/2017.

**Changes to legislation:**

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