

SCHEDULE 1 **E+W+S**

Regulation 9(1)

PART I **E+W+S**

benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative

Benefit Claimed (1)	Alternative benefit (2)
[^{F1} Incapacity benefit]	[^{F1} Severe disablement allowance.]
F2	F2
...	...
Severe disablement allowance	[^{F3} Incapacity benefit.]
F4	F4
...	...
[^{F5} Incapacity benefit for a woman]	[^{F5} Maternity allowance.]
Severe disablement allowance for a woman	Maternity allowance.
[^{F6} Employment and support allowance for a woman]	[^{F6} Maternity allowance.]
Maternity allowance	[^{F7} Incapacity benefit ^{F8} , severe disablement allowance or employment and support allowance]]
A retirement pension of any category	Widow's benefit [^{F9} or bereavement benefit].
A retirement pension of any category	A retirement pension of any other category [^{F10} , a shared additional pension][^{F11} or graduated retirement benefit].
[^{F12} An increase of incapacity benefit.]	An increase of severe disablement allowance.
Attendance allowance	An increase of disablement pension where constant attendance is needed.
An increase of disablement pension where constant attendance is needed	Attendance allowance [^{F13} or disability living allowance].
An increase of severe disablement allowance	[^{F14} An increase of incapacity benefit.]
Income support	F15
	...
	F16
	... or a [^{F17} carer's allowance].

In this Part of this Schedule—

- (a) references to an increase of any benefit (other than an increase of disablement pension where constant attendance is needed) are to an increase of that benefit in respect of a child or adult dependant;
- (b) “widow's benefit” means widow's benefit under Chapter I of Part II of the Social Security Act 1975 and benefit by virtue of section 39(4) of that Act corresponding to a widow's pension or a widowed mother's allowance.

Status: Point in time view as at 09/04/2018.

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[^{F18} Widow's benefit][^{F19} or bereavement benefit]	[^{F18} A retirement pension of any category or graduated retirement benefit.]
[^{F20} Disability living allowance	Attendance allowance or an increase of disablement pension where constant attendance is needed.
Attendance allowance or an increase of disablement pension where constant attendance is needed	Disability living allowance.]
[^{F21} [^{F22} Disabled persons' tax credit]	[^{F23} Working families' tax credit.]
[^{F23} Working families' tax credit]	[^{F22} Disabled persons' tax credit.]]
[^{F24} Bereavement benefit]	[^{F25} Bereavement support payment]
[^{F26} Bereavement support payment]	[^{F27} Bereavement benefit]
[^{F28} A state pension under any section of Part 1 of the Pensions Act 2014]	[^{F29} A state pension under any other section of Part 1 of the Pensions Act 2014 or bereavement benefit]
[^{F30} Bereavement benefit]	[^{F31} A state pension under Part 1 of the Pensions Act 2014]

In this Part of this Schedule—

- (a) references to an increase of any benefit (other than an increase of disablement pension where constant attendance is needed) are to an increase of that benefit in respect of a child or adult dependant;
- (b) “widow's benefit” means widow's benefit under Chapter I of Part II of the Social Security Act 1975 and benefit by virtue of section 39(4) of that Act corresponding to a widow's pension or a widowed mother's allowance.

Textual Amendments

- F1** Words in Sch. 1 substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **10(2)**
- F2** Words in Sch. 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(19)(a)**
- F3** Words in Sch. 1 substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **10(4)**
- F4** Words in Sch. 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(19)(b)**
- F5** Words in Sch. 1 substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **10(6)**
- F6** Words in Sch. 1 inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **24(a)**
- F7** Words in Sch. 1 substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **10(7)**
- F8** Words in Sch. 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), **24(b)**
- F9** Words in Sch. 1 Pt. 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(5)(b)**
- F10** Words in Sch. 1 Pt. I inserted (6.7.2005) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(a), **2(8)** (with reg. 10)

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- F11** Words in Sch. 1 inserted (11.4.1988) by The Social Security (Claims and Payments) Amendment Regulations 1988 (S.I. 1988/522), regs. 1(1), **8**
- F12** Words in Sch. 1 substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **10(8)**
- F13** Words in Sch. 1 inserted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **25(a)(i)**
- F14** Words in Sch. 1 substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **10(9)**
- F15** Words in Sch. 1 omitted (16.11.1992) by virtue of The Social Security (Miscellaneous Provisions) Amendment (No. 2) Regulations 1992 (S.I. 1992/2595), regs. 1(1)(a), **7**
- F16** Words in Sch. 1 omitted (6.4.1992) by virtue of The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **25(a)(ii)**
- F17** Words in Sch. 1 Pt. I substituted (1.4.2003) by The Social Security Amendment (Carers Allowance) Regulations 2002 (S.I. 2002/2497), reg. 1(b), Sch. 2 paras. **12**
- F18** Words in Sch. 1 inserted (5.12.1990) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1990 (S.I. 1990/2208), regs. 1(1)(c), **14**
- F19** Words in Sch. 1 Pt. 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(5)(a)**
- F20** Words in Sch. 1 inserted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **25(b)**
- F21** Words in Sch. 1 inserted (3.2.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **25(c)**
- F22** Words in Sch. 1 Pt. I 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**
- F23** Words in Sch. 1 Pt. I 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**
- F24** Words in Sch. 1 Pt. I 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(12)(a)(i)**
- F25** Words in Sch. 1 Pt. I 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(12)(b)(i)**
- F26** Words in Sch. 1 Pt. I 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(12)(a)(ii)**
- F27** Words in Sch. 1 Pt. I 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(12)(b)(ii)**
- F28** Words in Sch. 1 Pt. 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(17)(a)**
- F29** Words in Sch. 1 Pt. 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(17)(c)**
- F30** Words in Sch. 1 Pt. 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(17)(b)**
- F31** Words in Sch. 1 Pt. 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(17)(d)**

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Regulation 9(2) and (3)

PART II E+W+S

interchange of claims for child benefit with claims for other benefits

E+W+S

F32 ...

Guardian's allowance

Maternity allowance claimed after confinement

Increase for child dependant by virtue of sections 41, 49 and 64 of the Social Security Act 1975, or regulations made under section 39(4) of that Act.

Textual Amendments

F32 Words in Sch. 1 Pt. II 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), **20**

Textual Amendments

F32 Words in Sch. 1 Pt. II 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), **20**

SCHEDULE 2 E+W+S

Regulation 17(5)

SPECIAL PROVISIONS RELATING TO CLAIMS FOR [F33]JOBSEEKER'S ALLOWANCE] DURING PERIODS CONNECTED WITH PUBLIC HOLIDAYS

Textual Amendments

F33 Words in Sch. 2 heading substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(20)** (a)

1.—(1) In this Schedule:—

- (a) “public holiday” means, as the case may be, Christmas Day, Good Friday or a Bank Holiday under the Banking and Financial Dealings Act 1971 ^{M1} or in Scotland local holidays; and “Christmas and New Year holidays” and “Good Friday and Easter Monday” shall be construed accordingly and shall in each case be treated as one period;
- (b) “office closure” means a period during which an [F34]office of the Department for Education and Employment] or associated office is closed in connection with a public holiday;
- (c) in computing any period of time Sundays shall not be disregarded.

Status: Point in time view as at 09/04/2018.

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(2) Where any claim for [^{F35}a jobseeker's allowance] is made during one of the periods set out in paragraph (3), the following provisions shall apply—

- (a) a claim for [^{F36}a jobseeker's allowance] may be treated by [^{F37}the Secretary of State] as a claim for that benefit for a period, to be specified in his decision, not exceeding 35 days after the date of the claim where that claim is made during the period specified in subparagraph (a) of paragraph (3), or 21 days after the date of claim where the claim is made during the period specified in either subparagraph (b) or (c) of paragraph (3);
- (b) on any claim so treated, benefit may be awarded as if the provisions of paragraph (4) of regulation 17 applied.

(3) For the purposes of paragraph (2) the periods are—

- (a) in the case of Christmas and New Year holidays, a period beginning with the start of the 35th day before the first day of office closure and ending at midnight between the last day of office closure and the following day;
- (b) in the case of Good Friday and Easter Monday, a period beginning with the start of the 16th day before the first day of the office closure and ending at midnight between the last day of office closure and the following day;
- (c) in the case of any other public holiday, a period beginning with the start of the 14th day before the first day of office closure and ending at midnight between the last day of office closure and the following day.

Textual Amendments

- F34** Words in Sch. 2 para. 1(b) substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, 2(20)(b)(i)
- F35** Words in Sch. 2 para. 2 substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, 2(20)(b)(ii)
- F36** Words in Sch. 2 para. 2 substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, 2(20)(b)(ii)
- F37** Words in Sch. 2 para. 1(2)(a) substituted (18.10.99 for specified purposes, 29.11.1999 for further 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), (3), Sch. 3 para. 11; [S.I. 1999/3178](#), reg. 3(1)(a), **Sch. 6 para. 14** (with reg. 3(1)(b), Schs. 21-23)

Marginal Citations

- M1** 1971 c. 80.

^{F38}SCHEDULE 3 **E+W+S**

Regulation 18(1)

DURATION OF DISALLOWANCE

Textual Amendments

- F38** Sch. 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(21)

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SCHEDULE 4 **E+W+S**

Regulation 19(1)

PRESCRIBED TIMES FOR CLAIMING BENEFIT

Description of benefit (1)	Prescribed time for claiming benefit (2)
[^{F42} 1. Jobseeker’s allowance.]	[^{F42} 1. The first day of the period in respect of which the claim is made.]
[^{F43} 2. Incapacity benefit or severe disablement allowance.]	[^{F43} 2. The day in respect of which the claim is made and the period of [^{F44} 3 months] immediately following it.]
3. Disablement benefit (not being an increase of benefit).	3. As regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to benefit, that day and the period of 3 months immediately following it.
4. Increase of disablement benefit under section 61 (constant attendance), or 63 (exceptionally severe disablement) of the Social Security Act 1975.	4. As regards any day on which apart from satisfying the conditions that there is a current award of disablement benefit and the making of a claim, the claimant is entitled to benefit, that day and the period of 3 months immediately following it.
5. Reduced earnings allowance.	5. As regards any day on which apart from satisfying the conditions that there is an assessment of disablement of not less than one per cent. and the making of a claim, the claimant is entitled to the allowance, that day and the period of 3 months immediately following it.
6. Income support.	6. The first day of the period in respect of which the claim is made.
7. [^{F45} Working families' tax credit].	(a) (a) Where [^{F45} working families' tax credit] has previously been claimed and awarded the period beginning 28

For the purposes of this Schedule—

“actual date of confinement” means the date of the [^{F39}birth] of the child or, if the woman is confined of twins or a greater number of children, the date of the [^{F39}birth] of the last of them; and

“confinement” means labour resulting in the [^{F40}birth] of a living child, or labour after [^{F41}24] weeks of pregnancy resulting in the [^{F40}birth] of a child whether alive or dead.

Status: Point in time view as at 09/04/2018.

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days before and ending 14 days after the last day of that award;

- (aa) [^{F46}Where [^{F47}disabled persons' tax credit] has previously been claimed and awarded the period beginning 42 days before and ending 14 days after the last day of that award of disability working allowance;]
- (b) subject to [^{F48}(a) and (aa)] , the first day of the period in respect of which the claim is made.

- [^{F49}(c) where a claim for [^{F45}working families' tax credit] is treated as if made for a period beginning with the relevant day by virtue of regulation 13 of these Regulations, the period beginning on 10th March 1992 and ending on 6th April 1992.]

8. Social fund payment in respect of maternity expenses.

8. The period beginning 11 weeks before the first day of the expected week of confinement and ending 3 months after—

- [^{F50}(a) In a case where regulation 5(3) (a) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 applies (“the 2005 Regulations”), the period beginning 11 weeks before the first day of the expected week of confinement and ending 3 months after the actual date of confinement.
- (b) [^{F51}In a case where regulation 5(3) (b) of the 2005 Regulations applies, the period beginning with the date on which the claimant becomes responsible for the child and ending 3 months after that date.]
- (c) In a case where regulation 5(3)(c) of the 2005 Regulations applies, the period beginning with the date on which an order referred to in that sub-paragraph is made and ending 3 months after that date.

For the purposes of this Schedule—

“actual date of confinement” means the date of the [^{F39}birth] of the child or, if the woman is confined of twins or a greater number of children, the date of the [^{F39}birth] of the last of them; and

“confinement” means labour resulting in the [^{F40}birth] of a living child, or labour after [^{F41}24] weeks of pregnancy resulting in the [^{F40}birth] of a child whether alive or dead.

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- (d) In a case where regulation 5(3)(d) of the 2005 Regulations applies, the period beginning with the date on which the guardianship takes effect and ending 3 months after that date.
- (e) In a case where regulation 5(3)(e) of the 2005 Regulations applies, the period beginning with the date on which the child is placed with the claimant or the claimant's partner for adoption and ending 3 months after that date.
- (f) In a case where regulation 5(3)(f) of the 2005 Regulations applies, the period beginning with the date on which the adoption—
 - (i) takes effect in respect of an adoption mentioned in section 66(1)(c) or (d), or
 - (ii) is recognised under section 66(1)(e), of the Adoption and Children Act 2002, and ending 3 months after that date.]

9. Social fund payment in respect of funeral expenses. [^{F52}9. The period beginning with the date of the death and ending [^{F53}6 months] after the date of the funeral]

9A. ^{F54} ...

9A. ^{F54} ...

10. Increase of disablement benefit under [^{F55}section 60 of the Social Security Act 1975 on grounds of special hardship or] section 62 of the Social Security Act 1975 ^{M2} on the grounds of receipt of hospital treatment. **10.** As regards any day on which, apart from satisfying the conditions that there is a current award of disablement benefit and the making of a claim, the claimant is entitled to benefit, that day and the period 3 months immediately following it.

[^{F56}**11.** [^{F57}Disabled persons' tax credit] . (a) (a) Where [^{F57}disabled persons' tax credit] has previously been claimed and awarded the period beginning 42 days before and ending 14 days after the last day of that award;

For the purposes of this Schedule—

“actual date of confinement” means the date of the [^{F39}birth] of the child or, if the woman is confined of twins or a greater number of children, the date of the [^{F39}birth] of the last of them; and

“confinement” means labour resulting in the [^{F40}birth] of a living child, or labour after [^{F41}24] weeks of pregnancy resulting in the [^{F40}birth] of a child whether alive or dead.

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- (b) where [^{F58}working families' tax credit] has previously been claimed and awarded the period beginning 28 days before and ending 14 days after the last day of that award of [^{F58}working families' tax credit];
- (d) where a claim for [^{F57}disabled persons' tax credit] is made by virtue of regulation 13B(1), the period beginning on 10th March 1992 and ending on 6th April 1992.]

12. ^{F59} ...

[^{F60}13. Retirement pension of any category [^{F61}or state pension under Part 1 of the Pensions Act 2014].]

[^{F60}14. Graduated retirement benefit.]

[^{F62}15. Shared additional pension]

16. [^{F63}Employment and support allowance]

12. ^{F59} ...

13. [^{F60}As regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to the pension, that day and the period of 12 months immediately following it.]

14. [^{F60}As regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to benefit, that day and the period of 12 months immediately following it.]

15. [^{F62}As regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to the pension, that day and the period of 12 months immediately following it.]

16. [^{F64}The day in respect of which the claim is made and the period of three months immediately following it.]

For the purposes of this Schedule—

“actual date of confinement” means the date of the [^{F39}birth] of the child or, if the woman is confined of twins or a greater number of children, the date of the [^{F39}birth] of the last of them; and

“confinement” means labour resulting in the [^{F40}birth] of a living child, or labour after [^{F41}24] weeks of pregnancy resulting in the [^{F40}birth] of a child whether alive or dead.

Textual Amendments

- F39** Word in Sch. 4 substituted (13.12.2010) by [The Social Fund Maternity Grant Amendment Regulations 2010 \(S.I. 2010/2760\)](#), regs. 1, **3(3)**
- F40** Word in Sch. 4 substituted (13.12.2010) by [The Social Fund Maternity Grant Amendment Regulations 2010 \(S.I. 2010/2760\)](#), regs. 1, **3(4)(b)**

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- F41** Word in Sch. 4 substituted (13.12.2010) by The Social Fund Maternity Grant Amendment Regulations 2010 (S.I. 2010/2760), regs. 1, **3(4)(a)**
- F42** Sch. 4 para. 1 substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(22)**
- F43** Sch. 4 para. 2 substituted (13.4.1995) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943), regs. 1(1), **12**
- F44** Words in Sch. 4 para. 2 substituted (7.4.1997) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (S.I. 1997/793), regs. 1(1)(b), **7**
- F45** Words in Sch. 4 para. 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**
- F46** Sch. 4 para. 7(aa) inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **26(a)**
- F47** Words in Sch. 4 para. 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**
- F48** Words in Sch. 4 para. 7 substituted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **26(a)**
- F49** Words in Sch. 4 para. 7 inserted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1(1), **10**
- F50** Sch. 4 para. 8 entry substituted (13.12.2010) by The Social Fund Maternity Grant Amendment Regulations 2010 (S.I. 2010/2760), regs. 1, **3(2)**
- F51** Words in Sch. 4 para. 8 substituted (24.1.2011) by The Social Fund Maternity Grant Amendment Regulations 2011 (S.I. 2011/100), regs. 1(1), **4**
- F52** Words in Sch. 4 para. 9 substituted (7.10.1996) by The Social Security (Claims and Payments and Adjudication) Amendment Regulations 1996 (S.I. 1996/2306), regs. 1(1), **6**
- F53** Words in Sch. 4 para. 9 substituted (2.4.2018) by The Social Fund Funeral Expenses Amendment Regulations 2018 (S.I. 2018/61), regs. 1, **2(4)**
- F54** Sch. 4 para. 9A omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **11**
- F55** Words in Sch. 4 para. 10 inserted (11.4.1988) by The Social Security (Claims and Payments) Amendment Regulations 1988 (S.I. 1988/522), regs. 1(1), **9**
- F56** Sch. 4 para. 11 inserted (10.3.1992) by The Social Security (Claims and Payments) Amendment Regulations 1991 (S.I. 1991/2741), regs. 1(1), **26(b)**
- F57** Words in Sch. 4 para. 11 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**
- F58** Words in Sch. 4 para. 11 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**
- F59** Sch. 4 para. 12 omitted (6.10.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.4) Regulations 2008 (S.I. 2008/2424), regs. 1, **2(3)**
- F60** Sch. 4 paras. 13-14 added (6.4.2006) by The Social Security (Claims and Payments) Amendment Regulations 2005 (S.I. 2005/455), regs. 1(1)(c), **5** (with reg. 6)
- F61** Words in Sch. 4 para. 13 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(18)**
- F62** Sch. 4 para. 15 inserted (6.4.2006) by The Social Security (Shared Additional Pension) (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/1551), regs. 1(1)(b), **3(2)** (with reg. 10)
- F63** Words in Sch. 4 added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **25(a)**
- F64** Words in Sch. 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), **25(b)**

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Marginal Citations

M2 1975 c. 14. Section 62 was repealed from 6th April 1987 by paragraph 7 of Schedule 3 to the [Social Security Act 1986 \(c. 50\)](#) but its effect is preserved in relation to certain existing cases as mentioned in that paragraph.

^{F65}SCHEDULE 5 **E+W+S**

Regulation 19

Textual Amendments

F65 Sch. 5 omitted (7.10.1996) by virtue of [The Social Security \(Claims and Payments and Adjudication\) Amendment Regulations 1996 \(S.I. 1996/2306\)](#), regs. 1, 7

SCHEDULE 6 **E+W+S**

Regulation 22(3)

DAYS FOR PAYMENT OF LONG TERM BENEFITS

Modifications etc. (not altering text)

C1 Sch. 6 applied (10.4.2006) by [The Social Security \(Hospital In-Patients\) Regulations 2005 \(S.I. 2005/3360\)](#), reg. 1(a)(b)(i)

[^{F66}**Attendance allowance and disability living allowance** **E+W+S**

1. Subject to the provisions of regulation 25 (payment of attendance allowance, constant attendance allowance and the care component of a disability living allowance at a daily rate) attendance allowance shall be payable on Mondays and disability living allowance shall be payable on Wednesdays, except that the Secretary of State may in any particular case arrange for either allowance to be payable on any other day of the week and where it is in payment to any person and the day on which it is payable is changed, it shall 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.]

Textual Amendments

F66 Sch. 6 para. 1 substituted (6.4.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), regs. 1(1), **27(a)**

Guardian's allowance **E+W+S**

^{F67}2.

Status: Point in time view as at 09/04/2018.

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Textual Amendments

F67 Sch. 6 para. 2 omitted (20.9.1999) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 1999 \(S.I. 1999/2358\)](#), regs. 1, 2(7)

Industrial injuries benefit **E+W+S**

3. Any pension or allowance under Chapter IV or V of Part II of the Social Security Act 1975, including any increase, shall be payable on Wednesdays.

[^{F68}Carer's allowance] **E+W+S**

4. [^{F68}Carer's allowance] shall be payable on Mondays, except that where a person is entitled to that allowance in respect of a severely disabled person by virtue of regulation 3 of the Social Security (Invalid Care Allowance) Regulations 1976 ^{M3} the [^{F68}carer's allowance] shall be payable on Wednesdays.

Textual Amendments

F68 Words in Sch. 6 substituted (1.4.2003) by [The Social Security Amendment \(Carers Allowance\) Regulations 2002 \(S.I. 2002/2497\)](#), reg. 1(b), Sch. 2 paras. 12

Marginal Citations

M3 [S.I. 1976/409](#), to which there are amendments not relevant to these Regulations.

Retirement pension **E+W+S**

5. [^{F69}Subject to regulation 22C, retirement pension] shall be payable on Mondays, except that—
- (a) where a person became entitled to a retirement pension before 28th September 1984, that pension shall be payable on Thursdays;
 - [^{F70}(b) where—
 - (i) a woman was entitled to a widow's benefit, or
 - (ii) a man or a woman was entitled to a bereavement benefit,
 immediately before becoming entitled to a retirement pension, that pension shall be payable on [^{F71}the day of the week which has become the appropriate day for payment of such benefit to him in accordance with paragraph 6];]
 - (c) where a woman becomes entitled to a retirement pension immediately following the payment to her husband of an increase of retirement pension in respect of her, the retirement pension to which she becomes entitled shall be payable on the same days as those upon which the retirement pension of her husband is payable;
 - (d) the Secretary of State may, notwithstanding anything contained in the foregoing provisions of this paragraph, arrange for retirement pension to be payable on such other day of the week as he may [^{F72}where payment is by direct credit transfer, or in the circumstances of any particular case, determine];
 - (e) where, in relation to any person, any particular day of the week has become the appropriate day of the week for the payment of retirement pension, that day shall thereafter remain the appropriate day in his case for such payment.

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Textual Amendments

- F69** Words in Sch. 6 para. 5 substituted (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) \(No. 6\) Regulations 2009](#) (S.I. 2009/3229), regs. 1, **2(8)**
- F70** Sch. 6 para. 5(b) substituted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000](#) (S.I. 2000/1483), regs. 1, **9(6)(a)**
- F71** Words in Sch. 6 para. 5(b) 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), **11(a)** (with reg. 15)
- F72** Words in Sch. 6 para. 5(d) 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), **11(b)** (with reg. 15)

[^{F73}**Shared additional pension** **E+W+S**

- 5A.** Shared additional pension shall be payable on Mondays, except that—
- (a) where a retirement pension is payable to the claimant, it shall be payable on the same day as the retirement pension; or
 - (b) the Secretary of State may, notwithstanding the provisions of sub-paragraph (a), arrange for a shared additional pension to be payable on such other day of the week as he may, in the circumstances of any particular case, determine.]

Textual Amendments

- F73** Sch. 6 para. 5A inserted (6.7.2005) by [The Social Security \(Shared Additional Pension\) \(Miscellaneous Amendments\) Regulations 2005](#) (S.I. 2005/1551), regs. 1(1)(a), **2(9)** (with reg. 10)

Widowed mother's allowance and widow's pension **E+W+S**

^{F74}**6.**

Textual Amendments

- F74** Sch. 6 para. 6 omitted (6.4.2009) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 2009](#) (S.I. 2009/604), regs. 1, **2(6)**

Mobility allowance **E+W+S**

^{F75}**7.**

Textual Amendments

- F75** Sch. 6 para. 7 omitted (6.4.1992) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 1991](#) (S.I. 1991/2741), regs. 1(1), **27(b)**

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SCHEDULE 7 **E+W+S**

Regulation 26

[^{F76}TIME OF PAYMENT AND COMMENCEMENT OF ENTITLEMENT IN INCOME SUPPORT CASES]

Textual Amendments

F76 Sch. 7 para. 1 and heading substituted (10.4.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2006 \(S.I. 2006/832\)](#), regs. 1(2), **2(13)**

Manner of payment **E+W+S**

[^{F76}**1.** Except as otherwise provided in these Regulations income support shall be paid in arrears in accordance with the award.]

Time of payment **E+W+S**

2. Income support shall be paid in advance where the claimant is—
 - (a) in receipt of retirement pension; or
 - (b) over pensionable age and not in receipt of ^{F77}... [^{F78}incapacity benefit or severe disablement allowance and is not a person to whom section 126 of the Social Security Contributions and Benefits Act 1992 (trade disputes) applies] unless he was in receipt of income support immediately before the trade dispute began; or
 - (c) [^{F79}subject to paragraph 2ZA] in receipt of widow's benefit [^{F80}or [^{F81}widowed parent's allowance]] and is not ^{F82}... providing or required to provide medical evidence of incapacity for work; or
 - (d) a person to whom [^{F83}section 23(A)] of the Social Security Act 1986 applies, but only for the period of 15 days mentioned in that subsection.

Textual Amendments

- F77** Words in Sch. 7 para. 2(b) 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(24)(a)**
- F78** Words in Sch. 7 para. 2(b) substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **14(2)**
- F79** Words in Sch. 7 para. 2(c) inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(7)(a)**
- F80** Words in Sch. 7 para. 2(c) inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **9(7)(a)**
- F81** Words in Sch. 7 para. 2(c) substituted (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(13)(a)**
- F82** Words in Sch. 7 para. 2(c) 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(11)**
- F83** Words in Sch. 7 para. 2(d) substituted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **10(1)**

[^{F84}**2ZA.** Paragraph 2(c) shall only apply where a widow's benefit or a [^{F85}widowed parent's allowance] is paid in advance.]

Textual Amendments

- F84** Sch. 7 para. 2ZA inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(7)(b)**
- F85** Words in Sch. 7 para. 2ZA substituted (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(13)(b)**

[^{F86}2A.—(1) For the purposes of this paragraph—

- (a) “public holiday” means, as the case may be, Christmas Day, Good Friday or a Bank Holiday under the Banking and Financial Dealings Act 1971 or in Scotland local holidays, and
- (b) “office closure” means a period during which an office of the Department of Social Security or associated office [^{F87}or any office to which a claim may be made in accordance with regulation 4A(1)] is closed in connection with a public holiday.

(2) Where income support is normally paid in arrears and the day on which the benefit is payable by reason of paragraph 3 is affected by office closure it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such a day as the Secretary of State may direct.

(3) Where under this paragraph income support is paid either in advance or partly in advance and partly in arrears it shall for any other purposes be treated as if it was paid in arrears.]

Textual Amendments

- F86** Sch. 7 para. 2A inserted (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(6)(a)**
- F87** Words in Sch. 7 para. 2A(1)(b) inserted (29.11.1999) by [The Social Security \(Claims and Information\) Regulations 1999 \(S.I. 1999/3108\)](#), reg. 1, **Sch. 3 para. 2(7)**

Textual Amendments

- F77** Words in Sch. 7 para. 2(b) 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(24)(a)**
- F78** Words in Sch. 7 para. 2(b) substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **14(2)**
- F79** Words in Sch. 7 para. 2(c) inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(7)(a)**
- F80** Words in Sch. 7 para. 2(c) inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **9(7)(a)**
- F81** Words in Sch. 7 para. 2(c) substituted (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(13)(a)**
- F82** Words in Sch. 7 para. 2(c) 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(11)**
- F83** Words in Sch. 7 para. 2(d) substituted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **10(1)**
- F84** Sch. 7 para. 2ZA inserted (6.4.2009) by [The Social Security \(Claims and Payments\) Amendment Regulations 2009 \(S.I. 2009/604\)](#), regs. 1, **2(7)(b)**

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- F85** Words in Sch. 7 para. 2ZA substituted (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(13)(b)**
- F86** Sch. 7 para. 2A inserted (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(6)(a)**
- F87** Words in Sch. 7 para. 2A(1)(b) inserted (29.11.1999) by *The Social Security (Claims and Information) Regulations 1999 (S.I. 1999/3108)*, reg. 1, **Sch. 3 para. 2(7)**

[^{F88}3.—(1) Subject to [^{F89}sub-paragraph (1A) and to] any direction given by the Secretary of State in accordance with sub-paragraph (2), income support in respect of any benefit week shall, if the beneficiary is entitled to a relevant social security benefit or would be so entitled but for failure to satisfy the contribution conditions or had not exhausted his entitlement, be paid on the day and at the intervals appropriate to payment of that benefit.

[^{F90}(1A) Subject to sub-paragraph (2), where income support is paid to a person on the grounds of incapacity for work, that entitlement commenced on or after 13th April 1995, and no relevant social security benefit is paid to that person, the income support shall be paid fortnightly in arrears.]

(2) The Secretary of State may direct that income support in respect of any benefit week shall be paid at such intervals and on such days as he may in any particular case or class of case determine.]

Textual Amendments

- F88** Sch. 7 para. 3 substituted (9.10.1989) by *The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1989 (S.I. 1989/1686)*, regs. 1, **8(2)**
- F89** Words in Sch. 7 para. 3(1) inserted (13.4.1995) by *The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943)*, regs. 1(1), **14(3)**
- F90** Sch. 7 para. 3(1A) inserted (13.4.1995) by *The Social Security (Claims and Payments) Amendment (No. 2) Regulations 1994 (S.I. 1994/2943)*, regs. 1(1), **14(3)**

[^{F91}3A.—(1) Income support for any part-week shall be paid in accordance with an award on such day as the Secretary of State may in any particular case direct.

(2) In this paragraph, “part-week” has the same meaning as it has in Part VII of the *Income Support (General) Regulations 1987*.]

Textual Amendments

- F91** Sch. 7 para. 3A inserted (9.10.1989) by *The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1989 (S.I. 1989/1686)*, regs. 1, **8(3)**

4. [^{F92}In this Schedule] –

“benefit week” means, if the beneficiary is entitled to a relevant social security benefit or would be so entitled but for failure to satisfy the contribution conditions or had not exhausted his entitlement, the week corresponding to the week in respect of which that benefit is paid, and in any other case a period of 7 days beginning or ending with such day as the Secretary of State may direct; and

[^{F93}“Income Support Regulations” means the *Income Support (General) Regulations 1987*]

“relevant social security benefit” means ^{F94}... [^{F95}incapacity benefit], severe disablement allowance, retirement pension^{F96}, [^{F97}widowed parent’s allowance]] or widow’s benefit.

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Textual Amendments

- F92** Words in Sch. 7 para. 4 substituted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **10(2)**
- F93** Words in Sch. 7 para. 4 inserted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **10(2)(b)**
- F94** Words in Sch. 7 para. 4 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(2)(b)**
- F95** Words in Sch. 7 para. 4 substituted (13.4.1995) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 1994 \(S.I. 1994/2943\)](#), regs. 1(1), **14(4)**
- F96** Words in Sch. 7 para. 4 inserted (9.4.2001) by [The Social Security \(Benefits for Widows and Widowers\) \(Consequential Amendments\) Regulations 2000 \(S.I. 2000/1483\)](#), regs. 1, **9(7)(b)**
- F97** Words in Sch. 7 para. 4 substituted (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(13)(c)**

Payment of small amounts of income support **E+W+S**

5. Where the amount of income support is less than £1.00 a week the Secretary of State may direct that it shall be paid at such intervals as may be specified not exceeding 13 weeks.

Commencement of entitlement to income support **E+W+S**

6.—(1) Subject to sub-paragraphs (3) and (4), in a case where income support is payable in arrears entitlement shall commence on the date of claim.

(2) ^{F98}Subject to sub-paragraphs (2A) and (3) , in a case where, under paragraph 2, income support is payable in advance entitlement shall commence on the date of claim if that day is a day for payment of income support as determined under paragraph 3 but otherwise on the first such day after the date of claim.

^{F99}(2A) Where income support is awarded under regulation 17(3) for a definite period which is not a benefit week or a multiple of such a week entitlement shall commence on the date of claim.]

^{F100}(3) In a case where regulation 13 applies, entitlement shall commence on the day which is the relevant day for the purposes of that regulation]^{F101}except where income support is paid in advance, when entitlement shall commence on the relevant day, if that day is a day for payment as determined under paragraph 3 but otherwise on the first day for payment after the relevant day.]

^{F102}(4)

^{F103}(5) If a claim is made by a claimant within 3 days of the date on which he became resident in a resettlement place provided pursuant to section 30 of the Jobseekers Act or at a centre providing facilities for the rehabilitation of alcoholics or drug addicts, and the claimant is so resident for the purposes of that rehabilitation, then the claim shall be treated as having been made on the day the claimant became so resident.]

^{F104}(5A)

(6) Where, in consequence of a further claim for income support such as is mentioned in sub-paragraph 4(7) of Schedule 3 to the Income Support (General) Regulations 1987, a claimant is treated as occupying a dwelling as his home for a period before moving in, that further claim shall be treated as having been made on the date from which he is treated as so occupying the dwelling or the date of the claim made before he moved in to the dwelling and referred to in that sub-paragraph, whichever is the later.

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Textual Amendments

- F98** Words in Sch. 7 para. 6(2) substituted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **10(3)(a)**
- F99** Sch. 7 para. 6(2A) inserted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1, **10(3)(b)**
- F100** Sch. 7 para. 6(3) substituted (11.4.1988) by [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1(1), **10(3)(c)**
- F101** Words in Sch. 7 para. 6(3) added (9.3.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1992 \(S.I. 1992/247\)](#), regs. 1(1), **17(2)**
- F102** Sch. 7 para. 6(4) omitted (11.4.1988) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 1988 \(S.I. 1988/522\)](#), regs. 1, **10(3)(d)**
- F103** Sch. 7 para. 6(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(24)(c)**
- F104** Sch. 7 para. 6(5A) 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(24)(c)**

[^{F105}**Date from which superseding decision on ground of change of circumstances takes effect]** **E+W+S**

^{F106}7.

Textual Amendments

- F105** Sch. 7 para. 7 heading 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. 15(b)** (with reg. 3(1)(b), Schs. 21-23)
- F106** Words in Sch. 7 para. 7 omitted (19.6.2000) by virtue of [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#), regs. 1(1), **5**

SCHEDULE 8 **E+W+S**

Regulation 23(1)(a)

ELECTION TO HAVE CHILD BENEFIT PAID WEEKLY

1. A person to whom benefit is payable for an uninterrupted period beginning before and ending after 15th March 1982 may make an election, in accordance with paragraph 3, that benefit be payable weekly after that date, if either—

- (a) he makes the election before the end of the 26th week from the day on which benefit was payable for the first four weeks in respect of which the Secretary of State made arrangements for four-weekly payment to the person entitled in accordance with regulation 21 or regulation 23(1)(b); or
- (b) he was absent from Great Britain on the 15th March 1982 for one of the reasons specified in paragraph 4 and he makes the election before the end of the 26th week of the period beginning with the first week in respect of which benefit became payable to him in Great Britain on his return.

2. Subject to paragraph 5, a person entitled to benefit may make an election, in accordance with paragraph 3, that benefit be paid weekly if he satisfies either of the following conditions:

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- [^{F107}(a) he is a lone parent within the meaning set out in regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations 1976 ^{M4}, or]
- (b) he, or his spouse residing with him or the person with whom he is living as husband and wife, is receiving income support[^{F108}, [^{F109}an income-based jobseeker's allowance,][^{F110}or payment in accordance with an award of family credit or disability working allowance which was awarded with effect from a date falling before 5th October 1999]].

Textual Amendments

- F107** Sch. 8 para. 2(a) substituted (7.4.1997) by [The Child Benefit, Child Support and Social Security \(Miscellaneous Amendments\) Regulations 1996 \(S.I. 1996/1803\)](#), regs. 1(b), **21**
- F108** Words in Sch. 8 para. 2(b) substituted (3.2.1992) by [The Social Security \(Claims and Payments\) Amendment Regulations 1991 \(S.I. 1991/2741\)](#), **regs. 1(1)**, 28
- F109** Words in Sch. 8 para. 2(b) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(25)**
- F110** Words in Sch. 8 reg. 2(b) substituted (5.10.1999) by [The Social Security and Child Support \(Tax Credits\) Consequential Amendments Regulations 1999 \(S.I. 1999/2566\)](#), regs. 1(2), **4**

Marginal Citations

- M4** [S.I. 1976/1267](#); relevant amending instruments are [S.I. 1980/110](#), [1986/1172](#) and [S.I. 1996/1803](#).

3. An election for benefit to be payable weekly under paragraphs 1 or 2 shall be effected by giving notice in writing to the Secretary of State delivered or sent to the appropriate office and shall be made when it is received.

4. An election may not be made under paragraph 1(b) unless the person's absence abroad on the 15th March 1982 was by reason of his being—

- (a) a serving member of the forces, as defined by regulation 1(2) of the Social Security (Contributions) Regulations 1979 ^{M5}, or
- (b) the spouse of such a member, or
- (c) a person living with such a member as husband and wife.

Marginal Citations

- M5** [S.I. 1979/591](#), to which there are amendments not relevant to these Regulations.

5. Every person making an election for benefit to be paid weekly under paragraph 2 shall furnish such certificates, documents and such other information of facts as the Secretary of State may, in his discretion, require, affecting his right to receive payment of benefit weekly and in particular shall notify the Secretary of State in writing of any change of circumstances which he might reasonably be expected to know might affect the right to receive payment of benefit weekly, as soon as reasonably practicable after the occurrence thereof.

6. Where a person makes an election, in accordance with this regulation, for benefit to be paid weekly, it shall continue to be so payable—

- (a) in the case of an election under paragraph 1, so long as that person remains continually entitled to benefit, or
- (b) in the case of an election under paragraph 2, so long as that person remains continually entitled to benefit and the conditions specified in that paragraph continue to be satisfied.

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7. A person who has made an election that benefit be payable weekly may cancel it at any time by a notice in writing delivered or sent to the appropriate office; and effect shall be given to such a notice as soon as is convenient.

SCHEDULE 9 E+W+S

Regulation 35

DEDUCTIONS FROM BENEFIT AND DIRECT PAYMENT TO THIRD PARTIES

Interpretation E+W+S

1.—^{F111}(1) In this Schedule—

^{F112}“the Community Charges Regulations” means the Community Charges (Deductions from Income Support (No.2) Regulations 1990;

“the Community Charges (Scotland) Regulations” means the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989;

^{F113}“contribution-based jobseeker’s allowance” ^{F114}(except where used in sub-paragraph (2) (b)) means any contribution-based jobseeker’s allowance which does not fall within the definition of “specified benefit”;

^{F115}“contributory employment and support allowance” ^{F116}(except where used in sub-paragraph (3)(b)) means any contributory employment and support allowance which does not fall within the definition of “specified benefit”

“the Council Tax Regulations” means the Council Tax (Deductions from Income Support) Regulations 1993;

“family” in the case of a claimant who is not a member of a family means that claimant ^{F117}and for the purposes of state pension credit “a family” comprises the claimant, his partner, any additional partner to whom section 12(1)(c) of the 2002 Act applies and any person who has not attained the age of 19, is treated as a child for the purposes of section 142 of the Contributions and Benefits Act and lives with the claimant or the claimant’s partner;

^{F118}“the Fines Regulations” means the Fines (Deductions from Income Support) Regulations 1992.]

^{F119}“5 per cent. of the personal allowance for a single claimant aged not less than 25” means where the percentage is not a multiple of 5 pence the sum obtained by rounding that 5 per cent. to the next higher such multiple;]

^{F120}^{F121}“hostel” means a building—

- (a) in which there is provided for persons generally, or for a class of persons, accommodation, otherwise than in separate and self-contained premises, and either board or facilities of a kind set out in paragraph 4A(1)(d) below adequate to the needs of those persons and—
- (b) which is—
 - (i) managed by or owned by a housing association registered with ^{F122}the Regulator of Social Housing or the Welsh Ministers];
 - (ii) ^{F123}managed or owned by a registered social landlord which is registered in accordance with ^{F124}Part 2 of the Housing (Scotland) Act 2010];]
 - (iii) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or a local authority; or

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- (iv) managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community, and
- (c) which is not—
 - (i) a care home;
 - (ii) an independent hospital; or
 - (iii) an establishment run by the Abbeyfield Society including all bodies corporate or incorporated which are affiliated to that Society, and
- (d) in sub-paragraph (b)(iv) above, “voluntary organisation” shall mean a body the activities of which are carried out otherwise than for profit, but shall not include any public or local authority;]]

[^{F125}“housing authority” means a local authority, a new town corporation, ^{F126}... or the Development Board for Rural Wales;]

[^{F127}“the Housing Benefit Regulations” mean the Housing Benefit Regulations 2006;]

[^{F127}“the Housing Benefit (State Pension Credit) Regulations” mean the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006;]

[^{F128}“housing costs” means any housing costs met under—

- (a) Schedule 3 to the Income Support Regulations but—
 - (i) excludes costs under paragraph 17(1)(f) of that Schedule (tents and tent sites); and
 - (ii) includes costs under paragraphs 17(1)(a) (ground rent ^{F129}...) and 17(1)(c) (rentcharges) of that Schedule but only when they are paid with costs under paragraph 17(1)(b) of that Schedule (service charges); or
- (b) Schedule 2 to the Jobseeker’s Allowance Regulations but—
 - (i) excludes costs under paragraph 16(1)(f) of that Schedule (tents and tent sites); and
 - (ii) includes costs under paragraphs 16(1)(a) (ground rent ^{F129}...) and 16(1)(c) (rentcharges) of that Schedule but only when they are paid with costs under paragraph 16(1)(b) of that Schedule (service charges);]
- (c) [^{F130}Schedule II to the State Pension Credit Regulations but—
 - (i) excludes costs under paragraph 13(1)(f) of that Schedule (tents and sites); and
 - (ii) includes costs under paragraphs 13(1)(a) (ground rent ^{F129}...) and 13(1)(c) (rent charges) of that Schedule but only when they are paid with costs under paragraph 13(1)(b) of that Schedule (service charges);][^{F131}or]
- (d) [^{F131}Schedule 6 to the Employment and Support Allowance Regulations but—
 - (i) excludes costs under paragraph 18(1)(f) of that Schedule (tents and tent sites); and
 - (ii) includes costs under paragraph 18(1)(a) (ground rent) and 18(1)(c) (rent charges) of that Schedule but only where they are paid with costs under paragraph 18(1)(b) of that Schedule (service charges);]

^{F132} ...

“the Income Support Regulations” means the Income Support (General) Regulations 1987 ^{M6};

[^{F133}“integration loan which is recoverable by deductions” means an integration loan which is made under the Integration Loans for Refugees and Others Regulations 2007 and which is recoverable from the recipient by deductions from a specified benefit under regulation 9 of those Regulations]

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“miscellaneous accommodation costs” has the meaning assigned by paragraph 4(1);

F134 ...

“personal allowance for a single claimant aged not less than 25 years” means the amount specified [F135; in connection with income support and state pension credit] in [F136; paragraph 1(1)(e)] of column 2 of Schedule 2 to the Income Support Regulations [F137; or, [F138; in connection with jobseeker’s allowance], paragraph 1(1)(e) of Schedule 1 to the Jobseeker’s Allowance Regulations][F139; or, in connection with employment and support allowance, paragraph 1(1)(b) of Schedule 4 to the Employment and Support Allowance Regulations];

F140 ...

“rent” has the meaning assigned to it in the Housing Benefit Regulations and, for the purposes of this Schedule—

- (a) includes any water charges which are paid with or as part of the rent;
- (b) where in a particular case a claimant's rent includes elements which would not otherwise fall to be treated as rent, references to rent shall include those elements; and
- (c) references to “rent” include references to part only of the rent; and

“[F141; specified benefit” means—

- (a) [F142; income support or, where in respect of any period it is paid together with any incapacity benefit or severe disablement allowance—
 - (i) in a combined payment;
 - (ii) in part to the beneficiary and in part to another person in accordance with regulation 34; or
 - (iii) by means of two or more instruments of payment,
 income support and incapacity benefit or severe disablement allowance if the income support alone is insufficient for the purposes of this Schedule;]
- (b) F143F144 ...][F145; and
- (c) subject to sub-paragraph (2), jobseeker’s allowance;]
- (d) [F146; [F147; state pension credit or, where in respect of any period it is paid together with any retirement pension][F144; state pension under Part 1 of the Pensions Act 2014], incapacity benefit or severe disablement allowance—
 - (i) in a combined payment;
 - (ii) in part to the beneficiary and in part to another person in accordance with regulation 34; or
 - (iii) by means of two or more instruments of payment,
 state pension credit and retirement pension][F144; state pension under Part 1 of the Pensions Act 2014], incapacity benefit or severe disablement allowance if the state pension credit alone is insufficient for the purposes of this Schedule;]]
- (e) [F148; subject to sub-paragraph (3), employment and support allowance;]

F149 ...

[F150; “water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991;

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002;]

[^{F151}“water undertaker” means a company which has been appointed under section 11(1) of the Water Act 1989 to be the water or sewerage undertaker for any area in England and Wales [^{F152}or in respect of any area in Scotland, Scottish Water].]

[^{F153}(2) For the purposes of the definition of “specified benefit” in sub-paragraph (1), “jobseeker’s allowance” means—

(a) income-based jobseeker’s allowance; and

[^{F154}(b) contribution-based jobseeker’s allowance where—

(i) both income-based jobseeker’s allowance and contribution-based jobseeker’s allowance are in payment and the income-based jobseeker’s allowance alone is insufficient for the purposes of this Schedule; or

(ii) if there was no entitlement to contribution-based jobseeker’s allowance, there would be entitlement to income-based jobseeker’s allowance at the same rate.]]

[^{F155}(3) For the purposes of the definition of “specified benefit” in sub-paragraph (1) “employment and support allowance” means—

(a) income-related employment and support allowance; and

[^{F156}(b) contributory employment and support allowance where—

(i) both income-related employment and support allowance and contributory employment and support allowance are in payment and the income-related employment and support allowance alone is insufficient for the purposes of this Schedule; or

(ii) if there was no entitlement to a contributory employment and support allowance, there would be entitlement to income-related employment and support allowance at the same rate.]]

Textual Amendments

F111 Sch. 9 para. 1(1) substituted for Sch. 9 para. 1 (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(2)(a)**

F112 Words in Sch. 9 para. 1 inserted (1.4.1993) by [The Deductions from Income Support \(Miscellaneous Amendment\) Regulations 1993 \(S.I. 1993/495\)](#), regs. 1(1), **2(2)(a)**

F113 Words in Sch. 9 para. 1(1) inserted (7.10.1996) by [The Social Security \(Jobseekers Allowance Consequential Amendments\) \(Deductions\) Regulations 1996 \(S.I. 1996/2344\)](#), regs. 1(1), **25(2)**

F114 Words in Sch. 9 para. 1(1) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **8(a)(i)**

F115 Words in Sch. 9 para. 1(1) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(2)(a)(i)**

F116 Words in Sch. 9 para. 1(1) inserted (31.10.2011) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2011 \(S.I. 2011/2425\)](#), regs. 1(2), **8(a)(ii)**

F117 Words in Sch. 9 para. 1(1) added (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(a)(i)**

F118 Words in Sch. 9 para. 1 inserted (1.4.1993) by [The Deductions from Income Support \(Miscellaneous Amendment\) Regulations 1993 \(S.I. 1993/495\)](#), regs. 1(1), **2(2)(b)**

F119 Words in Sch. 9 para. 1 substituted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **12(1)(a)**

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- F120** Words in Sch. 9 para. 1 inserted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **12(1)(b)**
- F121** Words in Sch. 9 para. 1(1) substituted (24.10.2005) by The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, **13(3)(a)**
- F122** Words in Sch. 9 para. 1(1) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Consequential Provisions) (No. 2) Order 2010 (S.I. 2010/671), art. 1(2), **Sch. 1 para. 11** (with Sch. 2); S.I. 2010/862, art. 2
- F123** Words in Sch. 9 para. 1(1) substituted (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **3(2)(a)(i)**
- F124** Words in Sch. 9 para. 1(1) substituted (1.4.2012) by The Housing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2012 (S.I. 2012/700), art. 1(3), **Sch. para. 10**
- F125** Words in Sch. 9 para. 1 inserted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **12(1)(c)**
- F126** Words in Sch. 9 para. 1(1) omitted (17.11.2008) by virtue of The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **3(2)(a)(ii)**
- F127** Words in Sch. 9 para. 1(1) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 2(3)(a)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F128** Words in Sch. 9 para. 1(1) substituted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(a)(i)**
- F129** Words in Sch. 9 para. 1(1) 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), **3(2)(a)**
- F130** Words in Sch. 9 para. 1(1) added (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(ii)**
- F131** Words in Sch. 9 para. 1(1) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(a)(ii)**
- F132** Words in Sch. 9 para. 1(1) 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), **3(2)(b)**
- F133** Words in Sch. 9 para. 1(1) inserted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(a)**
- F134** Words in Sch. 9 para. 1(1) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(a) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F135** Words in Sch. 9 para. 1(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(iv)**
- F136** Words in Sch. 9 para. 1 substituted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **12(1)(f)**
- F137** Words in Sch. 9 para. 1(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(26)(a)(iv)**
- F138** Words in Sch. 9 para. 1(1) substituted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(iv)**
- F139** Words in Sch. 9 para. 1(1) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(a)(iv)**
- F140** Words in Sch. 9 para. 1 omitted (27.2.1989) by virtue of The Social Security (Claims and Payments and Payments on account, Overpayments and Recovery) Amendment Regulations 1989 (S.I. 1989/136), regs. 1(1), **2(7)(a)(ii)**
- F141** Words in Sch. 9 para. 1 substituted (4.4.1996) by The Social Security (Claims and Payments Etc.) Amendment Regulations 1996 (S.I. 1996/672), regs. 1, **2(7)**
- F142** Words in Sch. 9 para. 1(1) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(2)(c)(i)**

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- F143** Words in Sch. 9 para. 1 omitted (23.10.2002) by virtue of The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 2) Regulations 2002 (S.I. 2002/2441), regs. 1(1)(a), **12(b)** (with reg. 15)
- F144** Words in Sch. 9 para. 1(1) 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(19)(a)**
- F145** Words in Sch. 9 para. 1(1) inserted and omitted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(a)(iii)**
- F146** Words in Sch. 9 para. 1(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(a)(v)**
- F147** Words in Sch. 9 para. 1(1) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(2)(c)(ii)**
- F148** Words in Sch. 9 para. 1(1) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(a)(v)**
- F149** Words in Sch. 9 para. 1(1) omitted (11.4.2011) by virtue of The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **4(2)(a)**
- F150** Words in Sch. 9 para. 1(1) substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **15(4)(a)(i)**
- F151** Words in Sch. 9 para. 1 added (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **12(1)(g)**
- F152** Words in Sch. 9 para. 1(1) added (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **15(4)(a)(ii)**
- F153** Sch. 9 para. 1(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(26)(b)**
- F154** Sch. 9 para. 1(2)(b) substituted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **8(b)**
- F155** Sch. 9 para. 1(3) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(2)(b)**
- F156** Sch. 9 para. 1(3)(b) substituted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **8(c)**

Modifications etc. (not altering text)

- C2** Sch. 9 para. 1(1) modified (1.12.2008) by The Transfer of Housing Corporation Functions (Modifications and Transitional Provisions) Order 2008 (S.I. 2008/2839), art. 1(1), **Sch. para. 1** (with art. 6)

Marginal Citations

- M6** S.I. 1987/1967.

General **E+W+S**

2.—(1) The specified benefit may be paid direct to a third party in accordance with the following provisions of this Schedule in discharge of a liability of the beneficiary or his partner to that third party in respect of—

- (a) housing costs;
- (b) miscellaneous accommodation costs;
- [^{F157}(bb) hostel payments;]
- (c) service charges for fuel, and rent not falling within head (a) above;
- (d) fuel costs; ^{F158}...
- (e) water charges [^{F159}; and]

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[^{F160}(f) payments in place of payments of child support maintenance under section 43(1) of the Child Support Act 1991 and regulation 28 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992.]

(2) No payment to a third party may be made under this Schedule unless the amount of the beneficiary's award of the specified benefit is not less than the total of the amount otherwise authorised to be so paid under this Schedule plus 10 pence.

(3) A payment to be made to a third party under this Schedule shall be made, at such intervals as the Secretary of State may direct, on behalf of and in discharge (in whole or in part) of the obligation of the beneficiary or, as the case may be, of his partner, in respect of which the payment is made.

Textual Amendments

F157 Sch. 9 para. 2(1)(bb) inserted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **13**

F158 Word in Sch. 9 para. 2(1)(d) omitted (1.4.1993) by virtue of [The Social Security \(Claims and Payments\) Amendment Regulations 1993 \(S.I. 1993/478\)](#), regs. 1, **2(a)**

F159 Word in Sch. 9 para. 2(1)(e) inserted (1.4.1993) by [The Social Security \(Claims and Payments\) Amendment Regulations 1993 \(S.I. 1993/478\)](#), regs. 1, **2(a)**

F160 Sch. 9 para. 2(1)(f) inserted (1.4.1993) by [The Social Security \(Claims and Payments\) Amendment Regulations 1993 \(S.I. 1993/478\)](#), regs. 1, **2(a)**

Housing costs **E+W+S**

3.—(1) Subject to [^{F161}sub-paragraphs (4) to (6)] and paragraph 8, where a beneficiary who has been awarded the specified benefit or his partner is in debt for any item of housing costs which continues to be applicable to the beneficiary in the determination of his applicable amount [^{F162}or appropriate minimum guarantee], the [^{F163}Secretary of State] may, if in [^{F164}his] opinion it would be in the interests of the family to do so, determine that the amount of the award of the specified benefit (“the amount deductible”) calculated in accordance with the following sub-paragraphs shall be paid in accordance with sub-paragraph 2(3).

(2) [^{F165}Subject to sub-paragraphs (2A) and (3)], the amount deductible shall be such weekly aggregate of the following as is appropriate:—

- (a) in respect of any debt to which sub-paragraph (1) applies, or where the debt owed is in respect of an amount which includes more than one item of housing costs, a weekly amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 ^{F166}... for such period as it is necessary to discharge that debt, so however that in aggregate the weekly amount calculated under this sub-paragraph shall not exceed 3 times that 5 per cent.;

(b) for each such debt—

^{F167}(i)

(ii) [^{F168}for any housing item] , the actual weekly cost necessary in respect of continuing needs for the relevant items,

and the [^{F169}Secretary of State] may direct that, when the debt is discharged, the amount determined under sub-paragraph (b) shall be the amount deductible.

[^{F170}(2A) Where a payment falls to be made to a third party in accordance with this Schedule, and—

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- (a) more than one item of housing costs falls to be taken into account in determining the beneficiary’s applicable amount [^{F171}or appropriate minimum guarantee]; and
- (b) in accordance with ^{F172}... [^{F173}paragraph 18] of Schedule 3 to the Income Support Regulations [^{F174}or, as the case may be, ^{F172}... paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations] [^{F175}or ^{F176}... paragraph 14 of Schedule II to the State Pension Credit Regulations] [^{F177}or ^{F178}... paragraph 19 of Schedule 6 to the Employment and Support Allowance Regulations] an amount is not allowed or a deduction falls to be made from the amount to be met by way of housing costs,
then in calculating the amount deductible, the weekly aggregate ascertained in accordance with sub-paragraph (2) shall be reduced by an amount determined by applying the formula—

$$C \times BA$$

where—

- A = housing costs;
- B = the item of housing costs which falls to be paid to a third party under this Schedule;
- C = the sum which is not allowed or falls to be deducted in accordance with [^{F173}^{F172}... paragraph 18] of Schedule 3 to the Income Support Regulations [^{F174}or, as the case may be, paragraph 4(8) or (11) or paragraph 17 of Schedule 2 to the Jobseeker’s Allowance Regulations] [^{F175}or paragraph 5(9) or (12) or paragraph 14 of Schedule II to the State Pension Credit Regulations] [^{F179}or paragraph 6(10) or (13) or paragraph 19 of Schedule 6 to the Employment and Support Allowance Regulations].]

(3) Where the aggregate amount calculated under sub-paragraph (2) is such that paragraph 2(2) would operate to prevent any payment under this paragraph being made that aggregate amount shall be adjusted so that 10 pence of the award is payable to the beneficiary.

[^{F180}(4) Sub-paragraph (1) shall not apply to any debt which is for any item of housing costs and is less than half the annual amount due to be paid by the beneficiary or his partner in respect of that item, unless, in the opinion of the Secretary of State it is in the overriding interests of the family that paragraph (1) should apply.]

^{F181}(5)

^{F181}(6)

Textual Amendments

F161 Words in Sch. 9 para. 3(1) substituted (25.5.1992 for specified purposes and with effect in accordance with reg. 1(3)(4) by [The Social Security \(Claims and Payments\) Amendment Regulations 1992](#) (S.I. 1992/1026), reg. 1(3)(4), **5(2)(a)**

F162 Words in Sch. 9 para. 3(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002](#) (S.I. 2002/3019), regs. 1(2)(a), **14(1)(b)(i)**

F163 Words in Sch. 9 para. 3(1) substituted (18.10.1999) 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. 12(a)**

F164 Word in Sch. 9 para. 3(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. 16(a)** (with reg. 3(1)(b), Schs. 21-23)

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- F165** Words in Sch. 9 para. 3(2) substituted (25.5.1992 for specified purposes and with effect in accordance with reg. 1(3)(4)) by The Social Security (Claims and Payments) Amendment Regulations 1992 (S.I. 1992/1026), reg. 1(3)(4), **5(2)(b)**
- F166** Words in Sch. 9 para. 3(2)(a) omitted (11.4.1988) by virtue of The Social Security (Claims and Payments) Amendment Regulations 1988 (S.I. 1988/522), regs. 1(1), **11(2)**
- F167** Sch. 9 para. 3(2)(b)(i) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(i) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F168** Words in Sch. 9 para. 3(2)(b)(ii) substituted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(ii) (as inserted) (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F169** Words in Sch. 9 para. 3(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. 12(a)**
- F170** Sch. 9 para. 3(2A) inserted (25.5.1992 for specified purposes and with effect in accordance with reg. 1(3)(4)) by The Social Security (Claims and Payments) Amendment Regulations 1992 (S.I. 1992/1026), reg. 1(3)(4), **5(2)(c)**
- F171** Words in Sch. 9 para. 3(2A)(a) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(b)(i)**
- F172** Words in Sch. 9 para. 3(2A)(b) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(iii)(aa) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F173** Words in Sch. 9 para. 3(2A) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Income Support and Claims and Payments) Amendment Regulations 1995 (S.I. 1995/1613), reg. 1(1), **Sch. 2 para. 3**
- F174** Words in Sch. 9 para. 3(2A) inserted (7.10.1996) by The Social Security (Claims and Payments) (Jobseekers Allowance Consequential Amendments) Regulations 1996 (S.I. 1996/1460), regs. 1, **2(26)(c)**
- F175** Words in Sch. 9 para. 3(2A) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(b)(ii)**
- F176** Words in Sch. 9 para. 3(2A)(b) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(iii)(bb) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F177** Words in Sch. 9 para. 3(2A)(b) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(3)(a)**
- F178** Words in Sch. 9 para. 3(2A)(b) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(iii)(cc) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F179** Words in Sch. 9 para. 3(2A) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(3)(b)**
- F180** Sch. 9 para. 3(4) substituted (6.4.2018) by The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F181** Sch. 9 para. 3(5)(6) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(b)(v) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)

Miscellaneous accommodation costs **E+W+S**

4.—(1) [^{F182}Where an award of income support^{F183}, jobseeker's allowance^{F184}, state pension credit or employment and support allowance]]—

- (a) [^{F185}in the case of income support] is made to a person [^{F186}residing in a care home, an Abbeyfield Home or an independent hospital] as defined in regulation

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[^{F187}2(1)] of the Income Support Regulations [^{F188}or, [^{F189}in the case of jobseeker’s allowance] regulation 1(3) of the Jobseeker’s Allowance Regulations][^{F190}or in the case of employment and support allowance, regulation 2(1) of the Employment and Support Allowance Regulations], or

(b) [^{F191}in the case of income support, jobseeker’s allowance or employment and support allowance, is made to person who is in accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947 (provision by the Secretary of State of accommodation in camps); or]

[^{F191}(c) in the case of state pension credit, is made to a person residing in—

- (i) a care home as defined in regulation 1(2) of the State Pension Credit Regulations;
- (ii) an independent hospital as defined in regulation 1(2) of those Regulations;
- (iii) an establishment run by the Abbeyfield Society (including all bodies corporate or incorporate which are affiliated to the Society); or
- (iv) accommodation provided under section 3(1) of, and Part 2 of the Schedule to, the Polish Resettlement Act 1947 where the person requires personal care,]

([^{F192}or to a person who is only temporarily absent from such accommodation])] the [^{F193}Secretary of State] may determine that an amount of the specified benefit shall be paid direct to the person or body to whom the charges in respect of that accommodation are payable [^{F194}hereafter in this paragraph referred to as “miscellaneous accommodation costs], but, [^{F195}except in a case where accommodation is provided under section 3(1) of, and Part II of the Schedule to, the Polish Resettlement Act 1947] or where the accommodation is [^{F196}run by a voluntary organisation either for purposes similar to the purposes for which resettlement units are provided] or which provides facilities for alcoholics or drug addicts, only if the [^{F193}Secretary of State] is satisfied that the beneficiary has failed to budget for the charges and that it is in the interests of the family.

[^{F197}(2) Subject to sub-paragraphs (3) and (3A), the amount of any payment of income support, jobseeker’s allowance][^{F198}, state pension credit or employment and support allowance] to a third party determined under sub-paragraph (1) shall be—

(a) in a case where the beneficiary is not in accommodation as specified in [^{F199}sub-paragraph (1)(c)(ii)] ,

^{F200}(i)

^{F200}(ii)

an amount equal to the award of income support, jobseeker’s allowance][^{F201}, guarantee credit or employment and support allowance] payable to the claimant but excluding an amount, if any, which when added to any other income of the beneficiary as determined in accordance with regulation 28 of the Income Support Regulations, regulation 93 of the Jobseeker’s Allowance Regulations][^{F202}, regulation 90 of the Employment and Support Allowance Regulations] or regulation 17 of the State Pension Credit Regulations will equal the amount prescribed in respect of personal expenses in sub-paragraph (2A); and

(b) in any other case, the amount of the award of income support, jobseeker’s allowance][^{F203}, guarantee credit or employment and support allowance], excluding the amount allowed by sub-paragraph (2A) in respect of personal expenses.]

[^{F197}(2A) The amount in respect of personal expenses where a beneficiary is in accommodation referred to in paragraphs 4(1)(a)][^{F204}, (b) or (c)] shall be—

(a) for a single person the sum of [^{F205}£25] ;

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- (b) for a couple where both members of the couple are in such accommodation, [^{F205}£25] for each member;
- (c) for a member of a polygamous marriage where more than one member is in such accommodation, [^{F205}£25] for each member in such accommodation.]
- [^{F197}[^{F206}(3) This sub-paragraph shall apply where an award is made of—
- (a) income support calculated in accordance with Part VII of the Income Support Regulations (calculation of income support for part-weeks); or
- (b) jobseeker’s allowance calculated in accordance with Part XI of the Jobseeker’s Allowance Regulations (part-weeks); ^{F207} ...
- (c) state pension credit for a period of less than a week calculated under regulation 13A of the State Pension Credit Regulations (part-weeks), or a part week payment of state pension credit calculated otherwise;][^{F208}or]
- [^{F208}(d) employment and support allowance for a period of less than a week calculated in accordance with Part 14 of the Employment and Support Allowance Regulations (periods of less than a week).]

[^{F197}(3A) Where sub-paragraph (3) applies then the amount of any payment to a third party determined under sub-paragraph (1) shall be an amount calculated in accordance with sub-paragraph (2)(a) or (b) as appropriate except that in respect of—

- (a) the income of the beneficiary, if any; and
- (b) the amount allowed for personal expenses by sub-paragraph (2A) above,

the amount shall be the amount used in the calculation under the provisions listed in sub-paragraph (3)(a), (b) or (c), divided by 7 and multiplied by the number of days in the part-week and no payment shall be made to a third party where the Secretary of State certifies it would be impracticable to do so in that particular case.]

(4) Where the amount calculated under sub-paragraphs [^{F209}(2) or (3A)] is such that paragraph 2(2) would operate to prevent any payment under this paragraph being made the amount shall be adjusted so that 10 pence of the award is payable to the beneficiary.]

Textual Amendments

- F182** Words in Sch. 9 para. 4(1) substituted (1.4.1993) by [The Social Security Benefits \(Amendments Consequential Upon the Introduction of Community Care\) Regulations 1992 \(S.I. 1992/3147\)](#), reg. 1(1), **Sch. 1 para. 8(1)**
- F183** Words in Sch. 9 para. 4(1) substituted (6.10.2003) by [The Social Security \(Third Party Deductions and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2325\)](#), regs. 1, **2(2)(a)**
- F184** Words in Sch. 9 para. 4(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), **26(4)(a)(i)**
- F185** Words in Sch. 9 para. 4(1)(a) inserted (6.10.2003) by [The Social Security \(Third Party Deductions and Miscellaneous Amendments\) Regulations 2003 \(S.I. 2003/2325\)](#), regs. 1, **2(2)(b)(i)**
- F186** Words in Sch. 9 para. 4(1)(a) substituted (24.10.2005) by [The Social Security \(Care Homes and Independent Hospitals\) Regulations 2005 \(S.I. 2005/2687\)](#), regs. 1, **13(3)(b)(i)(aa)**
- F187** Word in Sch. 9 para. 4(1)(a) substituted (8.4.2002) by [The Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2002 \(S.I. 2002/398\)](#), reg. 1, **2(3)(a)(i)**
- F188** Words in Sch. 9 para. 4(1)(a) inserted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(26)(d)(ii)**

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- F189** Words in Sch. 9 para. 4(1)(a) substituted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(b)(ii)**
- F190** Words in Sch. 9 para. 4(1)(a) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(a)(ii)**
- F191** Sch. 9 para. 4(1)(b)(c) substituted for Sch. 9 para. 4(1)(b) (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **5(3)(a)**
- F192** Words in Sch. 9 para. 4(1) substituted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(d)(i)**
- F193** Words in Sch. 9 para. 4(1) substituted (18.10.1999) 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. 12(a)**
- F194** Words in Sch. 9 para. 4(1) inserted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(d)(ii)**
- F195** Words in Sch. 9 para. 4(1) substituted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(d)(iii)**
- F196** Words in Sch. 9 para. 4(1) 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(7)(b)(i)(bb)**
- F197** Sch. 9 para. 4(2)-(3A) substituted for Sch. 9 para. 4(2) (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(e)**
- F198** Words in Sch. 9 para. 4(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), **26(4)(b)(i)**
- F199** Words in Sch. 9 para. 4(2)(a) substituted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **5(3)(b)**
- F200** Sch. 9 para. 4(2)(a)(i)(ii) omitted (24.10.2005) by virtue of The Social Security (Care Homes and Independent Hospitals) Regulations 2005 (S.I. 2005/2687), regs. 1, **13(3)(b)(ii)**
- F201** Words in Sch. 9 para. 4(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), **26(4)(b)(ii)(aa)**
- F202** Words in Sch. 9 para. 4(2)(a) inserted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(b)(ii)(bb)**
- F203** Words in Sch. 9 para. 4(2)(b) substituted (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(4)(b)(iii)**
- F204** Words in Sch. 9 para. 4(2A) substituted (29.10.2013) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2013 (S.I. 2013/2536), regs. 1(1), **5(3)(c)**
- F205** Word in Sch. 9 para. 4(2A) substituted (9.4.2018) by The Social Security Benefits Up-rating Regulations 2018 (S.I. 2018/332), regs. 1(1), **5**
- F206** Sch. 9 para. 4(3)(4) inserted (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(7)(b)(iii)**
- F207** Word in Sch. 9 para. 4(3)(b) 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), **26(4)(c)(i)**
- F208** Sch. 9 para. 4(3)(d) 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), **26(4)(c)(ii)**
- F209** Words in Sch. 9 para. 4(4) substituted (6.10.2003) by The Social Security (Third Party Deductions and Miscellaneous Amendments) Regulations 2003 (S.I. 2003/2325), regs. 1, **2(2)(f)**

^{F210} Hostel payments **E+W+S**

4A.—(1) This paragraph applies to a beneficiary if—

(a) ^{F211}the beneficiary] has been awarded specified benefit; and

^{F212}(b) either the beneficiary or the beneficiary's partner—

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- (i) is resident in a hostel and has claimed housing benefit in the form of a rent rebate or rent allowance; or
- (ii) is resident in approved premises under section 13 of the Offender Management Act 2007; and]

^{F213}(c)

- (d) the charge for [^{F214}the hostel or approved premises, as the case may be,] includes a payment, whether direct or indirect, for one or more of the following services—
 - (i) water;
 - (ii) a service charge for fuel;
 - (iii) meals;
 - (iv) laundry;
 - (v) cleaning (other than communal areas).

(2) Subject to sub-paragraph (3) below, where a beneficiary ^{F215}... has been awarded specified benefit the [^{F216}Secretary of State] may determine that an amount of specified benefit shall be paid to the person or body to whom the charges referred to in sub-paragraph (1)(d) above are or would be payable.

- (3) The amount of any payment to a third party under this paragraph shall be either—
 - (a) the aggregate of the amounts determined by a housing authority in accordance with the provisions specified in sub-paragraph (4); or
 - (b) if no amount has been determined under paragraph (a) of this subparagraph, an amount which the [^{F217}Secretary of State] estimates to be the amount which is likely to be so determined.

[^{F218}(4) The provisions referred to in sub-paragraph (3)(a) above are [^{F219}regulation 12B(5)] of, and paragraphs 1(a)(ii) and (iv), 2, 3, 4 and either 6(1)(b) or 6(2) or 6(3) or 6(4) of Schedule 1 to, the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations.]

^{F220}(5)

- (6) [^{F221}Where—
 - (a) an award of income support is calculated in accordance with regulation 73(1) of the Income Support Regulations (calculation of income support for part-weeks); ^{F222}...
 - (b) an award of jobseeker’s allowance is calculated in accordance with regulation 150(1) of the Jobseeker’s Allowance Regulations (amount of a jobseeker’s allowance payable), [^{F223}or]]
 - [an award of employment and support allowance is calculated in accordance with
- ^{F223}(c) regulation 165 of the Employment and Support Allowance Regulations (entitlement of less than a week etc.),]

the amount of any payment of income support or, as the case may be, jobseeker’s allowance [^{F224}or employment and support allowance] payable to a third party determined under sub-paragraph (2) above shall be an amount calculated in accordance with sub-paragraph (3)(a) or (b) above divided by 7 and multiplied by the number of days in the part-week, and no payment shall be made to a third party under this sub-paragraph where the Secretary of State certifies that it would be impracticable to do so in that particular case.]

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Textual Amendments

- F210** Sch. 9 para. 4A inserted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **15**
- F211** Words in Sch. 9 para. 4A(1)(a) substituted (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(a)**
- F212** Sch. 9 para. 4A(1)(b) substituted (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(b)**
- F213** Sch. 9 para. 4A(1)(c) omitted (13.7.2009) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(c)**
- F214** Words in Sch. 9 para. 4A(1)(d) substituted (13.7.2009) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2009 \(S.I. 2009/1490\)](#), regs. 1, **2(8)(d)**
- F215** Words in Sch. 9 para. 4A(2) omitted (16.11.1992) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(4)(a)**
- F216** Words in Sch. 9 para. 4A(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. 12(a)**
- F217** Words in Sch. 9 para. 4A(3) 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. 12(a)**
- F218** Sch. 9 para. 4A(4) substituted (6.3.2006) by [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 2(3)(b)(i)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F219** Words in Sch. 9 para. 4A(4) substituted (with application in accordance with reg. 1(3)-(5) of the amending S.I.) by [The Housing Benefit \(Local Housing Allowance, Miscellaneous and Consequential\) Amendment Regulations 2007 \(S.I. 2007/2870\)](#), regs. 1(2), **2(a)**
- F220** Sch. 9 para. 4A(5) omitted (6.3.2006) by virtue of [The Housing Benefit and Council Tax Benefit \(Consequential Provisions\) Regulations 2006 \(S.I. 2006/217\)](#), reg. 1(1), **Sch. 2 para. 2(3)(b)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F221** Sch. 9 para. 4A(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(26)(g)**
- F222** Word in Sch. 9 para. 4A(6)(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), **26(5)(a)(i)**
- F223** Sch. 9 para. 4A(6)(c) and word inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(5)(a)(ii)**
- F224** Words in Sch. 9 para. 4A(6) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(5)(b)**

Service charges for fuel, and rent not falling within paragraph 2(1)(a) **E+W+S**

- 5.—(1) Subject to paragraph 8, this paragraph applies to a beneficiary if—
- (a) he has been awarded the specified benefit; and
 - (b) he or his partner is entitled to housing benefit in the form of a rent rebate or rent allowance [^{F225}or is resident in approved premises under section 13 of the Offender Management Act 2007]; and
 - (c) [^{F226}unless sub-paragraph (1A) applies,] he or his partner has arrears of rent which equal or exceed four times the full weekly rent payable and—
 - (i) there are arrears of rent in respect of at least 8 weeks and the landlord has requested the Secretary of State to make payments in accordance with this paragraph; or

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(ii) there are arrears of rent in respect of less than 8 weeks and in the opinion of the ^{F227}Secretary of State] it is in the overriding interests of the family that payments shall be made in accordance with this paragraph.

^{F228}(1A) This sub-paragraph applies where the rent includes charges for services included under paragraph 4A(1)(d) and the arrears for these services exceed £100.00.]

^{F229}(1B) For the purposes of sub-paragraphs (1) and (1A), references to “rent” include charges incurred in respect of accommodation in approved premises under section 13 of the Offender Management Act 2007.]

^{F230}(2) For the purposes of sub-paragraph (1) arrears of rent do not include any amount which falls to be deducted under regulation 74 of the Housing Benefit Regulations (non-dependant deductions) or, as the case may be, regulation 55 of the Housing Benefit (State Pension Credit) Regulations (non-dependant deductions) when assessing a person’s housing benefit.]

(3) ^{F231}The]^{F232}Secretary of State] shall determine that a weekly amount of the specified benefit awarded to the beneficiary shall be paid to his or his partner's landlord if–

(a) he or his partner is entitled to housing benefit and in calculating that benefit a deduction is made under ^{F233}^{F234}regulation 12B(2)] of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations] in respect of either or both of water charges or service charges for fuel; and

(b) the amount of the beneficiary's award is not less than the amount of the deduction,

and the amount to be so paid shall be equal to the amount of the deduction.

^{F235}(4)

^{F236}(5) A determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraphs (3) and (6) exceeds ^{F237}a sum calculated in accordance with paragraph 8(4);]

^{F238}^{F239}(5A)

(6) In a case to which sub-paragraph (1) ^{F240}or (1A)] applies the ^{F241}Secretary of State] may determine that a weekly amount of the specified benefit awarded to that beneficiary equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 ^{F242}... shall be paid to his landlord^{F243}, or the person or body to whom charges are payable in respect of the residence of the beneficiary or the beneficiary's partner in approved premises under section 13 of the Offender Management Act 2007,] until the debt is discharged.

^{F244}(7) Immediately after the discharge of any arrears of rent to which sub-paragraph (1) ^{F245}or (1A)] applies and in respect of which a determination has been made under sub-paragraph (6) the ^{F246}Secretary of State] may, if satisfied that it would be in the interests of the family to do so, direct that an amount, equal to the amount by which the eligible rent is to be reduced by virtue of ^{F247}^{F248}regulation 12B(2)] of the Housing Benefit Regulations or, as the case may be, the Housing Benefit (State Pension Credit) Regulations] in respect of charges for water or service charges for fuel or both, shall be deductible.]

Textual Amendments

F225 Words in Sch. 9 para. 5(1)(b) added (6.4.2010) by [The Social Security \(Miscellaneous Amendments\) Regulations 2010 \(S.I. 2010/510\)](#), regs. 1(2), **3(7)(a)**

F226 Words in Sch. 9 para. 5(1)(c) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(a)(i)**

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- F227** Words in Sch. 9 para. 5(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. 12(a)**
- F228** Sch. 9 para. 5(1A) inserted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **3(2)(a)(ii)**
- F229** Sch. 9 para. 5(1B) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(7)(b)**
- F230** Sch. 9 para. 5(2) substituted (11.4.2011) by The Social Security (Miscellaneous Amendments) Regulations 2011 (S.I. 2011/674), regs. 1(4), **4(2)(b)**
- F231** Word in Sch. 9 para. 5(3) substituted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(7)(c)**
- F232** Words in Sch. 9 para. 5(3) 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. 12(a)**
- F233** Words in Sch. 9 para. 5(3)(a) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 2(3)(c)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F234** Words in Sch. 9 para. 5(3)(a) substituted (with application in accordance with reg. 1(3)-(5) of the amending S.I.) by The Housing Benefit (Local Housing Allowance, Miscellaneous and Consequential) Amendment Regulations 2007 (S.I. 2007/2870), regs. 1(2), **2(b)**
- F235** Sch. 9 para. 5(4) omitted (6.3.2006) by virtue of The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 2(3)(c)(iii)** (with regs. 2, 3, Sch. 3, Sch. 4)
- F236** Sch. 9 para. 5(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(26)(f)**
- F237** Words in Sch. 9 para. 5(5) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(a)(i)**
- F238** Sch. 9 para. 5(5A) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(a)(ii)**
- F239** Sch. 9 para. 5(5A) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(c)**
- F240** Words in Sch. 9 para. 5(6) inserted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **3(2)(a)(iii)**
- F241** Words in Sch. 9 para. 5(6) 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. 12(a)**
- F242** Words in Sch. 9 para. 5(6) omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **16**
- F243** Words in Sch. 9 para. 5(6) inserted (6.4.2010) by The Social Security (Miscellaneous Amendments) Regulations 2010 (S.I. 2010/510), regs. 1(2), **3(7)(d)**
- F244** Sch. 9 para. 5(7) inserted (16.11.1992) by The Social Security (Miscellaneous Provisions) Amendment (No. 2) Regulations 1992 (S.I. 1992/2595), regs. 1(1)(a), **8(5)**
- F245** Words in Sch. 9 para. 5(7) inserted (14.4.2008) by The Social Security (Miscellaneous Amendments) Regulations 2008 (S.I. 2008/698), regs. 1(1), **3(2)(a)(iv)**
- F246** Words in Sch. 9 para. 5(7) 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. 12(a)**
- F247** Words in Sch. 9 para. 5(7) substituted (6.3.2006) by The Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (S.I. 2006/217), reg. 1(1), **Sch. 2 para. 2(3)(c)(ii)** (with regs. 2, 3, Sch. 3, Sch. 4)

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F248 Words in Sch. 9 para. 5(7) substituted (with application in accordance with reg. 1(3)-(5) of the amending S.I.) by [The Housing Benefit \(Local Housing Allowance, Miscellaneous and Consequential\) Amendment Regulations 2007 \(S.I. 2007/2870\)](#), regs. 1(2), 2(b)

Fuel costs E+W+S

6.—(1) [^{F249}Subject to sub-paragraphs (6) and (6A)] and paragraph 8, where a beneficiary who has been awarded the specified benefit or his partner is in debt for any [^{F250}fuel item] to an amount not less than the rate of personal allowance for a single claimant aged not less than 25 and continues to require [^{F251}the fuel in respect of which the debt arose (“the relevant fuel”)], the [^{F252}Secretary of State], if in its opinion it would be in the interests of the family to do so, may determine that the amount of the award of the specified benefit (“the amount deductible”) calculated in accordance with the following paragraphs shall be paid to the person or body to whom payment is due in accordance with paragraph 2(3).

(2) The amount deductible shall, in respect of any fuel item, be such weekly aggregate of the following as is appropriate:—

- [^{F253}(a) in respect of each debt to which sub-paragraph (1) applies (“the original debt”), a weekly amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 for such period as is necessary to discharge the original debt, but the aggregate of the amounts, calculated under this paragraph shall not exceed twice 5 per cent. of the personal allowance for a single claimant aged not less than 25;]
- (b) except where current consumption is paid for by other means (for example pre-payment meter), an amount equal to the estimated average weekly cost necessary to meet the continuing needs for [^{F254}the relevant fuel], varied, when appropriate, in accordance with sub-paragraph (4)(a)[^{F255}, plus such weekly amount as is required to meet any payments required to be made under a green deal plan within the meaning of section 1 of the Energy Act 2011 (“the 2011 Act)].

^{F256}(3)

(4) Where an amount is being paid direct to a person or body on behalf of the beneficiary or his partner in accordance with a determination under sub-paragraph (1) and [^{F257}a decision which embodies that determination falls to be superseded]—

- (a) where since the date of that determination the average weekly cost estimated for the purpose of sub-paragraph (2)(b) has either exceeded or has proved insufficient to meet the actual cost of continuing consumption so that in respect of the continuing needs for [^{F258}the relevant fuel] the beneficiary or his partner is in credit or, as the case may be, a further debt has accrued, the [^{F252}Secretary of State] may determine that the weekly amount calculated under that paragraph shall, for a period of 26 weeks [^{F259}or such longer period as may be reasonable in the circumstances of the case], be adjusted so as to take account of that credit or further debt;
- (b) where an original debt in respect of any fuel item has been discharged the [^{F252}Secretary of State] may determine that the amount deductible in respect of that fuel item shall be the amount determined under sub-paragraph (2)(b).

^{F260}(5)

[^{F261}(6) Subject to paragraph 8, a determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraph (2) exceeds [^{F262}a sum calculated in accordance with paragraph 8(4);]]

^{F263}[^{F264}(6A)]

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F²⁶⁵(7)

[F²⁶⁶(8) In this paragraph, “fuel item” means—

- (a) any charge for mains gas, including for the reconnection of mains gas; and
- (b) any charge for mains electricity, including any charge for the disconnection or reconnection of mains electricity and including any payments required to be made under a green deal plan within the meaning of section 1 of the 2011 Act.]

Textual Amendments

- F249** Words in Sch. 9 para. 6(1) substituted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(d)(i)**
- F250** Words in Sch. 9 para. 6(1) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(a)(i)**
- F251** Words in Sch. 9 para. 6(1) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(a)(ii)**
- F252** Words in Sch. 9 para. 6(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. 12(a)**
- F253** Sch. 9 para. 6(2)(a) substituted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **17(a)**
- F254** Words in Sch. 9 para. 6(2)(b) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(b)**
- F255** Words in Sch. 9 para. 6(2)(b) added (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(c)**
- F256** Sch. 9 para. 6(3) omitted (1.11.1991) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **17(b)**
- F257** Words in Sch. 9 para. 6(4) 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. 16(b)** (with reg. 3(1)(b), Schs. 21-23)
- F258** Words in Sch. 9 para. 6(4)(a) substituted (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(d)**
- F259** Words in Sch. 9 para. 6(4)(a) inserted (16.11.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(6)**
- F260** Sch. 9 para. 6(5) omitted (1.11.1991) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **17(b)**
- F261** Sch. 9 para. 6(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(26)(g)**
- F262** Words in Sch. 9 para. 6(6) substituted (2.10.2006) by [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(b)(i)**
- F263** Sch. 9 para. 6(6A) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(b)(ii)**
- F264** Sch. 9 para. 6(6A) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(d)(ii)**
- F265** Sch. 9 para. 6(7) omitted (1.11.1991) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **17(b)**
- F266** Sch. 9 para. 6(8) added (2.4.2013) by [The Social Security \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/443\)](#), regs. 1, **3(e)**

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Water charges **E+W+S**

[^{F2677}—(1) This paragraph does not apply where water charges are paid with rent; and in this paragraph “original debt” means the debt to which sub-paragraph (2) applies, [^{F268}including any disconnection or reconnection charges and any other costs (including legal costs) arising out of that debt].

(2) Where a beneficiary or his partner is liable, whether directly or indirectly, for water charges and is in debt for those charges, the [^{F269}Secretary of State] may determine, subject to paragraph 8, that a weekly amount of the specified benefit shall be paid either to a water undertaker to whom that debt is owed, or to the person or body authorised to collect water charges for that undertaker, [^{F270}but only if [^{F271}the Secretary of State] is satisfied that the beneficiary or his partner has failed to budget for those charges, and that it would be in the interests of the family to make the determination.]

(3) Where water charges are determined by means of a water meter, the weekly amount to be paid under sub-paragraph (2) shall be the aggregate of—

- (a) in respect of the original debt, an amount equal to 5 per cent. of the personal allowance for a single claimant aged not less than 25 years; and
- (b) the amount which the [^{F272}Secretary of State] estimates to be the average weekly cost necessary to meet the continuing need for water consumption.

(4) Where the sum estimated in accordance with sub-paragraph (3)(b) proves to be greater or less than the average weekly cost necessary to meet the continuing need for water consumption so that a beneficiary or his partner accrues a credit, or as the case may be a further debt, the [^{F273}Secretary of State] may determine that the sum so estimated shall be adjusted for a period of 26 weeks [^{F274}or such longer period as may be reasonable in the circumstances of the case] to take account of that credit or further debt.

(5) Where water charges are determined other than by means of a water meter the weekly amount to be paid under sub-paragraph (2) shall be the aggregate of—

- (a) the amount referred to in sub-paragraph (3)(a); and
- (b) an amount equal to the weekly cost necessary to meet the continuing need for water consumption.

(6) When the original debt in respect of water charges is discharged, the [^{F275}Secretary of State] may direct that the amount deductible shall be—

- (a) where water charges are determined by means of a water meter, the amount determined under sub-paragraph (3)(b) taking into account any adjustment that may have been made in accordance with sub-paragraph (4); and
- (b) in any other case, the amount determined under sub-paragraph (5)(b).

(7) Where the beneficiary or his partner is in debt to two water undertakers—

- (a) only one weekly amount under sub-paragraph (3)(a) or (5)(a) shall be deducted; and
- (b) a deduction in respect of an original debt for sewerage shall only be made after the whole debt in respect of an original debt for water has been paid; and
- (c) deductions in respect of continuing charges for both water and for sewerage may be made at the same time.

(8) [^{F276}Subject to paragraph 8 (maximum amount of payments to third parties), a determination under this paragraph shall not be made without the consent of the beneficiary if the aggregate amount calculated in accordance with sub-paragraphs (3), (4), (5) and (6) exceeds [^{F277}a sum calculated in accordance with sub-paragraph 8(4);]]

^{F278}[^{F279}(9)]

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Textual Amendments

- F267** Sch. 9 para. 7 substituted (1.11.1991) by [The Social Security \(Miscellaneous Provisions\) Amendment Regulations 1991 \(S.I. 1991/2284\)](#), regs. 1, **18**
- F268** Words in Sch. 9 para. 7(1) substituted (3.10.1994) by [The Social Security \(Claims and Payments\) Amendment Regulations 1994 \(S.I. 1994/2319\)](#), regs. 1(1), **7(3)**
- F269** Words in Sch. 9 para. 7(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. 12(a)**
- F270** Words in Sch. 9 para. 7(2) substituted (16.11.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(7)(a)**
- F271** Words in Sch. 9 para. 7(2) 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. 16(c)** (with reg. 3(1)(b), Schs. 21-23)
- F272** Words in Sch. 9 para. 7(3)(b) 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. 12(a)**
- F273** Words in Sch. 9 para. 7(4) 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. 12(a)**
- F274** Words in Sch. 9 para. 7(4) inserted (16.11.1992) by [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1(1)(a), **8(7)(b)**
- F275** Words in Sch. 9 para. 7(6) 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. 12(a)**
- F276** Sch. 9 para. 7(8) substituted (7.10.1996) by [The Social Security \(Claims and Payments\) \(Jobseekers Allowance Consequential Amendments\) Regulations 1996 \(S.I. 1996/1460\)](#), regs. 1, **2(26)(h)**
- F277** Words in Sch. 9 para. 7(8) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(c)(i)**
- F278** Sch. 9 para. 7(9) omitted (2.10.2006) by virtue of [The Social Security \(Miscellaneous Amendments\) \(No. 3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **2(5)(c)(ii)**
- F279** Sch. 9 para. 7(9) added (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(1)(e)**

^{F280}Payments in place of payments of child support maintenance **E+W+S**

7A.—^{F281}(1) Subject to sub-paragraph (2), where ^{F282}[the Secretary of State] has determined that section 43 of that Act and regulation 28 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (contribution to maintenance by deduction from benefit) apply in relation to a beneficiary or his partner, the ^{F283}[Secretary of State] shall [subject to paragraph 8], if it is satisfied that there is sufficient specified benefit in payment, determine that a weekly amount of that benefit shall be deducted by the Secretary of State for transmission to the person or persons entitled to it.]

(2) Not more than one deduction shall be made under ^{F284}[sub-paragraph (1)] in any one benefit week as defined in paragraph 4 of Schedule 7.

(3) ^{F285}[Subject to sub-paragraph (4),] the amount of specified benefit to be paid under this paragraph shall be the amount prescribed by regulation 28(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 for the purposes of section 43 (2)(a) of the Child Support Act 1991 ^{F286}....]

^{F287}(4) Where, apart from the provisions of this sub-paragraph, the provisions of paragraphs 8(1) and 9 would result in the maximum aggregate amount payable equalling 2 times 5 per cent. of the

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personal allowance for a single claimant aged not less than 25 years, the amount of specified benefit to be paid under this paragraph shall be one half of the amount specified in sub-paragraph (3).]

Textual Amendments

- F280** Sch. 9 para. 7A inserted (1.4.1993) by [The Social Security \(Claims and Payments\) Amendment Regulations 1993 \(S.I. 1993/478\)](#), regs. 1, **2(b)**
- F281** Sch. 9 para. 7A(1) substituted (27.9.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 3\) Regulations 1993 \(S.I. 1993/2113\)](#), regs. 1(2), **3(11)**
- F282** Words in Sch. 9 para. 7A(1) substituted (1.6.1999) by [The Social Security Act 1998 \(Commencement No. 7 and Consequential and Transitional Provisions\) Order 1999 \(S.I. 1999/1510\)](#), arts. 2, **4**
- F283** Words in Sch. 9 para. 7A(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. 12(a)**
- F284** Words in Sch. 9 para. 7A(2) substituted (27.9.1993) by [The Social Security \(Claims and Payments\) Amendment \(No. 3\) Regulations 1993 \(S.I. 1993/2113\)](#), regs. 1(2), **3(12)**
- F285** Words in Sch. 9 para. 7A(3) inserted (8.4.1996) by [The Child Support \(Maintenance Assessments and Special Cases\) and Social Security \(Claims and Payments\) Amendment Regulations 1996 \(S.I. 1996/481\)](#), regs. 1(1), **5(2)(a)**
- F286** Words in Sch. 9 para. 7A(3) omitted (8.4.1996) by virtue of [The Child Support \(Maintenance Assessments and Special Cases\) and Social Security \(Claims and Payments\) Amendment Regulations 1996 \(S.I. 1996/481\)](#), regs. 1(1), **5(2)(b)**
- F287** Sch. 9 para. 7A(4) inserted (8.4.1996) by [The Child Support \(Maintenance Assessments and Special Cases\) and Social Security \(Claims and Payments\) Amendment Regulations 1996 \(S.I. 1996/481\)](#), regs. 1(1), **5(3)**

[^{F288} Arrears of child support maintenance **E+W+S**

7B.—(1) Where a beneficiary is entitled to contribution-based jobseeker's allowance [^{F289}or contributory employment and support allowance] and an arrears notice has been served on the beneficiary, the Secretary of State may request in writing that an amount in respect of arrears of child support maintenance be deducted from the beneficiary's jobseeker's allowance.

(2) Where a request is made in accordance with sub-paragraph (1), the [^{F290}Secretary of State] shall determine that an amount in respect of the arrears of child support maintenance shall be deducted from the beneficiary's jobseeker's allowance [^{F289}or contributory employment and support allowance] for transmission to the person entitled to it.

(3) Subject to sub-paragraphs (4) and (5), the amount to be deducted under sub-paragraph (2) shall be the weekly amount requested by the Secretary of State, subject to a maximum of one-third of the age-related amount applicable to the beneficiary under section 4(1)(a) of the Jobseekers Act.

[
^{F291}(3A) Subject to sub-paragraphs (4) and (5), the amount to be deducted from the beneficiary's employment and support allowance under sub-paragraph (2) is the weekly amount requested from the beneficiary's employment and support allowance by the Secretary of State, subject to a maximum of one-third of the amount applicable to the beneficiary under regulation 67(2) of the Employment and Support Allowance Regulations (prescribed amounts).]

(4) No deduction shall be made under this paragraph where a deduction is being made from the beneficiary's contribution-based jobseeker's allowance [^{F289}or contributory employment and support allowance] under the Community Charges Regulations, the Community Charges (Scotland) Regulations, the Fines Regulations or the Council Tax Regulations.

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(5) Where the sum that would otherwise fall to be deducted under this paragraph includes a fraction of a penny, the sum to be deducted shall be rounded down to the next whole penny.

(6) In this paragraph—

“arrears notice” means a notice served in accordance with regulation 2(2) of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992; and

“child support maintenance” means such periodical payments as are referred to in section 3(6) of the Child Support Act 1991.]

Textual Amendments

F288 Sch. 9 para. 7B inserted (7.10.1996) by [The Social Security \(Jobseekers Allowance Consequential Amendments\) \(Deductions\) Regulations 1996 \(S.I. 1996/2344\)](#), regs. 1(1), **25(3)**

F289 Words in Sch. 9 para. 7B inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(6)(a)**

F290 Words in Sch. 9 para. 7B(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. 12(a)**

F291 Sch. 9 para. 7B(3A) inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(6)(b)**

[^{F292}Eligible loans **E+W+S**

7C.—(1) In this paragraph—

“borrower” means a person who has, either solely or jointly, entered into a loan agreement with an eligible lender in respect of an eligible loan and who is, for the time being, entitled to an eligible benefit;

“eligible lender” means—

- (a) a body registered under section 1 of the Industrial and Provident Societies Act 1965 (societies which may be registered);
- (b) a credit union within the meaning of section 1 of the Credit Unions Act 1979 (registration under the Industrial and Provident Societies Act 1965);
- (c) a charitable institution within the meaning of section 58(1) of the Charities Act 1992 (interpretation of Part II);
- (d) a body entered on the Scottish Charity Register under section 3 of the Charities and Trustee Investment (Scotland) Act 2005 (Scottish Charities Register),
- (e) [^{F293}a community interest company within the meaning of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004,]

which, except for a credit union, is licensed under the Consumer Credit Act 1974 and which may be determined by the Secretary of State as an appropriate body to which payments on behalf of the borrower may be made in respect of loans made by that body;

“eligible loan” means a loan made by a lender, who is at that time an eligible lender, to a borrower except a loan—

- (a) which is secured by a charge or pledge;
- (b) which is for the purpose of business or self-employment; or
- (c) which was made by means of a credit card;

“loan agreement” means an agreement between the eligible lender and the borrower in respect of an eligible loan.

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- (2) In this paragraph “eligible benefit” means—
- (a) carer’s allowance;
 - (b) the following contributory benefits—
 - (i) incapacity benefit;
 - (ii) retirement pension; ^{F294} ...
 - [state pension under Part 1 of the Pensions Act 2014; or]
 - ^{F295}(iii)
 - (c) the following benefits—
 - (i) income support;
 - (ii) jobseeker’s allowance;
 - (iii) state pension credit.
 - [employment and support allowance.]
 - ^{F296}(iv)

(3) Where the conditions set out in sub-paragraph (4) are met the Secretary of State may deduct a sum from an eligible benefit to which the borrower is entitled equal to 5 per cent. of the personal allowance for a [^{F297}single claimant] aged not less than 25 and pay that sum to the eligible lender towards discharge of the sum owing under the loan agreement at the date of the application.

- (4) The conditions referred to in sub-paragraph (3) are—
- (a) the borrower has failed to make payments as agreed with the eligible lender for a period of 13 weeks before the date of the application and has not resumed making payments;
 - (b) the borrower has given his written permission to the eligible lender to provide to the Secretary of State personal data within the meaning of section 1 of the Data Protection Act 1998 (basic interpretive provisions);
 - (c) the eligible lender has agreed that no interest or other charge will be added to the amount owed at the date of the application;
 - (d) no sum is being deducted under this paragraph;
 - (e) no sum is being deducted from the borrower’s eligible benefit under section 71(8) of the 1992 Act (overpayments-general) at the date of the application; and
 - (f) no sum is being deducted from the borrower’s eligible benefit under section 78 of the 1992 Act (recovery of social fund awards) at the date of the application.

(5) The Secretary of State shall notify the borrower and the eligible lender in writing of a decision to make a deduction under this paragraph.

(6) The Secretary of State may make deductions under this paragraph only if the borrower is entitled to an eligible benefit throughout any benefit week.

^{F298}(6A) The Secretary of State shall not make deductions from a benefit mentioned in sub-paragraph (2) where the borrower is in receipt of any benefit within the meaning of “eligible benefit” in paragraph 11(8) (eligible loans) of Schedule 6 (deductions from benefit and direct payment to third parties) to the 2013 Regulations unless the amount of benefit mentioned in that definition is insufficient to meet the deduction.]

(7) The Secretary of State shall not make deductions from a benefit mentioned in sub-paragraph (2)(a) where the borrower is in receipt of another eligible benefit unless that benefit is one mentioned in sub-paragraph (2)(b) and is insufficient to enable the deduction to be made or is a benefit mentioned in sub-paragraph (2)(c) and the amount is insufficient to meet the deduction plus 10 pence.

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(8) The Secretary of State shall not make deductions from a benefit mentioned in sub-paragraph (2)(b) where the borrower is in receipt of a benefit mentioned in sub-paragraph (2)(c) unless the amount of that benefit is insufficient to meet the deduction plus 10 pence.

(9) The Secretary of State shall cease making deductions from an eligible benefit [^{F299}under this paragraph] if—

- (a) there is no longer sufficient entitlement to an eligible benefit to enable him to make the deduction;
- (b) entitlement to all eligible benefits has ceased;
- (c) a sum is deducted from the borrower's eligible benefit under section 71(8) of the 1992 Act;
- (d) an eligible lender notifies the Secretary of State that he no longer wishes to accept payments by deductions;
- (e) the borrower's liability to make payment in respect of the eligible loan has ceased;
- (f) the lender has ceased to be an eligible lender; or
- (g) the borrower no longer resides in Great Britain.

(10) The sums deducted from an eligible benefit by the Secretary of State under this paragraph shall be paid to the eligible lender.

(11) The Secretary of State shall notify the borrower in writing of the total of sums deducted by him under any application—

- (a) on receipt of a written request for such information from the borrower; or
- (b) on the termination of deductions.

(12) Where a deduction is made under this paragraph from a specified benefit, paragraph 8 (maximum amount of payment to third parties) is to have effect as if—

- (a) in sub-paragraph (1) for “and 7A” there were substituted “, 7A and 7C”; and
- (b) in sub-paragraph (2) for “and 7” there were substituted “, 7 and 7C”.]

Textual Amendments

- F292** Sch. 9 para. 7C inserted (27.12.2006) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2006 \(S.I. 2006/3188\)](#), regs. 1, **2(3)(a)**
- F293** Words in Sch. 9 para. 7C(1) inserted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(b)(i)**
- F294** Word in Sch. 9 para. 7C(2)(b)(ii) omitted (coming into force in accordance with art. 1(2)(b) of the amending S.I.) by virtue of [The Pensions Act 2014 \(Consequential, Supplementary and Incidental Amendments\) Order 2015 \(S.I. 2015/1985\)](#), arts. 1(2)(b), **9(19)(b)(i)**
- F295** Sch. 9 para. 7C(2)(b)(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(19)(b)(ii)**
- F296** Sch. 9 para. 7C(2)(c)(iv) added (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **26(7)**
- F297** Words in Sch. 9 para. 7C(3) substituted (14.4.2008) by [The Social Security \(Miscellaneous Amendments\) Regulations 2008 \(S.I. 2008/698\)](#), regs. 1(1), **3(2)(b)(ii)**
- F298** Sch. 9 para. 7C(6A) inserted (29.7.2013) by [The Social Security \(Miscellaneous Amendments\) \(No. 2\) Regulations 2013 \(S.I. 2013/1508\)](#), regs. 1(2)(a), **2(3)**
- F299** Words in Sch. 9 para. 7C(9) inserted (30.4.2010) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2010 \(S.I. 2010/870\)](#), regs. 1, **2(2)(a)**

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[^{F300} Integration loans **E+W+S**]

7D. Subject to paragraphs 2(2), 8 and 9, where a person has an integration loan which is recoverable by deductions, any weekly amount payable shall be equal to 5 per cent. of the personal allowance of a single claimant aged not less than 25 years, including where the loan is a joint loan.]

Textual Amendments

F300 Sch. 9 para. 7D inserted (31.7.2007) by *The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866)*, regs. 1, **2(b)**

[^{F301} Tax credits overpayment debts and self-assessment debts **E+W+S**]

7E.—(1) In this paragraph—

“self-assessment debt” means any debt which—

- (a) has arisen from submission of a self-assessment to Her Majesty’s Revenue and Customs under section 9 of the Taxes Management Act 1970 (returns to include self-assessment); and
- (b) is recoverable under Part 6 of that Act;

“tax credits overpayment debt” means any debt which is recoverable under section 29 of the Tax Credits Act 2002 (recovery of overpayments).

(2) Where the conditions set out in sub-paragraph (3) are met, the Secretary of State may deduct from a specified benefit to which the beneficiary is entitled a sum which is up to a maximum of 3 times 5 per cent of the personal allowance for a single claimant aged not less than 25 and pay that sum to Her Majesty’s Revenue and Customs towards discharge of any outstanding tax credits overpayment debt or self-assessment debt owed by the beneficiary to Her Majesty’s Revenue and Customs.

(3) The conditions mentioned in sub-paragraph (2) are—

- (a) that the beneficiary has given written consent to Her Majesty’s Revenue and Customs for deductions to be made from a specified benefit towards discharge of any outstanding tax credits overpayment debt or self-assessment debt owed by the beneficiary to Her Majesty’s Revenue and Customs; and
- (b) no sum is being deducted under this paragraph.

(4) The Secretary of State shall cease making deductions from a specified benefit under this paragraph if—

- (a) there is no longer sufficient entitlement to a specified benefit to enable deductions to be made;
- (b) entitlement to all specified benefits has ceased;
- (c) the beneficiary withdraws consent for the Secretary of State to make deductions from a specified benefit; or
- (d) the beneficiary is no longer liable to repay any tax credits overpayment debt or self-assessment debt.

(5) The Secretary of State shall notify the beneficiary in writing of the total sums deducted under this paragraph—

- (a) on receipt of a written request for such information from the beneficiary; or
- (b) on the termination of deductions.

(6) Where a deduction is made under this paragraph from a specified benefit, paragraph 8 (maximum amount of payment to third parties) is to have effect as if—

- (a) in sub-paragraph (1) for “and 7A” there were substituted “, 7A and 7E”; and
- (b) in sub-paragraph (2) for “and 7D” there were substituted “, 7D and 7E”.]

Textual Amendments

F301 Sch. 9 para. 7E inserted (30.4.2010) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2010 \(S.I. 2010/870\)](#), regs. 1, **2(2)(b)**

Maximum amount of payments to third parties E+W+S

8.—(1) The maximum aggregate amount payable under [^{F302}paragraphs] 3(2)(a), 5(6), 6(2)(a) [^{F303}, 7(3)(a) [^{F304}, 7(5)(a) and 7A]]^{F305}... [^{F306}, and]]^{F307} regulation 5 of the Council Tax Regulations and regulation 4 of the Fines Regulations]]^{F308}, and in respect of an integration loan which is recoverable by deductions] shall not exceed an amount equal to 3 times 5 per cent. of the personal allowance for a single claimant aged not less than 25 years.

(2) The maximum [^{F309}aggregate] amount payable under [^{F310}paragraphs 3(2)(a), 5, 6^{F311}, 7 and 7D]] shall not without the consent of the beneficiary, exceed [^{F312}a sum calculated in accordance with sub-paragraph (4);]

^{F313}[^{F314}(2A)]

^{F315}[^{F316}(3)]

[^{F317}(4) The sum referred to in sub-paragraph (2) is—

- (a) where the claimant or partner does not receive child tax credit, 25 per cent of—
 - (i) in the case of income support, the applicable amount for the family as is awarded under sub-paragraphs (a) to (d) of regulation 17(1) (applicable amounts) or sub-paragraphs (a) to (e) of regulation 18(1) (polygamous marriages) of the Income Support Regulations;
 - (ii) in the case of jobseeker’s allowance, the applicable amount for the family as is awarded under paragraphs (a) to (e) of regulation 83 (applicable amounts) or sub-paragraphs (a) to (f) of regulation 84(1) (polygamous marriages) of the Jobseeker’s Allowance Regulations; ^{F318}...
 - (iii) in the case of state pension credit, the appropriate minimum guarantee less any housing costs under Schedule 2 to the State Pension Credit Regulations 2002 which may be applicable in the particular case; or

[in the case of an employment and support allowance, the applicable amount for the ^{F319}[^{F320}(iv) family as is awarded under paragraph (1)(a) and (b) of regulation 67 (prescribed amounts) or paragraph (1)(a) to (c) of regulation 68 (polygamous marriages) of the Employment and Support Allowance Regulations; or]]

- (b) where the claimant or his partner receives child tax credit, 25 per cent of the sum of—
 - (i) the amount mentioned in [^{F321}sub-paragraphs (a)(i) to (iv)], which applies to the claimant;
 - (ii) the amount of child benefit awarded to him or his partner by the Board under Part 2 of the Tax Credits Act 2002; and
 - (iii) the amount of child tax credit awarded to him or his partner by the Board under section 8 of that Act.]

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Textual Amendments

- F302** Words in Sch. 9 para. 8(1) substituted (8.4.1996) by The Child Support (Maintenance Assessments and Special Cases) and Social Security (Claims and Payments) Amendment Regulations 1996 (S.I. 1996/481), regs. 1(1), **6**
- F303** Words in Sch. 9 para. 8(1) substituted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **19(a)**
- F304** Words in Sch. 9 para. 8(1) substituted (1.4.1993) by The Deductions from Income Support (Miscellaneous Amendment) Regulations 1993 (S.I. 1993/495), regs. 1(1), **2(3)(a)**
- F305** Words in Sch. 9 para. 8(1) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(2)(a)**
- F306** Words in Sch. 9 para. 8(1) inserted (1.4.1993) by The Deductions from Income Support (Miscellaneous Amendment) Regulations 1993 (S.I. 1993/495), regs. 1(1), **2(3)(b)**
- F307** Words in Sch. 9 para. 8(1) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(4)**
- F308** Words in Sch. 9 para. 8(1) inserted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(c)(i)**
- F309** Words in Sch. 9 para. 8(2) inserted (5.12.1990) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1990 (S.I. 1990/2208), regs. 1(1)(c), **16(3)(a)**
- F310** Words in Sch. 9 para. 8(2) substituted (1.11.1991) by The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **19(b)(i)**
- F311** Words in Sch. 9 para. 8(2) substituted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(c)(ii)**
- F312** Words in Sch. 9 para. 8(2) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(d)(i)**
- F313** Sch. 9 para. 8(2A) omitted (2.10.2006) by virtue of The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(d)(ii)**
- F314** Sch. 9 para. 8(2A) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(1)(f)**
- F315** Sch. 9 para. 8(3) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(2)(b)**
- F316** Sch. 9 para. 8(3) inserted (25.5.1992 for specified purposes and for specified purposes and with effect in accordance with reg. 1(3)(4)) by The Social Security (Claims and Payments) Amendment Regulations 1992 (S.I. 1992/1026), **reg. 1(3)(4)**, 5(3)(b)
- F317** Sch. 9 para. 8(4) added (2.10.2006) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2006 (S.I. 2006/2377), regs. 1, **2(5)(d)(iii)**
- F318** Word in Sch. 9 para. 8(4)(a)(ii) 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), **26(8)(a)**
- F319** Sch. 9 para. 8(4)(a)(iv) added (27.7.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **26(8)(b)**
- F320** Sch. 9 para. 8(4)(a)(iv) substituted (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), **Sch. 4 para. 67** (with reg. 3)
- F321** Words in Sch. 9 para. 8(4)(b)(i) substituted (1.4.2012) by The Social Security (Miscellaneous Amendments) Regulations 2012 (S.I. 2012/757), regs. 1(4), **15(4)(b)**

Modifications etc. (not altering text)

- C3** Sch. 9 para. 8 modified by SI 2010/1907 Sch. 2 para. 21(b)(ii) (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(10)**

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Priority as between certain debts **E+W+S**

9.—^{F322}(1)

^{F322}(1A) Where in any one week—

- (a) more than one of paragraphs 3 to [^{F323}7A, 7C or 7E] are applicable to the beneficiary; or
- (b) one or more of those paragraphs are applicable to the beneficiary and one or more of the following provisions, namely, Schedule 9A, regulation 2 of the Community Charges Regulations, [^{F324}regulation 3 of the Community Charges Regulations, regulation 3 of the Community Charges (Scotland) Regulations, regulation 4 of the Fines Regulations^{F325}, regulation 5 of the Council Tax Regulations and regulation 9 of the Integration Loans for Refugees and Others Regulations 2007] also applies; and
- (c) the amount of the specified benefit which may be made to third parties is insufficient to meet the whole of the liabilities for which provision is made;

the order of priorities specified in sub-paragraph (1)(B) shall apply.

(1B) The order of priorities which shall apply in sub-paragraph (1)(A) is—

^{F326}(za)

- (a) any liability mentioned in paragraph 3 (housing costs)^{F327}, paragraph 4 (miscellaneous accommodation costs) or paragraph 4A (hostel payments)];
- (b) any liability mentioned in paragraph 5 (service charges for fuel and rent not falling within paragraph 2(1)(a));
- (c) any liability mentioned in paragraph 6 (fuel costs);
- (d) any liability mentioned in paragraph 7 (water charges);
- (e) any liability mentioned in [^{F328}regulation 3 of the Community Charges Regulations (deductions from income support etc.), regulation 3 of the Community Charges (Scotland) Regulations (deductions from income support etc.) or any liability mentioned in regulation 5 of the Council Tax Regulations (deductions from debtor’s income support etc.)];
- (f) any liability mentioned in [^{F329}regulation 4 of the Fines Regulations (deductions from offender’s income support etc.)];
- (g) any liability mentioned in paragraph 7A (payments in place of payments of child support maintenance).]

^{F330}(ga) any liability to repay an integration loan which is recoverable by deductions.]

^{F331}(h) any liability mentioned in paragraph 7C (liability in respect of loans).]

^{F332}(i) any liability mentioned in paragraph 7E (tax credits overpayment debts and self-assessment debts).]

^{F333}(2)

(3) As between liabilities for items of gas or electricity the [^{F334}Secretary of State] shall give priority to whichever liability it considers it would, having regard to the circumstances and to any requests of the beneficiary, be appropriate to discharge.

^{F335}(4)

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Textual Amendments

- F322** Sch. 9 para. 9(1A)(1B) substituted for Sch. 9(1) (1.4.1993) by The Deductions from Income Support (Miscellaneous Amendment) Regulations 1993 (S.I. 1993/495), regs. 1(1), **2(4)**
- F323** Words in Sch. 9 para. 9(1A)(a) substituted (30.4.2010) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2010 (S.I. 2010/870), regs. 1, **2(2)(e)(i)**
- F324** Words in Sch. 9 para. 9(1A)(b) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(5)(a)**
- F325** Words in Sch. 9 para. 9(1A)(b) substituted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(d)(i)**
- F326** Sch. 9 para. 9(1B)(za) omitted (7.4.1997) by virtue of The Social Security and Child Support (Miscellaneous Amendments) Regulations 1997 (S.I. 1997/827), regs. 1(1), **7(2)(d)**
- F327** Words in Sch. 9 para. 9(1B)(a) added (17.11.2008) by The Social Security (Miscellaneous Amendments) (No.6) Regulations 2008 (S.I. 2008/2767), regs. 1(2), **3(2)(b)**
- F328** Words in Sch. 9 para. 9(1B)(e) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(5)(b)**
- F329** Words in Sch. 9 para. 9(1B)(f) substituted (11.4.2005) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2005 (S.I. 2005/777), regs. 1(1), **3(5)(c)**
- F330** Sch. 9 para. 9(1A)(ga) inserted (31.7.2007) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2007 (S.I. 2007/1866), regs. 1, **2(d)(ii)**
- F331** Sch. 9 para. 9(1B)(h) added (27.12.2006) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2006 (S.I. 2006/3188), regs. 1, **2(3)(b)(ii)**
- F332** Sch. 9 para. 9(1B)(i) added (30.4.2010) by The Social Security (Claims and Payments) Amendment (No. 2) Regulations 2010 (S.I. 2010/870), regs. 1, **2(2)(c)(ii)**
- F333** Sch. 9 para. 9(2) omitted by S.I. 2017/725, Sch. 5 para. 7(4)(c) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19-21)
- F334** Words in Sch. 9 para. 9(3) 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. 12(a)**
- F335** Sch. 9 para. 9(4) omitted (1.11.1991) by virtue of The Social Security (Miscellaneous Provisions) Amendment Regulations 1991 (S.I. 1991/2284), regs. 1, **20**

^{F336}SCHEDULE 9A **E+W+S**

Regulations 34A and 34B

Textual Amendments

- F336** Sch. 9A omitted by S.I. 2017/725, Sch. 5 para. 7(5) (as inserted) (6.4.2018) by virtue of The Loans for Mortgage Interest and Social Fund Maternity Grant (Amendment) Regulations 2018 (S.I. 2018/307), regs. 1(2), **2(18)(e)** (with regs. 19 - 21)

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[^{F337}SCHEDULE 9B E+W+S

Regulation 35

DEDUCTIONS FROM BENEFIT IN RESPECT OF CHILD SUPPORT MAINTENANCE AND PAYMENT TO PERSONS WITH CARE

Textual Amendments

F337 Sch. 9B inserted (31.1.2001) by [The Social Security \(Claims and Payments\) Amendment Regulations 2001 \(S.I. 2001/18\)](#), regs. 1(1), 2(b), **Sch.** (with reg. 3)

Interpretation E+W+S

1. In this Schedule—

“the Act” means the Child Support Act 1991,

“beneficiary” means a person who has been awarded a specified benefit and includes each member of a joint-claim couple awarded joint-claim jobseeker’s allowance,

[^{F338}“fee” means any collection fee under Part 3 of the Child Support Fees Regulations 2014 which is payable by the non-resident parent,]

“maintenance” [^{F339}, except in paragraph 3,] means maintenance which a non-resident parent is liable to pay under the Act at a flat rate of child support maintenance (or would be so liable but for a variation having been agreed to), and that rate applies (or would have applied) because he falls within paragraph 4(1)(b) or (c) or 4(2) of Schedule 1 to the Act, and includes such maintenance payable at a transitional rate in accordance with Regulations made under section 29(3)(a) of the Child Support, Pensions and Social Security Act 2000,

“specified benefit” means either a benefit, pension or allowance mentioned in section 5(2) of the Social Security Administration Act 1992 and which is prescribed for the purpose of paragraph 4(1)(b) or (c) of Schedule 1 to the Act or a war disablement pension or a war widow’s pension within the meaning of section 150(2) of the Social Security Contributions and Benefits Act 1992.

Textual Amendments

F338 Words in Sch. 9B para. 1 inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(2)**

F339 Words in Sch. 9B para. 1 inserted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2002 \(S.I. 2002/1950\)](#), regs. 1(2), **3(a)**

Deductions E+W+S

2.—(1) Subject to paragraphs 5 and 6, the Secretary of State may deduct from a specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance [^{F340}and any fee] which is payable by the beneficiary (or in the case of income support [^{F341}, state pension credit] [^{F342}, income-based jobseeker’s allowance or income-related employment and support allowance], payable either by the beneficiary or his partner) and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance [^{F343}, and retain any amount deducted in discharge of any liability to pay a fee].

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(2) A deduction [^{F344}for maintenance and fees] may only be made from one of the specified benefits in any one week.

[^{F345}(2A) Where paragraph 5 (flat rate maintenance) of Schedule 7 (deductions from benefit in respect of child support maintenance and payment to persons with care) to the 2013 Regulations applies, the Secretary of State shall not make deductions under paragraphs 5 and 6 of this Schedule, unless the amount of “specified benefit” within the meaning of paragraph 1 of Schedule 7 to the 2013 Regulations is insufficient to meet the deduction under paragraph 5 of that Schedule.]

(3) No deduction may be made unless the amount of the relevant specified benefit is not less than the total of the amounts to be deducted under this Schedule plus 10 pence.

Textual Amendments

- F340** Words in Sch. 9B para. 2(1) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(3)(a)(i)**
- F341** Words in Sch. 9B para. 2(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(3)**
- F342** Words in Sch. 9B para. 2(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), **28(2)**
- F343** Words in Sch. 9B para. 2(1) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(3)(a)(ii)**
- F344** Words in Sch. 9B para. 2(2) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(3)(b)**
- F345** Sch. 9B para. 2(2A) inserted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **2(4)**

Arrears **E+W+S**

3.—(1) Except where income support^{F346}, state pension credit^{F347}, income-based jobseeker's allowance or income-related employment and support allowance] is payable to the beneficiary or his partner, the Secretary of State may deduct the sum of [^{F348}£1.20] per week from a specified benefit which the beneficiary has been awarded and, subject to sub-paragraph (2), pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary's liability to pay arrears of maintenance^{F349}, and retain any amount deducted in discharge of any liability to pay a fee].

(2) Deductions made under sub-paragraph (1) may be retained by the Secretary of State in the circumstances set out in regulation 8 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992.

[^{F350}(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by section 3(6) of the Act—

- (a) before the amendment of the definition of such maintenance by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000;
- (b) after the amendment of the definition; or
- (c) both before and after the amendment of the definition,

and includes maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of that Act.]

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Textual Amendments

- F346** Words in Sch. 9B para. 3(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(3)**
- F347** Words in Sch. 9B para. 3(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), **28(3)**
- F348** Sum in Sch. 9B para. 3(1) substituted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(4)(a)**
- F349** Words in Sch. 9B para. 3(1) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(4)(b)**
- F350** Sch. 9B para. 3(3) added (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Social Security \(Claims and Payments\) Amendment \(No. 2\) Regulations 2002 \(S.I. 2002/1950\)](#), regs. 1(2), **3(b)**

Apportionment **E+W+S**

4. Where maintenance is payable to more than one person with care, the amount deducted [^{F351}in respect of maintenance] shall be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 to the Act.

Textual Amendments

- F351** Words in Sch. 9B para. 4 inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(5)**

Flat rate maintenance **E+W+S**

5.—(1) This sub-paragraph applies where the beneficiary and his partner are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Act and either of them has been awarded income support [^{F352}, state pension credit] [^{F353}, income-based jobseeker's allowance or income-related employment and support allowance].

(2) Where sub-paragraph (1) applies, an amount not exceeding [^{F354}the flat rate of maintenance] [^{F355}and any fee] may be deducted in respect of the sum of both partners' liability to pay maintenance [^{F356}and any fee], in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 [^{F357}or regulation 44(3) of the Child Support Maintenance Calculation Regulations 2012] and shall be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance [^{F358}or retained in discharge of any liability to pay a fee].

Textual Amendments

- F352** Words in Sch. 9B para. 5(1) inserted (7.4.2003) by [The State Pension Credit \(Consequential, Transitional and Miscellaneous Provisions\) Regulations 2002 \(S.I. 2002/3019\)](#), regs. 1(2)(a), **14(3)**
- F353** Words in Sch. 9B para. 5(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), **28(4)**
- F354** Words in Sch. 9B para. 5(2) substituted (25.11.2013) by [The Child Support and Claims and Payments \(Miscellaneous Amendments and Change to the Minimum Amount of Liability\) Regulations 2013 \(S.I. 2013/1654\)](#), reg. 1(2)(3), **3(a)**
- F355** Words in Sch. 9B para. 5(2) inserted (12.8.2014) by [The Child Support Fees Regulations 2014 \(S.I. 2014/612\)](#), regs. 1(4), **14(6)(a)**

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- F356** Words in Sch. 9B para. 5(2) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(6)(b)**
- F357** Words in Sch. 9B para. 5(2) inserted (25.11.2013) by The Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations 2013 (S.I. 2013/1654), reg. 1(2)(3), **3(b)**
- F358** Words in Sch. 9B para. 5(2) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(6)(c)**

Flat rate maintenance (polygamous marriage) **E+W+S**

6.—(1) This sub-paragraph applies where two or more members of a polygamous marriage are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Act and any member of the polygamous marriage has been awarded income support^[F359], state pension credit^[F360], income-based jobseeker's allowance or income-related employment and support allowance].

(2) Where sub-paragraph (1) applies, an amount not exceeding ^[F361]the flat rate of maintenance^[F362]and any fee] may be deducted in respect of the sum of all the members' liability to pay maintenance ^[F363]and any fee], in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 ^[F364]or regulation 44(3) of the Child Support Maintenance Calculation Regulations 2012] and shall be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance ^[F365]or retained in discharge of any liability to pay a fee].

(3) In this paragraph “polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy.

Textual Amendments

- F359** Words in Sch. 9B para. 6(1) inserted (7.4.2003) by The State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **14(3)**
- F360** Words in Sch. 9B para. 6(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), **28(5)**
- F361** Words in Sch. 9B para. 6(2) substituted (25.11.2013) by The Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations 2013 (S.I. 2013/1654), reg. 1(2)(3), **3(a)**
- F362** Words in Sch. 9B para. 6(2) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(7)(a)**
- F363** Words in Sch. 9B para. 6(2) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(7)(b)**
- F364** Words in Sch. 9B para. 6(2) inserted (25.11.2013) by The Child Support and Claims and Payments (Miscellaneous Amendments and Change to the Minimum Amount of Liability) Regulations 2013 (S.I. 2013/1654), reg. 1(2)(3), **3(b)**
- F365** Words in Sch. 9B para. 6(2) inserted (12.8.2014) by The Child Support Fees Regulations 2014 (S.I. 2014/612), regs. 1(4), **14(7)(c)**

Notice **E+W+S**

7. When the Secretary of State commences making deductions, he shall notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is

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made and shall give further such notice when there is a change to any of the particulars specified in the notice.

General **E+W+S**

8. A deduction made in accordance with this Schedule is a deduction by way of recovery for the purposes of regulation 40(3) of the Income Support (General) Regulations 1987^{F366}, regulation 104(3) of the Employment and Support Allowance Regulations] and regulation 103(3) of the Jobseeker's Allowance Regulations 1996.]

Textual Amendments

F366 Words in Sch. 9B para. 8 inserted (27.7.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(a), **28(6)**

^{F367}SCHEDULE 9ZC **E+W+S**

Regulations 4ZC and 32ZA

ELECTRONIC COMMUNICATION

Textual Amendments

F367 Sch. 9ZC inserted (1.12.2003) by [The Social Security \(Electronic Communications\) \(Carers Allowance\) Order 2003 \(S.I. 2003/2800\)](#), arts. 1(1), 2(4), **Sch.**

Modifications etc. (not altering text)

- C4** Sch. 9ZC applied by SI 2006/215 reg 74A(3) (as inserted (23.1.2012) by [The Social Security \(Electronic Communications\) \(No. 2\) Order 2011 \(S.I. 2011/2943\)](#), arts. 1, **4(3)**)
- C5** Sch. 9ZC applied by SI 2006/216 reg 59A(3) (as inserted (23.1.2012) by [The Social Security \(Electronic Communications\) \(No. 2\) Order 2011 \(S.I. 2011/2943\)](#), arts. 1, **5(3)**)
- C6** Sch. 9ZC applied by SI 2001/3252, reg. 4(1E) (as inserted (23.1.2012) by [The Social Security \(Electronic Communications\) \(No. 2\) Order 2011 \(S.I. 2011/2943\)](#), arts. 1, **3(2)(b)**)
- C7** Sch. 9ZC applied by SI 2006/213, reg. 88A(3) (as inserted (23.1.2012) by [The Social Security \(Electronic Communications\) \(No. 2\) Order 2011 \(S.I. 2011/2943\)](#), arts. 1, **6(3)**)

PART 1 **E+W+S**

INTRODUCTION

Interpretation **E+W+S**

1. In this Schedule “official computer system” means a computer system maintained by or on behalf of the Secretary of State for the sending, receiving, processing or storing of any claim, certificate, notice, information or evidence.

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PART 2 **E+W+S**

ELECTRONIC COMMUNICATION – GENERAL PROVISIONS

Conditions for the use of electronic communication **E+W+S**

2.—^{F368}(1) The Secretary of State may use an electronic communication in connection with claims for, and awards of—

- (a) carer’s allowance;
- (b) attendance allowance;
- ^{F369}(ba) bereavement support payment;]
- (c) disability living allowance;
- (d) graduated retirement benefit;
- (e) a jobseeker’s allowance;
- (f) a retirement pension;
- (g) state pension under Part 1 of the Pensions Act 2014;
- (h) shared additional pension;
- (i) industrial injuries benefit;
- (j) an employment and support allowance;]
- (k) ^{F370}a social fund funeral payment]

^{F368}(1A) The Secretary of State may use an electronic communication in connection with awards of—

- (a) incapacity benefit;
- (b) income support;
- (c) state pension credit.]

(2) A person other than the Secretary of State may use an electronic communication in connection with the matters referred to in ^{F371}sub-paragraphs (1) and (1A)] if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Secretary of State.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any claim, certificate, notice, information or evidence delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the Secretary of State any claim, certificate, notice, information or evidence.

(5) The third condition is that any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purpose of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Secretary of State.

(7) Where the person uses any method other than the method approved by the Secretary of State, of submitting any claim, certificate, notice, information or evidence, that claim, certificate, notice, information or evidence shall be treated as not having been submitted.

(8) In this paragraph “approved” means approved by means of a direction given by the Secretary of State for the purposes of this Schedule.

Textual Amendments

F368 Sch. 9ZC para. 2(1)(1A) substituted for Sch. 9ZC para. 2(1) (15.6.2016) by [The Social Security \(Claims and Payments\) Amendment Regulations 2016 \(S.I. 2016/544\)](#), **reg. 2(5)(a)**

F369 Sch. 9ZC para. 2(1)(ba) 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(14)**

F370 Sch. 9ZC para. 2(1)(k) inserted (2.4.2018) by [The Social Fund Funeral Expenses Amendment Regulations 2018 \(S.I. 2018/61\)](#), regs. 1, **2(5)**

F371 Words in Sch. 9ZC para. 2(2) substituted (15.6.2016) by [The Social Security \(Claims and Payments\) Amendment Regulations 2016 \(S.I. 2016/544\)](#), **reg. 2(5)(b)**

Use of intermediaries **E+W+S**

3. The Secretary of State may use intermediaries in connection with—

- (a) the delivery of any claim, certificate, notice, information or evidence by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

PART 3 **E+W+S**

ELECTRONIC COMMUNICATION – EVIDENTIAL PROVISIONS

Effect of delivering information by means of electronic communication **E+W+S**

4.—(1) Any claim, certificate, notice, information or evidence which is delivered by means of an electronic communication shall be treated as having been delivered, in the manner or form required by any provision of these Regulations, on the day the conditions imposed—

- (a) by this Schedule; and
- (b) by or under an applicable enactment,

are satisfied.

(2) The Secretary of State may, by a direction, determine that any claim, certificate, notice, information or evidence is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identify of sender or recipient of information **E+W+S**

5. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

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- (a) the sender of any claim, certificate, notice, information or evidence delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such claim, certificate, notice, information or evidence delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, shall be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information E+W+S

6.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any claim, certificate, notice, information or evidence this shall be presumed to have been the case where—

- (a) any such claim, certificate, notice, information or evidence has been delivered to the Secretary of State, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or
- (b) any such certificate, notice, information or evidence has been delivered by the Secretary of State, if the delivery of that certificate, notice, information or evidence has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such claim, certificate, notice, information or evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the Secretary of State has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such claim, certificate, notice, information or evidence sent by means of an electronic communication has been received, the time and date of receipt shall be presumed to be that recorded on an official computer system.

Proof of content of information E+W+S

7. If it is necessary to prove, for the purpose of any legal proceedings, the content of any claim, certificate, notice, information or evidence sent by means of an electronic communication, the content shall be presumed to be that recorded on an official computer system.]

[^{F372}SCHEDULE 9C E+W+S

Regulations 4C and 32A

ELECTRONIC COMMUNICATION

Textual Amendments

F372 Sch. 9C inserted (28.10.2002) by [The Social Security \(Electronic Communications\) \(Child Benefit\) Order 2002 \(S.I. 2002/1789\)](#), arts. 1(1), 5, [Sch.](#)

PART 1 **E+W+S**

INTRODUCTION

Interpretation **E+W+S**

1. In this Schedule “official computer system” means a computer system maintained by or on behalf of the Secretary of State for the—

- (a) sending or receiving of any claim, certificate, notice, information or evidence; or
- (b) processing or storing of any claim, certificate, notice, information or evidence.

PART 2 **E+W+S**

ELECTRONIC COMMUNICATION—GENERAL PROVISIONS

Conditions for the use of electronic communication **E+W+S**

2.—(1) The Secretary of State may use an electronic communication in connection with claims for, and awards of, child benefit and elections under regulation 6A of the Social Security (Guardian’s Allowances) Regulations 1975 (prescribed manner of making an election).

(2) A person other than the Secretary of State may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Secretary of State.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any claim, certificate, notice, information or evidence delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the Secretary of State any claim, certificate, notice, information or evidence.

(5) The third condition is that any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purpose of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Secretary of State.

(7) Where the person uses any method other than the method approved by the Secretary of State, of submitting any claim, certificate, notice, information or evidence, that claim, certificate, notice, information or evidence shall be treated as not having been submitted.

(8) In this paragraph “approved” means approved by means of a direction given by the Secretary of State for the purposes of this Schedule.

Use of intermediaries **E+W+S**

3. The Secretary of State may use intermediaries in connection with—

- (a) the delivery of any claim, certificate, notice, information or evidence by means of an electronic communication; and

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(b) the authentication or security of anything transmitted by such means, and may require other persons to use intermediaries in connection with those matters.

PART 3 **E+W+S**

ELECTRONIC COMMUNICATION—EVIDENTIAL PROVISIONS

Effect of delivering information by means of electronic communication **E+W+S**

4.—(1) Any claim, certificate, notice, information or evidence which is delivered by means of an electronic communication shall be treated as having been delivered, in the manner or form required by any provision of these Regulations, on the day the conditions imposed—

- (a) by this Schedule; and
- (b) by or under an applicable enactment,

are satisfied.

(2) The Secretary of State may, by a direction, determine that any claim, certificate, notice, information or evidence is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

Proof of identity of sender or recipient of information **E+W+S**

5. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any claim, certificate, notice, information or evidence delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such claim, certificate, notice, information or evidence delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, shall be presumed to be the person recorded as such on that official computer system.

Proof of delivery of information **E+W+S**

6.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any claim, certificate, notice, information or evidence this shall be presumed to have been the case where—

- (a) any such claim, certificate, notice, information or evidence has been delivered to the Secretary of State, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or
- (b) any such certificate, notice, information or evidence has been delivered by the Secretary of State, if the delivery of that certificate, notice, information or evidence has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such claim, certificate, notice, information or evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the Secretary of State has not been recorded on an official computer system.

(3) If it is necessary to prove, for the purpose of any legal proceedings, when any such claim, certificate, notice, information or evidence sent by means of an electronic communication has been received, the time of receipt shall be presumed to be that recorded on an official computer system.

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Proof of content of information **E+W+S**

7. If it is necessary to prove, for the purpose of any legal proceedings, the content of any claim, certificate, notice, information or evidence sent by means of an electronic communication, the content shall be presumed to be that recorded on an official computer system.]

SCHEDULE 10 **E+W+S**

Regulation 48

REVOCATIONS

Column (1)	Column (2)	Column (3)
The Mobility Allowance Regulations 1975 (S.I. 1975/1573).	Regulations 5 to 9, 21 and 22.	Social Security Act 1975, sections 37A M7 , 81, 114, 119(3) and (4) and 165A M8 .
The Mobility Allowance (Motability Payment Arrangements) Regulations 1978 (S.I. 1978/1131).	The whole of the Regulations.	Social Security Act 1975, section 81.
The Social Security (Claims and Payments) Regulations 1979 (S.I. 1979/628).	The whole of the Regulations except Parts I (General), IV (including Schedule 4) (Special Provisions Relating to Industrial Injuries Benefit only) and regulation 31 (breach of regulations).	Social Security Act 1975, sections 79 to 81 M9 , and 165A.
The Family Income Supplements (Claims and Payments) Regulations 1980 (S.I. 1980/1438).	The whole of the Regulations.	Family Income Supplements Act 1970, sections 5(2) and 10(2).
The Supplementary Benefit (Claims and Payments) Regulations 1981 (S.I. 1981/1525).	The whole of the Regulations.	Supplementary Benefits Act 1976, sections 11 and 14(1) (a), (b), (c), (e), (g), (h), (i) and (k) and (2) and Schedule 1, paragraph 4.
The Social Security (General Benefit) Regulations 1982 (S.I. 1982/1408).	Regulations 8, 9(1) to (4) and (7) to (9) and 41.	Social Security Act 1975 section 81(6) and section 119(3) and (4).
The Social Security (Adjudication) Regulations 1984 (S.I. 1984/451).	Regulation 76.	Social Security Act 1975 section 119(3) and (4); Child Benefit Act 1975 M10 sections 7 and 22.

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The Child Benefit (Claims and Payments) Regulations 1984 (S.I. 1984/1960).	The whole of the Regulations, except regulations 1(1), (2) and (4) and 12.	Child Benefit Act 1975, sections 6(1) and (3) to (5), 11(2) and 22(1)(b).
The Social Fund Maternity and Funeral Expenses (Claims and Payments) Regulations 1986 (S.I. 1986/2172).	The whole of the Regulations.	Social Security Act 1975, section 114 and Social Security Act 1986, sections 51(1)(a) to (s), 54 and 84(1).

Marginal Citations

- M7** Section 37A was inserted by the [Social Security Pensions Act 1975 \(c. 60\)](#), [section 22\(1\)](#).
- M8** Section 165A was inserted by the [Social Security Act 1985 \(c. 53\)](#), [section 17](#) and amended by the [Social Security Act 1986 \(c. 50\)](#), [Schedule 10](#), paragraph 87.
- M9** Sections 79 to 81 have been amended by the [Child Benefit Act 1975 \(c. 61\)](#), [Schedule, Part I](#), the [Supplementary Benefits Act 1976 \(c. 71\)](#), [Schedule 7](#), paragraph 37, the [Social Security \(Miscellaneous Provisions\) Act 1977 \(c. 5\)](#), [section 17\(2\)](#), the [Social Security and Housing Benefits Act 1982 \(c. 24\)](#), [Schedule 4](#), paragraph 14 and [Schedule 5](#) and the [Health and Social Security Act 1984 \(c. 48\)](#) [Schedule 4](#), paragraph 3.
- M10** [1975 c. 61](#).

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