
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security Benefit (Hospital In-Patients) Regulations 1975, the Social Security (Medical Evidence) Regulations 1976, the Social Security Benefit (Dependency) Regulations 1977, the Statutory Sick Pay (General) Regulations 1982, the Statutory Sick Pay (Medical Evidence) Regulations 1985, Social Security (Adjudication) Regulations 1986, the Statutory Maternity Pay (General) Regulations 1986 and the Social Security (Claims and Payments) Regulations 1987.

The Social Security (Hospital In-Patients) Regulations 1975 are amended so as to clarify the position of a person admitted to hospital from local authority residential accommodation.

The Social Security (Medical Evidence) Regulations 1976 and the Statutory Sick Pay (Medical Evidence) Regulations 1985 are amended to prescribe the form of the statement to be issued by a medical practitioner either when he has not given a statement within one day of examining a person or when he is advising a person to refrain from work and the basis of his assessment is a report from another medical practitioner (regulations 3, 6 and Schedules 1 and 2).

The Statutory Sick Pay (General) Regulations 1982 are amended to increase the daily penalty for a continuing offence under regulation 22 of those Regulations, and to prescribe a penalty for single offences by reference to the standard scale (regulation 5).

The Statutory Maternity Pay (General) Regulations 1986 are amended so as to restore a provision which provides that a woman claiming statutory maternity pay or any other party who fails to furnish information required to help determine any question arising in proceedings under the Social Security Act 1986 shall be guilty of an offence (regulation 8).

The Social Security (Adjudication) Regulations 1986 are amended by inserting a new regulation 64B which provides that where a decision in a case to which subsection (7) of section 104 of the Social Security Act 1975 applies is reviewed, the review decision takes effect from the date of the relevant determination as defined in that subsection.

Subsection (7) of section 104 applies to any case in which a decision falls to be reviewed on the grounds that it is erroneous in point of law following the determination (“the relevant determination”) of a Commissioner or a court in another case that that other case is erroneous in point of law (regulation 7(2)).

The Social Security (Claims and Payments) Regulations 1987 are amended in the following respects—

(1) regulation 4 is amended to specify which form a claim to benefit should be made on (regulation 10);

(2) regulation 8 is amended to enable the Secretary of State to make directions waiving the requirement to attend an unemployment benefit office in classes of case as well as in individual cases (regulation 11);

(3) regulation 9 is amended to ensure that where the Secretary of State contemplates treating a claim for one benefit as a claim for another benefit, he shall treat the alternative claim as having been made at the time of the original claim (regulation 12);

(4) regulation 13 is amended to allow the words “remunerative work” and “engaged and normally engaged in remunerative work” to be construed for the purposes of paragraph 4(c) of those regulations consistently with regulations 4 and 5 of the Family Credit (General) Regulations

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1987 in all respects except that those regulations shall be read as if the words “not less than 16 hours but less than 24 hours” were substituted for the words “not less than 24 hours” (regulation 13);

(5) regulation 19 is amended to provide that in the case of income support and family credit where there has been good cause for failure to claim for benefit for only part of the period the claim shall be treated as made on the date on which good cause for failure to make the claim commenced subject to an overriding 12 month limit (regulation 14);

(6) regulation 21 is amended to prescribe the benefits for which direct credit transfer may be used (regulation 15);

(7) regulation 37 is replaced by three new regulations dealing with the suspension and withholding of benefits, namely, suspension in an individual case, suspension in cases which are identical to another case where a similar question arises and withholding of payment of arrears of benefit (regulation 16);

(8) Schedule 7 is amended to ensure that where claims are made in advance under regulation 13 entitlement to income support begins on the day on which entitlement to the benefit claimed in advance begins if that is the pay day for that benefit but otherwise on the first pay day after entitlement begins (regulation 17(2)).

Minor amendments of a drafting nature are also made of the Social Security Benefit (Dependency) Regulations 1977.