
STATUTORY INSTRUMENTS

1999 No. 991

**The Social Security and Child Support
(Decisions and Appeals) Regulations 1999**

PART II

**^{F1}REVISIONS, SUPERSESIONS AND OTHER MATTERS
SOCIAL SECURITY [^{F1}AND CHILD SUPPORT]**

CHAPTER III

OTHER MATTERS

Income support and social fund determinations on incomplete evidence

13.—(1) Where, for the purpose of a decision under section 8 or 10—

[^{F1}(a) a determination falls to be made by the Secretary of State as to what housing costs are to be included in—

- (i) a claimant's applicable amount by virtue of regulation 17(1)(e) or 18(1)(f) of, and Schedule 3 to, the Income Support Regulations; ^{F2} ...
- (ii) a claimant's appropriate minimum guarantee by virtue of regulation 6(6)(c) and Schedule II to the State Pension Credit Regulations] ; [^{F3}or
- (iii) a claimant's applicable amount under regulation 67(1)(c) or 68(1)(d) of the Employment and Support Allowance Regulations ; and]

(b) it appears to the Secretary of State that he is not in possession of all of the evidence or information which is relevant for the purposes of such a determination,

he shall make the determination on the assumption that the housing costs to be included in the claimant's [^{F1}applicable amount or, as the case may be, appropriate minimum guarantee are those] that can be immediately determined.

(2) Where, for the purpose of a decision under section 8 or 10—

(a) a determination falls to be made by the Secretary of State as to whether—

- (i) in relation to any person, the applicable amount falls to be reduced or disregarded to any extent by virtue of section 126(3) of the Contributions and Benefits Act (persons affected by trade disputes);
- (ii) for the purposes of regulation 12 of the Income Support Regulations, a person is by virtue of that regulation to be treated as receiving relevant education; ^{F4} ...
- (iii) in relation to any claimant, the applicable amount includes severe disability premium by virtue of regulation 17(1)(d) or 18(1)(e), and paragraph 13 of Schedule 2 to, the Income Support Regulations; [^{F5}or

Status: Point in time view as at 06/04/2017. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, Section 13. (See end of Document for details)

(iv) in relation to any claimant, the applicable amount includes the severe disability premium by virtue of regulation 67(1) or 68(1) of, and paragraph 6 of Schedule 4 to, the Employment and Support Allowance Regulations ; and]

(b) it appears to the Secretary of State that he is not in possession of all of the evidence or information which is relevant for the purposes of such a determination,

he shall make the determination on the assumption that the relevant evidence or information which is not in his possession is adverse to the claimant.

[^{F6}(3) Where, for the purposes of a decision under section 8 or 10—

(a) a determination falls to be made by the Secretary of State as to whether a claimant's appropriate minimum guarantee includes an additional amount in accordance with regulation 6(4) of, and paragraph 1 of Schedule I to, the State Pension Credit Regulations ; and

(b) it appears to the Secretary of State that he is not in possession of all the evidence or information which is relevant for the purpose of such a determination,

he shall make the determination on the assumption that the relevant evidence or information which is not in his possession is adverse to the claimant.]

Textual Amendments

- F1** Reg. 13(1)(a) and words in reg. 13(1) substituted (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **19(a)**
- F2** Word in reg. 13(1)(a)(i) omitted (27.7.2008) by virtue of Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **38(a)(i)**
- F3** Reg. 13(1)(a)(iii) and word substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **38(a)(ii)**
- F4** Word in reg. 13(2)(a)(ii) omitted (27.7.2008) by virtue of Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **38(b)(i)**
- F5** Reg. 13(2)(a)(iv) and word substituted (27.7.2008) by Employment and Support Allowance (Consequential Provisions) (No.2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(a), **38(b)(ii)**
- F6** Reg. 13(3) added (7.4.2003) by State Pension Credit (Consequential, Transitional and Miscellaneous Provisions) Regulations 2002 (S.I. 2002/3019), regs. 1(2)(a), **19(b)**

Status:

Point in time view as at 06/04/2017. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, Section 13.