

[^{F1}SCHEDULE 3A

Regulation 7(1)(a)

Textual Amendments

F1 Sch. 3A inserted (19.6.2000) by [The Social Security and Child Support \(Miscellaneous Amendments\) Regulations 2000 \(S.I. 2000/1596\)](#) , regs. 1(1) , **35**

Date [^{F2}from which superseding decision takes effect] where a claimant is in receipt of income support or jobseeker’s allowance.

Textual Amendments

F2 Words in Sch. 3A substituted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(a)**

Income Support

1. Subject to paragraphs 2 to 6, where the amount of income support payable under an award is changed by a superseding decision made on the ground of a change of circumstances, that superseding decision shall take effect—

- (a) where income support is paid in arrears, from the first day of the benefit week in which the relevant change of circumstances occurs or is expected to occur; or
- (b) where income support is paid in advance, from the date of the relevant change of circumstances, or the day on which the relevant change of circumstances is expected to occur, if either of those days is the first day of the benefit week and otherwise from the next following such day,

and for the purposes of this paragraph any period of residence in temporary accommodation under arrangements for training made under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990 for a period which is expected to last for seven days or less shall not be regarded as a change of circumstances.

2. In the cases set out in paragraph 3, the superseding decision shall take effect from the day on which the relevant change of circumstances occurs or is expected to occur.

3. The cases referred to in paragraph 2 are where—

- (a) income support is paid in arrears and entitlement ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of section 124(1)(b) of the Contributions and Benefits Act;
- [income support is being paid from 8th April 2002 to persons who, immediately before that day, had a preserved right for the purposes of the Income Support Regulations;]
- (b) a child or young person referred to in regulation 16(6) of the Income Support Regulations (child in care of local authority or detained in custody) lives, or is expected to live, with the claimant for part only of the benefit week;
- (c)
- (d) a person referred to in paragraph 1, 2, 3 or 18 of Schedule 7 to the Income Support Regulations—
 - (i) ceases, or is expected to cease, to be a patient; or

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3A. (See end of Document for details)

- (ii) a member of his family ceases, or is expected to cease, to be a patient, in either case for a period of less than a week;
- (e) a person referred to in paragraph 8 of Schedule 7 to the Income Support Regulations—
 - (i) ceases to be a prisoner; or
 - (ii) becomes a prisoner;
- (f) a person to whom section 126 of the Contributions and Benefits Act (trade disputes) applies—
 - (i) becomes incapable of work by reason of disease or bodily or mental disablement; or
 - (ii) enters the maternity period (as defined in section 126(2) of that Act) or the day is known on which that person is expected to enter the maternity period;
- (g) during the currency of the claim, a claimant makes a claim for a relevant social security benefit—
 - (i) the result of which is that his benefit week changes; or
 - (ii) under regulation 13 of the Claims and Payment Regulations and an award of that benefit on the relevant day for the purposes of that regulation means that his benefit week is expected to change.
- [regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991^{F5}(h) (persons in certain accommodation other than hospitals) applies, or ceases to apply, to the claimant for a period of less than one week]^{F6}; or
- (i) regulations under section 86(1) (hospital in-patients) of the Welfare Reform Act 2012 apply, or cease to apply, to the claimant for a period of less than one week]

Textual Amendments

- F3** Sch. 3A para. 3(aa) inserted (8.4.2002) by [Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2002 \(S.I. 2002/398\)](#), regs. 1, **3(a)**
- F4** Sch. 3A para. 3(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, **2(21)(b)**
- F5** Sch. 3A para. 3(h) added (2.10.2006) by [Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 2006 \(S.I. 2006/2377\)](#), regs. 1, **3(3)**
- F6** Sch. 3A para. 3(i) and word inserted (8.4.2013) by [The Personal Independence Payment \(Supplementary Provisions and Consequential Amendments\) Regulations 2013 \(S.I. 2013/388\)](#), reg. 2, **Sch. para. 21**

4. A superseding decision made in consequence of a payment of income being treated as paid on a particular day under regulation 31(1)(b) [^{F7},(2) or (3)] or 39C(3) of the Income Support Regulations (date on which income is treated as paid) shall take effect from the day on which that payment is treated as paid.

Textual Amendments

- F7** Words in Sch. 3A para. 4 substituted (8.8.2003) by [Social Security \(Working Tax Credit and Child Tax Credit\) \(Consequential Amendments\) \(No.3\) Regulations 2003 \(S.I. 2003/1731\)](#), regs. 1(1), **5**

5. Where—

- (a) it is decided upon supersession on the ground of a relevant change of circumstances [^{F8} or change specified in paragraphs 12 and 13] that the amount of income support is, or is to be, reduced; and

- (b) the Secretary of State certifies that it is impracticable for a superseding decision to take effect from the day prescribed in [^{F9}paragraph 12 or] the preceding paragraphs of this Schedule (other than where paragraph 3(g) or 4 applies),

that superseding decision shall take effect—

- (i) where the relevant change has occurred, from the first day of the benefit week following that in which that superseding decision is made; or
- (ii) where the relevant change is expected to occur, from the first day of the benefit week following that in which that change of circumstances is expected to occur.

Textual Amendments

- F8** Words in Sch. 3A para. 5(a) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(c)(i)**
- F9** Words in Sch. 3A para. 5(b) inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(c)(ii)**

6. Where—

- (a) a superseding decision (“the former supersession”) was made on the ground of a relevant change of circumstances in the cases set out in paragraphs 3(b) to (g); and
- (b) that superseding decision is itself superseded by a subsequent decision because the circumstances which gave rise to the former supersession cease to apply (“the second change”), that subsequent decision shall take effect from the date of the second change.

Jobseeker’s Allowance

7. Subject to paragraphs 8 to 11, where a decision in respect of a claim for jobseeker’s allowance is superseded on the ground that there has been or there is expected to be, a relevant change of circumstances, the supersession shall take effect from the first day of the benefit week (as defined in regulation 1(3) of the Jobseeker’s Allowance Regulations) in which that relevant change of circumstances occurs or is expected to occur.

8. Where the relevant change of circumstances giving rise to the supersession is that—

- (a) entitlement to jobseeker’s allowance ends, or is expected to end, for a reason other than that the claimant no longer satisfies the provisions of section 3(1)(a) [^{F10}or 3A(1)(a)] of the Jobseekers Act; or

[jobseeker’s allowance is being paid from 8th April 2002 to persons who, immediately ^{F11}(aa) before that day, had a preserved right for the purposes of the Jobseeker’s Allowance Regulations;]

- (b) a child or young person who is normally in the care of a local authority or who is detained in custody lives, or is expected to live, with the claimant for a part only of the benefit week; or

^{F12}(c)

- (d) the partner of the claimant or a member of his family ceases, or is expected to cease, to be a hospital in-patient for a period of less than a week [^{F13}; or

- (e) a joint-claim couple ceases to be [^{F14}a couple],]

the supersession shall take effect from the date that the relevant change of circumstances occurs or is expected to occur.

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3A. (See end of Document for details)

Textual Amendments

- F10** Words in Sch. 3A para. 8(a) inserted (19.3.2001) by [The Social Security Amendment \(Joint Claims\) Regulations 2001 \(S.I. 2001/518\)](#) , regs. 1(1) , **4(c)(i)**
- F11** Sch. 3A para. 8(aa) inserted (8.4.2002) by [Social Security Amendment \(Residential Care and Nursing Homes\) Regulations 2002 \(S.I. 2002/398\)](#) , regs. 1 , **3(b)**
- F12** Sch. 3A para. 8(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 , **2(21)(b)**
- F13** Sch. 3A para. 8(e) and word inserted (19.3.2001) by [The Social Security Amendment \(Joint Claims\) Regulations 2001 \(S.I. 2001/518\)](#) , regs. 1(1) , **4(c)(ii)**
- F14** Words in Sch. 3A para. 8(e) substituted (5.12.2005) by [Social Security \(Civil Partnership\) \(Consequential Amendments\) Regulations 2005 \(S.I. 2005/2878\)](#) , regs. 1 , **8(4)**

9. Where the relevant change of circumstances giving rise to a supersession is any of those specified in paragraph 8, and, in consequence of those circumstances ceasing to apply, a further superseding decision is made, that further superseding decision shall take effect from the date that those circumstances ceased to apply.

10. Where, under the provisions of regulation 96 or 102C(3) of the Jobseeker's Allowance Regulations, income is treated as paid on a certain date and that payment gives rise, or is expected to give rise, to a relevant change of circumstance resulting in a supersession, that supersession shall take effect from that date.

11. Where a relevant change of circumstances [^{F15}or change specified in paragraphs 12 and 13] occurs which results, or is expected to result, in a reduced award of jobseeker's allowance then, if the Secretary of State is of the opinion that it is impracticable for a supersession to take effect in accordance with [^{F16}paragraph 12 or] the preceding paragraphs of this Schedule, the supersession shall take effect from the first day of the benefit week following that in which the relevant change of circumstances occurs.]

Textual Amendments

- F15** Words in Sch. 3A para. 11 inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(21)(d)(i)**
- F16** Words in Sch. 3A para. 11 inserted (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(21)(d)(ii)**

^{F17}Changes other than changes of circumstances

12. Where an amount of income support or jobseeker's allowance payable under an award is changed by a superseding decision specified in paragraph 13 the superseding decision shall take effect—

- (a) in the case of a change in respect of income support, from the day specified in paragraph 1(a) or (b) for a change of circumstances; and
- (b) in the case of a change in respect of jobseeker's allowance, from the day specified in paragraph 7 for a change of circumstances.

Textual Amendments

- F17** Sch. 3A para. 12 - Sch. 3A para. 13 added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#) , regs. 1 , **2(21)(e)**

Status: Point in time view as at 06/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3A. (See end of Document for details)

- 13.** The following are superseding decisions for the purposes of paragraph 12—
- (a) a decision which supersedes a decision specified in regulation 6(2)(b) to (ee); and
 - (b) a superseding decision which would, but for paragraph 12, take effect from a date specified in regulation 7(5) to (7), (12) to (16), (18) to (20), (22), (24) and (33).]

Textual Amendments

F17 Sch. 3A para. 12 - Sch. 3A para. 13 added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(e)**

Textual Amendments

F17 Sch. 3A para. 12 - Sch. 3A para. 13 added (18.3.2005) by [The Social Security, Child Support and Tax Credits \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/337\)](#), regs. 1, **2(21)(e)**

Status:

Point in time view as at 06/04/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Social Security and Child Support (Decisions and Appeals) Regulations 1999, SCHEDULE 3A.