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*Status: Point in time view as at 01/12/2003.*

*Changes to legislation: There are currently no known outstanding effects for the The Social Security (Notification of Change of Circumstances) Regulations 2001. (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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# 2001 No. 3252

## SOCIAL SECURITY

### The Social Security (Notification of Change of Circumstances) Regulations 2001

*Made - - - - 26th September 2001*  
*Laid before Parliament 2nd October 2001*  
*Coming into force - - 18th October 2001*

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 111A(1A), (1B), (1D) and (1E), 112(1A) to (1D), 189(1), (3) and (4) and 191 of the Social Security Administration Act 1992<sup>M1</sup> and of all other powers enabling him in that behalf, and after consultation in respect of provisions of these Regulations relating to housing benefit and council tax benefit with organisations appearing to him to be representative of the authorities concerned<sup>M2</sup>, by this Instrument, which is made before the end of the period of 6 months from the coming into force of section 16 of the Social Security Fraud Act 2001<sup>M3</sup>, hereby makes the following Regulations:

#### Marginal Citations

- M1** 1992 c. 5 Subsections (1A) to (1G) of section 111A and subsections (1A) to (1F) of section 112 were substituted by section 16 of the [Social Security Fraud Act 2001 \(c. 11\)](#). Section 191 is cited for the meaning given to “prescribe”.
- M2** See section 176(1)(a) of the Social Security Administration Act 1992.
- M3** See section 173(5)(a) of the Social Security Administration Act 1992.

#### Citation and commencement

1. These Regulations may be cited as the Social Security (Notification of Change of Circumstances) Regulations 2001 and shall come into force on 18th October 2001.

#### Notification for purposes of sections 111A and 112 of the Social Security Administration Act 1992

2. Regulations 3 to 5 below prescribe the person to whom, and manner in which, a change of circumstances must be notified for the purposes of sections 111A(1A) to (1G) and 112(1A) to (1F) of the Social Security Administration Act 1992 (offences relating to failure to notify a change of circumstances).

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### Change affecting jobseeker's allowance

3.—(1) Where the benefit affected by the change of circumstances is a jobseeker's allowance, notice must be given or sent to the Secretary of State in writing (except where he determines in any particular case that he will accept a notice other than in writing) at the office that the claimant is required to attend in accordance with a notification given to him under regulation 23 of the Jobseeker's Allowance Regulations 1996 <sup>M4</sup>.

(2) In this regulation "Secretary of State" includes a person designated as an employment officer by an order made by the Secretary of State under section 8(3) of the Jobseekers Act 1995 <sup>M5</sup>.

#### Marginal Citations

**M4** [S.I. 1996/207](#). Relevant amending instrument is [S.I. 2000/2194](#).

**M5** [1995 c. 18](#). Section 8(3) was inserted by paragraph 29(3)(b) of Schedule 8 to the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#).

### Change affecting housing benefit or council tax benefit

4.—(1) Where the benefit affected by the change of circumstances is housing benefit or council tax benefit, notice must be given or sent in writing to the relevant authority at—

- (a) the designated office; or
- (b) in a case where notification at another office is permitted under regulation 75 of the Housing Benefit (General) Regulations 1987 <sup>M6</sup> or regulation 65 of the Council Tax Benefit (General) Regulations 1992 <sup>M7</sup> (duty to notify changes for claims and payments purposes), that other office.

(2) In this regulation "designated office" and "relevant authority" have the same meaning as in the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992.

#### Marginal Citations

**M6** [S.I. 1987/1971](#). Relevant amending instruments are [S.I. 1996/1510](#), 1999/1539, 1999/3108, 2000/897 and 2001/1605.

**M7** [S.I. 1992/1814](#). Relevant amending instruments are [S.I. 1996/1510](#), 1999/1539, 1999/3108, 2000/897 and 2001/1605.

### Change affecting other benefit payment or advantage

5.—(1) Where the benefit or other payment or advantage affected by the change of circumstances is not a jobseeker's allowance, housing benefit or council tax benefit, notice must be given or sent to the Secretary of State in writing (except where he determines in any particular case that he will accept a notice other than in writing) at the appropriate office.

[<sup>F1</sup>(1ZA) Where this paragraph applies, where the notice in writing referred to in paragraph (1) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 9ZC to the Social Security (Claims and Payments) Regulations 1987 (electronic communication).

(1ZB) Paragraph (1ZA) applies in relation to carer's allowance.]

[<sup>F2</sup>(1A) The reference in paragraph (1) to notice “in writing” includes where that notice relates to child benefit, notice given or sent in accordance with Schedule 9C to the Social Security (Claims and Payments) Regulations 1987 (electronic communication).]

(2) In this regulation “the appropriate office” has the same meaning as in the Social Security (Claims and Payments) Regulations 1987 <sup>M8</sup>.

**Textual Amendments**

- F1** Reg. 5(1ZA)(1ZB) inserted (1.12.2003) by [Social Security \(Electronic Communications\) \(Carer's Allowance\) Order 2003 \(S.I. 2003/2800\)](#), arts. 1(1), **3**
- F2** Reg. 5(1A) inserted (28.10.2002) by [Social Security \(Electronic Communities\) \(Child Benefit\) Order 2002 \(S.I. 2002/1789\)](#), arts. 1(1), **8**

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

- C1** Reg. 5 modified (7.4.2003 for specified purposes) by [The Child Benefit and Guardian's Allowance \(Administration\) Regulations 2003 \(S.I. 2003/492\)](#), regs. 1, 43, **Sch. 3 Pts. 1** (with regs. 1(2), 44)

**Marginal Citations**

- M8** [S.I. 1987/1968](#). Relevant amending instruments are [S.I. 1996/1460](#), 1999/2572, 1999/3108 and 2000/897. The definition of “appropriate office” in regulation 2(1) is extended in certain cases by regulation 4A(5).

Signed by authority of the Secretary of State for Work and Pensions.

26th September 2001

*Malcolm Wicks*  
Parliamentary Under-Secretary of State  
Department for Work and Pensions

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 16 of the Social Security Fraud Act 2001 (c. 11) (“the Fraud Act”) amends sections 111A and 112 of the Social Security Administration Act 1992 (c. 5) (“the Administration Act”) by substituting new offences relating to failure to notify a change of circumstances affecting entitlement to any benefit, payment or other advantage. A new set of summary or indictable offences is set out in subsections (1A) to (1G) of section 111A and a new set of summary only offences is set out in subsections (1A) to (1F) of section 112.

For each offence there must be a failure to give prompt notification “in the prescribed manner to the prescribed person”. These matters are prescribed in relation to jobseeker’s allowance by regulation 3, in relation to housing benefit and council tax benefit by regulation 4, and in relation to any other benefit, payment or advantage by regulation 5.

The requirements are prescribed only for the purposes of the above-mentioned criminal offences. They mirror existing requirements prescribed for the purposes of claims and payment under sections 5 and 6 of the Administration Act.

As these Regulations are made within six months of the commencement of section 16 of the Fraud Act, they are exempt by virtue of section 173(5)(a) of the Administration Act from the requirement in section 172(1) of that Act to refer them to the Social Security Advisory Committee. These Regulations do not impose any charge on business.

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