

2001 No. 3252

SOCIAL SECURITY

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

<i>Made</i> - - - -	<i>26th September 2001</i>
<i>Laid before Parliament</i>	<i>2nd October 2001</i>
<i>Coming into force</i> -	<i>18th October 2001</i>

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^(a) 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^(b), 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^(c), hereby makes the following Regulations:

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).

Change affecting jobseeker's allowance

3.—(1) ¹Subject to ²paragraphs (1ZA) and (1A)³, where the benefit affected by the change of circumstances is a jobseeker's allowance, notice must be given ³ to the Secretary of State ³ 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^(d)

- ³(a) in writing or by telephone (unless the Secretary of State determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case he requires written notice (unless he determines in any particular case to accept notice given otherwise than in writing).

¹Words in reg. 3(1) inserted by reg. 4(2)(a) of S.I. 2010/444 as from 5.4.10.

²Words inserted in reg. 3(1) by art. 6(2)(a) of S.I. 2011/1498 as from 20.6.11.

³Words omitted and sub- paras. (a) & (b) added to reg. 3(1) by reg. 6(a)-(c) of S.I. 2006/832 as from 10.4.06.

(a) 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".

(b) See section 176(1)(a) of the Social Security Administration Act 1992.

(c) See section 173(5)(a) of the Social Security Administration Act 1992.

(d) S.I. 1996/207. Relevant amending instrument is S.I. 2000/2194.

Regs. 3-4

¹Reg. 3(1ZA) inserted by art. 6(2)(b) of S.I. 2011/1498 as from 20.6.11.

²Words inserted in regs. 3(2) & regs. 3(1A), 3(3), & 4(1A)-(1B) inserted & words substituted in reg. 3(2) by reg. 4(1) to (3) of S.I. 2010/444 as from 5.4.10.

³Paras. 4(1) & 4(1C) inserted by reg. 7(2)-(4) of S.I. 2010/2449 as from 1.11.10.

⁴Words substituted in reg. 4(1) by reg. 3(2)(a) of S.I. 2011/2943 as from 23.1.12.

►¹(1ZA) 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).◄

►²(1A) In such cases and subject to such conditions as the Secretary of State may specify, notice may be given to the Secretary of State—

- (a) where the change of circumstances is a birth or death, through a relevant authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification;
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.◄

(2) In ►²paragraph (1)◄ “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(a).

►²(3) In paragraph (1A) “relevant authority” has the same meaning as in regulation 4(2).◄

Change affecting housing benefit or council tax benefit

4.—►³(1) Subject to paragraphs (1A) to ►⁴(1D)◄, where the benefit affected by the change of circumstances is housing benefit or council tax benefit, notice must be given to the relevant authority at the designed office—

- (a) in writing; or
- (b) by telephone—
 - (i) where the relevant authority has published a telephone number for that purpose or for the purposes of making a claim unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 - (ii) in any case or class of case where the relevant authority determines that notice may be given by telephone; or
- (c) by any other means which the relevant authority agrees to accept in any particular case.◄

►²(1A) In such cases and subject to such conditions as the Secretary of State may specify, notice may be given to the Secretary of State—

- (a) where the change of circumstances is a birth or death, through a relevant authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

(1B) Paragraph (1A) only applies if the authority administering the claimant’s housing benefit or council tax benefit agrees with the Secretary of State that notifications may be made in accordance with that paragraph.◄

►³(1C) Notice may be given to the appropriate DWP office by telephone where all the following conditions are met—

- (a) the claimant or the claimant’s partner is in receipt of income support or a jobseeker’s allowance;
- (b) the change of circumstances is that the claimant or the claimant’s partner starts employment;

(a) 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).

- (c) as a result of the change, either entitlement to housing benefit or council tax benefit will end, or the amount of benefit will be reduced; and
- (d) a telephone number has been provided for that purpose.◀

▶¹(1D) Where—

- (a) the change of circumstances required to be notified is a death; and
- (b) the authority administering the claimant’s housing benefit or council tax benefit agrees with the Secretary of State that notifications may be made in accordance with paragraph (1A),

¹Paras. (1D) & (1E) and sub-para. (da), (f) and (g) inserted in regs. 4 & 5 by reg. 3(2)(b) & (3) of S.I. 2011/2943 as from 23.1.12.

notice in writing may be given or sent to the Secretary of State by an electronic communication in accordance with the provisions set out in Schedule 9ZC to the Social Security (Claims and Payments) Regulations 1987 (electronic communication).

(1E) The provisions set out in that Schedule shall apply to such a notice as they apply for the purposes of regulation 32ZA of the Social Security (Claims and Payments) Regulations 1987 (information given electronically).◀

(2) In this regulation ▶²“claimant”, ▶³“appropriate DWP office”◀ and “relevant authority” have the same meaning as in the ▶⁴Housing Benefit Regulations 2006, Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, Council Tax Benefit Regulations 2006, and Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006◀.

²Words inserted in regs. 4(2) & reg. 5(1ZZA) inserted & words substituted in reg. 3(2) by reg. 4(3)(c) to (4) of S.I. 2010/444 as from 5.4.10.

³Words substituted in reg. 4(2) by reg. 7(4) of S.I. 2010/2449 as from 1.11.10.

⁴Words substituted in reg. 4 by para. 19 of Sch. 2 to S.I. 2006/217 as from 6.3.06.

⁵Words in reg. 5(1) & reg. 5(1ZB) substituted by art. 6(3) of S.I. 2011/1498 as from 20.6.11.

⁶Words omitted & substituted by reg. 3 of S.I. 2003/3209 as from 6.1.04.

Change affecting other benefit payment or advantage

5.—(1) ▶²Subject to ▶⁵paragraphs (1ZZA) and (1ZA)◀,◀ 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 ▶⁶◀ to the Secretary of State ▶⁶at the appropriate office—

- (a) in writing or by telephone (unless the Secretary of State determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case he requires written notice (unless he determines in any particular case to accept notice given otherwise than in writing)◀.

▶²(1ZZA) In such cases and subject to such conditions as the Secretary of State may specify, notice may be given to the Secretary of State—

- (a) where the change of circumstances is a birth or death, through a relevant authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.◀

▶⁷(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).◀

⁷Para. (1AZ) inserted in reg. 5 by art. 3 of S.I. 2003/2800 as from 1.12.03.

▶⁵(1ZB) Paragraph (1ZA) applies in relation to—

- (a) attendance allowance;
- (b) carer’s allowance;
- (c) disability living allowance;
- (d) an employment and support allowance;

▶¹(da) incapacity benefit;◀

- (e) income support▶¹;

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- (f) retirement pension;
- (g) state pension credit.◀◀

¹Sub-para. 5(1A) inserted by reg. 8 of S.I. 2002/1789 as from 28.10.02.

▶¹(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).◀

²Words substituted in reg. 5(2) by reg. 4(4)(c) of S.I. 2010/444 as from 5.4.10.

▶²(2) In this regulation—

“the appropriate office” has the same meaning as in the Social Security (Claims and Payments) Regulations 1987; “relevant authority” has the same meaning as in regulation 4(2).◀

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

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.