
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends the Social Security (Claims and Payments) Regulations 1987 (“the 1987 Regulations”) (S.I. 1987/1968).

Paragraph (2) amends the definition of “appropriate office” in regulation 2(1) of the 1987 Regulations (interpretation) so as to (a) omit the definition which applied in the case of a Crown servant posted overseas as it is now redundant. By virtue of the Tax Credits (Miscellaneous Amendments No 4) Regulations 2002 (S.I. 2002/1696) this definition only had effect in relation to claims for working families’ tax credits but provision regarding such claims is now provided for in the Tax Credits (Claims and Notifications) Regulations 2002 (S.I. 2002/2014); and (b) widen the definition to include a postal address specified by the Secretary of State to which written claims or other written materials are to be submitted.

Paragraph (3) amends regulation 3 of the 1987 Regulations (cases where a claim need not be made) to apply to claims for Category B retirement pension if the beneficiary’s deceased spouse or civil partner was entitled to Category A retirement pension.

Paragraph (4) amends regulation 4 of the 1987 Regulations (which concerns the manner in which a claim for benefit is to be made). Paragraph (4)(a) enables written claims for an employment and support allowance to be directed to a designated office, local authority or county council instead of to the Secretary of State. Paragraph (7) makes a similar change to regulation 32B of the 1987 Regulations which permits information or evidence relating to an award of benefit to be directed to a designated office, local authority or county council. Paragraph 4(d) enables telephone claims for income support or jobseeker’s allowance to be accepted on a case-by-case basis. Paragraph 4(e) expands regulation 4(12) so as to expressly define when a telephone claim is properly completed. The remainder of paragraph (4) and paragraph (6) bring the provisions of the 1987 Regulations on telephone claims more closely into line with those relating to written claims and extend the application of provisions relating to written claims to telephone claims.

Paragraph (5) amends regulation 5 of the 1987 Regulations (amendment and withdrawal of claim) so as to insert a specific reference to the provision which covers telephone claims for employment and support allowance.

Paragraph (8) extends Schedule 9 to the 1987 Regulations (circumstances in which benefits may be paid direct to third parties) to service charges for approved premises under section 13 of the Offender Management Act 2007 (c.21) (approval of accommodation provided for persons granted bail or who have been convicted of offences).

Regulation 3 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the 1999 Regulations”) (S.I. 1999/991).

Paragraph (2)(c) introduces a new prescribed circumstance in which a decision of the Secretary of State may be revised. This is where an award for income support is terminated and the claimant goes on to successfully claim jobseeker’s allowance, but the termination is subsequently shown to have been wrong.

The remainder of paragraph (2) and paragraph (3) make minor amendments to regulations 3 (revision of decisions) and 7 (date from which a decision superseded under section 10 takes effect) of the 1999 Regulations.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.