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STATUTORY INSTRUMENTS

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**2009 No. 609**

**The Social Security (Transitional Payments) Regulations 2009**

**Adjusting payment of benefit**

3.—(1) This regulation applies where in accordance with regulations 22A(1), (bereavement benefits) 24(1) of, (incapacity benefit, maternity allowance and severe disablement allowance) and paragraphs 1, 3(1A) and 3(2) of Schedule 7, (time of payment) to the Social Security (Claims and Payments) Regulations 1987(1) the Secretary of State changes the manner in which a benefit mentioned in paragraph (2) is paid from weekly payments in arrears to fortnightly payments in arrears.

(2) The benefits are incapacity benefit, income support, severe disablement allowance, widowed mother's allowance, widowed parent's allowance and widow's pension.

(3) Subject to paragraph (6), where this regulation applies, a person shall be entitled, on making a request to the Secretary of State, to an adjusting payment of benefit determined in accordance with paragraph (5).

(4) A request under paragraph (3) may only be made on a day before the day on which the first fortnightly payment is due.

(5) The amount of the adjusting payment of benefit shall be the person's net weekly benefit payable in respect of the last period of 7 days for which benefit was payable weekly in arrears, rounded up so as to be divisible by 12.

(6) The Secretary of State shall not pay an adjusting payment of benefit where a person's net weekly benefit is less than £4.00 in respect of the period of 7 days ending on the payday which the Secretary of State has indicated will be the final payday for the purposes of paying the person at weekly intervals.

(7) In paragraphs (5) and (6), "net weekly benefit" means the amount of weekly benefit payable to a person after any deductions have been made—

- (a) under regulation 34A, 34B or 35 of the Social Security (Claims and Payments) Regulations 1987; or
- (b) in respect of overpayment recovery or recovery of social fund loans under section 71, 74 or 78 of the Social Security Administration Act 1992.

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(1) Regulation 24(1) was substituted by [S.I. 1994/2943](#) and amended by [1996/1460](#), [2000/3120](#) and [2002/2441](#). Paragraph 1 of Schedule 7 was substituted by [S.I. 2006/832](#) and paragraph 3(1A) of Schedule 7 was inserted by [S.I. 1994/2943](#).