

2010 No. 444

SOCIAL SECURITY

**The Social Security (Notification of Changes of Circumstances)
Regulations 2010**

<i>Made</i>	- - - -	<i>23rd February 2010</i>
<i>Laid before Parliament</i>		<i>1st March 2010</i>
<i>Coming into force</i>	- -	<i>5th April 2010</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(j), 6(1)(k), 7A(2)(b), (3)(b) and (4), 111A(1A)(d), (1B)(d), (1D)(c) and (1E)(c), 112(1A)(d), (1B)(d), (1C)(c) and (1D)(c), 189(1), (4) to (7) and 191 of the Social Security Administration Act 1992(a).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

In accordance with section 176(1) of the Social Security Administration Act 1992, consultation has taken place with organisations which appear to the Secretary of State to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Social Security (Notification of Changes of Circumstances) Regulations 2010 and come into force on 5th April 2010.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2. After regulation 32(b) (information to be given and changes to be notified) of the Social Security (Claims and Payments) Regulations 1987(c) insert—

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- (a) 1992 c.5. Section 6(1) was amended by paragraph 12(1)(a) of Schedule 9 to the Local Government Finance Act 1992 (c.14). Section 7A was inserted by section 71 of the Welfare Reform and Pensions Act 1999 (c.30) and subsections (2) and (3) were amended by paragraphs 8 and 12(a) of Schedule 7 to the Employment Act 2002 (c.22) and section 41(2) of the Welfare Reform Act 2007 (c.5). Section 111A was inserted by section 13 of the Social Security Administration (Fraud) Act 1997 (c.47) and sub-sections (1A) to (1E) were inserted by sections 1(1), 16(1)(b) and (2) of the Social Security Fraud Act 2001 (c.11). Section 112(1A) to (1D) was substituted for subsection (1A) (as inserted by section 14 of the Social Security Administration (Fraud) Act 1997), by sections 1(1) and 16(3) of the Social Security Fraud Act 2001. Section 189(1) and (4) to (7) was amended by Schedule 9 to the Local Government Finance Act 1992, paragraph 10 of Schedule 1 to the Social Security Administration (Fraud) Act 1997, paragraph 109(a) and (c) to (e) of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c.14), paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), and Schedule 6 to the Tax Credits Act 2002 (c.21). Section 191 is an interpretation provision and is cited for the meaning of the word “prescribe”. The definition of “prescribe” was amended by paragraphs 2 and 10 of Schedule 5 to the Welfare Reform Act 2007.
- (b) The relevant amending instruments are S.I. 2003/1050 and 2003/3209.
- (c) S.I. 1987/1968.

“Alternative means of notifying changes of circumstances

32ZZA.—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 32(1B) to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (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.

(2) In this regulation “relevant authority” has the same meaning as in the Housing Benefit Regulations 2006(a) and the Council Tax Benefit Regulations 2006(b).”.

Amendment of the Jobseeker’s Allowance Regulations 1996

3. After regulation 24(c) (provision of information and evidence) of the Jobseeker’s Allowance Regulations 1996(d) insert—

“Alternative means of notifying changes of circumstances

24A.—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 24(7) to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (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.

(2) In this regulation “relevant authority” has the same meaning as in the Housing Benefit Regulations 2006 and the Council Tax Benefit Regulations 2006.”.

Amendment of the Social Security (Notification of Change of Circumstances) Regulations 2001

4.—(1) The Social Security (Notification of Change of Circumstances) Regulations 2001(e) are amended as follows.

(2) In regulation 3(f) (change affecting jobseeker’s allowance)—

- (a) at the beginning of paragraph (1) insert “Subject to paragraph (1A),”;
- (b) after paragraph (1) insert—

“(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;

(a) S.I. 2006/213. “Relevant authority” is defined under regulation 2(1) as “an authority administering housing benefit”.
(b) S.I. 2006/215. “Relevant authority” is defined under regulation 2(1) as “an authority administering council tax benefit”.
(c) The relevant amending instruments are S.I. 2000/1978 and 2006/832.
(d) S.I. 1996/207.
(e) S.I. 2001/3252.
(f) Regulation 3 was amended by S.I. 2006/832.

- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.”;
- (c) in paragraph (2) for “this regulation” substitute “paragraph (1)”; and
- (d) after paragraph (2) insert—
 - “(3) In paragraph (1A) “relevant authority” has the same meaning as in regulation 4(2).”.
- (3) In regulation 4(a) (change affecting housing benefit or council tax benefit)—
 - (a) at the beginning of paragraph (1) insert “Subject to paragraph (1A),”;
 - (b) after paragraph (1) insert—
 - “(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.”; and
 - (c) in paragraph (2) after “In this regulation” insert ““claimant”,”.
- (4) In regulation 5(b) (change affecting other benefit payment or advantage)—
 - (a) at the beginning of paragraph (1) insert “Subject to paragraph (1ZZA),”;
 - (b) after paragraph (1) insert—
 - “(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.”; and
 - (c) for paragraph (2) substitute—
 - “(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).”.

Amendment of the Housing Benefit Regulations 2006

5. After regulation 88(c) (duty to notify changes of circumstances) of the Housing Benefit Regulations 2006(d) insert—

(a) Regulation 4 was amended by S.I. 2006/217.
 (b) The relevant amending instruments is S.I. 2003/3209.
 (c) The relevant amending instruments are S.I. 2006/2967, 2008/2299 and 2008/2987.
 (d) S.I. 2006/213.

“Alternative means of notifying changes of circumstances

88ZA.—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 88(1) to notify a change of circumstances may be discharged by notifying 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.

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

(3) The Secretary of State must forward information received in accordance with paragraph (1) to the authority administering the claimant’s housing benefit.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

6. After regulation 69(a) (duty to notify changes of circumstances) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(b) insert—

“Alternative means of notifying changes of circumstances

69ZA.—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 69(1) to notify a change of circumstances may be discharged by notifying 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.

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

(3) The Secretary of State must forward information received in accordance with paragraph (1) to the authority administering the claimant’s housing benefit.”.

Amendment of the Council Tax Benefit Regulations 2006

7. After regulation 74(c) (duty to notify changes of circumstances) of the Council Tax Benefit Regulations 2006(d) insert—

“Alternative means of notifying changes of circumstances

74ZA.—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 74(1) to notify a change of circumstances may be discharged by notifying the Secretary of State—

(a) The relevant amending instruments are S.I. 2006/2967, 2008/2299 and 2008/2987.
(b) S.I. 2006/214.
(c) The relevant amending instruments are S.I. 2006/2967, 2008/2299 and 2008/2987.
(d) S.I. 2006/215.

(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.

(2) Paragraph (1) only applies if the authority administering the claimant's council tax benefit agrees with the Secretary of State that notifications may be made in accordance with that paragraph.

(3) The Secretary of State must forward information received in accordance with paragraph (1) to the authority administering the claimant's council tax benefit.”.

Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

8. After regulation 59(a) (duty to notify changes of circumstances) of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(b) insert—

“Alternative means of notifying changes of circumstances

59ZA.—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 59(1) to notify a change of circumstances may be discharged by notifying 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.

(2) Paragraph (1) only applies if the authority administering the claimant's council tax benefit agrees with the Secretary of State that notifications may be made in accordance with that paragraph.

(3) The Secretary of State must forward information received in accordance with paragraph (1) to the authority administering the claimant's council tax benefit.”.

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

23rd February 2010

Jim Knight
Minister of State
Department for Work and Pensions

(a) The relevant amending instruments are S.I. 2006/2967, 2008/2299 and 2008/2987.
(b) S.I. 2006/216.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), the Jobseeker's Allowance Regulations 1996 (S.I. 1996/207), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), the Council Tax Benefit Regulations 2006 (S.I. 2006/215) and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/216).

They also amend the Social Security (Notification of Change of Circumstances) Regulations 2001 (S.I. 2001/3252) which prescribe the person to whom and manner in which a change of circumstances must be notified for the purposes of sections 111A and 112 of the Social Security Administration Act 1992 (offences relating to failure to notify a change of circumstances).

The amendments allow for alternative methods of discharging the duty to notify a change of circumstances which may affect entitlement to, or payment of, benefit. These alternative methods of notification only apply to a change of circumstances which is a birth or death.

In relation to housing benefit and council tax benefit, the alternative notification methods may only be used to discharge the duty to notify a change of circumstances where the authority administering the claimant's housing benefit or council tax benefit has agreed with the Secretary of State that notifications may be made by such alternative methods.

Guidance setting out the conditions under which these alternative methods may be used will be made available at offices of the Department for Work and Pensions, on the Department's publicly accessible website and at participating local authority offices.

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

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STATUTORY INSTRUMENTS

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Regulations 2010

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