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*Status: Point in time view as at 08/04/2013.*

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## STATUTORY INSTRUMENTS

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# 2013 No. 380

## SOCIAL SECURITY

### The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

*Made - - - - 25th February 2013*

*Laid before Parliament 4th March 2013*

*Coming into force in accordance with regulation 1(2)  
and (3)*

The Secretary of State, in exercise of the powers conferred upon him by the provisions set out in Schedule 1 to these Regulations, makes the following Regulations.

In accordance with section 172(1)<sup>M1</sup> of the Social Security Administration Act 1992, the Secretary of State has referred the proposals for these Regulations to the Social Security Advisory Committee.

The Secretary of State has consulted with organisations representing qualifying lenders likely to be affected by the fee specified in paragraph 9(2) of Schedule 5 to the Regulations (direct payment to lender of deductions in respect of interest on secured loans)<sup>M2</sup>.

In accordance with section 176(2)(b) of the Social Security Administration Act 1992 and in so far as these Regulations relate to housing benefit, the Secretary of State has obtained the agreement of organisations appearing to him to be representative of the authorities concerned that proposals in respect of these Regulations should not be referred to them.

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#### **Marginal Citations**

**M1** 1992 c.5.

**M2** See section 15A(2) of the Social Security Administration Act 1992 (“the Administration Act”).

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## PART 1 E+W+S

### General

#### Citation and commencement E+W+S

1.—(1) These Regulations may be cited as the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013.

(2) For the purpose of personal independence payment these Regulations come into force on 8th April 2013.

(3) For the purposes of universal credit, jobseeker's allowance and employment and support allowance these Regulations come into force on 29th April 2013.

#### Interpretation E+W+S

2. In these Regulations—

“the 1991 Act” means the Child Support Act 1991 <sup>M3</sup>;

“the 2012 Act” means the Welfare Reform Act 2012 <sup>M4</sup>;

“the Administration Act” means the Social Security Administration Act 1992;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 <sup>M5</sup>;

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 2013 <sup>M6</sup>;

“the Personal Independence Payment Regulations” means the Social Security (Personal Independence Payment) Regulations 2013 <sup>M7</sup>;

“the Universal Credit Regulations” means the Universal Credit Regulations 2013 <sup>M8</sup>;

“appropriate office” means—

(a) an office of the Department for Work and Pensions or any other place designated by the Secretary of State in relation to any case or class of case as a place to, or at which, any claim, notice, document, evidence or other information may be sent, delivered or received for the purposes of these Regulations and includes a postal address specified by the Secretary of State for that purpose; or

(b) in the case of a person who is authorised or required by these Regulations to use an electronic communication for any purpose, an address to which such communications may be sent in accordance with Schedule 2;

“assessment period” has the meaning given by regulation 21 of the Universal Credit Regulations;

“attendance allowance” means an allowance payable by virtue of section 64 of the Contributions and Benefits Act;

“benefit”, except in regulation 60 and Schedules 5 and 6, means universal credit, personal independence payment, a jobseeker's allowance or an employment and support allowance;

“child” has the meaning given by section 40 of the 2012 Act;

“claimant” in relation to—

(a) universal credit, has the meaning given by section 40 of the 2012 Act;

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- (b) personal independence payment, means any person who is a claimant for the purposes of regulations made under Part 4 (personal independence payment) of that Act;
- (c) a jobseeker's allowance, has the meaning given by section 35(1) of the Jobseekers Act 1995 <sup>M9</sup>; and
- (d) an employment and support allowance, has the meaning given by section 24(1) of the Welfare Reform 2007 Act <sup>M10</sup>;

“couple” has the meaning given by section 39 of the 2012 Act;

“disability living allowance” means an allowance payable by virtue of section 71 of the Contributions and Benefits Act;

“earned income” has the meaning given by regulation 52 of the Universal Credit Regulations;

“electronic communication” has the meaning given by section 15(1) of the Electronic Communications Act 2000 <sup>M11</sup>;

“employment and support allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the 2012 Act that remove references to an income-related allowance;

“jobseeker's allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the 2012 Act that remove references to an income-based allowance;

“limited capability for work” has the meaning given by section 1(4) of the Welfare Reform Act 2007;

“local authority” has the meaning given by section 191 of the Administration Act <sup>M12</sup>;

“maternity allowance” means an allowance payable by virtue of section 35 of the Contributions and Benefits Act;

“official computer system” means a computer system maintained by or on behalf of the Secretary of State to—

- (a) send or receive any claim or information; or
- (b) process or store any claim or information;

“partner” means one of a couple;

“personal independence payment” means the allowance under Part 4 of the 2012 Act;

“qualifying young person” has the meaning given by regulation 5 of the Universal Credit Regulations;

“regular and substantial caring responsibilities for a severely disabled person” has the meaning given by regulation 30 of the Universal Credit Regulations;

“universal credit” means the benefit under Part 1 of the 2012 Act;

“writing” includes writing produced by means of electronic communications used in accordance with Schedule 2.

#### Marginal Citations

**M3** 1991 c.48.

**M4** 2012 c.5.

**M5** 1992 c.4.

**M6** S.I. 2013/378.

**M7** S.I. 2013/377.

**M8** S.I. 2013/376.

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**M9** 1995 c.18.

**M10** 2007 c.5.

**M11** 2000 c.7.

**M12** The definition of “local authority” in section 191 of the Administration Act was amended by paragraph 94 of Schedule 16 to the [Local Government \(Wales\) Act 1994 \(c.19\)](#) and by paragraph 175(5)(b) of Schedule 13 to the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#).

### Use of electronic communications **E+W+S**

3. Schedule 2 makes provision as to the use of electronic communications.

### Consequential amendments **E+W+S**

4. Schedule 3 makes amendments to other regulations which are consequential upon these Regulations.

### Disapplication of section 1(1A) of the Administration Act **E+W+S**

5. Section 1(1A)<sup>M13</sup> of the Administration Act (requirements in respect of a national insurance number) is not to apply to a child or a qualifying young person in respect of whom universal credit is claimed.

#### Marginal Citations

**M13** [Section 1\(1A\)](#) of the Administration Act was inserted by section 19 of the [Social Security Administration \(Fraud\) Act 1997 \(c.47\)](#).

## PART 2 **E+W+S**

### Claims

#### Claims not required for entitlement to universal credit in certain cases **E+W+S**

6.—(1) It is not to be a condition of entitlement to universal credit that a claim be made for it where all the following conditions are met—

- (a) a decision is made as a result of the change of circumstances, whether as originally made or as revised, that the person (“former claimant”) is not entitled to universal credit in a case where, but for the receipt of earned income, the former claimant would have continued to be entitled to an amount of universal credit;
- (b) at the date of notification to an appropriate office of the change of circumstances referred to in sub-paragraph (a), the former claimant was in receipt of earned income;
- (c) not more than six months have elapsed since the last day of entitlement to universal credit;
- (d) the former claimant provides such information as to their income at such times as the Secretary of State may require and the Secretary of State is satisfied that the former claimant has provided such information as may be required by the Secretary of State to determine whether an award may be made and if so, the amount;
- (e) since the last day of entitlement to universal credit the former claimant's circumstances have changed such that, if the former claimant were entitled to universal credit, the amount

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payable would not be less than the minimum amount in regulation 17 of the Universal Credit Regulations.

(2) It is not to be a condition of entitlement to universal credit that a claim be made for it where all the following conditions are met—

- (a) the former claimant made a claim for universal credit and a decision is made, whether as originally made or as revised, that the former claimant is not entitled to universal credit in a case where, but for the receipt of earned income, the former claimant would have been entitled to an amount of universal credit;
- (b) at the time the decision referred to in sub-paragraph (a) was made, the former claimant was in receipt of earned income;
- (c) not more than six months have elapsed since the date of that claim;
- (d) the former claimant provides such information as to their income at such times as the Secretary of State may require and the Secretary of State is satisfied that the former claimant has provided such information as may be required by the Secretary of State to determine whether an award may be made and if so, the amount;
- (e) the former claimant's circumstances have changed such that, if the former claimant were entitled to universal credit, the amount payable would not be less than the minimum amount in regulation 17 of the Universal Credit Regulations.

#### **Claims not required for entitlement to an employment and support allowance in certain cases** **E+W+S**

7. It is not to be a condition of entitlement to an employment and support allowance that a claim be made for it where the following conditions are met—

- (a) the claimant has made, and is pursuing, an appeal against a decision of the Secretary of State that embodies a determination that the claimant does not have limited capability for work; and
- (b) the appeal relates to a decision to terminate or not to award an employment and support allowance for which a claim was made.

#### **Making a claim for universal credit** **E+W+S**

8.—(1) Except as provided in paragraph (2), a claim for universal credit must be made by means of an electronic communication in accordance with the provisions set out in Schedule 2 and completed in accordance with any instructions given by the Secretary of State for that purpose.

(2) A claim for universal credit may be made by telephone call to the telephone number specified by the Secretary of State if the claim falls within a class of case for which the Secretary of State accepts telephone claims or where, in any other case, the Secretary of State is willing to do so.

(3) A claim for universal credit made by means of an electronic communication in accordance with the provisions set out in Schedule 2 is defective if it is not completed in accordance with any instructions of the Secretary of State.

(4) A claim made by telephone in accordance with paragraph (2) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(5) If a claim for universal credit is defective the Secretary of State must inform the claimant of the defect and of the relevant provisions of regulation 10 relating to the date of claim.

(6) The Secretary of State must treat the claim as properly made in the first instance if—

- (a) in the case of a claim made by telephone, the person corrects the defect; or

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- (b) in the case of a claim made by means of an electronic communication, a claim completed in accordance with any instructions of the Secretary of State is received at an appropriate office,

within one month, or such longer period as the Secretary of State considers reasonable, from the date on which the claimant is first informed of the defect.

### Claims for universal credit by members of a couple **E+W+S**

9.—(1) Where a person is a member of a couple and may make a claim as a single person by virtue of regulation 3(3) (couples) of the Universal Credit Regulations, but instead makes a claim for universal credit jointly, that claim is to be treated as a claim made by that person as a single person.

(2) Where a claim for universal credit is made jointly by a member (“M1”) of a polygamous marriage with another member of the polygamous marriage (“M2”), that claim is to be treated as a claim made by M1 as a single person where—

- (a) M1 is not a party to an earlier marriage in the polygamous marriage, and  
 (b) any party to an earlier marriage is living in the same household as M1 and M2.

(3) In paragraph (2) “polygamous marriage” means a marriage during which a party to it is married to more than one person and which took place under the laws of a country which permits polygamy.

(4) The Secretary of State may treat a claim made by members of a couple as single persons as a claim made jointly by the couple where it is determined by the Secretary of State that they are a couple.

(5) Where the Secretary of State considers that one member of a couple is unable to make a joint claim with the other member of that couple, the other member of the couple may make a claim jointly for both of them.

(6) Where an award of universal credit to joint claimants is terminated because they cease to be a couple, it is not to be a condition of entitlement to universal credit that a claim be made for it by the member of the former couple who—

- (a) does not notify the Secretary of State that they have ceased to be a couple, where the other former member of the couple has already so notified; or  
 (b) is the second of them to notify the Secretary of State that they have ceased to be a couple.

(7) Where awards of universal credit to two single claimants are terminated because they form a couple who are joint claimants, it is not to be a condition of entitlement to universal credit that the couple make a claim for it and universal credit may be awarded to them jointly.

(8) A couple who are joint claimants are to be treated as making a claim for universal credit where—

- (a) one of them was entitled to universal credit as a single person and ceased to be so entitled on becoming a member of the couple; and  
 (b) the other member of the couple did not have an award of universal credit as a single person before formation of the couple.

(9) In relation to an award which may be made by virtue of paragraph (6) or (7) without a claim being required, a claimant and every person by whom or on whose behalf, sums by way of universal credit are receivable must supply in such manner and at such times as the Secretary of State may determine such information or evidence as the Secretary of State may require in connection with the formation or dissolution of a couple.

(10) Where an award of universal credit to joint claimants is terminated because one of them has died it is not to be a condition of entitlement to universal credit that the surviving partner makes a claim for it.

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## Date of claim for universal credit **E+W+S**

- 10.—(1) Where a claim for universal credit is made, the date on which the claim is made is—
- (a) subject to sub-paragraph (b), in the case of a claim made by means of an electronic communication in accordance with regulation 8(1), the date on which the claim is received at an appropriate office;
  - (b) in the case of a claim made by means of an electronic communication in accordance with regulation 8(1), where the claimant receives assistance at home or at an appropriate office from the Secretary of State, or a person providing services to the Secretary of State, which is provided for the purpose of enabling that person to make a claim, the date of first notification of a need for such assistance;
  - (c) subject to sub-paragraph (d), in the case of a claim made by telephone in accordance with regulation 8(2), the date on which that claim is properly completed in accordance with regulation 8(4); or
  - (d) where the Secretary of State is unable to accept a claim made by telephone in accordance with regulation 8(2) on the date of first notification of intention to make the claim, the date of first notification, provided a claim properly completed in accordance with regulation 8(4) is made within one month of that date,

or the first day in respect of which the claim is made if later than the above.

(2) In the case of a claim which is defective by virtue of regulation 8, the date of claim is to be the first date on which the defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 8(6).

## Making a claim for personal independence payment **E+W+S**

- 11.—(1) A claim for personal independence payment must be made—
- (a) in writing on a form authorised by the Secretary of State for that purpose and completed in accordance with the instructions on the form;
  - (b) by telephone call to the telephone number specified by the Secretary of State; or
  - (c) by receipt by the claimant of a telephone call from the Secretary of State made for the purpose of enabling a claim for personal independence payment to be made,

unless in any case or class of case the Secretary of State decides only to accept a claim made in one of the ways specified in paragraph (a), (b) or (c).

(2) In the case of a claim made in writing the claim must be sent to or received at the appropriate office.

(3) A claim for personal independence payment made in writing is defective if it is not completed in accordance with any instructions of the Secretary of State.

(4) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(5) If a claim for personal independence payment is defective the Secretary of State must inform the claimant of the defect and of the relevant provisions of regulation 12 relating to the date of claim.

(6) The Secretary of State must treat the claim as properly made in the first instance if a claim completed in accordance with any instructions of the Secretary of State is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date on which the claimant is first informed of the defect.

- (7) Paragraph (8) applies where—



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- (a) a person (“P1”) makes a claim for personal independence payment on behalf of another person (“P2”) whom P1 asserts to be a person unable for the time being to act; and
- (b) the Secretary of State makes a decision not to appoint P1 under regulation 57.

(8) The Secretary of State must treat the claim made by P1 as properly made by P2 in the first instance if a further claim made by P2 is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date the Secretary of State notified the decision not to appoint P1 under regulation 57.

### **Date of claim for personal independence payment** **E+W+S**

12.—(1) Subject to paragraph (4), where a claim for personal independence payment is made in accordance with regulation 11 the date on which the claim is made is—

- (a) in the case of a claim in writing made by means of an electronic communication in accordance with the provisions set out in Schedule 2, the date on which the claim is received at the appropriate office;
- (b) in the case of a claim made by telephone, the date on which a claim made by telephone is properly completed; or
- (c) where a person first notifies an intention to make a claim and provided that a claim made in writing produced other than by means of an electronic communication is properly completed and received at the appropriate office designated by the Secretary of State in that claimant's case within one month or such longer period as the Secretary of State considers reasonable of the date of first notification, the date of first notification,

or the first day in respect of which the claim is made if later than the above.

(2) In the case of a claim which is defective by virtue of regulation 11(3) or (4)—

- (a) subject to sub-paragraph (b) and paragraph (4), the date of claim is to be the first date on which the defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 11(6);
- (b) the date of claim is to be the date of first notification of an intention to make a claim where a claim made by a person to whom paragraph (1)(c) applies is defective but is treated as properly made in the first instance in accordance with regulation 11(6).

(3) In the case of a claim which is treated as properly made by the claimant in accordance with regulation 11(8), the date on which the claim is made is the date on which it was received in the first instance.

(4) Where a further claim made by a person (“P2”) in the circumstances set out in regulation 11(8) is defective and that further claim is treated as properly made in the first instance in accordance with regulation 11(6), the date of claim is to be the date on which the claim made by the person (“P1”) whom the Secretary of State decided not to appoint under regulation 57 was received in the first instance.

(5) In a case where the Secretary of State decides not to award personal independence payment following a claim for it being made on behalf of another expressly on the ground of terminal illness (which has the meaning given by section 82(4) of the 2012 Act), the date of claim is to be—

- (a) the date that claim was made if a further claim, made in accordance with regulation 11, is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date the Secretary of State notified the decision not to award personal independence payment on the ground of terminal illness; or
- (b) the date that claim was made where the further claim is defective but is treated as properly made in the first instance in accordance with regulation 11(6).



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### **Making a claim for an employment and support allowance by telephone** **E+W+S**

13.—(1) Except where the Secretary of State directs in any case or class of case that a claim must be made in writing, a claim for an employment and support allowance may be made by telephone call to the telephone number specified by the Secretary of State.

(2) Where the Secretary of State, in any particular case, directs that the person making the claim approves a written statement of the person's circumstances provided for the purpose by the Secretary of State, a telephone claim is not a valid claim unless the person complies with the direction.

(3) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(4) Where a telephone claim is defective, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 14.

(5) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (3) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

### **Date of claim for an employment and support allowance where claim made by telephone** **E+W+S**

14. In the case of a telephone claim, the date on which the claim is made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies the Secretary of State of an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 13(5),

or the first day in respect of which the claim is made if later than the above.

### **Making a claim for an employment and support allowance in writing** **E+W+S**

15.—(1) A claim for an employment and support allowance may be made to the Secretary of State in writing on a form authorised by the Secretary of State for that purpose and must be completed in accordance with the instructions on the form.

(2) A written claim for an employment and support allowance, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(3) If a written claim is defective when first received, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 16.

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

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### **Date of claim for an employment and support allowance where claim made in writing** **E+W+S**

16. In the case of a written claim for an employment and support allowance, the date on which the claim is made is to be the first date on which—

- (a) a properly completed claim is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month, or such longer period as the Secretary of State considers reasonable, of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 15(4),

or the first day in respect of which the claim is made if later than the above.

### **Claims for an employment and support allowance where no entitlement to statutory sick pay** **E+W+S**

17.—(1) Paragraph (2) applies to a claim for an employment and support allowance for a period of limited capability for work in relation to which the claimant gave the claimant's employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations 1982<sup>M14</sup> and for which the claimant has been informed in writing by the employer that there is no entitlement to statutory sick pay.

(2) A claim to which this paragraph applies is to be treated as made on the date accepted by the claimant's employer as the first day of incapacity, provided that the claimant makes the claim within the period of 3 months beginning with the day on which the claimant is informed in writing by the employer that the claimant was not entitled to statutory sick pay.

#### **Marginal Citations**

**M14** [S.I. 1982/894](#). Relevant amending instruments are [S.I. 1984/385](#) and [1996/777](#).

### **Special provisions where it is certified that a woman is expected to be confined or where she has been confined** **E+W+S**

18. Where, in a certificate issued or having effect as issued under the Social Security (Medical Evidence) Regulations 1976<sup>M15</sup>, it has been certified that it is to be expected that a woman will be confined and she makes a claim for maternity allowance in expectation of that confinement, any such claim may, unless the Secretary of State otherwise directs, be treated as a claim for an employment and support allowance, made in respect of any days in the period beginning with either—

- (a) the beginning of the sixth week before the expected week of confinement; or
- (b) the actual date of confinement,

whichever is the earlier, and ending in either case on the 14th day after the actual date of confinement.

(2) Where, in a certificate issued under the Social Security (Medical Evidence) Regulations 1976 it has been certified that a woman has been confined and she claims maternity allowance within three months of the date of her confinement, her claim may be treated in the alternative or in addition as a claim for an employment and support allowance for the period beginning with the date of her confinement and ending 14 days after that date.

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#### Marginal Citations

M15 S.I. 1976/615.

### **Making a claim for a jobseeker's allowance: attendance at an appropriate office** **E+W+S**

**19.** A person wishing to make a claim for a jobseeker's allowance, unless the Secretary of State otherwise directs, is required to attend for the purpose of making a claim for that allowance, in person at an appropriate office or such other place, and at such time, as the Secretary of State may specify in that person's case.

### **Date of claim where a person claiming a jobseeker's allowance is required to attend at an appropriate office** **E+W+S**

**20.**—(1) Subject to regulation 29(6), where a person is required to attend in accordance with regulation 19, if the person subsequently attends for the purpose of making a claim for a jobseeker's allowance at the place and time specified by the Secretary of State and, if so requested, provides a properly completed claim form at or before the time when the person is required to attend, the claim is to be treated as made on whichever is the later of the date of first notification of intention to make that claim or the first day in respect of which the claim is made.

(2) Where a person who is required to attend in accordance with regulation 19 without good cause fails to attend at either the place or time specified in that person's case, or does not, if so requested, provide a properly completed claim form at or before the time when the person is required to attend, the claim is to be treated as made on the first day on which the person does attend at the specified place or time or does provide a properly completed claim form, or if later the first day in respect of which the claim is made.

(3) The Secretary of State may direct that the time for providing a properly completed claim form may be extended to a date no later than the date one month after the date of first notification of intention to make that claim.

### **Making a claim for a jobseeker's allowance in writing** **E+W+S**

**21.**—(1) Except where a person is required to attend in accordance with regulation 19, a claim for a jobseeker's allowance may be made in writing on a form authorised by the Secretary of State for that purpose and may be delivered or sent to the Secretary of State at an appropriate office.

(2) A claim made in accordance with paragraph (1) must be completed in accordance with the instructions on the form.

(3) A written claim for a jobseeker's allowance made under this regulation or regulation 20, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

(4) If a written claim made under this regulation is defective when first received, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 22.

(5) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (3) and does so within one month, or such longer period as the Secretary of State considers reasonable, from the date the Secretary of State first drew attention to the defect, the claim must be treated as having been properly made in the first instance.

*Status: Point in time view as at 08/04/2013.*

*Changes to legislation: The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### **Date of claim for a jobseeker's allowance where claim made in writing** **E+W+S**

**22.** Subject to regulation 29(6), in the case of a written claim for a jobseeker's allowance made under regulation 21, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a properly completed claim is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 21(5),

or the first day in respect of which the claim is made if later than the above.

### **Making a claim for a jobseeker's allowance by telephone** **E+W+S**

**23.**—(1) Except where a person is required to attend in accordance with regulation 19, or where the Secretary of State in any case directs that the claim must be made in writing in accordance with regulation 21, a claim for a jobseeker's allowance may be made by telephone call to the telephone number specified by the Secretary of State where such a claim falls within a class of case for which the Secretary of State accepts telephone claims or in any other case where the Secretary of State is willing to do so.

(2) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

(3) Where a telephone claim is defective, the Secretary of State must advise the person making it of the defect and of the effect on the date of claim of the provisions of regulation 24.

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (2) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

### **Date of claim for a jobseeker's allowance where claim made by telephone** **E+W+S**

**24.** Subject to regulation 29(6), in the case of a telephone claim made under regulation 23, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with regulation 23(4),

or the first day in respect of which the claim is made if later than the above.

### **Interchange with claims for other benefits** **E+W+S**

**25.**—(1) The Secretary of State may treat a claim for an employment and support allowance by a woman in addition or in the alternative as a claim for maternity allowance.

(2) The Secretary of State may treat a claim for a maternity allowance in addition or in the alternative as a claim for an employment and support allowance.

**Changes to legislation:** The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) Where it appears that a person who has made a claim for personal independence payment is not entitled to it but may be entitled to disability living allowance or attendance allowance, the Secretary of State may treat any such claim alternatively, or in addition, as a claim for either disability living allowance or attendance allowance as the case may be.

(4) Where it appears that a person who has made a claim for disability living allowance or attendance allowance is not entitled to it but may be entitled to personal independence payment, the Secretary of State may treat any such claim alternatively, or in addition, as a claim for personal independence payment.

(5) In determining whether the Secretary of State should treat a claim as made alternatively or in addition to another claim (“the original claim”) under this regulation the Secretary of State must treat the alternative or additional claim, whenever made, as having been made at the same time as the original claim.

### **Time within which a claim for universal credit is to be made** E+W+S

**26.**—(1) Subject to the following provisions of this regulation, a claim for universal credit must be made on the first day of the period in respect of which the claim is made.

(2) Where the claim for universal credit is not made within the time specified in paragraph (1), the Secretary of State is to extend the time for claiming it, subject to a maximum extension of one month, to the date on which the claim is made, if—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.

(3) The circumstances referred to in paragraph (2) are—

- (a) the claimant was previously in receipt of a jobseeker's allowance or an employment and support allowance and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the claimant's entitlement expired;
- (b) the claimant has a disability;
- (c) the claimant has supplied the Secretary of State with medical evidence that satisfies the Secretary of State that the claimant had an illness that prevented the claimant from making a claim;
- (d) the claimant was unable to make a claim in writing by means of an electronic communication used in accordance with Schedule 2 because the official computer system was inoperative;
- (e) where an award of universal credit has been terminated in the circumstances specified in regulation 9(6) and the person who first notifies the Secretary of State makes a further claim to universal credit as a single person;
- (f) where—
  - (i) the Secretary of State decides not to award universal credit to members of a couple jointly because one of the couple does not meet the basic condition in section 4(1)(e) of the 2012 Act;
  - (ii) they cease to be a couple; and
  - (iii) the person who did meet the basic condition in section 4(1)(e) makes a further claim as a single person;

(g) where—

**Status:** Point in time view as at 08/04/2013.

**Changes to legislation:** The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (i) an award of universal credit to joint claimants has been terminated because one of the couple does not meet the basic condition in section 4(1)(e) of the 2012 Act;
- (ii) they cease to be a couple; and
- (iii) the person who did meet the basic condition in section 4(1)(e) makes a further claim as a single person.

(4) In the case of a claim for universal credit made by each of joint claimants, the prescribed time for claiming is not to be extended under paragraph (2) unless both claimants satisfy that paragraph.

**Time within which a claim for personal independence payment is to be made** **E+W+S**

27. A claim for personal independence payment must be made on the first day of the period in respect of which the claim is made.

**Time within which a claim for an employment and support allowance is to be made** **E+W+S**

28. A claim for an employment and support allowance must be made on the first day of the period in respect of which the claim is made or within the period of three months immediately following that day.

**Time within which a claim for a jobseeker's allowance is to be made** **E+W+S**

29.—(1) Subject to paragraphs (2) and (4), a claim for a jobseeker's allowance must be made on the first day of the period in respect of which the claim is made.

(2) In a case where the claim is not made within the time specified in paragraph (1), the Secretary of State is to extend the time for claiming a jobseeker's allowance, subject to a maximum extension of three months, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
  - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (3) The circumstances referred to in paragraph (2) are—
- (a) the claimant has difficulty communicating because—
    - (i) the claimant has learning, language or literacy difficulties; or
    - (ii) the claimant is deaf or blind,
 and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;
  - (b) the claimant was caring for a person who is ill or disabled and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim;
  - (c) the claimant was given information by an officer of the Department for Work and Pensions which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
  - (d) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, a local authority or a person working in a Citizens Advice Bureau or a similar advice agency, which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;



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- (e) the claimant was required to deal with a domestic emergency affecting the claimant and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim; or
  - (f) the claimant was prevented by adverse weather conditions from attending an appropriate office.
- (4) In a case where the claim is not made within the time specified in paragraph (1), the prescribed time for claiming a jobseeker's allowance is to be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—
- (a) any one or more of the circumstances specified in paragraph (5) applies or has applied to the claimant; and
  - (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.
- (5) The circumstances referred to in paragraph (4) are—
- (a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;
  - (b) the claimant was unable to attend the appropriate office due to difficulties with the claimant's normal mode of transport and there was no reasonable alternative available;
  - (c) there were adverse postal conditions;
  - (d) the claimant was previously in receipt of an employment and support allowance and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the entitlement expired;
  - (e) the claimant had ceased to be a member of a couple within the period of one month before the claim was made;
  - (f) during the period of one month before the claim was made a close relative of the claimant had died and for this purpose “close relative” means partner, parent, son, daughter, brother or sister;
  - (g) the claimant was unable to make telephone contact with the appropriate office where the claimant would be expected to notify an intention of making a claim because the telephone lines to that office were busy or inoperative;
  - (h) the claimant was unable to make contact by means of an electronic communication used in accordance with Schedule 2 where the claimant would be expected to notify an intention of making a claim because the official computer system was inoperative.
- (6) In a case where the time for claiming a jobseeker's allowance is extended under paragraph (2) or (4), the claim is to be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of those paragraphs, timeously made.

#### **Amendment of claim** **E+W+S**

**30.**—(1) A person who has made a claim for benefit may amend it at any time before a determination has been made on the claim by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept.

(2) Any claim amended in accordance with paragraph (1) may be treated as if it had been so amended in the first instance.

*Status: Point in time view as at 08/04/2013.*

*Changes to legislation: The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### **Withdrawal of claim** **E+W+S**

**31.**—(1) A person who has made a claim for benefit may withdraw it at any time before a determination has been made on it by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept.

(2) Any notice of withdrawal given in accordance with paragraph (1) has effect when it is received.

### **Advance claim for and award of universal credit** **E+W+S**

**32.**—(1) This regulation applies where—

- (a) although a person does not satisfy the conditions of entitlement to universal credit on the date on which a claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances that person will satisfy those conditions for a period beginning on a day not more than one month after the date on which the claim is made; and
- (b) the case falls within a class for which Secretary of State accepts advance claims or is a case where Secretary of State is otherwise willing to do so.

(2) The Secretary of State is to treat the claim as if made on the first day of that period.

(3) The Secretary of State may award universal credit accordingly, subject to the requirement that the person satisfies the conditions for entitlement on the first day of that period.

### **Advance claim for and award of personal independence payment** **E+W+S**

**33.**—(1) Where, although a person does not satisfy the requirements for entitlement to personal independence payment on the date on which the claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances the person will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than 3 months after the date on which the decision on the claim is made, the Secretary of State may award personal independence payment from the relevant day subject to the condition that the person satisfies the requirements for entitlement on the relevant day.

(2) A person who has an award of personal independence payment may make a further claim for personal independence payment during the period of 6 months immediately before the existing award expires.

(3) Where a person makes a claim in accordance with paragraph (2) the Secretary of State may—

- (a) treat the claim as if made on the first day after the expiry of the existing award; and
- (b) award personal independence payment accordingly, subject to the condition that the person satisfies the requirements for entitlement on that first day after the expiry of the existing award.

### **Advance claim for and award of an employment and support allowance or a jobseeker's allowance** **E+W+S**

**34.** Where, although a person does not satisfy the requirements of entitlement to an employment and support allowance or a jobseeker's allowance on the date on which a claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances that claimant will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than three months after the date on which the claim is made, then the Secretary of State may—

- (a) treat the claim as if made for a period beginning with the relevant day; and

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- (b) award an employment and support allowance or a jobseeker's allowance accordingly, subject to the condition that the person satisfies the requirements for entitlement when those benefits become payable under an award.

#### Attendance in person **E+W+S**

**35.** Except in a case where regulation 9 of the Personal Independence Payment Regulations <sup>M16</sup> applies, every person who makes a claim for benefit, other than a jobseeker's allowance, or any person entitled to benefit, other than a jobseeker's allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable, must attend at such place and on such days and at such times as the Secretary of State may direct, for the purpose of supplying any information or evidence under regulations 37, 38, 39 and 41, if reasonably so required by the Secretary of State.

#### Marginal Citations

M16 [S.I. 2013/377](#).

#### Duration of awards **E+W+S**

**36.—**(1) A claim for universal credit is to be treated as made for an indefinite period and any award of universal credit on that claim is to be made for an indefinite period.

(2) The provisions of Schedule 4 are to have effect in relation to claims for a jobseeker's allowance made during periods connected with public holidays.

## PART 3 **E+W+S**

### Evidence, information and notification of changes of circumstances

#### Evidence and information in connection with a claim **E+W+S**

**37.—**(1) Subject to regulation 8 of the Personal Independence Payment Regulations, paragraphs (2) and (3) apply to a person who makes a claim for benefit, other than a jobseeker's allowance, or on whose behalf a claim is made.

(2) The Secretary of State may require the person to supply information or evidence in connection with the claim, or any question arising out of it, as the Secretary of State considers appropriate.

(3) The person must supply the Secretary of State with the information or evidence in such manner as the Secretary of State determines within one month of first being required to do so or such longer period as the Secretary of State considers reasonable.

(4) Where joint claimants have made a claim for universal credit, information relating to that claim may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with the claim.

(5) Where a person is a member of a couple and may make a claim as a single person by virtue of regulation 3(3) (couples) of the Universal Credit Regulations <sup>M17</sup> and entitlement to or the amount of any universal credit is or may be affected by the circumstances of their partner, the Secretary of State may require the partner to do any of the following, within one month of being required to do so or such longer period as the Secretary of State may consider reasonable—

- (a) to confirm the information given about the partner's circumstances;

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(b) to supply information or evidence in connection with the claim, or any question arising out of it, as the Secretary of State may require.

(6) The Secretary of State may require a landlord or a rent officer to supply information or evidence in connection with a claim for universal credit that may include in the calculation of an award an amount in respect of housing costs, and any information or evidence so requested must be supplied within one month of the request or such longer period as the Secretary of State considers reasonable.

(7) Every person providing relevant childcare as defined in regulation 35 of the Universal Credit Regulations, in a case where the calculation of a claimant's award of universal credit may include an amount in respect of childcare costs under regulation 31 of those Regulations, must supply such information or evidence in connection with the claim made by the claimant, or any question arising out of it, as may be required by the Secretary of State, and must do so within one month of being required to do so or such longer period as the Secretary of State may consider reasonable.

(8) In this regulation any reference to a person or joint claimants making a claim for a benefit, other than a jobseeker's allowance, is to be interpreted as including a person or joint claimants in a case where it is not a condition of entitlement to benefit that a claim be made for it.

(9) In this regulation any reference to a claim for a benefit, other than a jobseeker's allowance, is to be interpreted as including a potential award of benefit in a case where it is not a condition of entitlement to benefit that a claim be made for it.

#### Marginal Citations

M17 [S.I. 2013/376](#).

### Evidence and information in connection with an award **E+W+S**

**38.**—(1) This regulation, apart from paragraph (7), applies to any person entitled to benefit, other than a jobseeker's allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable.

(2) Subject to regulation 8 of the Personal Independence Payment Regulations, a person to whom this regulation applies must supply in such manner as the Secretary of State may determine and within the period applicable under regulation 45(4)(a) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 <sup>M18</sup> such information or evidence as the Secretary of State may require for determining whether a decision on the award of benefit should be revised under section 9 of the Social Security Act 1998 <sup>M19</sup> or superseded under section 10 of that Act.

(3) A person to whom this regulation applies must supply in such manner and at such times as the Secretary of State may determine such information or evidence as the Secretary of State may require in connection with payment of the benefit awarded.

(4) A person to whom this regulation applies must notify the Secretary of State of any change of circumstances which the person might reasonably be expected to know might affect—

- (a) the continuance of entitlement to benefit;
- (b) the amount of benefit awarded; or
- (c) the payment of benefit,

as soon as reasonably practicable after the change occurs.

(5) A notification of any change of circumstances under paragraph (4) must be given—

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- (a) in writing or by telephone (unless the Secretary of State determines in any case that notice must be given in a particular way or to accept notice given otherwise than in writing or by telephone); or
  - (b) in writing if in any class of case the Secretary of State requires written notice (unless the Secretary of State determines in any case to accept notice given otherwise than in writing),
- and must be sent or delivered to, or received at, the appropriate office.

(6) Where universal credit has been awarded to joint claimants, information relating to that award may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with that award.

(7) Every person providing relevant childcare as defined in regulation 35 of the Universal Credit Regulations, in a case where the claimant's award of universal credit includes an amount in respect of childcare costs under regulation 31 of those Regulations, must supply such information or evidence in connection with the award, or any question arising out of it, as the Secretary of State may require, and must do so within one month of being required to do so or such longer period as the Secretary of State may consider reasonable.

(8) Where the calculation of an award of universal credit includes, by virtue of regulation 29 of the Universal Credit Regulations, an amount in respect of the fact that a claimant has regular and substantial caring responsibilities for a severely disabled person, the Secretary of State may require a person to whom this regulation applies to furnish a declaration signed by such severely disabled person confirming the particulars respecting the severely disabled person which have been given by that person.

#### Marginal Citations

M18 S.I. 2013/381.

M19 1998 c.14.

### Alternative means of notifying changes of circumstances **E+W+S**

**39.** In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 38(4) 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 local 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.

### Information to be provided to rent officers **E+W+S**

**40.**—(1) The Secretary of State must provide to the rent officer such information as the rent officer may reasonably require to carry out functions under section 122 of the Housing Act 1996<sup>M20</sup>.

(2) The information referred to in paragraph (1) may include information required to make a determination under the Rent Officers Order<sup>M21</sup> and may include—

- (a) the name and address of a universal credit claimant in respect of whom the Secretary of State has applied for a determination;
- (b) the amount of any rent (within the meaning of paragraph 2 of Schedule 1 to the Universal Credit Regulations) (meaning of payments in respect of accommodation);

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- (c) the amount of any service charge payments (within the meaning of paragraph 2 of Schedule 1 to the Universal Credit Regulations);
  - (d) the number of bedrooms in the accommodation in respect of which a determination is made;
  - (e) the name and address of a claimant's landlord.
- (3) A landlord must provide to the rent officer such information or evidence as the rent officer may reasonably require to make a determination in accordance with the Rent Officers Order and which the rent officer is not able to obtain from the Secretary of State.
- (4) The evidence referred to in paragraph (3) may include evidence as to whether a property is let at an Affordable Rent within the meaning in Schedule 2 to the Rent Officers Order.
- (5) In this regulation and regulation 37 “landlord” means any person to whom a claimant or partner is liable to make payments in respect of the occupation of the claimant's accommodation.
- (6) In this regulation “the Rent Officers Order” means the Rent Officer (Universal Credit Functions) Order 2013.

#### Marginal Citations

- M20** 1996 c.52. Section 122(4) was amended by paragraph 60(1)(a) and (b) of Schedule 7 to the [Local Government Act 2003 \(c.26\)](#). Section 122(5) was amended by paragraph 12 of Schedule 5 to the [Welfare Reform Act 2007 \(c.5\)](#).
- M21** S.I. 2013/382.

#### Evidence and information required from pension fund holders **E+W+S**

**41.**—(1) Where a claimant or the claimant's partner is aged not less than 60 and is a member of, or a person deriving entitlement to a pension under a personal pension scheme or an occupational pension scheme, such a person must, where the Secretary of State so requires, furnish the following information—

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme or occupational pension scheme to be identified.

(2) Where the pension fund holder receives from the Secretary of State a request for details concerning the personal pension scheme or occupational pension scheme relating to a person to whom paragraph (1) refers, the pension fund holder must provide the Secretary of State with any information to which the following paragraph refers.

- (3) The information to which this paragraph refers is—
  - (a) where the purchase of an annuity under a personal pension scheme or occupational pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme or occupational pension scheme;
  - (b) in the case of—
    - (i) a personal pension scheme or occupational pension scheme where income withdrawal is available, the maximum amount of income which may be withdrawn from the scheme; or
    - (ii) a personal pension scheme or occupational pension scheme where income withdrawal is not available, the maximum amount of income which might be withdrawn from the fund if the fund were held under a personal pension scheme or occupational pension scheme where income withdrawal was available,



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calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.

(4) In this regulation any reference to a claimant is to be interpreted as including a person in a case where it is not a condition of entitlement to benefit that a claim be made for it.

(5) This regulation does not apply to a person claiming personal independence payment.

(6) In this regulation—

(a) “pension fund holder” means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators of the scheme concerned;

(b) “personal pension scheme” means—

(i) a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993<sup>M22</sup>,

(ii) an annuity contract or trust scheme approved under section 620 or 621 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3)<sup>M23</sup> of that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 to the Finance Act 2004<sup>M24</sup>;

(iii) a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

(c) “occupational pension” means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases.

#### Marginal Citations

**M22** 1993 c.48. Section 1 was amended by section 239 of the [Pensions Act 2004 \(c.35\)](#) and paragraph 1 of Part 3(2) of Schedule 27 to the [Finance Act 2007 \(c.11\)](#).

**M23** 1988 c.1. Sections 620, 621 and 622 were repealed by Part 3 of Schedule 42 to the [Finance Act 2004 \(c.12\)](#) subject to savings provisions in Schedule 36 to that Act.

**M24** 2004. c.12.

#### Notification for purposes of sections 111A and 112 of the Administration Act **E+W+S**

**42.** Regulations 43 to 44 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)<sup>M25</sup> and 112(1A) to (1F)<sup>M26</sup> of the Administration Act (offences relating to failure to notify a change of circumstances).

#### Marginal Citations

**M25** Section 111A was inserted by section 13 of the [Social Security Administration \(Fraud\) Act 1997 \(c.47\)](#) and subsections (1A) to (1G) were inserted by section 16(1)(b) and (2) of the [Social Security Fraud Act 2001 \(c.11\)](#).

**M26** Subsections (1A) to (1F) of section 112 were inserted by section 16(3) of the Social Security Fraud Act 2001.

*Status: Point in time view as at 08/04/2013.*

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**Notification of changes of circumstances affecting a jobseeker's allowance or an employment and support allowance for purposes of sections 111A and 112 of the Administration Act E+W+S**

**43.**—(1) Subject to paragraphs (2) and (3), where the benefit affected by the change of circumstances is a jobseeker's allowance or an employment and support allowance, notice must be given to the Secretary of State at the appropriate office—

- (a) in writing or by telephone (unless the Secretary of State determines in any 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 the Secretary of State requires written notice (unless the Secretary of State determines in any case to accept notice given otherwise than in writing).

(2) 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 2 to these Regulations (electronic communications).

(3) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 38(4) of these Regulations or regulation 31(4) of the Jobseeker's Allowance Regulations 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 local 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.

**Notification of changes of circumstances affecting personal independence payment or universal credit for purposes of sections 111A and 112 of the Administration Act E+W+S**

**44.**—(1) Subject to paragraphs (2) and (3), where the benefit affected by the change of circumstances is personal independence payment or universal credit, notice must be given to the Secretary of State (“S”) at the appropriate office—

- (a) in writing or by telephone (unless S determines in any 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 S requires written notice (unless S determines in any case to accept notice given otherwise than in writing).

(2) 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 2 to these Regulations (electronic communications).

(3) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation 38(4) 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 local 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.

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## PART 4 E+W+S

### Payments

#### Time of payment: general provision E+W+S

45. Subject to the other provisions of this Part, benefit is to be paid in accordance with an award as soon as is reasonably practicable after the award has been made.

#### Direct credit transfer E+W+S

46.—(1) The Secretary of State may arrange for benefit to be paid by way of direct credit transfer into a bank or other account—

- (a) in the name of the person entitled to benefit, the person's partner, a person appointed under regulation 57(1) or a person referred to in regulation 57(2);
- (b) in the joint names of the person entitled to benefit and the person's partner;
- (c) in the joint names of the person entitled to benefit and a person appointed under regulation 57(1) or a person referred to in regulation 57(2); or
- (d) in the name of such persons as are mentioned in regulation 57(2).

(2) A Jobseeker's Allowance or an Employment and Support Allowance are to be paid in accordance with paragraph (1) within seven days of the last day of each successive period of entitlement.

#### Payment of universal credit E+W+S

47.—(1) Universal credit is payable monthly in arrears in respect of each assessment period unless in any case or class of case the Secretary of State arranges otherwise.

(2) Where universal credit is to be paid in accordance with regulation 46, it is to be paid within seven days of the last day of the assessment period but if it is not possible to pay universal credit within that period of seven days, it is to be paid as soon as reasonably practicable thereafter.

(3) In respect of an award of universal credit which is the subject of an arrangement for payment under regulation 46, the Secretary of State may make a particular payment by credit transfer otherwise than is provided by paragraph (2), if it appears to the Secretary of State appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(4) Where the Secretary of State has arranged for universal credit to be paid in accordance with regulation 46, joint claimants may nominate a bank or other account into which that benefit is to be paid.

(5) Where joint claimants of universal credit have not nominated a bank or other account into which that benefit is to be paid, the Secretary of State may nominate a bank or other account.

(6) The Secretary of State may, in any case where the Secretary of State considers it is in the interests of—

- (a) the claimants;
- (b) a child or a qualifying young person for whom one or both of the claimants are responsible; or
- (c) a severely disabled person, where the calculation of an award of universal credit includes, by virtue of regulation 29 of the Universal Credit Regulations, an amount in respect of

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the fact that a claimant has regular and substantial caring responsibilities for that severely disabled person,

arrange that universal credit payable in respect of joint claimants be paid wholly to only one member of the couple or be split between the couple in such proportion as the Secretary of State considers appropriate.

(7) Where a superseding decision takes effect in accordance with paragraph 26 of Schedule 1 to the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013 <sup>M27</sup>, the amount payable in respect of that last assessment period is to be calculated as follows—

$$Nx \left( \frac{Ax12}{365} \right)$$

where N is the number of days in the period and A is the amount calculated in relation to that period as if it were an assessment period of one month.

#### Marginal Citations

M27 S.I. 2013/381.

#### Payment of personal independence payment **E+W+S**

48.—(1) Subject to the following provisions of this regulation and regulation 50, personal independence payment is to be paid at intervals of four weeks in arrears.

(2) In the case of any person to whom section 82 of the 2012 Act <sup>M28</sup>(terminal illness) applies, the Secretary of State may arrange that personal independence payment is to be paid at intervals of one week in advance.

(3) Where the amount of personal independence payment payable is less than £5.00 a week the Secretary of State may arrange that it is to be paid in arrears at such intervals as may be specified not exceeding 12 months.

#### Marginal Citations

M28 2012.c.5.

#### Days for payment of personal independence payment **E+W+S**

49.—(1) Subject to the following provisions of this regulation, a personal independence payment is payable on the day of the week on which the Secretary of State makes a decision to award that benefit, except that where that decision is made on a Saturday or a Sunday the benefit is to be paid on such day of the week as the Secretary of State may direct in any case.

(2) The Secretary of State may, in any case or class of case, arrange that personal independence payment or any part of it be paid on any day of the week.

(3) Where personal independence payment is in payment to any person and the day on which it is payable is changed, it is to be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(4) Where there is a change in the amount of any personal independence payment payable, or where entitlement to personal independence payment ends, and these events do not occur on the day

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of the week referred to in paragraph (1) or (2), personal independence payment is to be paid at a daily rate of 1/7th of the weekly rate.

**Payment of personal independence payment at a daily rate between periods in hospital or other accommodation** **E+W+S**

**50.**—(1) Personal independence payment is to be paid in respect of any person, for any day falling within a period to which paragraph (2) applies, at the daily rate (which is to be equal to 1/7th of the weekly rate) and personal independence payment payable in pursuance of this regulation is to be paid weekly or as the Secretary of State may direct in any case.

- (2) This paragraph applies to any period which is not a period of residence—
  - (a) but which commences immediately following such a period; and
  - (b) on the first day of which it is expected that, before the expiry of the term of 28 days beginning with that day, the person will commence another period of residence.
- (3) Where paragraph (2) applies, the period referred to in that paragraph is to end—
  - (a) at the expiry of the term of 28 days beginning with the first day of the period referred to in that paragraph; or
  - (b) if earlier, on the day before the day which is the first day of a period of residence.
- (4) In this regulation a “period of residence” means a period of residence where—
  - (a) the person is a resident of a care home, as defined in section 85(3) of the 2012 Act, and no amount of personal independence payment which is attributable to the daily living component is payable in respect of the person by virtue of regulation 28(1) of the Personal Independence Payment Regulations <sup>M29</sup>; or
  - (b) the person is undergoing medical or other treatment as an in-patient at a hospital or similar institution and no amount of personal independence payment which is attributable to the daily living component or the mobility component is payable in respect of the person by virtue of regulation 29 of the Personal Independence Payment Regulations,

and such period is to be deemed to begin on the day after the day on which the person enters the care home, hospital or similar institution and to end on the day before the day on which the person leaves the care home, hospital or similar institution.

**Marginal Citations**

**M29** [S.I. 2013/377](#).

**Payment of an employment and support allowance** **E+W+S**

**51.**—(1) Subject to paragraphs (3) to (8), an employment and support allowance paid in accordance with regulation 46 is to be paid fortnightly in arrears on the day of the week determined in accordance with paragraph (2).

(2) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last two digits of the claimant's national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday

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40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

(3) The Secretary of State may, in any case or class of case, arrange that the claimant be paid otherwise than fortnightly.

(4) In respect of an award of an employment and support allowance which is the subject of an arrangement for payment under regulation 46, the Secretary of State may make a particular payment by credit transfer otherwise than as provided by paragraph (1), if it appears to the Secretary of State appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(5) The Secretary of State may, in any case or class of case, arrange that an employment and support allowance be paid on any day of the week and where it is in payment to any person and the day on which it is payable is changed, it is to be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(6) Where the weekly amount of an employment and support allowance is less than £1.00 it may be paid in arrears at intervals of not more than 13 weeks.

(7) Where the weekly amount of an employment and support allowance is less than 10 pence that allowance is not payable.

(8) Where an employment and support allowance is normally payable in arrears and the day on which that benefit is payable by reason of paragraph (2) is affected by office closure, it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such day as the Secretary of State may direct.

(9) Where under paragraph (8) an employment and support allowance is paid either in advance or partly in advance and partly in arrears it is for any other purposes to be treated as if it were paid in arrears.

(10) For the purposes of paragraph (8), “benefit week” means a period of seven days beginning or ending with such day as the Secretary of State may direct.

(11) For the purposes of paragraph (8), “office closure” means a period during which an appropriate office is closed in connection with a public holiday.

(12) For the purposes of paragraph (11), “public holiday” means—

- (a) in England and Wales, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M30</sup>;
- (b) in Scotland, a bank holiday under the Banking and Financial Dealings Act 1971 or a local holiday.

#### Marginal Citations

M30 1971 c.80.

### Payment of a jobseeker's allowance **E+W+S**

**52.**—(1) Subject to paragraphs (2) to (4), a jobseeker's allowance paid in accordance with regulation 46 is to be paid fortnightly in arrears unless in any case or class of case the Secretary of State arranges otherwise.



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(2) In respect of an award of a jobseeker's allowance which is the subject of an arrangement for payment under regulation 46, the Secretary of State may make a particular payment by credit transfer otherwise than as provided by paragraph (1), if it appears to the Secretary of State appropriate to do so for the purpose of—

- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

(3) Where the amount of a jobseeker's allowance is less than £1.00 a week the Secretary of State may direct that it is to be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(4) Where a jobseeker's allowance is normally payable in arrears and the day on which that benefit is normally payable is affected by office closure, it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such day as the Secretary of State may direct.

(5) Where under paragraph (4) a jobseeker's allowance is paid either in advance or partly in advance and partly in arrears it is for any other purposes to be treated as if it were paid in arrears.

(6) For the purposes of paragraph (4), “benefit week” means a period of seven days ending with a day determined in accordance with the definition of that term in regulation 2(2) (general interpretation) of the Jobseeker's Allowance Regulations.

(7) For the purposes of paragraph (4), “office closure” means a period during which an appropriate office is closed in connection with a public holiday.

(8) For the purposes of paragraph (7), “public holiday” means—

- (a) in England and Wales, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971;
- (b) in Scotland, a bank holiday under the Banking and Financial Dealings Act 1971 or a local holiday.

#### **Fractional amounts of benefit** **E+W+S**

**53.** Where the amount of any benefit payable would, but for this regulation, include a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and is otherwise to be treated as a penny.

#### **Payment to persons under age 18** **E+W+S**

**54.** Where a benefit is paid to a person under the age of 18, a direct credit transfer under regulation 46 into any such person's account, or the receipt by the person of a payment made by some other means, is sufficient discharge for the Secretary of State.

#### **Extinguishment of right to payment if payment is not obtained within the prescribed period** **E+W+S**

**55.—(1)** The right to payment of any sum by way of benefit is to be extinguished where payment of that sum is not obtained within the period of 12 months from the date on which the right is treated as having arisen.

(2) For the purposes of this regulation, the right to payment of any sum by way of benefit is to be treated as having arisen—

- (a) where notice is given or sent that the sum contained in the notice is ready for collection, on the date of the notice or, if more than one such notice is given or sent, the date of the first such notice;

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- (b) in relation to any such sum which the Secretary of State has arranged to be paid by means of direct credit transfer in accordance with regulation 46 into a bank or other account, on the due date for payment of the sum or in the case of universal credit on the date of payment of the sum; or
  - (c) in relation to any such sum to which neither sub-paragraph (a) or (b) applies, on such date as the Secretary of State determines.
- (3) The giving or sending of a notice under paragraph (2)(a) is effective for the purposes of that paragraph, even where the sum contained in that notice is more or less than the sum which the person concerned has the right to receive.
- (4) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this regulation and the Secretary of State is satisfied that—
- (a) the Secretary of State first received written notice requesting payment of that sum after the expiration of 12 months from the date on which the right is treated as having arisen;
  - (b) from a day within that period of 12 months and continuing until the day the written notice was given, there was good cause for not giving the notice; and
  - (c) no payment has been made under the provisions of regulation 46 (direct credit transfer), the period of 12 months is extended to the date on which the Secretary of State decides that question, and this regulation is to apply accordingly as though the right to payment had arisen on that date.
- (5) This regulation applies to a person appointed under regulation 57(1) to act on behalf of a claimant or a person referred to in regulation 57(2) as it applies to a claimant.

#### **Payments on death** E+W+S

**56.—**(1) On the death of a person who has made a claim for benefit, the Secretary of State may appoint such person as the Secretary of State thinks fit to proceed with the claim and any related issue of revision, supersession or appeal under the Social Security Act 1998 <sup>M31</sup>.

(2) Subject to paragraphs (6) and (7), any sum payable by way of benefit which is payable under an award on a claim proceeded with under paragraph (1) may be paid or distributed by the Secretary of State to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin or creditors of the deceased and the provisions of regulation 55 (extinguishment of right to payment if payment is not obtained within the prescribed period) are to apply to any such payment or distribution.

(3) Subject to paragraphs (2), (6) and (7), any sum payable by way of benefit to the deceased, payment of which the deceased had not obtained at the date of the deceased's death, may, unless the right to payment was already extinguished at that date, be paid or distributed to or amongst any persons mentioned in paragraph (2), and regulation 55 is to apply to any such payment or distribution, except that, for the purpose of that regulation, the period of 12 months is to be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.

(4) A direct credit transfer under regulation 46 into an account in the name of any person mentioned in paragraph (2), or the receipt by such a person of a payment made by some other means, is sufficient discharge for the Secretary of State for any sum so paid.

(5) Where the Secretary of State is satisfied that any sum payable by way of benefit under paragraph (2) or (3), or part of it, is needed for the well-being of any person under the age of 16, the Secretary of State may obtain sufficient discharge for it by paying the sum or part of it to a person over that age who satisfies the Secretary of State that that person will apply the sum so paid for the well-being of the person under the age of 16.

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(6) Paragraphs (2) and (3) are not to apply in any case unless written application for the payment of any sum is made to the Secretary of State within 12 months from the date of the deceased's death or within such longer period as the Secretary of State may allow in any case.

(7) The Secretary of State may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

(8) In paragraph (2) “next of kin” means—

- (a) in England and Wales, the persons who would take beneficially on an intestacy;
- (b) in Scotland, the persons entitled to the moveable estate of the deceased on intestacy.

#### Marginal Citations

M31 1998 c.14.

## PART 5 E+W+S

### Third parties

#### Persons unable to act E+W+S

57.—(1) Where a person (“P1”) is, or may be, entitled to benefit (whether or not a claim for benefit has been made by P1 or on P1's behalf) but P1 is unable for the time being to act, the Secretary of State may, if all the conditions in paragraph (2) and the additional conditions in paragraph (3) are met, appoint a person (“P2”) to carry out the functions set out in paragraph (4).

(2) The conditions are that—

- (a) no deputy has been appointed by the Court of Protection under Part 1 of the Mental Capacity Act 2005<sup>M32</sup>;
- (b) no receiver has been appointed under Part 7 of the Mental Health Act 1983<sup>M33</sup> who is treated as a deputy by virtue of the Mental Capacity Act 2005 with power to claim or receive benefit on P1's behalf;
- (c) no attorney with a general power, or a power to claim or receive benefit, has been appointed by P1 under the Powers of Attorney Act 1971<sup>M34</sup>, the Enduring Powers of Attorney Act 1985<sup>M35</sup>, the Mental Capacity Act 2005 or otherwise; and
- (d) in Scotland, P1's estate is not being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000<sup>M36</sup> who has power to claim or receive benefit on P1's behalf.

(3) The additional conditions are that—

- (a) P2 has made a written application to the Secretary of State to be appointed; and
- (b) if P2 is a natural person, P2 is over the age of 18.

(4) The functions are exercising on behalf of P1 any right to which P1 may be entitled and receiving and dealing on behalf of P1 with any sums payable to P1.

(5) Anything required by these Regulations to be done by or in relation to P1 may be done by or in relation to P2 or any person mentioned in paragraph (2).

(6) Where a person has been appointed under regulation 82(3) of the Housing Benefit Regulations 2006<sup>M37</sup> by a relevant authority within the meaning of those Regulations to act on behalf of another

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in relation to a benefit claim or award, the Secretary of State may, if the person so appointed agrees, treat that person as if the Secretary of State had appointed that person under paragraph (1).

(7) A direct credit transfer under regulation 46 into the account of P2 or any person mentioned in paragraph (2), or the receipt by such a person of a payment made by some other means, is sufficient discharge for the Secretary of State for any sum paid.

(8) An appointment under paragraph (1) or (6) comes to an end if—

- (a) the Secretary of State at any time revokes it;
- (b) P2 resigns P2's office having given one month's notice in writing to the Secretary of State of an intention to do so; or
- (c) the Secretary of State is notified that any condition in paragraph (2) is no longer met.

#### Marginal Citations

- M32 2005 c.9.
- M33 1983 c.20.
- M34 1971 c.27.
- M35 1985 c.29.
- M36 2000 asp 4.
- M37 S.I. 2006/213.

#### Payment to another person on the claimant's behalf **E+W+S**

**58.**—(1) The Secretary of State may direct that universal credit be paid wholly or in part to another person on the claimant's behalf if this appears to the Secretary of State necessary to protect the interests of—

- (a) the claimant;
- (b) their partner;
- (c) a child or qualifying young person for whom the claimant or their partner or both are responsible; or
- (d) a severely disabled person, where the calculation of the award of universal credit includes, by virtue of regulation 29 of the Universal Credit Regulations, an amount in respect of the fact that the claimant has regular and substantial caring responsibilities for that severely disabled person.

(2) The Secretary of State may direct that personal independence payment be paid wholly to another person on the claimant's behalf if this appears to the Secretary of State necessary to protect the interests of the claimant.

#### Direct payment to lender of deductions in respect of interest on secured loans **E+W+S**

**59.** Schedule 5 has effect where section 15A(1) of the Administration Act <sup>M38</sup> (payment out of benefit of sums in respect of mortgage interest etc.) applies in relation to a case where a claimant is entitled to universal credit.

#### Marginal Citations

- M38 1992 c.5.

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## Deductions which may be made from benefit and paid to third parties **E+W+S**

60. Except as provided for in regulation 59 and Schedule 5, deductions may be made from benefit and direct payments may be made to third parties on behalf of a claimant in accordance with the provisions of Schedule 6 and Schedule 7.

## PART 6 **E+W+S**

### Mobility component of personal independence payment

#### Cases where mobility component of personal independence payment not payable **E+W+S**

61.—(1) Subject to the following provisions of this regulation, personal independence payment by virtue of entitlement to the mobility component is not payable to any person who would otherwise be entitled to it during any period in respect of which that person has received, or is receiving, any payment—

- (a) by way of grant under section 5 of, and paragraph 10 of Schedule 1 to, the National Health Service Act 2006 <sup>M39</sup>, section 5 of, and paragraph 10 of Schedule 1 to, the National Health Service (Wales) Act 2006 <sup>M40</sup> or section 46 of the National Health Service (Scotland) Act 1978 <sup>M41</sup> towards the costs of running a private car;
- (b) of mobility supplement under—
  - (i) the Naval, Military and Air Forces etc., (Disablement and Death) Service Pensions Order 2006 <sup>M42</sup>;
  - (ii) the Personal Injuries (Civilians) Scheme 1983 <sup>M43</sup>; or
  - (iii) the Order referred to in paragraph (i) by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964 <sup>M44</sup>, the Pensions (Polish Forces) Scheme 1964 <sup>M45</sup>, the War Pensions (Mercantile Marine) Scheme 1964 <sup>M46</sup> or an Order of Her Majesty in relation to the Home Guard dated 21st or 22nd December 1964 or in relation to the Ulster Defence Regiment dated 4th January 1971; or
- (c) out of public funds which the Secretary of State is satisfied is analogous to a payment under sub-paragraph (a) or (b).

(2) Paragraph (3) applies where a person in respect of whom personal independence payment is claimed for any period has received any such payment as is referred to in paragraph (1) for a period which, in whole or in part, covers the period for which personal independence payment is claimed.

(3) Such payment referred to in paragraph (1) is to be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of mobility component of personal independence payment to which, apart from paragraph (1), they would be entitled, any personal independence payment to which that person may be entitled for that week is to be payable at a weekly rate reduced by the weekly amount so calculated.

#### Marginal Citations

**M39** 2006 c.41. There are prospective amendments not yet in force to paragraph 10 of Schedule 1 to the 2006 Act made by the [Health and Social Care Act 2012 \(c.7\)](#).

**M40** 2006 c.42.

**M41** 1978 c.29.

**M42** S.I. 2006/606.

**Status:** Point in time view as at 08/04/2013.

**Changes to legislation:** The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- M43** S.I. 1983/686.
- M44** S.I. 1964/1985.
- M45** S.I. 1964/2007.
- M46** S.I. 1964/2058.

## Payment of personal independence payment on behalf of a claimant (Motability) **E+W+S**

**62.**—(1) This regulation applies where—

- (a) personal independence payment is payable in respect of a claimant by virtue of entitlement to the mobility component at the enhanced rate; and
- (b) under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of the claimant for the hire or hire-purchase of a vehicle.

(2) Where this regulation applies, the Secretary of State may arrange that any personal independence payment by virtue of entitlement to the mobility component at the enhanced rate be paid in whole or in part on behalf of the claimant in settlement of liability for payments due under the agreement mentioned in paragraph (1).

(3) Subject to regulations 63 and 64, in the case of the hire of a vehicle, an arrangement made by the Secretary of State under paragraph (2) terminates—

- (a) where the vehicle is returned to the owner at or before the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term;
- (b) where the vehicle is retained by or on behalf of the claimant with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, on expiry of the period of the term or extended term; or
- (c) where the vehicle is retained by or on behalf of the claimant otherwise than with the owner's consent after the expiration of the term of hire or any agreed extension of the term of hire, or its earlier termination, on expiry of whichever is the longer of the following periods—
  - (i) the period ending with the return of the vehicle to the owner; or
  - (ii) the period of the term of hire or any agreed extension of the term of hire.

(4) Subject to regulations 63 and 64 in the case of a hire-purchase agreement, an arrangement made by the Secretary of State under paragraph (2) terminates—

- (a) on the purchase of the vehicle; or
- (b) where the vehicle is returned to, or is repossessed by, the owner under the terms of the agreement before the completion of the purchase, at the end of the original period of the agreement.

(5) In this regulation “Motability” means the company, set up under that name as a charity and originally incorporated under the Companies Act 1985<sup>M47</sup> and subsequently incorporated by Royal Charter.

### Marginal Citations

- M47** 1985 c.6.



**Changes to legislation:** The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

**Power for the Secretary of State to terminate an arrangement (Motability) E+W+S**

**63.** The Secretary of State may terminate an arrangement under regulation 62(2) on such date as the Secretary of State decides—

- (a) if requested to do so by the owner of the vehicle to which the arrangement relates; or
- (b) if it appears to the Secretary of State that the arrangement is causing undue hardship to the claimant and that it should be terminated earlier than provided for by regulation 62(3) or (4).

**Restriction on duration of arrangements by the Secretary of State (Motability) E+W+S**

**64.** The Secretary of State must terminate an arrangement under regulation 62(2) where the Secretary of State is satisfied that—

- (a) the vehicle to which the arrangement relates has been returned to the owner; and
- (b) the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.

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

Department for Work and Pensions

*Freud*  
Parliamentary Under-Secretary of State,

**Status:** Point in time view as at 08/04/2013.

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## SCHEDULE 1 **E+W+S**

Preamble

### POWERS EXERCISED IN MAKING THESE REGULATIONS

1. The following provisions of the Administration Act—
  - (a) section 1(1), (1C) <sup>M48</sup>;
  - (b) section 5(1)(a), (b), (c), (d), (g), (i), (j), (k), (l), (m), (p), (q), (1A), (2A), (2B), (2C), (3B) <sup>M49</sup>;
  - (c) section 7A(2)(b) <sup>M50</sup>;
  - (d) section 15A(2) <sup>M51</sup>;
  - (e) section 111A(1A)(d), (1B)(d), (1D)(c), (1E)(c) <sup>M52</sup>;
  - (f) section 112(1A)(d), (1B)(d), (1C)(c), (1D)(c) <sup>M53</sup>;
  - (g) section 189(1) and (5) to (6) <sup>M54</sup>;
  - (h) section 191 <sup>M55</sup>.

#### Marginal Citations

- M48** Section 1(1C) of the Administration Act was inserted by section 19 of the [Social Security Administration \(Fraud\) Act 1997 \(c.47\)](#).
- M49** Section 5(1)(d) was amended by section 98(1) and (2) of the [Welfare Reform Act 2012 \(c.5\)](#) (“the 2012 Act”). Section 5(1)(g) was amended by section 98(1) and (4) of the 2012 Act. Section 5(1)(j) was amended by section 98(1) and (5) of the 2012 Act. Section 5(1A) was inserted by section 99(3) of the 2012 Act. Section 5(2A) to (2C) was inserted by section 35(2) of the [Welfare Reform Act 2007 \(c.5\)](#). Section 5(3B) was inserted by section 100 of the 2012 Act.
- M50** Section 7A of the Administration Act was inserted by section 71 of the [Welfare Reform and Pensions Act 1999 \(c.30\)](#).
- M51** Section 15A(2) was amended by paragraphs 8 and 9(1), (3) and (4) of Schedule 2 to the [State Pension Credit Act 2002 \(c.16\)](#).
- M52** Section 111A of the Administration Act was inserted by section 13 of the [Social Security Administration \(Fraud\) Act 1997 \(c.47\)](#). Subsections (1A), (1B), (1D) and (1E) were inserted by section 16(1)(b) and (2) of the [Social Security Fraud Act 2001 \(c.11\)](#).
- M53** Section 112(1A),(1B),(1C) and (1D) of the Administration Act was substituted by section 16(3) of the [Social Security Fraud Act 2001 \(c.11\)](#).
- M54** Section 189(1) of the Administration Act was amended by paragraph 57(1) and (2) of Schedule 3 to the [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c.2\)](#). Section 189(5A) and (5B) was inserted by section 104(1) of the 2012 Act.
- M55** Section 191 is an interpretation provision and is cited for the meaning of the word “prescribe”.

2. Paragraph 7A of Schedule 2 to the Abolition of Domestic Rates etc. (Scotland) Act 1987 <sup>M56</sup>.

#### Marginal Citations

- M56** 1987 c.47. Paragraph 7A of Schedule 2 was inserted by paragraph 36(10) of Schedule 12 to the [Local Government Finance Act 1988 \(c.41\)](#). It was amended by paragraph 92 of Schedule 2 to the [Social Security \(Consequential Provisions\) Act 1992 \(c.6\)](#), by paragraph 15 of Schedule 7 to the [Social Security Act 1998 \(c.14\)](#) and by paragraph 10 of Schedule 2 to the [Jobseekers Act 1995 \(c.18\)](#).

3. Paragraph 6 of Schedule 4 to the Local Government Finance Act 1988 <sup>M57</sup>.

**Status:** Point in time view as at 08/04/2013.

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**Marginal Citations**

**M57** 1988 c.41. Paragraph 6 of Schedule 4 was amended by paragraph 100 of Schedule 2 to the Social Security (Consequential Provisions) Act 1992, by paragraph 17 of Schedule 7 to the Social Security Act 1998 and by paragraph 18 of Schedule 2 to the Jobseekers Act 1995.

4. Section 24(2)(b), (c) and (d) and section 30 of the Criminal Justice Act 1991 <sup>M58</sup>.

**Marginal Citations**

**M58** 1991 c.53. Section 24(2)(b) was amended by paragraph 55 of Schedule 7 to the Social Security Act 1998. Section 24(2)(d) was amended by paragraph 31(b) of Schedule 2 to the State Pension Credit Act 2002 and by paragraph 8(a) of Schedule 3 to the Welfare Reform Act 2007.

5. Section 43(2) of the 1991 Act <sup>M59</sup>.

**Marginal Citations**

**M59** 1991 c.48. Section 43 was substituted by section 21 of the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#). Section 43(2) was substituted by section 139 of the 2012 Act.

6. Paragraphs 1 and 6(2)(b) of Schedule 4 and paragraph 6 of Schedule 8 to, the Local Government Finance Act 1992 <sup>M60</sup>.

**Marginal Citations**

**M60** 1992 c.14. Paragraph 6(2)(b) of Schedule 4 was amended by paragraphs 32 and 33(1) and (3) of Schedule 2 to the State Pension Credit Act 2002, by paragraph 11(1) and (2)(a) of Schedule 3 to the Welfare Reform Act 2007 and by paragraphs 32 and 33(1) and (2)(b) of Schedule 2 to the 2012 Act. Paragraph 6 of Schedule 8 was amended by paragraph 176(18) of Schedule 13 to the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#), by paragraph 76(1) and (2)(c) of Schedule 2 to the Jobseekers Act 1995, by paragraphs 32 and 35(1), (2) and (3) of Schedule 2 to the State Pension Credit Act 2002, by paragraph 11(1) and (3) of Schedule 3 to the Welfare Reform Act 2007 and by paragraphs 32 and 34 of Schedule 2 to the 2012 Act.

7. Sections 32 and 92 of, and paragraph 3(1)(a), (b), (2)(a), (b) and (c) of Schedule 1 to the 2012 Act <sup>M61</sup>.

**Marginal Citations**

**M61** 2012 c.5.

**Status:** Point in time view as at 08/04/2013.

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## SCHEDULE 2 **E+W+S**

Regulation 3

### ELECTRONIC COMMUNICATIONS

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

- C1** Sch. 2 applied (8.4.2013 for specified purposes) by [The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance \(Decisions and Appeals\) Regulations 2013 \(S.I. 2013/381\)](#), regs. 1(2), 4 (with reg. 1(3))

## **PART 1 E+W+S**

### USE OF ELECTRONIC COMMUNICATIONS

#### **Use of electronic communications by the Secretary of State E+W+S**

1. The Secretary of State may use an electronic communication in connection with claims for, and awards of, any benefit.

#### **Conditions for the use of electronic communications by other persons E+W+S**

2.—(1) A person other than the Secretary of State may use an electronic communication in connection with the matters referred to in paragraph 1 if the conditions specified in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the person is for the time being permitted to use an electronic communication for the purpose in question by an authorisation given by means of a direction of the Secretary of State.

(3) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication where required to do so;
- (b) electronic communication;
- (c) authenticating any claim or information delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (6), submitting any claim or information to the Secretary of State.

(4) The third condition is that any claim or information sent by means of an electronic communication is in an approved form.

(5) The fourth condition is that the person maintains such records as may be specified in a direction given by the Secretary of State.

(6) Where the person uses any method other than the method approved by the Secretary of State of submitting any claim or information, it is to be treated as not having been submitted.

(7) In this paragraph “approved” means approved by means of a direction given by the Secretary of State for the purposes of this Schedule.

#### **Use of intermediaries E+W+S**

3. The Secretary of State may use intermediaries in connection with—

- (a) the delivery of any claim or information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

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and may require other persons to use intermediaries in connection with those matters.

## PART 2 **E+W+S**

### EVIDENTIAL PROVISIONS

#### Effect of delivering information by electronic communications **E+W+S**

4.—(1) Any claim or information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of these Regulations on the day on which the conditions imposed—

- (a) by this Schedule; and
- (b) by or under an applicable enactment (except to the extent that the condition thereby imposed is incompatible with this Schedule),

are satisfied.

(2) The Secretary of State may, by a direction, determine that any claim or information is to be treated as delivered on a different day (whether earlier or later) from the day specified in subparagraph (1).

(3) Any claim or information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### Proof of delivery **E+W+S**

5.—(1) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Secretary of State, if the delivery of that claim or information is recorded on an official computer system; or
- (b) in the case of any information that falls to be delivered by the Secretary of State, if the despatch of that information is recorded on an official computer system.

(2) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, not to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Secretary of State, if the delivery of that claim or information is not recorded on an official computer system; or
- (b) in the case of information that falls to be delivered by the Secretary of State, if the despatch of that information is not recorded on an official computer system.

(3) The time and date of receipt of any claim or information sent by an approved method of electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

#### Proof of identity **E+W+S**

6.—(1) The identity of—

- (a) the sender of any claim or information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any claim or information delivered by means of an electronic communication from an official computer system,

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is to be presumed, unless the contrary is proved, to be the person whose name is recorded as such on that official computer system.

(2) Any claim or information delivered by an approved method of electronic communication on behalf of another person (“P”) is to be deemed to have been delivered by P unless P proves that it was delivered without P's knowledge or connivance.

### Proof of content **E+W+S**

7. The content of any claim or information sent by means of an electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

## SCHEDULE 3 **E+W+S**

Regulation 4

### CONSEQUENTIAL AMENDMENTS

1.—(1) The Social Security (Claims and Payments) Regulations 1987<sup>M62</sup> are amended as follows.

(2) In the heading to regulation 1 (citation and commencement) for “and commencement”, substitute “, commencement and application”.

(3) For the regulation numbered “1”, substitute “ 1(1) ”.

(4) After paragraph (1) as substituted, insert—

“(2) In so far as these Regulations apply to—

(a) an employment and support allowance, they apply to that allowance under Part 1 of the Welfare Reform Act as it has effect apart from the amendments made by Schedule 3 and Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-related allowance;

(b) a jobseeker's allowance, they apply to that allowance under the Jobseekers Act as it has effect apart from the amendments made by Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance.

(3) These Regulations do not apply to universal credit (within the meaning of Part 1 of the Welfare Reform Act 2012) or personal independence payment (within the meaning of Part 4 of that Act).”.

(5) In regulation 2(1) (interpretation), omit the definition of “jobseeker's allowance”.

#### Marginal Citations

**M62** [S.I. 1987/1968](#).

2. In paragraph (6) of regulation 16 (limitations on deductions from prescribed benefits) of the Social Security (Payments on Account, Overpayments and Recovery) Regulations 1988<sup>M63</sup>, omit the words from “, and any increase” to the end of the paragraph.

#### Marginal Citations

**M63** [S.I. 1988/664](#).

3. In paragraph (5) of regulation 82 (who may claim) of the Housing Benefit Regulations 2006<sup>M64</sup> after the words “for the purposes of the Act”, insert “ or under regulation 57 of the Universal Credit,



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Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 ”.

**Marginal Citations**

**M64** [S.I. 2006/213](#).

4.—(1) Regulation 9 (repayment of an integration loan) of the Integration Loans for Refugees and Others Regulations 2007 <sup>M65</sup> is amended as follows.

(2) In paragraph (1) after “(Northern Ireland) 1987”, insert “ or is in receipt of universal credit as provided for in Part 1 of the Welfare Reform Act 2012 ”.

(3) In paragraph (3)(b) after “(Northern Ireland) 1987”, insert “ or, as the case may be, by way of deductions from universal credit in accordance with Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 ”.

**Marginal Citations**

**M65** [S.I. 2007/1598](#).

5. In paragraph (1)(g) of regulation 6 (prescribed persons) of the Income Tax (Deposit-takers and Building Societies) (Interest Payments) Regulations 2008 <sup>M66</sup>, after paragraph (ii) insert—

“or

(iii) paragraph (1) of regulation 57 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (persons unable to act), whose appointment has not been revoked or ended, or who has not resigned, under paragraph (8) of that regulation.”.

**Marginal Citations**

**M66** [S.I. 2008/2682](#).

SCHEDULE 4 **E+W+S**

Regulation 36(2)

SPECIAL PROVISIONS RELATING TO CLAIMS FOR A JOBSEEKER'S ALLOWANCE DURING PERIODS CONNECTED WITH PUBLIC HOLIDAYS

1. In this Schedule and regulation 36(2)—

(a) “public holiday” means—

(i) in England and Wales, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 <sup>M67</sup>,

(ii) in Scotland, a bank holiday under the Banking and Financial Dealings Act 1971 or a local holiday;

(b) “Christmas and New Year holidays” means—

**Status:** Point in time view as at 08/04/2013.

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- (i) in England and Wales, the period beginning at the start of Christmas Day and terminating at the end of New Year's Day, or if New Year's Day is a Sunday at the end of 2nd January,
- (ii) in Scotland, the period beginning at the start of Christmas Day and terminating at the end of 2nd January, or where New Year's Day is a Saturday or a Sunday terminating at the end of 3rd January;
- (c) “Easter Holidays” means the period beginning at the start of Good Friday and terminating at the end of Easter Monday;
- (d) “office closure” means a period during which an appropriate office is closed in connection with a public holiday.

#### Marginal Citations

M67 1971 c.80.

2. Where a claim for a jobseeker's allowance is made during any period set out in paragraph 3, the Secretary of State may treat that claim as a claim for a period, to be specified in a decision of the Secretary of State, not exceeding—

- (a) 35 days after the date of the claim where the claim is made during the period specified in sub-paragraph (a) of paragraph 3; or
- (b) 21 days after the date of claim where the claim is made during the period specified in either sub-paragraph (b) or (c) of paragraph 3.

3. For the purposes of paragraph 2 the periods are—

- (a) in the case of Christmas and New Year holidays, a period beginning with the start of the 35th day before the first day of office closure and terminating at the end of the last day of office closure;
- (b) in the case of Easter Holidays, a period beginning with the start of the 16th day before the first day of office closure and terminating at the end of the last day of office closure;
- (c) in the case of any other public holiday, a period beginning with the start of the 14th day before the first day of office closure and terminating at the end of the last day of office closure.

## SCHEDULE 5 E+W+S

Regulation 59

### DIRECT PAYMENT TO LENDER OF DEDUCTIONS IN RESPECT OF INTEREST ON SECURED LOANS

#### Interpretation E+W+S

1.—(1) In this Schedule—

“housing costs element” means an amount in respect of housing costs which is included in a claimant's award of universal credit under section 11(1) of the 2012 Act<sup>M68</sup>;

“qualifying lender” means (subject to paragraph 10)—

- (a) the bodies or persons listed in paragraphs (a) to (g) of section 15A(3)<sup>M69</sup> of the Administration Act;
- (b) the Regulator of Social Housing;

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- (c) the Greater London Authority; and
- (d) any body incorporated under the Companies Act 1985 <sup>M70</sup>, the main objects of which include the making of loans secured by—
  - (i) a mortgage of or charge over land, or
  - (ii) in Scotland a heritable security;

“loan interest payments” has the meaning given by paragraph 5 of Schedule 1 to the Universal Credit Regulations <sup>M71</sup>;

“relevant claimant” has the meaning given in paragraph 2(1);

“specified benefits”, in relation to a relevant claimant, means the benefits specified in paragraph 2(2)—

- (a) to which the relevant claimant is entitled; or
- (b) where the relevant claimant is a member of a couple, to which the other member of the couple is entitled;

“standard rate” means the standard rate of interest determined under paragraph 12 of Schedule 5 to the Universal Credit Regulations.

(2) References in this Schedule to a relevant claimant who meets the payment condition or the liability condition are to a claimant who meets those conditions in accordance with regulation 25 of the Universal Credit Regulations (the housing costs element).

#### Marginal Citations

**M68** 2012 c.5.

**M69** Section 15A(3)(a) was substituted by Article 330(1) and (2)(a) of S.I. 2001/3649. Section 15A(3)(c) was substituted by Article 330(1) and (2)(c) of S.I. 2001/3649. Section 15A(3)(d) was amended by paragraph 11 of Schedule 8 to the Local Government (Wales) Act 1994 (c.19). Section 15A(3)(ee) was inserted by paragraph 175(2) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c.39).

**M70** 1985 c.6.

**M71** S.I. 2013/376.

#### Relevant claimants and benefits from which payments are to be made **E+W+S**

- 2.—(1) For the purposes of this Schedule, “relevant claimant” means a claimant—
- (a) who is entitled to universal credit;
  - (b) whose maximum amount for the purposes of universal credit includes the housing costs element; and
  - (c) whose amount of housing costs element is calculated by reference to loan interest payments (whether or not that amount is calculated by reference to any other description of payment).
- (2) Direct payments of loan interest may be made under paragraph 3 from any of the following benefits—
- (a) universal credit; and
  - (b) if the maximum amount to which the relevant claimant is entitled for the purposes of universal credit is insufficient for the purposes of this Schedule—
    - (i) a jobseeker's allowance, or
    - (ii) an employment and support allowance.

**Status:** Point in time view as at 08/04/2013.

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### **Circumstances in which direct payments of loan interest to be made** **E+W+S**

**3.—**(1) If the circumstances set out in sub-paragraph (2) apply to a relevant claimant in respect of a loan, the Secretary of State is to pay part of the specified benefits directly to the qualifying lender to whom the loan interest payments in respect of the loan are payable.

(2) The circumstances are that—

- (a) a loan was made in respect of which loan interest payments are payable to a qualifying lender;
- (b) the relevant claimant (or either joint claimant) meets the payment condition and liability condition in respect of loan interest payments on the loan;
- (c) those payments are taken into account in calculating the amount of housing costs element to be included in the relevant claimant's award of universal credit; and
- (d) the amount included in respect of those payments is calculated by reference to the standard rate.

(3) The part of the specified benefits which is to be paid under sub-paragraph (1) is the amount calculated under paragraphs 4 and 5 in respect of the relevant claimant.

### **Determining the amount to be paid to a qualifying lender** **E+W+S**

**4.—**(1) Where the circumstances set out in paragraph 3(2) apply to a relevant claimant in respect of one loan only, the amount that is to be paid under paragraph 3 directly to the qualifying lender is to be calculated as follows. Step 1

Find the amount in respect of the loan interest payments which is calculated under paragraph 10 of Schedule 5 to the Universal Credit Regulations (amount in respect of interest on loans).

Step 2

Deduct from the amount resulting from step 1 a sum equivalent to so much of any amount payable in the circumstances described in sub-paragraph (2) as represents payments in respect of loan interest.

(2) This sub-paragraph applies where a payment is being made under a policy of insurance taken out by a relevant claimant to insure against the risk of not being able to maintain repayments of loan interest to a qualifying lender.

(3) The amount to be paid directly to the qualifying lender in respect of the relevant claimant is—

- (a) the amount resulting from sub-paragraph (1); or
- (b) where the aggregate amount of all of the specified benefits is less than the amount resulting from sub-paragraph (1), the aggregate amount of all those benefits less one penny.

### **Determining the amount to be paid to a qualifying lender: more than one loan** **E+W+S**

**5.—**(1) Where the circumstances set out in paragraph 3(2) apply to a relevant claimant in respect of more than one loan, the amount that is to be paid under paragraph 3 directly to each of the qualifying lenders to whom loan interest payments are payable is to be calculated as follows.

(2) Where loan interest payments on two or more loans are payable to the same qualifying lender, the amount to be paid directly to that lender is found by—

- (a) in respect of each of those loans, calculating an amount in accordance with Steps 1 and 2 of paragraph 4(1); and
- (b) adding those amounts together.

(3) Where loan interest payments are payable to more than one qualifying lender, the amount to be paid directly to each lender is found by—

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- (a) where loan interest payments are payable to a qualifying lender in respect of one loan only, calculating an amount in accordance with Steps 1 and 2 of paragraph 4(1) in respect of the loan;
  - (b) where loan interest payments are payable to a qualifying lender in respect of more than one loan, calculating an amount in accordance with sub-paragraph (2).
- (4) The amount to be paid directly to the qualifying lender in respect of the relevant claimant is—
- (a) the amount resulting from sub-paragraph (2) or (3) in respect of that lender; or
  - (b) where the aggregate amount of all of the specified benefits is less than the sum of the amounts resulting from sub-paragraph (2) or (3), the amount determined under sub-paragraph (5).
- (5) For the purposes of sub-paragraph (4)(b)—
- (a) the overall total of the amounts to be paid directly to the qualifying lenders is the aggregate amount of all of the specified benefits less one penny; and
  - (b) that amount is to be paid directly to qualifying lenders as follows—
    - (i) the qualifying lender in whose case the amount resulting from sub-paragraph (2) or (3) is the largest is to be paid first,
    - (ii) if anything remains, the qualifying lender in whose case the amount resulting from sub-paragraph (2) or (3) is next largest is to be paid next, and so on until nothing remains.
- (6) In the application of sub-paragraph (5)(b) in any case where the amount resulting from sub-paragraph (2) or (3) is the same in respect of two or more qualifying lenders, the available amount is to be divided equally between them.

#### **Qualifying lenders to apply direct payments in discharge of borrower's liability** E+W+S

6. Where a direct payment is made under paragraph 3 to a qualifying lender in respect of a relevant claimant, the lender must apply the amount of the payment towards discharging the liability to make loan interest payments in respect of which the direct payment was made.

#### **Application by qualifying lenders of any amount which exceeds liability** E+W+S

- 7.—(1) This paragraph applies where, in respect of a relevant claimant—
- (a) any direct payment is made under paragraph 3 to a qualifying lender; and
  - (b) the amount paid exceeds the amount of the loan interest payments payable.
- (2) Unless sub-paragraph (3) applies, the qualifying lender must apply the amount of the excess as follows—
- (a) first, towards discharging the amount of any liability of the relevant claimant for arrears of loan interest payments in respect of the loan in question; and
  - (b) if any amount of the excess is then remaining, towards discharging any liability of the relevant claimant to repay—
    - (i) the principal sum in respect of the loan, or
    - (ii) any other sum payable by the relevant claimant to that lender in respect of the loan.
- (3) Where loan interest payments on two or more loans are payable to the same qualifying lender, the lender must apply the amount of the excess as follows—
- (a) first, towards discharging the amount of any liability of the relevant claimant for arrears of loan interest payments in respect of the loan in respect of which the excess amount was paid; and

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- (b) if any amount of the excess is then remaining, towards discharging any liability of the relevant claimant to repay—
- (i) in respect of the loan referred to in paragraph (a), the principal sum or any other sum payable by the relevant claimant to that lender, or
  - (ii) in respect of any other loan, any sum payable by the relevant claimant to that lender where the liability to pay that sum has not already discharged under this Schedule.

#### **Time and manner of payments** E+W+S

8. Direct payments under paragraph 3 are to be made in monthly instalments in arrears.

#### **Fees payable by qualifying lenders** E+W+S

9.—(1) A fee is payable by a qualifying lender to the Secretary of State for the purpose of meeting the expenses of the Secretary of State in administering the making of direct payments to qualifying lenders under paragraph 3.

(2) The fee is £0.35 in respect of each occasion on which a direct payment is made to the qualifying lender.

#### **Election not to be regarded as a qualifying lender** E+W+S

10.—(1) A body or person who would otherwise be within the definition of “qualifying lender” in paragraph 1(1)—

- (a) may elect not to be regarded as such by giving notice to the Secretary of State in writing; and
- (b) may revoke any such notice by giving a further notice in writing.

(2) In respect of any financial year, a notice under sub-paragraph (1) which is given not later than the 1st February before the start of the financial year takes effect on 1st April following the giving of the notice.

- (3) Where a body or person becomes a qualifying lender in the course of a financial year—
- (a) any notice of an election by the body or person under sub-paragraph (1)(a) must be given within 6 weeks (“the initial period”) of the date of their becoming a qualifying lender; and
  - (b) no direct payments may be made under paragraph 3 to the body or person before the expiry of the initial period.
- (4) But sub-paragraph (3)(b) does not apply in any case where—
- (a) the body or person gives the Secretary of State notice in writing that that provision should not apply; and
  - (b) that notice is given before the start of the initial period or before that period expires.
- (5) In relation to a notice under sub-paragraph (1)—
- (a) where the notice is given by an electronic communication, it must be given in accordance with the provisions set out in Schedule 2 (electronic communications);
  - (b) where the notice is sent by post, it is to be treated as having been given on the day the notice was received.

#### **Provision of information** E+W+S

11.—(1) A qualifying lender must, in respect of a relevant claimant, provide the Secretary of State with information as to—



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- (a) the loan interest payments in respect of which the relevant claimant meets the payment condition and the liability condition;
- (b) the amount of the loan;
- (c) the purpose for which the loan was made;
- (d) the amount outstanding on the loan;
- (e) the amount of arrears of loan interest payments due in respect of the loan;
- (f) any change in the amount of the loan interest payable; and
- (g) the redemption of the loan.

(2) The information referred to in sub-paragraph (1)(a) to (e) must be provided at the request of the Secretary of State where—

- (a) a claim is made for universal credit; or
- (b) the housing costs element is to be included in an award of universal credit otherwise than on the making of a claim,

and loan interest payments payable to the qualifying lender are taken into account in determining the amount of the relevant claimant's housing costs element.

(3) The information referred to in sub-paragraph (1)(f) must be provided at such times, or in the case of the information referred to in sub-paragraph (1)(d) at such other times, as the Secretary of State may determine.

(4) The information referred to in sub-paragraph (1)(g) must be provided to the Secretary of State immediately once the qualifying lender has received notice that the loan is to be redeemed.

### **Recovery of sums wrongly paid** **E+W+S**

**12.**—(1) In the following circumstances, a qualifying lender must at the request of the Secretary of State repay any amount paid to the lender under paragraph 3 which ought not to have been paid.

(2) Those circumstances are that, in respect of a relevant claimant—

- (a) an amount calculated by reference to loan interest payments payable to the qualifying lender ceases to be included in the relevant claimant's housing costs element;
- (b) a specified benefit ceases to be paid to a relevant claimant;
- (c) the loan in respect of which loan interest payments are payable has been redeemed; or
- (d) both of the conditions set out in sub-paragraphs (3) and (4) are met.

(3) The first condition is that the amount of the relevant claimant's housing costs element is reduced as a result of—

- (a) the standard rate having been reduced; or
- (b) the amount outstanding on the loan having been reduced.

(4) The second condition is that no corresponding reduction was made to the amount calculated in respect of the qualifying lender under paragraph 4 or 5.

(5) A qualifying lender is not required to make a repayment in the circumstances described in sub-paragraph (2)(a) or (b) unless the Secretary of State's request is made before the end of the period of two months starting with the date on which the thing described in that provision ceased.

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## SCHEDULE 6 E+W+S

Regulation 60

### DEDUCTIONS FROM BENEFIT AND DIRECT PAYMENT TO THIRD PARTIES

#### Interpretation E+W+S

##### 1. In this Schedule—

“assessment period” has the meaning given by regulation 21 (assessment periods) of the Universal Credit Regulations <sup>M72</sup>;

“the work allowance” means, in relation to any claimant, the amount applicable to that claimant under regulation 22(2) (deduction of income and work allowance) of the Universal Credit Regulations;

“child element” means, in relation to any claimant, any amount included in the claimant's award of universal credit under regulation 24 (the child element) of the Universal Credit Regulations;

“the Community Charges Regulations” means the Community Charges (Deductions from Income Support) (No. 2) Regulations 1990 <sup>M73</sup>;

“the Community Charges (Scotland) Regulations” means the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989 <sup>M74</sup>;

“the Council Tax Regulations” means the Council Tax (Deductions from Income Support) Regulations 1993 <sup>M75</sup>;

“the Fines Regulations” means the Fines (Deductions from Income Support) Regulations 1992 <sup>M76</sup>;

“standard allowance” means, in relation to any claimant, any amount included in the claimant's award of universal credit under section 9(1) of the 2012 Act <sup>M77</sup>;

“water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991 <sup>M78</sup>;
- (b) as respects Scotland, any such charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002 <sup>M79</sup>;

“5% of the standard allowance” means, in relation to any claimant, 5% of the standard allowance applicable in the claimant's case, rounded up (in any case where that calculation produces a result which is not a multiple of five pence) to the next higher multiple of five pence.

#### Marginal Citations

- M72** S.I. 2013/376.  
**M73** S.I. 1990/545.  
**M74** S.I. 1989/507.  
**M75** S.I. 1993/494.  
**M76** S.I. 1992/2182.  
**M77** 2012 c.5.  
**M78** 1991 c.56.  
**M79** 2002 asp 3.

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## General **E+W+S**

2.—(1) The Secretary of State may deduct an amount from a claimant's award of universal credit and pay that amount to a third party in accordance with the following provisions of this Schedule to discharge (in whole or part) a liability of the claimant to that third party.

(2) A payment made to a third party in accordance with this Schedule may be made at such intervals as the Secretary of State may direct.

## Limitations applicable to deductions made under this Schedule **E+W+S**

3.—(1) The Secretary of State may not deduct an amount from a claimant's award of universal credit under this Schedule and pay that amount to a third party if, in relation to any assessment period, that would—

- (a) reduce the amount payable to the claimant to less than one penny; or
- (b) result in more than three deductions being made, in relation to that assessment period, under one or more of the provisions mentioned in sub-paragraph (2).

(2) The provisions are—

- (a) paragraph 6 (housing costs) of this Schedule;
- (b) paragraph 7 (rent and service charges included in rent) of this Schedule;
- (c) paragraph 8 (fuel costs) of this Schedule;
- (d) paragraph 9 (water charges) of this Schedule;
- (e) paragraph 10 (payments in place of payments of child support maintenance) of this Schedule;
- (f) paragraph 11 (eligible loans) of this Schedule;
- (g) paragraph 12 (integration loans) of this Schedule;
- (h) regulation 3 (deductions from income support etc.) of the Community Charges Regulations;
- (i) regulation 3 (deductions from income support etc.) of the Community Charges (Scotland) Regulations;
- (j) regulation 5 (deduction from debtor's income support etc.) of the Council Tax Regulations<sup>M80</sup>, and
- (k) regulation 4 (deductions from offender's income support etc.) of the Fines Regulations<sup>M81</sup>.

(3) The aggregate amount deducted from a claimant's award of universal credit in relation to any assessment period and paid to a third party under paragraphs 8 (fuel costs) and 9 (water charges) of this Schedule must not, without the claimant's consent, exceed a sum equal to five times 5% of the aggregate of the standard allowance and any child element.

### Marginal Citations

**M80** Relevant amending instruments are [S.I. 1999/3178](#), 2002/3019 and 2008/1554.

**M81** Relevant amending instruments are [S.I. 1999/3178](#), 2002/3019, 2004/2889 and 2008/1554.

## Maximum amount **E+W+S**

4.—(1) Except as provided for in sub-paragraph (4), the Secretary of State may not deduct an amount from a claimant's award of universal credit under a provision mentioned in paragraph 5(2) of this Schedule if, in relation to any assessment period, that would result in the Secretary of State

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deducting an amount in excess of eight times 5% of the standard allowance (“the maximum amount”) from the claimant's award under one or more relevant provisions.

(2) The relevant provisions are—

- (a) those mentioned in paragraph 5(2) of this Schedule;
- (b) section 26 (higher-level sanctions) of the 2012 Act;
- (c) section 27 (other sanctions) of the 2012 Act;
- (d) section 71ZG (recovery of payments on account) of the Administration Act <sup>M82</sup>;
- (e) section 6B of the Social Security Fraud Act 2001 (“the 2001 Act”) <sup>M83</sup>;
- (f) section 7 of the 2001 Act <sup>M84</sup>; and
- (g) section 9 of the 2001 Act <sup>M85</sup>.

(3) For the purposes of determining whether the maximum amount would be exceeded, no account is to be taken of any liability for continuing need mentioned in—

- (a) paragraph 8(4)(b) (fuel costs) of this Schedule; or
- (b) paragraph 9(6)(b) or (7)(b)(water charges) of this Schedule.

(4) Subject to paragraph 3 of this Schedule, the Secretary of State may deduct an amount from the claimant's award under paragraph 6 (housing costs), paragraph 7 (rent and service charges included in rent) or paragraph 8 (fuel costs) of this Schedule and pay that amount to a third party where the deduction appears to the Secretary of State to be in the claimant's best interests, even though the deduction would result in the maximum amount being exceeded.

#### Marginal Citations

**M82** Section 71ZG was inserted by section 105(1) of the 2012 Act.

**M83** Section 6B was inserted by section 24(1) of the [Welfare Reform Act 2009 \(c.24\)](#) and was amended by section 113(8)(a), section 118(1) to (6) and section 119(1) and (2) of, and paragraphs 56 and 58(1) to (4) of Schedule 2, paragraphs 15 and 16 of Schedule 3 and Part 1 of Schedule 14 to the 2012 Act.

**M84** Section 7 was amended by paragraphs 44 and 45(1) and (2) of Schedule 2 to the [State Pension Credit Act 2002 \(c.16\)](#), [section 49\(1\)](#) of, and paragraph 23(1) and (2) of Schedule 3 to, the [Welfare Reform Act 2007 \(c.5\)](#) and paragraphs 1 and 2(1), (2)(a), (3)(a) and (b) of Schedule 4 to the Welfare Reform Act 2009. It was also amended by section 118(1) and (7), section 119(1) and (3) to (11) of, and paragraphs 56 and 59(1) to (4) of Schedule 2, paragraphs 15 and 17 of Schedule 3 and Part 1 of Schedule 14 to the 2012 Act.

**M85** Section 9 was amended by paragraphs 44 and 46(1) to (3) of Schedule 2 to the State Pension Credit Act 2002, paragraph 23(1), (4) and (5) of Schedule 3 to the Welfare Reform Act 2007 and paragraphs 1 and 4(1) to (3) of Schedule 4 to the Welfare Reform Act 2009. It was also amended by section 113(8)(b), paragraphs 56 and 61(1) to (5) of Schedule 2 and Parts 1 and 12 of Schedule 14 to the 2012 Act.

#### Priority as between certain debts **E+W+S**

5.—(1) This paragraph applies to a claimant (“C”) where, in relation to any assessment period—

- (a) a deduction could otherwise be made from C's award under more than one of the provisions mentioned in sub-paragraph (2); and
- (b) the amount of universal credit payable to C in relation to that assessment period is insufficient to enable the Secretary of State to meet all of the liabilities for which in C's case deductions may be made under those provisions or the deduction, were it to be made, would mean that the maximum amount referred to in paragraph 4(1) would be exceeded.

(2) The provisions are—

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- (a) paragraph 6 (housing costs) of this Schedule;
  - (b) paragraph 7 (rent and service charges included in rent) of this Schedule;
  - (c) paragraph 8 (fuel costs) of this Schedule;
  - (d) regulation 3 (deductions from income support etc.) of the Community Charges Regulations, regulation 3 (deductions from income support etc.) of the Community Charges (Scotland) Regulations or (because no such payments are being made in C's case) regulation 5 (deduction from debtor's income support etc.) of the Council Tax Regulations;
  - (e) regulation 4 (deductions from offender's income support etc.) of the Fines Regulations where the amount of the deduction equals 5% of the standard allowance;
  - (f) paragraph 9 (water charges) of this Schedule;
  - (g) paragraph 10 (payments in place of child support maintenance) of this Schedule;
  - (h) Schedule 7 (deductions from benefit in respect of child support maintenance and payment to persons with care) to these Regulations;
  - (i) section 78(2) (recovery of social fund awards) of the Administration Act;
  - (j) section 71ZH(1)(a) or (b) (recovery of hardship payments etc.) of the 2012 Act <sup>M86</sup>;
  - (k) section 115A (penalty as alternative to prosecution) of the Administration Act <sup>M87</sup> where an overpayment is recoverable from a person by, or due from a person to, the Secretary of State or an authority under or by virtue of section 71 (overpayments – general) <sup>M88</sup>, section 75 (overpayments of housing benefit) <sup>M89</sup> or section 71ZB (recovery of overpayments of certain benefits) of that Act <sup>M90</sup>;
  - (l) section 71 (overpayments – general), section 71ZC (deduction from benefit) <sup>M91</sup> or section 75(4) (overpayments of housing benefit) of the Administration Act or an overpayment of working tax credit or child tax credit, where in each case, the overpayment (or part of it) is the result of fraud;
  - (m) section 115C(4) (incorrect statements etc.) <sup>M92</sup> and section 115D(4) (failure to disclose information) <sup>M93</sup> of the Administration Act;
  - (n) section 71 (overpayments – general), section 71ZC (deduction from benefit) or section 75(4) (overpayments of housing benefit) of the Administration Act or an overpayment of working tax credit or child tax credit, where in each case, the overpayment (or part of it) is not the result of fraud;
  - (o) paragraph 12 (integration loans) of this Schedule;
  - (p) paragraph 11 (eligible loans) of this Schedule;
  - (q) regulation 4 (deductions from offender's income support etc.) of the Fines Regulations where the amount of the deduction exceeds the minimum amount that may be deducted in accordance with those Regulations.
- (3) Where this paragraph applies to a claimant, the Secretary of State must make a deduction under any of the provisions mentioned sub-paragraph (2) in accordance with sub-paragraphs (4) and (5).
- (4) The Secretary of State must give priority to any such deductions in the order in which they are listed in sub-paragraph (2), with housing costs having the priority.
- (5) Where two or more provisions mentioned in any single paragraph of sub-paragraph (2) apply to the claimant, unless the Secretary of State directs otherwise, those deductions have equal priority with each other and the amount of such deductions are to be apportioned accordingly.
- (6) For the purposes of sub-paragraph (2)(l) and (n), an overpayment is the result of fraud if, in relation to that overpayment or that part of it, the claimant—

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- (a) has been found guilty of an offence whether under statute or otherwise;
- (b) made an admission after caution of deception or fraud for the purpose of obtaining benefit under the Administration Act, or in the case of a tax credit, under the Tax Credits Act 2002 <sup>M94</sup>; or
- (c) agreed to pay a penalty under section 115A of the Administration Act (penalty as an alternative to prosecution) and the agreement has not been withdrawn.

### Marginal Citations

**M86** Section 71ZH was inserted by section 105(1) of the 2012 Act.

**M87** Section 115A was inserted by section 15 of the [Social Security Fraud Act 1997 \(c.47\)](#) and amended by sections 1(1) and 14 of the [Social Security Fraud Act 2001 \(c.11\)](#) and section 105(3), section 113(1) to (7), section 114(1), section 115(1) and (2) of, and Part 1 of Schedule 14 to, the 2012 Act.

**M88** Section 71 was amended by section 32(1) of, and paragraph 48 of Schedule 2 to, the [Jobseekers Act 1995 \(c.18\)](#), [section 1\(2\)](#) and (4) of the [Social Security \(Overpayments\) Act 1996 \(c.51\)](#), [paragraph 81\(1\)](#) and (3) of Schedule 7 to the [Social Security Act 1998 \(c.14\)](#) and paragraphs 8 and 10 of Schedule 2 to the [State Pension Credit Act 2002 \(c.16\)](#). It was also amended by paragraph 58(1) to (3) of Schedule 24 to the [Civil Partnership Act 2004 \(c.33\)](#), [section 44\(1\)](#) and (3) of, and paragraph 10(1) and (6) of Schedule 3, to, the [Welfare Reform Act 2007 \(c.5\)](#), [section 132\(4\)](#) of the [Health and Social Care Act 2008 \(c.14\)](#), [sections 105\(2\)](#) and 106(1) of, and paragraphs 7 and 10 of Schedule 9 to, the 2012 Act. A relevant amending instrument is [S.I. 2008/2833](#).

**M89** Section 75 was amended by section 16 of, and Schedule 1 to, the [Social Security Administration \(Fraud\) Act 1997 \(c.47\)](#), [section 71](#) of the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#) and section 106(3) of the 2012 Act.

**M90** Section 71ZB was inserted by section 105(1) of the 2012 Act.

**M91** Section 71ZC was inserted by section 105(1) of the 2012 Act.

**M92** Section 115C was inserted by section 116(1) of the 2012 Act.

**M93** Section 115D was inserted by section 116(1) of the 2012 Act.

**M94** [2002 c.21](#).

### Housing costs **E+W+S**

6.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for any item of housing costs which is included in the claimant's award of universal credit under Schedule 5 (housing costs element for owner-occupiers) to the Universal Credit Regulations.

(3) Where this paragraph applies, but subject to sub-paragraph (4), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, in relation to that assessment period deduct an amount from the claimant's award equal to 5% of the standard allowance in respect of any debt mentioned in sub-paragraph (2) and pay that amount or those amounts to the person to whom any such debt is owed.

(4) Before the Secretary of State may commence (or re-commence) making deductions in respect of any such debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(5) No amount may be deducted under this paragraph in respect of owner-occupier payments within the meaning of paragraph 4 of Schedule 1 (meaning of payments in respect of accommodation) to the Universal Credit Regulations in any case where those payments—

- (a) are required to be paid directly to a qualifying lender under regulation 59 of these Regulations; or



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(b) would have been required to be paid to a body which, or a person who, would otherwise have been a qualifying lender but for an election given under paragraph 10 of Schedule 5 to these Regulations.

(6) As between liability for items of housing costs to which this paragraph applies, liabilities in respect of owner-occupier payments (within the meaning of paragraph 4(1) of Schedule 1 (meaning of payments in respect of accommodation) to the Universal Credit Regulations) are to have priority over all other items.

### **Rent and service charges included in rent** **E+W+S**

7.—(1) This paragraph applies where all of the following conditions are met.

(2) The first condition is that in any assessment period the claimant—

(a) has an award of universal credit which includes an amount under Schedule 4 (housing costs element for renters) to the Universal Credit Regulations; or

(b) occupies exempt accommodation and has an award of housing benefit under section 130 (housing benefit) of the Contributions and Benefits Act <sup>M95</sup>.

(3) The second condition is that the claimant is in debt for any—

(a) rent payments;

(b) service charges which are paid with or as part of the claimant's rent.

(4) The third condition is that the claimant occupies the accommodation to which the debt relates.

(5) Where this paragraph applies, but subject to sub-paragraphs (6) and (7), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct in relation to that assessment period an amount from the claimant's award equal to 5% of the standard allowance and pay that amount to the person to whom the debt is owed.

(6) Before the Secretary of State may commence (or re-commence) making deductions in respect of such a debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(7) The Secretary of State must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(8) In this paragraph—

“exempt accommodation” has the meaning given by paragraph 1 of Schedule 1 (interpretation) to the Universal Credit Regulations;

“rent payments” includes any elements included in the claimant's rent which would not fall to be treated as rent under the Housing Benefit Regulations 2006 <sup>M96</sup> or as rent payments under the Universal Credit Regulations;

“service charges” includes any items in a charge for services in respect of the accommodation occupied by the claimant which would not fall to be treated as service charges under the Universal Credit Regulations.

#### **Marginal Citations**

**M95** 1992 c.4. Section 130 was amended by paragraph 3 of Schedule 9 to the [Local Government Finance Act 1992 \(c.14\)](#) and paragraph 1(1) and (3) of Schedule 5 to the [Welfare Reform Act 2007 \(c.5\)](#).

**M96** S.I. 2006/213.

**Status:** Point in time view as at 08/04/2013.

**Changes to legislation:** The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## Fuel costs **E+W+S**

8.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for any item of mains gas or mains electricity, including any charges for the reconnection of gas or disconnection or reconnection of electricity (“fuel item”).

(3) Where this paragraph applies, but subject to sub-paragraphs (5) and (6), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct in relation to that assessment period the following amounts from the claimant's award and pay them to the person to whom the payment is due.

(4) The amount which may be deducted in respect of any fuel item is—

- (a) an amount equal to 5% of the standard allowance; and
- (b) an additional amount which the Secretary of State estimates is equal to the average monthly cost necessary to meet the claimant's continuing need for that fuel item, except where current consumption is paid for by other means such as a pre-payment meter.

(5) Before the Secretary of State may commence (or re-commence) making deductions in respect of such a debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(6) The Secretary of State must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(7) As between liabilities for items of gas or electricity, the Secretary of State must give priority to whichever liability the Secretary of State considers it would, having regard to the circumstances and to any requests of the claimant, be appropriate to discharge.

## Water charges **E+W+S**

9.—(1) This paragraph applies where the following condition is met.

(2) The condition is that in any assessment period the claimant is in debt for water charges, including any charges for reconnection (“the original debt”).

(3) Where this paragraph applies, but subject to sub-paragraphs (4) and (5), the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct an amount from the claimant's award in accordance with sub-paragraphs (6) to (8) and pay it to a water undertaker to whom the payment is due or to the person or body authorised to collect water charges for that undertaker.

(4) Before the Secretary of State may commence (or re-commence) making deductions in respect of such a debt, the claimant's earned income (or in the case of joint claimants their combined earned income) in relation to the previous assessment period must not exceed the work allowance.

(5) The Secretary of State must stop making such deductions if, in relation to the three assessment periods immediately preceding the date on which the next deduction could otherwise be made, the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the work allowance.

(6) Where water charges are determined by means of a water meter, the amount to be deducted under this paragraph in relation to any assessment period is to be—

- (a) an amount equal to 5% of the standard allowance towards discharging the original debt; and

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- (b) an additional amount which the Secretary of State estimates to be the average monthly cost necessary to meet the claimant's continuing need for water consumption.
- (7) Where water charges are determined otherwise than by means of a water meter, the amount to be deducted in relation to any assessment period under this paragraph is to be—
  - (a) the amount referred to in sub-paragraph (6)(a); and
  - (b) an additional amount equal to the cost necessary to meet the continuing need for water consumption in that assessment period.
- (8) Where the claimant is in debt to two water undertakers—
  - (a) only one amount under sub-paragraph (6)(a) or (7)(a) may be deducted;
  - (b) a deduction in respect of an original debt for sewerage may only be made after the whole debt in respect of an original debt for water has been paid; and
  - (c) deductions in respect of continuing charges for both water and for sewerage may be made at the same time.
- (9) In this paragraph “water undertaker” means—
  - (a) in relation to any area in England and Wales, a company holding an appointment as a water undertaker or a sewerage undertaker under the Water Industry Act 1991 <sup>M97</sup>; or
  - (b) in relation to any area in Scotland, Scottish Water.

#### Marginal Citations

**M97** 1991 c.56.

### Payments in place of payments of child support maintenance **E+W+S**

**10.**—(1) This paragraph applies where the Secretary of State has determined that section 43 (contribution to maintenance by deduction from benefit) of the 1991 Act <sup>M98</sup> and regulation 28 (contribution to maintenance by deduction from benefit) of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 <sup>M99</sup> apply in relation to the claimant.

(2) Where this paragraph applies, the Secretary of State must, if satisfied that there is sufficient universal credit in payment (but subject to paragraphs 1, 4 and 5 of this Schedule), determine that an amount is to be deducted from the claimant's award for transmission to the person or persons entitled to receive that amount under or by virtue of the 1991 Act.

(3) Not more than one deduction may be made under this paragraph in relation to any assessment period.

(4) The amount of universal credit which may be deducted in relation to any assessment period and paid to a third party under this paragraph is to be an amount equal to 5% of the standard allowance.

#### Marginal Citations

**M98** 1991 c.48. Section 43 was amended by paragraph 113 of Schedule 2 to the [Social Security \(Consequential Provisions\) Act 1992 \(c.6\)](#), [paragraph 40](#) of Schedule 7 to the [Social Security Act 1998 \(c.14\)](#), [section 21](#) of the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#) and section 139 of the 2012 Act.

**M99** [S.I. 1992/1815](#). Relevant amending instruments are [S.I. 1996/1345](#), 1998/58, 2001/155 and 2008/1554.

**Status:** Point in time view as at 08/04/2013.

**Changes to legislation:** The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## Eligible loans **E+W+S**

**11.**—(1) This paragraph applies where both of the following conditions are met.

(2) The first condition is that in any assessment period the claimant is in arrears in respect of a loan agreement entered into (whether solely or jointly) with an eligible lender in respect of an eligible loan.

(3) The second condition is that, as at the date on which the Secretary of State receives an application for deductions to be made under this paragraph, no deductions are being made from any eligible benefit awarded to the claimant in respect of an amount recoverable under—

- (a) section 71 (overpayments – general) or 71ZB (recovery of overpayments of certain benefits) of the Administration Act 1992; or
- (b) section 78 (recovery of social fund awards) <sup>M100</sup> of that Act.

(4) Where the claimant has an award of universal credit, the Secretary of State may, in such cases and circumstances as the Secretary of State may determine, deduct in relation to the assessment period referred to in sub-paragraph (2) an amount from the claimant's award equal to 5% of the standard allowance and pay that amount to the eligible lender towards discharging the amount owing under the loan agreement.

(5) In a case where the claimant has an award of universal credit but the amount payable to the claimant in relation to that assessment period is insufficient to enable such a deduction to be made, the Secretary of State may instead deduct a weekly amount equal to 5% of the personal allowance for a single claimant aged not less than 25 from any employment and support allowance or jobseeker's allowance awarded to the claimant and pay that amount to the eligible lender.

(6) In a case where the claimant does not have an award of universal credit, but has an award of an employment and support allowance or a jobseeker's allowance, the Secretary of State may deduct a weekly amount equal to 5% of the personal allowance for a single claimant aged not less than 25 from any such award and pay that amount to the eligible lender.

(7) The Secretary of State must not make deductions from a claimant's employment and support allowance or a jobseeker's allowance under this paragraph if that would reduce the amount payable to the claimant to less than 10 pence.

(8) In this paragraph—

“eligible benefit” means—

- (a) an employment and support allowance;
- (b) a jobseeker's allowance;
- (c) universal credit;

“eligible lender” means—

- (a) a body registered under section 1 (societies which may be registered) of the Industrial and Provident Societies Act 1965 <sup>M101</sup>;
- (b) a credit union within the meaning of section 1 (registration under the Industrial and Provident Societies Act 1965) of the Credit Unions Act 1979 <sup>M102</sup>;
- (c) a charitable institution within the meaning of section 58(1) (interpretation of Part 2) of the Charities Act 1992 <sup>M103</sup>;
- (d) a body entered on the Scottish Charity Register under section 3 (Scottish Charities Register) of the Charities and Trustee Investment (Scotland) Act 2005 <sup>M104</sup>;
- (e) a community interest company within the meaning of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 <sup>M105</sup>,

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which, except for a credit union, is licensed under the Consumer Credit Act 1974 <sup>M106</sup> and which the Secretary of State considers is an appropriate body to which payments on behalf of the claimant may be made in respect of loans made by that body;

“eligible loan” means a loan made by a lender who is, at the time the loan agreement is made, an eligible lender, to a claimant except a loan which—

- (a) is secured by a charge or pledge;
- (b) is for the purpose of business or self-employment; or
- (c) was made by means of a credit card;

“loan agreement” means an agreement between the eligible lender and the claimant in respect of an eligible loan;

“5% of the personal allowance” means 5% of the personal allowance applicable in the claimant's case, rounded up (in any case where that calculation produces a result which is not a multiple of five pence) to the next higher multiple of five pence.

#### Marginal Citations

**M100** Section 78 was amended by section 32(2) of, and paragraph 51 of Schedule 2 to, the [Jobseekers Act 1995 \(c.18\)](#), [paragraph 61\(2\)](#), (3) and (4)(a) and (b) of Schedule 24 to the [Civil Partnership Act 2004 \(c.33\)](#) and section 106(4) of, and paragraphs 3 and 9 of Schedule 2 to, the 2012 Act (c.5).

**M101** [1965 c.12](#). Relevant amending instruments are [S.I. 2001/2617](#) and 2009/1941.

**M102** [1979 c.34](#). Relevant amending instruments are [S.I. 2001/2617](#), 2002/1501, 2003/256 and 2011/2687.

**M103** [1992 c.41](#). Section 58(1) was amended by section 25 of the [Deregulation and Contracting Out Act 1994 \(c.40\)](#), [paragraphs 89](#) and 90(1) and (2) of Schedule 8 to the [Charities Act 2006 \(c.50\)](#) and paragraph 65(1) of Schedule 7 to the [Charities Act 2011 \(c.25\)](#).

**M104** [2005 asp 10](#).

**M105** [2004 c.27](#).

**M106** [1974 c.39](#).

#### Integration loans **E+W+S**

12.—(1) This paragraph applies where both of the following conditions are met.

(2) The first condition is that the claimant has an integration loan which is recoverable by deductions.

(3) The second condition is that, as at the date on which the Secretary of State receives an application for deductions to be made under this paragraph, no deductions are being made from the claimant's universal credit in respect of an amount recoverable under—

- (a) section 71 (overpayments – general) or 71ZB (recovery of overpayments of certain benefits) of the Administration Act; or
- (b) section 78 (recovery of social fund awards) of that Act.

(4) Where this paragraph applies, the amount payable by deductions in any assessment period is to be equal to 5% of the standard allowance.

(5) In this paragraph, “integration loan which is recoverable by deductions” means an integration loan which is made under the Integration Loans for Refugees and Others Regulations 2007 <sup>M107</sup> and which is recoverable from the claimant by deductions from the claimant's award of universal credit under regulation 9 of those Regulations.

**Status:** Point in time view as at 08/04/2013.

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### Marginal Citations

**M107** [S.I. 2007/1598](#).

## SCHEDULE 7 **E+W+S**

Regulation 60

### DEDUCTIONS FROM BENEFIT IN RESPECT OF CHILD SUPPORT MAINTENANCE AND PAYMENT TO PERSONS WITH CARE

#### Interpretation **E+W+S**

##### 1. In this Schedule—

“beneficiary” means a person who has been awarded a specified benefit;

“maintenance”, except in paragraph 3, means child support maintenance which a non-resident parent is liable to pay under the 1991 Act <sup>M108</sup> at a flat rate (or would be so liable but for a variation having been agreed to) where that rate applies (or would have applied) because the non-resident parent falls within paragraph 4(1)(b), (c) or (2) of Schedule 1 to the 1991 Act <sup>M109</sup>, and includes such maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of the Child Support, Pensions and Social Security Act 2000 <sup>M110</sup>;

“person with care” has the same meaning as in section 3 (meaning of certain terms used in this Act) of the 1991 Act;

“specified benefit” means—

- (a) an employment and support allowance;
- (b) a jobseeker's allowance;
- (c) universal credit.

### Marginal Citations

**M108** [1991 c.48](#).

**M109** Paragraph 4 of Schedule 1 was substituted by Schedule 1 to the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#). It was amended by paragraphs 1 and 2 of Schedule 4 to the [Child Maintenance and Other Payments Act 2008 \(c.6\)](#) (which amendment is only in force for the purpose of making regulations).

**M110** [2000 c.19](#).

#### Deductions **E+W+S**

2.—(1) Subject to the following provisions of this paragraph and to paragraph 5 (flat rate maintenance), the Secretary of State may deduct from any specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance which is payable by the beneficiary and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance.

(2) A deduction may only be made from one specified benefit in respect of the same period.

(3) No amount may be deducted under this Schedule from any employment and support allowance or any jobseeker's allowance awarded to the claimant if that would reduce the amount of the benefit payable to the claimant to less than 10 pence.



**Changes to legislation:** The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) No amount may be deducted from any universal credit awarded to the claimant under this Schedule if that would reduce the amount payable to the claimant to less than one penny.

### Arrears **E+W+S**

3.—(1) Except where universal credit is awarded to the beneficiary, the Secretary of State may deduct the sum of £1 per week from any employment and support allowance or jobseeker's allowance which the beneficiary has been awarded and, subject to sub-paragraph (2), pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary's liability to pay arrears of maintenance.

(2) Deductions made under sub-paragraph (1) may be retained by the Secretary of State in the circumstances set out in regulation 8 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992 <sup>M111</sup>.

(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by section 3(6) of the 1991 Act whether before or after the amendment of the definition of such maintenance by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000, and includes maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of that Act.

#### Marginal Citations

**M111** 1992/1816. Relevant amending instruments are [S.I. 1995/3261](#), 1996/1345 and 2001/162.

### Apportionment **E+W+S**

4. Where maintenance is payable to more than one person with care, the amount deducted must be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 (maintenance assessments) to the 1991 Act <sup>M112</sup>.

#### Marginal Citations

**M112** Part 1 of Schedule 1 was substituted by Schedule 1 to the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#). Paragraph 8 of Schedule 1 was amended by paragraphs 1 and 7 of Schedule 4 to the [Child Maintenance and Other Payments Act 2008 \(c.6\)](#) (which amendment is only in force for the purpose of making regulations). A relevant amending instrument is [S.I. 2012/2007](#).

### Flat rate maintenance **E+W+S**

5.—(1) This paragraph applies where the beneficiary and that person's partner are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the 1991 Act and either of them has been awarded universal credit (whether as a single claimant or as joint claimants).

(2) Where this paragraph applies, an amount not exceeding an amount equal to the flat rate of maintenance may be deducted from such an award in respect of the total liability of both partners to pay maintenance, in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2001 <sup>M113</sup> or regulation 44(3) of the Child Support Maintenance Calculation Regulations 2012 <sup>M114</sup> and must be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance.



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#### Marginal Citations

M113 S.I. 2001/155.

M114 S.I. 2012/2677.

#### Notice **E+W+S**

6. Where the Secretary of State commences making deductions under this Schedule, the Secretary of State must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made and must give further such notice when there is a change to any of the particulars specified in the notice.

### EXPLANATORY NOTE

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

These Regulations apply only to the following benefits—

universal credit,

personal independence payment, and

a jobseeker's allowance and an employment and support allowance as provided for by Part 1 of Schedule 14 to the Welfare Reform Act 2012.

These Regulations contain provisions about the making of claims for and the payment of those benefits and the circumstances in which payments may be made directly to a third party.

Part 1 of the Regulations contains general provisions including definitions. Part 1, with Schedule 2 and Schedule 3, also contains provisions about the use of electronic communications and sets out the regulations which are consequentially amended by these Regulations. Regulation 5 removes from children and qualifying young persons the requirement to supply a National Insurance number when a claim to universal credit is made.

Part 2, with Schedule 4, contains provisions about claims for the benefits to which these Regulations apply. In particular the cases in which claims are not required or are treated as made, the method of making a claim and the time limits for doing so, the date on which a claim is made, interchange with other claims, advance claims for and awards of benefit, defective claims, the amendment and withdrawal of claims and the duration of awards.

Part 3 contains provisions about the information required in connection with a claim for, or an award of, a benefit. It also includes provisions which relate to the manner in which a change of circumstances affecting universal credit, personal independence payment, an employment and support allowance or a jobseeker's allowance must be notified for the purposes of the offences in sections 111A and 112 of the Social Security Administration Act 1992.

Part 4 specifies the time when, and the method by which, the benefits to which these Regulations apply are to be paid. In particular it includes provisions which relate to payments of benefits to persons aged under 18, payments on death and the extinguishment of the right to payment.

Part 5, with Schedules 5 to 7, sets out the circumstances in which part or all of a benefit to which these Regulations apply may be paid directly to a person other than the claimant. It also sets out the circumstances in which the Secretary of State may appoint a person to act on behalf of a claimant who is unable for the time being to act.

Part 6 sets out the circumstances in which the mobility component of personal independence payment is not payable. It also sets out the circumstances in which the mobility component at the

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enhanced rate is payable on behalf of a claimant in respect of the hire or hire purchase of a vehicle under the Motability scheme.

The report of the Social Security Advisory Committee dated 10th December 2012 in relation to the Secretary of State's proposal to make these Regulations, together with a statement showing the extent to which these Regulations give effect to the recommendations of the Committee and, in so far as they do not give effect to them, the reasons why not, are contained in an Act Paper published by The Stationery Office Ltd at [www.tso.co.uk](http://www.tso.co.uk).

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

**Status:**

Point in time view as at 08/04/2013.

**Changes to legislation:**

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