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## STATUTORY INSTRUMENTS

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### 2013 No. 380

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

### 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- (a) a decision is made as a result of the change of circumstances, whether as originally made or as revised, that the person (“former claimant”) is not entitled to universal credit in a case where, but for the receipt of earned income, the former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 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- (a) the former claimant made a claim for universal credit and a decision is made, whether as originally made or as revised, that the former claimant is not entitled to universal credit in a case where, but for the receipt of earned income, the former claimant would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;

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- (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
- (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.

**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

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- (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—

- (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).

### **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

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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.

**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>M1</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

M1 [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>M2</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.

#### Marginal Citations

M2 [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.

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(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.

#### **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.

(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—

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- (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—
    - (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;
- (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;

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- (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.

#### **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
- (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>M3</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

M3 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.

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(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.

**Status:**

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**Changes to legislation:**

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