
STATUTORY INSTRUMENTS

2013 No. 380

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

PART 3

Evidence, information and notification of changes of circumstances

Evidence and information in connection with a claim

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^{MI} 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;
- (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.

Status: Point in time view as at 16/11/2017.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, PART 3. (See end of Document for details)

(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

M1 [S.I. 2013/376](#).

Evidence and information in connection with an award

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 ^{M2} 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 ^{M3} 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—

- (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

M2 [S.I. 2013/381](#).

M3 [1998 c.14](#).

Alternative means of notifying changes of circumstances

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

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^{M4}.

(2) The information referred to in paragraph (1) may include information required to make a determination under the Rent Officers Order^{M5} 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);
- (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.

Status: Point in time view as at 16/11/2017.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, PART 3. (See end of Document for details)

(6) In this regulation “the Rent Officers Order” means the Rent Officer (Universal Credit Functions) Order 2013.

Marginal Citations

- M4** 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 \(c.5\)](#).
- M5** S.I. 2013/382.

Evidence and information required from pension fund holders

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 [^{F1}rate of the annuity which may have been purchased with the funds held under the scheme]; or
 - (ii) a personal pension scheme or occupational pension scheme where income withdrawal is not available, the [^{F2}rate of the annuity which might have been purchased with the fund] if the fund were held under a personal pension scheme or occupational pension scheme where income withdrawal was available,

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

^{M6},

- (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) ^{M7} 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 ^{M8};
 - (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.

Textual Amendments

- F1** Words in [reg. 41\(3\)\(b\)\(i\)](#) substituted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations 2017 \(S.I. 2017/1015\)](#), [regs. 1\(2\)](#), **15(a)**
- F2** Words in [reg. 41\(3\)\(b\)\(ii\)](#) substituted (16.11.2017) by [The Social Security \(Miscellaneous Amendments No. 4\) Regulations 2017 \(S.I. 2017/1015\)](#), [regs. 1\(2\)](#), **15(b)**

Marginal Citations

- M6** [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 \(c.11\)](#).
- M7** [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.
- M8** [2004. c.12](#).

Notification for purposes of sections 111A and 112 of the Administration Act

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) ^{M9} and 112(1A) to (1F) ^{M10} of the Administration Act (offences relating to failure to notify a change of circumstances).

Marginal Citations

- M9** 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 \(c.11\)](#).
- M10** Subsections (1A) to (1F) of section 112 were inserted by section 16(3) of the [Social Security Fraud Act 2001](#).

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

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).

Status: Point in time view as at 16/11/2017.

Changes to legislation: There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, PART 3. (See end of Document for details)

(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

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.

Status:

Point in time view as at 16/11/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013, PART 3.