
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 5

Third parties

Persons unable to act

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).

[^{F1}(1A) Where a natural person over the age of 18 has been appointed by the Scottish Ministers under a qualifying appointment pursuant to the 2018 Scotland Act in connection with the determination of assistance under section 24 of that Act (whether or not including an appointment to receive assistance on behalf of the individual), the Secretary of State may, if the person agrees, treat that person as if the Secretary of State had appointed that person under paragraph (1).

(1B) In paragraph (1A) a qualifying appointment means—

- (a) an appointment made under section 58(1) of the 2018 Scotland Act in a case where section 58(4) of that Act applies, or
- (b) an appointment made under section 85B(1) of the 2018 Scotland Act in a case where section 85B(7) of that Act applies.

(1C) In this regulation “the 2018 Scotland Act” means the Social Security (Scotland) Act 2018.]

(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 ^{M1};
- (b) no receiver has been appointed under Part 7 of the Mental Health Act 1983 ^{M2} 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 ^{M3}, the Enduring Powers of Attorney Act 1985 ^{M4}, 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 ^{M5} who has power to claim or receive benefit on P1's behalf.

(3) The additional conditions are that—

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, Section 57. (See end of Document for details)

- (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 ^{M6} by a relevant authority within the meaning of those Regulations to act on behalf of another 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.

Textual Amendments

- F1** Reg. 57(1A)-(1C) inserted (26.7.2021) by [The Scotland Act 2016 \(Social Security\) \(Consequential Provision\) \(Miscellaneous Amendment\) Regulations 2021 \(S.I. 2021/804\)](#), regs. 1(2), **10(2)**
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Marginal Citations

- M1** 2005 c.9.
M2 1983 c.20.
M3 1971 c.27.
M4 1985 c.29.
M5 2000 asp 4.
M6 S.I. 2006/213.

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