

This instrument revokes and replaces S.I. 1997/2239 which was published on 22 September 1997, but not laid due to a defect.

Regs. 1-7

1997 No. 2290

SOCIAL SECURITY

The Social Security (Claims and Payments and Adjudication) Amendment No. 2 Regulations 1997

Made - - - 23rd September 1997
Laid before Parliament 23rd September 1997
Coming into force in accordance with regulation 1(1)

The Secretary of State for Social Security, in exercise of the powers conferred by sections 5(1)(a) and (b), 27(1), 61(1), 189(1) and (3) to (5) and 191 of the Social Security Administration Act 1992(a), and of all other powers enabling her in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments and Adjudication) Amendment No. 2 Regulations 1997 and shall come into force—

- (a) for the purposes of this regulation and regulation 8, on 24th September 1997.
- (b) for the purposes of regulations 2 to 7, on 13th October 1997.

(2) In these Regulations—

“the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995(c);

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(d).

[Regulation 2 amends regulation 59 of S.I. 1995/1801.]

[Regulation 3 amends regulation 63 of S.I. 1995/1801.]

[Regulation 4 amends regulation 63A of S.I. 1995/1801.]

[Regulation 5 amends regulation 6 of S.I. 1987/1968.]

[Regulation 6 amends regulation 19 of S.I. 1987/1968.]

Transitional provision

7. In a case to which regulation 59(1C)(a) of the Adjudication Regulations applies, where the application for the first review referred to in that provision was made on or before 6th April 1997, regulation 59 of the Adjudication Regulations shall apply with the following modifications—

- (a) 1992 c. 5; sections 5 and 61 were amended by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraphs 39 and 45. Section 191 is an interpretation provision and is cited for the definition of “prescribe”.
- (b) See section 173(1)(b) of the Social Security Administration Act 1992.
- (c) S.I. 1995/1801.
- (d) S.I. 1987/1968.

- (a) as if in paragraph (1C)(a), for the words “one month” there were substituted the words “subject to paragraph (1D), three months”;
- (b) as if after paragraph (1C) there were inserted the following paragraph—

“(1D) Subject to the following provisions of this regulation, in a case to which paragraph (1C)(a) applies where the claimant proves that—

- (a) on a date earlier than three months before the date of the application for the first review, he was (apart from the condition of making a claim) entitled to benefit or to a higher rate of benefit; and
- (b) throughout the period between that earlier date and the date on which the application for the first review was made, there was good cause for delay in making the application,

the decision given on review shall have effect either on that earlier date or twelve months before the date on which the application for the first review was made, whichever is the later.”; and

- (c) as if in paragraph (5)(c)(a) for the words “one month” there were substituted the words “three months”.

Revocation

8. The Social Security (Claims and Payments and Adjudication) Amendment Regulations 1997(b) are hereby revoked.

Signed by authority of the Secretary of State for Social Security.

Frank Field
Minister of State,
Department of Social Security

23rd September 1997

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Social Security (Adjudication) Regulations 1995 (S.I. 1995/1801) and the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) in the following respects:

- they alter the period over which reviews are backdated in certain cases in respect of claims for attendance allowance and disability living allowance (regulation 2) and income support and jobseeker’s allowance (regulations 3 and 4);
- they specify the circumstances in which a claim for a dependant’s increase of severe disablement allowance or invalid care allowance is treated as made on an earlier date (regulation 5);
- they specify further circumstances in which the time for claiming disability working allowance may be extended (regulation 6);
- they make special transitional provision for backdating reviews of attendance allowance and disability living allowance in certain cases (regulation 7).

These Regulations replace the Social Security (Claims and Payments and Adjudication) Amendment Regulations 1997 (S.I. 1997/2239), which are revoked because of a technical defect in the commencement provision; the revocation is provided for in regulation 8.

These Regulations do not impose any costs on business.

(a) Relevant amending instrument is S.I. 1997/793.

(b) S.I. 1997/2239.