

2002 No.2441

SOCIAL SECURITY

The Social Security (Claims and Payments and Miscellaneous Amendments) (No. 2) Regulations 2002

Made - - - - 23rd September 2002

Laid before Parliament 27th September 2002

Coming into force in accordance with regulation 1(1)

The Secretary of State for Work and Pensions, in exercise of the powers conferred on him by sections 5(1)(i), (m), (p) and (q), 15A(2)(a), 71(6) and (8), 189(1), (4) and (6) and 191 of the Social Security Administration Act 1992(a), and of all other powers enabling him in that behalf, and 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 Miscellaneous Amendments) (No. 2) Regulations 2002 and shall come into force -

(a) for the purposes of this regulation, regulations 6 to 8 and 11 to 15 on 23rd October 2002;

(b) for the purposes of regulation 4 immediately before 1st April 2003; and

(c) for all other purposes on 8th April 2003.

(2) In these Regulations, except as otherwise stated, a reference to a numbered regulation, paragraph or Schedule is a reference to the regulation, paragraph or Schedule bearing that number in the Social Security (Claims and Payments) Regulations 1987 (c).

[Regulation 2 makes various amends to regulation 21 of S.I 1987/1968.]

[Regulation 3 amends regulation 22(1) of S.I 1987/1968.]

[Regulation 4 amends regulation 23(1) of S.I 1987/1968.]

[Regulation 5 amends regulation 24 of S.I 1987/1968.]

[Regulation 6 amends regulation 29 of S.I 1987/1968.]

[Regulation 7 amends regulation 30 of S.I 1987/1968.]

[Regulation 8 amends regulation 33(3) of S.I 1987/1968.]

(a) 1992 c. 5; section 15A was inserted by paragraph 1 of the Schedule to the Social Security (Mortgage Interest Payments) Act 1992 (c. 33); section 189(1) was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 57(2); section 191 is an interpretation provision and is cited because of the meaning ascribed to the word "prescribe".

(b) See the Social Security Administration Act 1992 (c. 5), section 173(1)(b).

(c) S.I. 1987/1968.

[Regulation 9 amends regulation 35(2) of S.I 1987/1965.]

[Regulation 10 amends regulation 38 (2A)(c)(i) of S.I 1987/1965.]

[Regulation 11 amends Schedule 6 of S.I 1987/1965.]

[Regulation 12 amends Schedule 9 of S.I 1987/1965.]

[Regulation 13 amends Schedule 9A of S.I 1987/1965.]

[Regulation 14 amends regulation 16(8) of S.I 1988/664.]

Tax credits

15. Nothing in these Regulations shall affect the application of the Social Security (Claims and Payments) Regulations 1987 to working families' tax credit and disabled person's tax credit.

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

Ian McCartney
Minister of State,

23rd September 2002

Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (regulations 2 to 13) and the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (regulation 14) to make further provision as to the payment of social security benefits.

Regulation 2 provides for arrangements to be made with a claimant to pay benefit by direct credit transfer into his bank account without an application by him, or into the account of another specified person or into a specified joint account.

Regulation 3 provides that disability living allowance continues to be payable at four weekly intervals and other long term benefits are payable at four weekly intervals, or weekly in advance.

Regulations 4 and 5 clarify the time when child benefit and incapacity benefit is paid.

Regulations 6 to 8 provide that payment of benefit by direct credit transfer into the account of a beneficiary under age 18 or a statutory appointee shall be a good discharge to the Secretary of State.

Regulation 9 provides that specified social fund payments may be made by direct credit transfer and if an instrument of payment is payable to a third party it may be sent to the beneficiary.

Regulation 10 clarifies a reference to direct credit transfer.

Regulation 11 amends provisions specifying days for payment of retirement pensions, widow's benefit and bereavement benefit.

Regulations 12 and 13 provide that whether income support is paid by direct credit transfer or otherwise deductions may be made and paid directly to third parties and qualifying lenders.

Regulation 14 prevents payments of specified benefits made by direct credit transfer or otherwise being reduced below 10p a week when benefit overpayments are recovered by deductions from such benefits.

Regulation 15 confirms that the Regulations do not affect the application of the Social Security (Claims and Payments) Regulations 1987 to tax credits.

These Regulations do not impose a cost on business.

