

## 2009 No. 604

### SOCIAL SECURITY

#### The Social Security (Claims and Payments) Amendment Regulations 2009

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|-------------------------------|------------------------|
| <i>Made</i> - - - -           | <i>9th March 2009</i>  |
| <i>Laid before Parliament</i> | <i>16th March 2009</i> |
| <i>Coming into force</i> -    | <i>6th April 2009</i>  |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of powers conferred by sections 5(1)(i) and (l), 189(1) and (3) to (6) and 191 of the Social Security Administration Act 1992(a).

In accordance with section 172(1) of the Social Security Administration Act 1992, the Secretary of State has referred these Regulations to the Social Security Advisory Committee.

#### Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 2009 and shall come into force on 6th April 2009.

[Regulation 2 amends regulations 16, 22 and 24 of S.I. 1987/1968.]

[Regulation 2 amends paragraph 6 of Schedule 6 and paragraph 2 of schedule 7 of S.I. 1987/1968.]

[Regulation 3 amends regulation 1 of S.I. 1996/206.]

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

9th March 2009

*Tony McNulty*  
Minister of State  
Department for Work and Pensions

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(a) 1992 c. 5. Section 189(1) was amended by the Social Security Act 1998 (c. 14), Schedule 7, paragraph 109(a) and Schedule 8, by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 3, paragraph 57(1) and (2) and by the Tax Credits Act 2002 (c. 21), Schedule 6. Section 189(4) to (6) was amended by the Social Security Act 1998, Schedule 7, paragraph 109(c) to (e) and Schedule 8. Section 191 is cited for the meaning ascribed to the word "prescribe".

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 (“the Claims and Payments Regulations”) and the Jobseeker’s Allowance Regulations 1996.

Regulation 2(2)(b) inserts paragraphs (2A) to (2C) into regulation 16 of the Claims and Payments Regulations. Paragraph (2A) provides that changes in the rate of specified benefits shall take effect on the first pay day following the change, if the change would otherwise take effect on a day which is not the first day of the benefit week for the benefit in question.

Paragraph (2B) provides that paragraph (2A) does not apply where an award of benefit is terminated and payment of benefit is made in arrears.

Paragraph (2C) provides that where an award of a benefit specified in paragraph (2A) is paid in advance and is terminated, that termination, if it would otherwise take effect on a day which is not the first day of a benefit week shall take effect on the first pay day following the termination.

Regulation 2(2)(c) inserts the words “or regulation 22A” into regulation 16(3)(c) of the Claims and Payments Regulations as a consequence of amendments made at regulation 2(4) of these Regulations.

Regulation 2(2)(d) adds bereavement allowance and widowed parent’s allowance to the list of benefits specified in regulation 16(4) of the Claims and Payments Regulations so as to exclude those benefits from the scope of paragraph (1) of that regulation. (Regulation 16(1) of those Regulations deals with the date of entitlement of an award of a benefit paid in advance. As a consequence of the changes made by these Regulations, bereavement allowance and widowed parent’s allowance will no longer be paid in advance in all cases.)

Regulation 2(4) to (5) adds regulations 22A and 22B to the Claims and Payments Regulations, and amends regulations 22 and 24 of those Regulations. The effect of these amendments is to enable specified benefits to be paid weekly or fortnightly in arrears, to enable a person’s payday to be determined in accordance with their national insurance number and to enable bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension to be paid at a daily rate on specified days and in specified circumstances.

Regulation 2(6) omits paragraph 6 of Schedule 6 to the Claims and Payments Regulations as a consequence of the amendments to regulation 22 of those Regulations.

Regulation 2(7) amends paragraph 2 of Schedule 7 to the Claims and Payments Regulations and inserts paragraph 2ZA into Schedule 7 to those Regulations to provide that income support is only paid in advance if the claimant is also in receipt of a widow’s benefit or a bereavement benefit which is paid in advance.

Regulation 3 substitutes the definition of “benefit week” in regulation 1(3) of the Jobseeker’s Allowance Regulations 1996 so as to enable a person’s payday to be determined in accordance with their national insurance number.

A full impact assessment has not been produced for this instrument as it has no impact on the private or voluntary sectors.