

1997 No. 793

SOCIAL SECURITY

The Social Security (Miscellaneous Amendments) (No. 2) Regulations 1997

Made - - - - - 12th March 1997

Laid before Parliament 14th March 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) to (c) and (h), 7(1), 27(1), 47(7), 61(1), 62(1), 189(1) and (3) to (6) and 191 of the Social Security Administration Act 1992(a), sections 35(3)(b), 65(5), 76(2), 122(1) and 175(1) to (3) of the Social Security Contributions and Benefits Act 1992(b), and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 2) Regulations 1997 and shall come into force—

- (a) for the purposes of this regulation and regulation 19(a), on 6th April 1997;
- (b) for the purposes of regulations 2(1) and (4), 3(1), (2), (4) and (6), 4 and 5, 7 to 9, 11 to 18 and 20, on 7th April 1997;
- (c) for the purposes of regulation 6—
 - (i) in so far as it relates to retirement pension or graduated retirement benefit, on 4th August 1997; and
 - (ii) for all other purposes, on 7th April 1997;
- (d) for the purposes of regulation 10—
 - (i) in so far as it relates to retirement pension, on 4th August 1997; and
 - (ii) for all other purposes, on 7th April 1997;
- (e) for the purposes of regulation 19(b) and (c), on 1st September 1997;
- (f) for the purposes of regulation 2 (with the exception of paragraphs (1) and (4)) and regulation 3(3) and (5), on 6th October 1997.

[Reg. 1(2) is revoked by S.I. 1999/991 as from 29.11.99.]

(2) In these Regulations—

- (a) “the Adjudication Regulations” means the Social Security (Adjudication) Regulations 1995(d);
- (b) “the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations 1987(e).

(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) 1992 c. 4; section 122(1) is an interpretation provision and is cited for the definition of “prescribe”.

(c) See section 172(1) of the Social Security Administration Act 1992.

(d) S.I. 1995/1801.

(e) S.I. 1987/1968.

- [Regulation 2 amends regulation 4 of S.I. 1987/1968.]
- [Regulation 3 amends regulation 6 of S.I. 1987/1968.]
- [Regulation 4 amends regulation 10 of S.I. 1987/1968.]
- [Regulation 5 amends regulation 11 of S.I. 1987/1968.]
- [Regulation 6 amends regulation 19 of S.I. 1987/1968.]
- [Regulation 7 amends Schedule 4 to S.I. 1987/1968.]
- [Regulation 8 amends regulation 52 of S.I. 1995/1801.]
- [Regulation 9 amends regulation 57 of S.I. 1995/1801.]
- [Regulation 10 amends regulation 59 of S.I. 1995/1801.]
- [Regulation 11 amends regulation 60 of S.I. 1995/1801.]
- [Regulation 12 amends regulation 62 of S.I. 1995/1801.]
- [Regulation 13 amends regulation 63 of S.I. 1995/1801.]
- [Regulation 14 amends regulation 63A of S.I. 1995/1801.]
- [Regulation 15 amends regulation 65 of S.I. 1995/1801.]
- [Regulation 16 amends regulation 66 of S.I. 1995/1801.]
- [Regulation 17 amends regulation 67 of S.I. 1995/1801.]
- [Regulation 18 amends regulation 3 of S.I. 1987/416.]

Revocations

19. The following regulations shall be revoked—

- (a) regulation 2 of the Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996(a);
- (b) regulation 4 of the Social Security (Attendance Allowance) Regulations 1991(b) (attendance allowance payable before the date of claim in renewal cases); and
- (c) regulation 5 of the Social Security (Disability Living Allowance) Regulations 1991(c) (late claim by a person previously entitled).

Savings

20.—(1) In the case of a claim for retirement pension or graduated retirement benefit made on or before 3rd August 1997, regulation 19 of the Claims and Payments Regulations shall have effect as if regulation 6 of these Regulations had not been made.

(2) In the case of an application for a review of a decision relating to retirement pension where the application is made on or before 3rd August 1997, regulation 59 of the Adjudication Regulations shall have effect as if regulation 10 of these Regulations had not been made.

Signed by authority of the Secretary of State for Social Security

12th March 1997

Roger Evans
Parliamentary Under-Secretary of State,
Department of Social Security

(a) S.I. 1996/1803.

(b) S.I. 1991/2740; relevant amending instrument is S.I. 1992/703.

(c) S.I. 1991/2890; relevant amending instrument is S.I. 1993/1939.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

the requirements for making a claim in the case of a claim for income support or jobseeker's allowance are amended, so that except in specified circumstances, such a claim must be made in writing on a form approved by the Secretary of State and in accordance with the instructions on the form, and must include any information or evidence which the form may require (regulation 2);

the time limits for claiming benefit are amended so that the maximum time for which entitlement to benefit may be backdated is three months for all benefits (regulations 4 to 7);

in respect of certain benefits, backdating of claims is only possible where the claimant was unable to claim earlier because of one of a number of specified reasons; also the time for claiming benefit may be extended for up to one month at the discretion of the Secretary of State where other specified circumstances apply (regulation 6);

the provisions on the date of claim are amended so that for specified claims, where a properly completed claim is received within one month of first notification of intention to make a claim, the date of claim shall be the date of that notification. Special rules apply in a claim for jobseeker's allowance (regulation 3);

in specified circumstances, where a claim for benefit has been refused, and a second claim is later made for the same benefit, the second claim will be treated as made on the date of the first claim (regulation 3).

These Regulations also amend the Social Security Adjudication Regulations 1995 (S.I. 1995/1801) to provide that, subject to certain exceptions, where entitlement to benefit is reviewed, the review cannot be backdated for more than one month (regulations 8 to 17).

The Regulations also amend the Social Security (Maternity Allowance) Regulations 1987 (S.I. 1987/416) in respect of the circumstances in which the maternity allowance period may be modified (regulation 18).

These Regulations revoke regulation 4 of the Social Security (Attendance Allowance) Regulations 1991 (S.I. 1991/2740) and regulation 5 of the Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1991/2890), which permitted entitlement to those benefits to be backdated in certain circumstances; they also revoke regulation 2 of the Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations 1996 (S.I. 1996/1803), which is rendered obsolete by these Regulations (regulation 19).

The Report of the Social Security Advisory Committee dated 27 February 1997 on the proposals referred to it together with a statement showing the extent to which these Regulations give effect to the Recommendations of the Committee, and in so far as they do not give effect to them the reasons why not, are contained in Command Paper Cm. 3586, published by The Stationery Office Limited.

These Regulations do not impose any costs on business.

