

2005 No. 337

SOCIAL SECURITY

TAX CREDITS

FAMILY LAW

CHILD SUPPORT

The Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005

<i>Made</i> - - - -	<i>15th February 2005</i>
<i>Laid before Parliament</i>	<i>18th February 2005</i>
<i>Coming into force</i> -	<i>18th March 2005</i>

The Secretary of State for Work and Pensions, in exercise of the powers conferred by the enactments set out in the Schedule to this Instrument, and of all other powers enabling him in that behalf, with the concurrence of the Lord Chancellor in so far as the Regulations are made under section 6(3) of the Social Security Act 1998, after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(a), after agreement by the Social Security Advisory Committee that the proposals to make these Regulations should not be referred to it(b), and so far as they concern housing benefit and council tax benefit after consultation with organisations appearing to the Secretary of State to be representative of the authorities concerned(c), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Social Security, Child Support and Tax Credits (Miscellaneous Amendments) Regulations 2005 and shall come into force on 18th March 2005.

[Regulation 2 makes various amendments to S.I. 1999/991.]

[Regulation 3 makes various amendments to S.I. 2001/1002.]

[Regulation 4 amends an S.I. not reproduced in these volumes.]

[Regulation 5 amends regulation 5 of S.I. 1985/967.]

[Regulation 6 amends Schedule 1B of S.I. 1987/1967.]

[Regulation 7 makes various amendments to S.I. 1987/1968.]

[Regulation 8 amends regulation 71 of S.I. 1987/1971.]

[Regulation 9 amends regulation 61 of S.I. 1992/1814.]

(a) 1992 c. 53.

(b) See the Social Security Administration Act 1992 (c. 5), sections 172 and 173(1)(b) and Schedule 7, paragraph 9.

(c) See the Social Security Administration Act 1992, section 176(1)(a).

SI 2005/337
Regs. 10-11

**SOCIAL SECURITY, CHILD SUPPORT AND TAX CREDITS (MISCELLANEOUS
AMENDMENTS) REGULATIONS 2005**

[Regulation 10 makes various amendments to S.I. 1988/664.]

[Regulation 11 amends regulation 2 of S.I. 1979/597.]

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

10th February 2005

P.Hollis
Parliamentary Under-Secretary of State,
Department for Work and Pensions

I concur

Signed by authority of the Lord Chancellor

15th February 2005

Catherine M. Ashton
Parliamentary Secretary
Department for Constitutional Affairs

SCHEDULE

Enactments conferring powers exercised in making these Regulations

Vaccine Damage Payments Act 1979 ⁽¹⁾	Section 4(2) and (3)
Child Support Act 1991 ⁽²⁾	Section 20(4), (5) and (6)
Social Security Contributions and Benefits Act 1992 ⁽³⁾	Sections 124(1)(e), 137(1) and 175(1) and (3)
Social Security Administration Act 1992 ⁽⁴⁾	Sections 5(1)(a) to (c), (g), (i), (m), (p) and (r), 6(1)(g), 7A(2), 71(5), (5A) and (8), 73(1)(a), 74(2), 189(1), (4) to (6) and 191
Social Security (Recovery of Benefits) Act 1997 ⁽⁵⁾	Section 11(5)(a) and (b)
Social Security Act 1998 ⁽⁶⁾	Sections 6(3), 9(1) and (6), 10(3) and (6), 12(2), (6) and (7), 14(3)(b) and (11), 16(1), 17(2), 28(1), 79(1) and (4) to (7) and 84; and Schedule 5, paragraphs 1, 3, 4 and 6
Child Support, Pensions and Social Security Act 2000 ⁽⁷⁾	Section 68 and Schedule 7, paragraphs 3(1), 6(8), 10(1), 20(1) and (3) and 23(1)

⁽¹⁾ 1979 c. 17; section 4 was substituted by the Social Security Act 1998 (c. 14), section 46.

⁽²⁾ 1991 c. 48; section 20 was substituted by the Social Security Act 1998, section 42, and was further substituted by the Child Support, Pensions and Social Security Act 2000 (c. 19), section 10 (for the purposes of certain cases only, see S.I. 2003/192 (C. 11)).

⁽³⁾ 1992 c. 4; paragraph (1)(e) of section 124 was added by the Jobseekers Act 1995 (c. 18), Schedule 2, paragraph 30; section 137(1) is cited because of the meaning it gives to “prescribed”.

⁽⁴⁾ 1992 c. 5; section 6(1) was amended by the Local Government Finance Act 1992 (c. 14), Schedule 9, paragraph 12(1)(a); section 7A was inserted by the Welfare Reform and Pensions Act 1999 (c. 30), section 71; subsection (5A) of section 71 was inserted by the Social Security (Overpayments) Act 1996 (c. 51), section 1(4), and subsections (5) and (5A) of section 71 were amended by the Social Security Act 1998, Schedule 7, paragraph 81; section 73(1) was amended by the Jobseekers Act 1995, Schedule 2, paragraph 49(2); section 74(2) was amended by the State Pension Credit Act 2002 (c. 16), Schedule 2, paragraph 11; section 191 is cited because of the meaning it gives to “prescribe”.

⁽⁵⁾ 1997 c. 27.

⁽⁶⁾ 1998 c. 14; section 14(3) was amended by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 11), Schedule 7, paragraph 27(b); section 28 was amended by the State Pension Credit Act 2002, Schedule 1, paragraph 10; section 84 is cited because of the meaning it gives to “prescribe”: the powers in sections 12(2), 14(11), 16(1) and 28(1) and Schedule 5, paragraphs 1, 3, 4 and 6, which are exercised in these Regulations in respect of tax credits, are those which have been applied and modified by S.I. 2002/2926 under powers in the Tax Credits Act 2002 (c. 21), section 63(8).

⁽⁷⁾ 2000 c. 19; paragraph 23(1) of Schedule 7 is cited because of the meaning it gives to “prescribed”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999.

- Paragraph (2) adds further circumstances in which a social security benefit decision may be revised, and paragraph (3) clarifies the time for applying for revision.
- Paragraph (4) adds further circumstances in which a benefit decision may be superseded, and paragraphs (5) and (21) specify the date from which such decisions and other decisions take effect.
- Paragraphs (6) to (8) make further provision for making appeals: paragraph (7) adds a situation in which an appeal lapses, and paragraph (8) provides for the time within which an appeal may be brought when a child support maintenance assessment is revised.
- Paragraph (9) removes the need for the appellant's consent to the use of a live television link at an appeal hearing.
- Paragraphs (10) to (17) make further, more detailed, provision in relation to decisions of appeal tribunals: paragraph (10) clarifies the time for applying for a statement of the tribunal's reasons for its decision, paragraph (12) specifies more documents which the tribunal must preserve, paragraph (14) provides for a tribunal to treat a refusal to set aside a decision as an application for a statement of reasons for the decision and paragraph (16) provides for decision notices to be sent by electronic mail.
- Paragraph (18) clarifies the procedure and time for applying for leave to appeal to a Commissioner and paragraph (19) prescribes a further person who may appeal to a Commissioner.
- Paragraph (20) clarifies the medical qualifications required for a person to be appointed to panel so that he may act as a member of an appeal tribunal.

Regulation 3 amends the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 in respect of revision of decisions and appeal procedures to mirror amendments made to the Social Security and Child Support (Decisions and Appeals) Regulations 1999.

Regulation 4 amends the Tax Credits (Appeals) (No. 2) Regulations 2002 making provision similar to that made by regulations 2(9) to (16) and (18) and 7(7)(a).

Regulation 5 amends the Social Security (Industrial Injuries) (Prescribed Diseases) Regulations 1985 to provide for the finality of a specified determination necessary to a benefit decision.

Regulation 6 makes an amendment to the Income Support (General) Regulations 1987 consequential to the amendment made by regulation 2(2)(b).

Regulation 7 amends the Social Security (Claims and Payments) Regulations 1987.

- Paragraphs (2) and (3) make further provision in respect of specified benefit claims made to a designated office or an authorised local authority.
- Paragraph (4) makes further provision in respect of the date of claim in relation to different benefits.
- Paragraph (5) provides for a further claim for an attendance allowance before an existing claim expires.
- Paragraphs (6) and (7) make further provision in respect of those appointed to act for a benefit claimant.
- Paragraph (8) makes further provision in respect of extinguishment of the right to payment of benefit.

- Paragraphs (9) and (10) amend provisions governing payment of disability living allowance in respect of child beneficiaries and beneficiaries who have hired a vehicle.
- Paragraph (11) makes a minor amendment in respect of the payment of income support.

Regulations 8 and 9 amend the Housing Benefit (General) Regulations 1987 and the Council Tax Benefit (General) Regulations 1992 respectively, making provision similar to that made by regulation 7(7).

Regulation 10 amends the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988.

- Paragraph (3) provides for an interim payment where it is impractical to satisfy national insurance number requirements.
- Paragraph (4) provides for the recovery of duplicate payments of benefit from payments of contribution-based jobseeker's allowance.
- Paragraph (5) makes further provision for the recovery of a benefit overpayment without prior revision or supersession of the original decision awarding benefit.
- Paragraph (6) clarifies a limitation on the right to deduct a recoverable overpayment from prescribed benefits.

Regulation 11 amends the Social Security (Overlapping Benefits) Regulations 1979 to update a definition.

A regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

