

## 2009 No. 1490

### SOCIAL SECURITY

#### The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009

<i>Made</i> - - - -	<i>15th June 2009</i>
<i>Laid before Parliament</i>	<i>22nd June 2009</i>
<i>Coming into force</i> -	<i>13th July 2009</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 1(1), 5(1)(a), (b), (h), (i), (j) and (p), 7A(6)(d), 189(1), (4) to (6) and 191 of the Social Security Administration Act 1992(a) and sections 9(1)(a), 10(6), 79(1), (4) and (7) and 84 of the Social Security Act 1998(b).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it.

#### Citation and commencement

1. These Regulations may be cited as the Social Security (Miscellaneous Amendments) (No. 2) Regulations 2009 and shall come into force on 13th July 2009.

[Regulation 2 makes various amendments to S.I. 1987/1968.]

[Regulation 3 amends regulations 3 and 7 of S.I. 1999/991.]

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

15th June 2009

*Jonathan Shaw*  
Parliamentary Under-Secretary of State,  
Department for Work and Pensions

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- (a) 1992 c. 5. Section 7A was inserted by section 71 of the Welfare Reform and Pensions Act 1999 (c. 30) and amended by paragraph 12 of Schedule 3 to the Child Support, Pensions and Social Security Act 2000 (c. 19), paragraphs (8) and (12) of Schedule 7 to the Employment Act 2002 (c. 22) and section 41(2) of the Welfare Reform Act 2007 (c. 5). Section 189(1) was amended by paragraph 109(a) of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c. 14), paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), and Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 191 is an interpretation provision and is cited for the meaning of the word “prescribe”. The definition of “prescribe” was amended by paragraphs 2 and 10 of Schedule 5 to the Welfare Reform Act 2007.
- (b) 1998 c. 14. Section 79(1) was amended by paragraphs 12 and 13 of Schedule 4 to the Tax Credits Act 2002 and S.I. 2008/2833. Section 84 is an interpretation provision and is cited for the meaning of the word “prescribe”.

**EXPLANATORY NOTE**

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

Regulation 2 amends the Social Security (Claims and Payments) Regulations 1987 (“the 1987 Regulations”) (S.I. 1987/1968).

Paragraph (2) amends the definition of “appropriate office” in regulation 2(1) of the 1987 Regulations (interpretation) so as to (a) omit the definition which applied in the case of a Crown servant posted overseas as it is now redundant. By virtue of the Tax Credits (Miscellaneous Amendments No 4) Regulations 2002 (S.I. 2002/1696) this definition only had effect in relation to claims for working families’ tax credits but provision regarding such claims is now provided for in the Tax Credits (Claims and Notifications) Regulations 2002 (S.I. 2002/2014); and (b) widen the definition to include a postal address specified by the Secretary of State to which written claims or other written materials are to be submitted.

Paragraph (3) amends regulation 3 of the 1987 Regulations (cases where a claim need not be made) to apply to claims for Category B retirement pension if the beneficiary’s deceased spouse or civil partner was entitled to Category A retirement pension.

Paragraph (4) amends regulation 4 of the 1987 Regulations (which concerns the manner in which a claim for benefit is to be made). Paragraph (4)(a) enables written claims for an employment and support allowance to be directed to a designated office, local authority or county council instead of to the Secretary of State. Paragraph (7) makes a similar change to regulation 32B of the 1987 Regulations which permits information or evidence relating to an award of benefit to be directed to a designated office, local authority or county council. Paragraph 4(d) enables telephone claims for income support or jobseeker’s allowance to be accepted on a case-by-case basis. Paragraph 4(e) expands regulation 4(12) so as to expressly define when a telephone claim is properly completed. The remainder of paragraph (4) and paragraph (6) bring the provisions of the 1987 Regulations on telephone claims more closely into line with those relating to written claims and extend the application of provisions relating to written claims to telephone claims.

Paragraph (5) amends regulation 5 of the 1987 Regulations (amendment and withdrawal of claim) so as to insert a specific reference to the provision which covers telephone claims for employment and support allowance.

Paragraph (8) extends Schedule 9 to the 1987 Regulations (circumstances in which benefits may be paid direct to third parties) to service charges for approved premises under section 13 of the Offender Management Act 2007 (c. 21) (approval of accommodation provided for persons granted bail or who have been convicted of offences).

Regulation 3 amends the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the 1999 Regulations”) (S.I. 1999/991).

Paragraph (2)(c) introduces a new prescribed circumstance in which a decision of the Secretary of State may be revised. This is where an award for income support is terminated and the claimant goes on to successfully claim jobseeker’s allowance, but the termination is subsequently shown to have been wrong.

The remainder of paragraph (2) and paragraph (3) make minor amendments to regulations 3 (revision of decisions) and 7 (date from which a decision superseded under section 10 takes effect) of the 1999 Regulations.

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