

1987 No. 1968

SOCIAL SECURITY

The Social Security (Claims and Payments) Regulations 1987

Made - - - - 20th November 1987

Coming into force - 11th April 1988

Note: Only those provisions which are immediately relevant to child support are reproduced, namely regs. 16(3)(b), 26, 27, and para. 4 of Sch. 7.

ARRANGEMENT OF REGULATIONS

PART II

Claims

- 16. Date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate

PART III

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SCHEDULES

- Sch.7. Manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases

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PART II

CLAIMS

Date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate

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- 16.—▶(3) For the purposes of this regulation the first day of the benefit week—
(a)
(b) in the case of ▶working families tax credit◀ ▶or▶disabled person's tax credit◀◀ is Tuesday, and
(c) ◀

Reg. 16(3) substituted by reg. 3(2) of S.I. 1988/522 as from 11.4.88.
(a) Words inserted into reg. 16(3)(b) by regs. 23 and 25 of S.I. 1999/2572 as from 5.10.99
Words inserted into reg. 16(3)(b) by reg. 9(d) of S.I. 1991/2741 as from 10.3.92.
See note (a) above.

Regs. 26-26B

PART III
PAYMENTS**Income support**

Words substituted in reg. 26(1) by reg. 3 of S.I. 1993/1113 as from 12.5.93. Words omitted from reg. 26(1) by reg. 4(1) of S.I. 2000/1596 as from 19.6.00.

(a) Words inserted into reg. 26(2) by reg. 2(5)(a) of S.I. 1989/136 as from 27.2.89. (b) Words omitted from reg. 26(2) and (3) by para. 8 of Sch. 6 to S. I. 1999/3178 as from 29.11.99.

See note (a).

Para. (3) of reg. 26 substituted by reg. 2(5)(b) of S.I. 1989/136 as from 27.2.89. See note (b)

Reference in reg. 26(4) substituted by reg. 6 of S.I. 1988/522 as from 11.4.88.

Words substituted in reg. 26(4) by reg. 2(5)(c) of S.I. 1989/136 as from 27.2.89.

Reg. 26A inserted by reg. 2(14) of S.I. 1996/1460 as from 7.10.96.

Words in reg. 26A(2) revoked by para. 18(4) of the Sch. to S.I. 2002/1397 as from 27.6.02.

Paras. (4) to (8) of reg. 26A omitted by reg. 4(2) of S.I. 2000/1596 as from 19.6.00.

Reg. 26B inserted by reg. 9 of S.I. 2002/3019 as from 6.10.03.

26.—(1) Subject to regulation 21 (direct credit transfer), Schedule 7 shall have effect for determining the manner in and time at which income support is to be paid, and the day when entitlement to income support is to begin.

(2) Where income support paid by means of a book of serial orders is increased or reduced by an amount which, with any previous such increase or reduction, is less than 50 pence per week, the Secretary of State may defer payment of that increase or disregard the reduction until not later than either—

(a) the termination of entitlement; or

(b) the expiration of the period of one week from the date specified for payment in the last order in that book of serial orders,

whichever is the earlier.

(3) Where income support is payable to a beneficiary by means of a book of serial orders and a payment to a third party under Schedule 9 is increased so that the amount of income support payable to the beneficiary is reduced by an amount which with any previous reduction is less than 50 pence per week, the Secretary of State may make the payment to the third party and disregard the reduction in respect of the beneficiary for the period to which the book relates.

(4) Where the entitlement to income support is less than 10 pence or, in the case of a beneficiary to whom section 23A(a) of the Social Security Act 1986 applies, £5, that amount shall not be payable unless the claimant is also entitled to payment of any other benefit with which income support may be paid under arrangements made by the Secretary of State.

Jobseeker's allowance

26A.—(1) Subject to the following provisions of this regulation, jobseeker's allowance shall be paid fortnightly in arrears unless in any particular case or class of case the Secretary of State arranges otherwise.

(2) The provisions of paragraph 2A of Schedule 7 (payment of income support at times of office closure) shall apply for the purposes of payment of a jobseeker's allowance as they apply for the purposes of payment of income support.

(3) Where the amount of a jobseeker's allowance is less than £1.00 a week the Secretary of State may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

◆◆

State pension credit

26B. - (1) Except where paragraph (2) applies, state pension credit shall be payable on Mondays, but subject, where state pension credit is payable in accordance with paragraph (3)(a), to the provisions of regulation 21 (direct credit transfer).

(2) State pension credit shall be payable—

(a) if retirement pension is payable to the claimant, on the same day as the retirement pension is payable; or

(b) on such other day of the week as the Secretary of State may, in the particular circumstances of the case, determine.

(3) Payment of state pension credit shall be made either—

(a) in accordance with regulation 21 (direct credit transfer); or

(a) Section 23A of the Social Security Act 1986 was inserted by the Social Security Act 1988 (c. 7) Schedule 4, paragraph 22. [S. 23A is now re-enacted in s. 127 of the S.S. Conts. and Bens. Act 1992 (c. 4).]

(b) by means of an instrument of payment or an instrument for benefit payment at such place as the Secretary of State, after enquiry of the claimant, may from time to time specify.

(4) State pension credit paid in accordance with paragraph (3)(b) shall be paid weekly in advance.

(5) Where the amount of state pension credit payable is less than £1.00 per week, the Secretary of State may direct that it shall be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(6) Where state pension credit is—

- (a) paid by means of a book of serial orders; and
- (b) increased or reduced by an amount which, when added to any previous such increase, is less than 50 pence per week,

the Secretary of State may defer payment of that increase or disregard the reduction until either—

- (i) the termination of entitlement; or, if earlier,
- (ii) the expiration of one week from the date specified for payment of the last order in that book.

(7) Where state pension credit is—

- (a) paid by means of a book of serial orders; and
- (b) the amount of state pension credit payable to a third party under Schedule 9 is increased so that the amount of the credit payable to the claimant is reduced by an amount which, with any previous reduction, is less than 50 pence per week,

the Secretary of State may make the payment to the third party and disregard the reduction in the claimant’s state pension credit for the remainder of the period to which the book relates.◀

▶▶Working families’ tax credit◀ and ▶disabled person’s tax credit ◀

27.—(1) Subject to regulation 21 ▶and paragraph (1A)◀, ▶working families’ tax credit◀ and ▶disabled persons’ tax credit◀ shall be payable in respect of any benefit week on the Tuesday next following the end of that week by means of a book of serial orders ▶or on presentation of an instrument for benefit payment◀ unless in any case the Secretary of State arranges [▶Board arrange◀] otherwise.

▶(1A)Subject to paragraph (2), where an amount of ▶working families’ tax credit◀ or ▶disabled persons’ tax credit◀ becomes payable which is at a weekly rate of not more than £4.00, that amount shall, if the Secretary of State so directs, [▶Board so direct◀] be payable as soon as practicable by means of a single payment; except that if that amount represents an increase in the amount of either of those benefits which has previously been paid in respect of the same period, this paragraph shall apply only if that previous payment was made by means of a single payment.◀

(2) Where the entitlement to ▶working families’ tax credit◀ or ▶disabled persons’ tax credit◀ is less than 50 pence a week that amount shall not be payable.◀

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Reg. 27 substituted by reg. 14 of S.I. 1991/2741 as from 6.4.92.

(a) Words substituted in reg. 27 by regs. 24 and 24 of S.I. 1999/2572 as from 5.10.99.

Words substituted in reg. 27(1) by reg. 3(4) of S.I. 1993/2113 as from 25.10.93.

See note (a) above. Words inserted into reg. 27(1) by reg. 7 of S.I. 1994/3196 as from 10.1.95.

For tax credit purposes only, words in square brackets substituted for “Secretary of State arranges” by reg. 12(a) of S.I. 1999/2572 as from 5.10.99.

Reg. 27(1A) inserted by reg. 3(4) of S.I. 1993/2113 as from 25.10.93.

(b) Words substituted in reg. 27 by reg. 24 & 25 of S.I. 1999/2592 as from 5.10.99.

For tax credit purposes only, words in square brackets substituted for “Secretary of State so directs” by reg. 12(b) of S.I. 1999/2572 as from 5.10.99.

See note (b) above.

Sch. 7

SCHEDULE 7

Regulation 26

Words deleted from heading to Sch. 7 by reg. 5 of S.I. 2000/1596 as from 19.6.00.

MANNER AND TIME OF PAYMENT AND COMMENCEMENT OF ENTITLEMENT IN INCOME SUPPORT CASES

Words in para. 4 substituted by reg. 10(2) of S.I. 1988/522 as from 11.4.88.

4. In this Schedule—

“benefit week” means, if the beneficiary is entitled to a relevant social security benefit or would be so entitled but for failure to satisfy the contribution conditions or had not exhausted his entitlement, the week corresponding to the week in respect of which that benefit is paid, and in any other case a period of 7 days beginning or ending with such day as the Secretary of State may direct;

Definition inserted into para. 4 by reg. 10(2)(b) of S.I. 1988/522 as from 11.4.88.

“Income Support Regulations” means the Income Support (General) Regulations 1987(a) and

Words in para.4 deleted by reg. 2(24)(b) of S.I. 1996/1460 as from 7.10.96.

“relevant social security benefit” means incapacity benefit, severe disablement allowance, retirement pension, bereavement benefit or widow’s benefit.

Words in defn. of “relevant social security benefit” in para. 4 substituted by reg. 14(4) of S.I. 1994/2943 as from 13.4.95.

Words inserted in defn. of “relevant social security benefit” by reg. 9(7) of S.I. 2000/1483 as from 9.4.01.

(a) S.I. 1987/1967.