
STATUTORY INSTRUMENTS

1994 No. 3196

SOCIAL SECURITY

**The Social Security (Claims and Payments)
Amendment (No. 4) Regulations 1994**

Made - - - - *13th December 1994*
Laid before Parliament *20th December 1994*
Coming into force - - *10th January 1995*

The Secretary of State for Social Security, in exercise of the powers conferred by sections 5(1)(i), 189(1), (4), (5) and (6) of the Social Security Administration Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, and after agreement by the Social Security Advisory Committee that the proposals to make these Regulations need not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Claims and Payments) Amendment (No. 4) Regulations 1994 and shall come into force on 10th January 1995.

(2) In these Regulations, “the principal Regulations” means the Social Security (Claims and Payments) Regulations 1987⁽³⁾.

Amendment of regulation 2 of the principal Regulations

2. In paragraph (1) of regulation 2 of the principal Regulations (interpretation), after the definition of “claim for benefit” there shall be inserted the following definition—

““instrument for benefit payment” means an instrument issued by the Secretary of State under regulation 20A on the presentation of which benefit due to a beneficiary shall be paid in accordance with the arrangements set out in that regulation;”.

Amendment of regulation 20 of the principal Regulations

3. In regulation 20 of the principal Regulations (time and manner of payment: general provision), for the words “regulations 21 to 27” there shall be substituted the words “regulations 20A to 27”.

(1) 1992 c. 5.

(2) See section 173(1)(b) and (7) of the Social Security Administration Act 1992; section 173(7) defines “regulations”.

(3) S.I.1987/1968; relevant amending instruments are S.I. 1991/2741 and 1993/2113.

Insertion of regulation 20A into the principal Regulations

4. After regulation 20 of the principal Regulations, there shall be inserted the following regulation—

“Payment on presentation of an instrument for benefit payment

20A.—(1) Where it appears to the Secretary of State to be appropriate in any class of case, benefit due to a beneficiary falling within such a class shall be paid on presentation of an instrument for benefit payment in accordance with the arrangements set out in this regulation.

(2) Where a beneficiary falls within a class mentioned in paragraph (1), the Secretary of State shall issue an instrument for benefit payment to—

- (a) that beneficiary;
- (b) the person authorised by that beneficiary to act on his behalf;
- (c) the person appointed by the Secretary of State under regulation 33 to act on behalf of that beneficiary; or
- (d) the person to whom benefit is to be paid on that beneficiary’s behalf further to a direction by the Secretary of State under regulation 34.

(3) Instruments for benefit payment shall be in such form as the Secretary of State may from time to time approve.

(4) Benefit shall not be paid under this regulation other than to—

- (a) a person to whom an instrument for benefit payment has been issued in accordance with paragraph (2); or
- (b) a person not falling within sub-paragraph (a) who has been authorised by a beneficiary to whom an instrument for benefit payment has been issued to act on his behalf.

(5) The Secretary of State shall provide the paying agent with information as to the amount of benefit, if any, due to the beneficiary where the paying agent uses the instrument for benefit payment to request that information.

(6) Where a paying agent pays benefit in accordance with this regulation, the person receiving it shall sign a receipt in a form approved by the Secretary of State and such signature shall be sufficient discharge to the Secretary of State for any sum so paid.

(7) In this regulation, “paying agent” means a person authorised by the Secretary of State to make payments of benefit in accordance with the arrangements for payment set out in this regulation.”.

Amendment of regulation 22 of the principal Regulations

5. In paragraph (1) of regulation 22 of the principal Regulations (long term benefits), for the words “payable in each case to the beneficiary” there shall be substituted the words “or on presentation of an instrument for benefit payment”.

Amendment of regulation 23 of the principal Regulations

6.—(1) Regulation 23 of the principal Regulations (child benefit) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (2), for the words “by serial orders” there shall be substituted the words “by means of serial orders or on presentation of an instrument for benefit payment”.

(3) In sub-paragraph (a) of paragraph (3), after the words “serial orders” there shall be inserted the words “or on presentation of an instrument for benefit payment”.

Amendment of regulation 27 of the principal Regulations

7. In paragraph (1) of regulation 27 of the principal Regulations (family credit and disability working allowance), after the words “by means of a book of serial orders” there shall be inserted the words “or on presentation of an instrument for benefit payment”.

Substitution of regulation 47 of the principal Regulations

8. For regulation 47 of the principal Regulations there shall be substituted the following regulation—

“Instruments of payment, etc and instruments for benefit payment

47.—(1) Instruments of payment, books of serial orders and instruments for benefit payment issued by the Secretary of State shall remain his property.

(2) Any person having an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit to which such instrument or book relates, or when so required by the Secretary of State, deliver it to the Secretary of State or such other person as he may direct.

(3) Any person having an instrument for benefit payment shall, when so required by the Secretary of State, deliver it to the Secretary of State or such other person as he may direct.”.

Signed by authority of the Secretary of State for Social Security.

13th December 1994

James Arbuthnot
Parliamentary Under-Secretary of State,
Department of Social Security

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Claims and Payments) Regulations 1987 in the following respects—

- (i) a new regulation 20A is inserted, which provides for the payment of benefit on presentation of an instrument for benefit payment to a paying agent (regulation 4);
- (ii) consequential amendments are made to regulations 20, 22, 23, and 27 which relate to the time and manner of payment of benefit (regulations 3, 5, 6 and 7 respectively);
- (iii) a consequential substitution is made of regulation 47 (instruments of payment) (regulation 8).

These Regulations impose no costs on business.