
STATUTORY INSTRUMENTS

2006 No. 832

**The Social Security (Miscellaneous
Amendments) (No. 2) Regulations 2006**

Amendment of the Social Security (Claims and Payments) Regulations 1987

- 2.—(1) The Social Security (Claims and Payments) Regulations 1987⁽¹⁾ are amended as follows.
- (2) In regulation 2(1) (interpretation) omit the definition of “instrument for benefit payment”⁽²⁾.
- (3) In regulation 4(6A)⁽³⁾ (making a claim for benefit)—
- (a) after sub-paragraph (b) omit “or”;
 - (b) at the end of sub-paragraph (c) add “; or”; and
 - (c) after sub-paragraph (c) add—
 - “(d) who has not attained the qualifying age and who makes a claim for a disability living allowance or a carer’s allowance.”.
- (4) In regulation 6 (date of claim)—
- (a) after paragraph (1C)⁽⁴⁾ insert—
 - “(1D) Subject to paragraph (1E) and without prejudice to the generality of paragraph (1), where a properly completed claim for incapacity benefit is received in an appropriate office within one month of the claimant first notifying such an office, by whatever means, of his intention to make that claim, the date of claim shall be the date on which that notification is made or the first day in respect of which the claim is made if later.
 - (1E) For the purposes of paragraph (1D), a person who has attained the qualifying age may notify his intention and may send or deliver his claim to an office specified in regulation 4(6B)⁽⁵⁾.”;
 - (b) in paragraph (17)⁽⁶⁾ omit sub-paragraph (b);
 - (c) in paragraph (22)⁽⁷⁾ for “and (30)” substitute “, (30) and (33)”;
 - (d) in paragraph (26)⁽⁸⁾ for “18(a) and (c), 21(a), 24 and in paragraph 18(b)” substitute “(18) (a) and (c), (21)(a), (24) and (30) and in paragraph (18)(b)”;
 - (e) after paragraph (32)⁽⁹⁾ add—
 - “(33) Where a person makes a claim for a carer’s allowance within 3 months of a decision made—
 - (a) on a claim;

(1) [S.I. 1987/1968](#).

(2) The definition was inserted by [S.I. 1994/3196](#) and amended by [S.I. 1999/2572](#).

(3) Paragraph (6A) was inserted by [S.I. 2003/1632](#) and amended by [S.I. 2005/1551](#).

(4) Paragraph (1C) was inserted by [S.I. 2001/567](#) and amended by [S.I. 2001/892](#).

(5) Paragraph (6B) was inserted by [S.I. 2003/1632](#).

(6) Paragraph (17) was substituted by [S.I. 2000/1596](#) and amended by [S.I. 2002/2497](#).

(7) Paragraph (22) was substituted by [S.I. 2000/1596](#) and amended by [S.I. 2002/428](#) and [2497](#) and [2005/337](#).

(8) Paragraph (26) was substituted by [S.I. 2000/1596](#).

(9) Paragraph (32) was inserted by [S.I. 2004/2283](#).

(b) on revision or supersession; or

(c) on appeal whether by an appeal tribunal, a Commissioner or the court, awarding a qualifying benefit to the disabled person, the date of claim is the first day in respect of which that qualifying benefit is payable.”.

(5) In regulation 6A(2)(10) (claims by persons subject to work-focused interviews) after sub-paragraph (c) add—

“(d) without prejudice to sub-paragraphs (a) and (b), where a properly completed claim for incapacity benefit is received in an appropriate office within one month of the claimant first notifying such an office, by whatever means, of his intention to make that claim, the date of claim shall be the date on which that notification is made or the first day in respect of which the claim is made if later.”.

(6) For regulation 20(11) and its heading (time and manner of payment: general provision) substitute—

“Time of payment: general provision

20. Subject to regulations 21 to 26B, benefit shall be paid in accordance with an award as soon as is reasonably practicable after the award has been made.”.

(7) Regulation 20A(12) (payment on presentation of an instrument for benefit payment) shall be omitted.

(8) In regulation 21(1)(13) (direct credit transfer) after “person claiming or entitled to it” insert “or person appointed under regulation 33 or specified in regulation 33(1)(c) or (d)”.

(9) In regulation 26 (income support)—

(a) in paragraph (1)(14) (payment) omit “manner in and”; and

(b) omit paragraphs (2) and (3)(15) (amounts paid by a book of serial orders).

(10) In regulation 26B(16) (state pension credit)—

(a) in paragraph (1) for “, where state pension credit is payable in accordance with paragraph (3)(a), to the provisions of regulation 21 (direct credit transfer)” substitute “to regulation 21 where payment is by direct credit transfer”;

(b) omit paragraph (3) (manner of payment);

(c) in paragraph (4) for “in accordance with paragraph (3)(b)” substitute “otherwise than in accordance with regulation 21”; and

(d) omit paragraphs (6) and (7) (amounts paid by a book of serial orders).

(11) In regulation 38(1) (extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period)—

(a) omit sub-paragraph (aa)(17) (payment by an instrument for benefit payment); and

(b) in sub-paragraph (c)(18) omit “(aa),”.

(10) Regulation 6A was inserted by S.I. 2000/897 and amended by S.I. 2001/3210, 2002/1703 and 2004/959.

(11) Regulation 20 was amended by S.I. 1994/3196 and 1999/2572.

(12) Regulation 20A was inserted by S.I. 1994/3196 and amended by S.I. 1996/672 and 1999/2572.

(13) Paragraph (1) was substituted by S.I. 2002/2441.

(14) Paragraph (1) was amended by S.I. 1993/1113 and 2000/1596.

(15) Paragraphs (2) and (3) were amended by S.I. 1989/136 and 1999/3178.

(16) Regulation 26B was inserted by S.I. 2002/3019.

(17) Sub-paragraph (aa) was inserted by S.I. 1996/672.

(18) Sub-paragraph (c) was amended by S.I. 1996/672, 1999/2572 and 2005/337.

(12) For regulation 47(19) and its heading (instruments of payment, etc and instruments for benefit payment) substitute—

“Instruments of payment

47.—(1) Instruments of payment issued by the Secretary of State shall remain his property.

(2) Any person having an instrument of payment shall, on ceasing to be entitled to the benefit to which the instrument 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.”.

(13) For the heading to Schedule 7(20) (manner and time of payment, and commencement of entitlement in income support cases) and paragraph 1 of that Schedule substitute—

**“TIME OF PAYMENT AND COMMENCEMENT
OF ENTITLEMENT IN INCOME SUPPORT CASES**

1. Except as otherwise provided in these Regulations income support shall be paid in arrears in accordance with the award.”.

(14) In Schedule 9 (deductions from benefit and direct payment to third parties) in paragraph 4(2A)(21) (miscellaneous accommodation costs) for “£18.80” each time it appears substitute “£19.60”.

(19) Regulation 47 was substituted by [S.I. 1994/3196](#) and amended by [S.I. 1999/2572](#).

(20) The heading to Schedule 7 was amended by [S.I. 2000/1596](#) and paragraph 1 was amended by [S.I. 1996/672](#).

(21) Sub-paragraph (2A) was inserted by [S.I. 2003/2325](#) and amended by [S.I. 2005/777](#).