
STATUTORY INSTRUMENTS

2007 No. 2470

The Social Security (Miscellaneous Amendments) (No.4) Regulations 2007

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 3⁽²⁾ (claims not required for entitlement to benefit in certain cases)—

(a) after sub-paragraph (c) insert—

“(ca) in the case of a Category A retirement pension where the beneficiary—

(i) is entitled to any category of retirement pension other than a Category A retirement pension; and

(ii) becomes divorced or the beneficiary’s civil partnership is dissolved;

(cb) in the case of a Category B retirement pension where the beneficiary—

(i) is entitled to either a Category A retirement pension or to a graduated retirement benefit or to both; and

(ii) marries or enters into a civil partnership;”;

(b) after sub-paragraph (d) insert—

“(da) in the case of a bereavement payment where the beneficiary is over pensionable age and satisfies the conditions of entitlement under section 36(1) of the Contributions and Benefits Act (3);”.

(3) After regulation 6(15) insert—

“(15A) Paragraphs (16) to (34) shall not apply in any case where it would be advantageous to the claimant to apply the provisions of regulation 19 (time for claiming benefit).”.

(4) In regulation 6(19)⁽⁴⁾ (date of claim) for the words from “original award”)” to “the circumstances”, substitute “original award”) has been terminated or reduced or payment under that award ceases in the circumstances” and in sub-paragraph (b) for “re-awarded,” substitute “re-awarded or becomes payable again”.

(5) In regulation 6(20)⁽⁵⁾—

(a) after sub-paragraph (a) omit “or”;

(b) at the end of sub-paragraph (b) add “or”; and

(c) after sub-paragraph (b) add—

“(c) that the qualifying benefit has ceased to be payable in accordance with—

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

(2) Regulation 3 was amended by [S.I. 1989/136](#), [S.I. 1994/2943](#), [S.I. 1999/2556](#), [S.I. 1999/3178](#), [S.I. 2000/1483](#), [S.I. 2001/488](#), [S.I. 2003/1589](#) and [S.I. 2005/1551](#).

(3) [1992 c.4](#). Section 36 was substituted by the Welfare Reform and Pensions Act [1999 \(c.30\)](#), section 54(1) and amended by the Civil Partnership Act [2004 \(c.33\)](#), Schedule 24, paragraph 16.

(4) Regulation 6(19) was amended by [S.I. 2002/428](#) and [S.I. 2006/2377](#).

(5) Regulation 6(20) was substituted by [S.I. 2006/2377](#).

- (i) regulation 6(1) of the Social Security (Attendance Allowance) Regulations 1991(6) or regulation 8(1) of the Social Security (Disability Living Allowance) Regulations 1991(7) because the claimant is undergoing treatment as an in-patient in a hospital or similar institution, or
 - (ii) regulation 7 of the Social Security (Attendance Allowance) Regulations 1991 or regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991 because the claimant is resident in certain accommodation other than a hospital.”.
- (6) In regulation 6(21)(8)—
- (a) for “The additional” substitute “Subject to paragraph (21A), the additional” and in sub-paragraph (a), for “and” substitute “or”; and
 - (b) for sub-paragraph (b) substitute—
 - “(b) the qualifying benefit is re-awarded following revision, supersession or appeal; or
 - (c) the qualifying benefit is re-awarded on a renewal claim when an award for a fixed period expires; or
 - (d) the cessation of payment ends when the claimant leaves the hospital or similar institution or accommodation referred to in paragraph (20)(c); and
 the further claim referred to in paragraph (19), is made within three months of the date on which the additional circumstances apply.”.
- (7) After regulation 6(21), insert—
- “(21A) Paragraph (21) applies whether the benefit is re-awarded when the further claim is decided or following a revision of, or an appeal against, such a decision.”.
- (8) In regulation 6(30)(b)(9) omit “not later than 10 working days after the termination,”.
- (9) In regulation 6(33)(10), for “Where” substitute “Subject to paragraph (34), where”.
- (10) After regulation 6(33) add—
- “(34) Paragraph (33) shall not apply where the decision awarding a qualifying benefit is made in respect of a renewal claim where a fixed period award of that benefit has expired, or is due to expire.”.
- (11) In regulation 19(11) (time for claiming benefit), after paragraph (3B) insert—
- “(3C) In any case where the application of paragraphs (16) to (34) of regulation 6 would be advantageous to the claimant, this regulation shall apply subject to those provisions.”.
- (12) In regulation 30(4)(12) (payments on death), for “Paragraphs” substitute “Subject to paragraph (4B), paragraphs”.
- (13) After regulation 30(4A)(13) insert—
- “(4B) A written application is not required where—

(6) S.I.1991/2740. Regulation 6(1) was substituted by S.I. 1992/2869. Regulation 7 was amended by S.I. 1992/2869, S.I. 1992/3147, S.I. 1993/518, S.I. 2001/3767, S.I. 2002/208, S.I. 2002/1406, S.I. 2003/2259, S.I. 2005/445, S.I. 2005/2078 and S.I. 2005/2687.

(7) S.I. 1991/2890. Regulation 8 was substituted by S.I. 1992/2869 and amended by S.I. 2000/1401. Regulation 9 was amended by S.I. 1992/633, S.I. 1992/2869, S.I. 1992/3147, S.I. 1993/518, S.I. 1995/2162, S.I. 2000/3181, S.I. 2001/3767, S.I. 2002/208, S.I. 2002/1406, S.I. 2003/2259, S.I. 2005/445, S.I. 2005/2078 and S.I. 2005/2687.

(8) Regulation 6(21)(b) was amended by S.I. 2002/428 and S.I. 2006/2377.

(9) Regulation 6(30) was inserted by S.I. 2002/428.

(10) Regulation 6(33) was inserted by S.I. 2006/832.

(11) Regulation 19 was substituted by S. I. 1997/793 and paragraph (3B) was inserted by S.I. 1997/793.

(12) Regulation 30(4) was amended by S.I. 1999/2572.

(13) Regulation 30(4A) was inserted by S.I. 2000/1982.

- (a) an executor or administrator has not been appointed;
- (b) the deceased was in receipt of a retirement pension of any category or state pension credit including where any other benefit was combined for payment purposes with either of those benefits at the time of death;
- (c) the sum payable by way of benefit to the deceased is payable to a person who was the spouse or civil partner of the deceased at the time of death; and
- (d) either—
 - (i) the spouse or civil partner and the deceased were living together at the time of death; or
 - (ii) they would have been living together at the time of death but for the fact that either or both of them were in a residential care or a nursing home or in a hospital.”.

(14) In regulation 33(1)(c)(14) (persons unable to act) for “receiver” substitute “deputy” and after “Court of Protection” insert “under Part 1 of the Mental Capacity Act 2005(15) or receiver appointed under Part 7 of the Mental Health Act 1983(16) but treated as a deputy by virtue of the Mental Capacity Act 2005”.

(14) Regulation 33(1) was amended by [S.I. 1999/2572](#) and [S.I. 2005/337](#).

(15) [2005 c.9](#).

(16) [1983 c.20](#).