
STATUTORY INSTRUMENTS

2009 No. 1490

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

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)⁽²⁾ (interpretation) for the definition of “appropriate office” substitute—

““appropriate office” means an office of the Department for Work and Pensions and, where any provision in these Regulations relates to a claim, notice or other information, evidence or document being received by or sent, delivered or otherwise furnished in writing to an appropriate office, includes a postal address specified by the Secretary of State for that purpose.”.

(3) In regulation 3⁽³⁾ (claims not required for entitlement to benefit in certain cases) after paragraph (cb)(ii) add—

“or

(iii) the spouse or civil partner of the beneficiary dies having been entitled to a Category A retirement pension at the date of death;”.

(4) In regulation 4⁽⁴⁾ (making a claim for benefit)—

(a) in paragraph (6A)(d) for “or incapacity benefit” substitute “, incapacity benefit or an employment and support allowance”;

(b) for paragraph (7) substitute—

“(7) If a claim, other than a claim for income support or jobseeker’s allowance, is defective at the date it is received in an appropriate office or office specified in paragraph (6B) where that paragraph applies—

(a) the Secretary of State shall advise the claimant of the defect; and

(b) if a properly completed claim is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date on which the claimant is advised of the defect, the Secretary of State shall treat the claim as properly made in the first instance.

(7ZA) If a claim, other than a claim for income support or jobseeker’s allowance, has been made in writing but not on the form approved for the time being—

(a) the Secretary of State may supply the claimant with the approved form; and

(b) if the form is received properly completed within one month, or such longer period as the Secretary of State may consider reasonable, from the date on which

⁽¹⁾ S.I. 1987/1968.

⁽²⁾ The relevant amending instruments are S.I. 2002/1397 and 2002/1696.

⁽³⁾ The relevant amending instruments are S.I. 2007/2470 and 2008/441.

⁽⁴⁾ The relevant amending instruments are S.I. 1997/793, 1999/2572, 2002/3019, 2003/1632, 2005/34, 2005/1551, 2006/832, 2007/2911 and 2008/2667.

the claimant is supplied with the approved form, the Secretary of State shall treat the claim as properly made in the first instance.”;

- (c) in paragraph (10) after “state pension credit or” insert “, subject to regulation 6(1G),”;
- (d) in paragraph (11A) for “which the Secretary of State accepts for the purposes of making a telephone claim” substitute “for which the Secretary of State accepts telephone claims, or in any other case where the Secretary of State is willing to do so”;
- (e) for paragraph (12) substitute—
 - “(12) A claim made by telephone in accordance with paragraph (11) or (11A) is properly completed if the Secretary of State is provided with all the information required to determine the claim and the claim is defective if not so completed.”;
- (f) for paragraph (13) substitute—
 - “(13) Where a claim made by telephone is defective—
 - (a) in the case of a claim other than a claim for income support or jobseeker’s allowance, paragraph (7) applies;
 - (b) in the case of a claim for income support, paragraph (7A) applies; and
 - (c) in the case of a claim for jobseeker’s allowance, paragraph (7B) applies,
 except that references to a defective claim being received or received in an appropriate office or office specified in paragraph (6B) where that paragraph applies are to be read as references to a defective claim being made by telephone and the reference in paragraph (7) (b) to a properly completed claim being received is to be read as a reference to a claim made by telephone being properly completed.”; and
- (g) omit paragraph (14).
- (5) In regulation 5(1)(5) (amendment and withdrawal of claim) for “or 4D(6A)” substitute “, 4D(6A) or 4G(1)”.
- (6) In regulation 6(6) (date of claim)—
 - (a) in paragraph (1)(b) for “duly” substitute “properly”;
 - (b) in paragraph (1)(c) for “of that telephone call” substitute “the claim is properly completed”;
 - (c) in paragraph (1)(d) for “4(14) as having been duly” substitute “4(13)(a) as having been properly”;
 - (d) in paragraph (1A)—
 - (i) in sub-paragraphs (a) and (b) after “an appropriate office” insert “or a claim made by telephone is properly completed”; and
 - (ii) in sub-paragraph (b) after “the date on which that notification is” insert “made or is”;
 - (e) for paragraph (1F) substitute—
 - “(1F) In the case of a claim for an employment and support allowance, the date on which the claim is made or treated as made shall be the first date on which—
 - (a) a claim made by telephone is properly completed, or a properly completed claim is received in an appropriate office, or office mentioned in regulation 4H(3);
 - (b) a defective claim is received or made but is treated as properly made in the first instance in accordance with regulation 4G(5) in the case of a telephone claim, or 4H(7) in the case of a written claim; or

(5) The relevant amending instruments are [S.I. 2005/34](#) and [2006/832](#).

(6) The relevant amending instruments are [S.I. 1996/1460](#), [1997/793](#), [1999/3108](#), [2000/897](#), [2000/1982](#), [2005/34](#), [2008/1554](#).

- (c) the Secretary of State is notified of an intention to claim and within one month or such longer period as the Secretary of State considers reasonable of first notification, a claim made by telephone is properly completed, or a properly completed claim is received in an appropriate office, or office mentioned in regulation 4H(3),
or the first day in respect of which the claim is made, if later.”;
 - (f) after paragraph (1F) insert—
 - “(1G) In paragraph (1F) “properly completed” has the meaning assigned by regulation 4(8) in the case of a written claim and 4(12) in the case of a telephone claim.”;
 - (g) in paragraph (4ZC) in sub-paragraphs (a) and (b) after “an appropriate office” insert “or a claim made by telephone is properly completed”;
 - (h) in paragraph (4A)(b) in paragraphs (i) and (ii) after “an appropriate office insert “or a claim made by telephone is properly completed”;
 - (i) in paragraph (4AA) after “shall be provided” insert “or made”; and
 - (j) in paragraph (4AB) after “the time for providing” insert “or making”.
- (7) In regulation 32B(7) after paragraph (3)(e) insert “(ee) employment and support allowance;”.
- (8) In Schedule 9 (deductions from benefit and direct payment to third parties), in paragraph 4A(1)(8)—
- (a) in sub-paragraph (a) for “he” substitute “the beneficiary”;
 - (b) for sub-paragraph (b) substitute—
 - “(b) either the beneficiary or the beneficiary’s partner—
 - (i) is resident in a hostel and has claimed housing benefit in the form of a rent rebate or rent allowance; or
 - (ii) is resident in approved premises under section 13 of the Offender Management Act 2007; and”;
 - (c) omit sub-paragraph (c); and
 - (d) in sub-paragraph (d) for “that hostel” substitute “the hostel or approved premises, as the case may be,”.

(7) Regulation 32B was inserted by [S.I. 2007/2911](#).

(8) Paragraph 4A was inserted by [S.I. 1991/2284](#).