
STATUTORY INSTRUMENTS

2009 No. 604

The Social Security (Claims and Payments) Amendment 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 16 (date of entitlement under an award for the purpose of payability of benefit and effective date of change of rate)—

(a) in paragraph (2) after “paragraph (1) applies” insert “(other than widowed mother’s allowance and widow’s pension)” and for both occurrences of “appropriate pay day” substitute “first day of the benefit week”;

(b) after paragraph (2) insert—

“(2A) Subject to paragraph (2B), where there is a change in the rate of bereavement allowance, widowed mother’s allowance, widowed parent’s allowance or widow’s pension, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, shall take effect from the first day of the benefit week next following.

(2B) Paragraph (2A) shall not apply in a case where an award of benefit is terminated and benefit is paid in arrears.

(2C) Where a benefit specified in paragraph (2A) is paid in advance and the award is terminated, the termination, if it would otherwise take effect on a day which is not the first day of a benefit week, shall take effect on the first day of the benefit week next following.”;

(c) for paragraph (3)(c) substitute—

“(c) in any other case is —

(i) when paid in advance, the day of the week on which the benefit is payable in accordance with regulation 22 (long-term benefits) or 22A (bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension);

(ii) when paid in arrears, the first day of the period of 7 days which ends on the day on which the benefit is payable in accordance with regulation 22 or 22A.”; and

(d) in paragraph (4)⁽²⁾ after “state pension credit” insert “, bereavement allowance, widowed parent’s allowance”.

(3) In regulation 22(1)⁽³⁾ (long-term benefits) for “regulation 25(1)” substitute “regulations 22A and 25(1)”.

(4) After regulation 22 insert—

⁽¹⁾ [S.I.1987/1968](#).

⁽²⁾ Paragraph (4) was amended by [S.I. 1988/522](#), [1994/2943](#), [1996/1460](#) and [2002/3019](#).

⁽³⁾ Regulation 22(1) was substituted by [S.I. 2002/2441](#).

Status: This is the original version (as it was originally made).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

“Bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension

22A.—(1) Subject to paragraphs (2) and (4), bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension shall be paid fortnightly in arrears on the day of the week specified in paragraph (3).

(2) The Secretary of State may, in any particular case or class of case, arrange that a benefit specified in paragraph (1) be paid on any other day of the week.

(3) The day specified for the purposes of paragraph (1) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person’s national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday.

(4) The Secretary of State may, in any particular case or class of case, arrange that the beneficiary be paid weekly in advance or in arrears or, where the beneficiary agrees to be paid in such manner, at intervals of four or 13 weeks in arrears.

Payment of bereavement allowance, widowed mother’s allowance, widowed parent’s allowance and widow’s pension at a daily rate

22B.—(1) Where entitlement to a bereavement allowance or widowed parent’s allowance begins on a day which is not the first day of the benefit week, it shall be paid at a daily rate in respect of the period beginning with the day on which entitlement begins and ending on the day before the first day of the following benefit week.

(2) Where the Secretary of State changes the day on which a benefit mentioned in paragraph (5) is payable, the benefit shall be paid at a daily rate in respect of any day for which payment would have been made but for that change.

(3) An award of benefit mentioned in paragraph (5) shall be paid at a daily rate where—

- (a) the award is terminated;
- (b) entitlement ends on a day other than the last day of the benefit week; and
- (c) the benefit is paid in arrears.

(4) Where benefit is paid at a daily rate in the circumstances mentioned in paragraph (3), it shall be so paid in respect of the period beginning with the first day of the final benefit week and ending on the last day for which there is an entitlement to the benefit.

(5) Paragraphs (2) and (3) apply to—

- (a) bereavement allowance;
- (b) widowed mother’s allowance;
- (c) widowed parent’s allowance; and
- (d) widow’s pension.

(6) Where benefit is payable at a daily rate in the circumstances mentioned in this regulation, the daily rate shall be 1/7th of the weekly rate.”.

(5) In regulation 24 (incapacity benefit, maternity allowance and severe disablement allowance)

(a) in paragraph (1)(4)—

(i) for “paragraphs (2), (3) and (3A),” substitute “paragraphs (3) and (3A),”;

(ii) after “incapacity benefit” insert “, maternity allowance”; and

(iii) for “in any particular case” substitute “in any particular case or class of case”;

(b) after paragraph (1) insert—

“(1A) Subject to paragraph (1B), the benefits specified in paragraph (1) shall be paid on the day of the week specified in paragraph (1C).

(1B) The Secretary of State may, in any particular case or class of case, arrange that a benefit specified in paragraph (1) be paid on any other day of the week.

(1C) The day specified for the purposes of paragraph (1A) is the day in column (2) which corresponds to the series of numbers in column (1) which includes the last 2 digits of the person’s national insurance number—

(1)	(2)
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday.”;

(c) omit paragraphs (2) and (4); and

(d) in paragraph (3A)(5) for “(whether in advance or arrears)” substitute “in arrears”.

(6) Omit paragraph 6 of Schedule 6(6) (widowed mother’s allowance and widow’s pension).

(7) In Schedule 7 (time of payment and commencement of entitlement in income support cases)—

(a) in paragraph 2(c)(7), at the beginning insert “subject to paragraph 2ZA”, and

(b) after paragraph 2 insert—

“**2ZA.** Paragraph 2(c) shall only apply where a widow’s benefit or a bereavement benefit is paid in advance.”.

(4) Paragraph (1) was substituted by S.I. 1994/2943 and amended by 1996/1460, 2000/3120 and 2002/2441.

(5) Paragraph(3A) was inserted by S.I. 2000/3120.

(6) Paragraph 6 was amended by S.I. 2000/1483 and 2002/2441.

(7) Paragraph 2 was amended by S.I. 1988/522, 1994/2943, 1996/1460, 2000/1483 and 2005/337.