
STATUTORY INSTRUMENTS

2023 No. 232

SOCIAL SECURITY

The Social Security Benefits (Claims and Payments) (Amendment) Regulations 2023

<i>Made</i>	- - - -	<i>28th February 2023</i>
<i>Laid before Parliament</i>		<i>1st March 2023</i>
<i>Coming into force</i>	- -	<i>1st April 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 5(1)(p) and 189(1), (4) and (6) of the Social Security Administration Act 1992⁽¹⁾.

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation, commencement, extent, application and interpretation

1.—(1) These Regulations may be cited as the Social Security Benefits (Claims and Payments) (Amendment) Regulations 2023 and come into force on 1st April 2023.

(2) These Regulations extend to England and Wales and Scotland.

(3) These Regulations apply in relation to an application that is made on or after the date on which these Regulations come into force—

(a) for a deduction for a fuel item under paragraph 6 of Schedule 9 to the 1987 Regulations or paragraph 8 of Schedule 6 to the 2013 Regulations;

(b) for supersession in relation to a deduction for a fuel item that is in place under either paragraph on or after that date,

and to any decision made on such an application.

(4) In these Regulations—

“the 1987 Regulations” means the Social Security (Claims and Payments) Regulations 1987⁽²⁾;

(1) 1992 c. 5; section 189(1) was amended by paragraph 109(a) of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14), paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 189(4) was amended by paragraph 109(c) of Schedule 7, and Schedule 8, to the Social Security Act 1998 and S.I. 2013/252. Section 189(6) was amended by S.I. 2013/252.

(2) S.I. 1987/1968; relevant amending instruments are S.I. 1999/3178, 2002/3019 and 2013/443.

“the 2013 Regulations” means the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(3);

“fuel item” has the same meaning as in paragraph 6(8) of Schedule 9 to the 1987 Regulations or paragraph 8(8) of Schedule 6 to the 2013 Regulations;

“supersession” means a supersession decision under section 10 of the Social Security Act 1998(4).

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

2.—(1) Paragraph 6 (fuel costs) of Schedule 9 to the 1987 Regulations (deductions from benefits and direct payments to third parties) is amended as follows.

(2) In sub-paragraph (1), for “(6) and (6A)” substitute “(3A), (6) and (6A)”.

(3) In sub-paragraph (2)(b), for “equal to” substitute “not more than”.

(4) After sub-paragraph (2), insert—

“(3A) The Secretary of State may only include an amount under sub-paragraph (2)(b) in the amount deductible if—

(a) an application for a determination under sub-paragraphs (1) or (4)(a) is made by the person or body to whom payment is due; and

(b) except where the application is for a reduction in the amount deductible, the beneficiary consents to the application.”.

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

3.—(1) Paragraph 8 (fuel costs) of Schedule 6 to the 2013 Regulations (deductions from benefits and direct payments to third parties) is amended as follows.

(2) In sub-paragraph (3), for “(5) and (6)” substitute “(4A), (5) and (6)”.

(3) In sub-paragraph (4)(b), for “equal to” substitute “not more than”.

(4) After sub-paragraph (4), insert—

“(4A) The Secretary of State may only make deductions under sub-paragraph (4)(b) if—

(a) an application for deductions is made by the person to whom the payment is due; and

(b) except where the application is for a reduction in the amount of a deduction, the claimant consents to the application.”.

Revocation

4. The Social Security Benefits (Claims and Payments) (Modification) Regulations 2022(5) are revoked.

(3) [S.I. 2013/380](#).

(4) [1998 c. 14](#); section 10 has been amended by paragraph 23 of Schedule 7 and Part 1 of Schedule 10 to the Social Security Contributions (Transfer of Functions, etc.) Act [1999 \(c. 2\)](#), paragraph 148 of Schedule 3 to [S.I. 2008/2833](#) and paragraph 4 of Schedule 12 and Part 8 of Schedule 14 to the Welfare Reform Act [2012 \(c. 5\)](#).

(5) [S.I. 2022/428](#).

Signed by authority of the Secretary of State for Work and Pensions

28th February 2023

Guy Opperman
Minister for State
Department for Work and Pensions

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 paragraph 6 of Schedule 9 to the Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968) (“the 1987 Regulations”) and paragraph 8 of Schedule 6 to the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380) (“the 2013 Regulations”). These paragraphs contain provisions under which the Secretary of State may make deductions from benefit in respect of arrears for fuel costs and ongoing consumption of fuel to pay the fuel supplier directly.

Under regulation 1, these Regulations apply in relation to an application, made on or after the date on which these Regulations come into force, for a deduction for fuel costs, or for a supersession of a deduction for fuel costs that is in place on the date these Regulations come into force, and to any decision made on such an application.

Regulations 2 and 3 make amendments to paragraph 6 of Schedule 9 to the 1987 Regulations and paragraph 8 of Schedule 6 to the 2013 Regulations so that a new deduction for ongoing consumption of fuel, or an application for an increase to a deduction for ongoing consumption, may only be made following an application by the fuel supplier and with the claimant’s consent. Fuel suppliers may still apply for a deduction for arrears of fuel costs only without the claimant’s consent.

Regulation 4 revokes the Social Security Benefits (Claims and Payments) (Modification) Regulations 2022 (S.I. 2022/428) (“the 2022 Regulations”). The amendments at regulations 2 and 3 of this instrument replace temporary modifications introduced by the 2022 Regulations to paragraph 6 of Schedule 9 to the 1987 Regulations and paragraph 8 of Schedule 6 to the 2013 Regulations that would cease to have effect on 6th April 2023 were it not for their revocation.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.