

**2012 No.**

**SOCIAL SECURITY**

**The Universal Credit, Personal Independence Payment and  
Working-age Benefits (Claims and Payments) Regulations 2012**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

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The Secretary of State, in exercise of the powers conferred upon him by the provisions set out in Schedule 1, makes the following Regulations.

[In accordance with section 172(1) of the Social Security Administration Act 1992, the Secretary of State has referred the proposals in respect of these regulations to the Social Security Advisory Committee.]

[The Social Security Advisory Committee has agreed that the proposals in respect of these regulations should not be referred to it.]

# PART 1

## General

### **Citation, commencement, effect and powers [CP 1]**

**1.**—(1) These Regulations may be cited as the Universal credit, Personal Independence Payment and Working-age Benefits (Claims and Payments) Regulations 2012 and come into force on [1st April 2013].

(2) These Regulations have effect only in relation to—

- (a) universal credit;
- (b) an employment and support allowance as provided for in Part 1 of the 2012 Act;
- (c) a jobseeker's allowance as provided for in Part 1 of the 2012 Act; and
- (d) personal independence payment.

### **Interpretation [CP 2]**

**2.** In these Regulations—

“the 2012 Act” means the Welfare Reform Act 2012;

“the Administration Act” means the Social Security Administration Act 1992;

“the Jobseeker's Allowance Regulations” means the Jobseeker's Allowance Regulations 2012;

“appropriate office” means—

- (a) a designated office of the Department for Work and Pensions;
- (b) such other place as may be designated by the Secretary of State as a place to, or at which, any claim, notice, evidence, document or other information may be sent, delivered or received for the purposes of these Regulations;
- (c) in the case of a person who is authorised or required by these Regulations to use an electronic communication for any purpose, an address to which such communications may be sent in accordance with Schedule 2;

“assessment period” has the meaning assigned to it by regulation [AW1] of the Universal Credit Regulations 2012;

“benefit” means universal credit, personal independence payment, employment and support allowance and a jobseeker's allowance;

“child” means a person under the age of 16;

“claim for benefit” in relation to universal credit includes an application for a revision under section 9 of the Social Security Act 1998 or a supersession under section 10 of that Act of a decision for the purpose of obtaining any increase of benefit in respect of a child or adult dependant under the 2012 Act;

“claimant” means any person who is a claimant for the purposes of—

- (a) section 35(1) of the Jobseekers Act 1995 (interpretation)(a);
- (b) section 24(1) of the Welfare Reform 2007 Act (interpretation)(b);
- (c) section 40 of the 2012 Act (interpretation)(c);
- (d) Part 4 (personal independent payment) of that Act; and
- (e) any other person from whom a benefit is alleged to be recoverable;

“couple” has the same meaning as in section 39 of the 2012 Act;

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(a) 1995 c. 18.

(b) 2007 c. 5.

(c) 2012 c. 5.

“dependant” means a severely disabled person as referred to in section 12(2)(c) of the 2012 Act;

“earned income” has the same meaning as in regulation [IC14] of the Universal Credit Regulations 2012;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000;

“Her Majesty’s Revenue and Customs” means the Commissioners for Her Majesty’s Revenue and Customs;

“partner” means one of a couple;

“qualifying age” has the same meaning as in the State Pension Credit Act 2002 by virtue of section 1(6) of that Act;

“qualifying young person” has the same meaning as in regulation [AW6] of the Universal Credit Regulations 2012;

“week” means a period of 7 days starting with midnight between Saturday and Sunday;

“writing” includes writing produced by means of electronic communications used in accordance with Schedule 2.

**Notification of changes of circumstances affecting a jobseeker’s allowance and employment and support allowance for purposes of sections 111A and 112 of the Administration Act [CP 3]**

**3.—**(1) Subject to paragraphs (3) and (4), where the benefit affected by the change of circumstances is a jobseeker’s allowance, notice must be given to the Secretary of State at the office that the claimant is required to attend in accordance with a notification given to him under regulation [23] of the Jobseeker’s Allowance Regulations—

- (a) in writing or by telephone (unless the Secretary of State determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case he requires written notice (unless he determines in any particular case to accept notice given otherwise than in writing).

(2) Subject to paragraphs (3) and (4), where the benefit affected by the change of circumstances is employment and support allowance, notice must be given to the Secretary of State at the appropriate office—

- (a) in writing or by telephone (unless the Secretary of State determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case he requires written notice (unless he determines in any particular case to accept notice given otherwise than in writing).

(3) Where the notice in writing referred to in paragraph (1) or (2) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 2 to these Regulations (electronic communications).

(4) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation [CP37(3)] to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (a) where the change of circumstances is a birth or death, through a local authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

(5) In this regulation and regulation [CP4] “local authority” has the same meaning as in section 191 of the Administration Act.

(6) In paragraph (1) “Secretary of State” includes a person designated as an employment officer by an order made by the Secretary of State under section 8(3) of the Jobseekers Act 1995.

#### **Notification of changes of circumstances affecting personal independence payment and universal credit for purposes of sections 111A and 112 of the Administration Act [CP 4]**

4.—(1) Subject to paragraphs (2) and (3), where the benefit affected by the change of circumstances is personal independence payment or universal credit, notice must be given to the Secretary of State at the appropriate office—

- (a) in writing or by telephone (unless the Secretary of State determines in any particular case that notice must be in writing or may be given otherwise than in writing or by telephone); or
- (b) in writing if in any class of case he requires written notice (unless he determines in any particular case to accept notice given otherwise than in writing).

(2) Where the notice in writing referred to in paragraph (1) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 2 to these Regulations (electronic communications).

(3) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation [CP37(3)] to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (a) where the change of circumstances is a birth or death, through a local authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

#### **Use of electronic communications [CP 6]**

5. Schedule 2 makes provision as to the use of electronic communications.

#### **Consequential amendments**

6. Schedule 7 specifies regulations which are consequentially amended by virtue of these Regulations.

## **PART 2**

### **Claims**

#### **Claims not required for entitlement to universal credit in certain cases [CP7]**

7.—(1) A person who has ceased to be entitled to universal credit award may be entitled to a further award without having to make a claim for it where all of the following conditions are met—

- (a) the first condition is that the person ceased to be entitled to universal credit due to an increase in their earned income.

- (b) the second condition is that not more than six months have elapsed, beginning with the day after the last day of the person's last assessment period.
  - (c) the third condition is that the person provides such information as to their earned income at such times as the Secretary of State may require.
  - (d) the fourth condition is that at any time within the six month period referred to in paragraph (3) the person's earned income is such that, if the person were entitled to universal credit, the amount payable would not be less than the prescribed minimum.
  - (e) the fifth condition is that the person satisfies the requirements for entitlement when universal credit becomes payable under the award.
- (2) A person may also be entitled to universal credit without having to make a claim for it where all of the following conditions are met—
- (a) the first condition is that the person made a claim to universal credit and a decision is made, whether as originally made or as revised, that the person is not entitled to universal credit due to the level of their earned income.
  - (b) the second condition is that not more than six months have elapsed, beginning with the day on which the Secretary of State made the decision referred to in paragraph (8).
  - (c) the third condition is that the person provides such information as to their earned income and at such times as the Secretary of State may require.
  - (d) the fourth condition is that at any time within the six month period referred to in paragraph (9), the person's earned income is such that, if the person were entitled to universal credit, the amount payable would not be less than the prescribed minimum.
  - (e) the fifth condition is that the person satisfies the requirements for entitlement when universal credit becomes payable under the award.

**Claims not required for entitlement to employment and support allowance in certain cases [CP 8]**

- 8.** A person may be entitled to employment and support allowance without having make a claim for it where the following conditions are met—
- (a) the claimant has made and is pursuing an appeal against a decision of the Secretary of State that embodies a determination that the claimant does not have limited capability for work, and
  - (b) the appeal relates to a decision to terminate or not to award employment and support allowance for which a claim was made.

**Making a claim for universal credit [CP 9]**

**9.**—(1) Except as provided in paragraph (2), a claim for universal credit must be made by means of an electronic communication in accordance with the provisions set out in Schedule 2 and completed in accordance with any instructions given by the Secretary of State for that purpose.

(2) A claim for universal credit may be made by telephone call to a telephone number specified by the Secretary of State if the claim falls within a class of case for which the Secretary of State accepts telephone claims or where he is otherwise willing to do so.

(3) A claim for universal credit is defective if it is not completed in accordance with any instructions of the Secretary of State.

(4) If a claim for universal credit is defective the Secretary of State must inform the claimant of the defect and of the relevant provisions of regulation [CP30] relating to the date of claim.

(5) The Secretary of State must treat the claim as properly made in the first instance if—

- (a) in the case of a claim made by telephone, the person corrects the defect; or
- (b) in the case of an electronic claim, a claim completed in accordance with any instructions of the Secretary of State is received at an appropriate office,

within one month, or such longer period as the Secretary of State may consider reasonable, from the date on which the claimant is first informed of the defect.

#### **Claims to universal credit by joint claimants [CP 10]**

**10.**—(1) A claim to universal credit made by members of a couple jointly is to be treated as a claim made by one member of the couple as a single person where the other member of the couple fails to meet the conditions of entitlement to universal credit, apart from the condition of acceptance of a claimant commitment.

(2) A claim to universal credit made jointly by a member of a polygamous marriage who is not a party to the earliest marriage in the polygamous marriage is to be treated as a claim made by that member as a single person.

(3) A claim made by members of a couple as single persons may be treated as a claim made jointly by the couple where it is determined during the determination of the claims that they are a couple.

(4) Where one member of a couple is unable to make a joint claim with the other member of that couple, the other member of the couple may make a claim jointly for both of them.

(5) Where an award is made to joint claimants who cease to be entitled to universal credit as such by ceasing to be a couple, provided that the conditions of entitlement are met, an award may be made without a claim to either one of them, as determined by the Secretary of State.

(6) Where an award is made to a single claimant who ceases to be entitled to universal credit as such by becoming a member of a couple, an award is to be made (without a claim) to the members of the couple jointly provided that each member of the couple meets the conditions of entitlement.

(7) The Secretary of State may determine the information or evidence to be supplied in relation to the formation or dissolution of a couple and the procedure to be followed in relation to the making of an award under this regulation.

#### **Date of claim for universal credit [CP30]**

**11.**—(1) Subject to regulation [CP22(5)], in the case of a claim for universal credit which meets the requirements of regulation [CP 9(1)] the date on which the claim is made is—

- (a) in the case of a claim made by means of an electronic communication, the date on which the claim is received at an appropriate office;
- (b) in the case of a claim made by means of an electronic communication where the claimant receives assistance at home or at an appropriate office from the Secretary of State or a person providing services to the Secretary of State which is provided for the purpose of enabling that person to make a claim, the date of first notification of intention to make the claim; or
- (c) in the case of a claim made by telephone, the date on which a claim made by telephone is properly completed, or the date of first notification of intention to make the claim, if earlier, provided a properly completed claim is made by telephone within one month of that date of first notification,

or the first day in respect of which the claim is made if later than the above.

(2) In the case of a claim which is defective by virtue of regulation [CP9(3)], the date of claim is to be the first date on which the defective claim is received or made but is treated as properly in the first instance in accordance with [CP9(4)].

(3) In a case to which regulation [EN10] of the Universal Credit Regulations 2012 applies (acceptance of a claimant commitment), where the claimant commitment is not treated as accepted on the date of claim in accordance regulation [EN10(1)] of those Regulations, the date of claim is to be the date on which the claimant commitment is accepted.



### **Making a claim for personal independence payment [CP 11]**

**12.—**(1) A claim for personal independence payment must be made—

- (a) in writing on a form authorised by the Secretary of State for that purpose and completed in accordance with the instructions on the form,
- (b) by telephone call to the telephone number specified by the Secretary of State, or
- (c) by receipt of a telephone call from the Secretary of State made for the purpose of enabling a claim to personal independence payment to be made.

(2) In the case of a claim made in writing the claim must be delivered, sent or received at an appropriate office.

(3) A claim for personal independence payment is defective if it is not completed in accordance with any instructions of the Secretary of State.

(4) If a claim for personal independence payment is defective at the date it is delivered, sent or received at an appropriate office—

- (a) the Secretary of State must inform the claimant of the defect and of the effect of the claim provisions of regulation [CP31]; and
- (b) the Secretary of State must treat the claim as properly made in the first instance if a claim completed in accordance with any instructions of the Secretary of State 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 first informed of the defect.

(5) Where a claim for personal independence payment is made on behalf of a person who is asserted to be a person unable for the time being to act and the Secretary of State has decided not to appoint a person under regulation [CP54], the Secretary of State must treat that claim as properly made by the claimant in the first instance if a further claim made in accordance with paragraph (1) is received within one month, or such longer period as the Secretary of State may consider reasonable, from the date the Secretary of State notified the decision not to appoint a person under regulation [CP54].

### **Date of claim for personal independence payment [CP31]**

**13.—**(1) In the case of a claim for personal independence payment which meets the requirements of regulation [CP11(1)] the date on which the claim is made is—

- (a) in the case of a claim made in writing, the date on which the claim is received at an appropriate office;
- (b) in the case of a claim made by telephone, the date on which a claim made by telephone is properly completed;
- (c) where a person first notifies an intention to make a claim and provided that a claim made by writing produced other than by means of an electronic communication is properly completed and received in an appropriate office within one month or such longer period as the Secretary of State considers reasonable of first notification, the date of first notification,

or the first day in respect of which the claim is made if later than the above.

(2) In the case of a claim which is defective by virtue of regulation [CP11(3)], the date of claim is to be the first date on which the defective claim is received or made but is treated as properly made in the first instance in accordance with regulation [CP11(4)].

(3) In the case of a claim which is treated as properly made by the claimant in accordance with regulation [CP11(5)], the date on which the claim is made is the date on which it was received in the first instance.

## **Making a claim for employment and support allowance by telephone and date of claim [CP 12]**

**14.**—(1) A claim for an employment and support allowance may be made by telephone call to the telephone number specified by the Secretary of State.

(2) Where the Secretary of State, in any particular case, directs that the person making the claim approves a written statement of the person's circumstances, provided for the purpose by the Secretary of State, a telephone claim is not a valid claim unless the person complies with the direction.

(3) Where a telephone claim is defective, the Secretary of State must advise the person making it of the defect and of the effect on the claim of the provisions of paragraph (5).

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (6) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

(5) In the case of a telephone claim, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies the Secretary of State of an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification;
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with paragraph (4),

except that where the first day in respect of which the claim is made is later than the dates in subparagraphs (a), (b) or (c) the date on which the claim is treated as made is to be that first day.

(6) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

## **Making a claim for employment and support allowance in writing and date of claim [CP 13]**

**15.**—(1) A claim for employment and support allowance may be made to the Secretary of State in writing on a form authorised by the Secretary of State for that purpose and must be completed in accordance with the instructions on the form.

(2) A claim for an employment and support allowance must be made in writing if the Secretary of State so directs in any particular case.

(3) If a written claim is defective when first received, the Secretary of State must advise the person making it of the defect and of the effect on the claim of the provisions of paragraph (5).

(4) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (6) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

(5) In the case of a written claim for employment and support allowance, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a properly completed claim is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with paragraph (4),

except that where the first day in respect of which the claim is made is later than the dates in subparagraphs (a), (b) or (c) the date on which the claim is treated as made is to be that first day.

(6) A written claim for employment and support allowance, which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

**Claims for employment and support allowance where no entitlement to statutory sick pay [CP 14]**

**16.**—(1) Paragraph (2) applies to a claim for an employment and support allowance for a period of limited capability for work in relation to which the claimant gave the claimant's employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations 1982, and for which the claimant has been informed in writing by the employer that there is no entitlement to statutory sick pay.

(2) A claim to which this paragraph applies is to be treated as made on the date accepted by the claimant's employer as the first day of incapacity, provided that the claimant makes the claim within the time specified in [CP 24] beginning with the day on which the claimant is informed in writing that the claimant was not entitled to statutory sick pay.

**Special provisions where it is certified that a woman is expected to be confined or where she has been confined [CP 15]**

**17.**—(1) Where in a certificate issued or having effect as issued under the Social Security (Medical Evidence) Regulations 1976 it has been certified that it is to be expected that a woman will be confined, and she makes a claim for maternity allowance in expectation of that confinement any such claim may, unless the Secretary of State otherwise directs, be treated as a claim for an employment and support allowance, made in respect of any days in the period beginning with either—

- (a) the beginning of the 6th week before the expected week of confinement; or
- (b) the actual date of confinement,

whichever is the earlier, and ending in either case on the 14th day after the actual date of confinement.

(2) Where, in a certificate issued under the Social Security (Medical Evidence) Regulations 1976 it has been certified that a woman has been confined and she claims maternity allowance within three months of that date, her claim may be treated in the alternative or in addition as a claim for an employment and support allowance, for the period beginning with the date of her confinement and ending 14 days after that date.

**Making a claim for a jobseeker's allowance: attendance at an appropriate office [CP 16]**

**18.** A person wishing to make a claim for a jobseeker's allowance must, unless the Secretary of State directs otherwise, attend, for the purpose of making a claim for that benefit, in person at an appropriate office or such other place, and at such time, as the Secretary of State may specify in that person's case in a notification under regulation 36 of the Jobseeker's Allowance Regulations.

**Date of claim where a person claiming a jobseeker's allowance is required to attend at an appropriate office [CP 17]**

**19.**—(1) Subject to regulation [CP25(6)], where a person is required to attend in accordance with regulation [CP 16], if the person subsequently attends for the purpose of making a claim for a jobseeker's allowance at the time and place specified by the Secretary of State and, if so requested, provides a properly completed claim form at or before the time when the person is required to attend, the claim is to be treated as made on whichever is the later of first notification of intention to make that claim and the first day in respect of which the claim is made.

(2) Where a person who is required to attend in accordance with regulation [CP 16] without good cause fails to attend at either the place or time specified in that person's case, or does not, if so requested, provide a properly completed claim form at or before the time when the person is required to attend, the claim is to be treated as made on the first day on which the person does attend at the specified time or place, or does provide a properly completed claim form.

(3) The Secretary of State may direct that the time for providing a properly completed claim form may be extended to a date no later than one month after the first notification of intention to make that claim.

### **Making a claim for a jobseeker's allowance in writing and date of claim [CP 18]**

**20.**—(1) Except where a person is required to attend in accordance with regulation [CP16], a claim for a jobseeker's allowance may be made in writing on a form authorised by the Secretary of State for that purpose and may be delivered or sent to the Secretary of State at an appropriate office.

(2) A claim made in accordance with paragraph (1) must be completed in accordance with the instructions on the form.

(3) If a written claim is defective when first received, the Secretary of State must advise the person making it of the defect and of the effect on the claim of the provisions of paragraph (4).

(4) If that person corrects the defect so that the claim then satisfies the requirements of paragraph (7) and does so within one month, or such longer period as the Secretary of State considers reasonable, of the date the Secretary of State first drew attention to the defect, the claim must be treated as having been properly made in the first instance.

(5) Subject to paragraph (6) and regulation [CP25(6)], in the case of a written claim for a jobseeker's allowance, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a properly completed claim is received in an appropriate office;
- (b) a person first notifies an intention to make a claim, provided that a properly completed claim form is received in an appropriate office within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with paragraph (4),

except that where the first day in respect of which the claim is made is later than the dates in subparagraphs (a), (b) or (c), the date on which the claim is treated as made is to be that first day.

(6) In the case of a written claim for a jobseeker's allowance which is made by means of an electronic communication, the date on which the claim is treated as made is to be the first day on which the claimant begins to make a claim by electronic means provided a claim is received at an appropriate office within 7 days, beginning with that day.

(7) A written claim for a jobseeker's allowance made under this regulation or regulation [CP17], which is made on the form approved for the time being, is properly completed if completed in accordance with the instructions on the form and defective if not so completed.

### **Making a claim for a jobseeker's allowance by telephone and date of claim [CP 19]**

**21.**—(1) Except where a person is required to attend in accordance with regulation [CP16], or where the Secretary of State directs that the claim must be made in writing, a claim for a jobseeker's allowance may be made by telephone call to the telephone number specified by the Secretary of State where such a claim falls within a class of case for which the Secretary of State accepts telephone claims or in any other case where the Secretary of State is willing to do so.

(2) Where a telephone claim is defective, the Secretary of State must advise the person making it of the defect and of the effect on the claim of the provisions of paragraph (4).

(3) If the person corrects the defect so that the claim then satisfies the requirements of paragraph (5) and does so within one month, or such longer period as the Secretary of State considers

reasonable, of the date the Secretary of State first drew attention to the defect, the Secretary of State must treat the claim as if it had been properly made in the first instance.

(4) Subject to regulation [CP25(6)], in the case of a telephone claim, the date on which the claim is made or treated as made is to be the first date on which—

- (a) a claim made by telephone is properly completed;
- (b) a person first notifies an intention to make a claim, provided that a claim made by telephone is properly completed within one month or such longer period as the Secretary of State considers reasonable of first notification; or
- (c) a defective claim is received but is treated as properly made in the first instance in accordance with paragraph (3),

except that where the first day in respect of which the claim is made is later than the dates in subparagraphs (a), (b) or (c) the date on which the claim is treated as made is to be that first day.

(5) A claim made by telephone in accordance with paragraph (1) is properly completed if the Secretary of State is provided during that call with all the information required to determine the claim and the claim is defective if not so completed.

#### **Date of claim where a person's entitlement to a jobseeker's allowance has ceased [CP 20]**

**22.** Where a person's entitlement to a jobseeker's allowance has ceased in any of the circumstances specified in regulation 25(1)(a), (b) or (c) of the Jobseeker's Allowance Regulations (entitlement ceasing on a failure to comply) and—

- (a) where the person had normally been required to attend in person, the person shows that the failure to comply which caused the cessation of the previous entitlement was due to any of the circumstances mentioned in regulation 30(c) or (d) of those Regulations, and no later than the day immediately following the date when those circumstances cease to apply the person makes a further claim for jobseeker's allowance; or
- (b) where the person had not normally been required to attend in person, the person shows that the person did not receive the notice to attend and the person immediately makes a further claim for jobseeker's allowance,

that further claim is to be treated as having been made on the day following that cessation of entitlement.

#### **Interchange with claims for other benefits [CP 21] (power s.1(1)(b) SSAA 1992)**

**23.—**(1) A claim to an employment and support allowance by a woman may be treated in addition or in the alternative as a claim to maternity allowance.

(2) A claim to maternity allowance may be treated in addition or in the alternative as a claim to employment and support allowance.

(3) Where it appears that a person who has made a claim for personal independence payment is not entitled to it but may be entitled to disability living allowance or attendance allowance, the Secretary of State may treat any such claim alternatively, or in addition, as a claim to either disability living allowance or attendance allowance as the case may be.

(4) Where it appears that a person who has made a claim for disability living allowance or attendance allowance is not entitled to it but may be entitled to personal independence payment, the Secretary of State may treat any such claim alternatively, or in addition, as a claim to personal independence payment.

(5) In determining whether the Secretary of State should treat a claim alternatively or in addition to another claim (the original claim) under this regulation the Secretary of State must treat the alternative or additional claim, whenever made, as having been made at the same time as the original claim.

### **Time within which a claim to universal credit is to be made [CP 22]**

**24.**—(1) Subject to the following provisions of this regulation, the prescribed time for claiming universal credit is the first day of the period in respect of which the claim is made.

(2) Where the claim for universal credit is not made within the time specified in paragraph (1), the prescribed time for claiming universal credit is to be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.

(3) The circumstances referred to in paragraph (2) are—

- (a) the claimant was previously in receipt of another benefit, and notification of expiry of entitlement to that benefit was not sent to the claimant before the date that the claimant's entitlement expired;
- (b) the claimant has a physical, learning, mental or language disability and as a result of that disability the claimant was not able to make a claim in the manner prescribed in regulation [CP9];
- (c) the claimant experienced a health condition that prevented the claimant from making a claim in the manner prescribed in regulation [CP9] on the first day in respect of which the claimant was entitled to universal credit and the claimant has supplied medical evidence in support of the statement that the claimant was experiencing a health condition at that time;
- (d) the claimant was unable to make a claim in writing produced by means of an electronic communication due to unexpected system failure, provided the claimant makes a claim on the next day on which the system is available;
- (e) the claimant was unable to make a claim in writing produced by means of an electronic communication due to planned system maintenance, provided the claimant makes a claim on the next day on which the system is available.

(4) In the case of a claim for universal credit made by each of joint claimants, the prescribed time for claiming is not to be extended under paragraph (2) unless both claimants satisfy that paragraph.

(5) In a case where the time for claiming universal credit is extended under paragraph (2), the claim is to be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of that paragraph, timeously made.

### **Time within which a claim to a personal independence payment is to be made [CP 23]**

**25.** The prescribed time for claiming a personal independence payment is the first day of the period in respect of which the claim is made.

### **Time within which a claim for employment and support allowance is to be made [CP 24]**

**26.** The prescribed time for claiming employment and support allowance is the day in respect of which the claim is made and the period of three months immediately following it.

### **Time within which a claim for a jobseeker's allowance is to be made [CP 25]**

**27.**—(1) Subject to paragraph (2) and (4), the prescribed time for claiming a jobseeker's allowance is the first day of the period in respect of which the claim is made.

(2) In a case where the claim is not made within the time specified in paragraph (1), the prescribed time for claiming a jobseeker's allowance is to be extended, subject to a maximum extension of three months, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (3) applies or has applied to the claimant; and
- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.

(3) The circumstances referred to in paragraph (2) are—

- (a) the claimant has difficulty communicating because—
  - (i) the claimant has learning, language or literacy difficulties; or
  - (ii) the claimant is deaf or blind,and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
- (b) the claimant was caring for a person who is ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
- (c) the claimant was given information by an officer of the Department for Work and Pensions which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
- (d) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, a local authority, or a person working in a Citizens Advice Bureau or a similar advice agency, which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
- (e) the claimant or partner was given written information about the claimant's income or capital by the claimant's employer or former employer, or by a bank or building society, which led the claimant to believe that a claim for a jobseeker's allowance would not succeed;
- (f) the claimant was required to deal with a domestic emergency affecting the claimant and it was not reasonably practicable for the claimant to obtain assistance from another person to make the claim; or
- (g) the claimant was prevented by adverse weather conditions from attending the appropriate office.

(4) In a case where the claim is not made within the time specified in paragraph (1), the prescribed time for claiming a jobseeker's allowance is to be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—

- (a) any one or more of the circumstances specified in paragraph (5) applies or has applied to the claimant; and
- (b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.

(5) The circumstances referred to in paragraph (4) are—

- (a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;
- (b) the claimant was unable to attend the appropriate office due to difficulties with the claimant's normal mode of transport and there was no reasonable alternative available;
- (c) there were adverse postal conditions;
- (d) the claimant or their partner was previously in receipt of another benefit, and notification of expiry of entitlement to that benefit was not sent to the claimant or their partner, as the case may be, before the date that the entitlement expired;
- (e) the claimant had ceased to be a member of a couple within the period of one month before the claim was made;

- (f) during the period of one month before the claim was made a close relative of the claimant had died, and for this purpose “close relative” means partner, parent, son, daughter, brother or sister;
- (g) the claimant was unable to make telephone contact with the appropriate office where the claimant would be expected to notify an intention of making a claim because the telephone lines to that office were busy or inoperative;
- (h) the claimant was unable to make contact by means of an electronic communication used in accordance with Schedule 2 where the claimant would be expected to notify an intention of making a claim because the official computer system was inoperative.

(6) In a case where the time for claiming a jobseeker’s allowance is extended under paragraph (2) or (4), the claim is to be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of those paragraphs, timeously made.

#### **Amendment of claim [CP 28]**

**28.** A person who has made a claim to benefit may amend it at any time before a determination has been made on the claim by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept, and any claim so amended may be treated as if it had been amended in the first instance.

#### **Withdrawal of claim [CP 29]**

**29.** A person who has made a claim to benefit may withdraw it any time before a determination has been made on it by notice in writing received at an appropriate office, by telephone call to a telephone number specified by the Secretary of State or in such other manner as the Secretary of State may decide or accept, and any such notice of withdrawal has effect when it is received.

#### **Advance claims to universal credit [CP32]**

**30.** Where, although a person does not satisfy the requirements of entitlement to universal credit on the date on which a claim is made—

- (a) the Secretary of State is of the opinion that unless there is a change of circumstances that person will satisfy those requirements for a period beginning on a day not more than one month after the date on which the claim is made; and,
- (b) person falls within a class of case for which the Secretary of State accepts advance claims or where he is otherwise willing to do so,

then the Secretary of State may—

- (i) treat the claim as if made on the first day of that period; and
- (ii) award universal credit accordingly, subject to the condition that the person satisfies the requirements for entitlement on the first day of that period.

#### **Advance claim and award of personal independence payment [CP 33]**

**31.—(1)** Where, although a person does not satisfy the requirements for entitlement to a personal independence payment on the date on which the claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances the person will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than 3 months after the date on which the decision on the claim is made, then the Secretary of State may award a personal independence payment from the relevant day subject to the condition that the person satisfies the requirements for entitlement on the relevant day.



(2) A person entitled to an award of personal independence payment may make a further claim for personal independence payment during the period of 6 months immediately before the existing award expires.

(3) Where a person makes a claim in accordance with paragraph (2) the Secretary of State may—

- (a) treat the claim as if made on the first day after the expiry of the existing award; and
- (b) award benefit accordingly, subject to the condition that the person satisfies the requirements for entitlement on that first day after the expiry of the existing award.

#### **Advance claims to employment and support allowance and jobseeker's allowance [CP 34]**

**32.** Where, although a person does not satisfy the requirements of entitlement to an employment and support allowance or a jobseeker's allowance on the date on which a claim is made, the Secretary of State is of the opinion that unless there is a change of circumstances that claimant will satisfy those requirements for a period beginning on a day ("the relevant day") not more than three months after the date on which the claim is made, then the Secretary of State may—

- (a) treat the claim as if made for a period beginning with the relevant day; and
- (b) award an employment and support allowance or a jobseeker's allowance accordingly, subject to the condition that the person satisfies the requirements for entitlement when those benefits become payable under an award.

#### **Evidence and information in connection with a claim [CP 36] (S.5(1)(i), (j) and (1A) SSAA 1992)**

**33.—**(1) Subject to paragraph (3), a person who makes a claim for benefit must furnish in such manner as the Secretary of State may determine, such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as the Secretary of State may require and must do so within one month of first being required to do so or such longer period as the Secretary of State may consider reasonable.

(2) In cases where it is not a condition of entitlement to universal credit that a claim be made for it, a person in respect of whom an award of universal credit may be made must furnish in such manner as the Secretary of State may determine such certificates, documents, information and evidence in connection with the potential award, or any question arising out of it, as the Secretary of State may require and must do so within one month of first being required to do so or such longer period as the Secretary of State may consider reasonable

(3) Paragraph (1) does not apply where the benefit is a jobseeker's allowance.

(4) Where a claim for universal credit has been made by joint claimants, information relating to that claim may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with the claim.

(5) Where entitlement to or the amount of any universal credit is or may be affected by the circumstances of a partner, the Secretary of State may require the partner to do any of the following, within one month of being required to do so or such longer period as the Secretary of State may consider reasonable—

- (a) to certify in writing whether the partner agrees to the claimant making the claim;
- (b) to confirm the information given about the partner's circumstances; or
- (c) to furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as the Secretary of State may require.

(6) A landlord or a rent officer may be required to furnish certificates, documents, information and evidence in connection with a claim for universal credit that may include in the calculation of an award an amount in respect of housing costs.

(7) Every person providing relevant child care as defined in regulation [AW16] of the Universal Credit Regulations 2012, in a case where the claimant's award of universal credit is to include an amount in respect of child care costs under regulation [AW12] of those regulations, must furnish such certificates, documents, information and evidence in connection with the claim made by the claimant, or any question arising out of it, as may be required by the Secretary of State, and must do so within one month of being required to do so or such longer period as the Secretary of State may consider reasonable.

#### **Evidence and information in connection with an award [CP 37]**

**34.**—(1) This regulation applies to any person entitled to benefit, other than a jobseeker's allowance, and any other person by whom, or on whose behalf, payments by way of such a benefit are receivable.

(2) A person to whom this regulation applies must furnish in such manner as the Secretary of State may determine and within the period applicable under regulation [DA31 (4)(a)(i)] of the Universal Credit, Personal Independence Payment and Working-age Benefits (Decisions and Appeals) Regulations 2012 such information or evidence as the Secretary of State may require for determining whether a decision on the award of benefit should be revised under section 9 of the Social Security Act 1998 or superseded under section 10 of that Act.

(3) A person to whom this regulation applies must furnish in such manner and at such times as the Secretary of State may determine such information or evidence as the Secretary of State may require in connection with payment of the benefit claimed and awarded.

(4) A person to whom this regulation applies must notify the Secretary of State of any change of circumstances which the person might reasonably be expected to know might affect—

- (a) the continuance of entitlement to benefit; or
- (b) the payment of the benefit,

as soon as reasonably practicable after the change occurs.

(5) A notification of any change of circumstances under paragraph (4)—

- (a) must be given in writing or by telephone (unless the Secretary of State determines in any case that notice must be given in a particular way or to accept notice given otherwise than in writing or by telephone); and
- (b) must be sent, delivered or given to the appropriate office.

(6) Where universal credit has been awarded to joint claimants, information relating to that award may be supplied by the Secretary of State to either or both members of the couple for any purpose connected with that award.

(7) Where any sum is receivable on account of an increase in the amount of universal credit in respect of an adult dependant, the Secretary of State may require the claimant to furnish a declaration signed by such dependant confirming the particulars respecting the dependant, which have been given by the claimant.

#### **Alternative means of notifying changes of circumstances [CP 38]**

**35.**—(1) In such cases and subject to such conditions as the Secretary of State may specify, the duty in regulation [CP37(4)] to notify a change of circumstances may be discharged by notifying the Secretary of State as soon as reasonably practicable—

- (a) where the change of circumstances is a birth or death, through a local authority, or a county council in England, by personal attendance at an office specified by that authority or county council, provided the Secretary of State has agreed with that authority or county council for it to facilitate such notification; or
- (b) where the change of circumstances is a death, by telephone to a telephone number specified for that purpose by the Secretary of State.

(2) In this regulation “local authority” has the same meaning as in section 191 of the Administration Act.

#### **Evidence and information required from pension fund holders [CP 39]**

**36.**—(1) Where a claimant or any partner is aged not less than 60 and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, or is a party to, or a person deriving entitlement to a pension under, a retirement annuity contract, such a person must, where the Secretary of State so requires, furnish the following information—

- (a) the name and address of the pension fund holder;
- (b) such other information including any reference or policy number as is needed to enable the personal pension scheme or retirement annuity contract to be identified.

(2) Where the pension fund holder receives from the Secretary of State a request for details concerning the personal pension scheme or retirement annuity contract relating to a person to whom paragraph (1) refers, the pension fund holder must provide the Secretary of State with any information to which the following paragraph refers.

(3) The information to which this paragraph refers is—

- (a) where the purchase of an annuity under a personal pension scheme has been deferred, the amount of any income which is being withdrawn from the personal pension scheme;
- (b) in the case of—
  - (i) a personal pension scheme where income withdrawal is available, the maximum amount of income which may be withdrawn from the scheme; or
  - (ii) a personal pension scheme where income withdrawal is not available, or a retirement annuity contract, the maximum amount of income which might be withdrawn from the fund if the fund were held under a personal pension scheme where income withdrawal was available,

(4) calculated by or on behalf of the pension fund holder by means of tables prepared from time to time by the Government Actuary which are appropriate for this purpose.

(5) This regulation does not apply to a person claiming a personal independent payment.

#### **Attendance in person [CP 40]**

**37.** Every person who makes a claim for benefit other than a jobseeker’s allowance must attend at such place and on such days and at such times as the Secretary of State may direct, for the purpose of furnishing certificates, documents, information and evidence under regulations [CP36], [CP37], [CP38] and [CP39], if reasonably so required by the Secretary of State.

#### **Duration of awards [CP 41]**

**38.**—(1) A claim for universal credit is to be treated as made for an indefinite period and any award of universal credit on that claim is to be made for an indefinite period.

(2) A claim for a jobseeker’s allowance is to be treated as made for an indefinite period but any award of a jobseeker’s allowance on that claim is to be made for the period of 182 days as specified in section 5 of the Jobseeker’s Act 1995.

(3) A claim for employment and support allowance is to be treated as made for an indefinite period but any award of employment and support allowance on that claim is to be made for a period not exceeding—

- (a) the relevant maximum numbers of days, as defined in section 1A(2) of the Welfare Reform Act 2007; or
- (b) the period referred to in section 1A(4) of the Welfare Reform Act 2007,

subject to the other paragraphs in section 1A and section 1B of that Act.

(4) In any case where benefit is awarded in respect of days subsequent to the date of claim the award is to be subject to the condition that the claimant satisfies the requirements for entitlement.

(5) The provisions of Schedule 3 are to have effect in relation to claims for jobseeker's allowance made during periods connected with public holidays.

## **PART 3**

### **Payments**

#### **Time of Payment: general provision [CP 42]**

**39.** Subject to regulations [CP42] to [CP53], benefit must be paid in accordance with an award as soon as is reasonably practicable after the award has been made.

#### **Direct credit transfer [CP 43]**

**40.**—(1) The Secretary of State may arrange for benefit to be paid by way of direct credit transfer into a bank or other account—

- (a) in the name of the person entitled to benefit, or the person's partner or person authorised or appointed under regulation [CP54], or
- (b) in the joint names of the person entitled to benefit and the person's partner, or
- (c) in the joint names of the person entitled to benefit and a person authorised or appointed under regulation [CP54].

(2) Subject to paragraph (3) employment and support allowance, jobseeker's allowance and universal credit must be paid in accordance with paragraph (1) within seven days of the last day of each successive period of entitlement.

(3) Universal credit must be paid in accordance with paragraph (1) within seven days of the last day of the assessment period but if it is not possible to pay universal credit within that seven days, it must be paid as soon as reasonably practicable thereafter.

(4) In respect of benefit which is the subject of an arrangement for payment under this regulation, the Secretary of State may make a particular payment by credit transfer otherwise than is provided by paragraph (2) and (3), if it appears to the Secretary of State appropriate to do so for the purpose of—

- (a) paying any arrears of benefit, or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.

#### **Payment of universal credit [CP 44]**

**41.**—(1) Universal credit is to be payable monthly in arrears in respect of each assessment period unless in any particular case or class of case the Secretary of State arranges otherwise.

(2) Joint claimants of universal credit may nominate a bank or other account into which that benefit is to be paid.

(3) Where joint claimants of universal credit have not nominated a bank or other account into which that benefit is to be paid, the Secretary of State may nominate a bank or other account.

(4) The Secretary of State may, in any particular case where the Secretary of State considers it is in the interests of the claimant, their family or any adult dependant in respect of whom universal credit is payable, arrange that universal credit payable in respect of joint claimants be paid wholly to only one member of the couple.

(5) The Secretary of State may, in any particular case where the Secretary of State considers it is in the interests of the claimant, their family or any adult dependant in respect of whom universal

credit is payable, arrange that universal credit payable in respect of joint claimants be split between the couple in such proportion as the Secretary of State sees fit.

(6) In this regulation, “family” means—

- (a) a couple;
- (b) a couple and a member of the same household for whom one of them is or both are responsible and who is a child or a qualifying young person; or
- (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or a qualifying young person.

#### **Payment of personal independence payments [CP 45]**

**42.**—(1) Subject to the following provisions of this regulation and regulation [CP47] personal independence payment will be paid at intervals of four weeks in arrears.

(2) In the case of any person to whom section 82 of the 2012 Act applies (terminal illness), the Secretary of State may arrange that personal independence payment be paid at intervals of one week in advance.

(3) Where the amount of personal independence payment payable is less than £5.00 a week the Secretary of State may direct that it is to be paid (whether in advance or in arrears) at such intervals as may be specified not exceeding 12 months.

#### **Days for payment of personal independence payment [CP 46]**

**43.**—(1) Subject to the following paragraphs of this regulation, a personal independence payment is payable on the day of the week on which the Secretary of State makes a decision to award that benefit except that where that decision is made on a Saturday or a Sunday the benefit is to be paid on such day of the week as the Secretary of State may direct in any case.

(2) Where the Secretary of State has arranged that personal independence payment by virtue of entitlement to the mobility component at the enhanced rate payable to the claimant is to be paid in whole or in part on behalf of the claimant in settlement of liability for payments due under the agreement referred to in regulation [CP57(1)], that mobility component at the enhanced rate is to be paid on a Wednesday.

(3) The Secretary of State may, in any particular case or class of case, arrange that personal independence be paid on any day of the week and where it is in payment to any person and the day on which it is payable is changed, it must be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(4) Where there is a change in the amount of any personal independence payment payable, or where entitlement to personal independence payment ends, and these events do not occur on the day of the week referred to in paragraph (1), personal independence payment will be paid at a daily rate of 1/7th of the weekly rate.

#### **Payment of personal independence payment at a daily rate between periods in hospital or other accommodation [CP 47]**

**44.**—(1) Personal independence payment is to be paid in respect of any person, for any day falling within a period to which paragraph (2) applies, at the daily rate (which is to be equal to 1/7th of the weekly rate) and personal independence payment payable in pursuance of this regulation is to be paid weekly or as the Secretary of State may direct in any case.

(2) This paragraph applies to any period which is not a period of residence—

- (a) but which commences immediately following such a period; and
- (b) on the first day of which it is expected that, before the expiry of the period of 28 days beginning with that day, the person will commence another period of residence.

(3) Where paragraph (2) applies, the period referred to in that paragraph is to end—

- (a) at the expiry of 28 days from the first day of the period referred to in that paragraph; or
  - (b) if earlier, on the day before the day which is the first day of a period of residence.
- (4) In this regulation a “period of residence” means a period of residence where—
- (a) the person is a resident of a care home, as defined in section 85(3) of the 2012 Act, and no amount of personal independence payment which is attributable to the daily living component is payable in respect of the person by virtue of regulation [PAY1] of the Social Security (Personal Independence Payment) (Entitlement) Regulations 2012; or
  - (b) the person is undergoing medical or other treatment as an in-patient at a hospital or similar institution and no amount of personal independence payment which is attributable to the daily living component or the mobility component is payable in respect of the person by virtue of regulation [PAY2] of the Social Security (Personal Independence Payment) (Entitlement) Regulations 2012,

and such period is to be deemed to begin on the day after the day on which the person enters the care home, hospital or similar institution and to end on the day before the day on which the person leaves the care home, hospital or similar institution.

#### **Payment of employment and support allowance [CP 48]**

**45.**—(1) Subject to paragraphs (3) to (8), employment and support allowance is to be paid fortnightly in arrears on the day of the week determined in accordance with paragraph (2).

(2) 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 claimant’s national insurance number—

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

(3) The Secretary of State may, in any particular case or class of case, arrange that the claimant be paid otherwise than fortnightly.

(4) The Secretary of State may, in any particular case or class of case, arrange that employment and support allowance be paid on any day of the week and where it is in payment to any person and the day on which it is payable is changed, it must be paid at a daily rate of 1/7th of the weekly rate in respect of any of the days for which payment would have been made but for that change.

(5) Where the weekly amount of employment and support allowance is less than £1.00 it may be paid in arrears at intervals of not more than 13 weeks.

(6) Where the weekly amount of an employment and support allowance is less than 10 pence that allowance is not payable.

(7) Where employment and support allowance is normally paid in arrears and the day on which the benefit is payable by reason of paragraph (2) is affected by office closure it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such a day as the Secretary of State may direct.

(8) Where under paragraph (7) employment and support allowance is paid either in advance or partly in advance and partly in arrears it is for any other purposes to be treated as if it was paid in arrears.

(9) For the purposes of paragraph (7) “benefit week” means a period of 7 days beginning or ending with such day as the Secretary of State may direct.

(10) For the purposes of paragraph (7), “office closure” means a period during which an appropriate office is closed in connection with a public holiday.

(11) For the purposes of paragraph (10) “public holiday” means Christmas Day, Good Friday, or a Bank Holiday under the Banking and Financial Dealings Act 1971, or in Scotland local holidays.

#### **Payment of a jobseeker’s allowance [CP 49]**

**46.**—(1) Subject to the following provisions of this regulation, jobseeker’s allowance is to be paid fortnightly in arrears unless in any particular case or class of case the Secretary of State arranges otherwise.

(2) Where the amount of a jobseeker’s allowance is less than £1.00 a week the Secretary of State may direct that it is to be paid at such intervals, not exceeding 13 weeks, as may be specified in the direction.

(3) Where a jobseeker’s allowance is normally paid in arrears and the day on which the benefit is normally payable is affected by office closure it may for that benefit week be paid wholly in advance or partly in advance and partly in arrears and on such a day as the Secretary of State may direct.

(4) Where under paragraph (3) a jobseeker’s allowance is paid either in advance or partly in advance and partly in arrears it is for any other purposes to be treated as if it was paid in arrears.

(5) For the purposes of paragraph (3) “benefit week” means a period of 7 days ending with a day determined in accordance paragraph (b) of the definition of that term in regulation [3] (general interpretation) of the Jobseeker’s Allowance Regulations.

(6) For the purposes of paragraph (3), “office closure” means a period during which an appropriate office is closed in connection with a public holiday.

(7) For the purposes of paragraph (6) “public holiday” means Christmas Day, Good Friday, or a Bank Holiday under the Banking and Financial Dealings Act 1971, or in Scotland local holidays.

#### **Fractional amounts of benefit [CP 50]**

**47.** Where the amount of any benefit payable would, but for this regulation, include a fraction of a penny, that fraction is to be disregarded if it is less than half a penny and is otherwise to be treated as a penny.

#### **Payment to persons under age 18 [CP 51]**

**48.** Where employment and support allowance, a jobseeker’s allowance, universal credit or personal independence payment is paid to a person under the age of 18 a direct credit transfer under regulation [CP43] into any such person’s account, or the receipt by the person of a payment made by some other means is to be sufficient discharge to the Secretary of State.

#### **Extinguishment of right to payment if payment is not obtained within the prescribed period [CP 52]**

**49.**—(1) The right to payment of any sum by way of benefit is to be extinguished where payment of that sum is not obtained within the period of 12 months from the date on which the right is to be treated as having arisen.

(2) For the purposes of this regulation the right to payment of any sum by way of benefit is to be treated as having arisen—

- (a) where notice is given or is sent that the sum contained in the notice is ready for collection, on the date of the notice or, if more than one such notice is given or sent, the date of the first such notice;

- (b) in relation to any such sum which the Secretary of State has arranged to be paid by means of direct credit transfer in accordance with regulation [CP43] into a bank or other account, on the due date for payment of the sum;
- (c) in relation to any such sum to which neither of (a) or (b) apply, on such date as the Secretary of State determines.

(3) The giving or sending of a notice under paragraph (2)(a), is to be effective for the purposes of that paragraph, even where the sum contained in that notice is more or less than the sum which the person concerned has the right to receive.

(4) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this regulation and the Secretary of State is satisfied that—

- (a) the Secretary of State first received written notice requesting payment of that sum after the expiration of 12 months from the date on which the right is to be treated as having arisen; and
- (b) from a day within that period of 12 months and continuing until the day the written notice was given, there was good cause for not giving the notice; and
- (c) no payment has been made under the provisions of regulation [CP43] (direct credit transfer),

the period of 12 months is to be extended to the date on which the Secretary of State decides that question, and this regulation is to apply accordingly as though the right to payment had arisen on that date.

(5) This regulation is to apply to a person authorised or appointed under regulation [CP54] to act on behalf of a claimant as it applies to a claimant.

### **Payment on death [CP 53]**

**50.**—(1) On the death of a person who has made a claim for benefit, the Secretary of State may appoint such person as the Secretary of State may think fit to proceed with the claim and any related issue of revision, supersession or appeal.

(2) Subject to paragraphs (5) and (6), any sum payable by way of benefit which is payable under an award on a claim proceeded with under paragraph (1) may be paid or distributed by the Secretary of State to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or where the deceased was illegitimate, to or amongst other persons over the age of 16) and the provisions of regulation [CP52] (extinguishment of right to payment if payment is not obtained within the prescribed period) are to apply to any such payment or distribution.

(3) Subject to paragraph (2), any sum payable by way of benefit to the deceased, payment of which the deceased had not obtained at the date of the deceased's death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and regulation [CP52] is to apply to any such payment or distribution, except that, for the purpose of that regulation, the period of 12 months is to be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.

(4) A direct credit transfer under regulation [CP43] into any such person's account as is mentioned in paragraph (2), or the receipt by the person of a payment made by some other means, is to be a good discharge to the Secretary of State for any sum so paid; and where the Secretary of State is satisfied that any such sum or part of it is needed for the benefit of any person under the age of 16, the Secretary of State may obtain a good discharge for it by paying the sum or part of it to a person over that age who satisfies the Secretary of State that that person will apply the sum so paid for the benefit of the person under the age of 16.

(5) Paragraphs (2) and (3) are not to apply in any case unless written application for the payment of any such sum is made to the Secretary of State within 12 months from the date of the



deceased's death or within such longer period as the Secretary of State may allow in any particular case.

(6) The Secretary of State may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

## PART 4

### Third Parties

#### **Persons unable to act [CP 54]**

**51.—**(1) Where—

- (a) a person ("P1") is, or is alleged to be, entitled to benefit, whether or not a claim for benefit has been made by P1 or on P1's behalf;
- (b) P1 is unable for the time being to act; and
- (c) either
  - (i) no deputy has been appointed by the Court of Protection under Part 1 of the Mental Capacity Act 2005;
  - (ii) no receiver has been appointed under Part 7 of the Mental Health Act 1983 who is treated as a deputy by virtue of the Mental Capacity Act 2005 with power to claim or receive benefit on P1's behalf;
  - (iii) in Scotland, P1's estate is not being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to claim or receive benefit on P1's behalf; or
  - (iv) an attorney with a general power or a power to claim or receive benefit, has not been appointed by P1 under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

the Secretary of State may, upon written application made to the Secretary of State by a person who, if a natural person, is over the age of 18, appoint that person to exercise, on behalf of P1 any right to which P1 may be entitled and to receive and deal on P1's behalf with any sums payable to P1.

(2) Where the Secretary of State has made an appointment under paragraph (1)—

- (a) the Secretary of State may at any time revoke it;
- (b) the person appointed may resign the person's office after having given one month's notice in writing to the Secretary of State of an intention to do so;
- (c) any such appointment is to terminate when the Secretary of State is notified that a person to whom paragraph (1)(c) applies has been appointed.

(3) Anything required by these regulations to be done by or to any person who is for the time being unable to act may be done by or to the person to whom paragraph (1)(c) applies, if any, or by or to the person appointed under this regulation and a direct credit transfer under regulation [CP43] into the account of any person so appointed, or the receipt by that person of a payment made by some other means is to be a good discharge to the Secretary of State for any sum paid.

#### **Payment to another person on the claimant's behalf [CP 55]**

**52.—**(1) The Secretary of State may direct that universal credit may be paid wholly or in part, to another natural or legal person on the claimant's behalf if such a direction as to payment appears to the Secretary of State to be necessary for protecting the interests of the claimant, their partner or any child or adult dependant in respect of whom universal credit is payable.

(2) The provision which may be made under paragraph (1) includes provision for the making of payments to a person to discharge, in whole or in part, a liability of the claimant to a landlord in respect of housing costs which are included in the claimant's award under Schedule [HoS4] (support for renters) of the Universal Credit Regulations 2012.

(3) The Secretary of State may direct that personal independence payment may be paid wholly to another natural or legal person on the claimant's behalf if such a direction as to payment appears to the Secretary of State to be necessary for protecting the interests of the claimant or any other person.

#### **Direct payment to lender of deductions in respect of mortgage interest [CP55a] [s.15A SSAA 1992]**

**53.** Schedule 4 has effect where section 15A(1) of the Administration Act (payment out of benefit of sums in respect of mortgage interest etc.) applies in relation to cases where a claimant is entitled to universal credit.

#### **Deductions which may be made from benefit and made to third parties [CP55b]**

**54.** Except as provided for in regulation [CP55a] and Schedule 4, deductions may be made from benefit and direct payments may be made to third parties on behalf of a claimant in accordance with the provisions of Schedule 5 and Schedule 6.

## **PART 5**

### **Mobility Component of personal independence payment**

#### **Cases where mobility component of personal independence payment not payable [CP 56]**

**55.**—(1) Subject to the provisions of this regulation, personal independence payment by virtue of entitlement to the mobility component is not to be payable to any person who would otherwise be entitled to it in respect of any period—

- (a) in respect of which that person has received, or is receiving, any payment—
  - (i) by way of grant under section 5 and paragraph 10 of Schedule 1 of the 2006 Act or section 46 of the 1978 Act towards the costs of running a private car, or
  - (ii) of mobility supplement under the Naval, Military and Air Forces etc, (Disablement and Death) Service Pensions Order 2006 or the Personal Injuries (Civilians) Scheme 1983, or under the said Order by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964, the Pensions (Polish Forces) Scheme 1964, the War Pensions (Mercantile Marine) Scheme 1964 or an Order of Her Majesty in relation to the Home Guard dated 22nd December 1964, or in relation to the Ulster Defence Regiment dated 4th January 1971,or any payment out of public funds which the Secretary of State is satisfied is analogous;  
or
- (b) during which that person has the use of a vehicle provided by a clinical commissioning group under section 5 of and paragraph 9 of Schedule 1 to the National Health Service Act 2006 (“the 2006 Act”) or section 46 of the National Health Service (Scotland) Act 1978 (“the 1978 Act”) which is a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant.

(2) A person who has notified the Secretary of State that they no longer wishes to use such a vehicle as is referred to in paragraph (1)(a) and has signed an undertaking that they will not use it while it remains in his possession awaiting collection, is to be treated, for the purposes of this regulation, as not having the use of that vehicle.

(3) Where a person in respect of whom personal independence payment (“PIP”) is claimed for any period has received any such payment as referred to in paragraph (1)(a) for a period which, in whole or in part, covers the period for which PIP is claimed, such payment is to be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of mobility component of PIP to which, apart from paragraph (1), they would be entitled, any PIP to which that person may be entitled for that week is to be payable at a weekly rate reduced by the weekly amount so calculated.

(4) In a case where the Secretary of State has issued a certificate to the effect that he is satisfied—

- (a) that the person in question either—
  - (i) has purchased or taken on hire or hire-purchase; or
  - (ii) intends to purchase or take on hire or hire-purchase a private car or similar vehicle (“the car”) for a consideration which is more than nominal, on or about a date specified in the certificate (“the said date”);
- (b) that that person intends to retain possession of the car at least during, and to learn to drive it within, the period of 6 months or greater or lesser length of time as may be specified in the certificate (“the said period”) beginning on the said date; and
- (c) that that person will use personal independence payment by virtue of entitlement to the mobility component in whole or in part during the said period towards meeting the expense of acquiring the car,

paragraph (1)(a) is not to apply, and is to be treated as having never applied, during a period beginning on the said date and ending at the end of the said period or (if earlier) the date on which the Secretary of State cancels the certificate because that person has parted with possession of the car or for any other reason.

#### **Payment of personal independence payment on behalf of a claimant [CP 57]**

**56.**—(1) Where, under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of a claimant, in respect of whom personal independence payment is payable by virtue of entitlement to the mobility component at the enhanced rate, for the hire or hire-purchase of a vehicle, the Secretary of State may arrange that any personal independence payment by virtue of entitlement to the mobility component at the enhanced rate payable to the claimant is to be paid in whole or in part on behalf of the claimant in settlement of liability for payments due under that agreement.

(2) Subject to regulations [CP58] and [CP59] an arrangement made by the Secretary of State under paragraph (1) is to terminate at the end of whichever is the relevant period specified in paragraph (3), in the case of hire, or paragraph (4), in the case of a hire-purchase agreement.

(3) In the case of hire the relevant period is to be—

- (a) where the vehicle is returned to the owner at or before the expiration of the term of hire, the period of the term; or
- (b) where the vehicle is retained by or on behalf of the claimant with the owner's consent after the expiration of the term of hire, other than where sub-paragraph (d) applies, the period of the term; or
- (c) where the vehicle is retained by or on behalf of the claimant otherwise than with the owner's consent after the expiration of the term of hire or its earlier termination, whichever is the longer of the following periods—
  - (i) the period ending with the return of the vehicle to the owner; or
  - (ii) the period of the term of hire; or
- (d) where the original term of hire is extended by an agreed variation of the agreement, the period of the extended term.

- (4) In the case of a hire-purchase agreement, the relevant period is to be—
- (a) the period ending with the purchase of the vehicle; or
  - (b) where the vehicle is returned to the owner or is repossessed by the owner under the terms of the agreement before the completion of the purchase, the original period of the agreement.

(5) In this regulation “Motability” means the company, set up under that name as a charity and originally incorporated under the Companies Act 1985 and subsequently incorporated by Royal Charter.

#### **Power for the Secretary of State to terminate an arrangement [CP 58]**

**57.** The Secretary of State may terminate an arrangement for the payment of personal independence payment by virtue of entitlement to the mobility component at the enhanced rate on behalf of a claimant under regulation [CP57] on such date as the Secretary of State is to decide—

- (a) if requested to do so by the owner of the vehicle to which the arrangement relates, or
- (b) where it appears to the Secretary of State that the arrangement is causing undue hardship to the claimant and that it should be terminated before the end of any of the periods specified in regulation [CP57(3)] or [CP57(4)].

#### **Restriction on duration of arrangements by the Secretary of State [CP 59]**

**58.** The Secretary of State must end an arrangement for the payment of personal independence payment by virtue of entitlement to the mobility component at the enhanced rate on behalf of a claimant made under regulation [CP57], where the Secretary of State is satisfied that the vehicle to which the arrangement relates has been returned to the owner, and that the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.

## **SCHEDULE 1 (Regulation 1(3))**

### **POWERS EXERCISED IN MAKING THESE REGULATIONS**

**1.** The following provisions of the Administration Act—

- (a) section 1(1), 5(1)(a), (b), (c), (d), (g), (i), (j), (k), (l), (m), (p) and (q), (1A), (2)(za), (aa), (ac) and (ad), (3B) and 15A(2);
- (b) section 189(1), (5), (5A), (5B) and (6);
- (c) section 191.

## **SCHEDULE 2 Regulation [CP6]**

### **ELECTRONIC COMMUNICATIONS**

#### **PART 1**

#### **INTRODUCTION**

#### **Interpretation**

**1.** In this Schedule—

“official computer system” means a computer system maintained by or on behalf of the Secretary of State to—

- (a) send or receive any claim or information; or
- (b) process or store any claim or information;

“information” includes evidence and information authorised or required to be given in a notice or certificate.

## **PART 2**

### **USE OF ELECTRONIC COMMUNICATIONS**

#### **Use of electronic communications by the Secretary of State**

**2.** The Secretary of State may use an electronic communication in connection with claims for, and awards of, any benefit to which these Regulations apply.

#### **Conditions for the use of electronic communications by other persons**

**3.—(1)** A person other than the Secretary of State may use an electronic communication in connection with the matters referred to in paragraph 1 if the conditions specified in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the person is for the time being permitted to use an electronic communication for the purpose in question by an authorisation given by means of a direction of the Secretary of State.

(3) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication where required to do so;
- (b) electronic communication;
- (c) authenticating any claim or information delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (6), submitting any claim or information to the Secretary of State.

(4) The third condition is that any claim or information sent by means of an electronic communication is in an approved form.

(5) The fourth condition is that the person maintains such records as may be specified in a direction given by the Secretary of State.

(6) Where the person uses any method other than the method approved by the Secretary of State of submitting any claim or information, it is to be treated as not having been submitted.

(7) In this paragraph “approved” means approved by means of a direction given by the Secretary of State for the purposes of this Schedule.

#### **Use of intermediaries**

**4.** The Secretary of State may use intermediaries in connection with—

- (a) the delivery of any claim or information by means of an electronic communication; and
- (b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

## PART 3

### EVIDENTIAL PROVISIONS

#### **Effect of delivery**

**5.—**(1) Any claim or information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of these Regulations on the day on which the conditions imposed—

- (a) by this Schedule; and
- (b) by or under an applicable enactment (except to the extent that the condition thereby imposed is incompatible with this Schedule),

are satisfied.

(2) The Secretary of State may, by a direction, determine that any claim or information is to be treated as delivered on a different day (whether earlier or later) from the day specified in subparagraph (1).

(3) Any claim or information is not to be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

#### **Proof of delivery**

**6.—**(1) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Secretary of State, if the delivery of that claim or information is recorded on an official computer system; or
- (b) in the case of information that falls to be delivered by the Secretary of State, if the despatch of that information is recorded on an official computer system.

(2) The use of an approved method of electronic communication is to be presumed, unless the contrary is proved, not to have resulted in delivery—

- (a) in the case of any claim or information falling to be delivered to the Secretary of State, if the delivery of that claim or information is not recorded on an official computer system; or
- (b) in the case of information that falls to be delivered by the Secretary of State, if the despatch of that information is not recorded on an official computer system.

(3) The time and date of receipt of any claim or information sent by an approved method of electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

#### **Proof of identity**

**7.—**(1) The identity of—

- (a) the sender of any claim or information delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any claim or information delivered by means of an electronic communication from an official computer system,

is to be presumed, unless the contrary is proved, to be the person whose name is recorded as such on that official computer system.

(2) Any claim or information delivered by an approved method of electronic communication on behalf of another person (“P”) is to be deemed to have been delivered by P unless P proves that it was delivered without P’s knowledge or connivance.

## **Proof of content**

8. The content of any claim or information sent by means of an electronic communication is to be presumed, unless the contrary is proved, to be that recorded on an official computer system.

## **SCHEDULE 3 Regulation [CP41(5)]**

### **SPECIAL PROVISIONS RELATING TO CLAIMS FOR JOBSEEKER'S ALLOWANCE DURING PERIODS CONNECTED WITH PUBLIC HOLIDAYS**

1.—(1) In this Schedule—

- (a) “public holiday” means Christmas Day, Good Friday or a Bank Holiday under the Banking and Financial Dealings Act 1971 or in Scotland local holidays; and “Christmas and New Year holidays” and “Good Friday and Easter Monday” are to be construed accordingly and must in each case be treated as one period;
- (b) “office closure” means a period during which an office of the Department for Work and Pensions or associated office is closed in connection with a public holiday;
- (c) in computing any period of time Sundays are not to be disregarded.

(2) Where any claim for a jobseeker's allowance is made during one of the periods set out in paragraph (3), the following provisions are to apply—

- (a) a claim for a jobseeker's allowance may be treated by the Secretary of State as a claim for that benefit for a period, to be specified in his decision, not exceeding 35 days after the date of the claim where that claim is made during the period specified in sub-paragraph (a) of paragraph (3), or 21 days after the date of claim where the claim is made during the period specified in either sub-paragraph (b) or (c) of paragraph (3);
- (b) on any claim so treated, benefit may be awarded as if the provisions of paragraph (4) of regulation 41(4) applied.

(3) For the purposes of paragraph (2) the periods are—

- (a) in the case of Christmas and New Year holidays, a period beginning with the start of the 35th day before the first day of office closure and ending at midnight between the last day of office closure and the following day;
- (b) in the case of Good Friday and Easter Monday, a period beginning with the start of the 16th day before the first day of the office closure and ending at midnight between the last day of office closure and the following day;
- (c) in the case of any other public holiday, a period beginning with the start of the 14th day before the first day of office closure and ending at midnight between the last day of office closure and the following day.

## **SCHEDULE 4 [CP55a]**

### **Direct payment to lender of deductions in respect of mortgage interest**

## **Interpretation**

2.—(1) In this Schedule—

- “housing costs element” means an amount in respect of housing costs which is included in a claimant's award of universal credit under section 11(1) of the Welfare Reform Act 2012;
- “qualifying lender” means (subject to paragraph 10)—

- (a) the bodies or persons listed in paragraphs (a) to (g) of section 15A(3) of the Administration Act;
- (b) the Regulator of Social Housing;
- (c) Housing for Wales;
- (d) Communities Scotland;
- (e) the Development Board for Rural Wales;
- (f) [the Greater London Authority]; and
- (g) any body incorporated under the Companies Act 1985 the main objects of which include the making of loans secured by—
  - (i) a mortgage of or charge over land, or
  - (ii) (in Scotland) a heritable security;

“mortgage interest payments” means payments of mortgage interest within the meaning of paragraph [5] of Schedule [Ho4S] to the Universal Credit Regulations 2012;

“relevant claimant” has the meaning given in paragraph 2(1);

“specified benefits”, in relation to a relevant claimant, means the benefits specified in paragraph 2(2)—

- (h) to which the relevant claimant is entitled, or
- (i) where the relevant claimant is a member of a couple, to which the other member of the couple is entitled;

“standard rate” means the standard rate of interest determined under paragraph [12] of Schedule [Ho9S] to the Universal Credit Regulations 2012.

(2) References in this Schedule to a relevant claimant who meets the payment condition or the liability condition are to a claimant who meets those conditions in accordance with Chapter [2] of Part [4] of the Universal Credit Regulations 2012 (elements of an award: housing costs element).

### **Relevant claimants and benefits from which payments are to be made**

**3.—**(1) For the purposes of this Schedule, “relevant claimant” means a claimant—

- (a) who is entitled to universal credit,
- (b) whose maximum amount for the purposes of universal credit includes the housing costs element, and
- (c) whose amount of housing costs element is calculated by reference to mortgage interest payments in respect of a loan (whether or not that amount is calculated by reference to any other description of payment).

(2) Direct payments of mortgage interest may be made under paragraph 3 from any of the following benefits—

- (a) universal credit; and
- (b) if the maximum amount to which the relevant claimant is entitled for the purposes of universal credit is insufficient for the purposes of this Schedule—
  - (i) jobseeker’s allowance;
  - (ii) employment and support allowance.

### **Circumstances in which direct payments of mortgage interest to be made**

**4.—**(1) If the circumstances set out in sub-paragraph (2) apply to a relevant claimant in respect of a loan, the Secretary of State is to pay part of the specified benefits directly to the qualifying lender to whom the mortgage interest payments in respect of the loan are payable.

(2) The circumstances are that—



- (a) a loan was made in respect of which mortgage interest payments are payable to a qualifying lender;
- (b) the relevant claimant (or either joint claimant) meets the payment condition and liability condition in respect of mortgage interest payments on the loan;
- (c) those payments are taken into account in calculating the amount of housing costs element to be included in the relevant claimant's award of universal credit; and
- (d) the amount included in respect of those payments is calculated by reference to the standard rate.

(3) The part of the specified benefits which is to be paid under sub-paragraph (1) is the amount calculated under paragraphs 5 and 6 in respect of the relevant claimant.

#### **Determining the amount to be paid to a qualifying lender**

**5.—**(1) Where the circumstances set out in paragraph 3(2) apply to a relevant claimant in respect of one loan only, the amount that is to be paid under paragraph 3 directly to the qualifying lender is to be calculated as follows.

##### *Step 1*

Find the amount in respect of the mortgage interest payments which is calculated under paragraph [10] of Schedule [Ho9S] to the Universal Credit Regulations 2012 (amount in respect of mortgage interest on loans).

##### *Step 2*

Deduct from the amount resulting from step 1 a sum equivalent to so much of any amount payable in the circumstances described in sub-paragraph (2) as represents payments in respect of mortgage interest.

(2) This sub-paragraph applies where a payment is being made under a policy of insurance taken out by a relevant claimant to insure against the risk of not being able to maintain repayments of mortgage interest to a qualifying lender.

(3) The amount to be paid directly to the qualifying lender in respect of the relevant claimant is—

- (a) the amount resulting from sub-paragraph (1); or
- (b) where the aggregate amount of all of the specified benefits is less than the amount resulting from sub-paragraph (1), the aggregate amount of all those benefits less one penny.

#### **Determining the amount to be paid to a qualifying lender: more than one loan**

**6.—**(1) Where the circumstances set out in paragraph 3(2) apply to a relevant claimant in respect of more than one loan, the amount that is to be paid under paragraph 3 directly to each of the qualifying lenders to whom mortgage interest payments are payable is to be calculated as follows.

(2) Where mortgage interest payments on two or more loans are payable to the same qualifying lender, the amount to be paid directly to that lender is found by—

- (a) in respect of each of those loans, calculating an amount in accordance with Steps 1 and 2 of paragraph 4(1), and
- (b) adding those amounts together.

(3) Where mortgage interest payments are payable to more than one qualifying lender, the amount to be paid directly to each lender is found by—

- (a) where mortgage interest payments are payable to a qualifying lender in respect of one loan only, calculating an amount in accordance with Steps 1 and 2 of paragraph 4(1) in respect of the loan;
- (b) where mortgage interest payments are payable to a qualifying lender in respect of more than one loan, calculating an amount in accordance with sub-paragraph (2).

(4) The amount to be paid directly to the qualifying lender in respect of the relevant claimant is—

- (a) the amount resulting from sub-paragraph (2) or (3) in respect of that lender; or
- (b) where the aggregate amount of all of the specified benefits is less than the sum of the amounts resulting from sub-paragraph (2) or (3), the amount determined under sub-paragraph (5).

(5) For the purposes of sub-paragraph (4)(b)—

- (a) the overall total of the amounts to be paid directly to the qualifying lenders is the aggregate amount of all of the specified benefits less one pence; and
- (b) the payments are to be made to each qualifying lender in accordance with sub-paragraph (4)(a) in the order of the priority of the mortgages or (in Scotland) in accordance with the preference in ranking of heritable securities.

### **Qualifying lenders to apply direct payments in discharge of borrower's liability**

7. Where a direct payment is made under paragraph 3 to a qualifying lender in respect of a relevant claimant, the lender must apply the amount of the payment towards discharging the liability to make mortgage interest payments in respect of which the direct payment was made.

### **Application by qualifying lenders of any amount which exceeds liability**

8.—(1) This paragraph applies where, in respect of a relevant claimant—

- (a) any direct payment is made under paragraph 3 to a qualifying lender, and
- (b) the amount paid exceeds the amount of the mortgage interest payments payable.

(2) Unless sub-paragraph (3) applies, the qualifying lender must apply the amount of the excess as follows—

- (a) first, towards discharging the amount of any liability of the relevant claimant for arrears of mortgage interest payments in respect of the loan in question; and
- (b) if any amount of the excess is then remaining, towards discharging any liability of the relevant claimant to repay—
  - (i) the principal sum in respect of the loan, or
  - (ii) any other sum payable by the relevant claimant to that lender in respect of the loan.

(3) Where mortgage interest payments on two or more loans are payable to the same qualifying lender, the lender must apply the amount of the excess as follows—

- (a) first, towards discharging the amount any liability of the relevant claimant for arrears of mortgage interest payments in respect of the loan in respect of which the excess amount was paid; and
- (b) if any amount of the excess is then remaining, towards discharging any liability of the relevant claimant to repay—
  - (i) in respect of the loan referred to in paragraph (a), the principal sum or any other sum payable by the relevant claimant to that lender, or
  - (ii) in respect of any other loan, any sum payable by the relevant claimant to that lender where the liability to pay that sum has not already discharged under this Schedule.

### **Time and manner of payments**

9. Direct payments under paragraph 3 are to be made in monthly instalments in arrears.

### **Fees payable by qualifying lenders**

**10.**—(1) A fee is payable by a qualifying lender to the Secretary of State for the purpose of meeting the expenses of the Secretary of State in administering the making of direct payments to qualifying lenders under paragraph 3.

(2) The fee is [£X] in respect of each occasion on which a direct payment is made to the qualifying lender.

### **Election not to be regarded as a qualifying lender**

**11.**—(1) A body or person who would otherwise be within the definition of “qualifying lender” in paragraph 1(1)—

- (a) may elect not to be regarded as such by giving notice to the Secretary of State in writing; and
- (b) may revoke any such notice by giving a further notice in writing.

(2) In respect of any financial year, a notice under sub-paragraph (1) which is given not later than the 1st February before the start of the financial year takes effect on 1st April following the giving of the notice.

(3) Where a body or person becomes a qualifying lender in the course of a financial year—

- (a) any notice of an election by the body or person under sub-paragraph (1)(a) must be given within 6 weeks (“the initial period”) of the date of their becoming a qualifying lender; and
- (b) no direct payments may be made under paragraph 3 to the body or person before the expiry of the initial period.

(4) But sub-paragraph (3)(b) does not apply in any case where—

- (a) the body or body gives the Secretary of State notice in writing that that provision should not apply, and
- (b) that notice is given before the start of the initial period or before that period expires.

(5) In relation to a notice under sub-paragraph (1)—

- (a) where the notice is given by an electronic communication, it must be given in accordance with the provisions set out in Schedule 2 (electronic communications);
- (b) where the notice is sent by post, it is to be treated as having been given on the day the notice was posted.

### **Provision of information**

**12.**—(1) A qualifying lender must, in respect of a relevant claimant, provide the Secretary of State with information as to—

- (a) the mortgage interest payments in respect of which the relevant claimant meets the payment condition and the liability condition;
- (b) the amount of the loan;
- (c) the purpose for which the loan was made;
- (d) the amount outstanding on the loan;
- (e) the amount of arrears of mortgage interest payments due in respect of the loan;
- (f) any change in the amount of the mortgage interest payable;
- (g) the redemption of the loan.

(2) The information referred to in sub-paragraph (1)(a) to (e) must be provided at the request of the Secretary of State where—

- (a) a claim is made for universal credit, or
- (b) a claim is made for the housing costs element to be included in an award of universal credit,

and mortgage interest payments payable to the qualifying lender are taken into account in determining the amount of the relevant claimant's housing costs element.

(3) The information referred to in sub-paragraph (1)(d) or (f) must be provided at such times as the Secretary of State may determine.

(4) The information referred to in sub-paragraph (1)(g) must be provided to the Secretary of State immediately once the qualifying lender has received notice that the loan is to be redeemed.

### **Recovery of sums wrongly paid**

**13.**—(1) In the following circumstances, a qualifying lender must at the request of the Secretary of State repay any amount paid to the lender under paragraph 3 which ought not to have been paid.

(2) Those circumstances are that, in respect of a relevant claimant—

- (a) an amount calculated by reference to mortgage interest payments payable to the qualifying lender ceases to be included in the relevant claimant's housing costs element; or
- (b) a specified benefit ceases to be paid to a relevant claimant; or
- (c) the loan in respect of which mortgage interest payments are payable has been redeemed;
- (d) both of the conditions set out in sub-paragraphs (3) and (4) are met.

(3) The first condition is that the amount of the relevant claimant's housing costs element is reduced as a result of—

- (a) the standard rate having been reduced; or
- (b) the amount outstanding on the loan having been reduced.

(4) The second condition is that no corresponding reduction was made to the amount calculated in respect of the qualifying lender under paragraphs 4 and 5.

(5) A qualifying lender is not required to make a repayment in the circumstances described in sub-paragraph (2)(a) or (b) unless the Secretary of State's request is made before the end of the period of two months starting with the date on which the thing described in that provision ceased.

## **SCHEDULE 5 [CP55b]**

### **Deductions from benefit and payment to third parties**

#### **Interpretation**

**1.** In this Schedule—

“the applicable minimum earnings disregard” is to be construed in accordance with regulation [AW4] of the Universal Credit Regulations 2012;

“child element” is to be construed in accordance with regulation [20] of the Universal Credit Regulations 2012;

“the Community Charges Regulations” means the Community Charges (Deductions from Income Support (No. 2) Regulations 1990;

“the Community Charges (Scotland) Regulations” means the Community Charges (Deductions from Income Support) (Scotland) Regulations 1989;

“the Council Tax Regulations” means the Council Tax (Deductions from Income Support) Regulations 1993;

“the Fines Regulations” means the Fines (Deductions from Income Support) Regulations 1992;

“5% of the standard allowance” means, in those cases where the percentage is not a multiple of 5 pence, that sum rounded to the next higher such multiple”;

“standard allowance” is to be construed in accordance with regulation [20] of the Universal Credit regulations 2012;

“water charges” means—

- (a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991;
- (b) as respects Scotland, any such charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002.

## **General**

**2.—**(1) Universal credit may be paid direct to a third party in accordance with the following provisions of this Schedule to discharge (in whole or part) a liability of the claimant to that third party in respect of which the payment is made.

(2) A payment made to a third party in accordance with this Schedule may be made at such intervals as the Secretary of State may direct.

## **Limitations applicable to deductions made under this Schedule**

**3.—**(1) The limitations set out in this paragraph and paragraph 4 apply to the remaining paragraphs of this Schedule.

(2) No payment may be made to a third party if it would reduce the amount of the award of universal credit payable to the claimant to less than 1p.

(3) No more than 3 deductions from universal credit may be in effect at any one time under one or more of the following provisions.

(4) The provisions are—

- (a) Paragraphs 5 to 11 of this Schedule;
- (b) regulation 3 (deductions from income support etc.) of the Community Charges Regulations;
- (c) regulation 3 (deduction from debtor’s income support etc.) of the Community Charges (Scotland) Regulations ;
- (d) regulation 5 (deduction from debtor’s income support etc.) of the Council Tax Regulations; and
- (e) regulation 4 (deductions from offender’s income support etc.) of the Fines Regulations.

(5) The total amount payable under paragraphs 5 to 8 of this Schedule must not, without the claimant’s consent, exceed a sum equal to 25% of aggregate of the standard allowance and any child element applicable in the claimant’s case.

## **Priority as between certain debts**

**4.—**(1) This paragraph applies if, in any assessment period, the amount of universal credit awarded to the claimant is insufficient.

(2) The amount of the claimant’s universal credit is insufficient if the aggregate amount which may be deducted from the award under or by virtue of one or more of the provisions mentioned in sub-paragraph (4) would exceed the equivalent of 40% of the standard allowance applicable in claimant’s case.

(3) In determining whether the amount of universal credit is insufficient, no account is to be taken of any liability for normal consumption mentioned in—

- (a) paragraph 7(4)(b) (fuel costs); or
- (b) paragraph 8(5)(b) or (6)(b)(water charges),

of this Schedule.

(4) The provisions are—

- (a) section 26 (higher-level sanctions) or 27 (other sanctions) of the 2012 Act;
- (b) section 71ZG (recovery of payments on account) of the Administration Act;
- (c) section 6B (loss of benefit in case of conviction, penalty or caution for benefit offence) of the Social Security Fraud Act 2001;
- (d) in respect of any liability mentioned in paragraph 5 (housing costs) of this Schedule;
- (e) in respect of any liability mentioned in paragraph 6 (rent and service charges included with rent) of this Schedule;
- (f) in respect of any liability mentioned in paragraph 7 (fuel costs) of this Schedule;
- (g) in respect of any liability mentioned in paragraph 8 (water charges) of this Schedule;
- (h) in respect of any liability mentioned in regulation 3 of the Community Charges Regulations (deductions from income support etc.), the Community Charges (Scotland) Regulations, (deduction from debtor's income support etc.) or regulation 5 of the Council Tax Regulations (deduction from debtor's income support etc);
- (i) in respect of any liability mentioned in regulation 4 (deductions from debtor's income support etc.) of the Fines Regulations in a case where the amount of the deduction equals 5% of the standard allowance applicable in the claimant's case;
- (j) in respect of any liability mentioned in paragraph 9 of this Schedule (payments in place of child support maintenance);
- (k) section 43 (recovery of child support maintenance by deduction from benefit) of the Child Support Act 1991 where a non-resident parent is liable to pay a flat rate of child support maintenance (or would be so liable but for a variation having been agreed to) and that rate applies (or would have applied) because the person falls within paragraph 4(1)(b) or (c) or 4(2) of Schedule 1 to that Act;
- (l) section 78(2) (recovery of social fund awards) of the Administration Act;
- (m) section 28(2) (hardship payments) of the 2012 Act;
- (n) section 115A (penalty as alternative to prosecution) of the Administration Act where an overpayment is recoverable from a person by, or due from a person to, the Secretary of State or an authority under or by virtue of section 75 (overpayments of housing benefit) or 71ZC (recovery of overpayments of certain benefits) of that Act;
- (o) an overpayment under section 71ZB(7) (recovery of overpayments of certain benefits) of the Administration Act, 75(4) (overpayments of housing benefit) of that Act or an overpayment of working tax credit or child tax credit, where the overpayment is the result of fraud;
- (p) section 115C(4) (incorrect statements etc.) of the Administration Act;
- (q) an overpayment under section 71ZC (recovery of overpayments of certain benefits) of the Administration Act, 75(4) (overpayments of housing benefit) of that Act or an overpayment of working tax credit or child tax credit where the overpayment is not the result of fraud;
- (r) in respect of any liability in respect of an integration loan recoverable by deductions under paragraph 11 of this Schedule;
- (s) in respect of liability mentioned in paragraph 10 (eligible loans) of this Schedule;
- (t) in respect of any liability mentioned in regulation 4 (deductions from debtors income support etc.) of the Fines Regulations in a case where the amount of the deduction equals £108.35 of the standard allowance applicable in claimant's case.

(5) Where, in any assessment period, the amount of universal credit awarded to the claimant is insufficient, of the items mentioned in sub-paragraph (4)—

- (a) those mentioned in sub-paragraphs (a) to (c) are to have priority over all other items; and

- (b) the order of priorities for the remaining items is to follow the order in which they appear in that paragraph, with housing costs having the priority;
  - (c) an item mentioned in sub-paragraph (h), (o) and (q) has the same priority as any other item mentioned in the same sub-paragraph and such items are to be apportioned equally.
- (6) As between liability for items of housing cost mentioned in paragraph 5, liabilities in respect of mortgage interest payments are to have priority over all other items.
- (7) As between liabilities for items of gas or electricity, the Secretary of State must give priority to whichever liability he considers it would, having regard to the circumstances and to any requests of the claimant, be appropriate to discharge.

### **Housing costs**

**5.—**(1) This paragraph applies where all of the following conditions are met.

(2) The first condition is that the person is in debt for any item of housing costs which is included in a claimant's award of universal credit under section 11(1) of the 2012 Act.

(3) The second condition is that the claimant's earned income (or in the case of joint claimants their combined earned income) for the assessment period immediately before any deductions under this paragraph take effect is below the applicable minimum earnings disregard.

(4) Where this paragraph applies, the Secretary of State may, in such cases and circumstances as he may determine, deduct a monthly amount from universal credit equal to 5% of the standard allowance applicable in the claimant's case and pay it to the person to whom the debt is owed for such period as is necessary to discharge the debt.

(5) The Secretary of State must stop making deductions under this paragraph if the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the applicable minimum earnings disregard for three consecutive assessment periods.

(6) No amount may be paid under this paragraph in respect of owner occupier payments within the meaning of paragraph [4] of Schedule [Ho4S] (meaning of payments in respect of accommodation) to the Universal Credit Regulations 2012 in any case where those payments—

- (a) are required to be paid directly to a qualifying lender under regulation [ ]; or
- (b) would have been required to be paid to a body which, or a person who, would otherwise have been a qualifying lender but for an election given under paragraph [ ] of that Schedule].

(7) In this paragraph—

“housing costs” means any costs met under Schedule [Ho9S] (support for owner-occupiers) to the Universal Credit Regulations, except that it includes payments of ground rent within the meaning of paragraph 9 of Schedule [Ho4S] (meaning of payments in respect of accommodation) to those Regulations where they are paid with service charge payments within the meaning of paragraph 8 of that Schedule.

### **Rent and service charges included in rent**

**6.—**(1) This paragraph applies where all of the following conditions are met.

(2) The first condition is that the claimant has an award of universal credit which includes an amount under section 11 (housing costs) of the 2012 Act.

(3) The second condition is that the claimant is in debt for—

- (a) rent payments; or
- (b) service charges included with the claimant's rent.

(4) The third condition is that the claimant occupies the accommodation to which the debt relates.

(5) The fourth condition is that the claimant's earned income (or in the case of joint claimants their combined earned income) for the assessment period immediately before any deductions under this paragraph take effect is below the applicable minimum earnings disregard.

(6) Where this paragraph applies, the Secretary of State may, in such cases and circumstances as he may determine, deduct a monthly amount from universal credit equal to 5% of the standard allowance applicable in the claimant's case and pay it to the person to whom the debt is owed for such period as is necessary to discharge the debt.

(7) The Secretary of State must stop making deductions under this paragraph if the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the applicable minimum earnings disregard for three consecutive assessment periods.

(8) In this paragraph, "rent payments" has the meaning given to it under paragraph 2 of Schedule [Ho4S] (meaning of payments in respect of accommodation) to the Universal Credit Regulations, except that it also includes—

- (a) water charges which are paid with or as part of the rent;
- (b) where, in any case, a claimant's rent includes elements which would not otherwise fall to be treated as rent under the Universal Credit Regulations 2012, rent payments are to include those elements; and
- (c) references to "rent" include references to part only of the rent.

### **Fuel costs**

7.—(1) This paragraph applies where all of the following conditions are met.

(2) The first condition is that the claimant is in debt for any item of mains gas or mains electricity, including any charges for the reconnection of gas or disconnection or reconnection of electricity ("fuel item").

(3) The second condition is that the claimant's earned income (or in the case of joint claimants their combined earned income) for the assessment period immediately before any deductions under this paragraph take effect is below the applicable minimum earnings disregard.

(4) Where this paragraph applies, the Secretary of State may, in such cases and circumstances as he may determine, deduct the following amounts from universal credit and pay it to the person to whom payment is due—

- (a) a monthly amount equal to 5% of the standard allowance applicable in the claimant's case for such period as is necessary to discharge the debt in respect of any fuel item; and
- (b) where deductions are being made under sub-paragraph (a), an additional amount equal to the estimated average weekly cost necessary to meet the continuing needs for that fuel item except where current consumption is paid for by other means (for example pre-payment meter).

(5) The Secretary of State must stop making deductions under this paragraph if the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the applicable minimum earnings disregard for three consecutive assessment periods.

### **Water charges**

8.—(1) This paragraph applies where all of the following conditions are met.

(2) The first condition is that the claimant is in debt for water charges, including any charges for reconnection ("the original debt").

(3) The second condition is that the claimant's earned income (or in the case of joint claimants their combined earned income) for the assessment period immediately before any deductions under this paragraph take effect is below the applicable minimum earnings disregard.

(4) Where this paragraph applies, the Secretary of State may, in such cases and circumstances as he may determine, deduct an amount from universal credit in accordance with sub-paragraph (5)



to (7) and pay it to a water undertaker to whom the debt is owed or to the person or body authorised to collect water charges for that undertaker.

(5) Where water charges are determined by means of a water meter, the monthly amount to be paid under this paragraph is to be—

- (a) a monthly amount equal to 5% of the standard allowance applicable in the claimant's case for such period as is necessary to discharge the debt; and
- (b) in a case where the Secretary of State is making deductions under sub-paragraph (a), an additional amount which he estimates to be the average weekly cost necessary to meet the continuing need for water consumption.

(6) Where water charges are determined otherwise by means of a water meter, the monthly amount to be paid under this paragraph is to be—

- (a) the amount referred to in sub-paragraph (5)(a); and
- (b) in a case where the Secretary of State is making deductions under sub-paragraph (a), an additional amount equal to the weekly cost necessary to meet the continuing need for water consumption.

(7) Where the beneficiary or his partner is in debt to two water undertakers—

- (a) only one weekly amount under sub-paragraph (5)(a) or (6)(a) may be deducted; and
- (b) a deduction in respect of an original debt for sewerage may only be made after the whole debt in respect of an original debt for water has been paid; and
- (c) deductions in respect of continuing charges for both water and for sewerage may be made at the same time.

(8) The Secretary of State must stop making deductions under this paragraph if the claimant's earned income (or in the case of joint claimants their combined earned income) equals or exceeds the applicable minimum earnings disregard for three consecutive assessment periods.

(9) In this paragraph—

“water undertaker” means a company which has been appointed under section 11(1) of the Water Act 1989 to be the water or sewerage undertaker for any area in England and Wales or in respect of any area in Scotland, Scottish Water.

### **Payments in place of payments of child support maintenance**

**9.**—(1) This paragraph applies where the Secretary of State has determined that section 43 of the Child Support Act 1991 (“the 1991 Act”) and regulation 28 of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (contribution to maintenance by deduction from benefit) apply in relation to the claimant.

(2) Where this paragraph applies, the Secretary of State must, if he is satisfied that there is sufficient universal credit in payment, determine that an amount of universal credit must be deducted by the Secretary of State for transmission to the person or persons entitled to it.

(3) Not more than one deduction may be made under this paragraph in any assessment period.

(4) The amount of universal credit to be paid under this paragraph is to be a monthly amount equal to 5% of the standard allowance applicable in the claimant's case.

### **Eligible loans**

**10.**—(1) This paragraph applies where all of the following conditions are met.

(2) The first condition is that the claimant in arrears in respect of a loan agreement entered into (whether solely or jointly) with an eligible lender in respect of an eligible loan.

(3) The second condition is that at the date of the application no sum is being deducted from universal credit under—

- (a) section 71ZC of the Administration Act 1992 (recovery of overpayments); or
- (b) section 78 of that Act (recovery of social fund awards).

(4) Except as mentioned below, the Secretary of State may, in such cases and circumstances as he may determine, deduct a monthly amount from the claimant's universal credit equal to 5% of the standard allowance applicable in the claimant's case and pay it to the eligible lender towards discharging the amount owing under the loan agreement.

(5) Where—

- (a) the amount of the claimant's universal credit is insufficient to meet the whole of the liabilities for which provision may be made under this paragraph; and
- (b) the claimant has been awarded an employment and support allowance or a jobseeker's allowance,

no deduction may be made under sub-paragraph (4), but the Secretary of State may instead deduct from the claimant's employment and support allowance or jobseeker's allowance a weekly amount equal to 5% of the personal allowance for a single claimant aged not less than 25 and pay that amount to the eligible lender.

(6) The Secretary of State must not make deductions from an employment and support allowance or a jobseeker's allowance if it would reduce the amount of the award to below 10p.

(7) In this paragraph—

“eligible lender” means—

- (a) a body registered under section 1 of the Industrial and Provident Societies Act 1965 or the Co-operative and Community Benefit Societies and Credit Unions Act 1965 (societies which may be registered);
- (b) a credit union within the meaning of section 1 of the Credit Unions Act 1979 (registration under the Industrial and Provident Societies Act 1965 or the Co-operative and Community Benefit Societies and Credit Unions Act 1965);
- (c) a charitable institution within the meaning of section 58(1) of the Charities Act 1992 (interpretation of Part 2);
- (d) a body entered on the Scottish Charity Register under section 3 of the Charities and Trustee Investment (Scotland) Act 2005 (Scottish Charities Register),
- (e) a community interest company within the meaning of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004,

which, except for a credit union, is licensed under the Consumer Credit Act 1974 and which may be determined by the Secretary of State as an appropriate body to which payments on behalf of the borrower may be made in respect of loans made by that body;

- (f) “eligible loan” means a loan made by a lender, who is at that time an eligible lender, to a borrower except a loan—
- (g) which is secured by a charge or pledge;
- (h) which is for the purpose of business or self-employment; or
- (i) which was made by means of a credit card;

“5% of the personal allowance” means, in those cases where the percentage is not a multiple of 5 pence, that sum rounded to the next higher such multiple”;

“loan agreement” means an agreement between the eligible lender and the borrower in respect of an eligible loan.

## **Integration loans**

**11.—**(1) This paragraph applies where—

- (a) the person has an integration loan recoverable by deductions; and
- (b) the following condition is met.

(2) The condition is that at the date of the application no sum is being deducted from universal credit under—

- (a) section 71ZB of the Administration Act 1992 (recovery of overpayments); or

(b) section 78 of that Act (recovery of social fund awards).

(3) Where this paragraph applies, any monthly amount payable by deductions is to be equal to 5% of the standard allowance applicable in the claimant's case for such period as is necessary to discharge the debt.

(4) In this paragraph, "integration loan which is recoverable by deductions" means an integration loan which is made under the Integration Loans for Refugees and Others Regulations 2007 and which is recoverable from the claimant by deductions from universal credit under regulation 9 of those Regulations.

## **SCHEDULE 6 [CP55b]**

### **Deductions from Benefit in Respect of Child Support Maintenance and Payment to Persons with Care**

#### **Interpretation**

##### **1. In this Schedule—**

"the Act" means the Child Support Act 1991;

"beneficiary" means a person who has been awarded a specified benefit;

"maintenance", except in paragraph 3, means maintenance which a non-resident parent is liable to pay under the Act at a flat rate of child support maintenance (or would be so liable but for a variation having been agreed to), and that rate applies (or would have applied) because he falls within paragraph 4(1)(b) or (c) or 4(2) of Schedule 1 to the Act, and includes such maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(A) of the Child Support, Pensions And Social Security Act 2000;

"specified benefit" means—

- (a) universal credit;
- (b) an employment and support allowance;
- (c) a jobseeker's allowance.

#### **Deductions**

**2.—**(1) Subject to paragraphs 5 and 6, the Secretary of State may deduct from a specified benefit awarded to a beneficiary, an amount equal to the amount of maintenance which is payable by the beneficiary and pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the liability to pay maintenance.

(2) A deduction may only be made from one specified benefit in any period.

(3) No deduction may be made unless the amount of the relevant specified benefit is not less than the total of the amounts to be deducted under this Schedule plus 10 pence.

#### **Arrears**

**3.—**(1) Except where universal credit is awarded to the beneficiary, the Secretary of State may deduct the sum of £1 per week from a specified benefit which the beneficiary has been awarded and, subject to sub-paragraph (2), pay the amount deducted to or among the person or persons with care in discharge (in whole or in part) of the beneficiary's liability to pay arrears of maintenance.

(2) Deductions made under sub-paragraph (1) may be retained by the Secretary of State in the circumstances set out in regulation 8 of the Child Support (Arrears, Interest and Adjustment of Maintenance Assessments) Regulations 1992.

(3) In sub-paragraph (1) “maintenance” means child support maintenance as defined by section 3(6) of the Act—

- (a) before the amendment of the definition of such maintenance by section 1(2)(a) of the Child Support, Pensions and Social Security Act 2000;
- (b) after the amendment of the definition; or
- (c) both before and after the amendment of the definition,

and includes maintenance payable at a transitional rate in accordance with regulations made under section 29(3)(a) of that Act.

### **Apportionment**

**4.** Where maintenance is payable to more than one person with care, the amount deducted must be apportioned between the persons with care in accordance with paragraphs 6, 7 and 8 of Schedule 1 to the Act.

### **Flat rate maintenance**

**5.—**(1) This sub-paragraph applies where members of a couple jointly have been awarded universal credit and each member of the couple is liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Act has been awarded universal credit

(2) Where sub-paragraph (1) applies, an amount not exceeding £5 may be deducted in respect of the sum of both partners' liability to pay maintenance, in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 and shall be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance.

### **Flat rate maintenance (polygamous marriage)**

**6.—**(1) This sub-paragraph applies where two or more members of a polygamous marriage are each liable to pay maintenance at a flat rate in accordance with paragraph 4(2) of Schedule 1 to the Act and any member of the polygamous marriage has been awarded universal credit.

(2) Where sub-paragraph (1) applies, an amount not exceeding £5 may be deducted in respect of the sum of all the members' liability to pay maintenance, in the proportions described in regulation 4(3) of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 and shall be paid in discharge (in whole or in part) of the respective liabilities to pay maintenance.

(3) In this paragraph “polygamous marriage” means any marriage during the subsistence of which a party to it is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy.

### **Notice**

**7.** When the Secretary of State commences making deductions, he must notify the beneficiary in writing of the amount and frequency of the deduction and the benefit from which the deduction is made and must give further such notice when there is a change to any of the particulars specified in the notice.

## **SCHEDULE 7**

### **CONSEQUENTIAL AMENDMENTS**

**8.** S.I. 2011/688, reg. 8(6).

**9.** S.I. 2011/917, reg. 8(9).

10.S.I. 2010/349, the schedule.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations apply only to universal credit, personal independence Payment, an employment and support allowance and a jobseeker's allowance and contain provisions about the making of claims for, and the payment of, those benefits.

Part 1 of the Regulations contains general provisions including definitions. It also includes provisions which relate to the manner in which a change of circumstances affecting universal credit, personal independence payment, an employment and support Allowance and a jobseeker's allowance must be notified for the purposes of the offences in sections 111A and 112 of the Social Security Administration Act 1992. Part 1, with schedule 7, also sets out the regulations which are consequentially amended by these Regulations

Part 2, with Schedules 2 and 3, contains provisions about claims for the benefits to which these regulations apply. In particular the cases in which claims are not required; the method of making a claim and the time limits for doing so; the date on which a claim is made or treated as made; interchange with other claims; advance claims for and awards of benefit; defective claims; the amendment and withdrawal of claims; the information required in connection with a claim for, or an award of, a benefit and the duration of awards.

Part 3 specifies the time when, and the method by which, the benefits to which these Regulations apply are to be paid. In particular it includes provisions which relate to payments of benefits to under persons aged under 18, payments on death and the extinguishment of the right to payment.

Part 4, with Schedules 4 to 6, sets out the circumstances in which the benefit to which these regulations apply may be paid to someone other than the claimant. It also sets out that a person may be appointed to act on behalf of a claimant who is unable for the time being to act.

Part 5 sets out the circumstances in which the mobility component of personal independence payment is not payable. It also sets out circumstances in which the mobility component at the enhanced rate is payable on behalf of a claimant in respect of the hire or hire purchase of a vehicle under the Motability scheme.