

# **DMG Chapter 08: Payment of benefit and Deductions from benefit**

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## **Time and manner of payments 08001-08199**

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### **General**

08001 The Secretary of State must pay benefit as soon as is reasonably practicable once an award has

been made<sup>1</sup>. In practice, benefits are generally paid into a claimant's bank account, known as direct payment, on a day and at an interval set out in legislation. Payment may also be made by means of the New Payment Exception Service (nPES), and at other times.

1 SS (C&P) Regs, reg 20

08002 Guidance on payment of benefit follows but other guidance on this subject may be found in benefit specific DMG Chapters:-

**1.** IS/JSA Chapter 33

**2.** ESA Chapter 46

**3.** AA/DLA Chapter 61

**4.** SPC Chapter 79.

**Note 1:** ADM Chapter B1 contains guidance on the payment of UC, PIP, new style ESA and new style JSA.

**Note 2:** ADM Chapter M1 contains guidance on the meaning of new style ESA and new style JSA.

## **Payment of benefit arrears by instalments**

08003 In general, options for making payment of benefit arrears are

- 1.** pay the arrears as a lump sum **or**
- 2.** with the claimant's consent, pay the whole amount to a third party

08004 A further option is available which offers claimants payment of arrears by instalments if they would prefer to receive the money they are owed in this way, rather than be paid as a lump sum, when

- 1.** the DM believes it is necessary to protect the interests of the claimant **and**
- 2.** the claimant gives their consent<sup>1</sup>.

**Note:** This option only applies to arrears of delayed payments for past periods and not for on-time payments of current entitlements.

[1 C&P Regs 1987 reg 21 \(ZA\)](#)

08005 A specialist team, Advanced Customer Support Team, will consider whether it is in the best interests of the claimant to stagger payments of arrears considering the individual circumstances of the claimant.

**Note:** Both the claimant and the DM must agree it is in the claimant's best interests (see 08004).

## Direct payment

08006 Direct payment is the Department's official term for what was formerly called automated credit transfer. The regulations currently use the term "direct credit transfer"<sup>1</sup>.

1 SS (C&P) Regs, reg 21

08007 The Secretary of State may pay benefit, by DCT, into a bank or other account nominated by

1. the person entitled to the benefit **or**
2. a person acting on their behalf<sup>1</sup>.

1 SS (C&P) Regs, reg 21(1)

08008 In relation to joint-claim JSA, the person entitled to benefit is the member of the joint-claim couple who is nominated to receive the benefit<sup>1</sup>.

1 SS (C&P) Regs, reg 21(5A)

08009 Benefit paid by direct payment will be paid within seven days of the last day of each successive period of entitlement<sup>1</sup> i.e. interval of payment. In respect of IS, it will be paid within seven days of the time determined for the payment of IS<sup>2</sup>. However the Secretary of State may make different arrangements for paying<sup>3</sup>

1. arrears of benefit<sup>4</sup>**or**
2. benefit when the award is ended or for any similar purpose<sup>5</sup>.

1 SS (C&P) Regs, reg 21(3); 2 reg 21(3A); 3 reg 21(4); 4 reg 21(4)(a); 5 reg 21(4)(b)

08010 Payments can be made by direct payment to

1. persons under the age of 18<sup>1</sup>
2. persons listed in DMG 08355 after the death of the claimant<sup>2</sup>**and**
3. appointees<sup>3</sup>

and payment by this means will discharge the Secretary of State's liability to make payment.

1 SS (C&P) Regs, reg 29; 2 reg 30(2)(a); 3 reg 33(3)

## **New Payment Exception Service**

08011 [New Payment Exception Service](#) (nPES) is an alternative short-term payment method available in exceptional circumstances to pay benefits to customers who are unable to be paid by any other method. See operational guidance for further details.

08012

## **Treatment of fractions of a penny**

08013 For all benefits other than MA, if the amount payable includes a fraction of a penny, the amount is rounded down if it is less than half a penny, otherwise it is rounded up to the next penny<sup>1</sup>. If the amount of MA includes a fraction of a penny, it is rounded up to the next penny<sup>2</sup>.

1 SS (C&P) Regs, reg 28(1); 2 reg 28(2)

## **Definition of long term benefit**

08014 Long term benefits<sup>1</sup> are

- 1.** RP of any category
- 2.** SP
- 3.** SAP
- 4.** WMA
- 5.** WP
- 6.** WPA
- 7.** AA/DLA
- 8.** CA
- 9.** IIDB.

1 SS (C&P) Regs, reg 2(1)

## **Definition of working age benefit**

08015 Working age benefits<sup>1</sup> are

1. ESA

2. IB

3. IS

4. JSA

5. WMA

6. WPA

7. WP.

1 SS (C&P) Regs, reg 2(1)

08016 - 08019

## **RP - general**

08020 Legislation provides that RP is paid in different ways depending on when the person reaches pensionable age and their circumstances at that time.

### **Identification**

08021 The following criteria are used to identify which system applies to the time and manner of payment of RP for a particular person. If the person

**1.** reaches pensionable age before 6.4.10<sup>1</sup>**or**

**2.** is a man<sup>2</sup>, who reaches pensionable age on or after 6.4.10 **and**

**2.1** was in receipt of SPC for any period which begins on the day four months and four days before the day on which he reaches pensionable age and ends on 5.4.10 **or**

**2.2** was in continuous receipt of SPC from 5.4.10 until at least the first day of the period of four months and four days which ends immediately before the day on which he reaches pensionable age

these are “old” cases and guidance in DMG 08023 - 08027 applies. The guidance in DMG 08028 - 08042 applies to all other cases referred to as “new” cases in this guidance.

**Note:** The period of four months and four days does not include the day they reach pensionable age. If the date they reach pensionable age is 7.9.10, they must have continued to be in receipt of SPC until at least 3.5.10.

1 SS (C&P) Regs, reg 22C(1); reg 26BA(1); 2 reg 22C(7)

## **Pensionable age**

08022 Pensionable age for RP purposes is defined in [DMG 75015](#).

## **RP - “old cases”**

### **Pay day**

08023 The pay day for

RP is Monday<sup>1</sup>

#### **except**

**1.** when a person became entitled to RP before 28.9.84, when it is payable on Thursdays

**2.** where

**2.1** a woman was entitled to a WB or

**2.2** a person was entitled to a BB

immediately before becoming entitled to RP, the RP pay day will be the same as the pay day determined in accordance with that benefit

**3.** where a woman becomes entitled to RP immediately following the payment to her husband of an increase of RP for her. Her RP is payable on the same day as her husband's

**4.** where a particular day has become the appropriate day for any person for the payment of RP. That day remains unchanged

**5.** the Secretary of State may where payment is by direct payment or in the circumstances of any particular case arrange for the pension to be paid on any day of the week<sup>2</sup>. When this happens the DM will be advised and should take into account the changed pay-day when awarding benefit.

1 SS (C&P) Regs, reg 22; Sch 6, para 5; 2 reg 22C(4)

## **Interval of payment**

08024 RP may be paid at intervals of<sup>1</sup>

- 1.** four weeks in arrears
- 2.** weekly in advance
- 3.** where the beneficiary agrees, not exceeding 13 weeks in arrears
- 4.** where the weekly amount of benefit is less than £5.00, as specified by the Secretary of State not exceeding 12 months<sup>2</sup>.

1 SS (C&P) Regs, reg 22(1); 2 reg 22(2)

## **Day payment starts and date of change in the amount of benefit**

08025 If the earliest date of entitlement to RP is not the first day of the benefit week, - see DMG 08027 - entitlement starts and benefit is payable from the first day of the following benefit week<sup>1</sup>.

1 SS (C&P) Regs, reg 16(1)

08026 When there is a change in the rate of RP, including termination of the award, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, takes effect from the first day of the following benefit week<sup>1</sup>. The exception to this is if the reason for the termination is the death of the claimant. In this case the award is terminated from the first day of the benefit week immediately following the date of death<sup>2</sup>.

1 SS (C&P) Regs, reg 16(2); 2 reg 16(2D)

## **Benefit week**

08027 The first day of the benefit week is the day of the week on which the benefit is payable<sup>1</sup>.

1 SS (C&P) Regs, reg 16(3)(c)

## **RP - “new cases”**

### **Pay day**

08028 The person’s pay day is determined by the last two digits of their NINO either

- 1.** as is shown in the following table<sup>1</sup>-



<b>NINO</b>	<b>Pay day</b>
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

**or**

**2.** on any other day of the week in particular cases as the Secretary of State may arrange<sup>2</sup>.

1 SS (C&P) Regs, reg 22C(2); reg 22C(3); 2 reg 22C(4)

### **Interval of payment**

08029 RP will normally be paid four weeks in arrears<sup>1</sup>. The Secretary of State may arrange to pay RP

**1.** weekly in arrears

**2.** fortnightly in arrears

**3.** with the agreement of the beneficiary, 13 weeks in arrears<sup>2</sup>

**4.** If the weekly amount of RP is less than £5.00, in arrears at intervals not exceeding 12 months<sup>3</sup>.

1 SS (C&P) Regs, reg 22(1); reg 22C(2); 2 reg 22C(2); reg 22C(5); 3 reg 22C(6)

### **Day payment starts and date of change in the amount of benefit**

08030 RP is payable from the first day of entitlement<sup>1</sup> if

**1.** that day is the first day of the benefit week **or**

**2.** it is not the first day of the benefit week but the circumstances in DMG 08031 apply.

1 SS (C&P) Regs, reg 16(1D); reg 22D(1); reg 22D(2)

08031 The circumstances in DMG 08030 **2.** are<sup>1</sup>

**1.** the person has not deferred entitlement to RP **and**

**2.** either that person

**2.1** was in receipt of a working age benefit for a day in the period of eight weeks and one day which ends immediately before the person reaches pensionable age **or**

**2.2** has reached pensionable age and is a dependent spouse of a person who is in receipt of an ADI under certain legislation<sup>2</sup>.

1 SS (C&P) Regs, reg 16(1D); reg 22D; 2 SS CB Act 92, s 83 & 84

08032 In any other case entitlement starts and RP is payable from the first day of the following benefit week<sup>1</sup>. No benefit is payable for any days before that day.

1 SS (C&P) Regs, reg 16(1D)

08033 Any change in the rate of RP takes effect from the date of change<sup>1</sup> if

**1.** that day is the first day of the benefit week **or**

**2.** it is not the first day of the benefit week but the circumstances in DMG 08034 apply.

1 SS (C&P) Regs, reg 16(2E)

08034 The circumstances referred to in DMG 08033 **2.** are<sup>1</sup>

**1.** the change of rate is caused by annual uprating **and**

**2.** the change takes effect later in the same benefit week that the person first became entitled to RP **and**

**3.** the person has not deferred entitlement to RP<sup>2</sup>**and**

**4.** either the person

**4.1** was in receipt of a working age benefit for a day in the period of eight weeks and one day which ends immediately before the day they reach pensionable age **or**

**4.2** has reached pensionable age and is a dependent spouse of a person who is in receipt of an ADI under certain legislation<sup>3</sup>.

1 SS (C&P) Regs, reg 16(2E); reg 22D(2); 2 reg 22D(3); 3 SS CB Act 92, s 83 & 84

08035 If the change is annual uprating and the circumstances in DMG 08034 do not apply, any change in the rate of RP takes effect from<sup>1</sup>

**1.** the date of change, if that is the first day of the benefit week **or**

**2.** the first day of the following benefit week.

1 SS (C&P) Regs, reg 16(2F)

08036 In any other case, the change is effective from the first day of the benefit week in which the change occurs<sup>1</sup>.

1 SS (C&P) Regs, reg 16(2E)

### **Termination of award on death**

08037 When the person dies, the award of RP is terminated from the first day of the benefit week immediately following the date of death<sup>1</sup>.

1 SS (C&P) Regs, reg 16(2D)

### **Benefit week**

08038 The first day of the benefit week for RP which is paid in arrears is<sup>1</sup> the first day of a seven day period which ends on the day on which benefit is payable in accordance with DMG 08028.

1 SS (C&P) Regs, reg 16(3)(c)(ii)

### **Daily payment**

08039 RP can be paid for individual days where<sup>1</sup>

**1.** RP is payable from the first day of entitlement as in DMG 08030 **2. and**

**2.** the first day of entitlement is not the first day of the benefit week.

1 SS (C&P) Regs, reg 22D(1); reg 22D(2)

08040 It is paid at the daily rate for the period from the first day of entitlement to the last of that benefit week.

08041 When considering daily payment of RP, benefit week means the period of seven days which ends on the day on which benefit is payable as in DMG 08028<sup>1</sup>.

1 SS (C&P) Regs, reg 22D(5)

08042 The daily rate of RP is 1/7th of the weekly rate of that benefit<sup>1</sup>. The appropriate weekly rate is that which would have applied in respect of that day if entitlement had started on the first day of that benefit week.

08043 - 08049

## **SP**

### **Date of entitlement for the purposes of payment**

08050 Except when payable at a daily rate<sup>1</sup>, a claimant is entitled to SP from

1. the first day of the benefit week **or**
2. if it is not the first day of the benefit week, the first day of the next following benefit week<sup>2</sup>.

1 SS (C&P) Regs, reg 22DA; 2 reg 16(1E)

### **Effective date of change of rate**

08051 Except where a change of rate is caused by annual uprating<sup>1</sup> any change in the rate of SP takes effect

1. from the date of change, if that day is the first day of the benefit week **or**
2. if it is not the first day of the benefit week, from the start of the benefit week in which the change occurs<sup>2</sup>.

1 SS A Act 92, s150, 150A, 151A; SS (C&P) Regs, reg 16(2H); 2 reg 16(2G)

08052 Where a change of rate is caused by annual uprating<sup>1</sup> any change in the rate of SP takes effect from

- 1.** the first day of the benefit week **or**
- 2.** if it is not the first day of the benefit week, the first day of the next following benefit week<sup>2</sup>.

1 SS A Act 92, s 150, 150A, 151A; 2 SS (C&P) Regs, reg 16(2H)

### **Pay day**

08053 A SP claimant's pay day is determined by the last two digits of their NINO either

1. as is shown in the following table<sup>1</sup>

<b>NINO</b>	<b>Pay day</b>
00 to 19	Monday
20 to 39	Tuesday
40 to 59	Wednesday
60 to 79	Thursday
80 to 99	Friday

**or**

2. on any other day that the Secretary of State may choose<sup>2</sup>.

1 SS (C&P) Regs, reg 22CA(4)(a); 2 reg 22CA(4)(b)

### **Interval of payment**

08054 SP is paid in arrears<sup>1</sup>. The Secretary of State may arrange to pay SP at intervals of

1. one week<sup>2</sup>

2. two weeks, if the claimant was in receipt of a working age benefit which was paid fortnightly, immediately before becoming entitled to SP<sup>3</sup>

3. four weeks<sup>4</sup>

4. thirteen weeks if the claimant agrees<sup>5</sup>

5. such length not exceeding twelve months as the Secretary of State may choose<sup>6</sup>, if

**5.1** the Secretary of State makes a direction specifying that length **and**

**5.2** the amount of SP payable is less than £5.00 per week.

1 SS (C&P) Regs, reg 22CA(2); 2 reg 22CA(3)(a); 3 reg 22CA(3)(b); 4 reg 22CA(3)(c); 5 reg 22CA(3)(d);

6 reg 22CA(3)(e)(i) & (ii)

### **Payment at a daily rate**

08055 SP is paid at a daily rate where<sup>1</sup>

1. the day on which the claimant's first benefit week begins is after

1.1 the day on which the claimant reaches pensionable age<sup>2</sup>**or**

1.2 where the claimant has deferred their SP under specified legislation<sup>3</sup>, the first day in respect of which the claimant makes a claim for their SP<sup>4</sup>**or**

**2.** the day on which the claimant's last benefit week begins is before the day on which the claimant dies<sup>5</sup>.

1 SS (C&P) Regs, reg 22DA(1); 2 reg 22DA(1)(a)(i); 3 Pensions Act 14 s 16 & 17; 4 reg 22DA(1)(a)(ii);  
5 reg 22DA(1)(b)

08056 The period for which a daily rate is to be paid is<sup>1</sup>

1. where DMG 08055 **1.1** or **1.2** applies, the period

1.1 beginning on the day on which the claimant reaches pensionable age or the first day in respect of which the claimant makes a claim for SP<sup>2</sup>**and**

1.2 ending on the day before the day on which the claimant's first benefit week begins<sup>3</sup>**or**

2. where DMG 08055 **2.** applies, the period beginning on the day on which the claimant's last benefit week begins and ending on the day on which the claimant dies<sup>4</sup>.

1 SS (C&P) Regs, reg 22DA(2); 2 reg 22DA(2)(a)(i); 3 reg 22DA(2)(a)(ii); 4 reg 22DA(2)(b)

### **Amount of daily rate**

08057 The daily rate at which SP is payable is 1/7<sup>th</sup> of the claimant's weekly rate which would have had effect on the day if a weekly rate had been payable<sup>1</sup>.

1 SS (C&P) Regs, reg 22DA(3)

### **Benefit week**

08058 A "benefit week"<sup>1</sup> means the period of 7 days ending on the day on which the claimant's SP is payable in accordance with specified legislation<sup>2</sup>.

1 SS (C&P) Regs, reg 22DA(4); 2 reg 22CA(4)

08059 - 08079

# WMA, WPA, and WP

## Pay day

08080 Awards of WMA, WPA, WP

**1.** made before 6.4.09 and not migrated, are payable on

**1.1** Tuesdays **or**

**1.2** such other day as the Secretary of State may determine where payment is by direct payment or in the circumstances of any particular case **or**

**1.3** a day which has become the appropriate day for payment for one of these benefits<sup>1</sup>

**2.** made from 6.4.09, or made prior to that date and have been migrated, are payable on<sup>2</sup>

**2.1** the day specified based on the last two digits of their NINO as follows:-

NINO	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

**2.2** such other day as the Secretary of State may determine where payment is by direct payment or in the circumstances of any particular case<sup>3</sup>.

**Note:** If the Secretary of State changes the claimant's pay day, any days that would have been paid had the change not been made can be paid at the daily rate which is 1/7<sup>th</sup> of the weekly rate<sup>4</sup>.

1 SS (C&P) Regs, reg 22A(2); 2 reg 22A(3); 3 reg 22A(2); 4 reg 22B(2)

## Interval of payment

08081 From 6.4.09 these benefits are normally payable fortnightly in arrears<sup>1</sup>. Awards before that date may be payable as in DMG 08080 **1.** but will be migrated to fortnightly in arrears.

08082 The Secretary of State may arrange for payment to be made<sup>1</sup>

1. weekly in advance
2. weekly in arrears **or**, with the beneficiary's agreement
3. four weeks in arrears
4. 13 weeks in arrears.

1 SS (C&P) Regs, reg 22A(4)

### **Day payment starts and date of change in the amount of benefit**

08083 For awards of BSP and WPA made before 6.4.09 if the earliest date of entitlement to benefit is not the first day of the benefit week, entitlement starts and benefit is payable from the first day of the following benefit week<sup>1</sup>. From 6.4.09, entitlement starts on the first day that the person satisfies all the conditions<sup>2</sup> and benefit is paid at the daily rate of 1/7<sup>th</sup> of the weekly rate<sup>3</sup> from the day entitlement starts until the day before the first day of the following benefit week.

1 SS (C&P) Regs, reg 16(1); reg 16(4); 2 reg 22B(1); 3 reg 22B(6)

08084 Any change in the rate of WMA, WPA and WP that would take effect from a day other than the first day of the benefit week will take effect from the first day of the following benefit week<sup>1</sup> except where the award is to be terminated<sup>2</sup>.

1 SS (C&P) Regs, reg 16(2A); 2 reg 16(2B)

### **Termination of award**

08085 When the award is to be terminated, it takes effect from

1. the date of change, when the benefit is paid in arrears<sup>1</sup> **or**
2. the first day of the following benefit week<sup>2</sup> when the benefit is paid in advance and the award would terminate on a day other than the first day of the benefit week.

1 SS (C&P) Regs, reg 16(2B); 2 reg 16(2C)

08086 If WMA, WPA and WP are paid in arrears and the award terminates on a day other than the last day of the benefit week, the claimant can be paid at the daily rate for the days from the first day of the final benefit week to the last day of entitlement<sup>1</sup>. The daily rate of benefit is 1/7<sup>th</sup> of the weekly rate<sup>2</sup>.



## **Benefit week**

08087 For the purpose of determining the first day from which these benefits are payable and the effective date of change of rate of long-term benefits, the first day of the benefit week is

**1.** before 6.4.09, the day of the week on which the long-term benefit is payable

**2.** from 6.4.09<sup>1</sup>,

**2.1** if the benefit is paid in advance, the day of the week on which the benefit is payable

**2.2** if paid in arrears, the first day of the period of seven days which ends on the day on which the benefit is payable.

1 SS (C&P) Regs, reg 16(3)(c); reg 22; reg 22A

08088 - 08089

## **Other long term benefits**

### **Pay day**

08090 The pay days for other long term benefits are

**1.** SAP - Monday<sup>1</sup>, except

**1.1** where RP is payable to the claimant, SAP is payable on the same day as the RP<sup>2</sup>

**1.2** the Secretary of State may arrange for SAP to be payable on such other day of the week as he may, in the circumstances of any particular case, determine<sup>3</sup>

**2.** AA/DLA<sup>4</sup>

**2.1** AA - Monday

**2.2** DLA - Wednesday

**2.3** the Secretary of State may however pay AA/DLA on some other day of the week

**3.** CA - Monday<sup>5</sup>. However, where a person is entitled because of receiving a prescribed payment out of public funds<sup>6</sup>, the allowance is paid on Wednesday

#### 4. IIDB (including increases) - Wednesday<sup>7</sup>.

1 SS (C&P) Regs, Sch 6, para 5A; 2 Sch 6, para 5A(a); 3 Sch 6, para 5A(b);  
4 Sch 6, para 1; 5 Sch 6, para 4; 6 SS (ICA) Regs, reg 3; 7 SS (C&P) Regs, Sch 6, para 3

### **Intervals of payment**

08091 These long term benefits may be paid at intervals of<sup>1</sup>

1. four weeks in arrears
2. weekly in advance
3. where the beneficiary agrees, not exceeding 13 weeks in arrears
4. where the weekly amount of benefit is less than £5.00, as specified by the Secretary of State not exceeding 12 months<sup>2</sup>.

1 SS (C&P) Regs, reg 22(1); 2 reg 22(2)

### **AA/DLA**

08092 DLA may be paid at any interval as long as it is not more than four weeks<sup>1</sup>. Both AA and DLA can be paid at a daily rate in specified circumstances - see DMG 61880 - in which case they are paid weekly or as the Secretary of State directs<sup>2</sup>.

1 SS (C&P) Regs, reg 22(1A); reg 22(1B); 2 reg 25

### **Day payment starts and date of change in the amount of benefit**

08093 If the earliest date of entitlement to benefit is not the first day of the benefit week, entitlement starts and benefit is payable from the first day of the following benefit week<sup>1</sup>.

1 SS (C&P) Regs, reg 16(1)

08094 When there is a change in the rate of one of these long term benefits, including termination of the award, the change, if it would otherwise take effect on a day which is not the first day of the benefit week, takes effect from the first day of the following benefit week<sup>1</sup>.

1 SS (C&P) Regs, reg 16(2)

### **Benefit week**

08095 For the purpose of determining the first day from which these benefits are payable and the

effective date of change of rate of long-term benefits, the first day of the benefit week is

**1.** before 6.4.09, the day of the week on which the long-term benefit is payable

**2.** from 6.4.09<sup>1</sup>

**2.1** if the benefit is paid in advance, the day of the week on which the benefit is payable

**2.2** if paid in arrears, the first day of the period of seven days which ends on the day on which the benefit is payable.

1 SS (C&P) Regs, reg 16(3)(c); reg 22; reg 22A

08096 - 08099

## **IB, MA and SDA**

### **Pay day**

08100 Awards made from 6.4.09 will be paid on

**1.** the day specified based on the last two digits of their NINO as follows<sup>1</sup>-

<b>NINO</b>	<b>Pay day</b>
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

**2.** such other day as the Secretary of State may determine where payment is by direct payment or in the circumstances of any particular case<sup>2</sup>.

1 SS (C&P) Regs, reg 24(1A); reg 24(1C); 2 reg 24(1B)

## Interval of payment

08101 Although these benefits may be paid for individual days, payment is normally fortnightly in arrears<sup>1</sup> unless

1. the weekly amount of IB or SDA is less than £1.00 when it can be paid in arrears at four weekly intervals<sup>2</sup>
2. the weekly amount of IB is less than £5.00 after reduction for pension payments under relevant legislation<sup>3</sup>, when it can be paid in arrears at any interval not exceeding 12 months
3. other benefits are in payment
4. the Secretary of State arranges otherwise.

1 SS (C&P) Regs, reg 24(1); 2 reg 24(3); 3 reg 24(3A); SS CB Act 92, s 30DD

08102 - 08109

## SPC - general

08110 Legislation provides that SPC is paid in different ways depending on when the person reaches pensionable age and their circumstances at that time.

### Identification

08111 The following criteria are used to identify which system applies to the time and manner of payment of SPC for a particular person. If the person

**1.** reaches pensionable age before 6.4.10<sup>1</sup>**or**

**2.** is a man<sup>2</sup>, who reaches pensionable age on or after 6.4.10 **and**

**2.1** was in receipt of SPC for any period which begins on the day four months and four days before the day on which he reaches pensionable age and ends on 5.4.10 **or**

**2.2** was in continuous receipt of SPC from 5.4.10 until at least the first day of the period of four months and four days which ends immediately before the day on which he reaches pensionable age

these are “old” cases and guidance in DMG 08114 - 08118 applies. The guidance in DMG 08119 - 08123 applies to all other cases referred to as “new” cases in this guidance.

**Note:** The period of four months and four days does not include the day they reach pensionable age. If the date they reach pensionable age is 7.9.10, they must have continued to be in receipt of SPC until at least 3.5.10.

1 SS (C&P) Regs, reg 26BA(1); 2 reg 22C(7)

## **Pensionable age**

08112 Pensionable age<sup>1</sup> for the purposes of DMG 08111 is

- 1.** 65 years for a man **or**
- 2.** 60 years for a woman born before 6.4.50 **or**
- 3.** the date in Appendix 3 to DMG Chapter 15 for a woman born between 6.4.50 and 5.4.55 **or**
- 4.** 65 years for a woman born on or after 6.4.55.

1 SS A Act 92, s 191; Pensions Act, Sch 4, para 1

08113

## **SPC - “old” cases**

### **Pay day**

08114 SPC is paid on Mondays<sup>1</sup> **except**

- 1.** if RP or SP is in payment to the claimant, it is paid on the same day as RP or SP<sup>2</sup>
- 2.** on such other day as the Secretary of State may determine where payment is by direct payment or in the circumstances of any particular case<sup>3</sup>.

1 SS (C&P) Regs, reg 26B(1); 2 reg 26B(2)(a); 3 reg 26B(2)(b)

### **Interval of payment**

08115 SPC is payable weekly in advance<sup>1</sup> unless the weekly amount of SPC is less than £1.00 when it may be paid at some other interval not exceeding 13 weeks<sup>2</sup>.

1 SS (C&P) Regs, reg 26B(4); 2 reg 26B(5)

### **Day payment starts and date of change in the amount of benefit**

08116 Where the earliest date of entitlement to SPC is not the first day of the benefit week, entitlement

starts and SPC is payable from the first day of the following benefit week<sup>1</sup> but in respect of GC it is payable from the first day of entitlement if<sup>2</sup>

**1.** immediately before attaining the qualifying age the claimant was entitled to IS, UC, JSA(IB) or ESA(IR) and is awarded SPC from the day qualifying age is obtained **or**

**2.** the claimant was entitled to JSA(IB) or UC after attaining the qualifying age and is awarded SPC from the day which falls after the date that entitlement ends.

1 SS (C&P) Regs, reg 16A(1); 2 reg 16A(2)

08117 Any change in the rate of SPC that would take effect from a day other than the first day of the benefit week will take effect from the first day of the following benefit week<sup>1</sup>.

1SS (C&P) Regs, reg 16A(3)

### **Benefit week**

08118 Benefit week means where SPC is paid in advance, the period of seven days beginning on the day on which the claimant's SPC is payable<sup>1</sup>.

1 SS (C&P) Regs, reg 16A(4); reg 26B

### **SPC - "new" cases**

#### **Pay day**

08119 SPC is paid on

**1.** the day specified based on the last two digits of their NINO as follows<sup>1</sup>-

<b>NINO</b>	<b>Pay day</b>
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

**2.** such other day as the Secretary of State may determine where payment is by direct payment or in the circumstances of any particular case<sup>2</sup>.

1 SS (C&P) Regs, reg 26BA(2); 2 reg 26BA(3)

### **Interval of payment**

08120 SPC will normally be payable four weekly in arrears. In certain circumstances the Secretary of State may arrange to pay it weekly or fortnightly<sup>1</sup>. If the weekly amount of SPC is less than £1.00 it may be payable at any interval not exceeding 13 weeks<sup>2</sup>.

1 SS (C&P) Regs, reg 26BA(1); 2 reg 26BA(4)

### **Day payment starts and date of change in the amount of benefit**

08121 Where the earliest date of entitlement to SPC is not the first day of the benefit week, entitlement starts and SPC is payable from the first day of the following benefit week<sup>1</sup> but in respect of GC it is payable from the first day of entitlement if<sup>2</sup>

- 1.** immediately before attaining the qualifying age the claimant was entitled to IS, UC, JSA(IB) or ESA(IR) and is awarded SPC from the day qualifying age is obtained **or**
- 2.** the claimant was entitled to JSA(IB) or UC after attaining the qualifying age and is awarded SPC from the day which falls after the date that entitlement ends.

1 SS (C&P) Regs, reg 16A(1); 2 reg 16A(2)

08122 Any change in the rate of SPC that would take effect from a day other than the first day of the benefit week will take effect from the first day of the following benefit week<sup>1</sup>.

1 SS (C&P) Regs, reg 16A(3)

### **Benefit week**

08123 Benefit week means<sup>1</sup>

- 1.** where SPC is paid in advance, the period of seven days beginning on the day on which the claimant's SPC is payable
- 2.** where SPC is paid in arrears, the period of seven days ending on the day on which SPC is payable to the claimant.

1 SS (C&P) Regs, reg 16A(4)

08124 - 08129

## ESA

### Pay day

08130 ESA is paid on

**1.** the day specified based on the last two digits of their NINO as follows<sup>1</sup>-

NINO	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

**2.** such other day as the Secretary of State may determine where payment is by direct payment or in the circumstances of any particular case<sup>2</sup>.

1 SS (C&P) Regs, reg 26C(1); reg 26C(2); 2 reg 26C(4)

08131 Where the day on which ESA is payable is changed, it is paid at a daily rate of 1/7<sup>th</sup> of the weekly rate for any days for which payment would have been made but for that change<sup>1</sup>.

1 SS (C&P) Regs, reg 26C(4)

### Office closure

08132 Where ESA is paid in arrears and payment would be affected by the closure of an office of the DWP or PO because of a public holiday, the Secretary of State may decide to make the payment on any day either

**1.** wholly in advance **or**

**2.** partly in advance and partly in arrears

in which case it will for any other purposes be treated as if it was paid in arrears<sup>1</sup>.



08133 Public holiday means<sup>1</sup>

1. Christmas Day
2. Good Friday
3. any prescribed Bank Holiday<sup>2</sup>
4. in Scotland, local holidays.

1 SS (C&P) Regs, reg 26; Sch 7, para 2A(1)(a); 2 Banking and Financial Dealings Act 1971

### **Interval of payment**

08134 Normally ESA is payable fortnightly in arrears<sup>1</sup> but the Secretary of State may arrange in a particular case for it to be paid at a different interval<sup>2</sup>. If the weekly amount of benefit is less than £1.00 it can be paid in arrears at intervals not exceeding 13 weeks<sup>3</sup> but if weekly entitlement amounts to less than 10 pence that allowance is not payable<sup>4</sup>.

1 SS (C&P) Regs, reg 26C(1); 2 reg 26C(3); 3 reg 26C(5); 4 reg 26C(6)

### **Benefit week**

08135 Benefit week means<sup>1</sup> a period of seven days ending on such day as the Secretary of State may direct.

1 ESA Regs, reg 2(1)

08136 - 08139

## **IS**

### **Pay day**

08140 The Secretary of State may decide on what day to pay IS

1. in respect of any benefit week<sup>1</sup>
2. for any part-week<sup>2</sup>.

1 SS (C&P) Regs, reg 26; Sch 7, para 3(2); 2 Sch 7, para 3A

## Office closure

08141 Where IS is paid in arrears and payment would be affected by the closure of an office of the DWP or PO because of a public holiday, the Secretary of State may decide to make the payment on any day either

1. wholly in advance **or**
2. partly in advance and partly in arrears

in which case it will for any other purposes be treated as if it was paid in arrears<sup>1</sup>.

1 SS (C&P) Regs, reg 26; Sch 7, para 2A(2); Sch 7, para 2A(1)(b); Sch 7, para 2A(3)

08142 Public holiday means<sup>1</sup>

1. Christmas Day
2. Good Friday
3. any prescribed Bank Holiday<sup>2</sup>
4. in Scotland, local holidays.

1 SS (C&P) Regs, reg 26; Sch 7, para 2A(1)(a); 2 Banking and Financial Dealings Act 1971

## Interval of payment

08143 IS is normally paid in arrears<sup>1</sup> but will be paid in advance where<sup>2</sup> the claimant

1. had been involved, or whose partner had been involved, in a trade dispute but who has returned to work with the same employer but such payment will be for only 15 days (beginning with the day the claimant or partner returned to work)
2. is in receipt of WB or BB payable in advance and is not providing or required to provide medical evidence of IfW.

1 SS (C&P) Regs, reg 26; Sch 7, para 1; 2 Sch 7, para 2; Sch 7, para 2ZA

## Alignment of IS with relevant SS benefit

08144 Where DMG 08143 does not apply and the claimant is

1. entitled to IS (but see DMG 08145 if entitlement is on the basis of IfW) **and**
2. entitled, or would be entitled to IB, SDA, RP, BB or WB but for

**2.1. failure to satisfy the contribution conditions or**

**2.1. exhaustion of benefit**

IS is paid on the same day at the same interval as the other benefit<sup>1</sup>.

1 SS (C&P) Regs, Sch 7, para 3 & 4

08145 IS is paid fortnightly in arrears<sup>1</sup> where

**1. DMG 08143 does not apply and**

**2. the claimant is paid IS on the basis of IfW, entitlement to which started on or after 13.4.95 and**

**3. no IB, SDA, RP, BB or WB is paid to the claimant.**

1 SS (C&P) Regs, Sch 7, para 3(1A); Sch 7, para 4

08146 Where the weekly amount of IS payable is less than £1.00, it may be payable at any interval not exceeding 13 weeks<sup>1</sup>.

1 SS (C&P) Regs, reg 26, Sch 7, para 5

08147 If a claimant's weekly entitlement amounts to less than

**1. £5, in the case of a person who had been involved in a trade dispute but has returned to work or**

**2. 10 pence in any other case**

no benefit is payable unless the claimant is entitled to another benefit which may be paid together<sup>1</sup>.

1 SS (C&P) Regs, reg 26(4)

### **Date payment starts**

08148 Subject to DMG 08150, where IS is payable in arrears, entitlement begins on the date of claim<sup>1</sup>.

1 SS (C&P) Regs, Sch 7, para 6(1)

08149 Subject to DMG 08150, where IS is payable in advance, entitlement normally begins on<sup>1</sup>

**1. the date of claim, if that is the first day of the benefit week or**

**2. the first day of the following benefit week.**

1 SS (C&P) Regs, Sch 7, para 6(2)

08150 When IS is awarded for a definite period, which is not a benefit week or a multiple of such a benefit week, entitlement begins on the date of claim regardless of whether it is paid in arrears or advance<sup>1</sup>.

1 SS (C&P) Regs, Sch 7, para 6(2A)

08151 In the case of an advance claim<sup>1</sup>, an award is made from a date after the date of claim, entitlement starts on the first day that the conditions of entitlement are satisfied<sup>2</sup> unless the IS is paid in advance when entitlement begins on

**1.** the first day that the conditions of entitlement are satisfied, if that is the first day of the benefit week  
**or**

**2.** the first day of the following benefit week.

1 SS (C&P) Regs, reg 13; 2 Sch 7, para 6(3)

## **Benefit week**

08152 A benefit week is a period of seven days. It is<sup>1</sup>

**1.** the week for which any relevant SS benefit

**1.1** is payable, if there is entitlement to such a benefit **or**

**1.2** would be payable but for

**1.2.a** the failure to satisfy contribution conditions **or**

**1.2.b** exhaustion of entitlement **or**

**2.** in any other case, a period of seven days beginning or ending on a day decided by the Secretary of State.

1 SS (C&P) Regs, Sch 7, para 4

08153 Relevant benefit means<sup>1</sup> IB, SDA, RP, WB or BB.

1 SS (C&P) Regs, Sch 7, para 4

08154 - 08159

# JSA

## Benefit Week

08160 A benefit week means<sup>1</sup> a period of seven days ending with the day determined by the last two digits of the claimant's NINO as is shown in the following table unless the Secretary of State arranges otherwise.

NINO	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday

1 JSA Regs, reg 1(3)

## Interval of payment

08161 JSA is normally paid fortnightly in arrears unless in any particular case the Secretary of State arranges otherwise<sup>1</sup>.

1 SS (C&P) Regs, reg 26A(1)

08162 JSA can be paid at any interval not exceeding 13 weeks if the weekly amount payable is less than £1.00<sup>1</sup> but if the weekly entitlement amounts to less than 10 pence the allowance is not payable<sup>2</sup>.

1 SS (C&P) Regs, reg 26A(3); 2 JSA Regs, reg 87A

## Office closure

08163 Where JSA is paid in arrears and payment would be affected by the closure of an office of the DWP or PO because of a public holiday, the Secretary of State may decide to make the payment on any day either

**1.** wholly in advance **or**

**2.** partly in advance and partly in arrears

in which case it will for any other purposes be treated as if it was paid in arrears<sup>1</sup>.

1 SS (C&P) Regs, reg 26A(2); Sch 7, para 2A(2); Sch 7, para 2A(1)(b); Sch 7, para 2A(3)

08164 Public holiday means<sup>1</sup>

**1.** Christmas Day

**2.** Good Friday

**3.** any prescribed Bank Holiday<sup>2</sup>

**4.** in Scotland, local holidays.

1 SS (C&P) Regs, reg 26; Sch 7, para 2A(1)(a); 2 Banking and Financial Dealings Act 1971

### **Date payment starts**

08165 The claimant is not usually entitled for the first three days of a JSP. For guidance see DMG 33027.

08166 - 08199

# Failure to obtain payment 08200-08249

[General](#) 08200

[Right to payment](#) 08201

[Start date of the 12 month period](#) 08202-08205

[Extension of the 12 month period](#) 08206-08249

## General

08200 Except in the cases of GRB and single payments of an IIs gratuity<sup>1</sup>, normally a person's right, or the right of any person authorised or appointed to act on their behalf<sup>2</sup>, to a payment of benefit ends if they do not obtain the payment within 12 months of the date that right to the payment arose<sup>3</sup>. See DMG 08206 for guidance on when this period can be extended.

1 SS (C&P) Regs, reg 38(5); 2 reg 38(4); 3 reg 38(1)

## Right to payment

08201 A right to payment for the purposes of DMG 08200 can only arise where

1. a sum has been calculated<sup>1</sup> **and**
2. some steps along the administrative process of making payment have been taken, leaving the person with only some relatively mechanical steps to take to obtain payment.

1 R(U) 1/02

## Start date of the 12 month period

08202 The period of 12 months within which the person must obtain payment of the benefit starts from the date the right to that payment arose<sup>1</sup>. That right is treated as arising on

1. when the payment was made by giving or sending a cheque or other instrument of payment to the person or sending it to a place approved by the Secretary of State for collection<sup>2</sup>

**1.1** the date of the cheque **or**

**1.2** the date of any replacement, or if there is more than one, the date of the last one

**2.** if a cheque or instrument of payment has not been issued but written or oral notice has been given or sent telling the person that the sum contained in the notice is available for collection, the date of the notice or if there is more than one, the date of the first one<sup>3</sup>

**3.** in the case of direct payment, the due date for payment of the sum<sup>4</sup>

**4.** if none of the above apply, the date determined by the Secretary of State<sup>5</sup>.

1 SS (C&P) Regs, reg 38(1); 2 reg 38(1)(a); 3 reg 38(1)(b); 4 reg 38(1)(bb); 5 reg 38(1)(c)

08203 In respect of DMG 08202 **4.** it is not open to the Secretary of State simply to look at the due dates of a period of unpaid arrears and decide whether the person has applied to have the money paid to them. It is confined to situations similar to that where a cheque is sent but not cashed or a person is notified that a sum is waiting for collection<sup>1</sup>.

1 R(U) 1/02

08204 If the sum contained in either

**1.** a cheque **or**

**2.** a notice

is incorrect, it is still effective for the purpose of identifying the date on which right to payment of that sum arose. If the sum incorrectly notified is less than the full amount due, the Secretary of State will consider payment of the balance<sup>1</sup>.

1 SS (C&P) Regs, reg 38(2); reg 38(1)

08205 The date of a cheque or other instrument of payment is<sup>1</sup> the later of either

**1.** the date of its issue, **or**

**2.** the earliest date on which payment can be obtained.

1 SS (C&P) Regs, reg 38(3)

## **Extension of the 12 month period**

08206 If the Secretary of State first receives a written request for payment outside the 12 month period, the DM can extend the 12 month period if<sup>1</sup>

**1.** the person had continuous good cause - see DMG Ch 02 - for not requesting payment for the period



starting with a day within the 12 month period and continuing to the day that they gave the written request for payment **and**

**2.** either

**2.1** the payment had not been sent or given to the person **or**

**2.2** no direct payment had been made to them **or**

**2.3** the payment had been issued but had been returned to the Secretary of State and not re-issued as a replacement.

1 SS (C&P) Regs, reg 38(2A)

08207 If the conditions in DMG 08206 are satisfied the right to payment is treated as arising on the day that the DM determines the question. This means that a new 12 month period starts on that day<sup>1</sup>.

1 SS (C&P) Regs, reg 38(2A)

08208 - 08249

# People unable to act 08250-08299

[Appointments by the Secretary of State](#) 08250-08257

[Person acting at time of claimant's death](#) 08258-08299

## Appointments by the Secretary of State

08250 A person, or body of people, may apply to the Secretary of State to act on behalf of a claimant, or potential claimant, who is unable to act on their own behalf<sup>1</sup>.

1 SS (C&P) Regs, reg 33(1)

08251 The application must be in writing<sup>1</sup> and can be from a

1. person who is at least 18 years old<sup>2</sup> **or**
2. body of people, for example a firm of solicitors, a Housing Authority or a LA but not an officer of such a group named by their title only (for example, Finance Director)<sup>3</sup>.

1 SS (C&P) Regs, reg 33(1); 2 reg 33(1); 3 R(SB) 2/87

08252 If no other legal appointment exists<sup>1</sup> in respect of the claimant (see DMG 08253) and the applicant satisfies the conditions in DMG 08251, the Secretary of State may appoint them to act for the claimant, or potential claimant, in all respects relating to any rights that they may be entitled to and to receive and deal on that claimant's behalf with any sums payable to the claimant. Procedural guidance relating to this issue can be found in the to [Agents, appointees, attorneys, deputies and third parties: staff guide](#).

1 SS (C&P) Regs, reg 33(1)

08253 People legally appointed to act<sup>1</sup> are

1. a person appointed by the Secretary of State<sup>2</sup> **or**
2. in England and Wales, a deputy<sup>3</sup> with power to claim or receive benefit appointed by the Court of Protection under specific legislation<sup>4</sup> **or**
3. in England and Wales, a receiver<sup>5</sup> with power to claim or receive benefit appointed under specific

legislation<sup>6</sup> but treated as a deputy under specific legislation<sup>7</sup> **or**

**4.** in Scotland, a judicial factor or any guardian<sup>8</sup> who is administering the person's estate and with power to claim or receive benefit appointed under specific legislation<sup>9</sup>.

1 SS (C&P) Regs, reg 33(1); 2 reg 33(1); 3 reg 33(1)(c); 4 Mental Health Capacity Act 2005, Part I;  
5 SS (C&P) Regs, reg 33(1)(c); 6 Mental Health Act 1983, Part 7;  
7 Mental Health Capacity Act 2005; 8 SS (C&P) Regs, reg 33(1)(d);  
9 Adults with Incapacity (Scotland) Act 2000

08254 An appointee takes the place of the claimant and assumes all the claimant's responsibilities including any duty to disclose changes of circumstances<sup>1</sup>. The Secretary of State may arrange for benefit to be paid to the appointee<sup>2</sup>.

1 R(A) 2/81; 2 SS (C&P) Regs, reg 33(3)

08255 Appointments by the Secretary of State made on or after 11.4.88 allow the appointee to act, subject to the discretion of the Secretary of State, for all SS benefits<sup>1</sup>. Any appointments made before that date remain in force but only for benefits in the same Act as the benefit for which the appointment was originally made<sup>2</sup>.

1 SS (C&P) Regs, reg 2(2)(b); reg 33; 2 Inte Act 78, s 16(1); s 23; R(IS) 5/91

08256 With effect from 18.3.05, where someone has been appointed to act for a person unable to act for themselves in respect of a claim or award for HB or CTB

**1.** under specific legislation<sup>1</sup> by a LA administering HB **or**

**2.** under specific legislation<sup>2</sup> by a LA administering CTB

the Secretary of State may, with the permission of the person appointed by the LA, treat them as an appointee for SS Benefit purposes<sup>3</sup>.

1 Housing Benefit Regs, reg 82(3); Housing Benefit (Persons who have attained the qualifying age for State Pension Credit) Regs, reg 63(3); 2 Council Tax Benefit Regs, reg 68(3);  
Council Tax Benefit (Persons who have attained the qualifying age for State Pension Credit) Regs, reg 52(3); 3 SS (C&P) Regs, reg 33(1A)

08257 Where the Secretary of State has made an appointment, or treated an appointment as made<sup>1</sup>, as in DMG 08252 and DMG 08256,

**1.** the appointment can be revoked by either party at any time

**2.** the appointee may resign their appointment after giving the Secretary of State one month's notice in

writing

**3.** the Secretary of State must terminate the appointment when told that a receiver or other person covered by DMG 08253 **2.** - **4.** has been appointed.

1 SS (C&P) Regs, reg 33(2)

### **Person acting at time of claimant's death**

08258 See DMG Volume 1 - Decision Making and Appeals when

**1.** there is a claim proceeding when the claimant dies **or**

**2.** there was no claim made at the date of death.

08259 - 08299

# Benefit paid to someone other than the claimant 08300-08349

[Payment to another person](#) 08300-08303

[Payment to a third party](#) 08304

[SF payments](#) 08305

[Alternative payee - winter fuel payments](#) 08306-08349

## Payment to another person

08300 The Secretary of State may direct that all or part of a claimant's benefit entitlement be paid to another person on behalf of the beneficiary where it is necessary to protect the interests of the beneficiary or the dependant for whom the benefit is paid<sup>1</sup>.

1 SS (C&P) Regs, reg 34(1)

08301 In joint-claim JSA the Secretary of State may direct that all or part of the benefit may be paid to a person who is not the nominated member of the joint-claim couple where it is necessary to protect the interests of the other member of the couple or both members of that couple<sup>1</sup>.

1 SS (C&P) Regs, reg 34(2)

08302 The person who the Secretary of State directs that payment should be made to must be an individual, benefit can not be paid to corporate bodies, for example a firm of solicitors<sup>1</sup>.

1 SS (C&P) Regs, reg 34

08303

## Payment to a third party

08304 Guidance about deductions that may be made from benefit and paid to third parties<sup>1</sup> can be found in benefit specific DMG Chapters

<b>1.</b>	IS/JSA	Chapter 33
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<b>2.</b>	ESA	Chapter 46
<b>3.</b>	SPC	Chapter 79

1 SS (C&P) Regs, reg 35(1); Sch 9; Sch 9B

## SF payments

08305 Where a SF payment for

- 1.** funeral expenses
- 2.** maternity expenses
- 3.** heating expenses incurred in cold weather

is made wholly or partly in respect of a debt which is or will be due to a third party, payment may be made (and in the case of funeral expenses, shall be made) payable to a third party<sup>1</sup>. Where a cheque is made payable to the third party, it may be sent to the SF beneficiary.

1 SS (C&P) Regs, reg 35(2)

## Alternative payee - winter fuel payments

08306 Where a person is entitled to a SF WFP<sup>1</sup> **and**

- 1.** that person is a member of

**1.1** a couple **or**

**1.2** a polygamous marriage **and**

- 2.** that person's partner or another member of the polygamous marriage is receiving IS, JSA(IB) or ESA(IR) **and**

- 3.** both members of the couple or another member of the polygamous marriage are living together within the meaning given in DMG 39913

the WFP may be paid to the other person on behalf of the person entitled to it even if they have not reached the qualifying age for SPC.

1 SS (C&P) Regs, reg 36(2)

## Meaning of couple

08307 Couple means<sup>1</sup>

**1.** two people who are married to, or civil partners of, each other and are members of the same household  
**or**

**2.** two people who are not married to, or civil partners of, each other but are LTAMC.

1 SS (C&P) Regs, reg 2(1)

### **Meaning of partner**

08308 A partner is one member of a couple<sup>1</sup>.

1 SS (C&P) Regs, reg 2(1)

08309 - 08349

# Payments after death 08350-08389

[General](#) 08350-08351

[Automatic payment of arrears to spouse or civil partner](#) 08352-08353

[Other cases](#) 08354-08358

[Extinguishment of right to benefit](#) 08359-08389

## General

08350 The Secretary of State may pay or distribute any sum of benefit which is payable<sup>1</sup> where

1. at their date of death, the claimant had not obtained payment of a sum of benefit to which they were entitled **or**
2. a person dies after making a claim and the Secretary of State has appointed someone to proceed with that claim and any related issue of

**2.1** revision **or**

**2.2** supersession **or**

**2.3** appeal.

1 SS (C&P) Regs, reg 30

08351 The following paragraphs give guidance on how such payment or distribution of sums of benefit is to be carried out.

## Automatic payment of arrears to spouse or civil partner

08352 Subject to DMG 08353, if, at the time of their death, the deceased was in receipt of

**1.** RP **or**

**2.** SP **or**

**3.** SPC **or**



**4.** any other benefit combined for payment purposes with either of these benefits

then, provided that the right to the sum had not been extinguished at the date of death, any arrears of benefit will be paid automatically to a spouse or civil partner on the death of the claimant. No written application is required<sup>1</sup>.

1 SS (C&P) Regs, reg 30(4B)

08353 DMG 08352 will only apply where<sup>1</sup>

**1.** no executor or administrator has been appointed **and**

**2.** the spouse or civil partner was

**2.1** living with the claimant at the time of death **or**

**2.2** would have been living with the claimant at the time of death if it were not for the fact that one or both of them were in residential care or a nursing home or hospital.

1 SS (C&P) Regs, reg 30(4B)

## **Other cases**

08354 In all other cases, the Secretary of State must have a written application requesting payment of such sums of benefit. The application must be made within 12 months of the date of the deceased's death, or within such longer period as the Secretary of State allows in a particular case<sup>1</sup>.

1 SS (C&P) Regs, reg 30(4)

08355 On receipt of the written application, except in the case of joint-claim JSA, the Secretary of State may, provided that the right to the sum had not been extinguished at the date of death, and subject to the guidance in DMG 08358, pay or distribute the sum to or amongst the persons over the age of 16 claiming as

**1.** personal representatives

**2.** legatees

**3.** next of kin **or**

**4.** creditors

of the deceased<sup>1</sup>.

**Note:** The above list is not in priority order.

08356 “Next of kin” means, in England and Wales, the persons who would take beneficially on an intestacy, and in Scotland, the persons entitled to the moveable estate of the deceased on intestacy<sup>1</sup>.

1 SS (C&P) Regs, reg 30(9)

08357 If part or all of the arrears are for the benefit of a person who is under the age of 16, the Secretary of State can pay the arrears provided that the Secretary of State is satisfied that the arrears will be used for the benefit of the person who is under the age of 16<sup>1</sup>

1 SS (C&P) Regs, reg 30(2)(b)

### **Joint-claim JSA**

08358 If the deceased was a member of a joint-claim couple, any sums of joint-claim JSA payable should be paid to the other member of that couple<sup>1</sup>.

1 SS (C&P) Regs, reg 30(4)

### **Extinguishment of right to benefit**

08359 The rules on extinguishment of right to benefit<sup>1</sup> apply to these payments. In a case to which DMG 08352 **1.** applies the period of 12 months is calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any of the persons in DMG 08355<sup>2</sup>.

1 SS (C&P) Regs, reg 38; 2 reg 30(3)

08360 - 08389

## **Suspension of benefit 08390-08399**

[Doubt on entitlement or payment of benefit 08390](#)

[Suspension under European Community law 08391-08399](#)

### **Doubt on entitlement or payment of benefit**

08390 For guidance about suspension of benefit other than on appeal see DMG Volume 1, For guidance in appeal cases see DMG Volume 1.

### **Suspension under European Community law**

08391 For guidance on suspension under EC law see DMG Volume 2.

08392- 08399

## **Restrictions on payment of benefit - benefit offences 08400-08500**

08400 DMs should note that all guidance on this topic has been moved and can now be found in [ADM Chapter B2](#).

08401 - 08500

# Deductions from specified benefits for child support maintenance

## 08501-08600

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## Introduction

08501 Guidance within this section deals with deductions from specified benefits for CSM.

08502 - 08504

## Definitions

### Meaning of fee

08505 Fee<sup>1</sup> means any collection fee under specified legislation<sup>2</sup> which is payable by the NRP.

*1 SS (C&P) Regs, Sch 9B, para 1; 2 Child Support Fees Regulations 2014, Part 3*

### Meaning of beneficiary

08506 Beneficiary<sup>1</sup> means a person who has been awarded a specified benefit and includes each member of a joint-claim couple awarded joint-claim JSA.

## Meaning of Maintenance

08507 Maintenance<sup>1</sup>, with the exception of DMG 08541 - 08543, means CSM which a NRP is liable to pay at a flat rate (or would be so liable but for a variation having been agreed to), and that rate applies (or would have applied) because the NRP falls within specified legislation<sup>2</sup>.

*1 SS (C&P) Regs, Sch 9B, para 1; 2 CS Act 91, Sch 1, para 4(1)(b), 4(1)(c) or 4(2);  
Child Support, Pensions and Social Security Act 2000, s 29(3)(A)*

## Meaning of non-resident parent

08508 A parent of a child is a NRP<sup>1</sup> if, in relation to that child,

1. that parent is not living in the same household with the child **and**
2. the child has their home with a person who is, in relation to him, a PWC.

*1 CS Act 91, s 3(2)*

## Meaning of person with care

08509 A person is a PWC<sup>1</sup> in relation to any child, if that person is someone

1. with whom the child has his home **and**
2. who usually provides day to day care for the child (whether exclusively or in conjunction with another person) **and**
3. who does not fall within a prescribed category of person.

*1 SS (C&P) Regs, Sch 9B, para 1; CS Act 91, s3(3)*

## Meaning of specified benefit

08510 Deductions for CSM liability can be made from the following specified benefits<sup>1</sup>

1. CA
2. SP
3. RP
4. SPC

5. IS

6. ESA(Cont) and ESA(IR)

7. JSA(Cont) and JSA(IB)

8. IIDB

9. WPA

10. WP

11. WWP

12. MA

13. SDA

**Note:** This list only includes benefits from which deductions for CSM are currently made.

*1 SS (C&P) Regs, Sch 9B, para 1*

08511 - 08520

### **Deductions for current child support maintenance liability**

08521 Where it has been determined that an NRP is liable to pay CSM at a flat rate<sup>1</sup>, a deduction of £8.40 may be made from one of the specified benefits in DMG 08510<sup>2</sup>. £7.00 of that amount is paid to the PWC or PWCs and £1.40 is retained by the Secretary of State as a fee<sup>3</sup>.

*1 Child Support Act 1991, Sch 1, para 4; 2 SS (C&P) Regs, Sch 9B, para 2(1); 3 para 2(1)*

08522 Deductions for CSM are not part of the third party deduction scheme and third-party payment order of priority for deductions does not apply to them. However, in practice, such deductions are the first deduction to be made.

08523 – 08530

### **Minimum amount to be left after a deduction**

08531 No deduction may be made from an award of a benefit listed in DMG 08510 if it would reduce the amount payable to the claimant to less than 10p.

*1 SS (C&P) Regs, Sch 9B, para 2(3)*

## Prevention of duplicate deductions

08532 A deduction may only be made from one of the benefits in DMG 08510 in any one week<sup>1</sup>.

*1 SS (C&P) Regs, Sch 9B, para 2(2)*

08533 No deduction will be made from a specified benefit in DMG 08510 where

**1.** UC **or**

**2.** new style ESA **or**

**3.** new style JSA

is in payment, unless the amount of benefit at **1.**, **2.** or **3.** is insufficient to meet the deduction<sup>1</sup>.

*1 SS (C&P) Regs, Sch 9B, para 2(2A)*

### Example

Craig is in receipt of CA at the rate of £59.75 per week and UC of £197.33 per month. The DM receives a request for a deduction from benefit in respect of CSM. The DM decides that the deduction should be taken from Craig's UC, as there is sufficient UC in payment to meet the deduction.

08534 – 08540

## Deductions for arrears of child support maintenance

08541 The Secretary of State may deduct £8.40 per week from any one of the specified benefits in DMG 08510 in respect of arrears of CSM<sup>1</sup>. £7.00 of that amount is paid to the PWC or PWCs and £1.40 is retained as a fee.

*1 SS (C&P) Regs, Sch 9B, para 3(1)*

08542 No deduction may be made for arrears of CSM if the claimant is currently liable to pay CSM<sup>1</sup>. However, deductions for arrears can commence once liability to pay CSM has ended.

*1 SS (C&P) Regs, Sch 9B, para 3(1A)*

08543 No amount may be deducted from an award of a benefit listed in DMG 08510 if it would reduce the amount payable to the claimant to less than 10p<sup>1</sup>.

*SS (C&P) Regs, Sch 9B, para 2(3)*



## Apportionment where more than one person with care

08544 Where maintenance is payable to more than one PWC<sup>1</sup>, the amount deducted in respect of CSM will be apportioned between the PWCs in accordance with specified legislation<sup>2</sup>.

*1 SS (C&P) Regs, Sch 9B, para 4; 2 CS Act 91, Sch 1, paras 6, 7 & 8*

## Claimant and partner both liable to pay child support maintenance

08545 Where a claimant is a member of a couple **and**

- 1.** it has been determined that both partners are liable to pay CSM at a flat rate<sup>1</sup> **and**
- 2.** either partner has an award of IS, SPC, JSA(IB) or ESA(IR)

an amount not exceeding £8.40<sup>2</sup> may be deducted from such an award in respect of the total liability of both partners to pay maintenance in the proportions described in specified legislation<sup>3</sup> and paid to the PWCs, in discharge of both partners' respective liabilities to pay maintenance (after the deduction of a fee).

*1 SS (C&P) Regs, Sch 9B, para 5(1); 2 para 5(2);  
3 CS (MCSC) Regs, reg 4(3); CSMC Regs, reg 44(3)*

08546 - 08550

## Polygamous marriages

08551 In DMG 08552, polygamous marriage means one in which a party is married to more than one person and the ceremony of marriage took place under the law of a country which permits polygamy<sup>1</sup>.

*1 SS (C&P) Regs, Sch 9B, para 6(3)*

08552 Where

- 1.** two or more members of a polygamous marriage are each liable to pay CSM at a flat rate **and**
- 2.** any member of the polygamous marriage has been awarded IS, SPC, JSA(IB) or ESA(IR)<sup>1</sup>

an amount not exceeding £8.40<sup>2</sup> may be deducted from such an award in respect of the total of all the members' liabilities to pay maintenance in the proportions described in specified legislation<sup>3</sup> and paid to the persons with care in discharge of the respective liabilities to pay maintenance (after the deduction of a fee).

*1 SS (C&P) Regs, Sch 9B, para 6(1); 2 para 6(2); 3 CS (MCSC) Regs, reg 4(3); CSMC Regs, reg 44(3)*

## **Notifications**

08553 When deductions for CSM or CSM arrears commence, the beneficiary must be notified of the amount and frequency of the deductions and the benefits from which deductions are to be made.

Further notice must be given when there is a change to any of the particulars specified in the notice<sup>1</sup>.

*1 SS (C&P) Regs, Sch 9B, para 7*

08554 - 08600

# Eligible Loans Deductions Scheme 08601-08999

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## Introduction

08601 The ELDS is a scheme whereby repayment of loans to claimants by certain lenders can be made by deductions from benefits. The purpose of the ELDS is to make affordable loans more accessible to those on low incomes who may not be able to use mainstream financial services. It aims to achieve this by reducing the debt recovery risk of lending to low income customers.

08602 The amendments<sup>1</sup> to regulations<sup>2</sup> allowing deductions from benefit under the ELDS came into effect on 27.12.06.

1 Social Security (Claims and Payments) (Amendment) (No. 2) Regulations 2006; 2 SS (C&P) Regs

08603 The ELDS allows deductions from all the main income-replacement benefits but the guidance in this Chapter deals only with deductions from CA, IB, RP and SP where these benefits are paid separately. The rules are somewhat different where there is a combined payment of IB with IS or RP with SPC. Guidance dealing with how ELDS applies to these combined payments can be found in DMG Chapter 33 for IB/IS and DMG Chapter 79 for RP/SPC.

08604 - 08610

## Definitions

### Borrower

08611 “Borrower” means<sup>1</sup> a person who

**1.** has (either alone or jointly) entered into a loan agreement

**1.1** with an eligible lender **and**

**1.2** in respect of an eligible loan **and**

**2.** is entitled to an eligible benefit.

1 SS (C&P) Regs, Sch 9, para 7C(1)

### **Eligible benefits**

08612 “Eligible benefits” are<sup>1</sup> CA, IB, RP, SP, IS, JSA, ESA and SPC.

1 SS (C&P) Regs, Sch 9, para 7C(2)

### **Eligible lender**

08613 “Eligible lender” means<sup>1</sup>

**1.** a credit union within the meaning of specific legislation<sup>2</sup> **or**

**2.** one of the following bodies provided it is licensed under specific legislation<sup>3</sup>

**2.1** an industrial or Provident society registered under specific legislation<sup>4</sup>

**2.2** a charitable institution within the meaning in specific legislation<sup>5</sup>

**2.3** a body entered on the Scottish Charity Register under specific legislation<sup>6</sup>

**2.4** with effect from 14.4.05, a community interest company for the purposes of specific legislation<sup>7</sup>

which may be determined by the Secretary of State as an appropriate body to which repayments of loans may be made on behalf of borrowers.

**Note 1:** A credit union is a mutual association formed by people with a common bond such as employees, a union, or a religious group in which pooled savings are made. It provides members with accessible savings, low cost loans and other financial services.

**Note 2:** Community Interest Companies are limited companies, with special additional features; created for the use of people who want to conduct a business or other activity for community benefit, and not purely for private advantage. This is achieved by a “community interest test” and “asset lock” which ensure that the CIC is established for community purposes and the assets and profits are dedicated to these purposes. Registration of a company as a CIC has to be approved by the Regulator who also has a

continuing monitoring and enforcement role.

- 1 SS (C&P) Regs, Sch 9, para 7C(1); 2 Credit Union Act 1979, s 1; 3 Consumer Credit Act 1974;
- 4 Industrial and Provident Societies Act 1965, s 1; 5 Charities Act 1992, s 58(1);
- 6 Charities and Trustee Investment (Scotland) Act 2005
- 7 Companies (Audit, Investigations and Community Enterprise) Act 2004, s 26

## Eligible loan

08614 An “eligible loan” is<sup>1</sup> a loan made by a lender who is, at the time the loan was made, an eligible lender. The regulations specify<sup>1</sup> that the following **are not** eligible loans

1. loans secured by a charge or pledge **and**
2. loans which are for the purposes of business or self-employment **and**
3. loans by means of a credit card.

1 SS (C&P) Regs, Sch 9, para 7C(1)

## Loan agreement

08615 “Loan agreement” means<sup>1</sup> an agreement between the eligible lender and the borrower in respect of an eligible loan.

1 SS (C&P) Regs, Sch 9, para 7C(1)

08616 - 08630

## Deductions from benefit

08631 A DM may make deductions from one eligible benefit where<sup>1</sup> all of the following conditions are satisfied

1. the borrower has failed to make payments as agreed with the eligible lender for a period of 13 weeks before the date of the application and has not resumed making payments **and**
2. the borrower has given written permission to the eligible lender to provide to the Secretary of State personal data within the meaning of specific legislation<sup>2</sup> **and**
3. the eligible lender has agreed that no interest or other charge will be added to the amount owed at the date of the application **and**
4. no sum is being deducted from eligible benefit under the ELDS<sup>3</sup> **and**

**5.** no sum is being deducted from the borrowers eligible benefit under the Act to recover an overpayment<sup>4</sup> at the date of application **and**

**6.** no sum is being deducted from the borrowers eligible benefit under the Act to recover a social fund award<sup>5</sup> at the date of the application.

1 SS (C&P) Regs, Sch 9, para 7C(4); 2 Data Protection Act 1998, s 1;

3 SS (C&P) Regs, Sch 9, para 7C(4); 4 SS A Act 92, s 71(8); 5 s 78

08632 The Secretary of State may only make deductions if<sup>1</sup> the borrower is entitled to an eligible benefit throughout a benefit week.

1 SS (C&P) Regs, Sch 9, para 7C(6)

### **Deductions from non income-related benefits**

08633 Deductions cannot be made from CA if the borrower is entitled to one of the other eligible benefits (IB, RP, SP, IS, JSA, ESA or SPC) unless that benefit is insufficient (in the case of IS, JSA, ESA or SPC after leaving 10p payable to the claimant) to enable the deduction to be made<sup>1</sup>.

1 SS (C&P) Regs, Sch 9, para 7C(7)

08634 Deductions cannot be taken from IB, RP or SP if the borrower is entitled to IS, JSA, ESA or SPC, unless that benefit is insufficient (after leaving 10p payable to the claimant) to enable deductions to be made<sup>1</sup>.

**Note:** DMs should refer to DMG Chapter 33 for guidance on ELDS deductions where IB is paid with IS and DMG Chapter 79 where SPC is paid with RP.

1 SS (C&P) Regs, Sch 9, para 7C(7)

### **Example 1**

Denis is entitled to IB at £78.50 per week and IS of £6 per week. The two benefits are paid separately. The DM receives an application from an eligible lender for deductions under the ELDS. The DM decides that no deductions can be taken from IB because, as the rate of deduction is £3.00, there is sufficient IS to enable the deduction to be made.

### **Example 2**

Judith is entitled to IB of £78.50 per week and IS of £1.20 per week. The two benefits are paid separately. The DM decided that ELDS deductions at the rate of £3.00 should be taken from Judith's IB because there was insufficient IS to make the deduction.

08635 Subject to the rules in DMG 08632 and 08634, where the conditions in DMG 08631 are satisfied

deductions may be made from one eligible benefit of an amount equal to 5% of the IS personal allowance for a single claimant aged not less than 25<sup>1</sup> rounded up to the nearest multiple of 5p<sup>2</sup>. The personal allowance rate to be used is that which applies as at the benefit week in which the deduction is being made.

**Note:** Except in the case of IB paid with IS and RP paid with SPC, deductions can only be taken from one eligible benefit. So, if there is insufficient benefit to allow the full deduction to be made the DM cannot make a part deduction from one eligible benefit and part from another.

1 SS (C&P) Regs, Sch 9B, para 7C(3); 2 Sch 9B, para 1(1)

08636 - 08650

### **Priority between debts**

08651 There is no need to consider the order of priority in the cases of CA, RP, SP or IB (except where IB is paid with IS or RP is paid with SPC) because the only other deductions that can be made from these benefits are

- 1.** deductions in respect of CSM
- 2.** restrictions on the payment of benefit following convictions for benefit fraud
- 3.** deductions to recover overpayments **and**
- 4.** deductions to recover social fund payments.

The first two of these are not subject to the rules setting the priorities as between debts and the last two would preclude ELDS deductions as explained in DMG 08631.

### **Maximum deductions**

08652 Again the rules relating to the maximum total amount of deductions from benefit do not apply to CA, RP, SP and IB except where IB is paid with IS (see DMG Chapter 33) or where RP is paid with SPC (see DMG Chapter 79).

08653 - 08670

## Notification

08671 The DM must notify the borrower and the eligible lender in writing of the decision to make ELDS deductions<sup>1</sup>, as far as practicable, within 14 days of making that decision.

1 SS (C&P) Regs, Sch 9, para 7C(5)

## Circumstances in which deductions will cease

08672 The Secretary of State must cease making ELDS deductions if<sup>1</sup>

1. there is no longer sufficient entitlement to an eligible benefit to enable deductions to be made **or**
2. entitlement to all eligible benefits has ceased **or**
3. a sum is deducted from the borrower's eligible benefit to recover overpaid benefit under the Act<sup>2</sup> **or**
4. the eligible lender notifies the Secretary of State that he no longer wants to accept payment by deductions **or**
5. the liability to make payment on the loan has ceased **or**
6. the lender has ceased to be an eligible lender **or**
7. the borrower no longer resides in GB.

1 SS (C&P) Regs, Sch 9, para 7C(9); 2 SS A Act 92, s 78(1)

08673 - 08690

## Payments of amounts deducted

08691 Payments of sums deducted will be made to the eligible lender<sup>1</sup>.

1 SS (C&P) Regs, Sch 9, para 7C(10)

08692 The Secretary of State will notify the borrower in writing of the total sums deducted when<sup>1</sup>

1. a written request for this information is received from the borrower **or**
2. the deductions terminate.

1 SS (C&P) Regs, Sch 9, para 7C(11)



08693 - 08999