

DMG - Volume 3: Subjects Common to all Benefits

Summary of changes from January 2021

January 2025 update

Chapter 09

The amendment has been added to the DMG at 09236 after a DM stated that there was nothing in the DMG about capacity to disclose, an example has also been added.

4. As well as being aware that a change has occurred, the claimant has to be capable of disclosing it². That is, the claimant must possess the cognitive capacities and motor skills that are necessary in order to carry out the particular type of communication he or she is required to make. If a person cannot make an effective disclosure, he or she is under no legal duty to do so.

1 R(SB) 54/83; R(SB) 15/87; Hinchy v Secretary of State for Work and Pensions; R(IS) 7/05; 2 PS v Secretary of State for Work and Pensions (SPC) [2016] UKUT 0021 (AAC) (paragraph 30).

Example

Lauren has not got an appointee and is in receipt of PIP. She was admitted to hospital after a heart attack and her hospital stay lasted 4 months. As a result, she was paid more PIP than she was entitled to. Medical evidence shows that she has advanced senile dementia and Lauren's mental state was such that she could not have the capacity to disclose the material fact that she had been admitted to hospital. The DM deemed that there was no recoverable overpayment.

September 2024 update

Chapter 08

Amended paragraph 08306, added the following note –

Alternative payee for winter fuel payments is no longer applicable, SS (C&P) Regs, reg 36(2) revoked with effect from 16.09.2024²

Also added second legal reference [SFWFP Regs, reg 6\(3\)](#)

This was done in accordance with the above legal reference which revoked the alternative payee provision.

December 2023 update

Chapter 09

Most of the amendments are adding links to various citations: legislation and caselaw, with a few changes to wording:

Para. 09001 Note 1 – reference is to ADM Chapter M1 but this is now a ‘spare’ chapter: Chapter M1 changed to M5021 and hyperlink added

Para. 09161 - legal reference citations : “6 s 186, Sch 10; 7 s 186, Sch 10;” should be to the Social Security Administration Act 1992. - Changed to “6 SS A Act 92, s186, Sch 10; 7 s186 ,Sch 10 and linked to schedule 10 of the Social Security Administration Act 1992.

Para. 09196 – citation 1 R(SB) 3/90 now linked

Para. 09204 – citation 1 “Jones & Sharples v. CAO [1994] 1 All ER (CA) 225” – changed to Jones & Sharples v. CAO [1994] 1 All ER 225 (CA) reported as R(IS) 7/94 and linked

Para. 09207 – citation 1 “Saunders v. Anglia Building Society [1971] AC 1004” now linked

Para 9238 – Citation 1 “Hinchy v Secretary of State for Work and Pensions EWCA [2003] Civ 138” – now linked

Para 09239 – citation 2 “SS (C&P) Regs, reg 32(1), 32(1A) & 32(1B)” – now linked

Para 09272 – Citation 1 “Duggan v CAO; R (SB) 13/89” –now linked

Para 09281 – citation 1 “SS (C&P) Regs, reg 32(1); 2 reg 32(1)” – now linked

Para. 09324 – Note reference is to ADM Chapter M1 but this is now a ‘spare’ chapter – Chapter M1 changed to M5021 and hyperlinked

Para 09379 – citation 1 “CS (MAP) Regs, reg 33” – now linked

Para 09395 – citation 2 “Part VIII SPC Regs,” – now linked

Para 09401 citation 2 “Banking Act 79, s 3-5” – now linked

Para 9402 citation 1 “ Banking Act 79, s 3-5” – now linked

Paras 09501 – citation 1 “ EP (Recoupment of Benefits) Regs” – now

Para 9503 – Citations “ER Act 96, s 28; 2 s 35; 3 s 64; 4 s 112, 113 & 124; 5 s 128 & 132;” – now linked and citations “6 TULR (C) Act 92, s 189; 7 s 192” – linked

Para 09504 – Citations “1 EP (Recoupment of Benefits) Regs, reg 8 & 9; 2 reg 8(4); 3 reg 8(2) & (3)” – now linked

Para 09505 – Citations “1 EP (Recoupment of Benefits) Regs, reg 10(1); 2 reg 8)” – now linked

Para 09506 – Citation 1 “1 EP (Recoupment of Benefits) Regs, reg 10” – now linked

Para 09507 – Citations “1 EP (Recoupment of Benefits) Regs, reg 2(3); 2 reg 8(3)” – now linked

Para 09508 – Citation 1 “1 EP (Recoupment of Benefits) Regs, reg 2(3)” – now linked

Para 09509 – Citation 1 “1 EP (Recoupment of Benefits) Regs, reg 10(1)” – now linked

Para 09510 – Citation 1 “1 EP (Recoupment of Benefits) Regs, reg 8(5)” – now linked

Para 09511 – Citation 2 “2 EP (Recoupment of Benefits) Regs, reg 10(3)” – now linked

Para 09512 – Citation 1 “1 EP (Recoupment of Benefits) Regs, reg 8(2)” – now linked

Annex 1 - Prevention of duplication of payment - particular payment schemes:

Introduction to Annex 1 - Citation 1 – “1 Redundant Mineworkers & Concessionary Coal (Payments Schemes) Order;” and citation 3 “Shipbuilding (Redundancy Payments Scheme) (GB) Order” – now linked

The redundant mineworkers payments scheme citation 1 “SS CB Act 92, s 122(1)” – now linked

The Shipbuilding redundancy payments scheme citation 1 “1 Shipbuilding (Redundancy Payments Scheme) (GB) Order; Amendment Order 82” – now linked

October 2023 update

Chapter 08

Changes to subpages 08001-08199

- Changed heading from “His Majesty’s Government Payment Exception Service” to “New Payment Exception Service”.
- Changed paragraph 08001 to contain “New Payment Exception Service (nPES)” instead of “His Majesty’s Government Payment Exception Service (HMGPEs)”
- Changed title of 08011 from “His Majesty’s Government Payment Exception Service” to “New Payment Exception Service”
- Changed body of 08011 to contain “New Payment Exception Service (nPES)” instead of “His Majesty’s Government Payment Exception Service (HMGPEs)”

September 2023 updates

Chapter 12

Minor amendment to para. 12054.

July 2023 updates

Chapter 12

Note added to para. 12017.

December 2022 updates

Chapter 10

Amendments made to paras. 10030 and 10040 referencing the replacement of Her Majesty’s Change to ‘His Majesty’s’ throughout.

July 2022 updates

Chapter 17

Amendment made to Appendix 1 of 17005 – AA and DLA added as incompatible with ADP to table of contents.

June 2022 updates

Chapter 08

The amendments remove link for Memo DMG 13/21 at para. 08001 and add sub-heading “Payment of benefit arrears by instalments” with guidance at paras. 08003 – 08005 as a result of incorporation of Memo DMG 13/21 explaining additional option for benefit arrears to be paid in instalments instead of one lump sum.

Chapter 08

At para. 08250 reference to memo 10/21 deleted – incorporation not required.

Chapter 17

Appendix 1 – Reference to memo 10/21 deleted now incorporated
DLA and CDP added to the table at Appendix 1.

April 2022 updates

Chapter 15

Minor amendment to para. 15278 to change the legal reference from reg. 1(2) to reg. 2(1) of The Social Security Benefit (Computation of Earnings) Regulations 1996 (SI 1996/2745)

February 2022 updates

Chapter 10

Amendments to incorporate a change made by section 1 of the Civil Partnership (Scotland) Act 2020

Chapter 8

Reference to DMG Memo 14-20 has been removed at para. 08353 as the memo has been incorporated.

December 2021 updates

Chapter 8

Reference to “Agents, Appointees, Attorneys and Deputies guide” at para. 08252 amended to “Agents, appointees, attorneys, deputies and third parties: staff guide”.

October 2021 updates

Chapter 10

New paragraph 10313 added as a result of Court of Appeal decision “*SSWP v Akthar [2021] EWCA Civ 1353*”.

January 2021 updates

Chapter 09

DMG 09372 – ‘**Note**’ amended. The previous Note stated: - Note: DMs should note that, with the exception of joint-claim cases, a deduction cannot be made in relation to the claimant who is a member of a couple when the prescribed payment arrears are paid to the other member of that couple.

This has now been amended to: - Note: DMs should note that, with the exception of joint-claim cases, if abatement is missed/has not been done under 74(2), an amount cannot then be recovered under section 74(4) from the partner of the person whose

benefit should be abated. The amount can be recovered from the claimant under section 74(1).