STATUTORY INSTRUMENTS

1987 No. 878

SOCIAL SECURITY

The Social Security (Claims and Payments) Amendment Regulations 1987

Made - - - -	*13 May 1987*
Laid before Parliament	*14th May 1987*
Coming into force	*1st July 1987*

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 17(1)(a)(ii), 79(3), 165A and 166 of, and Schedule 20(**a**) to, the Social Security Act 1975(**b**) and of all other powers enabling him that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations shall not be referred to it(**c**), hereby makes the following Regulations:–

Citation and commencement

1. These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 1987 and shall come into force on 1st July 1987.

Amendment of the Social Security (Claims and Payments) Regulations 1979

2. Regulation 3 of the Social Security (Claims and Payments) Regulations 1979(**d**) (claims not required for entitlement to benefit in certain cases) shall be amended as follows–

(a) the regulation shall be re-numbered as paragraph (1) of regulation 3;

(b) the following paragraphs shall be inserted after that paragraph–

> "(2) Where invalidity benefit or severe disablement allowance has been claimed and an award of benefit made on that claim, then in respect of the period beginning immediately after the period of that award and ending 26 weeks after the first day of the period of that award it shall not be a condition of entitlement to invalidity benefit or, as the case may be, severe disablement allowance that a claim be made for it.
>
> (3) A person in whose case paragraph (2) of this regulation applies may be deemed to be incapable of work on any day falling within the period for which, under that paragraph, no claim for benefit is required, and an award may be made for the whole or any part of that period, subject to the condition that the beneficiary shall when required to do so prove that he in

(**a**) *See* the definitions of "Prescribe" and "Regulations".
(**b**) 1975 c.14; section 165A was inserted by the Social Security Act 1985 (c.53), section 17.
(**c**) *See* section 10(2)(b) of the Social Security Act 1980 (c.30).
(**d**) S.I. 1979/628; the relevant amending instruments are S.I.s 1985/1250 and 1986/903.

[SS87/1731]

fact remains so incapable and satisfies all the other conditions of entitlement to benefit; and if he should fail to do so the award shall be reviewed and may be revised."

Signed by authority of the Secretary of State for Social Services

Nicholas Lyell
Parliamentary Under-Secretary of State,
Department of Health and Social Security

13th May 1987

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 3 of the Social Security (Claims and Payments) Regulations 1979 which provides that in certain cases a claim is not required as a condition of entitlement to benefit.

Regulation 2 amends regulation 3 of the 1979 Regulations so as to provide that entitlement to invalidity benefit or severe disablement allowance shall continue to run for up to 26 weeks following the commencement of the period for which it has been claimed and awarded, provided that the beneficiary proves continuing incapacity when required to do so and satisfies all the other conditions for entitlement to benefit.

45p net

ISBN 0 11 076878 7

Printed in the UK for HMSO by Burgess & Son (Abingdon) Ltd. 880/871527P 0862 C35 6/87