STATUTORY INSTRUMENTS

1980 No. 1579

SOCIAL SECURITY

The Supplementary Benefit (Claims and Payments) Regulations 1980

Made - - - -	20*th October* 1980
Laid before Parliament	24*th October* 1980
Coming into Operation	24*th November* 1980

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The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 11 and 14(1) and (2) (*a*), (*b*), (*c*), (*e*), (*g*), and (*k*) of, and paragraph 4 of Schedule 1 to, the Supplementary Benefits Act 1976(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Claims and Payments) Regulations 1980 and shall come into operation on 24th November 1980.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Supplementary Benefits Act 1976;

"allowance" means a supplementary allowance under section 1(1)(*b*) of the Act;

"approved place" means a place approved by the Secretary of State for the purpose of obtaining payment of benefit;

"beneficiary" means a person entitled to benefit;

"benefit" means supplementary benefit;

"benefit week" has the meaning assigned to it in regulations made pursuant to section 14(1) (*f*) of the Act (days on which entitlement to pension or allowance is to begin or end or the amount thereof is to change);

"claimant" means a claimant for benefit;

"the Department" means the Department of Health and Social Security;

"instrument of payment" means a serial order or any other instrument whatsoever which is intended to enable a person to obtain payment of benefit;

"pension" means a supplementary pension under section 1(1) (*a*) of the Act;

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations 1980(**b**);

"serial order" means one of a series of orders for the payment of sums on account of benefit which is, or has been, contained in a book of such orders;

"Social Security Act" means the Social Security Act 1975(**c**);

"unemployment benefit" means unemployment benefit under the Social Security Act;

"unemployment benefit office" means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit; and "relevant unemployment benefit office" means the office which the claimant or beneficiary attends, or would attend if he were required to do so, for the purpose of claiming that benefit or would attend if he were entitled to that benefit;

(**a**) 1976 c. 71; the Act as amended (other than sections 31, 32, 35 and 36 and Schedules 4 and 6 to 8) is set out in Part II of Schedule 2 to the Social Security Act 1980 (c. 30).

(**b**) S.I. 1980/1299.

(**c**) 1975 c. 14.

"Urgent Cases Regulations" means the Supplementary Benefit (Urgent Cases) Regulations 1980.

(3) Except in so far as the context otherwise requires, any reference in these regulations to—

(*a*) a numbered section is to the section of the Act bearing that number;

(*b*) a numbered regulation is to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his last known address.

Revocation

2. The Supplementary Benefits (Claims and Payments) Regulations 1977(**a**) are hereby revoked.

PART II

CLAIMS

Manner in which claims are to be made

3.—(1) Every claim for benefit shall be made in writing to the Secretary of State either—

(*a*) on a form approved for the purpose by him and supplied without charge by such persons as he may appoint or authorise for the purpose; or

(*b*) in such manner as he may accept as sufficient in the circumstances of any particular case or class of cases.

(2) A claim for benefit—

(*a*) in the case of a claim for an allowance by a claimant required to register for employment pursuant to section 5, shall be delivered or sent (for forwarding to an office of the Department) to the relevant unemployment benefit office;

(*b*) in any other case, shall be delivered or sent to an office of the Department.

(3) The date on which a claim for benefit is made shall be—

(*a*) in a case to which paragraph (2)(*a*) applies, the date on which it is received at the relevant unemployment benefit office;

(*b*) in any other case, the date on which it is received at an office of the Department.

(**a**) S.I. 1977/1142.

(4) Where—

(*a*) a claim for benefit made in writing is defective on the day on which it is received, but is subsequently amended; or

(*b*) a claim for a pension or allowance is made other than in writing, but is subsequently made in writing,

the Secretary of State may treat the claim as if it had been duly made in the first instance.

(5) The Secretary of State may in any particular case or class of cases accept—

(*a*) a claim for benefit under section 3 (single payment to meet an exceptional need) other than in writing;

(*b*) in a case to which Part II of the Urgent Cases Regulations (emergency relief) applies, a claim from a person other than the person who, pursuant to the provisions of the Act, falls to be claimant; and in a case to which this sub-paragraph applies, references to a claimant and beneficiary in these regulations shall include such a person, but paragraph (2)(*a*) shall not apply to him.

Information to be given in connexion with claims

4. Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Secretary of State and, if reasonably so required, shall for that purpose attend at any office or place as the Secretary of State may direct.

Time for claiming pension or allowance

5.—(1) Subject to paragraph (2), a claim for a pension or allowance shall be made no later than the first day of the period in respect of which it is made.

(2) Where a claim for a pension or allowance is made in respect of a period earlier than the day on which it is made, it shall be treated as if it had been made—

(*a*) where in any case the claimant proves that throughout that period there was good cause for failure to make the claim before the day on which it was made, on the first day of that period;

(*b*) where—

(i) the claimant has, in respect of that period, made a claim for benefit under the Social Security Act(**a**) or the Family Income Supplements Act 1970(**b**) or for a war disablement pension as defined in the Supplementary Benefit (Resources) Regulations 1980 (**c**), and

(ii) his claim for a pension or allowance is made as soon as reasonably practicable after his receipt of the decision in respect of his claim for that benefit, supplement or pension,

on the day on which the claim for that benefit, supplement or pension was made;

(**a**) *See also* section 66(2) of the Social Security Pensions Act 1975 (c. 60).

(**b**) 1970 c. 55.

(**c**) S.I. 1980/1300.

(*c*) where the claimant has been an in-patient in a hospital or similar institution and—

(i) in the period immediately preceding his admission as an in-patient he was entitled to a pension or allowance, but ceased to be so entitled by reason only of being an in-patient, and

(ii) the claim is made within 21 days of his discharge,

on the day of his discharge;

(*d*) where the claim is made by a claimant within three days of the date on which he became resident at a place provided by a voluntary organisation for purposes similar to the purposes for which resettlement units are provided by the Secretary of State or at a centre providing facilities for alcoholics or drug addicts, in respect only of that part of the claim relating to board and lodging to which regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) applies, on the day on which he became so resident.

PART III

PAYMENTS

Time and manner of payment of pension and allowance

6.—(1) A pension or allowance shall be paid—

(*a*) where—

(i) a beneficiary is required to register for employment pursuant to section 5, and

(ii) the Secretary of State has not directed that payment should be made by means of a book of serial orders,

by means of an instrument of payment issued at intervals corresponding to those at which he attends or would be required to attend the relevant unemployment benefit office by virtue of regulation 8(*b*);

(*b*) in any other case, weekly, on or as soon as is reasonably practicable after the first day of the benefit week for which it is payable, by means of an instrument of payment,

unless in any particular case or class of cases the Secretary of State makes other arrangements for payment.

(2) Subject to paragraph (3), where a pension or allowance which is being paid by means of a book of serial orders is increased on review pursuant to section 14(2) (*d*) (reviews of determinations) by an amount which, with any previous such increase, is less than 50 pence, the Secretary of State may defer payment of that increase until not later than either—

(*a*) the termination of entitlement to the pension or allowance; or

(*b*) the expiration of the period of one week from the date specified for payment in the last order in that book of serial orders,

whichever is the earlier.

(3) Paragraph (2) shall not apply to a review for the sole purpose of giving effect to any change in—

(*a*) any weekly amount specified in the second column of the table in paragraph 2 of Schedule 1 to the Act (normal requirements) or Part II, III or IV of the Requirements Regulations (normal, additional or housing requirements); or

(*b*) the sums prescribed for the purposes of subsections (3) and (4) of section 22 of the National Assistance Act 1948(a) (which relates to persons in accommodation under Part III of that Act).

Time and manner of payment of single payments

7. Payment of any single payment under section 3 shall be made by the Secretary of State as soon as is reasonably practicable after the award has been made by means of an instrument of payment or by such other means as appears to the Secretary of State to be appropriate in the circumstances of any particular case.

Information to be given in connexion with payment of benefit

8. Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Secretary of State may determine such certificates and other documents and such information of facts affecting the right to benefit, or to its receipt, as the Secretary of State may require (either as a condition on which any sum or sums shall be receivable or otherwise), and in particular—

(*a*) shall notify the Secretary of State in writing of—

(i) any change of circumstances which is specified in the notice of determination issued pursuant to regulation 3(1) of the Supplementary Benefit (Determination of Questions) Regulations 1980 or, where applicable, the book of serial orders, and

(ii) any other change which that beneficiary or person might reasonably be expected to know might affect the right to benefit, or to its receipt,

as soon as reasonably practicable after the occurrence of that change; and

(*b*) in the case of a beneficiary required to register for employment pursuant to section 5—

(i) shall at such intervals as the Secretary of State may direct sign a form approved by the Secretary of State which includes a declaration as to his unemployment and availability for employment within the meaning of that section, and

(ii) shall in that connexion attend at the relevant unemployment benefit office on such occasions and in such manner as he is required or would be required to attend for the purpose of claiming unemployment benefit.

Instruments of payment

9.—(1) Instruments of payment and books of serial orders issued by the Secretary of State shall remain his property.

(a) 1948 c. 29.

(2) Any person having an instrument of payment or book of serial orders shall, on ceasing to be entitled to the supplementary benefit to which that instrument or book relates or when so required by the Secretary of State, deliver that instrument or book to the Secretary of State or to such other person as the Secretary of State may direct.

Minimum amount of benefit payable

10.—(1) Where the amount of any pension or allowance to which a beneficiary would, but for this paragraph, be entitled is less than 10 pence, that amount shall not be payable unless the claimant is also entitled to payment of any benefit under the Social Security Act together with which, under arrangements made by the Secretary of State either throughout or in any part of Great Britain, pension or allowance is paid.

(2) In the case of a beneficiary to whom section 9 (person returning to work following a trade dispute) applies, paragraph (1) shall apply as if for the sum of 10 pence there were substituted the sum of £3.

Payment of fractional amounts of benefit

11. Where, notwithstanding any other provision of the Act or regulations, the amount of any benefit payable would, but for this regulation, include a fraction of a penny, that fraction shall be disregarded if it is less than a half penny and shall otherwise be treated as a penny.

Supplementary benefit in kind

12. The requirements of a beneficiary may be met by the provision of a voucher redeemable by named suppliers or by a travel warrant instead of by making the whole or part of any payment to which he would otherwise be entitled under the Act where—

(*a*) in the opinion of a benefit officer, the beneficiary is incapable of managing any payment of supplementary benefit in cash;

(*b*) that provision is necessary to secure residential accommodation;

(*c*) the beneficiary is entitled to a single payment in respect of travelling expenses pursuant to the Supplementary Benefit (Single Payments) Regulations 1980(**a**);

(*d*) the beneficiary is entitled to any single payment or amount of pension or allowance pursuant to the Urgent Cases Regulations.

Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period

13.—(1) The right to payment of any sum by way of benefit shall, subject to paragraph (2), 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; and for the purposes of this regulation a right shall be treated as having arisen—

(*a*) in relation to any such sum contained in an instrument of payment which has been given or sent, for the purpose of making payment of

(a) S.I. 1980/985.

that sum, to the beneficiary, or to an approved place for collection by him (whether or not received or collected as the case may be), notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—

(i) on the date on the said instrument of payment, or

(ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;

(*b*) in relation to any such sum to which sub-paragraph (*a*) does not apply, where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection, notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—

(i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post, and

(ii) in any other case, on the date of the notice,

and, in any case, if more than one such notice is sent, on the date determined by reference to the first such notice;

(*c*) in relation to any such sum to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) applies, on such date as the Secretary of State determines.

(2) 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 a benefit officer is satisfied that—

(*a*) after the expiration of the said period of 12 months the Secretary of State has received written notice requesting payment of that sum; and

(*b*) throughout a period commencing within the said period of 12 months and continuing up to the date on which the said notice was given there was good cause for not giving that notice,

the said period of 12 months shall be extended to the date on which the benefit officer decides that question and, for the purposes of the operation of this regulation, thereafter the right to payment of that sum shall, notwithstanding the provisions of paragraph (1), be treated as having arisen on that date.

(3) This regulation shall apply to a person authorised or appointed to act on behalf of a beneficiary as it applies to a beneficiary.

PART IV

MISCELLANEOUS PROVISIONS

Persons unable to act

14.—(1) In the case of any person by whom or on whose behalf a claim has been made or to whom benefit is payable or who is alleged to be entitled to benefit, if he is for the time being unable to act and either—

(*a*) no receiver has been appointed by the Court of Protection with power to claim or, as the case may be, to receive benefit on his behalf; or

(*b*) in Scotland, his estate is not being administered by any curator, factor or other person acting or appointed in terms of law,

the Secretary of State may, upon written application made to him by a person over the age of 18, appoint that person to exercise, on behalf of the person who is unable to act, any right to which that person may be entitled under the Act and to receive and deal on his behalf with any sums payable to him.

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

(*a*) he may at any time in his discretion revoke any such appointment;

(*b*) the person appointed may resign his office after having given one month's notice in writing to the Secretary of State of his intention to do so;

(*c*) any such appointment shall terminate when the Secretary of State is notified that a receiver or other person to whom paragraph (1) (*a*) or (*b*) 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 receiver, curator, factor or other person acting or appointed in terms of law, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Secretary of State for any sum paid.

Payment to a person under age 18

15. Where a beneficiary is under the age of 18, his signature on any instrument of payment shall be a sufficient discharge to the Secretary of State for any sum paid under such instrument.

Payments on death

16.—(1) On the death of a person who has made a claim for benefit, the Secretary of State may appoint such person as he may think fit to proceed with the claim; and the provisions of these regulations shall apply, subject to the necessary modifications, to any such claim.

(2) Subject to the provisions of paragraph (4), any sum payable by way of benefit under a determination 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 13 shall apply to any such payment or distribution; and—

(*a*) the receipt of any such person shall be a good discharge to the Secretary of State for any sum so paid; and

(*b*) where the Secretary of State is satisfied that any such sum or part of that sum is needed for the benefit of any person under the age of 16, he may obtain a good discharge for it by paying the sum or part of it to a person over that age (who need not be a person specified in this paragraph) who satisfies the Secretary of State that he will apply the sum so paid for the benefit of the person under the age of 16.

(3) Except in a case to which paragraph (1) or (2) applies, any sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may, unless the right to it was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and the provisions of regulation 13 shall apply to any such payment or distribution; so however that, for the purpose of regulation 13 the period of 12 months shall 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) Paragraphs (2) and (3) shall not 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.

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

(6) In paragraph (2) "next of kin" means—

(*a*) in England and Wales, the persons who would take beneficially on an intestacy; and

(*b*) in Scotland, the persons entitled to the moveable estate of the deceased on intestacy.

Travelling expenses in connexion with claims

17.—(1) Where in connexion with a claim for supplementary benefit for good reason a claimant or beneficiary or any person acting on his behalf attends an office of the Department, for example because—

(*a*) he is required to do so;

(*b*) he has reason to believe that there has been an error in the calculation of his entitlement;

(*c*) he is reporting a change of circumstances,

or where he is a person to whom Part II or III of the Urgent Cases Regulations (emergency relief and other urgent cases) applies, the Secretary of State may pay an amount in respect of his travelling expenses calculated in accordance with paragraph (2).

(2) The amount payable under this regulation shall be—

(*a*) where public transport is used, the cost of the return journey from the home of the person to whom paragraph (1) applies to the appropriate office by the cheapest method;

(*b*) where private transport is used—

(i) where public transport is available, the cost of the petrol not exceeding the public transport cost,

(ii) in any other case, the cost of the petrol,

except that no amount shall be allowed under this sub-paragraph in respect of journeys undertaken by taxi unless the person concerned is unable to use other transport,

and, if in any case it is necessary for any person whose requirements and resources fall by virtue of the Act to be aggregated with and treated as those of the claimant to accompany the claimant to the office, the amount shall include also an amount in respect of that person's travelling expenses calculated accordingly.

(3) This regulation shall not apply in any case where the amount otherwise payable, calculated in accordance with paragraph (2), does not exceed £1, unless in any case where the person concerned is elderly, in poor health, disabled or accompanied by young children the Secretary of State decides otherwise.

(4) A payment made under this regulation shall be made in such manner as the Secretary of State may determine.

Patrick Jenkin,

Secretary of State for Social Services.

20th October 1980.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the manner in which claims for and payments of supplementary benefit under the Supplementary Benefits Act 1976 as amended by the Social Security Act 1980 are to be made.

Part I of the regulations contains general provisions affecting the interpretation of Parts II to IV and revokes the Supplementary Benefits (Claims and Payments) Regulations 1977.

Part II contains provisions relating to claims for supplementary benefit, including how claims for benefit are to be made, the forms and information required, and the circumstances in which claims can be made for a period before the day on which they were made.

Part III contains provisions concerning the payment of supplementary benefit, including time and manner of payment of benefit, information to be given by persons in receipt of benefit, circumstances in which benefit may be paid in kind, and extinguishment of rights where payment is less than a specified amount or is not obtained within specified time limits.

Part IV contains miscellaneous provisions relating to persons unable to act or who have died, payments to persons under age 18 and the payment by the Secretary of State of travelling expenses which are incurred in attending an office in connexion with a claim and which exceed a specified amount.

SI 1980/1579
ISBN 0-11-007579-X

