STATUTORY INSTRUMENTS

2016 No. 674

SOCIAL SECURITY

The Social Security (Expenses of Paying Sums in Relation to Vehicle Hire) Regulations 2016

Made - - - -	*27th June 2016*
Laid before Parliament	*30th June 2016*
Coming into force - -	*21st July 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 15B(2) of the Social Security Administration Act 1992(**1**).

These Regulations have not been referred to the Social Security Advisory Committee as they are made before the end of the period of six months beginning with the coming into force of the provisions under which they are made(**2**).

Citation and commencement

1. These Regulations may be cited as the Social Security (Expenses of Paying Sums in Relation to Vehicle Hire) Regulations 2016 and come into force on 21st July 2016.

Amendment of the Social Security (Claims and Payments) Regulations 1987

2. The Social Security (Claims and Payments) Regulations 1987(**3**) are amended in accordance with regulation 3.

3. After regulation 44 (payment of disability living allowance on behalf of a beneficiary) insert—

"**Recovery of expenses**

44A.—(1) Paragraph (2) applies where—

(a) an agreement referred to in regulation 44(1) has been entered into; and

(**1**) 1992 c.5; section 15B was inserted by section 22 of the Welfare Reform and Work Act 2016 (c. 7). See section 189(1) of the 1992 Act which provides that regulations are to be made by the Secretary of State and section 191 of that Act where "prescribe" is defined.

(**2**) See section 173(5) of the Social Security Administration Act 1992.

(**3**) S.I. 1987/1968; there are amendments to those Regulations which are not relevant to this instrument.

(b) a relevant provider(**4**) is receiving payments of disability living allowance in settlement of liability for payments due under that agreement.

(2) The Secretary of State may require the relevant provider to make payments to meet the reasonable expenses of the Secretary of State in administering the making of the payments of disability living allowance to the relevant provider.

(3) The method by which the expenses under paragraph (2) are to be met is for the Secretary of State to issue an invoice to the relevant provider setting out the expenses that have been incurred and for the relevant provider to pay the sum stated to the Secretary of State.

(4) The first invoice issued by the Secretary of State may recover expenses incurred between 21st July 2016 and the date of the invoice.

(5) Subsequently the Secretary of State may issue invoices no more frequently than annually and only in respect of expenses incurred since the period covered by the previous invoice.

(6) The expenses that the Secretary of State may take into account for the purposes of paragraph (2) include—

(a) the salaries and other costs relating to the employment of staff wholly engaged in the administering of the payments of disability living allowance and where staff have other responsibilities, an apportioned amount of those costs; and

(b) overheads, including rent and other shared costs, relating to those staff.

(7) In determining what expenses were reasonably incurred in administering the making of payments of disability living allowance to a relevant provider, the Secretary of State must have regard to any agreement between the Secretary of State and the relevant provider concerning the level of service to be provided by the Secretary of State in the making of such payments to that relevant provider.".

Amendment of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013

4. The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013(**5**) are amended in accordance with regulation 5.

5. After regulation 62 (payment of personal independence payment on behalf of a claimant (Motability)) insert—

"**Recovery of expenses**

62A.—(1) Paragraph 2 applies where—

(a) an agreement referred to in regulation 62(1)(b) has been entered into; and

(b) a relevant provider is receiving payments of personal independence payment in settlement of liability for payments due under that agreement.

(2) The Secretary of State may require the relevant provider to make payments to meet the reasonable expenses of the Secretary of State in administering the making of the payments of personal independence payment to the relevant provider.

(**4**) See section 15B(3) of the Social Security Administration Act 1992 for the definition of "relevant provider".
(**5**) S.I. 2013/380; there are amendments to those Regulations which are not relevant to this instrument.