STATUTORY INSTRUMENTS

# 2016 No. 544

# SOCIAL SECURITY

## The Social Security (Claims and Payments) Amendment Regulations 2016

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| *Made - - - -* | *27th April 2016* |
| *Laid before Parliament* | *3rd May 2016* |
| *Coming into force - -* | *15th June 2016* |

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by sections 5(1)(a) and (i), 189(1), (4), (5), (5A) and (6) and 191 of the Social Security Administration Act 1992(**1**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Secretary of State has obtained the agreement of the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it.

### Citation and commencement

**1.** These Regulations may be cited as the Social Security (Claims and Payments) Amendment Regulations 2016 and they come into force on 15th June 2016.

### Amendments to the Social Security (Claims and Payments) Regulations 1987

**2.**—(1) The Social Security (Claims and Payments) Regulations 1987(**2**) are amended as follows.

(2) For regulation 4(11) (making a claim for benefit)(**3**) substitute—

> "(11) A claim for the following benefits may be made by telephone call to a telephone number specified by the Secretary of State for the purpose of the benefit for which the claim is made, unless the Secretary of State directs, in any particular case, that the claim must be made in writing—

(**1**) 1992 c.5. Section 189(1), (4) and (5) was amended by paragraph 109 of Schedule 7 and by Schedule 8 to the Social Security Act 1998 (c. 14). Section 189(1) was also amended by paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2), Schedule 6 to the Tax Credits Act 2002 (c.21). Section 189(5A) was inserted by section 104(1) of the Welfare Reform Act 2012 (c.5). Section 189(4) and (6) was amended by S.I. 2013/252. Section 191 is an interpretation provision and is cited for the meaning of "prescribed". Section 191 was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c.5).

(**2**) S.I. 1987/1968.

(**3**) Regulation 4(11) was inserted by S.I. 2005/34. Relevant amending instruments are S.I. 2005/1551, 2010/1676, 2014/591 and 2015/1985.

(a) graduated retirement benefit;
(b) a shared additional pension;
(c) a retirement pension;
(d) a state pension under Part 1 of the Pensions Act 2014(**4**);
(e) a bereavement benefit;
(f) a social fund payment for funeral expenses or winter fuel payment;
(g) industrial injuries benefit(**5**).".

(3) For regulation 4ZC(2) (electronic claims for benefit)(**6**) substitute—

"(2) This regulation applies to the following benefits—
(a) carer's allowance;
(b) attendance allowance;
(c) disability living allowance;
(d) graduated retirement benefit;
(e) a jobseeker's allowance;
(f) a retirement pension;
(g) state pension under Part 1 of the Pensions Act 2014;
(h) shared additional pension;
(i) industrial injuries benefit;
(j) an employment and support allowance.".

(4) After regulation 32ZA(2)(i) (information given electronically)(**7**), add—

"(j) industrial injuries benefit.".

(5) In paragraph 2 of Schedule 9ZC (conditions for the use of electronic communication)(**8**)—

(a) for sub-paragraph (1) substitute—

"(1) The Secretary of State may use an electronic communication in connection with claims for, and awards of—
(a) carer's allowance;
(b) attendance allowance;
(c) disability living allowance;
(d) graduated retirement benefit;
(e) a jobseeker's allowance;
(f) a retirement pension;
(g) state pension under Part 1 of the Pensions Act 2014;
(h) shared additional pension;

(**4**) 2014 c.19.
(**5**) Section 5(2)(a) of the Social Security Administration Act 1992 provides that section 5 of that Act applies in relation to benefits defined in section 122 of the Social Security Contributions and Benefits Act 1992 (c.4). Section 122 of the Social Security Contributions and Benefits Act 1992 gives a definition of "benefit" which includes benefits under Part V of that Act and "industrial injuries benefit" is also defined in that section.
(**6**) Regulation 4ZC was inserted by S.I. 2003/2800. Relevant amending instruments are S.I. 2005/3321, 2011/1498 and 2015/1985.
(**7**) Regulation 32ZA was inserted by S.I. 2003/2800. Paragraph (2) was substituted by S.I. 2011/1498. Relevant amending instruments are S.I. 2011/2943 and 2015/1985.
(**8**) Schedule 9ZC was inserted by S.I. 2003/2800. Relevant amending instruments are S.I. 2005/3321, 2011/1498 and 2943 and 2015/1985.