payment of benefit at the rate awarded has materially changed. A review is needed to see what effect this has on the entitlement, and to adjust or terminate it to reflect that change." (para.40).

Note that in reading the decision in R(IS)2/97 in the modern context, the references to review and revision need to be treated as references to supersessions.


['Time for claiming benefit

19.—(1) Subject to the following provisions of this regulation, the prescribed time for claiming any benefit specified in column (1) of Schedule 4 is the appropriate time specified opposite that benefit in column (2) of that Schedule.

(2) The prescribed time for claiming the benefits specified in paragraph (3) is three months beginning with any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to the benefit concerned.

(3) The benefits to which paragraph (2) applies are—

(a) child benefit;
(b) guardian’s allowance;
(c) graduated retirement benefit;
(d) invalid care allowance;
(e) maternity allowance;
(f) retirement pension of any category;
(g) widow’s or widower’s benefit;

[('ga) bereavement benefit] ['^, except for a bereavement payment within the meaning of section 36 of the Contributions and benefits Act;]

(h) except in a case to which section 3(3) of the Social Security Administration Act 1992 applies (late claims for widowhood or bereavement benefits where death is difficult to establish), any increase in any benefit (other than income support or jobseeker’s allowance) in respect of a child or adult dependant.

[3 (3A) The prescribed time for claiming a bereavement payment is 12 months beginning with the day on which, apart from satisfying the condition of making a claim, the claimant is entitled to such a payment.]

(4) Subject to paragraph (8), in the case of a claim for income support, jobseeker’s allowance, ['^ working families’ tax credit or disabled persons’ tax credit], where the claim is not made within the time specified for that benefit in Schedule 4, the prescribed time for claiming the benefit shall be extended, subject to a maximum extension of three months, to the date on which the claim is made, where—

(a) any ['^ one or more] of the circumstances specified in paragraph (5) applies or has applied to the claimant; and

(b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.

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(5) The circumstances referred to in paragraph (4) are—
(a) the claimant has difficulty communicating because—
(i) he has learning, language or literacy difficulties; or
(ii) he is deaf or blind;
and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
(b) except in the case of a claim for jobseeker’s allowance, the claimant was ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
(c) the claimant was caring for a person who is ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
(d) the claimant was given information by an officer of the [1 Department for Work and Pensions] or the Board which led the claimant to believe that a claim for benefit would not succeed;
(e) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner, a local authority, or a person working in a Citizens Advice Bureau or a similar advice agency, which led the claimant to believe that a claim for benefit would not succeed;
(f) the claimant or his partner was given written information about his income or capital by his employer or former employer, or by a bank or building society, which led the claimant to believe that a claim for benefit would not succeed;
(g) the claimant was required to deal with a domestic emergency affecting him and it was not reasonably practicable for him to obtain assistance from another person to make his claim; or
(h) the claimant was prevented by adverse weather conditions from attending the appropriate office.

(6) In the case of a claim for income support jobseeker’s allowance, [1 working families’ tax credit or disabled person’s tax credit] [1 where the claim is not made within the time specified for that benefit in Schedule 4, the prescribed time for claiming the benefit shall be extended, subject to a maximum extension of one month, to the date on which the claim is made, where—
(a) any one or more of the circumstances specified in paragraph (7) applies or has applied to the claimant; and
(b) as a result of that circumstance or those circumstances the claimant could not reasonably have been expected to make the claim earlier.]

(7) The circumstances referred to in paragraph (6) are—
(a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;
(b) the claimant was unable to attend the appropriate office due to difficulties with his normal mode of transport and there was no reasonable alternative available;
(c) there were adverse postal conditions;
(d) the claimant [1 or, in the case of income support jobseeker’s allowance, the claimant or his partner] was previously in receipt...
of another benefit, and notification of expiry of entitlement to that benefit was not sent to the claimant [or his partner, as the case may be] before the date that his entitlement expired;

(e) in the case of a claim for family credit, the claimant had previously been entitled to income support or jobseeker’s allowance (“the previous benefit”), and the claim for family credit was made within one month of expiry of entitlement to the previous benefit;

(f) except in the case of a claim for family credit or disability working allowance, the claimant had ceased to be a member of a married or unmarried couple within the period of one month before the claim was made; [2 . . .]

(g) during the period of one month before the claim was made a close relative of the claimant had died, and for this purpose “close relative” means partner, parent, son, daughter, brother or [sister; or]

(h) in the case of a claim for disability working allowance, the claimant had previously been entitled to income support, jobseeker’s allowance, incapacity benefit or severe disablement allowance (“the previous benefit”), and the claim for disability working allowance was made within one month of expiry of entitlement to the previous benefit.

(i) in the case of a claim for a jobseeker’s allowance by a member of a joint-claim couple where the other member of that couple failed to attend at the time and place specified by the Secretary of State for the purposes of regulation 6.

(8) This regulation shall not have effect with respect to a claim to which [*regulation 21ZB(2)] of the Income Support (General) Regulations 1987 (treatment of refugees) applies.

AMENDMENTS

1. The Social Security (Miscellaneous Amendments) (No.2) Regulations 1997 (SI 1997/793), reg.6 (April 7, 1997).


DEFINITIONS

“appropriate office”—see reg.2(1).

“jobseeker’s allowance”—ibid.

“married couple”—ibid.