

## CLAIMS AND PAYMENTS - DATE OF PAYMENT AND PAY DAYS

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### BACKGROUND

- 1 The Department's long-term aim is to pay benefits fortnightly in arrears and on a pay day decided on the basis of the claimant's NINO. This will minimize the disruption to claimants when entitlement to one benefit ends and an award of another benefit begins. It also means that they will then keep the same pay day throughout their life once the harmonization process is completed.
- 2 The legislation<sup>1</sup> covered by this memo comes into force on 6.4.09 and starts the process of harmonization. The benefits covered are Bereavement Allowance, IB, IS, JSA, MA, SDA, WMA, WPA and WP. Any new claims to these benefits and cases which have been converted will be dealt with in accordance with the following guidance. Current cases will, where appropriate, have their pay day and the period of

payment changed over a period of time. Separate guidance is being issued to cover transitional and adjusting payments.

*1 SS (Claims & Payments) Amendment Regulations 2009; S.I. 2009 No. 604*

## **BEREAVEMENT BENEFITS**

### **Date of entitlement**

- 3 Bereavement Allowance and WPA is payable from the first day of entitlement<sup>1</sup>.

*1 SS (C&P) Regs, reg 16(4)*

### **Effective date of change of rate**

- 4 Any change in the rate of Bereavement Allowance, WMA, WPA and WP that would take effect from a day other than the first day of the benefit week will take effect from the first day of the following benefit week<sup>1</sup> except where the award is to be terminated<sup>2</sup>.

*1 reg 16(2A); 2 reg 16(2B)*

- 5 When the award is to be terminated, it takes effect from

1. the date of change, when the benefit is paid in arrears<sup>1</sup>
2. the first day of the following benefit week<sup>2</sup> when the benefit is paid in advance and the award would terminate on a day other than the first day of the benefit week.

*1 reg 16(2B); 2 reg 16(2C)*

### **Benefit week**

- 6 When the benefit is paid in arrears, the first day of the benefit week for Bereavement Allowance, WMA, WPA and WP is<sup>1</sup> the first day of a seven day period which ends on the day on which benefit is payable in accordance with paragraph 8 below.

*1 reg 16(3)(c)*

## Time and manner of payment

- 7 Bereavement Allowance, WMA, WPA and WP will normally be paid fortnightly in arrears<sup>1</sup>. In certain cases the Secretary of State may arrange for the benefit to be paid weekly or, with the agreement of the beneficiary, either four or 13 weeks in arrears<sup>2</sup>.

*1 SS (C&P) Regs, reg 22A(1); 2 reg 22A(4)*

- 8 The claimant's pay day is determined<sup>1</sup> by the last two digits of their NINO as is shown in the following table

NI No.	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday.

*1 reg 22A(3)*

- 9 The Secretary of State may arrange for payment of these benefits to be made on any other day of the week in particular cases<sup>1</sup>.

*1 reg 22A(2)*

## DAILY PAYMENT

- 10 Bereavement Allowance, WMA, WPA and WP can be paid at a daily rate in the circumstances mentioned in the following paragraphs. The daily rate of benefit is 1/7th of the weekly rate of that benefit<sup>1</sup>.

*1 reg 22B(6)*

- 11 Where entitlement to Bereavement Allowance and WPA starts on a day which is not the first day of the benefit week, the benefit is paid at the daily rate for the period from the first day of entitlement to the day before the first day of the following benefit week<sup>1</sup>.

*1 reg 22B(1)*

- 12 If the Secretary of State changes the claimant's pay day for Bereavement Allowance, WMA, WPA and WP any days that would have been paid had the change not been made can be paid at the daily rate<sup>1</sup>.

*1 SS (C&P) Regs, reg 22B(2)*

- 13 If Bereavement Allowance, WMA, WPA and WP is paid in arrears and the award terminates on a day other than the last day of the benefit week, the claimant can be paid at the daily rate for the days from the first day of the final benefit week to the last day of entitlement<sup>1</sup>.

*1 reg 22B(3); reg 22B(4)*

## **IB, MA AND SDA**

### **Time and manner of payment**

- 14 IB, MA and SDA are paid fortnightly in arrears unless the Secretary of State arranges otherwise<sup>1</sup>. If

1. the weekly amount of IB or SDA is less than £1.00 then it may be paid every four weeks in arrears<sup>2</sup>
2. the weekly amount of IB after reduction for pension payment or other purposes is less than £5.00 then it may be paid in arrears at specified intervals not exceeding 12 months<sup>3</sup>.

*1 reg 24(1); 2 reg 24(3); 3 reg 24(3A)*

- 15 The claimant's pay day is determined<sup>1</sup> by the last two digits of their NINO as is shown in the following table

NI No.	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday.

*1 reg 24(1A); reg 24(1C)*

- 16 The Secretary of State may arrange for payment of these benefits to be made on any other day of the week in particular cases<sup>1</sup>.

*1 SS (C&P) Regs, reg 24(1B)*

## **IS - TIME OF PAYMENT**

- 17 When the claimant is paid a widow's benefit or a bereavement benefit and is not providing or does not have to provide medical evidence of IfW<sup>1</sup> if

1. the benefit is paid in advance, IS is paid in advance
2. the benefit is paid in arrears IS is paid in arrears.

*1 reg 26 and Sch. 7 para 2(c) and 2ZA*

## **JSA - DEFINITION OF BENEFIT WEEK**

- 18 Benefit week means<sup>1</sup> a period of seven days ending with the day determined by the last two digits of the claimant's NINO as is shown in the following table unless the Secretary of State arranges otherwise.

NI No.	Pay day
00 - 19	Monday
20 - 39	Tuesday
40 - 59	Wednesday
60 - 79	Thursday
80 - 99	Friday.

*1 JSA Regs, reg 1(3)*

- 19 The definition of "benefit week" in paragraph 18 above will apply in JSA for all purposes where the DM is required to have regard to the claimant's benefit week when making various determinations and decisions. This includes

1. determining the amount payable including housing costs
2. the calculation of income and capital
3. part-week payment questions

4. labour market determinations including availability, actively seeking employment and sanctions
5. the calculation of CMB

### **Example 1**

Terry has claimed JSA. The final two digits on his NINO are 25 so this means that Terry's benefit week ends on a Tuesday. To be entitled to JSA, Terry has to satisfy the labour market conditions.

When determining whether Terry has been actively seeking employment, the DM has regard to the type and number of steps which Terry has taken in the week running from Wednesday to Tuesday (see DMG 21572).

### **Example 2**

Julie has claimed JSA and has been awarded JSA(IB). Her benefit week ends on a Thursday because her NINO ends with the digits 74. She is in receipt of earnings of £35 per week from part-time employment which are paid to her every Monday by her employer.

The DM treats Julie's earnings as being paid on a Friday because this is the first day of the benefit week in which the earnings are due to be paid (see DMG 25045).

## **ANNOTATION**

The number of this memo (Memo DMG 16/09) should be noted against the following DMG paragraphs: 08000 heading; 08042; 08050 heading; 08054 heading; 08062 heading; 21123; 21124; 21559; 21560; 25053; 27511; 27512; 29905; 33011; 34008; 34009; 40019.

## **CONTACTS**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, GS36, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in [Memo DMG 26/08](#) - Obtaining legal advice and guidance from DMA Leeds.