1975 No. 143

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1975

Made . . . . . 13*th May* 1975

Coming into operation . . . . 14*th July* 1975

The Department of Health and Social Services(a), in exercise of powers conferred by section 18(1) of, and paragraph 2(3) of Schedule 2(b) to, the Supplementary Benefits &c. Act (Northern Ireland) 1966(c), and by section 8 of the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(d) and, with the consent of the Department of Finance(a), by section 4 of the first-mentioned Act, as extended by paragraph 2 of Schedule 2 to that Act as originally enacted and amended(e), and of all other powers enabling it in that behalf, hereby makes the following regulations: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 (Northern Ireland) 1975, and shall come into operation on 14th July 1975.

(2) In these regulations—

"the Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966;

"the Social Security Act" means the Social Security (Northern Ireland) Act 1975(f);

"beneficiary" means a person entitled to benefit under the Act;

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

"local office" includes any office or place appointed by the Department for the purpose of claiming unemployment benefit under the Social Security Act;

"paying office" means such place as the Department may designate for the payment of benefit;

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

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) *See* para. 1(*b*) of Sch. 3 to 1975 c. 11
(c) 1966 c. 28 (N.I.) as amended by paras. 96 and 101 of Sch. 2 to 1975 c. 18
(d) 1969 c. 19 (N.I.)
(e) *See* reg. 2(2) of S.R. & O. (N.I.) 1970 No. 327 (p. 1448)
(f) 1975 c. 15

(3) 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 ordinary or last known address.

PART II

CLAIMS

Claims to be in writing

2.—(1) Every claim for benefit shall be made in writing and delivered or sent to a local office of the Department on a form approved by the Department for the purpose of the benefit for which the claim is being made, or in such other manner, being in writing, as the Department may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Department may treat the claim as if it had been made on the appropriate form:

Provided that the Department may in any such case require the claimant to complete the appropriate form.

Supply of claim forms

3. Forms of claim shall be supplied without charge by the Department or by such persons as the Department may appoint or authorise for that purpose.

Information to be given in connection with a claim

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 Commission and, if reasonably so required, shall for that purpose attend at any office or place as the Commission may direct.

Amendment of claim forms

5. If, owing to the absence of due signature, a claim is defective at the date of its receipt by the Department, the Department shall refer the claim to the claimant and, if the form is returned duly signed within one month from the date on which it is so referred, the claim shall be deemed to have been duly made in the first instance.

Time for making claims

6.—(1) A claim for a supplementary pension or supplementary allowance shall be made not later than the beginning of the first period to which it relates.

(2) Nothwithstanding anything in paragraph (1), the Commission, where they are satisfied that there are exceptional circumstances justifying it in any particular case, may treat a claim as having been made on such date as they may determine.

PART III

PAYMENTS

Time and manner of payment

7.—(1) Any payment of benefit shall be made in such manner and at such times as the Department in any particular case or class of cases may determine.

(2) Instruments of payment and books of serial orders issued by the Department to enable a person to obtain payment of benefit shall remain its property; and any person having such instrument of payment or book of serial orders shall on ceasing to be entitled to the benefit to which such instrument or book relates or when so required by the Department, deliver the said instrument or book to the Department or to such person as it may direct.

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

8.—(1) The right to payment of any sum by way of benefit shall, subject to paragraph (2), be extinguished where payment thereof 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 the 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 thereof, to the beneficiary or to a paying office 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;

(*b*) in relation to any such sum to which sub-paragraph (*a*) does not apply, but 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 if more than one such notice is given or sent, on the date determined by reference to the first such notice.

(2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of paragraph (1) and—

(*a*) after the expiration of the said period of 12 months the Department has received a request in writing for payment of that sum; and

(*b*) it is determined in accordance with the provisions of the Act that throughout a period commencing within the said period of 12 months and continuing up to the day on which the said request was made there was good cause for not making that request;

the right to payment of that sum shall, notwithstanding the provisions of that paragraph, be treated as having arisen on the date on which it is so determined.

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

Information to be given in connection with payment of benefit

9. 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 Department may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Department may require (either as a condition on which any such sum or sums shall be receivable or otherwise), and in particular shall notify the Department in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to the receipt thereof, as soon as reasonably practicable after the occurrence thereof.

PART IV

MISCELLANEOUS PROVISIONS

Persons unable to act

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

(*a*) where no committee, guardian or receiver of his estate has been duly appointed; or

(*b*) in an urgent case whether or not the condition contained in sub-paragraph (*a*) is satisfied;

the Department may upon written application being made to it, appoint a 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 with any sums payable on behalf of such person:

Provided that—

(i) except in a case to which sub-paragraph (*b*) applies, any such appointment by the Department shall terminate on the day immediately prior to the date on which the Department is notified that a committee, guardian or receiver has been appointed;

(ii) a person who has not attained the age of 18 shall not be capable of being appointed to act under this regulation;

(iii) the Department may at any time in its absolute discretion revoke any appointment made under this regulation;

(iv) any person appointed under this regulation may, on giving the Department one month's notice in writing of his intention to do so, resign his office; and

(v) any woman falling within paragraph 3(1) of Schedule 2 to the Act who is a former beneficiary for the purposes of paragraph 4 of Schedule 6 to the Act may be appointed under this paragraph to act on behalf of her husband without her having made written application.

(2) Anything required by these regulations to be done by or to any such person as aforesaid who is for the time being unable to act may be done by or to the committee, guardian or receiver, 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 Department for any sum paid.

Provisions for the purposes of paragraph 2(3) of Schedule 2 to the Act

11.—(1) For the purposes of paragraph 2(3) of Schedule 2 to the Act (aggregation of benefit and other payments as may be prescribed by the Department), the other payments there referred to shall be payments under the Social Security Act of unemployment benefit and the benefits mentioned in paragraph (4) of this regulation (hereinafter referred to as "the relevant benefits") and the said paragraph 2(3) shall apply in the following circumstances:

(*a*) where the Department has arranged for benefit and unemployment benefit to be paid together; or

(*b*) where arrangements have been made or will be made as soon as practicable for benefit and the relevant benefits to be paid together.

(2) Paragraph (1)(*b*) above shall not apply in any case where benefit and any one or more of the relevant benefits were being paid separately immediately before the date from which it would otherwise apply, unless or until the determination with respect to the amount of benefit is reviewed.

(3) Where benefit and any one or more of the relevant benefits cease to be paid together to any person to whom paragraph (1)(*b*) applies (whether by reason of an election by that person or otherwise) that paragraph shall continue to apply in his case unless or until the determination with respect to the amount of benefit is reviewed.

(4) For the purposes of this regulation "the relevant benefits" means the following benefits under the Social Security Act:

(*a*) retirement pension;

(*b*) age addition;

(*c*) attendance allowance.

Payments on death

12.—(1) On the death of a person who has made a claim for benefit the Department may appoint such person as it may think fit to proceed with the claim for benefit 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 which is payable under a determination on a claim proceeded with under paragraph (1) may be paid or distributed by the Department to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 8 shall apply to any such payment or distribution:

Provided that—

(*a*) the receipt of any such person who has attained the age of 16 shall be a good discharge to the Department for any such sum so paid; and

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

(3) Subject as aforesaid 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 thereto 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 8 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purposes of the said regulation 8, 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 Department within 12 months from the date of the deceased's death or within such longer period as the Department may allow in any particular case.

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

Fractional amounts of benefit

13. Where an amount of benefit is payable to a person and, notwithstanding the operation of any other provision of the Act or regulations, that amount is not a multiple of whole pence, there shall be paid to him the nearest amount in whole pence, a halfpenny being rounded to the next penny above.

Revocations

14. The regulations specified in column (2) of the Schedule are hereby revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 13th May 1975.

(L.S.) *C. G. Oakes*
Assistant Secretary

The Department of Finance hereby consents to regulations 1, 11, 13 and 14 of the foregoing regulations.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 13th May 1975.

(L.S.) *F. G. Dougall*
Assistant Secretary

SCHEDULE Regulation 14

Regulations revoked

Statutory Rules and Orders of Northern Ireland (1)	*Citation* (2)	*Extent of revocation* (3)
S.R. & O. (N.I.) 1966 No. 189	The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1966.	The whole regulations.
S.R. & O. (N.I.) 1969 No. 87	The Supplementary Benefit (Claims and Payments) Amendment Regulations (Northern Ireland) 1969.	The whole regulations.
S.R. & O. (N.I.) 1970 No. 327	The Supplementary Benefit (Decimalisation of the Currency) Regulations (Northern Ireland) 1970.	Regulation 4.
S.R. 1975 No. 70	The Supplementary Benefit (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1975.	The whole regulations.

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations consolidate the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1966 and the subsequent amending regulations set out in the Schedule which are revoked to the extent shown in that Schedule by regulation 14.

Regulation 5 incorporates an amendment by which, where a claim is returned for signature, it is deemed to have been properly made in the first instance if it is returned duly completed within one month.

Any other amendments are of a drafting or consequential nature.