1982 No. 318

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1982

Made . . . . . *29th September 1982*

Coming into operation . . . *25th October 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 79 and 82 of the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1982 and shall come into operation on 25th October 1982.

(2) In these regulations "the principal regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(c).

Amendment of the principal regulations

2.—(1) The following amendments shall be made to the principal regulations.

(2) In regulation 11(1)(*b*) (prospective awards of sickness benefit and other incapacity benefits) for "13 weeks" there shall be substituted "26 weeks".

(3) In Schedule 1 (prescribed times for claiming benefit and disqualifications for benefit arising by reason of late claims)—

(*a*) in paragraph 3(*a*) of both column (2) and column (3) for "21 days" there shall be substituted "1 month";

(*b*) in the paragraph of column (3) relating to paragraphs 5(*c*) and (*d*) of column (2) before "before the beginning of the week" there shall be inserted "more than 3 weeks".

(4) In Schedule 2 (miscellaneous special provisions which vary the prescribed times for claiming certain benefits under Schedule 1) after paragraph 2 there shall be inserted the following paragraph—

"*Extension of prescribed time in certain cases*

2A. In the case where a person makes a claim, other than an original claim, for sickness, invalidity or injury benefit or non-contributory invalidity pension, if the Department certifies that to do so would be consistent with the proper administration of the Act,—

(*a*) the prescribed time for claiming specified in Schedule 1 to these regulations shall be extended to 1 month from the day in respect of which benefit is claimed, and

(a) 1975 c. 15; section 79(3) was amended by Article 38 of, and paragraph 10 of Schedule 4 to, the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))

(b) 1980 c. 30

(c) S.R. 1977 No. 351, to which there are amendments not relevant to these regulations

(*b*) the claimant shall not be disqualified by reason of late claim for the receipt of that benefit in respect of any day within the period of 1 month before the day on which the claim is made.''.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 29th September 1982.

(L.S.) *C. Davie*

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend provisions of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 relating to sickness, invalidity and injury benefit and non-contributory invalidity pension (''incapacity benefits'') and maternity allowance. Regulation 2:

- enables forward awards of incapacity benefits for up to 26 weeks after the date of claim (paragraph (2));
- extends the prescribed time for making an original claim for incapacity benefits from 21 days to 1 month (paragraph (3)(*a*));
- allows maternity allowance to be payable in cases of late claim for the 3 weeks before the week in which the claim is made (paragraph (3)(*b*));
- extends, except in the case of original claims, the prescribed time for claiming incapacity benefits to 1 month in those cases where the Department certifies that to do so would be consistent with the proper administration of the Social Security (Northern Ireland) Act 1975 (paragraph (4)).