1985 No. 226

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1985

Made . . . . . *27th August 1985*

Coming into operation . . . . *2nd September 1985*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 154A of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1985 and shall come into operation on 2nd September 1985.

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

Substitution of regulation 3 of the principal regulations

2. For regulation 3 of the principal regulations (claims not required in certain cases) there shall be substituted the following regulation—

"Claims not required for entitlement to benefit in certain cases

3. It shall not be a condition of entitlement to benefit that a claim be made for it in the following cases—

(*a*) in the case of a Category C retirement pension where the beneficiary is in receipt of—

(i) another retirement pension under the Act; or

(ii) widow's benefit under Chapter I of Part II of the Act; or

(iii) benefit by virtue of section 39(4) corresponding to a widow's pension or a widowed mother's allowance;

(*b*) in the case of a Category D retirement pension where the beneficiary—

(i) was ordinarily resident in Northern Ireland on the day on which he attained 80 years of age; and

(ii) is in receipt of another retirement pension under the Act;

(*c*) age addition in any case;

(*d*) in the case of a Category A or B retirement pension—

(i) where the beneficiary is a woman over the age of 65 and entitled to a widowed mother's allowance, on her ceasing to be so entitled; or

(ii) where the beneficiary is a woman under the age of 65 and in receipt of widow's pension, on her attaining that age.".

(**a**) 1975 c. 15; section 154A was inserted into the Social Security (Northern Ireland) Act 1975 by Article 17 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(**b**) S.R. 1977 No. 351; the relevant amending regulations are S.R. 1978 No. 90, S.R. 1982 No. 318, S.R. 1983 No. 36 and S.R. 1984 Nos. 123, 317 and 382

Amendment of regulation 14 of the principal regulations

3.—(1) Regulation 14 of the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (1) there shall be substituted the following paragraph—

"(1) Subject to the provisions of Schedule 2 to these regulations the prescribed time for claiming any benefit specified in column (1) of Schedule 1 to these regulations shall be the appropriate time specified opposite that benefit in column (2) of that Schedule.".

(3) In paragraph (2) for "section 82(2)" there shall be substituted "section 154A(3)".

(4) In paragraph (4) for "section 82(2)) be disqualified under Schedule 1 to these regulations for receiving" there shall be substituted "section 154A(3)) be disentitled under section 154A(1) to".

Substitution of Schedule 1 to the principal regulations

4. For Schedule 1 to the principal regulations (showing prescribed times for claiming benefit and disqualifications for benefit arising by reason of late claims) there shall be substituted the Schedule set out in the Schedule to these regulations.

Amendment of Schedule 2 to the principal regulations

5.—(1) Schedule 2 to the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph 1 (unemployment benefit) for "disqualified for the receipt of" there shall be substituted "disentitled to".

(3) In sub-paragraph (*b*) of paragraph 2A (extension of prescribed time in certain cases) for "disqualified" there shall be substituted "disentitled" and for "for the receipt of" there shall be substituted "to".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 27th August 1985.

(L.S.) *A. N. Burns*

Assistant Secretary

SCHEDULE Regulation 4

Schedule 1 to the principal regulations as substituted by these regulations

SCHEDULE 1 Regulations 2(5) and 14

Prescribed times for claiming benefit

Description of benefit (1)	*Prescribed time for claiming benefit* (2)
1. Unemployment benefit.	The day in respect of which the claim is made.
2. Invalid care allowance.	The period of 3 months from the first day in respect of which the claim is made.
3. Sickness benefit, invalidity benefit, or severe disablement allowance—	
(*a*) Where the claim is an original claim, that is to say, where the claimant has at no time made a claim for sickness benefit or severe disablement allowance under the Act or a claim which has been treated as a claim for sickness benefit or severe disablement allowance.	(*a*) The period of 1 month from the earliest day in respect of which the claim is made.
(*b*) Where the claim is not an original claim but is the first claim made by the claimant after he has become or again becomes incapable of work.	(*b*) The period of 6 days from the earliest day in respect of which the claim is made.
(*c*) Where the claim is a continuation claim, that is to say a claim to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) of this paragraph applies.	(*c*) The period of 10 days from the earliest day in respect of which the claim is made.
4. Increase, in respect of a child or adult dependant, of unemployment benefit, sickness benefit, invalidity pension, maternity allowance, severe disablement allowance or an invalid care allowance.	The period of 1 month from the day in respect of which the claim is made.
5. Maternity benefit—	
(*a*) Maternity grant in respect of expectation of confinement.	(*a*) The period beginning with the 14th week before the week in which it is to be expected that the claimant will be confined and ending immediately before the date of the confinement.
(*b*) Maternity grant by virtue of the fact of confinement.	(*b*) The period of 3 months beginning with the date of the confinement.
(*c*) Maternity allowance in respect of expectation of confinement (not being an increase of benefit in respect of an adult dependant).	(*c*) The period of 3 weeks beginning with the 14th week before the week in which it is to be expected that the claimant will be confined.

Description of benefit (1)	*Prescribed time for claiming benefit* (2)
(*d*) Maternity allowance by virtue of the fact of confinement (not being an increase of benefit in respect of an adult dependant).	(*d*) The period of 3 weeks beginning with the date of the confinement.
6. Retirement pension of any category (not including a Category B retirement pension to which a woman is entitled by virtue of section 29(5)), widow's benefit, benefit by virtue of section 39(4) corresponding to a widow's pension or a widowed mother's allowance, child's special allowance, guardian's allowance; and any increases of those benefits in respect of a child or adult dependant.	The period of 3 months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.
7. Death grant.	The period of 6 months (or such longer period as the Department may determine in the circumstances of any particular case) from the date of the death of the deceased.
8. Disablement benefit (not being an increase of benefit).	The period of 3 months from the first day on which the conditions for the receipt of that benefit apart from making a claim for it are satisfied.
9. Industrial death benefit.	The period of 3 months from the date of the death of the deceased or, where the conditions for the receipt of that benefit apart from making a claim for it cannot be satisfied until some later date, from that date.
10. Increase of disablement benefit under section 58, 59, 60, 61, 62 or 63 on the grounds respectively of unemployability, special hardship, need of constant attendance, receipt of hospital treatment or exceptionally severe disablement.	The period of 3 months from the first day on which the conditions, other than the existence of a current award of disablement benefit and of making a claim, for the receipt of the increase are satisfied.
11. Increase, in respect of a child or adult dependant, of disablement benefit.	The period of 3 months from the first day on which the conditions, other than the existence of a current award of disablement benefit and of making a claim, for the receipt of the increase are satisfied.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 ("the principal regulations"). They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

The regulations are made under the Social Security (Northern Ireland) Act 1975 and are consequential on Article 17 of the Social Security (Northern Ireland) Order 1985 which inserts a new section 154A into that Act and is brought into operation on 2nd September 1985 by Article 1(5) of that Order.

The regulations amend or replace, as the case may be, regulation 3 (claims not required in certain cases) and regulation 14 (time for claiming benefit) of, and Schedules 1 and 2 to, the principal regulations. In particular regulation 2 of these regulations replaces regulation 3 of the principal regulations so that the classes of benefit which were specified therein are specified as being classes of benefit to which a person shall be entitled without having made a claim for them, as would otherwise be required under section 154A of the Social Security (Northern Ireland) Act 1975. References in regulation 14 and in Schedules 1 and 2 to the principal regulations to disqualifying a person for receipt of benefit if he fails to make a claim for it within the prescribed time have been omitted from those regulations by the amendments made thereto by these regulations. Other minor consequential amendments have also been made.