NATIONAL INSURANCE

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Claims and Payments Amendment Regulations (Northern Ireland), 1951

REGULATIONS, DATED 31ST JULY, 1951, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1951. No. 150

The Ministry of Labour and National Insurance, in exercise of the powers conferred by section 27 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Claims and Payments) Amendment Regulations (Northern Ireland), 1951, shall be read as one with the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948, as amended (hereinafter referred to as " the principal regulations ") and shall come into operation on the 1st August, 1951.

Amendment of the principal regulations

2.—(1) Paragraph (1) and paragraph (2) of regulation 11 of the principal regulations shall be amended in accordance with the following paragraphs, and the said regulation 11 shall accordingly have effect as set out in the schedule to these regulations.

(2) The following sub-paragraph shall be substituted for sub-paragraph (*b*) of the said paragraph (1) :—

" (*b*) in the case of sickness benefit (and subject to the provisions relating to the time for giving notice of incapacity contained in regulation 15), payment of any benefit for which the claim is not made within the prescribed time ; or "

(3) The following sub-paragraph shall be substituted for sub-paragraph (*b*) of the said paragraph (2) :—

" (*b*) in the case of sickness benefit (not being an increase of benefit in respect of a child or adult dependant), —

(i) where, before making the claim, the claimant has not made an earlier claim for sickness benefit under the Act or an earlier claim for any other benefit (whether under the Act or the Industrial Injuries Act) which has been treated as a claim for sickness benefit, the period of twenty-one days, or

(ii) where sub-paragraph (*b*) (i) of this paragraph does not apply and the day of incapacity in respect of which the claim is made is not earlier than three days before the date on which written notice of the incapacity was given to the Ministry, the period of ten days, or

(iii) where neither sub-paragraph (*b*) (i) nor sub-paragraph (*b*) (ii) of this paragraph applies, the period of three days,

from the day in respect of which the claim is made ; or ".

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 31st day of July, 1951, in the presence of

(L.S.) *William Allen,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

SCHEDULE

REGULATION 11 OF THE PRINCIPAL REGULATIONS, AS AMENDED *

Prescribed time for claiming benefit and disqualification where benefit not claimed within the prescribed time

11.—(1) Subject to the provisions of subsection (3) of section 27 of the Act (which subsection relates to retirement pension for a widow in receipt of widow's benefit), if a person fails to make a claim for any benefit within the prescribed time in accordance with the following provisions of this regulation, he shall be disqualified for receiving —

(*a*) in the case of unemployment benefit or maternity grant or death grant, any benefit ; or

(*b*) in the case of sickness benefit (and subject to the provisions relating to the time for giving notice of incapacity contained in regulation 15), *payment of any benefit for which the claim is not made within the prescribed time* ; or

(*c*) in the case of attendance allowance, payment in respect of any period more than twenty-eight days before the date on which the claim is made ; or

* The amendments made by these regulations are shown in italics.

(*d*) in the case of maternity allowance, payment in respect of any period before the date on which the claim is made ; or

(*e*) in the case of a pension, payment in respect of any period more than three months before the date on which the claim is made :

Provided that, subject to the condition contained in paragraph (3) of this regulation, if in any case the claimant proves —

(i) that on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he was entitled to the benefit ; and

(ii) (subject to the provisions of paragraph (5) of regulation 15) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim ;

he shall not be disqualified under this paragraph for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date.

(2) The prescribed time for the purposes of the foregoing paragraph shall (subject to the special provisions relating to the time for claiming benefit contained in Part IV of these regulations) be, —

(*a*) in the case of unemployment benefit (not being an increase of benefit in respect of a child or adult dependant), the day in respect of which the claim is made ; or

(*b*) in the case of sickness benefit (not being an increase of benefit in respect of a child or adult dependant), —

(*i*) *where, before making the claim, the claimant has not made an earlier claim for sickness benefit under the Act or an earlier claim for any other benefit (whether under the Act or the Industrial Injuries Act) which has been treated as a claim for sickness benefit, the period of twenty-one days, or*

(*ii*) *where sub-paragraph (b) (i) of this paragraph does not apply and the day of incapacity in respect of which the claim is made is not earlier than three days before the date on which written notice of the incapacity was given to the Ministry, the period of ten days, or*

(*iii*) *where neither sub-paragraph (b) (i) nor sub-paragraph (b) (ii) of this paragraph applies, the period of three days,*

from the day in respect of which the claim is made ; or

(*c*) in the case of maternity grant, the period of three months from the date of the confinement ; or

(*d*) in the case of attendance allowance, the period of twenty-eight days from the date of the confinement ; or

(*e*) in the case of maternity allowance, the period up to the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto ; or

(*f*) in the case of a pension, the period of three months from the date on which, apart from satisfying the said condition, the claimant becomes entitled thereto ; or

(*g*) in the case of death grant, the period of one month from the date of the death of the deceased, except in the case of a payment under subsection (5) of section 21 of the Act, in which case the period shall be twenty-one days from the date of the death, or such longer period as the Ministry may determine in the circumstances of any particular case ; or

(*h*) in the case of an increase, in respect of a child or adult dependant, of unemployment benefit or sickness benefit, the period of one month from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto, subject to the qualification that if, in the case of the benefit of which that increase is claimed, the prescribed time is extended in accordance with the proviso to this paragraph, the period of one month shall (subject to the condition contained in the next succeeding paragraph) be increased by a period equal to the period commencing on the said date and ending on the date on which the claim for the said benefit was made :

Provided that, subject to the condition contained in the next succeeding paragraph, if the claimant proves (subject to the provisions of paragraph (5) of regulation 15) that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time shall be extended to the date on which the claim is made.

(3) The proviso to either of the foregoing paragraphs of this regulation shall apply in any case subject to the condition that no sum shall be paid to any person on account of maternity grant in respect of a confinement occurring more than six months before the date on which the claim therefor is made in accordance with the provisions of these regulations, or on account of any other benefit in respect of any period more than six months before the date on which the claim therefor is so made.

(4) The provisions of the last preceding paragraph of this regulation shall apply to death grant as they apply to maternity grant with the substitution of death for confinement, and subject to the qualification that there shall be substituted for the period of six months specified in that paragraph in relation to maternity grant such longer period as the Ministry may in the circumstances of any particular case decide, where the failure to make a claim within the said period either is due to the fact that the claimant did not, and in all the circumstances could not reasonably be expected to, know of the death, or, in the case of a death occurring outside Northern Ireland, is due to the claimant's absence from Northern Ireland during the said period or to unavoidable delay in obtaining any information necessary for making a claim.