1987 No. 465

SOCIAL SECURITY

The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987

Made . . . . . *21st December 1987*

Coming into operation . . *11th April 1988*

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The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 27(4), 37A(5) and 154A of the Social Security (Northern Ireland) Act 1975(a), Article 24(4) of the Social Security Pensions (Northern Ireland) Order 1975(b), Article 8(1) of the Child Benefit (Northern Ireland) Order 1975(c), Articles 22(7) and 52(1)(*a*) to (*r*) of the Social Security (Northern Ireland) Order 1986(d) and, as regards the

(a) 1975 c. 15; section 37A(5) was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975. Section 154A was inserted by Article 17 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), substituted by paragraph 56 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 and extended by paragraph 32 of that Schedule
(b) S.I. 1975/1503 (N.I. 15)
(c) S.I. 1975/1504 (N.I. 16); Article 8(1) was amended by paragraph 61 of Schedule 9 to the Social Security (Northern Ireland) Order 1986
(d) S.I. 1986/1888 (N.I. 18); Article 52 has effect by virtue of paragraph 3 of Schedule 7 in relation to the benefits under earlier enactments as well as to the benefits specified in Article 52(2)

revocations set out in Schedule 9, the powers specified in that Schedule, and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and shall come into operation on 11th April 1988.

Interpretation

2.—(1) In these regulations—

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

"the Order" means the Social Security (Northern Ireland) Order 1986;

"adjudicating authority" means any person with responsibility under the Social Security (Northern Ireland) Acts 1975 to 1986(a), and regulations made thereunder, for the determination of claims for benefit and questions arising in connection with a claim for, or award of, or disqualification for receiving, benefits;

"appropriate office" means an office of the Department;

"benefit" includes any benefit under the Act(b), child benefit under Part II of the Child Benefit (Northern Ireland) Order 1975, income support and family credit under the Order and any social fund payments such as are mentioned in Article 33(2)(*a*) of the Order(c);

"benefit orders" means orders for the payment of a weekly sum on account of benefit to which regulation 22 applies or of a weekly instalment of a gratuity;

"claim for benefit" includes—

(*a*) an application for a declaration that an accident was an industrial accident;

(*b*) a claim for attendance allowance expressed as an application for review of an earlier determination but which discloses no grounds on which such a determination could be reviewed;

(*c*) an application for the review of an award or a decision for the purpose of obtaining any increase of benefit, but does not include any other application for the review of an award or a decision;

(a) *See* Article 1(2) of the Social Security (Northern Ireland) Order 1986

(b) Amendments altering the range of benefits under this Act were made by Articles 2(3), 17, 18 and 24 of the Social Security Pensions (Northern Ireland) Order 1975, Article 32 of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)), Articles 5 to 7 of, and Schedule 3 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and Articles 37 to 43 of, and Schedule 3 and paragraph 13 of Schedule 4 to, the Social Security (Northern Ireland) Order 1986

(c) Article 33(2)(*a*) was amended by Article 3 of the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987 (S.I. 1987/464 (N.I. 8))

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

"long term benefits" means any retirement pension, a widowed mother's allowance, a widow's pension, attendance allowance, mobility allowance, invalid care allowance, guardian's allowance, any pension or allowance for industrial injury or disease and any increase in any such benefit;

"married couple" means a man and a woman who are married to each other and are members of the same household;

"partner" means one of a married or unmarried couple;

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

"social security office" includes any office or place appointed by the Department for the purpose of claiming unemployment benefit;

"unmarried couple" means a man and a woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;

"week" means a period of 7 days beginning with midnight between Saturday and Sunday.

(2) For the purposes of the provisions of these regulations relating to the making of claims every increase of benefit under the Act shall be treated as a separate benefit and so shall an increase in the weekly rate of benefit under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(**a**).

(3) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

PART II

CLAIMS

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 1 of Part II of the Act; or

(iii) benefit by virtue of section 39(4) of the Act 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—

(a) S.R. 1976 No. 223; the relevant amending regulations are S.R. 1980 No. 37 and S.R. 1987 No. 458
(b) 1954 c. 33 (N.I.)