1981 No. 368

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981

Made . . . . . *11th November 1981*

Coming into operation . . . *21st December 1981*

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SCHEDULE—Revocations

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 15 and 19(1) and (2)(*a*), (*b*), (*c*), (*e*), (*g*), (*h*), (*i*), (*j*), and (*k*) of, and paragraph 4 of Schedule 1 to, the Supplementary Benefits (Northern Ireland) Order 1977(**a**) and of all other powers enabling it in that behalf and for the purpose only of consolidating regulations hereby revoked, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981 and shall come into operation on 21st December 1981.

Interpretation

2.—(1) In these regulations—

"the Order" means the Supplementary Benefits (Northern Ireland) Order 1977;

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

"allowance" means a supplementary allowance under Article 3(1)(*b*) of the Order;

"beneficiary" means a person entitled to benefit;

"benefit" means supplementary benefit;

(**a**) S.I. 1977/2156 (N.I. 27): provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Sch. 2 to, the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)), are set out in Part II of that Schedule

(**b**) 1975 c. 15

"benefit week" has the meaning assigned to it in regulation 7 of the Determination of Questions Regulations (date of commencement, change and termination of entitlement to pensions and allowances);

"claimant" means a claimant for benefit;

"the Department" means the Department of Health and Social Services;

"Determination of Questions Regulations" means the Supplementary Benefit (Determination of Questions) Regulations (Northern Ireland) 1980(**a**);

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

"normal requirements", "additional requirements" and "housing requirements" mean the requirements which are taken into account in the determination of requirements under Parts II, III and IV respectively of the Requirements Regulations;

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

"pension" means a supplementary pension under Article 3(1)(*a*) of the Order;

"Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations (Northern Ireland) 1980(**b**);

"Resources Regulations" means the Supplementary Benefit (Resources) Regulations (Northern Ireland) 1981(**c**);

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

"Single Payments Regulations" means the Supplementary Benefit (Single Payments) Regulations (Northern Ireland) 1981(**d**);

"social security office" includes any office or place appointed by the Department for the purpose of claiming unemployment benefit; and "relevant social security office" means the office which the claimant or beneficiary attends, or would attend if he were required to do so, for the purpose of claiming that benefit or would attend if he were entitled to that benefit;

"Trade Disputes Regulations" means the Supplementary Benefit (Trade Disputes and Recovery from Earnings) Regulations (Northern Ireland) 1980(**e**);

"unemployment benefit" means unemployment benefit under the Act;

"Urgent Cases Regulations" means the Supplementary Benefit (Urgent Cases) Regulations (Northern Ireland) 1981(**f**); and any reference to those regulations shall include a reference to those regulations in so far as they are applied by regulation 4 of the Trade Disputes Regulations.

(2) Part IV of these regulations (deductions and payments to third parties) shall be further interpreted in accordance with regulation 14.

(3) Any reference in these regulations to a numbered Article is to the Article of the Order bearing that number.

(4) Any notice or other documents 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 last known address.

(a) S.R. 1980 No. 423 as amended by S.R. 1981 No. 215
(b) S.R. 1980 No. 347 as amended by S.R. 1980 No. 422 and 1981 Nos. 105, 241, 275 and 282
(c) S.R. 1981 No. 370
(d) S.R. 1981 No. 369
(e) S.R. 1980 No. 417 as amended by S.R. 1981 No. 215
(f) S.R. 1981 No. 372

PART II

CLAIMS

Manner in which claims are to be made

3.—(1) Every claim for benefit shall be made in writing to the Department either—

(*a*) on a form approved for the purpose by the Department and supplied without charge by the Department or by such persons as the Department may appoint or authorise for the purpose; or

(*b*) in such manner as the Department may accept as sufficient in the circumstances of any particular case or class of cases.

(2) A claim for benefit shall be delivered or sent to a social security office of the Department.

(3) The date on which a claim for benefit is made shall be the date on which it is received at a social security office of the Department.

(4) Where—

(*a*) a claim for benefit made in writing is defective on the day on which it is received, but is subsequently amended; or

(*b*) a claim for a pension or allowance is made other than in writing, but is subsequently made in writing,

the Department may treat the claim as if it had been duly made in the first instance.

(5) The Department may in any particular case or class of cases accept—

(*a*) a claim for benefit under Article 5 (single payment to meet an exceptional need) other than in writing;

(*b*) in a case to which Part II of the Urgent Cases Regulations (emergency relief) applies, a claim from a person other than the person who, pursuant to the provisions of the Order, falls to be claimant; and in a case to which this sub-paragraph applies, references to a claimant and beneficiary in these regulations shall include such a person, but paragraph (2) shall not apply to him.

Information to be given in connection with claims

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

Time for claiming pension or allowance

5.—(1) Subject to paragraph (2), a claim for a pension or allowance shall be made no later than the first day of the period in respect of which it is made.

(2) Where a claim for a pension or allowance is made in respect of a period earlier than the day on which it is made, it shall be treated as if it had been made—

(*a*) where in any case the claimant proves that throughout that period there was good cause for failure to make the claim before the day on which it was made, on the first day of that period;

(*b*) where—

(i) the claimant has, in respect of that period, made a claim for benefit under the Act(**a**) or the Family Income Supplements Act (Northern Ireland) 1971(**b**) or for a war disablement pension as defined in the Resources Regulations, and

(ii) his claim for a pension or allowance is made as soon as reasonably practicable after his receipt of the decision in respect of his claim for that benefit, supplement or pension,

on the day on which the claim for that benefit, supplement or pension was made;

(*c*) where the claimant has been an in-patient in a hospital or similar institution and—

(i) in the period immediately preceding his admission as an in-patient he was entitled to a pension or allowance, but ceased to be so entitled by reason only of being an in-patient, and

(ii) the claim is made within 21 days of his discharge,

on the day of his discharge;

(*d*) where the claim is made by a claimant within three days of the date on which he became resident at a centre providing facilities for alcoholics or drug addicts, in respect only of that part of the claim relating to board and lodging to which regulation 9 of the Requirements Regulations (modification of normal requirements of boarders) applies, on the day on which he became so resident.

PART III

PAYMENTS

Time and manner of payment of pension and allowance

6.—(1) A pension or allowance shall be paid—

(*a*) where—

(i) a beneficiary is required to register and be available for employment pursuant to Article 7, and

(ii) the Department has not directed that payment should be made by means of a book of serial orders,

by means of an instrument of payment issued at intervals corresponding to those at which he attends or would be required to attend the relevant social security office by virtue of regulation 8(*b*);

(*b*) in any other case, weekly, on or as soon as is reasonably practicable after the first day of the benefit week for which it is payable, by means of an instrument of payment.

unless in any particular case or class of cases the Department makes other arrangements for payment.

(2) Subject to paragraph (3), where a pension or allowance which is being paid by means of a book of serial orders is increased on review pursuant to regulation 4 of the Determination of Questions Regulations (reviews of determinations) by an amount

(a) *See also* Article 2(3) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15))

(b) 1971 c. 8 (N.I.)