1980 No. 376

FAMILY INCOME SUPPLEMENTS

The Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1980

Made . . . . . *24th October 1980*

Coming into operation . . . *24th November 1980*

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The Department(**a**) of Health and Social Services, in exercise of the powers conferred on it by sections 5(2) and 10(2) of the Family Income Supplements Act (Northern Ireland) 1971(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

(**a**) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(**b**) 1971 c. 8 (N.I.)

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1980, and shall come into operation on 24th November 1980 immediately after the coming into operation on that date of the Family Income Supplements (General) Regulations (Northern Ireland) 1980(**c**).

(2) In these regulations—

"the Act" means the Family Income Supplements Act (Northern Ireland) 1971;

"benefit" means a family income supplement under the Act;

"beneficiary" means a person by whom benefit is or was receivable and any person authorised or appointed to act for such a person;

"claim" means a claim for benefit;

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

"determining authority" means, as the case may require, a supplement officer, the Appeal Tribunal as defined in section 7(3) of the Act or a Social Security Commissioner(**d**) within the meaning of the Social Security (Northern Ireland) Act 1975(**e**);

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

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

"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;

"supplement officer" shall have the same meaning as in section 16(1) of the Act(**f**).

PART II

CLAIMS

Manner in which claims are to be made and the date on which claims are deemed to be made

2.—(1) Every claim shall be made in writing on a form approved by the Department, or in such other manner, being in writing, as the Department may accept as sufficient in the circumstances of any particular case or class of cases and shall be delivered or sent to an office of the Department.

(2) The date on which a claim is made shall be the date on which it is received at an office of the Department (hereinafter referred to as "the relevant date"), so however that if—

(*a*) a person making a claim requests the Department to treat that claim as having been made on a date earlier than the relevant date, or the Department is aware that a claim which has been sent by post has not been delivered in the ordinary course of post; and

(*b*) the Department is satisfied that it was through no fault on the part of that person that the claim was not made on a date earlier than the relevant date,

(**c**) S.R. 1980 No. 375
(**d**) *See* section 12 of the Social Security Act 1980 (c. 30)
(**e**) 1975 c. 15
(**f**) Section 16(1) was amended by Article 8(6) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8))

the Department may treat the claim as having been made on a date earlier than the relevant date, being a date not more than three months before the relevant date.

(3) Forms of claim shall be supplied without charge by the Department or by such persons as the Department may appoint or authorise for that purpose.

(4) If a claim is defective at the date when it is received at an office of the Department, or has been made otherwise than on the form approved for the time being, the Department may, in its discretion, refer the claim to the person making it, or, as the case may be, supply him with the approved form, and if the form is returned properly completed within one month from the date on which it is so referred or supplied, the Department shall treat the claim as if it had been duly made in the first instance.

(5) A person who has made a claim may withdraw it at any time before a determination has been made on it by a notice in writing delivered or sent to an office of the Department.

(6) Any reference in the Act or in regulations to the date on which a claim is made shall—

(*a*) in the case of a claim which is treated as having been made on a date earlier than the relevant date under paragraph (2), be construed as a reference to the date on which such claim is so treated as having been made; and

(*b*) in the case of a claim which is treated as if it had been duly made in the first instance under paragraph (4), be construed as a reference to the date on which such claim is so treated as having been duly made.

(7) Where for the purposes of the Act a family includes both a man and a woman, the Department may, if it is satisfied that it would be unreasonable to require a joint claim, accept as a valid claim a claim made by the man alone or by the woman alone.

(8) No claim made by or on behalf of a person who was included in a family for which benefit is payable shall be entertained if it is made more than four weeks before the expiration of the period for which benefit is payable for that family.

Information to be given in connection with a claim

3. Every person who makes a claim shall furnish such certificates, documents, information and evidence in connection with the claim as may be required by the Department and, if reasonably so required, shall for that purpose attend at such office of the Department or other place as the Department may direct.

PART III

PAYMENTS

Time and manner of payment of benefit

4.—(1) Payment of benefit shall be made in such manner and at such times as the Department in any particular case or class of cases may determine.

(2) Instruments of payment and books of serial orders issued by the Department shall remain its property; and any person having such an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit to which such instrument or book relates, or when so required by the Department, deliver the said instrument or book to the Department or to such person as it may direct.

(3) Where, by reason of any provision of the Act or of regulations, the date as from which benefit would commence, or as from which a change in the rate of benefit would take effect, is not a Tuesday, benefit shall commence only, or the change in the rate of benefit shall take effect only, as from the next Tuesday; and where the date on which benefit would cease to be payable is not a Monday, benefit shall continue to be payable in respect of the days of the week up to but not including the next Tuesday.