1977 No. 230

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1977

Made . . . . . 28*th July* 1977

Coming into operation . . . 29*th July* 1977

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The Department of Health and Social Services(**a**) in exercise of the powers conferred on it by sections 4(1) and 18(1) of, and paragraph 2(3) of Schedule 2(**b**) to, the Supplementary Benefits &c. Act (Northern Ireland) 1966(**c**), (as amended in the case of the said section 4(1) by Article 11(3) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(**d**)), and section 8 of the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(**e**), and with the consent of the Department of Finance(**a**) where required(**f**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1977 and shall come into operation on 29th July 1977.

(2) In these regulations—

"the Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966;

"the General Regulations" means the Supplementary Benefit (General) Regulations (Northern Ireland) 1977(**g**);

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

"allowance" means a supplementary allowance;

"Appeal Tribunal" means an Appeal Tribunal constituted in accordance with the provisions of Schedule 3 to the Act;

"benefit" means supplementary benefit;

"beneficiary" means a person entitled to benefit;

"claim" means a claim to benefit and cognate expressions shall be construed accordingly;

"determining authority" means as the case may require, the Commission or an Appeal Tribunal;

"instrument of payment" means a serial order or 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;

"pension" means a supplementary pension;

"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;

"social security office" includes any office or place appointed by the Department for the purpose of claiming unemployment benefit under the Social Security (Northern Ireland) Act 1975(**h**).

(**a**) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(**b**) *See* para. 1(*b*) of Sch. 3 and paras. 1 and 2 of Sch. 4 to 1975 c. 11
(**c**) 1966 c. 28 (N.I.)
(**d**) S.I. 1977/610 (N.I. 11)
(**e**) 1969 c. 19 (N.I.)
(**f**) *See* 1966 c. 28 (N.I.) section 4(1) as amended by S.I. 1977/610 (N.I. 11) Article 11(3)
(**g**) S.R. 1977 No. 229
(**h**) 1975 c. 15

(3) Any notice or other document 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 ordinary or last known address.

PART II

CLAIMS

Manner in which claims are to be made

2.—(1) Every claim for benefit shall be made in writing and delivered or sent to a social security office of the Department on a form approved by the Department for the purpose of the benefit for which the claim is being made, 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.

(2) 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.

(3) 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 may treat the claim as if it had been duly made in the first instance.

(4) Notwithstanding anything in paragraphs (1) to (3) the Department may in any particular case or class of cases accept an oral claim for benefit under section 6 of the Act (benefit to meet exceptional needs).

Information to be given in connection with claims

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

Time for making claim to pension or allowance

4.—(1) Subject to paragraph (2), a claim to a pension or allowance shall be made not later than the beginning of the first period for which it is payable.

(2) Where it is satisfied that there are exceptional circumstances justifying it in any particular case or class of cases, the determining authority may treat a claim as having been made on such earlier date as it may determine.

PART III

PAYMENTS

Time and manner of payment of pensions and allowances

5.—(1) A pension or allowance shall be paid 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 including payment otherwise than weekly.

(2) Where a pension or allowance which is being paid by means of a book of serial orders is increased on review by the determining authority under regulation 10 of the General Regulations by an amount which, with any previous such increases, is less than £0·50 the Department may defer payment of that increase until not later than the first to occur of—

(*a*) the termination of entitlement to the pension or allowance; and

(*b*) the expiration of the period of one week from the date specified for payment in the last order in that book of serial orders.

(3) In this regulation, the expression "benefit week" has the same meaning as in regulation 12 of the General Regulations.

(4) This regulation shall not apply to any pension or allowance, or part thereof, which the determining authority has, under section 14 of the Act, determined shall be provided in kind.

Time and manner of payment of other benefits

6. Payment of any benefit other than a pension or allowance shall, except where section 14 of the Act applies (benefit in kind), be made by the Department as soon as is reasonably practicable after the award has been made by the determining authority, by means of an instrument of payment or by such other means as appears to the Department to be appropriate in the circumstances of any particular case.

Information to be given in connection with payment of benefit

7. Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Department may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Department may require (either as a condition on which any such sum or sums shall be receivable or otherwise), and in particular shall notify the Department in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to its receipt, as soon as reasonably practicable after the occurrence thereof.

Instruments of payment

8.—(1) Instruments of payment and books of serial orders issued by the Department shall remain its property.

(2) Any person having such an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit or benefits 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 other person as it may direct.