1976 No. 224

SOCIAL SECURITY

The Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976

Made . . . . . 3*rd August* 1976
Coming into operation . . . 8*th August* 1976

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SCHEDULE—Benefits under the Social Security Act, claims for which may be interchanged with a claim to child benefit

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The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 8(1) and (3) to (5), 9(1)(*b*), 13(2) and 22(1) and (2)(*b*) of the Child Benefit (Northern Ireland) Order 1975(a), 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 Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1976 and shall come into operation on 8th August 1976.

(2) In these regulations—

"the Order" means the Child Benefit (Northern Ireland) Order 1975;

"benefit" means child benefit under the Order;

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

"determining authority" means, as the case may require, an insurance officer, a local tribunal, a National Insurance Commissioner or a Tribunal of 2 or 3 National Insurance Commissioners constituted in accordance with regulation 5(4) of the Child Benefit (Determination of Claims and Questions) Regulations (Northern Ireland) 1976(b);

"increase" means 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(c);

(a) S.I. 1975/1504 (N.I. 16)
(b) S.R. 1976 No. 225
(c) S.R. 1976 No. 223

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

(3) A separate claim shall be required for an increase.

PART II

CLAIMS

Manner in which claims are to be made

2.—(1) Every claim shall be made in writing to the Department on a form approved by the Department or in such other manner, being in writing, as the Department may, in its discretion, 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 in an office of the Department (hereafter in this paragraph referred to as "the relevant date"); so however that if the Department is aware that a claim which has been sent by post has not been delivered in the ordinary course of post it may treat the claim as having been made on a date earlier than the relevant date, being, whichever is the later, the date on which the claim would have been made had it been delivered in the ordinary course of post or a date thirteen weeks 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 on the form approved 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 the form so 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 amend his claim 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, and any claim so amended may be treated as if it had been made as so amended in the first instance.

(6) 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 and the said notice shall have effect when it is received in the Department.

(7) Any reference in the Order or in regulations to the date on which a claim is made shall, in the case of a claim which is treated—

(*a*) as having been made on a date earlier than the relevant date under paragraph (2), be construed as a reference to that earlier date; and

(*b*) as if it had been duly made in the first instance under paragraph (4) or (5), be construed as a reference to the date on which it was first received in an office of the Department.

Information in support of claim

3.—(1) Every person making 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.

(2) Where, in the case of a husband and wife residing together, a claim is made by the husband and not by the wife, the Department may require the husband to furnish it with a written statement, signed by the wife, that she does not wish to make a claim.

Advance claims and awards

4.—(1) If on the date on which a claim is made by a person in respect of a child (being a date after 3rd April 1977) that person does not satisfy the requirements for entitlement to benefit in respect of that child but the determining authority is of the opinion that that person is likely to satisfy those requirements for a period beginning with a day (hereafter in this regulation referred to as "the relevant day") not more than fifty-six days after the date on which the claim is made, then that determining authority may—

(*a*) treat the claim as if made for a period beginning with the relevant day; and

(*b*) award benefit accordingly, subject to the condition that the person satisfies the requirements for entitlement when benefit becomes payable under the award.

(2) An award under paragraph (1)(*b*) may be reviewed by the determining authority if the requirements for entitlement are found not to have been satisfied on the relevant day.

Interchange with claims for benefit under the Social Security Act

5.—(1) Where it appears that a person who in accordance with these regulations has claimed child benefit in respect of a child may be entitled alternatively or in addition to any benefit specified in the Schedule in respect of the same child, the Department may, in its discretion, treat the claim to child benefit as a claim by that person for the benefit in question specified in the said Schedule.

(2) Where it appears that a person who in accordance with regulations made under the Social Security Act has claimed any benefit specified in the said Schedule in respect of a child may be entitled alternatively or in addition to child benefit in respect of the same child, the Department may, in its discretion, treat the claim for the benefit in question as a claim by that person to child benefit.

PART III

PAYMENTS

Time and manner of payment of benefit

6.—(1) Benefit for any week shall be payable on the Monday or Tuesday of that week (as the Department may in its discretion in any case determine) by means of a serial order, unless in any particular case or class of cases the Department in its discretion makes other arrangements for payment, including payment in arrear.

(2) The Department shall take steps to notify persons to whom benefit is payable of the arrangements it has made for payment of benefit so far as those arrangements affect such persons.

(3) 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.

Further information and notification of change of circumstances

7. Every person claiming benefit, or to whom benefit has been awarded, or to whom benefit is payable, 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 person's right to benefit or, as the case may be, to its receipt, as the Department may, in its discretion, require (either as a condition on which any sum or sums shall be payable 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.

Extinguishment of right to payment of sums on account of benefit

8.—(1) Subject to paragraph (2), the right to payment of any sum on account of benefit shall be extinguished where payment thereof is not obtained within the period of twelve months from the date on which the right is to be treated as having arisen; and for the purposes of this regulation the right shall be treated as having arisen—

(*a*) in relation to any such sum contained in an instrument of payment which has been given or sent for the purpose of making payment thereof to the payee or to a paying office for collection by him (whether or not received or collected, as the case may be) and notwithstanding that that sum is greater or less than the sum to which the payee has the right to payment—

(i) on the date on the said instrument of payment; or

(ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;

(*b*) in relation to any such sum to which sub-paragraph (*a*) does not apply, but where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection and notwithstanding that that sum is greater or less than the sum to which the payee has the right to payment—

(i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post; and

(ii) in any other case, on the date of the notice,

and if in any case more than one such notice is given or sent, on the date determined by reference to the first such notice;

(*c*) in relation to any such sum to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) applies, on such date as the Department, in its discretion, determines.