1975 No. 340

SOCIAL SECURITY

The Child Interim Benefit (Claims and Payments) Regulations (Northern Ireland) 1975

Made . . . . . *1st December* 1975

Coming into operation . . . *2nd January* 1976

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The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 2(3), Articles 8(4)(*a*) to (*d*) and (5) and 13(2) as applied by Article 18(11), and Articles 18(5) and 22(2)(*d*) 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 Interim Benefit (Claims and Payments) Regulations (Northern Ireland) 1975 and shall come into operation on 2nd January 1976.

(2) In these regulations—

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

"benefit" means benefit under Article 18 of the Order;

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

"determining authority" means, as the case may require, the Department, a tribunal constituted under powers conferred by Article 18(7) of the Order for the purpose of determining an appeal from any decision given by the Department under the said Article 18(7), or a person appointed by the Lord Chief Justice under that Article for the purpose of determining an appeal from any decision given by a tribunal;

"instrument of payment" means a serial order and 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;

"transitional period" means the period commencing with 2nd January 1976 and ending immediately before 5th April 1976.

PART II

CLAIMS

Manner and time 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 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.

(a) S.I. 1975 No. 1504 (N.I. 16)

(2) A claim made in any week shall be treated as made at the beginning of that week and, subject to paragraph (3), a claim shall be made when it is received in an office of the Department.

(3) If in any case the Department is satisfied that it is through no fault on the part of the person making a claim that the claim was not received in an office of the Department in a week earlier than the one in which it was in fact so received, it may specify in writing an earlier week, being a week not more than 13 weeks before that in which the claim was in fact so received, and the claim shall be treated as having been so received in that earlier week.

(4) 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.

(5) 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 1 month from the date on which the claim 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.

(6) 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.

(7) 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.

(8) Any reference in the Order or in regulations—

(*a*) to the week in which a claim is made shall, in the case of a claim which, under paragraph (3), is treated as having been made in a week earlier than the week in which it was received in an office of the Department, be construed as a reference to that earlier week; or

(*b*) to the date on which a claim is made shall, in the case of a claim which, under paragraph (5) or (6), is treated as if it had been duly made in the first instance, 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. 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.

Advance claims and awards

4.—(1) If on the date on which a person makes a claim (being a date after 4th April 1976) the requirements for entitlement to benefit are not satisfied but the determining authority is of the opinion that the person is

likely to satisfy those requirements for a period beginning on a day (hereafter in this regulation referred to as "the relevant day"), not more than 28 days after the date on which the claim is made, then the 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 if the requirements for entitlement are found not to have been satisfied on the relevant day.

PART III

PAYMENTS

Time and manner of payment of benefit

5.—(1) Benefit for any week shall be payable on the Tuesday of that week 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

6. 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 require such certificates and other documents and such information of facts affecting that 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

7.—(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 12 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—