1975 No. 143

SUPPLEMENTARY BENEFITS

The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1975

Made . . . . . 13*th May* 1975

Coming into operation . . . . 14*th July* 1975

The Department of Health and Social Services(a), in exercise of powers conferred by section 18(1) of, and paragraph 2(3) of Schedule 2(b) to, the Supplementary Benefits &c. Act (Northern Ireland) 1966(c), and by section 8 of the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(d) and, with the consent of the Department of Finance(a), by section 4 of the first-mentioned Act, as extended by paragraph 2 of Schedule 2 to that Act as originally enacted and amended(e), and of all other powers enabling it in that behalf, hereby makes the following regulations: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) 1975, and shall come into operation on 14th July 1975.

(2) In these regulations—

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

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

"beneficiary" means a person entitled to benefit under the Act;

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

"local office" includes any office or place appointed by the Department for the purpose of claiming unemployment benefit under the Social Security Act;

"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 a sum on account of benefit which is or has been contained in a book of such orders.

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) *See* para. 1(*b*) of Sch. 3 to 1975 c. 11
(c) 1966 c. 28 (N.I.) as amended by paras. 96 and 101 of Sch. 2 to 1975 c. 18
(d) 1969 c. 19 (N.I.)
(e) *See* reg. 2(2) of S.R. & O. (N.I.) 1970 No. 327 (p. 1448)
(f) 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

Claims to be in writing

2.—(1) Every claim for benefit shall be made in writing and delivered or sent to a local 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) Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Department may treat the claim as if it had been made on the appropriate form:

Provided that the Department may in any such case require the claimant to complete the appropriate form.

Supply of claim forms

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.

Information to be given in connection with a claim

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

Amendment of claim forms

5. If, owing to the absence of due signature, a claim is defective at the date of its receipt by the Department, the Department shall refer the claim to the claimant and, if the form is returned duly signed within one month from the date on which it is so referred, the claim shall be deemed to have been duly made in the first instance.

Time for making claims

6.—(1) A claim for a supplementary pension or supplementary allowance shall be made not later than the beginning of the first period to which it relates.

(2) Nothwithstanding anything in paragraph (1), the Commission, where they are satisfied that there are exceptional circumstances justifying it in any particular case, may treat a claim as having been made on such date as they may determine.

PART III

PAYMENTS

Time and manner of payment

7.—(1) Any 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 to enable a person to obtain payment of benefit shall remain its property; and any person having such 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.

Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period

8.—(1) The right to payment of any sum by way of benefit shall, subject to paragraph (2), 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—

(*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 beneficiary or to a paying office for collection by him (whether or not received or collected as the case may be), notwithstanding that that sum is greater or less than the sum to which the beneficiary 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;

(*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, notwithstanding that that sum is greater or less than the sum to which the beneficiary 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 more than one such notice is given or sent, on the date determined by reference to the first such notice.

(2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of paragraph (1) and—

(*a*) after the expiration of the said period of 12 months the Department has received a request in writing for payment of that sum; and

(*b*) it is determined in accordance with the provisions of the Act that throughout a period commencing within the said period of 12 months and continuing up to the day on which the said request was made there was good cause for not making that request;

the right to payment of that sum shall, notwithstanding the provisions of that paragraph, be treated as having arisen on the date on which it is so determined.

(3) This regulation shall apply to a person authorised or appointed to act on behalf of a beneficiary as it applies to a beneficiary.