1975 No. 104

SOCIAL SECURITY

The Social Security (Claims and Payments) Regulations (Northern Ireland) 1975

Made . . . . . *4th April* 1975

Coming into operation . . . *6th April* 1975

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The Department of Health and Social Services for Northern Ireland with the consent of the Department of Finance for Northern Ireland, so far as relates to matters with regard to which such consent is required, in exercise of the powers conferred on it by sections 45(4), 79 to 81, 88 to 90 and 137(5) of the Social Security (Northern Ireland) Act 1975(a), and paragraph 9(1)(*a*) and (*c*) of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Social Security (Claims and Payments) Regulations (Northern Ireland) 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

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

(a) 1975 c. 15 (b) 1975 c. 18

"benefit order" means an order for the payment of a weekly sum on account of benefit to which regulation 15 applies or of a weekly instalment of a gratuity;

"claim for benefit" includes an application for a declaration that an accident was an industrial accident and an application for the review of an award or a decision for the purpose of obtaining any increase of benefit mentioned in Schedule 1 to these regulations but does not include any other application for the review of an award or a decision; and the expression "claims benefit" and every reference to a claim shall be construed accordingly;

"determining authority" means, as the case may require, an insurance officer, a local tribunal or a Commissioner by whom the relevant question falls to be determined under Part III of the Act;

"instrument of payment" means a serial order, benefit 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 benefits;

"serial order" means one of a series of orders, including benefit orders, for the payment of a sum 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;

and other expressions have the same meanings as in the Act.

(2) Unless the context otherwise requires, any reference in these regulations to—

(*a*) a numbered section is to the section of the Act bearing that number;

(*b*) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(*c*) any provision made by or contained in an enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply in relation to this statutory rule (including any regulation read as one therewith) and in relation to any revocation effected by it as if this statutory rule, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

(4) For the purposes of these regulations, an increase of benefit in respect of a child or adult dependant shall be treated as a separate benefit.

(5) The provisions of Schedules 1 and 2 to these regulations shall have effect and the following provisions of these regulations shall in relation to any particular benefit have effect subject to any provision in those Schedules affecting that benefit.

(c) 1889 c. 63

PART II

CLAIMS

Claims not required in certain cases

3. Benefit may be paid without a claim being made for it in the following cases:

(*a*) in the case of a Category C retirement pension or benefit by virtue of section 39(4) corresponding to a widow's pension or a widowed mother's allowance, to a beneficiary who is in receipt of—

(i) another retirement pension under the Act; or

(ii) widow's benefit under Chapter 1 of Part II of the Act; or

(iii) benefit by virtue of section 39(4) corresponding to a widow's pension or a widowed mother's allowance;

(*b*) in the case of a Category D retirement pension, to a beneficiary who—

(i) was ordinarily resident in Northern Ireland on the day on which he attained 80 years of age; and

(ii) is in receipt of another retirement pension under the Act;

(*c*) age addition in any case.

Claims to be made to the Department in writing

4. Every claim for benefit shall be made in writing to the Department on the form approved by the Department for the purpose of the benefit for which the claim is 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; and, subject to any directions given by the Department in any particular case or class of cases, a person claiming unemployment benefit shall attend in person at a social security office.

Supply of claim forms

5. Forms of claim shall be supplied without charge by the Department or by such persons as the Department may, in the case of any particular benefit, appoint or authorise for that purpose.

Claims not on appropriate forms

6. 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, so however that the Department may in any such case require the claimant to complete the appropriate form.

Information to be given when making a claim for benefit

7.—(1) 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 Department and, if reasonably so required, shall for that purpose attend at such office or place as the Department may direct.

(2) Every person who makes a claim for widowed mother's allowance, child's special allowance, benefit in respect of a child or for an increase of benefit in respect of a child, shall, in particular, furnish such certificate relating to the birth of the child and such other information to show that the child is or may be treated as included in that person's family as the Department may require.

(3) Every person who makes a claim for an increase of benefit in respect of an adult dependant shall, in particular, furnish, if required, the following information concerning such dependant:

(*a*) his identity, date of birth, usual place of residence, occupation and relationship to the claimant;

(*b*) his position in regard to benefit under the Act, available sources of income and the amounts contributed by any person towards his maintenance; and

(*c*) in the case of an increase in respect of a wife or a husband, a certificate of the marriage;

together with a declaration signed by the dependant confirming the information given.

(4) Every person who makes a claim for a death grant shall, in particular, furnish the following information:

(*a*) if required by the Department, a death certificate relating to the deceased; and, where the claim is in respect of the death of a child, such certificate relating to the birth of the child, and such other information as the Department may reasonably require in support of any contention that immediately before the death of the child or the person by whom the contribution condition is to be satisfied, as the case may be, the child was a child of the family of that person; in this subparagraph a child includes a person referred to in section 32(4)(*a*) or (*b*);

(*b*) if required by the Department, the estimate or account of the undertaker.

Amendment of claim forms

8.—(1) If, owing to the absence of due signature or of due certification, a claim is defective at the date of its receipt by the Department, the Department may, in its discretion, refer the claim to the claimant, and if the form is returned duly signed and certified within 1 month from the date on which it is so referred, the Department may treat the claim as if it had been duly made in the first instance.

(2) Any person who has made a claim for benefit in accordance with the provisions of these regulations may amend his claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the Department, and any claim so amended may be treated as if it had been made as so amended in the first instance.

Interchange with claims for other benefits

9.—(1) Where it appears that a person who has made a claim for benefit specified in column (1) of Schedule 3 to these regulations may be entitled to the benefit specified opposite thereto in column (2) of that Schedule, any such claim may be treated as a claim in the alternative for that other benefit.

(2) Where it appears that a person who has made a claim for benefit is not entitled thereto, but that some other person may be entitled to an increase of benefit in respect of him, the claim may be treated as if it were a claim by such other person for an increase of benefit in respect of the claimant.

(3) Where it appears that a person who has made a claim for an increase of benefit in respect of a child or adult dependant is not entitled thereto but that some other person may be entitled to an increase of benefit in respect of that child or adult dependant, the claim may be treated as if it were a claim by that other person for such an increase.