1974. No. 306

SOCIAL SECURITY

Claims

REGULATIONS, DATED 5TH DECEMBER 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND UNDER THE SOCIAL SECURITY ACT 1973.

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by sections 38 and 100(1) of, and Schedule 10 and paragraph 6(1) of Schedule 26 to, the Social Security Act 1973(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Claims) (Northern Ireland) Regulations 1974.

(2) Regulations 1 and 14 of these regulations shall come into operation on 6th December 1974 and the remainder of these regulations shall come into operation on 6th April 1975.

(3) In these regulations, unless the context otherwise requires —

"the Act" means the Social Security Act 1973;

"the former principal Act" means the National Insurance Act (Northern Ireland) 1966(**b**);

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**c**);

"benefit" means benefit under Part I of the Act;

"the Department" means the Department of Health and Social Services for Northern Ireland;

"pension" means retirement pension of any category, widow's benefit, guardian's allowance or child's special allowance under Part I of the Act, as the case may require;

"social security office" means 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.

(4) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**d**) shall apply for the purposes of the interpretation of this instrument as they apply for the purposes of the interpretation of an Act of Parliament.

(**a**) 1973. c. 38.
(**b**) 1966. c. 6 (N.I.).
(**c**) 1966. c. 9 (N.I.).
(**d**) 52 & 53 Vict. c. 63.

(6) 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.

(7) The provisions of these regulations shall have effect in relation to any particular benefit subject to any further provision affecting that benefit contained in Schedules 2 and 3 to these regulations.

Claims not required in certain cases

2. 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 under section 27(4) of the Act corresponding to widow's pension or 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 the Act; or

(iii) benefit under section 27(4) of the Act 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

3. 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

4. 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

5. 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

6.—(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 or guardian's allowance, 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 and under the Industrial Injuries 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;

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

Amendment of claim forms

7.—(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 a pension 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 under the Act

8.—(1) Where it appears that a person who has made a claim for benefit specified in column (1) of Part I of Schedule 1 to these regulations may be entitled to the benefit specified opposite thereto in column (2) of that Part, 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 increase.

(4) Where it appears that a person who has made a claim for guardian's allowance in respect of any child is not entitled thereto, but that the claimant, or the wife or husband of the claimant, may be entitled to an increase of benefit for that child, the claim may be treated as if it were a claim by the claimant or the wife or husband of the claimant for an increase of benefit for that child.

Interchange with claims for benefit under other Acts

9.—(1) Where it appears that a person who has made a claim for—

(*a*) any benefit under the National Insurance Measures (Northern Ireland) 1966 to 1974 may be entitled to the corresponding benefit under the Act;

(*b*) a benefit under the Industrial Injuries Act specified in column (1) of Part II of Schedule 1 to these regulations may be entitled to the benefit under the Act specified opposite thereto in column (2) of that Part; or

(*c*) a benefit under the Act specified in the said column (2) may be entitled to the benefit under the Industrial Injuries Act specified opposite thereto in the said column (1);

any such claim may be treated as a claim in the alternative for that other benefit.

(2) A claim for unemployment benefit may be treated as a claim in the alternative for industrial injury benefit or unemployability supplement under the Industrial Injuries Act.

(3) A claim for benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966(**e**) may be treated additionally as a claim for attendance allowance.

Forward allowances and disallowances of sickness benefit and invalidity benefit

10.—(1) Subject to the provisions of paragraph (3) below, where a medical certificate has been issued in respect of the person named therein ("the claimant")—

(*a*) a claim for sickness benefit or invalidity benefit based on the medical certificate shall, unless in any case the Department otherwise directs, be treated as if made by that person for that period;

(*b*) on any such claim such benefit may be awarded or disallowed for the whole or any part of that period after the date of the claim but not exceeding 13 weeks in the case of a medical certificate mentioned in paragraph (6)(*a*) below, or such shorter period as the Department may in a particular case direct;

(e) 1966. c. 28 (N.I.).

(*c*) if on any such claim such benefit is awarded or disallowed for part only of the period in respect of which the claim for sickness benefit or invalidity benefit is treated as if made, further decisions in accordance with paragraph (1)(*b*) above awarding or disallowing such benefit may be given on the same claim.

(2) Any decision awarding benefit by virtue of paragraph (1) above shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates and if those requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.

(3) Where a claim for sickness benefit is disallowed on the grounds that—

(*a*) the contribution condition in paragraph 1(2) of Schedule 3 to the Act is not satisfied; or

(*b*) although that contribution condition is satisfied, neither the contribution condition in paragraph 1(3) of the said Schedule 3 nor the requirements of regulations made under section 37(2) of the Act (partial satisfaction of contribution conditions) are satisfied;

the decision disallowing that claim shall, subject to the provisions of section 71 of the former principal Act (review of decisions of insurance officer, local tribunal or Commissioner), be treated as a decision disallowing any further claim within the meaning of paragraph 2(*c*) of column (1) of Schedule 2 to these regulations by that person for that benefit until the grounds for the original disallowance have ceased to exist.

(4) Where a claim for invalidity benefit is disallowed on the grounds that the claimant has not been entitled to sickness benefit for 168 days in the relevant period of interruption of employment, the decision disallowing that claim shall, subject to the provisions of section 71 of the former principal Act, be treated as a decision disallowing any further claim (being a continuation claim within the meaning of the said paragraph 2(*c*) of column (1) of Schedule 2 to these regulations) by that person for that benefit until the grounds for the original disallowance have ceased to exist.

(5) Where in a certificate issued under the National Insurance (Medical Certification) Regulations (Northern Ireland) 1965(**f**), as amended(**g**), or under any regulation corresponding to those regulations and made for the purposes of benefit under the Act, it has been certified that it is to be expected that a woman will be confined, and either—

(*a*) a claim for sickness or invalidity benefit is made by that woman on or after the date of that certificate; or

(*b*) a claim for maternity allowance so made by that woman is treated under the provisions of regulation 8(1) of these regulations as a claim in the alternative for sickness or invalidity benefit;

any such claim may, unless the Department otherwise directs, be treated as a claim for sickness or invalidity benefit made in respect of any days in the period beginning with the 11th week before the expected week of confinement and ending either—

(i) on the last day of the 6th week after the week in which the confinement occurs, or

(ii) on the last day of the 6th week after the week in which it was expected that the confinement would occur,

whichever is the later.

(f) S.R. & O. (N.I.) 1965, No. 79. (g) S.R. & O. (N.I.) 1966, No. 13.