1972. No. 185 **[C]**

NATIONAL INSURANCE

Claims and Payments

REGULATIONS, DATED 9TH AUGUST 1972, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1971.

The Ministry of Health and Social Services on behalf of the Secretary of State, in conjunction with the Ministry of Finance on behalf of the Secretary of State, so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 29(3), 47, 48(3) and (4), 51 and 89(2) of the National Insurance Act (Northern Ireland) 1966(**a**) and 2(4) of the National Insurance &c. Act (Northern Ireland) 1969(**b**) and paragraph 12 of Schedule 5 to the Social Services (Parity) Order (Northern Ireland) 1971(**c**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 101(3) of the National Insurance Act (Northern Ireland) 1966:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1972 and shall come into operation on 18th September 1972.

(2) In these regulations—

"the Act" means the National Insurance Act (Northern Ireland) 1966;

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

"determining authority" means, as the case may require, an insurance officer appointed under section 67(1) of the Act, a local tribunal constituted under section 76 of the Act, or the Commissioner;

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

"insurance card" means a card issued in accordance with the regulations for the time being in force under section 13 of the Act relating to the collection of contributions;

"local office" includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit;

"paying office" means such place as the Ministry may designate for the payment of pensions;

(a) 1966. c. 6 (N.I.).
(b) 1969. c. 3 (N.I.).
(c) S.R. & O. (N.I.) 1971, No. 224.
(d) 1966. c. 9 (N.I.).

"appropriate paying office" means such paying office as the Ministry, after consultation with the pensioner, may from time to time determine;

"pension" means retirement pension, widow's benefit, child's special allowance or guardian's allowance, as the case may require;

"pension order" means an order for the payment of any pension;

"pensioner" means a person to whom any pension is payable;

"the relevant person" means the person by whom the contribution conditions for death grant are to be satisfied;

"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.

(3) For the purposes of the provisions of these regulations relating to the making of claims, an increase of benefit in respect of a child or adult dependant shall be treated as a separate benefit.

(4) The provisions of Parts II and III shall have effect in relation to any particular benefit subject to any further provision affecting that benefit contained in Schedules 2 and 3.

PART II

CLAIMS

Claims to be made to the Ministry in writing

2. Every claim for benefit shall be made in writing to the Ministry on the form approved by the Ministry for the purpose of the benefit for which the claim is made, or in such other manner, being in writing, as the Ministry may accept as sufficient in the circumstances of any particular case or class of cases; and, subject to any directions given by the Ministry in any particular case or class of cases, a person claiming unemployment benefit shall attend in person at a local office to make his claim.

Supply of claim forms

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

Claims not on appropriate forms

4. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Ministry may treat the claim as if it had been made on the appropriate form:

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

Information to be given when making a claim for benefit

5.—(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 Ministry and, if reasonably so required, shall for that purpose attend at such office or place as the Ministry may direct.

(2) Subject to any directions given by the Ministry in any particular case or class of cases, every person who makes a claim for unemployment benefit shall lodge his insurance card at the local office at which the claim is made:

Provided that where in any particular case the determining authority is satisfied that the claimant is unable or has omitted for good cause to lodge his insurance card it may, if it thinks fit, dispense with the lodging of the insurance card under this regulation.

(3) 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 Ministry may require.

(4) 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.

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

(*a*) if required by the Ministry, 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 Ministry may reasonably require in support of any contention that immediately before the death of the child or relevant person, as the case may be, the child was a child of the family of the relevant person;

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

Amendment of claim forms

6.—(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 Ministry, the Ministry shall 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 Ministry shall 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 Ministry, 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

7.—(1) Where it appears that a person who has made a claim for a benefit specified in column (1) of Part I of Schedule 1 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 that person, 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 the Industrial Injuries Act

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

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

(*b*) 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.

PART III

PAYMENTS

Time and manner of payment of unemployment, sickness, invalidity and maternity benefits and of death grant

9. Subject to the provisions of these regulations, unemployment benefit, sickness benefit, invalidity benefit, maternity benefit and death grant shall be paid in accordance with an award thereof, as soon as is reasonably practicable after such an award has been made by the determining authority, by means of instrument of payment or in cash at any local office of the Ministry or by such other means as appear to the Ministry to be appropriate in the circumstances of any particular case.

Time and manner of payment of retirement pension, widow's benefit, child's special allowance and guardian's allowance

10.—(1) Subject to the provisions of these regulations, pensions shall be paid weekly in advance at the appropriate paying office by means of pension orders payable in each case to the pensioner.

(2) In every case in which there is an award by the determining authority under which a pension is payable, the Ministry shall cause arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required the pensioner may obtain a book of pension orders, and the Ministry shall notify the pensioner of the appropriate paying office and of the arrangements so far as they affect him.

(3) The Ministry shall arrange for the issue to every pensioner of a fresh book of pension orders on the expiration of the previous book.

(4) Weekly sums on account of pensions shall be payable on different days of the week as follows:

(*a*) in the case of widow's benefit, child's special allowance and guardian's allowance—on Tuesdays; so, however, that where, in the case of a widow entitled to widow's supplementary allowance by virtue of section 4(1) of the National Insurance (No. 2) Act (Northern Ireland) 1966(e), a payment by way of widow's benefit under the Act does not, but a payment of widow's pension under section 19 of the Industrial Injuries Act does, fall to be made to that widow, the days shall be Wednesdays; and

(*b*) in the case of retirement pension—on Thursdays:

Provided that—

(i) in the case of a woman who, immediately before becoming entitled to retirement pension, was entitled to widow's benefit, the days shall be Tuesdays;

(ii) where a woman becomes entitled to a retirement pension immediately following the payment to her husband of an increase of retirement pension in respect of her, the retirement pension to which she becomes entitled shall be payable on the same days as those upon which the retirement pension of her husband is payable;

(iii) where, in relation to any person, any particular day of the week has become the appropriate day of the week for the payment of retirement pension, that day shall thereafter remain the appropriate day in his case for such payment;

(iv) in the case of a person who becomes entitled to a retirement pension in respect of any period before 1st January 1968, the days on which weekly sums on account of pension shall be payable shall be Mondays.

(5) Where by reason of any provision of the Act or of any regulations the date as from which a pension would commence, or as from which a change in the rate of a pension would take effect, is a day of the week other than the appropriate day of the week for the payment of that pension, the pension shall commence only, or the change in the rate of the pension shall take effect only, as from the next such appropriate day.

(6) Where the date on which a pension (other than any widow's benefit to which paragraph (7) applies) would cease to be payable is a day of the week other than that immediately preceding the appropriate day of the week for the payment of that pension, the pension shall continue to be payable in respect of the days of the week up to but not including the next such appropriate day.

(e) 1966. c. 16 (N.I.).