1971. No. 123 **[C]**

FAMILY INCOME SUPPLEMENTS

Claims and Payments

REGULATIONS, DATED 27TH APRIL 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FAMILY INCOME SUPPLEMENTS ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 5(2) and 10(2) of the Family Income Supplements Act (Northern Ireland) 1971(a), 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 10(3) of that Act:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1971 and shall come into operation on 3rd May 1971.

(2) In these regulations—

"the Act" means the Family Income Supplements Act (Northern Ireland) 1971;

"benefit" means a family income supplement under the Act;

"beneficiary" means a person by whom benefit is or was receivable and any person authorised or appointed to act for such a person;

"claim" means a claim for benefit;

"determining authority" means, as the case may require, the Appeal Tribunal as defined in section 7(3) of the Act or the Supplementary Benefits Commission;

"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;

"paying office" means such place as the Ministry may designate for the payment of benefit.

PART II

CLAIMS

Manner in which claims are to be made

2.—(1) Every claim shall be made in writing and delivered or sent to an office of the Ministry on a form approved by the Ministry, 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.

(a) 1971. c. 8 (N.I.).

(2) If a claim is defective at the date when it is received at an office of the Ministry, or has been made otherwise than on the form approved for the time being and not in a manner accepted by the Ministry as sufficient in accordance with paragraph (1), the Ministry shall 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 one month from the date on which it is so referred or supplied, the Ministry shall treat the claim as if it had been duly made in the first instance.

(3) 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 Ministry.

(4) Any reference in the Act or in regulations to the date on which a claim is made shall, in the case of a claim which is treated as if it had been duly made in the first instance under paragraph (2), be construed as a reference to the date on which such claim is so treated as having been duly made.

(5) Where for the purposes of the Act a family includes both a man and a woman, the Ministry may, if it is satisfied that it would be unreasonable to require a joint claim, accept as a valid claim a claim made by the man alone or by the woman alone.

(6) No claim made by or on behalf of a person who was included in a family for which benefit is payable shall be entertained if it is made more than four weeks before the expiration of the period for which benefit is payable for that family.

Information to be given in connection with a claim

3. Every person who makes a claim shall furnish such certificates, documents, information and evidence in connection with the claim as may be required by the Ministry and, if reasonably so required, shall for that purpose attend at such office of the Ministry or other place as the Ministry may direct.

PART III

PAYMENTS

Time and manner of payment of benefit

4.—(1) Payment of benefit shall be made in such manner and at such times as the Ministry in any particular case or class of cases may determine.

(2) Instruments of payment and books of serial orders issued by the Ministry 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 Ministry, deliver the said instrument or book to the Ministry or to such person as it may direct.

(3) Where, by reason of any provision of the Act or of regulations, the date as from which benefit would commence, or as from which a change in the rate of benefit would take effect, is not a Tuesday, benefit shall commence only, or the change in the rate of benefit shall take effect only, as from the next Tuesday; and where the date on which benefit would cease to be payable is not a Monday, benefit shall continue to be payable in respect of the days of the week up to but not including the next Tuesday.