1971. No. 103 **[C]**

FAMILY ALLOWANCES

Claims and Payments

REGULATIONS, DATED 31ST MARCH 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE FAMILY ALLOWANCES ACTS (NORTHERN IRELAND) 1966 TO 1969 AND THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1970.

The Ministry of Health and Social Services, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 7 and 12(1) of the Family Allowances Act (Northern Ireland) 1966(a) and section 51(2) of the National Insurance Act (Northern Ireland) 1966(b) as applied by section 2 of the National Insurance &c. Act (Northern Ireland) 1969(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 12(3) of the Family Allowances Act (Northern Ireland) 1966 and section 101(3) of the National Insurance Act (Northern Ireland) 1966:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Allowances (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 Allowances Act (Northern Ireland) 1966;

"allowance" means an allowance under the Act;

"award or decision" includes a revised award or decision;

"claim" means a claim for or in respect of an allowance;

"week" means a period of 7 days commencing from midnight between Monday and Tuesday.

Manner in which claims may be made

2.—(1) Every claim shall be made to the Ministry—

(*a*) on a form approved by it for the purpose containing the several particulars indicated therein or required thereby for the proper determination of the claim and in accordance with the instructions contained therein; or

(*b*) 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.

(2) Every claim shall be sent by post or delivered to the Ministry and, where any such claim is sent by post, the date of the posting of the claim shall be treated as the date on which the claim was made:

Provided that, if there is any reasonable doubt as to the date of the posting of any claim received by the Ministry, it shall be deemed to have been delivered in the ordinary course of post and to have been posted accordingly.

(a) 1966. c. 8 (N.I.).
(b) 1966. c. 6 (N.I.).
(c) 1969. c. 3 (N.I.).

(3) 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 person making it and, if the claim is returned duly signed and certified within the period of 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.

(4) Where a claim has been made in accordance with the provisions of this regulation, the person making the claim may, at any time before a decision has been given thereon, amend the claim by notice in writing sent by post or delivered to the Ministry, and any claim so amended may be treated as if it had been made as so amended in the first instance.

Information in support of claim

3. Every person claiming an allowance (including any person appointed to act on his behalf under regulation 10) shall furnish such certificates and other documents and information as the Ministry may require in connection with the claim.

Accruer of allowances

4. An allowance awarded shall begin to accrue on a Tuesday and shall terminate on a Monday, provided that no allowance shall begin to accrue before the date of entitlement.

Method of payment of sums on account of allowances

5. Sums on account of an allowance shall become receivable at the times hereinafter prescribed and shall be paid either by means of allowance orders payable in respect of every week to a person by whom such sums are receivable or in such other special manner as the Ministry may in any particular case and for any particular period determine.

Allowance order books

6.—(1) In every case in which sums on account of an allowance are payable by means of allowance orders, the Ministry shall cause arrangements to be made whereby—

(*a*) on furnishing such evidence of identity and such other particulars as may be required, the person to whom the allowance belongs or (where an order has been made under section 4(3) of the Act) by whom sums on account of the allowance are receivable, or any person appointed under regulation 10 to act on behalf of any such person, may obtain a book of allowance orders;

(*b*) written notice is sent to that person of the arrangements so far as they affect him; and

(*c*) a fresh book of allowance orders may be issued to that person on the expiration of the previous book.

(2) A book of allowance orders issued to any person shall remain the property of the Ministry.

(3) Any person having possession of an allowance order book or an unpaid allowance order in respect of an allowance shall, on the termination of that allowance or on the request of the Ministry, as the case may be, deliver such book or order to the Ministry or to such officer as the Ministry may appoint.

Date on which sums are receivable on account of allowances

7. Sums on account of an allowance shall be receivable—

(1) in the case of a sum payable by means of an allowance order, on the Tuesday of the week in respect of which it is to be paid;

(2) in the case of a sum to be paid in any other manner under these regulations, on such day as the Ministry may in any such case determine.

Extinguishment of right to payment of sums on account of allowances

8.—(1) The right to payment of any sum on account of an allowance 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 payee 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 payee 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 of payment;

(*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 payee 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 on account of an allowance has been extinguished by the operation of paragraph (1) and

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

(*b*) it is determined in accordance with Part IV of the National Insurance Act (Northern Ireland) 1966 as applied by section 5(2) 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) In this regulation—

"instrument of payment" means an allowance order for the payment of a sum on account of an allowance and any other instrument whatsoever which is intended to enable a person to obtain payment of such a sum;