(3) Where the determination concerned relates to the making of or refusal to make a cash payment in respect of benefit other than supplementary pension, the notice required by paragraph (2) may be given to the claimant orally unless he requests that it be in writing.

(4) Where the Commission determine that the claimant is entitled to benefit of an amount which, when added to some other payment, if any, payable by the Ministry, will amount to a stated sum, notice of that sum shall be notice for the purposes of this regulation.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 17th day of August 1966.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations make general provisions for the purposes of the Supplementary Benefits &c. Act (Northern Ireland) 1966. They provide for exceptions to the requirement of residence in the United Kingdom for a qualifying period (regulation 2); that the period for which a person is not to be excluded from benefit under the Act after he has commenced full-time remunerative employment is to be 15 days (regulation 3); for the manner in which a person required to register for employment at a local office as a condition for the award of benefit is to do so (regulation 4); for the method of calculation of a person's net weekly earnings (regulation 5); for the requirements of a person in a welfare authority home (regulation 6); for the circumstances in which determinations under the Act may be reviewed (regulation 7); and for the manner in which decisions of the Commission shall be notified (regulation 8).

1966. No. 189 **[C]**

SUPPLEMENTARY BENEFITS

Claims and Payments

REGULATIONS, DATED 17TH AUGUST 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE SUPPLEMENTARY BENEFITS &C. ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, with the consent of the Ministry of Finance, in exercise of powers conferred by section 4 as extended by paragraph 2(3) of Schedule 2, and section 18(1) of the Supplementary Benefits &c. Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

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

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1966, and shall come into operation on 22nd August 1966.

(2) In these regulations—

"the Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966;

"beneficiary" means a person entitled to benefit under the Act;

"draft" means a payable order or any other instrument whatsoever (except a serial order) for the payment of a sum on account of benefit;

"local office" includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit under the National Insurance Acts (Northern Ireland) 1966(a);

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

"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) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

PART II

CLAIMS

Claims to be in writing

2.—(1) Every claim for benefit shall be made in writing and delivered or sent to a local office of the Ministry on a form approved by the Ministry for the purpose of the benefit for which the claim is being 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.

(2) 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.

Supply of claim forms

3. Forms of claim shall be supplied without charge by the Ministry or by such persons as the Ministry may appoint or authorise for that purpose.

(a) 1966. c. 6 (N.I.) and 1966. c. 16 (N.I.).

Information to be given in connection with a claim

4. 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 Commission and, if reasonably so required, shall for that purpose attend at any office or place as the Commission may direct.

Amendment of claim forms

5. If, owing to the absence of due signature, a claim is defective at the date of its receipt by the Ministry, the Ministry may, in its discretion, refer the claim to the claimant and if the form is returned duly signed within one month from the date on which it is so referred the Ministry may treat the claim as if it had been duly made in the first instance.

Time for making claims

6.—(1) A claim for a supplementary pension or supplementary allowance shall be made not later than the beginning of the first period to which it relates.

(2) Claims for any benefit under section 5 of the Act (requirements for certain medical appliances or services) shall be made not later than six months after the appliance or service was provided.

(3) Notwithstanding anything in paragraphs (1) and (2), the Commission, where they are satisfied that there are exceptional circumstances justifying it in any particular case, may treat a claim as having been made on such date as they may determine.

PART III

PAYMENTS

Time and manner of payment

7. Any 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.

Orders for payment

8.—(1) Drafts, serial orders and books of serial orders issued by the Ministry to enable a person to obtain payment of benefit shall remain the property of the Ministry.

(2) Any person having such a draft, serial order or book of serial orders shall on ceasing to be entitled to the benefit to which the draft or serial order relates or when so required by the Ministry, deliver the draft, serial order or book of serial orders to the Ministry or to such person as it may direct.

Extinguishment of sums payable by way of benefit

9.—(1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of six months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

Provided that in calculating the said period of six months no account shall be taken of—

(*a*) any period during which a serial order or draft containing the sum is in the possession of the Ministry or any paying office, other than a period after written notice has been given that the serial order or draft is available for collection;

(*b*) any period during which the Ministry has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;

(*c*) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or

(*d*) any period during which the determination of any question as to such extinguishment is pending.

(2) For the purposes of this regulation, a sum payable by way of benefit shall, subject to the provisions of paragraph (3) of this regulation and of paragraph (3) of regulation 13, be receivable—

(*a*) in the case of a sum contained in a serial order, on the date on which the order is due to be paid;

(*b*) in the case of a sum contained in a draft—
(i) if the draft 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 issue of the draft;

(*c*) in the case of a sum not contained in a serial order or draft, where notice is given orally or in writing that the sum is available for collection—
(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

(*d*) in any case to which none of the preceding sub-paragraphs of this paragraph applies, six months (or such longer period as the Ministry may determine in the circumstances of any particular case) after the date on which the sum became payable.

(3) In determining when a sum is receivable under the provisions of paragraph (2), the following provisions shall apply:

(*a*) If a person proves that through no fault of his own he did not receive any such serial order or draft or written notice until a date later than the appropriate receivable date determined in accordance with the provisions of paragraph (2), the sum contained in the order or draft or referred to in the notice shall be receivable—
(i) on that later date, or
(ii) on the date which is six months after the said appropriate receivable date,
whichever is the earlier.

(*b*) If a person proves that through no fault of his own he has not received any such serial order or draft or written notice, the sum contained in the original order or draft or referred to in the notice shall be receivable—
(i) on the date determined in accordance with the provisions of paragraph (2) on the basis of the issue of any further order or draft or notice in respect of that sum, or
(ii) on the date which is six months after the receivable date determined in accordance with the provisions of paragraph (2) on the basis of the original order or draft or notice,
whichever is the earlier.