

1975 No. 340

**SOCIAL SECURITY****The Child Interim Benefit (Claims and Payments) Regulations  
(Northern Ireland) 1975***Made* . . . . . 1st December 1975*Coming into operation* . . . . . 2nd January 1976**ARRANGEMENT OF REGULATIONS****PART I****GENERAL**

- 1 Citation, commencement and interpretation

**PART II****CLAIMS**

- 2 Manner and time in which claims are to be made
- 3 Information in support of claim
- 4 Advance claims and awards

**PART III****PAYMENTS**

- 5 Time and manner of payment of benefit
- 6 Further information and notification of change of circumstances
- 7 Extinguishment of right to payment of sums on account of benefit

**PART IV****MISCELLANEOUS PROVISIONS**

- 8 Persons unable to act
- 9 Payment to a person under age 18
- 10 Payments on death
- 11 Payment to a third party
- 12 Breach of regulations

**PART V**

- 13 Transitional provision

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by Article 2(3), Articles 8(4)(a) to (d) and (5) and 13(2) as applied by Article 18(11), and Articles 18(5) and 22(2)(d) of the Child Benefit (Northern Ireland) Order 1975(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

## PART I

### GENERAL

#### *Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Child Interim Benefit (Claims and Payments) Regulations (Northern Ireland) 1975 and shall come into operation on 2nd January 1976.

(2) In these regulations—

“the Order” means the Child Benefit (Northern Ireland) Order 1975;

“benefit” means benefit under Article 18 of the Order;

“claim” means a claim to benefit and “claiming” shall be construed accordingly;

“determining authority” means, as the case may require, the Department, a tribunal constituted under powers conferred by Article 18(7) of the Order for the purpose of determining an appeal from any decision given by the Department under the said Article 18(7), or a person appointed by the Lord Chief Justice under that Article for the purpose of determining an appeal from any decision given by a tribunal;

“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;

“transitional period” means the period commencing with 2nd January 1976 and ending immediately before 5th April 1976.

## PART II

### CLAIMS

#### *Manner and time in which claims are to be made*

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

(2) A claim made in any week shall be treated as made at the beginning of that week and, subject to paragraph (3), a claim shall be made when it is received in an office of the Department.

(3) If in any case the Department is satisfied that it is through no fault on the part of the person making a claim that the claim was not received in an office of the Department in a week earlier than the one in which it was in fact so received, it may specify in writing an earlier week, being a week not more than 13 weeks before that in which the claim was in fact so received, and the claim shall be treated as having been so received in that earlier week.

(4) Forms of claim shall be supplied without charge by the Department or by such persons as the Department may appoint or authorise for that purpose.

(5) If a claim is defective at the date when it is received at an office of the Department, or has been made otherwise than on the form approved for the time being, the Department may, in its discretion, 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 1 month from the date on which the claim is so referred or the form so supplied, the Department shall treat the claim as if it had been duly made in the first instance.

(6) A person who has made a claim may amend his claim at any time before a determination has been made on it by a notice in writing delivered or sent to an office of the Department, and any claim so amended may be treated as if it had been made as so amended in the first instance.

(7) 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 Department, and the said notice shall have effect when it is received in the Department.

(8) Any reference in the Order or in regulations—

- (a) to the week in which a claim is made shall, in the case of a claim which, under paragraph (3), is treated as having been made in a week earlier than the week in which it was received in an office of the Department, be construed as a reference to that earlier week; or
- (b) to the date on which a claim is made shall, in the case of a claim which, under paragraph (5) or (6), is treated as if it had been duly made in the first instance, be construed as a reference to the date on which it was first received in an office of the Department.

#### *Information in support of claim*

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

#### *Advance claims and awards*

4.—(1) If on the date on which a person makes a claim (being a date after 4th April 1976) the requirements for entitlement to benefit are not satisfied but the determining authority is of the opinion that the person is

likely to satisfy those requirements for a period beginning on a day (hereafter in this regulation referred to as "the relevant day"), not more than 28 days after the date on which the claim is made, then the determining authority may—

- (a) treat the claim as if made for a period beginning with the relevant day; and
- (b) award benefit accordingly, subject to the condition that the person satisfies the requirements for entitlement when benefit becomes payable under the award.

(2) An award under paragraph (1)(b) may be reviewed if the requirements for entitlement are found not to have been satisfied on the relevant day.

### PART III

#### PAYMENTS

##### *Time and manner of payment of benefit*

5.—(1) Benefit for any week shall be payable on the Tuesday of that week by means of a serial order unless in any particular case or class of cases the Department in its discretion makes other arrangements for payment, including payment in arrear.

(2) The Department shall take steps to notify persons to whom benefit is payable of the arrangements it has made for payment of benefit so far as those arrangements affect such persons.

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

##### *Further information and notification of change of circumstances*

6. Every person claiming benefit or to whom benefit has been awarded or to whom benefit is payable, shall furnish in such manner and at such times as the Department may require such certificates and other documents and such information of facts affecting that person's right to benefit or, as the case may be, to its receipt, as the Department may, in its discretion, require (either as a condition on which any sum or sums shall be payable or otherwise), and in particular shall notify the Department in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to its receipt, as soon as reasonably practicable after the occurrence thereof.

##### *Extinguishment of right to payment of sums on account of benefit*

7.—(1) Subject to paragraph (2), the right to payment of any sum on account of benefit shall 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) and 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 and 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;

(c) in relation to any such sum to which neither sub-paragraph (a) nor sub-paragraph (b) applies, on such date as the Department specifies.

(2) Where a question arises whether the right to payment of any sum on account of benefit has been extinguished by the operation of this regulation and the determining authority is satisfied that—

(a) after the expiration of the said period of 12 months the Department has received written notice requesting payment of that sum; and

(b) throughout a period commencing within the said period of 12 months and continuing up to the date on which the said notice was given there was good cause for not giving that notice;

the said period of 12 months shall be extended to the date on which the determining authority decides that question, and for the purposes of the operation of this regulation thereafter the right to payment of that sum shall, notwithstanding the provisions of paragraph (1), be treated as having arisen on that date.

(3) In this regulation—

“payee” means a person to whom sums on account of benefit are payable; and

“paying office” means such place as the Department may designate for the payment of benefit.

## PART IV

### MISCELLANEOUS PROVISIONS

#### *Persons unable to act*

§.—(1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit, or by whom or on whose behalf a

claim has been made, if he is for the time being unable to act and no committee, guardian or receiver has been appointed with power to claim or, as the case may be, receive benefit on his behalf, the Department may, upon written application made to it by a person over the age of 18, appoint that person to exercise, on behalf of the person who is unable to act, any right to which the latter may be entitled under the Order and to receive and deal on his behalf with any sums payable to him.

(2) Where the Department has made an appointment under paragraph (1)—

- (a) it may at any time in its discretion revoke any such appointment;
- (b) the person appointed may resign his office after having given 1 month's notice in writing to the Department of his intention to do so;
- (c) any such appointment shall terminate when the Department is notified that a committee, guardian or receiver has been appointed.

(3) Anything required by these regulations to be done by or to any such person as aforesaid who is for the time being unable to act may be done by or to the committee, guardian or receiver, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Department for any sum paid.

#### *Payment to a person under age 18*

9. Where a person who is awarded benefit is under the age of 18, his signature on any instrument of payment shall be a sufficient discharge to the Department for any sum paid under such instrument.

#### *Payments on death*

10.—(1) On the death of a person who has made a claim to benefit, the Department may appoint such person as it may think fit to proceed with the claim and the provisions of these regulations shall apply, subject to the necessary modifications, to any such claim.

(2) Subject to the provisions of paragraph (4), any sum payable by way of benefit which is payable under an award on a claim proceeded with under paragraph (1) may be paid or distributed by the Department to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons over the age of 16), and the provisions of regulation 7 shall apply to any such payment or distribution; and—

- (a) the receipt of any such person shall be a good discharge to the Department for any sum so paid; and
- (b) where the Department is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 16, it may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfied the Department that he will apply the sum so paid for the benefit of the person under the age of 16.

(3) Subject as aforesaid, any sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid

or distributed to or amongst such persons as are mentioned in paragraph (2), and the provisions of regulation 7 shall apply to any such payment or distribution; so however that, for the purposes of regulation 7, the period of 12 months shall be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased.

(4) Paragraphs (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Department within 12 months from the date of the deceased's death or within such longer period as the Department may allow in any particular case.

(5) The Department may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

#### *Payment to a third party*

11. In any case where—

(a) it appears to the Department to be necessary for protecting the interests of a person entitled to benefit that arrangements should be made whereby that benefit should be paid to another person on behalf of the person entitled to it; or

(b) a person entitled to benefit requests the Department to make that benefit payable to another person on his behalf,

the Department may, in its discretion, make arrangements whereby the whole or part of the benefit payable to the person entitled to it may be paid to another person on his behalf.

#### *Breach of regulations*

12. Any person who contravenes a requirement of regulation 5(3) or 6 shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £50.

## PART V

#### *Transitional provision*

13.—(1) A claim made in the transitional period shall be treated as a claim made for a period beginning with 5th April 1976; so however that if a claim is made on or after 9th March 1976 and the determining authority is not satisfied that the requirements for entitlement to benefit are likely to be satisfied on 5th April 1976, but is of the opinion that those requirements are likely to be satisfied on a later day not more than 28 days after the date on which the claim is made, the claim may be treated as a claim made for a period beginning with that later day.

(2) Where the determining authority determines a claim made in the transitional period on a date before that as from which it is satisfied that benefit is payable on the claim—

(a) it shall not award benefit on the claim—

(i) if the claim was made before 9th March 1976, unless it is satisfied that the requirements for entitlement to benefit are likely to be satisfied within 28 days after the date on which the claim was made and on 5th April 1976; or

- (ii) if the claim was made on or after 9th March 1976, unless it is satisfied that the requirements for entitlement to benefit are likely to be satisfied within 28 days after the date on which the claim was made; and
- (b) a decision awarding benefit—
- (i) shall be subject to the condition that the requirements for entitlement to benefit are satisfied when benefit becomes payable under the award; and
  - (ii) may be reviewed if those requirements are found not then to have been satisfied.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 1st December 1975.

(L.S.)

C. G. Oakes  
Assistant Secretary

---

#### EXPLANATORY NOTE

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

These regulations contain provisions relating to claims to, and payment of, interim benefit under Article 18 of the Child Benefit (Northern Ireland) Order 1975.

Part I of the regulations relates to their citation, commencement and interpretation. Part II contains provisions relating to claims to the interim benefit. Part III contains provisions relating to payment of the interim benefit. Part IV contains miscellaneous provisions relating to persons who are unable to act; persons who have died; payment to a third party on behalf of the person entitled; and the fine for a breach of certain requirements of the regulations. Part V contains a transitional provision whereby claims may be made and adjudicated upon during the transitional period (i.e. the period beginning with 2nd January 1976, and ending immediately before 5th April 1976).