

1977 No. 230

SUPPLEMENTARY BENEFITS

**The Supplementary Benefit (Claims and Payments) Regulations
(Northern Ireland) 1977**

Made 28th July 1977
 Coming into operation 29th July 1977

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

Regulation

1. Citation, commencement and interpretation

PART II

CLAIMS

2. Manner in which claims are to be made
3. Information to be given in connection with claims
4. Time for making claim to pension or allowance

PART III

PAYMENTS

5. Time and manner of payment of pensions and allowances
6. Time and manner of payment of other benefits
7. Information to be given in connection with payment of benefit
8. Instruments of payment
9. Payment of negligible amounts of benefit
10. Payment of fractional amounts of benefit
11. Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period

PART IV

MISCELLANEOUS PROVISIONS

12. Persons unable to act
13. Payment to a person under age 18
14. Payments on death
15. Revocation

The Department of Health and Social Services(a) in exercise of the powers conferred on it by sections 4(1) and 18(1) of, and paragraph 2(3) of Schedule 2(b) to, the Supplementary Benefits &c. Act (Northern Ireland) 1966(c), (as amended in the case of the said section 4(1) by Article 11(3) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977(d), and section 8 of the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(e), and with the consent of the Department of Finance(a) where required(f), 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 Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1977 and shall come into operation on 29th July 1977.

(2) In these regulations—

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

“the General Regulations” means the Supplementary Benefit (General) Regulations (Northern Ireland) 1977(g);

“the Department” means the Department of Health and Social Services;

“allowance” means a supplementary allowance;

“Appeal Tribunal” means an Appeal Tribunal constituted in accordance with the provisions of Schedule 3 to the Act;

“benefit” means supplementary benefit;

“beneficiary” means a person entitled to benefit;

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

“determining authority” means as the case may require, the Commission or an Appeal Tribunal;

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

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

“pension” means a supplementary pension;

“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;

“social security office” includes any office or place appointed by the Department for the purpose of claiming unemployment benefit under the Social Security (Northern Ireland) Act 1975(h).

(a) Formerly Ministry: see 1973 c. 36 Sch. 5 para. 8(1)

(b) See para. 1(b) of Sch. 3 and paras. 1 and 2 of Sch. 4 to 1975 c. 11

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

(d) S.I. 1977/610 (N.I. 11)

(e) 1969 c. 19 (N.I.)

(f) See 1966 c. 28 (N.I.) section 4(1) as amended by S.I. 1977/610 (N.I. 11) Article 11(3)

(g) S.R. 1977 No. 229

(h) 1975 c. 15

(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

Manner in which claims are to be made

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

(2) 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.

(3) 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 one month from the date on which it is so referred or supplied, the Department may treat the claim as if it had been duly made in the first instance.

(4) Notwithstanding anything in paragraphs (1) to (3) the Department may in any particular case or class of cases accept an oral claim for benefit under section 6 of the Act (benefit to meet exceptional needs).

Information to be given in connection with claims

3. 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.

Time for making claim to pension or allowance

4.—(1) Subject to paragraph (2), a claim to a pension or allowance shall be made not later than the beginning of the first period for which it is payable.

(2) Where it is satisfied that there are exceptional circumstances justifying it in any particular case or class of cases, the determining authority may treat a claim as having been made on such earlier date as it may determine.

PART III

PAYMENTS

Time and manner of payment of pensions and allowances

5.—(1) A pension or allowance shall be paid weekly, on or as soon as is reasonably practicable after the first day of the benefit week for which it is payable, by means of an instrument of payment unless in any particular case or class of cases the Department makes other arrangements for payment including payment otherwise than weekly.

(2) Where a pension or allowance which is being paid by means of a book of serial orders is increased on review by the determining authority under regulation 10 of the General Regulations by an amount which, with any previous such increases, is less than £0.50 the Department may defer payment of that increase until not later than the first to occur of—

- (a) the termination of entitlement to the pension or allowance; and
- (b) the expiration of the period of one week from the date specified for payment in the last order in that book of serial orders.

(3) In this regulation, the expression “benefit week” has the same meaning as in regulation 12 of the General Regulations.

(4) This regulation shall not apply to any pension or allowance, or part thereof, which the determining authority has, under section 14 of the Act, determined shall be provided in kind.

Time and manner of payment of other benefits

6. Payment of any benefit other than a pension or allowance shall, except where section 14 of the Act applies (benefit in kind), be made by the Department as soon as is reasonably practicable after the award has been made by the determining authority, by means of an instrument of payment or by such other means as appears to the Department to be appropriate in the circumstances of any particular case.

Information to be given in connection with payment of benefit

7. Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Department may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Department may require (either as a condition on which any such sum or sums shall be receivable 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.

Instruments of payment

8.—(1) Instruments of payment and books of serial orders issued by the Department shall remain its property.

(2) Any person having such an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit or benefits 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 other person as it may direct.

Payment of negligible amounts of benefit

9. For the purposes of paragraph 2(3) of Schedule 2 to the Act (payment of negligible amounts of benefit where entitlement to other payments also exists), the other payments there referred to shall be payments of any benefit under Part II of the Social Security (Northern Ireland) Act 1975 for which a weekly rate is specified in Schedule 4 to that Act and the said paragraph 2(3) shall apply in circumstances where, under arrangements made by the Department, supplementary benefit is payable together with such a benefit.

Payment of fractional amounts of benefit

10. Where, notwithstanding any other provision of the Act or regulations, the amount of any benefit payable would otherwise include a fraction of a penny, that fraction shall be disregarded if it is less than a half penny and shall otherwise be treated as a penny.

Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period

11.—(1) The right to payment of any sum by way of benefit 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 beneficiary, 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 beneficiary 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;

(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 beneficiary 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, in any case, 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 by way 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) This regulation shall apply to a person authorised or appointed to act on behalf of a beneficiary as it applies to a beneficiary.

PART IV

MISCELLANEOUS PROVISIONS

Persons unable to act

12.—(1) In the case of any person by whom or on whose behalf a claim has been made or to whom benefit is payable or who is alleged to be entitled to benefit, if he is for the time being unable to act and no committee, guardian or receiver of his estate has been duly appointed with power to claim or, as the case may be, to 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 Act 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 one 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 receiver or other person to whom paragraph (1) applies 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

13. 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

14.—(1) On the death of a person who has made a claim, 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 under a determination 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 11 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 satisfies 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 11 shall apply to any such payment or distribution; so however that, for the purpose of regulation 11, 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.

(6) In paragraph (2) "next of kin" means the persons who, under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1955(i), would take beneficially on an intestacy.

Revocation

15. The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1975(j) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 26th July 1977.

(L.S.)

W. J. Sloane

Assistant Secretary

(i) 1955 c. 24 (N.I.)

(j) S.R. 1975 No. 143 (I, p. 863)

The Department of Finance for Northern Ireland hereby consents to the making of regulations 1, 9 and 15.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 28th July 1977.

(L.S.)

F. G. Dougall

Assistant Secretary

EXPLANATORY NOTE

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

These regulations replace, with amendments which are of a minor or technical nature, the existing provisions relating to claims to, and payment of, benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966 and contained in the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1975. Regulation 5 specifies in detail the time and manner of payment of pensions and allowances and contains a provision to defer, in certain circumstances, implementation of increases on review of pensions and allowances of less than £0.50.

Any other amendments are of a drafting nature.