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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 156**

**SOCIAL SECURITY**

**The Social Security (Miscellaneous Amendments  
No. 2) Regulations (Northern Ireland) 1997**

*Made - - - - 14th March 1997  
Coming into operation in accordance with  
regulation 1(1)*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 35(3)(b), 65(5), 76(2) and 171(1) to (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(1) and sections 5(1)(a) to (c), (h) and (i), 25(1), 45(7), 59(1), 60(1) and 165(1) and (3) to (6) of the Social Security Administration (Northern Ireland) Act 1992(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1997 and shall come into operation as follows—

- (a) for the purposes of regulations 1 to 3(2), (3)(c), (4)(a), (c) and (e), (5), (6) and (8), 4(1) to (3), (5) to (11) and 5 on 7th April 1997;
- (b) for the purpose of regulation 3(7)—
  - (i) except as provided by head (ii), on 7th April 1997, and
  - (ii) in so far as it relates to retirement pension or graduated retirement benefit on 4th August 1997;
- (c) for the purpose of regulation 4(4)—
  - (i) except as provided by head (ii), on 7th April 1997, and
  - (ii) in so far as it relates to retirement pension on 4th August 1997; and
- (d) for all other purposes on 6th October 1997.

(2) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Assembly.

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(1) 1992 c. 7  
(2) 1992 c. 8  
(3) 1954 c. 33 (N.I.)

### **Amendment of the Social Security (Maternity Allowance) Regulations**

2. In regulation 3 of the Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987(4) (modification of the maternity allowance period)—

- (a) in paragraph (1) for “paragraphs (2) to (6)” there shall be substituted “the following provisions of this regulation”; and
- (b) paragraphs (3) to (6) shall be omitted.

### **Amendment of the Social Security (Claims and Payments) Regulations**

3.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(5) shall be amended in accordance with paragraphs (2) to (8).

(2) In regulation 2(1) (interpretation) after the definition of “the Act” there shall be inserted the following definitions—

““the Administration Act” means the Social Security Administration (Northern Ireland) Act 1992;

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;”.

(3) In regulation 4 (making a claim for benefit)—

- (a) in paragraph (1) after “Every claim for benefit” there shall be inserted “, other than a claim for income support or jobseeker’s allowance,”;
- (b) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) In the case of a claim for income support or jobseeker’s allowance, the claim shall—

- (a) be made in writing on a form approved by the Department for the purpose of the benefit for which the claim is made; and
- (b) unless any of the reasons specified in paragraph (1B) applies—
  - (i) be made in accordance with the instructions on the form, and
  - (ii) include such information and evidence as the form may require in connection with the claim.

(1B) The reasons referred to in paragraph (1A)(b) are that—

- (a) the person making the claim is unable to complete the form in accordance with the instructions or to obtain the information or evidence required because he has a physical, learning, mental or communication difficulty, and it is not reasonably practicable for him to obtain assistance from another person to complete the form or obtain the information or evidence;
- (b) the information or evidence required by the form does not exist;
- (c) the information or evidence required can be obtained only at serious risk of physical or mental harm to the claimant, and it is not reasonably practicable for him to obtain such information or evidence by other means;
- (d) the information or evidence required can only be obtained from a third party, and it is not reasonably practicable for the claimant to obtain such information or evidence from such third party; or

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(4) S.R. 1987 No. 170; relevant amending regulations are S.R. 1994 No. 271

(5) S.R. 1987 No. 465; relevant amending regulations are S.R. 1988 No. 141, S.R. 1989 No. 398, S.R. 1990 No. 137, S.R. 1991 No. 488, S.R. 1992 Nos. 7, 83 and 453, S.R. 1993 No. 375, S.R. 1994 No. 456 and S.R. 1996 Nos. 57, 354, 432 and 449

- (e) the Department is of the opinion that the person making the claim has provided sufficient information or evidence to show that he is not entitled to the benefit for which the claim is made, and that it would be inappropriate to require the form to be completed or further information or evidence to be supplied.
- (1C) If a person making a claim is unable to complete the claim form or supply the information or evidence required because any of the reasons specified in paragraph (1B) (a) to (d) applies, he may so notify an appropriate office by whatever means.”;
- (c) for paragraph (5) there shall be substituted the following paragraph—
  - “(5) Where a person who wishes to make a claim for benefit and who has not been supplied with an approved form of claim notifies an appropriate office (by whatever means) of his intention to make a claim, he shall be supplied, without charge, with such form of claim by such person as the Department may appoint or authorise for that purpose.”;
- (d) in paragraph (7) after “If a claim” there shall be inserted “, other than a claim for income support or jobseeker’s allowance,”;
- (e) after paragraph (7) there shall be inserted the following paragraph—
  - “(7A) In the case of a claim for income support or jobseeker’s allowance, if a defective claim is received, the Department shall advise the person making the claim of the defect and of the relevant provisions of regulation 6(1A) or (4A) relating to the date of claim.”; and
- (f) for paragraph (8) there shall be substituted the following paragraphs—
  - “(8) A claim, other than a claim for income support or jobseeker’s allowance, which is made on the form approved for the time being is, for the purposes of these Regulations, properly completed if completed in accordance with the instructions on the form and defective if not so completed.
  - (9) In the case of a claim for income support or jobseeker’s allowance, a properly completed claim is a claim which meets the requirements of paragraph (1A) and a defective claim is a claim which does not meet those requirements.”.
- (4) In regulation 6 (date of claim)—
  - (a) in paragraph (1)—
    - (i) for “Subject to paragraphs (3) to (7)” there shall be substituted “Subject to the following provisions of this regulation”, and
    - (ii) after sub-paragraph (a) there shall be inserted the following sub-paragraph—
      - “(aa) in the case of a claim for family credit, disability working allowance, jobseeker’s allowance (if first notification is received before 6th October 1997) or income support (if first notification is received before 6th October 1997) which meets the requirements of regulation 4(1) and which is received in an appropriate office within one month of first notification in accordance with regulation 4(5), whichever is the later of—
        - (i) the date on which that notification is received, and
        - (ii) the first date on which that claim could have been made in accordance with these Regulations;”;
  - (b) after paragraph (1) there shall be inserted the following paragraph—
    - “(1A) In the case of a claim for income support—

- (a) subject to the following sub-paragraphs, the date on which a claim is made shall be the date on which a properly completed claim form is received in an appropriate office, or the first day in respect of which the claim is made, whichever is the later;
- (b) where a properly completed claim form is received in an appropriate office within one month of first notification of intention to make that claim, the date of claim shall be the date on which that notification is deemed to be made, or the first day in respect of which the claim is made, whichever is the later;
- (c) a notification of intention to make a claim shall be deemed to be made on the date when an appropriate office receives—
  - (i) a notification in accordance with regulation 4(5), or
  - (ii) a defective claim.”;
- (c) in paragraph (3)(6) for “, jobseeker’s allowance or a social fund payment for maternity or funeral expenses” there shall be substituted “or jobseeker’s allowance”;
- (d) for paragraph (4A)(7) there shall be substituted the following paragraphs—
 

“(4A) Where a person notifies the Department (by whatever means) that he wishes to claim a jobseeker’s allowance—

  - (a) if, under regulation 4(6)(a), he is required to attend—
    - (i) where he subsequently attends for the purpose of making a claim for that benefit at the time and place specified by the Department and complies with the requirements of paragraph (4AA), the claim shall be treated as made on whichever is the later of first notification of intention to make that claim and the first day in respect of which the claim is made;
    - (ii) where, without good cause, he fails to attend for the purpose of making a claim for that benefit at either the time or place so specified, or does not comply with the requirements of paragraph (4AA), the claim shall be treated as made on the first day on which he does attend at that place and does provide a properly completed claim;
  - (b) if, under regulation 4(6)(a), the Department directs that he is not required to attend—
    - (i) subject to head (ii), the date on which the claim is made shall be the date on which a properly completed claim form is received in an appropriate office, or the first day in respect of which the claim is made, whichever is the later;
    - (ii) where a properly completed claim form is received in an appropriate office within one month of first notification of intention to make that claim, the date of claim shall be the date of that notification.

(4AA) Unless the Department otherwise directs, a properly completed claim form shall be provided at or before the time when the person making the claim for a jobseeker’s allowance is required to attend for the purpose of making a claim and the Department may direct that the time for providing a properly completed claim form may be extended to a date not later than the date one month after the date of first notification of intention to make that claim.”; and

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(6) Paragraph (3) was added by regulation 2(c) of S.R. 1988 No. 141 and amended by regulation 6(3) of S.R. 1991 No. 488, regulation 4(a) of S.R. 1992 No. 7 and regulation 2(5)(a) of S.R. 1996 No. 354

(7) Paragraph (4A) was inserted by regulation 2(5)(c) of S.R. 1996 No. 354

(e) after paragraph (11)(8) there shall be added the following paragraphs—

“(12) Subject to paragraph (14), where a person has claimed disability working allowance and that claim (“the original claim”) has been refused, and a further claim is made in the circumstances specified in paragraph (13), that further claim shall be treated as made—

- (a) on the date of the original claim; or
- (b) on the first date in respect of which the qualifying benefit was payable,

whichever is the later.

(13) The circumstances referred to in paragraph (12) are that—

- (a) the original claim was refused on the ground that the claimant did not qualify under section 128(2) of the Contributions and Benefits Act(9);
- (b) at the date of the original claim the claimant had made a claim for a qualifying benefit, and that claim had not been determined;
- (c) after the original claim had been determined, the claim for the qualifying benefit was determined in the claimant’s favour; and
- (d) the further claim for disability working allowance was made within 3 months of the date on which the claim for the qualifying benefit was determined.

(14) Paragraph (12) shall not apply in a case where the further claim for disability working allowance is made within the period prescribed under section 28(1) of the Administration Act, and is accordingly treated as an application for a review under section 28(13) of that Act.

(15) In paragraphs (12) and (13) “qualifying benefit” means any of the benefits referred to in section 128(2) of the Contributions and Benefits Act.

(16) Where a person has claimed severe disablement allowance and that claim (“the original claim”) has been refused, and a further claim is made in the circumstances specified in paragraph (17), that further claim shall be treated as made—

- (a) on the date of the original claim; or
- (b) on the first date in respect of which the highest rate of the care component of disability living allowance was payable,

whichever is the later.

(17) The circumstances referred to in paragraph (16) are that—

- (a) the original claim was refused on the ground that the claimant’s disablement was less than 80 per cent.;
- (b) at the date of the original claim the claimant had made a claim for disability living allowance, and that claim had not been determined;
- (c) after the original claim had been determined, the claimant was awarded the highest rate of the care component of disability living allowance; and
- (d) the further claim for severe disablement allowance was made within 3 months of the date on which the claim for disability living allowance was determined.

(18) Where a person has ceased to be entitled to incapacity benefit, and a further claim for incapacity benefit is made in the circumstances specified in paragraph (19), that further claim shall be treated as made—

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(8) Paragraph (11) was added by regulation 4(e) of S.R. 1992 No. 7

(9) Section 128(2) was amended by paragraph 32 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I.1994/1898 (N.I. 12)) and paragraph 17 of Schedule 2 to the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

- (a) on the date on which entitlement to incapacity benefit ceased; or
- (b) on the first date in respect of which the qualifying benefit was payable,

whichever is the later.

(19) The circumstances referred to in paragraph (18) are that—

- (a) entitlement to incapacity benefit ceased on the ground that the claimant was not incapable of work;
- (b) at the date on which entitlement to incapacity benefit ceased the claimant had made a claim for a qualifying benefit, and that claim had not been determined;
- (c) after entitlement to incapacity benefit had ceased, the claim for the qualifying benefit was determined in the claimant's favour; and
- (d) the further claim for incapacity benefit was made within 3 months of the date on which the claim for the qualifying benefit was determined.

(20) In paragraphs (18) and (19) "qualifying benefit" means any of the payments referred to in regulation 10(2)(a) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995<sup>(10)</sup> (certain persons with a severe condition to be treated as incapable of work).

(21) Where a person has claimed invalid care allowance and that claim ("the original claim") has been refused, and a further claim is made in the circumstances specified in paragraph (22), that further claim shall be treated as made—

- (a) on the date of the original claim; or
- (b) on the first date in respect of which the qualifying benefit was payable in respect of the disabled person,

whichever is the later.

(22) The circumstances referred to in paragraph (21) are that—

- (a) the original claim was refused on the ground that the disabled person was not a severely disabled person within the meaning of section 70(2) of the Contributions and Benefits Act;
- (b) at the date of the original claim the disabled person had made a claim for a qualifying benefit, and that claim had not been determined;
- (c) after the original claim had been determined, the claim for the qualifying benefit was determined in the disabled person's favour; and
- (d) the further claim for invalid care allowance was made within 3 months of the date on which the claim for the qualifying benefit was determined.

(23) In paragraphs (21) and (22)—

"the disabled person" means the person for whom the invalid care allowance claimant is caring in accordance with section 70(1)(a) of the Contributions and Benefits Act;

"qualifying benefit" means any benefit or payment referred to in section 70(2) of the Contributions and Benefits Act.

(24) Where a person has claimed a social fund payment in respect of maternity or funeral expenses and that claim ("the original claim") has been refused, and a further claim is made in the circumstances specified in paragraph (25), that further claim shall be treated as made—

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<sup>(10)</sup> S.R. 1995 No. 41; regulation 10(2)(a) was substituted by regulation 4(3)(b)(i) of S.R. 1995 No. 149

- (a) on the date of the original claim; or
  - (b) on the first date in respect of which the qualifying benefit was awarded,
- whichever is the later.

(25) The circumstances referred to in paragraph (24) are that—

- (a) the original claim was refused on the ground that the claimant had not been awarded a qualifying benefit;
- (b) at the date of the original claim the claimant had made a claim for a qualifying benefit, and that claim had not been determined;
- (c) after the original claim had been determined, the claim for the qualifying benefit was determined in the claimant's favour; and
- (d) the further claim for a social fund payment was made within 3 months of the date on which the claim for the qualifying benefit was determined.

(26) In paragraphs (24) and (25) “qualifying benefit” means—

- (a) in the case of a claim for a payment in respect of maternity expenses, any benefit referred to in regulation 4(1)(a) of the Social Fund (Maternity and Funeral Expenses) (General) Regulations (Northern Ireland) 1987<sup>(11)</sup>;
- (b) in the case of a claim for a payment in respect of funeral expenses, any benefit referred to in regulation 6(1)(a) of those Regulations<sup>(12)</sup>.

(27) Where a claim is made for family credit or disability working allowance and—

- (a) the claimant had previously made a claim for income support or jobseeker's allowance (“the original claim”);
- (b) the original claim was refused on the ground that the claimant or his partner was in remunerative work; and
- (c) the claim for family credit or disability working allowance was made within 14 days of the date on which the original claim was determined,

that claim shall be treated as made on the date of the original claim, or, if the claimant so requests, on a later date specified by him.

(28) Where a claim is made for income support or jobseeker's allowance and—

- (a) the claimant had previously made a claim for family credit or disability working allowance (“the original claim”);
- (b) the original claim was refused on the ground that the claimant or his partner was not in remunerative work; and
- (c) the claim for income support or jobseeker's allowance was made within 14 days of the date on which the original claim was determined,

that claim shall be treated as made on the date of the original claim, or, if the claimant so requests, on a later date specified by him.”.

(5) In regulation 10 (claim for incapacity benefit or severe disablement allowance where no entitlement to statutory sick pay or statutory maternity pay)—

- (a) paragraph (2)(b) shall be omitted; and
- (b) in paragraph (4)—
  - (i) in sub-paragraph (a) for “one month” there shall be substituted “3 months”, and

<sup>(11)</sup> S.R. 1987 No. 150; regulation 4(1)(a) was substituted by regulation 3(1)(a) of S.R. 1988 No. 22 and amended by regulation 9(2) of S.R. 1992 No. 6 and regulation 3 of S.R. 1996 No. 423

<sup>(12)</sup> Regulation 6 was substituted by regulation 2(5) of S.R. 1997 No. 155

(ii) sub-paragraph (b) shall be omitted.

(6) In regulation 11(2) (special provisions where it is certified that a woman is expected to be confined or where she has been confined) for “one month” there shall be substituted “3 months”.

(7) For regulation 19 (time for claiming benefit) there shall be substituted the following regulation

“**19.**—(1) Subject to the following provisions of this regulation, the prescribed time for claiming any benefit specified in column (1) of Schedule 4 is the appropriate time specified opposite that benefit in column (2) of that Schedule.

(2) The prescribed time for claiming any benefit specified in paragraph (3) is 3 months beginning with any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to the benefit concerned.

(3) The benefits to which paragraph (2) applies are—

- (a) child benefit;
- (b) guardian’s allowance;
- (c) graduated retirement benefit<sup>(13)</sup>;
- (d) invalid care allowance;
- (e) maternity allowance;
- (f) retirement pension of any category;
- (g) widow’s benefit; and
- (h) except in a case to which section 3(3) of the Administration Act applies, any increase in any benefit, other than income support or jobseeker’s allowance, in respect of a child or adult dependant.

(4) Subject to paragraph (8), in the case of a claim for income support, jobseeker’s allowance, family credit or disability working allowance, where the claim is not made within the time specified for that benefit in Schedule 4, the prescribed time for claiming the benefit shall be extended, subject to a maximum extension of 3 months, to the date on which the claim is made, where—

- (a) any of the circumstances specified in paragraph (5) applies or has applied to the claimant; and
- (b) as a consequence the claimant could not reasonably have been expected to make the claim earlier.

(5) The circumstances referred to in paragraph (4)(a) are—

- (a) the claimant has difficulty communicating because—
  - (i) he has learning, language or literacy difficulties, or
  - (ii) he is deaf or blind,
 and it was not reasonably practicable for him to obtain assistance from another person to make his claim;
- (b) except in the case of a claim for jobseeker’s allowance, the claimant was ill or disabled, and it was not reasonably practicable for him to obtain assistance from another person to make his claim;

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(13) Graduated retirement benefit is payable under section 35 of the National Insurance Act (Northern Ireland) 1966 (1966 c. 6 (N.I.)); section 35 was repealed by the Social Security Act 1973 (c. 38) but is continued in force by regulation 2 of the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 105); see also S.R. 1995 No. 483

- (c) the claimant was caring for a person who is ill or disabled, and it was not reasonably practicable for the claimant to obtain assistance from another person to make his claim;
  - (d) the claimant was given information by an officer of the Department which led the claimant to believe that a claim for benefit would not succeed;
  - (e) the claimant was given written advice by a solicitor or other professional adviser, a medical practitioner or Health and Social Services Board, or by a person working in a Citizens Advice Bureau or similar advice agency, which led the claimant to believe that a claim for benefit would not succeed;
  - (f) the claimant or his partner was given written information about his income or capital by his employer or former employer, or by a bank or building society, which led the claimant to believe that a claim for benefit would not succeed;
  - (g) the claimant was required to deal with a domestic emergency affecting him and it was not reasonably practicable for him to obtain assistance from another person to make his claim; or
  - (h) the claimant was prevented by adverse weather conditions from attending the appropriate office.
- (6) In the case of a claim for income support, jobseeker's allowance, family credit or disability working allowance, where—
- (a) the claim is not made within the time specified for that benefit in Schedule 4, but is made within one month of the expiry of that time; and
  - (b) the Department considers that to do so would be consistent with the proper administration of benefit,

it may direct that the prescribed time for claiming shall be extended by such period as it considers appropriate, subject to a maximum of one month, where any of the circumstances specified in paragraph (7) applies.

- (7) The circumstances referred to in paragraph (6) are—
- (a) the appropriate office where the claimant would be expected to make a claim was closed and alternative arrangements were not available;
  - (b) the claimant was unable to attend the appropriate office due to difficulties with his normal mode of transport and there was no reasonable alternative available;
  - (c) there were adverse postal conditions;
  - (d) the claimant was previously in receipt of another benefit, and notification of expiry of entitlement to that benefit was not sent to him before the date on which his entitlement expired;
  - (e) in the case of a claim for family credit, the claimant had previously been entitled to income support or jobseeker's allowance ("the previous benefit"), and the claim for family credit was made within one month of expiry of entitlement to the previous benefit;
  - (f) except in the case of a claim for family credit or disability working allowance, the claimant had ceased to be a member of a married or unmarried couple within the period of one month before the claim was made; or
  - (g) during the period of one month before the claim was made a close relative of the claimant had died, and for this purpose "close relative" means a partner, parent, son, daughter, brother or sister.

(8) This regulation shall not have effect with respect to a claim to which regulation 21A(2) of the Income Support (General) Regulations (Northern Ireland) 1987<sup>(14)</sup> (treatment of refugees) applies.”.

(8) In Schedule 4<sup>(15)</sup> (prescribed times for claiming benefit) in paragraph 2 in column (2) for “one month” there shall be substituted “3 months”.

### **Amendment of the Social Security (Adjudication) Regulations**

4.—(1) The Social Security (Adjudication) Regulations (Northern Ireland) 1995<sup>(16)</sup> shall be amended in accordance with paragraphs (2) to (11).

(2) In regulation 52<sup>(b)</sup> (review on ground of unforeseen aggravation) for “both for the period mentioned in paragraph (a) and any time after that period” there shall be substituted “for the period of one month before the date of the application for review, and for any time after that date”.

(3) In regulation 57 (date from which revised decision has effect on a review in specified circumstances)—

(a) in paragraph (2) for “28(2)(a) and (4) and 33(1)(a)” there shall be substituted “28(2)(a), (4) and (5)(a) and 33(1)(a) and (3)(a)”;

(b) in paragraphs (3) and (4) after “28(2)(d)” there shall be inserted “and (5)(c)”.

(4) In regulation 59 (review of decisions involving payment or increase of benefit other than industrial injuries benefit (except reduced earnings allowance), income support, jobseeker’s allowance, family credit or disability working allowance)—

(a) in paragraph (1) for the words from “a date not earlier than” to the end there shall be substituted “a date not earlier than one month before the date of the application for the review.”;

(b) after paragraph (1) there shall be inserted the following paragraphs—

“(1A) A determination on a claim or question relating to incapacity benefit may be revised on a review so as to increase the amount of incapacity benefit payable in respect of a period which falls more than one month before the date of the application for the review where the reason for the revised determination is that section 30B(4) (b) of the Contributions and Benefits Act<sup>(17)</sup> applies to the claimant because he has become entitled to the highest rate of the care component of disability living allowance.

(1B) A determination on a claim or question relating to incapacity benefit or severe disablement allowance may be revised on a review so as to make incapacity benefit or severe disablement allowance payable in respect of a period which falls more than one month before the date of the application for the review where on a review under section 23(1)(a) of the Administration Act, it is determined that the claimant is to be treated as incapable of work under regulation 10 of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995 (certain persons with a severe condition to be treated as incapable of work).”;

(c) paragraph (2) shall be omitted;

(d) for paragraph (3) there shall be substituted the following paragraph—

“(3) A review may have effect from a date earlier than one month before the date of the application where—

(a) regulation 57 or 58 applies; or

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<sup>(14)</sup> S.R. 1987 No. 459; regulation 21A was inserted by regulation 2(3) of S.R. 1996 No. 449

<sup>(15)</sup> Paragraph 2 was substituted by regulation 2(13) of S.R. 1994 No. 456

<sup>(16)</sup> S.R. 1995 No. 293; relevant amending regulations are S.R. 1996 Nos. 57, 288 and 355

<sup>(17)</sup> Section 30B was inserted by Article 4(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

- (b) it is certified in the decision on review that the original decision was revised by reason only of—
    - (i) a matter specified in section 15(1)(b) of the Administration Act, or
    - (ii) a matter relating to the number of days in respect of which the claimant was entitled or deemed to be entitled to short-term incapacity benefit.”; and
  - (e) in paragraph (5)(c) for “three months” there shall be substituted “one month”.
- (5) In regulation 60(1) (review of decisions involving payment or increase of industrial injuries benefit, except reduced earnings allowance) for the words from “have effect” to the end there shall be substituted “have effect from such date as may be specified in that decision, being a date not earlier than one month before the date of the application for the review.”.
- (6) In regulation 62 (period to be taken into account by assessments revised on ground of unforeseen aggravation) for “three months” there shall be substituted “one month”.
- (7) In regulation 63 (review in income support cases)—
- (a) in paragraph (1)—
    - (i) after “regulation 58 applies,” there shall be inserted “and subject to paragraph (1A),” and
    - (ii) for “12 months” in both places where it occurs there shall be substituted “one month”; and
  - (b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) A determination on a claim or question relating to income support may be revised on a review so as to make income support payable, or to increase the claimant’s applicable amount under Part IV of the Income Support Regulations, or to increase the amount of income support payable, in respect of a period which falls more than one month before the date on which the review was requested, or, where no request is made, the date of the review (“the one month period”) where—

    - (a) the reason for the revised determination is that the claimant has become entitled to another benefit; and
    - (b) arrears of that other benefit are payable in respect of a period before the one month period.”.
- (8) In regulation 63A(18) (review in jobseeker’s allowance cases)—
  - (a) in paragraph (1)—
    - (i) for “paragraph (2)” there shall be substituted “paragraph (1A)”,
    - (ii) sub-paragraph (a) shall be omitted,
    - (iii) in sub-paragraph (b) for “in a case not falling within sub-paragraph (a), any period which falls not more than 12 months” there shall be substituted “any period which falls more than one month”, and
    - (iv) in sub-paragraph (c) for “in any case, any past period which falls within the period of 12 months” there shall be substituted “any past period which falls within the period of one month”;
  - (b) after paragraph (1) there shall be inserted the following paragraph—

“(1A) A determination on a claim or question relating to jobseeker’s allowance may be revised on a review so as to make jobseeker’s allowance payable, or to increase the

(18) Regulation 63A was inserted by regulation 2(6) of S.R. 1996 No. 355 and amended by regulation 3(3) of S.R. 1996 No. 432 and regulation 2 of S.R. 1996 No. 499

claimant's applicable amount under Part VII of the Jobseeker's Allowance Regulations, or to increase the amount of jobseeker's allowance payable, in respect of a period which falls more than one month before the date on which the review was requested, or, where no request is made, the date of the review ("the one month period") where—

- (a) the reason for the revised determination is that the claimant has become entitled to another benefit; and
- (b) arrears of that other benefit are payable in respect of a period before the one month period.”; and

(c) paragraph (2) shall be omitted.

(9) In regulation 65 (review in family credit cases) for “12 months” there shall be substituted “one month”.

(10) In regulation 66(2) (review in disability working allowance cases) for “12 months” there shall be substituted “one month”.

(11) For regulation 67 (review in social fund maternity, funeral or heating expenses cases) there shall be substituted the following regulation—

**“Review in social fund maternity or funeral expenses cases**

**67.** Except in a case to which regulation 57(2), (3) or (4) or regulation 58 applies, a determination on a claim or question relating to maternity or funeral expenses out of the social fund under Part VIII of the Contributions and Benefits Act shall not be revised on review under sections 23 to 27 and 67 of the Administration Act so as to make such expenses payable or to increase the amount of such expenses payable in respect of a determination of a claim for such expenses where the application for review was made more than one month after the expiry of the time for claiming the payment in respect of the expenses under Schedule 4 to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (prescribed times for claiming benefit).”.

**Savings**

**5.—(1)** In the case of a claim for retirement pension or graduated retirement benefit made on or before 3rd August 1997 regulation 19 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (time for claiming benefit) shall have effect as if regulation 3(7) of these Regulations had not been made.

(2) In the case of an application for a review of a decision relating to retirement pension where the application is made on or before 3rd August 1997 regulation 59 of the Social Security (Adjudication) Regulations (Northern Ireland) 1995 (review of decisions involving payment or increase of benefit other than industrial injuries benefit (except reduced earnings allowance), income support, jobseeker's allowance, family credit or disability working allowance) shall have effect as if regulation 4(4) of these Regulations had not been made.

**Revocations**

**6.** The regulations specified in column (1) of the Schedule are revoked to the extent mentioned in column (3).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland  
on

14th March 1997.

*John O'Neill*  
Assistant Secretary

## SCHEDULE

Regulation 6

## Revocations

Column (1) Citation	Column (2) Reference	Column (3) Extent of Revocation
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1988	S.R. <a href="#">1988 No. 141</a>	Regulations 2(a) and 5
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1989	S.R. <a href="#">1989 No. 398</a>	Regulations 3(2) and 4
The Income-Related Benefits (Miscellaneous Amendments) Regulations (Northern Ireland) 1990	S.R. <a href="#">1990 No. 137</a>	Regulation 2(2)
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1991	S.R. <a href="#">1991 No. 488</a>	Regulation 6(5)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 7</a>	Regulation 11
The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 20</a>	Regulation 4
The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 32</a>	Regulation 5
The Social Security (Miscellaneous Provisions) (Amendment) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 83</a>	Regulation 7(7)
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 143</a>	Regulation 2(2)
The Social Security (Miscellaneous Provisions) (Amendment No. 3) Regulations (Northern Ireland) 1992	S.R. <a href="#">1992 No. 453</a>	Regulation 6(2)

Column (1) Citation	Column (2) Reference	Column (3) Extent of Revocation
The Social Security (Disability Living Allowance) (Amendment) Regulations (Northern Ireland) 1993	S.R. <a href="#">1993 No. 340</a>	Regulation 2(6)
The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1993	S.R. <a href="#">1993 No. 375</a>	Regulation 3(4)
The Statutory Maternity Pay (Compensation of Employers) and Miscellaneous Amendment Regulations (Northern Ireland) 1994	S.R. <a href="#">1994 No. 271</a>	Regulation 8
The Social Security (Industrial Injuries and Diseases) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	S.R. <a href="#">1996 No. 57</a>	Regulations 4 and 6(3)
The Child Benefit, Child Support and Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	S.R. <a href="#">1996 No. 288</a>	Regulation 8
The Social Security (Claims and Payments) (Jobseeker's Allowance Consequential Amendments) Regulations (Northern Ireland) 1996	S.R. <a href="#">1996 No. 354</a>	Regulation 2(5)(a) and (12)
The Social Security (Claims and Payments and Adjudication) (Amendment) Regulations (Northern Ireland) 1996	S.R. <a href="#">1996 No. 432</a>	Regulation 2(2)
The Income Support and Social Security (Claims and Payments) (Miscellaneous Amendments) Regulations (Northern Ireland) 1996	S.R. <a href="#">1996 No. 449</a>	Regulation 3(5)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations amend the Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987 (“the Maternity Allowance Regulations”), the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) and the Social Security (Adjudication) Regulations (Northern Ireland) 1995 (“the Adjudication Regulations”).

Regulation 2 amends the Maternity Allowance Regulations in respect of the circumstances in which the maternity allowance period may be modified.

Regulation 3 amends the Claims and Payments Regulations to provide that—

a claim for income support or jobseeker’s allowance must be made in writing on a form approved by the Department of Health and Social Services and, except in specified circumstances, must be made in accordance with the instructions on the form and include such information and evidence which may be required;

in certain cases where a properly completed claim form is received within one month of first notification of intention to make a claim, the date of claim shall be the date of that notification;

in specified circumstances where a claim for benefit has been refused, and a second claim is later made for the same benefit, the second claim shall be treated as made on the date of the first claim;

the maximum time for which benefit may be backdated is 3 months for all benefits and to allow backdating of claims only where the claimant was unable to claim earlier because of any of a number of specified reasons.

Regulation 4 amends the Adjudication Regulations to provide that, subject to certain exceptions, where entitlement to benefit is reviewed, the review cannot be backdated for more than one month.

Regulation 5 contains a saving provision in respect of claims for retirement pension or graduated retirement benefit or applications for review of decisions relating to retirement pension benefit made on or before 3rd August 1997.

Regulation 6 makes consequential revocations.

These Regulations correspond to provision contained in Regulations made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.