
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 65

The Health and Personal Social Services (Superannuation),
Health and Social Care (Pension Scheme) and Health and
Personal Social Services (Injury Benefits) (Amendment and
Transitional Provisions) Regulations (Northern Ireland) 2009

PART 3

AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES
(INJURY BENEFITS) REGULATIONS (NORTHERN IRELAND) 2001

Amendment of regulation 19A

87.—(1) Regulation 19A (Claims for benefits) is amended as provided by paragraphs (2) and (3).

(2) Before “A person claiming to be entitled”, insert “(4)”.

(3) Before the newly numbered paragraph (4), insert—

“(1) A person shall not be entitled to any benefit under these Regulations unless, in addition to any other conditions relating to that benefit being satisfied, that person makes a claim for it—

(a) in writing (or in such manner as the Department may from time to time accept);
and

(b) within—

(i) 6 months commencing with the day on which the other conditions relating to the benefit in question are satisfied, or

(ii) such other longer period as the Department may from time to time accept.

(2) If during the whole or part of the period mentioned in paragraph (1)(b) the person—

(a) lacks capacity; or

(b) is prevented by fraud or concealment from discovering the facts entitling that person to apply for a benefit,

a claim may be made at any time before the end of the period of 6 months from the date on which that person no longer lacks capacity or, as the case may be, could with reasonable diligence have discovered those facts.

(3) A person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment or of a disturbance in the functioning of his mind or brain.”.