



# Social Security Administration (Northern Ireland) Act 1992

## 1992 CHAPTER 8

### PART I

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

##### *Necessity of claim*

#### **1 Entitlement to benefit dependent on claim.**

- (1) Except in such cases as may be prescribed, and subject to the following provisions of this section and to section 3 below, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—
- (a) he makes a claim for it in the manner, and within the time, prescribed in relation to that benefit by regulations under this Part of this Act; or
  - (b) he is treated by virtue of such regulations as making a claim for it.

[<sup>F1</sup>(1A) No person whose entitlement to any benefit depends on his making a claim shall be entitled to the benefit unless subsection (1B) below is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming benefit.

- (1B) This subsection is satisfied in relation to a person if—
- (a) the claim is accompanied by—
    - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
    - (ii) information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
  - (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

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- (1C) Regulations may make provision disapplying subsection (1A) above in the case of—
- (a) prescribed benefits;
  - (b) prescribed descriptions of persons making claims; or
  - (c) prescribed descriptions of persons in respect of whom benefit is claimed, or in other prescribed circumstances.]
- [<sup>F2</sup>(2) Where under subsection (1) a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it, the person is not entitled to it in respect of any period more than 12 months before the date on which the claim is made or treated as made.
- (2A) But subsection (2) does not apply—
- (a) to disablement benefit or reduced earnings allowance, or
  - (b) in a case where a claim for the benefit is made or treated as made by virtue of section 3(2).]
- (3) Where a person purports to make a claim on behalf of another—
- [<sup>F3</sup>(za) for personal independence payment by virtue of Article 87 of the Welfare Reform (Northern Ireland) Order 2015; or]
  - (a) for an attendance allowance by virtue of section 66(1) of the Contributions and Benefits Act;<sup>F4</sup> ...
  - <sup>F4</sup>(b) .....  
that other shall be regarded for the purposes of this section as making the claim, notwithstanding that it is made without his knowledge or authority.
- (4) In this section and section 2 below “benefit” means—
- [<sup>F5</sup>(za) universal credit;]
  - [<sup>F6</sup>(zb) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015;]
  - [<sup>F7</sup>(zc) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;]
  - (a) benefit as defined in section 121 of the Contributions and Benefits Act;
  - [<sup>F8</sup>(aa) a jobseeker’s allowance;]and
  - [<sup>F9</sup>(ab) state pension credit;]
  - [<sup>F10</sup>(ac) an employment and support allowance;]
  - [<sup>F11</sup>(ad) personal independence payment.]
  - (b) any income-related benefit.
- (5) This section (which corresponds to section 154A of the 1975 Act, as it had effect immediately before this Act came into force) applies to claims made on or after 1st October 1990 or treated by virtue of regulations under that section or this section as having been made on or after that date.
- (6) Schedule 1 to this Act shall have effect in relation to other claims.

#### Textual Amendments

**F1** S. 1(1A)-(1C) inserted (7.11.1997 for certain purposes and otherwise 1.12.1997) by [S.I. 1997/1182](#) (N.I. 11), [art. 18](#); [S.R. 1997/480](#), [art. 2](#)

**F2** S. 1(2)(2A) substituted for s. 1(2) (6.4.2017) by [Pensions Act \(Northern Ireland\) 2015](#) (c. 5), s. 53(1), [Sch. 16 para. 21\(2\)](#); [S.R. 2017/44](#), [art. 2\(2\)](#) (with arts. 3, 4)

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- F3** S. 1(3)(za) inserted (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 9 para. 7(2)(a)**; S.R. 2016/215, art. 3(2)
- F4** S. 1(3)(b) and preceding word repealed (20.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 9 para. 7(2)(b)**; S.R. 2016/215, art. 3(2)
- F5** S. 1(4)(za) inserted (2.5.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 2 para. 4**; S.R. 2016/215, art. 2(2)(aa)(c)(v)
- F6** S. 1(4)(zb) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(3), **Sch. 12 para. 9**
- F7** S. 1(4)(zc) inserted (6.4.2017) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), **Sch. 16 para. 21(3)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F8** S. 1(4)(aa) inserted (3.5.1996) by [S.I. 1995/2705 \(N.I. 15\)](#), art. 40(1), **Sch. 2 para. 21**; S.R. 1996/180, **art. 2(a)**
- F9** S. 1(4)(ab) inserted (2.12.2002 for specified purposes, 7.4.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 11, 21(2), **Sch. 1 Pt. 1 para. 2**; S.R. 2002/366, **art. 2**; S.R. 2003/211, art. 2(a)
- F10** S. 1(4)(ac) inserted (1.7.2008 for specified purposes, 27.7.2008 in so far as not already in force) by [Welfare Reform Act \(Northern Ireland\) 2007 \(c. 2\)](#), s. 60(1), **Sch. 3 para. 4(2)**; S.R. 2008/276, art. 2(2)(a)(i)(ii)
- F11** S. 1(4)(ad) inserted (2.5.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 9 para. 7(3)**; S.R. 2016/215, art. 2(5)(h)(i)

#### Modifications etc. (not altering text)

- C1** S. 1 applied (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), **ss. 121(1), 173(4)** (with s. 108(5))
- C2** S. 1(1A) excluded (20.11.2006) by [The Housing Benefit Regulations \(Northern Ireland\) 2006 \(S.R. 2006/405\)](#), regs. 1(1), 4
- C3** S. 1(1A) excluded (20.11.2006) by [The Housing Benefit \(Persons who have attained the qualifying age for state pension credit\) Regulations \(Northern Ireland\) 2006 \(S.R. 2006/406\)](#), regs. 1(1), 4
- C4** S. 1(1A) excluded by SR 1987/170 reg. 1A (as substituted (6.4.2009) by [The Social Security \(National Insurance Number Information: Exemption\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/90\)](#), regs. 1(1), 4)
- C5** S. 1(1A) excluded by SR 2008/280 reg. 2A (as inserted (6.4.2009) by [The Social Security \(National Insurance Number Information: Exemption\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/90\)](#), regs. 1(1), 11)
- C6** S. 1(1A) excluded by SR 2003/28 reg. 1A (as inserted (6.4.2009) by [The Social Security \(National Insurance Number Information: Exemption\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/90\)](#), regs. 1(1), 8)
- C7** S. 1(1A) excluded (coming into force in accordance with reg. 1(3) of the amending Rule) by [The Universal Credit, Personal Independence Payment, Jobseekers Allowance and Employment and Support Allowance \(Claims and Payments\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/220\)](#), regs. 1(3), 5
- C8** S. 1(2) excluded (9.2.2023) by [The Bereavement Benefits \(Remedial\) Order 2023 \(S.I. 2023/134\)](#), arts. 1(2), 3(8) (with art. 2)

## 2 Retrospective effect of provisions making entitlement to benefit dependent on claim.

- (1) This section applies where a claim for benefit is made or treated as made at any time on or after 2nd September 1985 (the date on which section 154A of the 1975 Act (general provision as to necessity of claim for entitlement to benefit), as originally enacted, came into force) in respect of a period the whole or any part of which falls on or after that date.

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- (2) Where this section applies, any question arising as to—
- (a) whether the claimant is or was at any time (whether before, on or after 2nd September 1985) entitled to the benefit in question, or to any other benefit on which his entitlement to that benefit depends; or
  - (b) in a case where the claimant’s entitlement to the benefit depends on the entitlement of another person to a benefit, whether that other person is or was so entitled,
- shall be determined as if the relevant claim enactment and any regulations made under or referred to in that enactment had also been in force, with any necessary modifications, at all times relevant for the purpose of determining the entitlement of the claimant, and, where applicable, of the other person, to the benefit or benefits in question (including the entitlement of any person to any benefit on which that entitlement depends, and so on).
- (3) In this section “the relevant claim enactment” means section 1 above as it has effect in relation to the claim referred to in subsection (1) above.
- (4) In any case where—
- (a) a claim for benefit was made or treated as made (whether before, on or after 2nd September 1985, and whether by the same claimant as the claim referred to in subsection (1) above or not), and benefit was awarded on that claim, in respect of a period falling wholly or partly before that date; but
  - (b) that award would not have been made had the current requirements applied in relation to claims for benefit, whenever made, in respect of periods before that date; and
  - (c) entitlement to the benefit claimed as mentioned in subsection (1) above depends on whether the claimant or some other person was previously entitled or treated as entitled to that or some other benefit,
- then, in determining whether the conditions of entitlement to the benefit so claimed are satisfied, the person to whom benefit was awarded as mentioned in paragraphs (a) and (b) above shall be taken to have been entitled to the benefit so awarded, notwithstanding anything in subsection (2) above.
- (5) In subsection (4) above “the current requirements” means—
- (a) the relevant claim enactment, and any regulations made under or referred to in that enactment, or referred to in it, as in force at the time of the claim referred to in subsection (1) above, with any necessary modifications; and
  - (b) subsection (1) (with the omission of the words following “at any time”) and subsections (2) and (3) above.

**Modifications etc. (not altering text)**

**C9** S. 2 applied (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), ss. [121\(1\)\(e\)](#), [173\(4\)](#) (with s. [108\(5\)](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.R. 2019/211 art. 2\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Affecting Order revoked (19.12.2020) without ever being in force by S.R. 2020/347, arts. 1(1), 2)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 101(1)(4)(5)s. 101(6)(a)(b) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 2A(9) added by [2010 c. 13 \(N.I.\) Sch. 1 para. 24](#)
- s. 2G(1)(d) inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(5\)](#)
- s. 5(1A)-(1C) inserted by [2010 c. 13 \(N.I.\) s. 18\(2\)\(c\)](#)
- s. 31A(1A) words substituted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 11\(a\)\(ii\)](#)
- s. 104A(1A)-(1C) inserted by [2007 c. 2 \(N.I.\) s. 42\(3\)](#)
- s. 110A inserted by [2007 c. 2 \(N.I.\) s. 43](#)
- s. 110A repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 110A heading word inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(4\)](#)
- s. 110A(2) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(a\)](#)
- s. 110A(2)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(b\)](#)
- s. 110A(4)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(6\)](#)
- s. 110ZA inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(2\)](#)
- s. 110ZA repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 116E and cross-heading inserted by [2010 c. 13 \(N.I.\) s. 16\(3\)](#)
- s. 126(2)-(2B) substituted for s. 126(2) by [2007 c. 2 \(N.I.\) s. 35](#)
- s. 130AB inserted by [2008 c. 13 \(N.I.\) Sch. 3 para. 14](#)
- s. 140C inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 20](#)
- s. 166(2)(ac) inserted by [2010 c. 13 \(N.I.\) s. 17](#)