STATUTORY INSTRUMENTS

1979 No. 628

SOCIAL SECURITY

The Social Security (Claims and Payments) Regulations 1979

Made - - - - 7th June 1979
Laid before Parliament 18th June 1979
Coming into force - - 9th July 1979

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 45(3), 79 to 81, 88 to 90, 146(5), and 115(1) of, and Schedule 13 to, the Social Security Act 1975 M1 and paragraphs 9(1)(a) and (c) of Schedule 3 to the Social Security (Consequential Provisions) Act 1975 M2 and of all other powers enabling him in that behalf, hereby makes the following regulations, which consolidate the regulations hereby revoked and which accordingly by virtue of sections 139(2) and 141(2) of the Social Security Act 1975-and paragraphs 20 of Schedule 15 and 12 of Schedule 16-are not subject to the requirements of sections 139(1) and 141(2) of that Act for prior reference to the National Insurance Advisory Committee and the Industrial Injuries Advisory Council respectively:

Marginal Citations
M1 1975 c. 14.
M2 1975 c. 18.

Part I

GENERAL

Citation and commencement

1. These regulations may be cited as the Social Security (Claims and Payments) Regulations 1979 and shall come into operation on 9th July 1979.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—
""the Act"" means the Social Security Act 1975;

""approved place" means a place approved by the Secretary of State for the purpose of obtaining payment of benefit;

""benefit order" means an order for the payment of a weekly sum on account of benefit to which regulation 16 applies or of a weekly instalment of a gratuity;

""claim for benefit"" includes an application for a declaration that an accident was an industrial accident and an application for the review of an award or a decision for the purpose of obtaining any increase of benefit mentioned in Schedule 1 to these regulations but does not include any other application for the review of an award or a decision and the expression "claims benefit" and every reference to a claim shall be construed accordingly;

[F1"health care professional" means—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Care Act 1999, or
- (d) a member of such other profession, regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002, prescribed by the Secretary of State in accordance with powers under section 39(1) of the Social Security Act 1998.]

F2

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

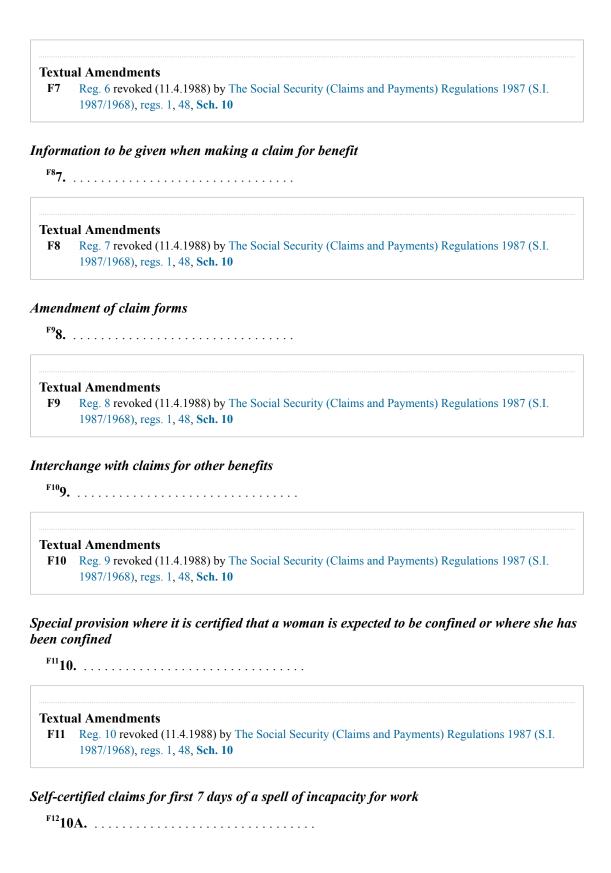
""serial order" means one of a series of orders, including benefit orders, for the payment of a sum on account of benefit which is or has been contained in a book of such orders;

""unemployment benefit office" means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit; and other expressions have the same meaning as in the Act.

- [F3(1A)] The provision in paragraph (1) for the interpretation of the words "claim for benefit" shall not be taken to preclude the application of the regulations to a claim for attendance allowance expressed as an application for review of an earlier determination but which discloses no grounds on which such a determination could be reviewed.]
 - (2) Unless the context otherwise requires, any reference in these regulations to—
 - (a) a numbered section is a reference to the section of the Social Security Act 1975 bearing that number;
 - (b) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;
 - (c) any provision made by or contained in an enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may reenact or replace it, with or without modification.
- (3) For the purposes of the provisions of these regulations relating to the making of claims every increase of benefit mentioned in Schedule 1 to these regulations shall be treated as a separate benefit.
- (4) The provisions of Schedules 1 and 2 to these regulations shall have effect; and the following provisions of these regulations shall, in relation to any particular benefit, have effect subject to any provision in those Schedules affecting that benefit.

- F1 Words in reg. 2(1) inserted (3.7.2007) by The Social Security (Miscellaneous Amendments)(No.2) Regulations 2007 (S.I. 2007/1626), regs. 1, 2(2)
- **F2** Words in reg. 2(1) omitted (5.7.1999) by virtue of The Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958), art. 4(4), **Sch. 4 para. 1**
- F3 Reg. 2(1A) inserted (25.8.1980) by The Social Security (Attendance Allowance) Amendment Regulations 1980 (S.I. 1980/1136), regs. 1(1), 6(1)

	Part II
	CLAIMS
Claims	s not required in certain cases
F43.	
Textu	nal Amendments
F4	Reg. 3 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10
Manne	er in which claims are to be made
F54.	
Textu F5	Reg. 4 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10
Supply	of claim forms
^{F6} 5.	
Textu	nal Amendments
F6	Reg. 5 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10
Claims	s not on appropriate forms



F12	ral Amendments Reg. 10A (inserted by S.I. 1982/699, regs. 1(1), 3) revoked (11.4.1988) by The Social Security (Claims
112	and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10
	rd allowances and disallowances of sickness, invalidity and injury benefit and non- outory invalidity pension
F131	l
Textu	al Amendments
F13	Reg. 11 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10; (Reg. 11(7)(8)(9) revoked (29.11.1984) by The Social Security (Severe Disablement Allowance) Regulations 1984 (S.I 1984/1303), reg. 1, 21, Sch. 3)
Forwa	rd allowance and disallowance of unemployment benefit
F1412	2
Text	nal Amendments
ICALL	
F14	Reg. 12 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10
F14 Specia	
F14 Specia with pi	1987/1968), regs. 1, 48, Sch. 10 I provisions relating to claims for unemployment benefit made during periods connected
F14 Specia with pi	1987/1968), regs. 1, 48, Sch. 10 I provisions relating to claims for unemployment benefit made during periods connected ablic holidays 3
F14 Specia with pi	1987/1968), regs. 1, 48, Sch. 10 I provisions relating to claims for unemployment benefit made during periods connected ablic holidays 3
Specia with pu F151. Textu F15	1987/1968), regs. 1, 48, Sch. 10 Il provisions relating to claims for unemployment benefit made during periods connected ablic holidays 3

F16 Reg. 14 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I.

1987/1968), regs. 1, 48, **Sch. 10**

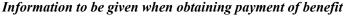
PART III

PAYMENTS

Time and manner of payment of certain benefits and of an increase of disablement pension						
F1715	5					
Textu F17	Reg. 15 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10; (Reg. 15(1)(f) revoked (6.4.1983) by The Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983 (S.I. 1983/186), regs. 1(1), 11(4))					
	nd manner of payment of certain pensions and allowances					
F1816	5.					
Toytu	al Amendments					
F18	Reg. 16 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10					
	ment of certain benefits by direct credit transfer]					
Textu	al Amendments					
F19	Reg. 16A inserted (4.10.1982) by The Social Security (Claims and Payments) Amendment Regulations 1982 (S.I. 1982/1241), regs. 1(1), 3					
F20	Reg. 16A revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10 ;					
	Reg. 16A(8)(9) revoked (6.4.1987) by Social Security (Payments on account, Overpayments and Recovery) Regulations 1987 (S.I. 1987/491), regs. 1, 19(1), Sch. Pt. I					
-	l provisions relating to payment of constant attendance allowance for persons out of ul for short periods					
F2117	7					
Textu F21	Reg. 17 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, Sch. 10					

Special provision relating to payment of attendance' allowance for persons out of hospital for

periods not exp	vected to exceed 13 weeks
F22 18.	
_	revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 968), regs. 1, 48, Sch. 10
Time and man	ner of payment of age addition
F23 19.	
Textual Amer	dments
F23 Reg. 19	revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 968), regs. 1, 48, Sch. 10
Time and man	ner of payments of industrial injuries gratuities
F24 20.	
_	revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 268), regs. 1, 48, Sch. 10
Time of payme supplementary	nt 01 Category C or D retirement pensions etc. to those in receipt of benefit
F25 21.	
Textual Amer	dments
F25 Reg. 21	revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 968), regs. 1, 48, Sch. 10
Extinguishmen prescribed time	nt of right to sums payable by way of benefit which are not obtained within the
F26 22.	
Textual Amer	ndments
F26 Reg. 22	revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 968), regs. 1, 48, Sch. 10



F27 23.					
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F27 Reg. 23 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

PART IV

SPECIAL PROVISIONS RELATING TO INDUSTRIAL INJURIES BENEFIT ONLY

Notice of accidents

24.—(1) Every employed earner who suffers personal injury by accident in respect of which benefit may be payable shall give notice of such accident either in writing or orally as soon as is practicable after the happening thereof:

Provided that any such notice required to be given by an employed earner may be given by some other person acting on his behalf.

- (2) Every such notice shall be given to the employer, or (if there is more than one employer) to one of such employers, or to any foreman or other official under whose supervision the employed earner is employed at the time of the accident, or to any person designated for the purpose by the employer, and shall give the appropriate particulars.
- (3) Any entry of the appropriate particulars of an accident made in a book kept for that purpose in accordance with the provisions of regulation 25 shall, if made as soon as practicable after the happening of an accident by the employed earner or by some other person acting on his behalf, be sufficient notice of the accident for the purposes of this regulation.
 - (4) In this regulation—
 - ""employer" means, in relation to any person, the employer of that person at the time of the accident and "employers" shall be construed accordingly; and
 - ""employed earner" means a person who is or is treated as an employed earner for the purposes of industrial injuries benefit.
- (5) In this regulation and regulation 25, ""appropriate particulars" mean the particulars indicated in Schedule 4 to these regulations.

Obligations of employers

- **25.**—(1) Every employer shall take reasonable steps to investigate the circumstances of every accident of which notice is given to him or to his servant or agent in accordance with the provisions of regulation 24 and, if there appear to him to be any discrepancies between the circumstances found by him as a result of his investigation and the circumstances appearing from the notice so given, he shall record the circumstances so found.
- (2) Every employer who is required to do so by the Secretary of State shall furnish to an officer of the Department within such reasonable period as may be required, such information and particulars as shall be required—

- (a) of any accident or alleged accident in respect of which benefit may be payable to, or in respect of the death of, a person employed by him at the time of the accident or alleged accident; or
- (b) of the nature of and other relevant circumstances relating to any occupation prescribed for the purposes of Chapter V of Part II of the Act in which any person to whom or in respect of whose death benefit may be payable under that Chapter was or is alleged to have been employed by him.
- (3) M3Every owner or occupier (being an employer) of any mine or quarry or of any premises to which any of the provisions of the Factories Act 1961 applies and every employer by whom 10 or more persons are normally employed at the same time on or about the same premises in connection with a trade or business carried on by the employer shall, subject to the following provisions of this paragraph—
 - [F28(a)] keep readily accessible a means (whether in a book or books or by electronic means), in a form approved by the Secretary of State, by which a person employed by the employer or some other person acting on his behalf may record the appropriate particulars (as defined in regulation 24) of any accident causing personal injury to that person; and
 - [F28(b)] preserve every such record for the period of at least 3 years from the date of its entry.]

F28 Reg. 25(3)(a) and (b) substituted (27.9.1993) by The Social Security (Claims and Payments) Amendment (No. 3) Regulations 1993 (S.I. 1993/2113), regs. 1(2), 2

Marginal Citations

M3 1961 c. 34.

Obligations of claimants for, F29 and beneficiaries in receipt of...disablement benefit

- **26.**—(1) Subject to the following provisions of this regulation, every claimant for, and every beneficiary in receipt of ^{F30}... disablement benefit shall comply with every notice given to him by the Secretary of State which requires him either—
 - (a) to submit himself to a medical examination [F31 F32 in person, by telephone or by video]] by a [F33 F34 health care professional approved by the Secretary of State] who has experience in the issues specified in regulation 12(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999] for the purpose of determining the effects of the relevant accident or the treatment appropriate to the relevant injury or loss of faculty; or
 - (b) to submit himself to such medical treatment for the said injury or loss of faculty as is considered appropriate in his case by the medical practitioner in charge of the case ^{F35}....
- (2) Every notice given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and shall specify the time and place for examination and shall not require the claimant or beneficiary to submit himself [F36 to examination before the expiration of the period of 6 days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances].
- (3) Every claimant and every beneficiary who, in accordance with the foregoing provisions of this regulation, is required to submit himself to a medical examination or to medical treatment—
 - (a) shall attend at every such place and at every such time as may be required; and

(b)	may, in the discretion of the Secretary of State, be paid such travelling and other allowances
	(including compensation for loss of remunerative time) as the Secretary of State may with
	the consent of the Minister for the Civil Service determine.

Textual Amendments

- **F29** Words in reg. 26 heading omitted (6.4.1983) by virtue of The Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983 (S.I. 1983/186), regs. 1(1), **11(6)**
- Words in reg. 26(1) omitted (6.4.1983) by virtue of The Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983 (S.I. 1983/186), regs. 1(1), 11(7)
- F31 Words in reg. 26(1)(a) inserted (E.W.) (25.3.2021) by The Social Security (Claims and Payments, Employment and Support Allowance, Personal Independence Payment and Universal Credit) (Telephone and Video Assessment) (Amendment) Regulations 2021 (S.I. 2021/230), regs. 1(1), 2(2)
- **F32** Words in reg. 26(1)(a) inserted (S.) (25.3.2021) by The Social Security (Industrial Injuries Benefit and Personal Independence Payment) (Telephone and Video Assessment) (Miscellaneous Amendments) (Scotland) Regulations 2021 (S.S.I. 2021/97), regs. 1(1), 2
- F33 Words in reg. 26(1)(a) substituted (5.7.1999) by The Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958), art. 4(4), Sch. 4 para. 2(a)(i)
- F34 Words in reg. 26(1)(a) substituted (3.7.2007) by The Social Security (Miscellaneous Amendments) (No.2) Regulations 2007 (S.I. 2007/1626), regs. 1, 2(3)
- F35 Words in reg. 26(1)(b) omitted (5.7.1999) by virtue of The Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958), art.4(4), Sch. 4 para. 2(a)(ii)
- **F36** Words in reg. 26(2) substituted (5.7.1999) by The Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958), art. 4(4), Sch. 4 para. 2(b)
- F37 Reg. 26(4) omitted (5.7.1999) by virtue of The Social Security Act 1998 (Commencement No. 8, and Savings and Consequential and Transitional Provisions) Order 1999 (S.I. 1999/1958), art. 4(4), Sch. 4 para. 2(c)

Withdrawal of claims for disablement benefit

Textual Amendments

F38 Reg. 27 revoked (6.4.1983) by The Social Security (Abolition of Injury Benefit) (Consequential) Regulations 1983 (S.I. 1983/186), regs. 1(1), **11(8)**

Part V

MISCELLANEOUS PROVISIONS

Persons	un	abi	le t	0	ac	t									
F3928.								 							

F39 Reg. 28 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

Payments on death

Textual Amendments

F40 Reg. 29 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

Payment of benefit to third party

Textual Amendments

F41 Reg. 30 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

Breach of regulations

31. If any person contravenes or fails to comply with any requirement of these regulations (not being a requirement to give notice of an accident or a requirement to submit himself to medical treatment or examination) in respect of which no special penalty is provided, he shall for such offence be liable on summary conviction to a penalty not exceeding [F42£200] or, where the offence consists of continuing any such contravention or failure after conviction thereof, [F42£20] for each day on which it is so continued.

Textual Amendments

F42 Words in reg. 31 substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security (Claims and Payments) Amendment Regulations 1982 (S.I. 1982/1241), regs. 1(1), 7(1) (with reg. 7(2))

Revocations

Textual Amendments

F43 Reg. 32 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

Patrick Jenkin, Secretary of State for Social Services.

SCHEDULE 1

Regulations 2(4) and 14

SHOWING PRESCRIBED TIMES FOR CLAIMING BENEFIT AND DISOUALIFICATIONS FOR BENEFIT ARISING BY REASON OF LATE CLAIMS

F44					
•••					
Textu	ial Amendments				
F44	Sch. 1 revoked (11.4.1988)	by The Social Securit	ty (Claims and Paym	ents) Regulations 1987 (S.	I.
	1987/1968), regs. 1, 48, Sch.	10			

SCHEDULE 2

Regulations 2(4) and 14

CONTAINING MISCELLANEOUS SPECIAL PROVISIONS RELATING TO INJURY BENEFIT, UNEMPLOYMENT BENEFIT, SICKNESS BENEFIT, INVALIDITY BENEFIT, NON-CONTRIBUTORY INVALIDITY PENSION, MATERNITY ALLOWANCE AND RETIREMENT PENSIONS, INCLUDING PROVISIONS WHICH VARY THE PRESCRIBED TIMES UNDER SCHEDULE 1

F45

Textual Amendments

F45 Sch. 2 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

SCHEDULE 3

Regulation 9(1)

BENEFIT CLAIMED AND BENEFIT FOR WHICH THE CLAIM MAY BE TREATED AS A CLAIM IN THE ALTERNATIVE

F46		
•••		

Textual Amendments

F46 Sch. 3 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

SCHEDULE 4

Regulations 24 and 25

PARTICULARS TO BE GIVEN OF ACCIDENTS

- (1) Full name, address and occupation of injured person;
- (2) Date and time of accident;
- (3) Place where accident happened;
- (4) Cause and nature of injury;
- (5) Name, address and occupation of person giving the notice, if other than the injured person.

SCHEDULE 5

Regulation 32

REGULATIONS REVOKED

F47 ...

Textual Amendments

F47 Sch. 5 revoked (11.4.1988) by The Social Security (Claims and Payments) Regulations 1987 (S.I. 1987/1968), regs. 1, 48, **Sch. 10**

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made for the purpose only of consolidating the Social Security (Claims and Payments) Regulations 1975 with subsequent amending regulations. They provide for the manner in which claims for and payments of benefits under the Social Security Act 1975 are to be made. Part I of the Regulations contains general provisions including definitions.

Part II (with Schedules 1 to 3) includes provisions concerning circumstances when claims are not required, how claims for benefits are to be made-the forms and information required, amendments and interchange with other claims-forward allowance and disallowance of certain benefits, time limits for claims and disqualification for late claim.

Part III contains provisions concerning time and manner of payment of benefits, extinguishment of rights where benefits not obtained within specified time limits and information to be given by persons in receipt of benefit.

Part IV (with Schedule 4) relates to industrial injuries benefit and includes provisions that require notice to be given of accidents, impose obligations on employers, claimants and beneficiaries and enable claims for disablement benefit to be withdrawn.

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Changes to legislation: There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1979. (See end of Document for details)

Part V contains miscellaneous provisions relating to persons unable to act, payment on death, payment to third parties, penalties for breach of the regulations and, with Schedule 5, specifies provisions that are revoked.

Changes to legislation:There are currently no known outstanding effects for the The Social Security (Claims and Payments) Regulations 1979.