

1974. No. 306

SOCIAL SECURITY

Claims

REGULATIONS, DATED 5TH DECEMBER 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES FOR NORTHERN IRELAND UNDER THE SOCIAL SECURITY ACT 1973.

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by sections 38 and 100(1) of, and Schedule 10 and paragraph 6(1) of Schedule 26 to, the Social Security Act 1973(a), 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 (Claims) (Northern Ireland) Regulations 1974.

(2) Regulations 1 and 14 of these regulations shall come into operation on 6th December 1974 and the remainder of these regulations shall come into operation on 6th April 1975.

(3) In these regulations, unless the context otherwise requires —

“the Act” means the Social Security Act 1973;

“the former principal Act” means the National Insurance Act (Northern Ireland) 1966(b);

“the Industrial Injuries Act” means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(c);

“benefit” means benefit under Part I of the Act;

“the Department” means the Department of Health and Social Services for Northern Ireland;

“pension” means retirement pension of any category, widow’s benefit, guardian’s allowance or child’s special allowance under Part I of the Act, as the case may require;

“social security office” means any office or place appointed by the Department for the purpose of claiming unemployment benefit;

and other expressions have the same meanings as in the Act.

(4) Any reference in these regulations to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(d) shall apply for the purposes of the interpretation of this instrument as they apply for the purposes of the interpretation of an Act of Parliament.

(a) 1973. c. 38.

(b) 1966. c. 6 (N.I.).

(c) 1966. c. 9 (N.I.).

(d) 52 & 53 Vict. c. 63.

(6) For the purposes of these regulations, an increase of benefit in respect of a child or adult dependant shall be treated as a separate benefit.

(7) The provisions of these regulations shall have effect in relation to any particular benefit subject to any further provision affecting that benefit contained in Schedules 2 and 3 to these regulations.

Claims not required in certain cases

2. Benefit may be paid without a claim being made for it in the following cases:

- (a) in the case of a Category C retirement pension or benefit under section 27(4) of the Act corresponding to widow's pension or widowed mother's allowance, to a beneficiary who is in receipt of—
 - (i) another retirement pension under the Act; or
 - (ii) widow's benefit under the Act; or
 - (iii) benefit under section 27(4) of the Act corresponding to a widow's pension or a widowed mother's allowance;
- (b) in the case of a Category D retirement pension, to a beneficiary who—
 - (i) was ordinarily resident in Northern Ireland on the day on which he attained 80 years of age; and
 - (ii) is in receipt of another retirement pension under the Act;
- (c) age addition in any case.

Claims to be made to the Department in writing

3. Every claim for benefit shall be made in writing to the Department on the form approved by the Department for the purpose of the benefit for which the claim is 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; and, subject to any directions given by the Department in any particular case or class of cases, a person claiming unemployment benefit shall attend in person at a social security office.

Supply of claim forms

4. Forms of claim shall be supplied without charge by the Department or by such persons as the Department may, in the case of any particular benefit, appoint or authorise for that purpose.

Claims not on appropriate forms

5. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Department may treat the claim as if it had been made on the appropriate form, so however that the Department may in any such case require the claimant to complete the appropriate form.

Information to be given when making a claim for benefit

6.—(1) 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 Department and, if reasonably so required, shall for that purpose attend at such office or place as the Department may direct.

(2) Every person who makes a claim for widowed mother's allowance, child's special allowance or guardian's allowance, or for an increase of benefit in respect of a child, shall, in particular, furnish such certificate relating to the birth of the child and such other information to show that the child is or may be treated as included in that person's family as the Department may require.

(3) Every person who makes a claim for an increase of benefit in respect of an adult dependant shall, in particular, furnish, if required, the following information concerning such dependant —

- (a) his identity, date of birth, usual place of residence, occupation and relationship to the claimant;
- (b) his position in regard to benefit under the Act and under the Industrial Injuries Act, available sources of income and the amounts contributed by any person towards his maintenance; and
- (c) in the case of an increase in respect of a wife or a husband, a certificate of the marriage;

together with a declaration signed by the dependant confirming the information given.

(4) Every person who makes a claim for a death grant shall, in particular, furnish the following information—

- (a) if required by the Department, a death certificate relating to the deceased; and, where the claim is in respect of the death of a child, such certificate relating to the birth of the child, and such other information as the Department may reasonably require in support of any contention that immediately before the death of the child or the person by whom the contribution condition is to be satisfied, as the case may be, the child was a child of the family of that person;
- (b) if required by the Department, the estimate or account of the undertaker.

Amendment of claim forms

7.—(1) If, owing to the absence of due signature or of due certification, a claim is defective at the date of its receipt by the Department, the Department may in its discretion, refer the claim to the claimant, and if the form is returned duly signed and certified within 1 month from the date on which it is so referred, the Department may treat the claim as if it had been duly made in the first instance.

(2) Any person who has made a claim for a pension in accordance with the provisions of these regulations may amend his claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the Department, and any claim so amended may be treated as if it had been made as so amended in the first instance.

Interchange with claims for other benefits under the Act

8.—(1) Where it appears that a person who has made a claim for benefit specified in column (1) of Part I of Schedule 1 to these regulations may be entitled to the benefit specified opposite thereto in column (2) of that Part, any such claim may be treated as a claim in the alternative for that other benefit.

(2) Where it appears that a person who has made a claim for benefit is not entitled thereto, but that some other person may be entitled to an increase of benefit in respect of him, the claim may be treated as if it were a claim by such other person for an increase of benefit in respect of the claimant.

(3) Where it appears that a person who has made a claim for an increase of benefit in respect of a child or adult dependant is not entitled thereto but that some other person may be entitled to an increase of benefit in respect of that child or adult dependant, the claim may be treated as if it were a claim by that other person for such increase.

(4) Where it appears that a person who has made a claim for guardian's allowance in respect of any child is not entitled thereto, but that the claimant, or the wife or husband of the claimant, may be entitled to an increase of benefit for that child, the claim may be treated as if it were a claim by the claimant or the wife or husband of the claimant for an increase of benefit for that child.

Interchange with claims for benefit under other Acts

9.—(1) Where it appears that a person who has made a claim for—

- (a) any benefit under the National Insurance Measures (Northern Ireland) 1966 to 1974 may be entitled to the corresponding benefit under the Act;
- (b) a benefit under the Industrial Injuries Act specified in column (1) of Part II of Schedule 1 to these regulations may be entitled to the benefit under the Act specified opposite thereto in column (2) of that Part; or
- (c) a benefit under the Act specified in the said column (2) may be entitled to the benefit under the Industrial Injuries Act specified opposite thereto in the said column (1);

any such claim may be treated as a claim in the alternative for that other benefit.

(2) A claim for unemployment benefit may be treated as a claim in the alternative for industrial injury benefit or unemployability supplement under the Industrial Injuries Act.

(3) A claim for benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966(e) may be treated additionally as a claim for attendance allowance.

Forward allowances and disallowances of sickness benefit and invalidity benefit

10.—(1) Subject to the provisions of paragraph (3) below, where a medical certificate has been issued in respect of the person named therein ("the claimant")—

- (a) a claim for sickness benefit or invalidity benefit based on the medical certificate shall, unless in any case the Department otherwise directs, be treated as if made by that person for that period;
- (b) on any such claim such benefit may be awarded or disallowed for the whole or any part of that period after the date of the claim but not exceeding 13 weeks in the case of a medical certificate mentioned in paragraph (6)(a) below, or such shorter period as the Department may in a particular case direct;

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

- (c) if on any such claim such benefit is awarded or disallowed for part only of the period in respect of which the claim for sickness benefit or invalidity benefit is treated as if made, further decisions in accordance with paragraph (1)(b) above awarding or disallowing such benefit may be given on the same claim.

(2) Any decision awarding benefit by virtue of paragraph (1) above shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates and if those requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.

- (3) Where a claim for sickness benefit is disallowed on the grounds that—

- (a) the contribution condition in paragraph 1(2) of Schedule 3 to the Act is not satisfied; or
 (b) although that contribution condition is satisfied, neither the contribution condition in paragraph 1(3) of the said Schedule 3 nor the requirements of regulations made under section 37(2) of the Act (partial satisfaction of contribution conditions) are satisfied;

the decision disallowing that claim shall, subject to the provisions of section 71 of the former principal Act (review of decisions of insurance officer, local tribunal or Commissioner), be treated as a decision disallowing any further claim within the meaning of paragraph 2(c) of column (1) of Schedule 2 to these regulations by that person for that benefit until the grounds for the original disallowance have ceased to exist.

(4) Where a claim for invalidity benefit is disallowed on the grounds that the claimant has not been entitled to sickness benefit for 168 days in the relevant period of interruption of employment, the decision disallowing that claim shall, subject to the provisions of section 71 of the former principal Act, be treated as a decision disallowing any further claim (being a continuation claim within the meaning of the said paragraph 2(c) of column (1) of Schedule 2 to these regulations) by that person for that benefit until the grounds for the original disallowance have ceased to exist.

(5) Where in a certificate issued under the National Insurance (Medical Certification) Regulations (Northern Ireland) 1965(f), as amended(g), or under any regulation corresponding to those regulations and made for the purposes of benefit under the Act, it has been certified that it is to be expected that a woman will be confined, and either—

- (a) a claim for sickness or invalidity benefit is made by that woman on or after the date of that certificate; or
 (b) a claim for maternity allowance so made by that woman is treated under the provisions of regulation 8(1) of these regulations as a claim in the alternative for sickness or invalidity benefit;

any such claim may, unless the Department otherwise directs, be treated as a claim for sickness or invalidity benefit made in respect of any days in the period beginning with the 11th week before the expected week of confinement and ending either—

- (i) on the last day of the 6th week after the week in which the confinement occurs, or
 (ii) on the last day of the 6th week after the week in which it was expected that the confinement would occur,

whichever is the later.

(f) S.R. & O. (N.I.) 1965, No. 79.

(g) S.R. & O. (N.I.) 1966, No. 13.

(6) For the purposes of paragraphs (1) to (3) above a medical certificate means either—

(a) a certificate issued—

(i) in the form prescribed in Part II of Schedule 1 to the National Insurance (Medical Certification) Regulations (Northern Ireland) 1965 as amended, or

(ii) in a form prescribed in any regulation corresponding to those regulations and made for the purposes of benefit under the Act.

which certifies that a person is incapable of work and will continue to be so incapable for the period specified therein; or

(b) a certificate issued by a person accepted by the Department as an appropriate person which certifies on a form approved by the Department that the claimant is in hospital and is expected to remain there for the period specified therein.

Forward allowance and disallowance of unemployment benefit

11.—(1) Where it appears to the Department that there are, will be or are likely to be circumstances making impracticable or unduly difficult the normal operation of the provisions governing or the practice relating to the claiming, awarding or payment of unemployment benefit the Department may so certify; and a certificate under this regulation may be expressed —

(a) as having effect either generally or in relation to a specified area or specified areas; and

(b) either as having effect until a specified day or as continuing to have effect until revoked by the Department.

(2) While such a certificate has effect, the following provisions of this regulation shall apply as respects claims for unemployment benefit (being, if the certificate is expressed as having effect only in relation to a specified area or specified areas, claims made at an office or place in the area or areas specified)—

(a) a claim for unemployment benefit may be treated by an insurance officer as a claim for that benefit for a period, to be specified in his decision, not exceeding two weeks after the date of the claim;

(b) on any claim so treated benefit may be awarded for the whole or part of the specified period;

(c) if on any claim so treated benefit is awarded for part only of the specified period, further decisions awarding benefit for the remainder of that period or any part of it may be given on the same claim.

(3) Any decision awarding unemployment benefit under paragraph (2) above shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates, and if the said requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.

(4) Where a person's claim for unemployment benefit has been disallowed on any grounds and in the decision disallowing that claim it is stated that the decision is to be treated as a disallowance of any further claim by that person for unemployment benefit for days specified in the decision until the expiration of a period specified in the decision (not being a period expiring more than 12 months after the date on which the decision is given) or, if the grounds of the original disallowance have ceased to exist before the expiration of the specified period, until they have ceased to exist, the decision shall, subject to the provisions of section 71 of the former principal Act, be so treated.

Time for claiming benefit

12.—(1) Subject to the provisions of Schedule 3 to these regulations—

- (a) the prescribed time for claiming any benefit specified in column (1) of Schedule 2 to these regulations shall be the appropriate time specified opposite to that benefit in column (2) of that Schedule; and
- (b) if a person fails to make his claim for any such benefit within the prescribed time, he shall be disqualified for the receipt of benefit to the extent specified opposite thereto in column (3) of that Schedule.

(2) If in any case the claimant proves that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time for making that claim shall (subject to the provisions of paragraph 2(4) of Schedule 10 to the Act) be extended to the date on which the claim is made:

Provided that the foregoing provisions of this paragraph shall not apply to—

- (a) a claim for maternity grant in respect of expectation of the claimant's confinement; or
 - (b) a claim for maternity allowance in respect of expectation of the claimant's confinement so that the prescribed time for making that claim is extended to the date of the confinement or to any date thereafter.
- (3) If in any case the claimant proves that—
- (a) on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he was entitled to the benefit; and
 - (b) throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim;

he shall not (subject to the provisions of paragraph 2(4) of Schedule 10 to the Act) be disqualified under Schedule 2 to these regulations for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date:

Provided that, where the claimant is a woman claiming a maternity allowance in respect of expectation of her confinement, the foregoing provisions of this paragraph shall apply only if the claim is made before the date of the confinement.

Persons unable to act

13.—(1) In the case of any person to whom benefit is payable, or who is alleged to be entitled to benefit, or by whom or on whose behalf a claim for benefit has been made, and who is a child or is unable for the time being to act, where no committee, guardian or receiver of his estate has been duly appointed, the Department may, upon written application being made to it, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Act and to receive and deal with any sums payable on behalf of that child or person; so however that—

- (a) any such appointment by the Department shall terminate on the day immediately prior to the date on which the Department is notified that such a committee, guardian or receiver has been appointed;

- (b) a person who has not attained the age of 18 shall not be capable of being appointed to act under this regulation;
- (c) the Department may at any time in its absolute discretion revoke any appointment made under this regulation; and
- (d) any person appointed under this regulation may, on giving the Department 1 month's notice in writing of his intention to do so, resign his office.

(2) Anything required by these regulations to be done by or to any such person as aforesaid who is a child or 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.

Transitional provision.

14. A claim made before 6th April 1975 shall be treated as a valid claim for benefit under the Act if it would have been, or would have fallen to be treated as being, such a claim had all the provisions of these regulations been in force at the time it was made.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland this 5th day of December 1974.

(L.S.)

W. Bell,
Assistant Secretary.

PART I

Benefit claimed and benefit for which the claim may be treated as a claim in the alternative

<i>Benefit claimed</i> (1)	<i>Alternative benefit</i> (2)
Sickness benefit	Invalidity benefit
Invalidity benefit	Sickness benefit
Unemployment benefit	Sickness benefit or invalidity benefit
An increase of unemployment benefit	An increase of sickness benefit or of invalidity pension
Sickness benefit for a woman	Maternity allowance
Invalidity benefit for a woman	Maternity allowance
Maternity allowance	Sickness benefit or invalidity benefit
Category B or Category C retirement pension	Widow's benefit
A retirement pension of any category	A retirement pension of any other category

PART II

Regulation 9(1)

Benefits under the Industrial Injuries Act and the Act for which claims may be treated as interchangeable

<i>Benefit under the Industrial Injuries Act</i> (1)	<i>Benefit under the Act</i> (2)
Industrial injury benefit	Sickness benefit or invalidity benefit
An increase of industrial injury benefit	An increase of sickness benefit or of invalidity pension
Industrial death benefit for a widow in respect of her late husband	Widow's benefit
Industrial death benefit in respect of a child of the deceased's family	Guardian's allowance
An increase of disablement pension where constant attendance needed	Attendance allowance

References in this Schedule to an increase of any benefit (other than an increase of disablement pension where constant attendance is needed) are to an increase of that benefit in respect of a child or adult dependant.

SCHEDULE 2

Regulations 1(7) and 12

**Showing prescribed times for claiming benefit and disqualifications
for benefit arising by reason of late claims**

<p align="center"><i>Description of benefit</i></p> <p align="center">(1)</p>	<p align="center"><i>Prescribed time for claiming benefit</i></p> <p align="center">(2)</p>	<p align="center"><i>Benefit which a person is disqualified for receiving by failure to claim within the prescribed time</i></p> <p align="center">(3)</p>
<p>1. Unemployment benefit.</p> <p>2. Sickness or invalidity benefit—</p> <p>(a) Where the claim is an original claim, that is to say, where the claimant has at no time made a claim for sickness benefit under the Act or a claim for injury benefit under the Industrial Injuries Act (or a claim for any other benefit, whether under the Act or the Industrial Injuries Act, which has been treated as a claim for sickness benefit).</p> <p>(b) Where the claim is not an original claim but is the first claim made by the claimant after he has become or again become incapable of work.</p> <p>(c) Where the claim is a continuation claim, that is to say, a claim to which neither sub-paragraph (a) nor sub-paragraph (b) of this paragraph applies.</p>	<p>The day in respect of which the claim is made.</p> <p>(a) The period of 21 days from the earliest day in respect of which the claim is made.</p> <p>(b) The period of 6 days from the earliest day in respect of which the claim is made.</p> <p>(c) The period of 10 days from the earliest day in respect of which the claim is made.</p>	<p>The benefit claimed.</p> <p>(a) Benefit in respect of any day more than 21 days before the date on which the claim is made.</p> <p>(b) Benefit in respect of any day more than 6 days before the date on which the claim is made.</p> <p>(c) Benefit in respect of any day more than 10 days before the date on which the claim is made.</p>

<p style="text-align: center;"><i>Description of benefit</i></p> <p style="text-align: center;">(1)</p>	<p style="text-align: center;"><i>Prescribed time for claiming benefit</i></p> <p style="text-align: center;">(2)</p>	<p style="text-align: center;"><i>Benefit which a person is disqualified for receiving by failure to claim within the prescribed time</i></p> <p style="text-align: center;">(3)</p>
<p>3. Increase, in respect of a child or adult dependant, of unemployment or sickness benefit or invalidity pension.</p>	<p>The longer of the 2 following periods—</p> <p>(i) the period of 1 month from the day in respect of which the claim is made; or</p> <p>(ii) the period beginning with that day and ending 1 month after the date of the claim (not being a claim made after the prescribed time therefor) for unemployment or sickness benefit or invalidity pension (other than the increase) in respect of that day.</p>	<p>The benefit claimed.</p>
<p>4. Maternity benefit—</p> <p>(a) Maternity grant in respect of expectation of confinement.</p> <p>(b) Maternity grant by virtue of the fact of confinement.</p> <p>(c) Maternity allowance in respect of expectation of confinement (not being an increase of benefit in respect of a child or adult dependant).</p>	<p>(a) The period beginning with the 9th week before the week in which it is to be expected that the claimant will be confined and ending immediately before the date of the confinement.</p> <p>(b) The period of 3 months beginning with the date of the confinement.</p> <p>(c) The period of 3 weeks beginning with the 14th week before the week in which it is to be expected that the claimant will be confined.</p>	<p>The benefit claimed.</p> <p>Benefit in respect of any period before the beginning of the week in which the claim is made.</p>

Description of benefit (1)	Prescribed time for claiming benefit (2)	<i>Benefit which a person is disqualified for receiving by failure to claim within the prescribed time</i> (3)
<p>(d) Maternity allowance by virtue of the fact of confinement (not being an increase of benefit in respect of a child or adult dependant).</p> <p>(e) Increase of maternity allowance in respect of a child or adult dependant.</p>	<p>(d) The period of 3 weeks beginning with the date of the confinement.</p> <p>(e) The longer of the 2 following periods— (i) the period of 1 month from the first day of the period in respect of which the claim is made; or (ii) the period beginning with that day and ending 1 month after the date on which the claim (not being a claim made after the prescribed time therefor) for the allowance (other than the increase) is made.</p>	<p>Benefit in respect of any period before the beginning of the week in which the claim is made.</p> <p>(e) Benefit in respect of any period more than 1 month before the date on which the claim is made.</p>
<p>5. Pension (not being a Category B pension to which a woman is entitled by virtue of section 25(5) of the Act); and increase of such pension in respect of a child or adult dependant.</p>	<p>The period of 3 months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.</p>	<p>Benefit in respect of any period more than 3 months before the date on which the claim is made.</p>
<p>6. Death grant.</p>	<p>The period of 6 months (or such longer period as the Department may determine in the circumstances of any particular case) from the date of the death of the deceased.</p>	<p>The benefit claimed.</p>

SCHEDULE 3

Regulations 1(7) and 12

Containing miscellaneous special provisions relating to unemployment benefit, sickness benefit, invalidity benefit, maternity allowance and retirement pensions, including provisions which vary the prescribed times under Schedule 2.

Unemployment Benefit

1. A person who claims unemployment benefit in respect of any day shall not be disqualified for the receipt of that benefit by reason of his failure to make a claim for it on that day if—

- (a) that claim is made on a day specified for the purpose of his claiming unemployment benefit in a notice previously given to him by the Department; and either
- (b) that claim is made on the first or only day so specified in that notice; or
- (c) he has claimed unemployment benefit on every day so specified in that notice which falls before the day on which that claim is made.

*Sickness Benefit and Invalidity Benefit**Hospital in-patients*

2.—(1) When it is being determined whether the provisions of regulation 12(2) or regulation 12(3)(b) of these regulations have been satisfied by a person who is, or has been, an in-patient in a hospital, and who makes a claim for sickness or invalidity benefit, any such provision shall, in relation only to that claim, be deemed to have been satisfied by him in respect of that one of the following periods which is appropriate, in so far as it is relevant for the purpose of any such provision:

- (a) where the person concerned has been discharged from the hospital, the period commencing on the date of his admission thereto as an in-patient and ending 13 weeks thereafter or 3 weeks after the date of his discharge, whichever period is the shorter; or
- (b) where the person concerned has not been so discharged, the period of 13 weeks from the date of his admission to the hospital as an in-patient.

(2) For the purposes of paragraph 2(1) above:

- (a) in ascertaining the date of admission to hospital of the person concerned, where that person has previously been an in-patient in one or more hospitals for one or more periods, any such period shall be taken into account: so however that the interval, or (if there was more than one previous period as an in-patient) each interval, between the end of such period and the beginning of the appropriate period specified in paragraph 2(1) above does not exceed 3 weeks;
- (b) the expression "hospital" means any institution for the reception and treatment of persons suffering from illness and any maternity home (and, for this purpose, "illness" includes mental disorder and any injury or disability requiring medical treatment or nursing); and
- (c) the expression "in-patient" means a person who is admitted as an in-patient to a hospital for the purpose of receiving treatment (not being treatment during convalescence) by or under the direction of a registered medical practitioner.

Maternity Allowance

3. A claim for an increase of maternity allowance in respect of a child or adult dependant may be made before the prescribed time for making such a claim only—

- (a) if the claimant is entitled to a maternity allowance, or would be so entitled if she made the necessary claim; and

(b) in a case where the day on which the claim for the increase is to be made occurs before the commencement of the period for which the allowance is or would be payable, if she would be entitled to an increase of the allowance for that day in respect of the child or adult dependant in respect of whom the claim is to be made if the allowance were payable to her for a period including that day and she made the necessary claim, or, in any other case, the claimant is so entitled or would be so entitled if she made the necessary claim:

Provided that a claim which is so made shall be treated as not having been made unless, within the prescribed time for making such a claim, the claimant furnishes such certificates, documents, information and evidence as may be required in accordance with the provisions of regulation 6 of these regulations.

Retirement Pensions

4.—(1) A claim for a retirement pension of any category may be made at any time not more than 4 months before the date on which the claimant will, subject to the fulfilment of the necessary conditions, become entitled to such a pension.

(2) A notice for the purpose of section 23(4) of the Act (retirement from regular employment) shall be given to the Department in writing and shall specify a date, being a date not earlier than the date on which the person giving the notice attains pensionable age and not later than the expiration of the period of 4 months after the date on which the notice is given, as the date of that person's retirement.

(3) For the purposes of the said section 23(4) the prescribed period shall be the period of 1 month; but that period shall be extended to the commencement of any continuous period immediately preceding the said period of 1 month throughout which the person giving the notice proves there was good cause for the delay in giving such notice, so however that the prescribed period shall in no case exceed 12 months.

(4) For the purpose of facilitating the determination of a subsequent claim for a Category A, B or C retirement pension, a person may at any time not more than 4 months before the date on which he will attain pensionable age, and notwithstanding that he does not intend to retire from regular employment at that date, submit particulars in writing to the Department in a form approved by it for that purpose with a view to the determination (in advance of a claim) of any question under the Act relating to that person's title to such a retirement pension other than the question of retirement, and, subject to the necessary modifications, the provisions of these regulations shall apply to any such particulars.

EXPLANATORY NOTE

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

These regulations contain provisions for the making of claims for benefit under Part I of the Social Security Act 1973; they correspond generally with similar provisions made under the National Insurance Act (Northern Ireland) 1966. Regulations 2 to 7 relate to the circumstances in which claims are not required, the forms on which claims are to be made and the information to be given when claiming. Regulations 8 and 9 provide for interchange between claims for certain benefits, including benefits under the National Insurance Measures (Northern Ireland) 1966 to 1974, and regulations 10 and 11 prescribe the circumstances in which certain benefits may be awarded or disallowed in advance. Regulations 12 and 13 contain provisions relating to disqualification for benefit which is claimed out of time and to persons unable to act. Regulation 14 is a transitional provision relating to claims made before 6th April 1975.