

- (a) at the foot of the first column—"Greece",  
 (b) at the foot of the second column—"29 May, 1961",  
 (c) at the foot of the third column—"1 June, 1961".

Given at Government House, Hillsborough, this twenty-seventh day of November, one thousand nine hundred and sixty-one.

*Terence O'Neill*  
*Brian Faulkner*  
*Ivan Neill*  
*Brian Maginness*

### EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Fourth Schedule to the Family Allowances, National Insurance and Industrial Injuries (European Interim Agreement) Order (Northern Ireland), 1959, by adding the Government of Greece to the names of Governments ratifying or acceding to the European Interim Agreement on social security other than schemes for old age, invalidity and survivors, and a Protocol, dated the 11th December, 1953.

1961. No. 221

[C]

## NATIONAL INSURANCE

### Claims and Payments

REGULATIONS, DATED 27TH NOVEMBER, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 19(2)(b), 27, 43 and 50(2) of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

#### PART I

#### GENERAL

#### *Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1961, and shall come into operation on the 1st December, 1961.

(a) 1946. c. 23.

(2) In these regulations—

“the Act” means the National Insurance Act (Northern Ireland), 1946;

“the Industrial Injuries Act” means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(a);

“the Ministry” means the Ministry of Labour and National Insurance;

“benefit” means any benefit under the Act;

“the relevant person” means the person by whom the contribution conditions for death grant are to be satisfied;

“insurance card” means a card issued in accordance with the regulations for the time being in force under section 7 of the Act relating to the collection of contributions;

“the Commissioner” means the Commissioner or a deputy Commissioner or a tribunal presided over by the Commissioner or a deputy Commissioner(b);

“determining authority” means, as the case may require, an insurance officer, a local tribunal or the Commissioner appointed or constituted in accordance with the regulations for the time being in force under section 40 of the Act(c) relating to the determination of claims and questions;

“pension” means retirement pension, widow’s benefit, child’s special allowance or guardian’s allowance, as the case may require;

“pensioner” means a person to whom any pension is payable;

“pension order” means an order for the payment of any pension;

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

“draft” means a payable order or any other instrument whatsoever (except a serial order) for the payment of a sum on account of benefit;

“paying office” means such place as the Ministry may designate for the payment of pensions;

“appropriate paying office” means such paying office as the Ministry, after consultation with the pensioner, may from time to time determine;

“local office” includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit.

(3) For the purposes of the provisions of these regulations relating to the making of claims an increase of benefit in respect of a child or adult dependant shall be treated as a separate benefit.

(4) The provisions of Parts II and III shall have effect in relation to any particular benefit subject to any further provision affecting that benefit contained in the Second Schedule.

## PART II

### CLAIMS

#### *Claims to be made to the Ministry in writing*

2.—(1) Every claim for benefit shall be made in writing to the Ministry on the form approved by the Ministry for the purpose of the benefit for which

(a) 1946. c. 21.

(b) S.R. & O. (N.I.) 1961, No. 77.

(c) See s. 40(3)(c), National Insurance Act (Northern Ireland), 1946, as amended by s. 6(1), National Insurance Act (Northern Ireland), 1960.

the claim is made, or in such other manner, being in writing, as the Ministry may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Subject to any directions given by the Ministry in any particular case or class of cases, all claims for unemployment benefit shall be made at a local office.

*Supply of claim forms*

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

*Claims not on appropriate forms*

4. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Ministry may treat the claim as if it had been made on the appropriate form:

Provided that the Ministry may in any such case require the claimant to complete the appropriate form.

*Information to be given when making a claim for benefit*

5.—(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 Ministry and, if reasonably so required, shall for that purpose attend at such office or place as the Ministry may direct.

(2) Subject to any directions given by the Ministry in any particular case or class of cases, every person who makes a claim for unemployment benefit shall lodge his insurance card at the local office at which his claim is made:

Provided that where in any particular case the determining authority is satisfied that the claimant is unable or has omitted for good cause to lodge his insurance card it may, if it thinks fit, dispense with the lodging of the insurance card under this regulation.

(3) 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 Ministry may require.

(4) 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.

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

- (a) if required by the Ministry, 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 Ministry may reasonably require, in support of any contention that immediately before the death of the child or relevant person, as the case may be, the child was a child of the family of the relevant person;
- (b) if required by the Ministry, the estimate or account of the undertaker.

#### *Amendment of claim forms*

6.—(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 Ministry, the Ministry may, in its discretion, refer the claim to the claimant, and if the form is returned duly signed and certified within one month from the date on which it is so referred, the Ministry 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 Ministry, 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*

7.—(1) Where it appears that a person who has made a claim for a benefit specified in the first column of Part I of the First Schedule may be entitled to the benefit specified opposite thereto in the second column 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 that person, 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 the Industrial Injuries Act*

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

- (a) a benefit under the Industrial Injuries Act specified in the first column of Part II of the First Schedule may be entitled to the benefit under the Act specified opposite thereto in the second column of that Part; or

- (b) a benefit under the Act specified in the said second column may be entitled to the benefit under the Industrial Injuries Act specified opposite thereto in the said first column;

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.

### PART III

#### PAYMENTS

##### *Time and manner of payment of unemployment, sickness, maternity benefits and death grant*

9. Subject to the provisions of these regulations, unemployment benefit, sickness benefit, maternity benefit and death grant shall be paid in accordance with an award thereof, as soon as is reasonably practicable after such an award has been made by the determining authority, in the following manner:

- (a) in the case of unemployment benefit, at weekly intervals, in cash at the local office at which the claim is made, or by such other means as may appear to the Ministry to be appropriate in the circumstances of any particular case;
- (b) in the case of sickness benefit, maternity benefit and death grant, by means of payable orders, or by such other means as may appear to the Ministry to be appropriate in the circumstances of any particular case.

##### *Time and manner of payment of retirement pension, widow's benefit, child's special allowance and guardian's allowance*

10.—(1) Subject to the provisions of these regulations, pensions shall be paid weekly in advance at the appropriate paying office by means of pension orders payable in each case to the pensioner.

(2) In every case in which there is an award by the determining authority under which a pension is payable the Ministry shall cause arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required, the pensioner may obtain, either through the appropriate paying office or otherwise, a book of pension orders, and the Ministry shall notify the pensioner of the appropriate paying office and of the arrangements so far as they affect him.

(3) The Ministry shall arrange for the issue to every pensioner, either through the appropriate paying office or otherwise, of a fresh book of pension orders on the expiration of the previous book.

(4) Weekly sums on account of pensions shall be payable on different days of the week as follows:

- (a) in the case of widow's benefit, child's special allowance and guardian's allowance—on Tuesdays; and
- (b) in the case of retirement pension—on Mondays:

Provided that—

- (i) in the case of a woman who, immediately before becoming entitled to

retirement pension, was entitled to widow's benefit, the days shall be Tuesdays,

- (ii) where a woman becomes entitled to a retirement pension immediately following the payment to her husband of an increase of retirement pension in respect of her, the retirement pension to which she becomes entitled shall be payable on the same days as those upon which the retirement pension of her husband is payable,
- (iii) where, in relation to any person, any particular day of the week has become the appropriate day of the week for the payment of retirement pension, that day shall thereafter remain the appropriate day in his case for such payment.

(5) Where by reason of any provision of the Act or of any regulations the date as from which a pension would commence, or as from which a change in the rate of a pension would take effect, is a day of the week other than the appropriate day of the week for the payment of that pension, the pension shall commence only, or the change in the rate of the pension shall take effect only, as from the next such appropriate day.

(6) Where the date on which a pension (other than any widow's benefit to which paragraph (7) applies) would cease to be payable is a day of the week other than that immediately preceding the appropriate day of the week for the payment of that pension, the pension shall continue to be payable in respect of the days of the week up to but not including the next such appropriate day.

(7) In the case of a woman entitled to widow's benefit immediately before becoming entitled to a retirement pension, where the date on which the widow's benefit would cease to be payable is a day of the week other than that immediately preceding the appropriate day of the week for the payment of the retirement pension, the widow's benefit shall continue to be payable in respect of the days of the week up to but not including the next such appropriate day.

(8) A book of pension orders issued to any person shall remain the property of the Ministry.

(9) Any person having a book of pension orders or any unpaid pension order shall, on the termination of the pension to which such book or order relates or when requested by the Ministry, deliver such book or order to the Ministry or to such person as it may direct.

(10) Notwithstanding anything contained in the foregoing provisions of this regulation, the Ministry may in any particular case or class of cases arrange for the payment of a pension otherwise than weekly in advance or otherwise than by means of pension orders payable to the pensioner through a paying office.

*Late claims for benefit, etc.*

11. Subject to the provisions of Part II of the Second Schedule—

- (a) the prescribed time for claiming any benefit specified in column (1) of Part I of that Schedule shall be the appropriate time specified opposite to that benefit in column (2) of that Part, 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 the said Part I.

*Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time*

**12.—(1)** The right to any sum payable by way of benefit, other than a sum payable by way of death grant or by way of a single payment under regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations (Northern Ireland), 1961(a) (which provides for the satisfaction, in certain cases, by a single payment of a person's right to graduated retirement benefit), shall be extinguished where payment thereof is not obtained within the period of six months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

Provided that in calculating the said period of six months no account shall be taken of—

- (a) any period during which a serial order or draft containing the sum is in the possession of the Ministry or any paying office, other than a period after written notice has been given that the serial order or draft is available for collection;
- (b) any period during which the Ministry has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;
- (c) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or
- (d) any period during which the determination of any question as to such extinguishment is pending.

(2) For the purposes of this regulation, a sum payable by way of benefit shall, subject to the provisions of paragraph (3) of this regulation and of paragraph (3) of regulation 15, be receivable—

- (a) in the case of a sum contained in a serial order, on the date on which the order is due to be paid;
- (b) in the case of a sum contained in a draft—
  - (i) if the draft is sent through the post, on the date on which it would be delivered in the ordinary course of post; and
  - (ii) in any other case, on the date of issue of the draft;
- (c) in the case of a sum not contained in a serial order or draft, where notice is given orally or in writing that the sum is available for collection—
  - (i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post; and
  - (ii) in any other case, on the date of the notice; and
- (d) in any case to which none of the preceding sub-paragraphs applies, six months (or such longer period as the Ministry may determine in the circumstances of any particular case) after the date on which the sum became payable.

(3) In determining when a sum is receivable under the provisions of paragraph (2), the following provisions shall apply:

- (a) If a person proves that through no fault of his own he did not receive any such serial order or draft or written notice until a date later than

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(a) S.R. & O. (N.I.) 1961, No. 86.

the appropriate receivable date determined in accordance with the provisions of paragraph (2), the sum contained in the order or draft or referred to in the notice shall be receivable—

- (i) on that later date, or
- (ii) on the date which is six months after the said appropriate receivable date,

whichever is the earlier.

- (b) If a person proves that through no fault of his own he has not received any such serial order or draft or written notice, the sum contained in the original order or draft or referred to in the notice shall be receivable—

- (i) on the date determined in accordance with the provisions of paragraph (2) on the basis of the issue of any further order or draft or notice in respect of that sum, or

- (ii) on the date which is six months after the receivable date determined in accordance with the provisions of paragraph (2) on the basis of the original order or draft or notice,

whichever is the earlier.

- (c) Subject to the provisions of paragraph (3) of regulation 15 and of subparagraph (b) of this paragraph, a sum which in accordance with the foregoing provisions of this regulation was receivable on any date shall remain receivable on that date notwithstanding the issue since that date of a serial order or draft or notice in respect of that sum or any part thereof.

(4) Any sum payable by way of benefit to a person who is for the time being unable to act shall be receivable in accordance with the foregoing provisions of this regulation, notwithstanding his inability to give a receipt therefor.

*Information to be given when obtaining payment of benefit*

13.—(1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Ministry may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Ministry may require (either as a condition on which any such sum or sums shall be receivable or otherwise), and in particular shall notify the Ministry in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to the receipt thereof, as soon as reasonably practicable after the occurrence thereof.

(2) Where any sum is receivable on account of an increase of benefit in respect of an adult dependant the beneficiary shall, in such cases or classes of cases as the Ministry may direct, furnish a declaration signed by such dependant confirming the particulars respecting him furnished by the claimant.

PART IV

MISCELLANEOUS PROVISIONS

*Persons unable to act*

14.—(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 Ministry 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 such child or person:

Provided that—

- (a) any such appointment by the Ministry shall terminate on the day immediately prior to the date on which the Ministry is notified that a committee, guardian or receiver has been appointed;
- (b) a person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation;
- (c) the Ministry 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 Ministry one 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, and the receipt of any person appointed under this regulation shall be a good discharge to the Ministry and the National Insurance Fund for any sum paid, notwithstanding that such person has not attained the age of twenty-one.

#### *Payments on death*

15.—(1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, or in respect of whose death a death grant is alleged to be payable, the Ministry may appoint such person as it may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim:

Provided that in the case of a death grant a claim may be made by any person specified in paragraph (2).

(2) Subject to the provisions of paragraph (6), any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under paragraph (1) may be paid or distributed by the Ministry to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors, of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 12 shall apply to any such payment or distribution:

Provided that—

- (a) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Ministry and the National Insurance Fund for any sum so paid; and
- (b) where the Ministry is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, it may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Ministry that he will apply the sum so paid for the benefit of the person under the age of sixteen.

(3) Subject as aforesaid, any sum payable by way of benefit to the deceased payment of which he had not obtained at the date of his death may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2), and the provisions of regulation 12 and of the proviso to the said paragraph shall apply to any such payment or distribution :

Provided that, for the purpose of paragraph (1) of the said regulation 12, the period of six months shall be calculated from the date on which the sum was receivable by any such person and not from the date on which it was receivable by the deceased, and for this purpose the reference in subparagraph (d) of paragraph (2) of regulation 12 to the date on which the sum became payable shall be construed as a reference to the date of the application to the Ministry made in accordance with paragraph (6).

(4) In relation to a death grant, the reference in paragraph (2) to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the National Insurance Fund any death grant so paid to him.

(5) Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him.

(6) Paragraphs (2) and (3) shall not apply in any case unless written application for the payment of any such sum is made to the Ministry within six months from the date of the deceased's death or within such longer period as the Ministry may allow in any particular case.

(7) The Ministry may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

#### *Breach of regulations*

16. If any person contravenes or fails to comply with any requirement of these regulations (not being 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 ten pounds, or where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

### PART V

#### REVOCATIONS

17. The regulations specified in the Third Schedule are hereby revoked to the extent mentioned in the third column of that Schedule.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 27th day of November, nineteen hundred and sixty-one.

(L.S.)

H. A. Lowry,  
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of November, nineteen hundred and sixty-one.

(L.S.)

W. W. Arthur,  
Assistant Secretary.

## FIRST SCHEDULE

Regulation 7(1)

## PART I

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

<i>Benefit claimed.</i>	<i>Alternative benefit.</i>
Unemployment benefit.	Sickness benefit.
An increase of unemployment benefit.	An increase of sickness benefit.
Sickness benefit for a woman.	Maternity allowance.
Maternity allowance.	Sickness benefit.
Retirement pension for a woman by virtue of her husband's insurance.	Widow's benefit.

## PART II

Regulation 8(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>	<i>Benefit under the Act.</i>
Industrial injury benefit.	Sickness benefit.
An increase of industrial injury benefit.	An increase of sickness benefit.
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.

SECOND SCHEDULE

Regulation 11

SHOWING IN PART I THE PRESCRIBED TIMES FOR CLAIMING BENEFIT AND THE DISQUALIFICATIONS FOR BENEFIT ARISING BY REASON OF LATE CLAIMS, AND IN PART II THE PROVISIONS (AND RELATED PROVISIONS) WHICH AFFECT THE BENEFIT WHICH WOULD OTHERWISE BE PAYABLE, OR NOT PAYABLE, BY VIRTUE OF PART I.

PART I

Table of (a) Prescribed Times for making a Claim for Benefit and (b) Disqualifications for Late Claim

Description of benefit  (1)	Prescribed time for claiming benefit  (2)	Benefit which a person is disqualified for receiving by failure to claim within the prescribed time  (3)
1. Unemployment benefit (not being an increase of benefit in respect of a child or adult dependant).	The day in respect of which the claim is made.	The benefit claimed.
2. Sickness benefit (not being an increase of benefit in respect of a child or adult dependant)— (a) where before making the claim the claimant has not made an earlier claim for sickness benefit under the Act (or an earlier claim for any other benefit, whether under the Act or the Industrial Injuries Act, which has been treated as a claim for sickness benefit). (b) where sub-paragraph (a) does not apply and the day in respect of which the claim is made is not earlier than three days before the date on which written notice of the incapacity was given to the Ministry. (c) where neither sub-paragraph (a) nor sub-paragraph (b) applies.	(a) The period of twenty-one days from the day in respect of which the claim is made.  (b) The period of ten days from the day in respect of which the claim is made.  (c) The period of three days from the day in respect of which the claim is made.	The benefit claimed.
3. Maternity benefit— (a) Maternity grant in respect of expectation of confinement.  (b) Maternity grant by virtue of the fact of confinement.  (c) Home confinement grant.	(a) The period beginning with the ninth contribution week before the contribution week in which it is to be expected that the claimant will be confined and ending immediately before the date of the confinement.  The period of three months beginning with the date of the confinement.	The benefit claimed.

<p><i>Description of benefit</i></p> <p>(1)</p>	<p><i>Prescribed time for claiming benefit</i></p> <p>(2)</p>	<p><i>Benefit which a person is disqualified for receiving by failure to claim within the prescribed time</i></p> <p>(3)</p>
<p>(d) Maternity allowance in respect of expectation of confinement (not being an increase of benefit in respect of a child or adult dependant).</p> <p>(e) 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>(f) Increase of maternity allowance in respect of a child or adult dependant.</p>	<p>(d) The period of three weeks beginning with the fourteenth contribution week before the contribution week in which it is to be expected that the claimant will be confined.</p> <p>(e) The period of three weeks beginning with the date of the confinement.</p> <p>(f) The longer of the two following periods—                      (i) The period of one 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 one 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 contribution week in which the claim is made.</p> <p>(f) Benefit in respect of any period more than one month before the date on which the claim is made.</p>
<p>4. Pension (not being a retirement pension for a widow by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to widow's benefit).</p>	<p>The period of three 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 three months before the date on which the claim is made.</p>
<p>5. Death grant.</p>	<p>The period of six months (or such longer period as the Ministry may determine in the circumstances of any particular case) from the date of the death of the deceased.</p>	<p>The benefit claimed.</p>
<p>6. Increase, in respect of a child or adult dependant, of unemployment or sickness benefit.</p>	<p>The longer of the two following periods—                      (a) The period of one month from the day in respect of which the claim is made; or                      (b) The period beginning with that day and ending one month after the date of the claim (not being a claim made after the prescribed time therefor) for unemployment or sickness benefit (other than the increase) in respect of that day.</p>	<p>The benefit claimed.</p>

## PART II

**Containing Provisions (and Related Provisions) which vary the Prescribed Times under Part I of this Schedule, or vary or extinguish the Benefit which would otherwise be payable, or not payable, by virtue of that Part**

*ALL BENEFITS**Late Claims*

1.—(1) If in any case the claimant proves (subject to the provisions of paragraph 5) 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) be extended to the date on which the claim is made:

Provided that the foregoing provisions of this sub-paragraph shall not—

- (a) be applied in relation to a claim for a maternity grant in respect of expectation of the claimant's confinement; or
- (b) so be applied, in relation to a claim for a maternity allowance in respect of expectation of the claimant's confinement, that the prescribed time for making that claim is extended to the date of the confinement or to any date thereafter.

(2) If in any case the claimant proves—

- (a) that 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) (subject to the provisions of paragraph 5) that 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) be disqualified under Part I of this Schedule 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 sub-paragraph shall be applied only if the claim is made before the date of the confinement.

*General limitation of right to benefit*

2. Notwithstanding anything contained in this Schedule no sum shall be paid to any person on account of—

- (a) maternity grant or home confinement grant in respect of a confinement occurring more than six months before the date on which the claim therefor is made;
- (b) death grant in any case where the prescribed time for making a claim falls to be extended under paragraph 1 by more than six months;
- (c) any other benefit (not being a retirement pension payable to a widow by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to widow's benefit) in respect of any period more than six months before the date on which the claim therefor is made.

*UNEMPLOYMENT BENEFIT*

3.—(1) Every person who makes a claim for unemployment benefit shall attend at the local office at which he makes such claim, or at such other local office as may be approved in his case, on every working day, or on such working days as the Ministry may direct, at such times as the Ministry may direct, and, if required to do so, shall there sign a register to be kept at the local office for the purpose:

Provided that—

- (a) a claimant residing at a distance of more than three miles, but not more

than five miles, from the local office nearest or most convenient to his place of residence, shall be required to attend only on alternate days, or on such fewer days as the Ministry may direct; and

- (b) a claimant, residing more than five miles from the local office nearest or most convenient to his place of residence, shall attend at such longer intervals, or furnish such other evidence that he was unemployed, as the Ministry may direct.

(2) A claimant who, under these regulations, attends less frequently than on every working day, may on each attendance sign the register in respect of days on which the terms of the declaration set out in the register were satisfied in his case since his last attendance, as well as in respect of the actual day of attendance.

(3) The determining authority may in any particular case require a claimant, notwithstanding that he has signed the register in accordance with these regulations, to furnish further evidence that he was unemployed and not disentitled to unemployment benefit on all or any of the days in respect of which he has signed the register.

### SICKNESS BENEFIT

#### *Notice of incapacity*

4.—(1) The time within which a person, on becoming or again becoming incapable of work, shall for the purpose of sub-paragraph (2) give to the Ministry written notice of that fact shall be the period of three days from the date on which that person becomes or again becomes incapable of work :

Provided that, where a person proves (subject to the provisions of paragraph 5) that, throughout a period commencing on or after the last day of the said period of three days and ending immediately before the day on which the notice is given, there was good cause for delay in giving such notice, the time shall (subject to the provisions of sub-paragraph (4)) be extended to the date on which the notice is given.

(2) If a person fails, on becoming or again becoming incapable of work, to give to the Ministry written notice of that fact within the time prescribed in sub-paragraph (1), he shall, unless he has not previously made a claim for sickness benefit under the Act (including, for this purpose, 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), be disqualified for receiving sickness benefit in respect of any period more than three days before the date on which the notice is given.

(3) Where, in accordance with the proviso to sub-paragraph (1), a person proves that there was good cause for delay in giving such notice and the time so prescribed is extended accordingly, that person shall (subject to the provisions of sub-paragraph (4)) be disqualified for receiving sickness benefit in respect of any period more than three days before the commencement of the period throughout which there was good cause for delay in giving notice.

(4) If a person fails, on becoming or again becoming incapable of work, to give to the Ministry written notice of that fact within the period of six months from the date on which that person becomes or again becomes so incapable, no sum shall be paid to him on account of sickness benefit in respect of any period more than six months before the date on which notice is given.

#### *Hospital in-patients*

5.—(1) In determining whether the provisions of sub-paragraph (1) or sub-paragraph (2)(b) of paragraph 1 or the proviso to sub-paragraph (1) of paragraph 4 have been satisfied by a person who is, or has been, an in-patient in a hospital, and who either gives to the Ministry written notice that he has become or again become incapable of work, or makes a claim for sickness benefit, any such provision shall, in relation only to that notice or 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 thirteen weeks thereafter or three 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 thirteen weeks from the date of his admission to the hospital as an in-patient.
- (2) For the purposes of sub-paragraph (1):
- (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, provided 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 that sub-paragraph does not exceed three weeks;
  - (b) the expression "hospital" means any institution for the reception and treatment of persons suffering from illness or mental defectiveness and any maternity home (and, for this purpose, "illness" includes mental illness and any injury or disability requiring medical treatment or nursing); and
  - (c) the expression "in-patient" means a person admitted as an in-patient to a hospital for the purpose of receiving there treatment (not being treatment during convalescence) by or under the direction of a registered medical practitioner.

#### *Claims in advance*

6.—(1) Where, for the purposes of the provisions of the National Insurance (Medical Certification) Regulations (Northern Ireland), 1948(a), it has been certified—

- (a) that a person is incapable of work and will continue to be incapable of work for the period specified in the certificate; or
- (b) that a person (being a person who, throughout the period of six months immediately preceding the date of the certificate, has been in receipt of sickness benefit) is incapable of work,

a claim for sickness benefit may, unless the Ministry otherwise directs, be made by that person in respect of the period of thirteen weeks, or such shorter period as the Ministry may in the circumstances determine, in either case commencing immediately after the date of the certificate.

(2) Any claim for sickness benefit made by any such person may, if it is made on the form containing the certificate, be treated by the Ministry as a claim made also in respect of any days in the said period of thirteen weeks or in any such shorter period, as the case may be.

(3) Where for the said purposes it has been certified by a qualified practitioner that it is to be expected that a woman will be confined, and either—

- (a) a claim for sickness 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 paragraph (1) of regulation 7 as a claim in the alternative for sickness benefit,

any such claim may, unless the Ministry otherwise directs, be treated as a claim for sickness benefit made in respect of any days in the period beginning with the sixth week before the expected week of confinement and ending two weeks after the date of the confinement.

7. A claim for an increase of a maternity allowance in respect of a child or

(a) S.R. & O. (N.I.) 1948, No. 256 as amended by S.R. & O. (N.I.) 1949, No. 148; 1952, No. 112; 1953, No. 123 and 1954, No. 35.



adult dependant may be made before the prescribed time for making such a claim if, but only if—

- (a) 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, the claimant 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 5.

### RETIREMENT PENSIONS

8.—(1) A claim for retirement pension may be made at any time not more than four 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 paragraph (b) of sub-section (2) of section 19 of the Act (which section relates to retirement pensions) shall be given to the Ministry 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 four months after the date on which the notice is given, as the date of that person's retirement.

(3) For the purposes of head (i) of the said paragraph (b), the prescribed period shall be the period of one month:

Provided that the prescribed period shall be extended to the commencement of any continuous period immediately preceding the said period of one 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 six months.

(4) For the purpose of facilitating the determination of a subsequent claim for retirement pension, a person may at any time not more than four 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 Ministry in a form approved by it for that purpose with a view to the determination (in advance of a claim) of any questions under the Act relating to that person's title to a retirement pension other than the question of retirement, and, subject to the necessary modifications, the provisions of Part II of these regulations shall apply to any such particulars.

## THIRD SCHEDULE

## Regulation 17

## Regulations Revoked

<i>Statutory Rules and Orders of Northern Ireland</i>	<i>Citation</i>	<i>Extent of Revocation</i>
S.R. & O. (N.I.) 1948, No. 196.	The National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948.	The whole of the regulations.
S.R. & O. (N.I.) 1949, No. 142.	The National Insurance (Death Grant) Regulations (Northern Ireland), 1949.	In regulation 12 the words "subject to the amendments thereof contained in the Second Schedule to these regulations"; the Second Schedule so far as unrevoked.
S.R. & O. (N.I.) 1951, No. 154.	The National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations (Northern Ireland), 1951.	Regulation 17.
S.R. & O. (N.I.) 1952, No. 46	The National Insurance (Claims and Payments) Amendment Regulations (Northern Ireland), 1952.	The whole of the regulations.
S.R. & O. (N.I.) 1952, No. 141.	The National Insurance (Claims and Payments) Amendment (No. 2) Regulations (Northern Ireland), 1952.	The whole of the regulations.
S.R. & O. (N.I.) 1953, No. 123.	The National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953.	Regulation 19; in the First Schedule, Parts III, IV and V.
S.R. & O. (N.I.) 1954, No. 45.	The National Insurance (Claims and Payments) Amendment Regulations (Northern Ireland), 1954.	The whole of the regulations.
S.R. & O. (N.I.) 1957, No. 72.	The National Insurance (Claims and Payments) Amendment Regulations (Northern Ireland), 1957.	The whole of the regulations.
S.R. & O. (N.I.) 1957, No. 179.	The National Insurance (Claims and Payments) Amendment (No. 2) Regulations (Northern Ireland), 1957.	The whole of the regulations.
S.R. & O. (N.I.) 1957, No. 225.	The National Insurance (Child's Special Allowance) Regulations (Northern Ireland), 1957.	In the Schedule, the entries under the heading "The National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948".
S.R. & O. (N.I.) 1957, No. 267.	The National Insurance (Death Grant) (Consequential Provisions) Regulations (Northern Ireland), 1957.	Regulation 2; in the Schedule, Part I.
S.R. & O. (N.I.) 1961, No. 77.	The Family Allowances and National Insurance (Commissioner — Transitional and Consequential Provisions) Regulations (Northern Ireland), 1961.	In the Schedule, the entry relating to the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948.
S.R. & O. (N.I.) 1961, No. 86.	The National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations (Northern Ireland), 1961.	In paragraph (2) of regulation 1, the definition of "the Claims and Payments Regulations"; in the Second Schedule, Part I; in the Third Schedule, Part I.