

(3) Where the determination concerned relates to the making of or refusal to make a cash payment in respect of benefit other than supplementary pension, the notice required by paragraph (2) may be given to the claimant orally unless he requests that it be in writing.

(4) Where the Commission determine that the claimant is entitled to benefit of an amount which, when added to some other payment, if any, payable by the Ministry, will amount to a stated sum, notice of that sum shall be notice for the purposes of this regulation.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 17th day of August 1966.

(L.S.)

H. A. Lowry,

Assistant Secretary.

EXPLANATORY¹ NOTE

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

These Regulations make general provisions for the purposes of the Supplementary Benefits &c. Act (Northern Ireland) 1966. They provide for exceptions to the requirement of residence in the United Kingdom for a qualifying period (regulation 2); that the period for which a person is not to be excluded from benefit under the Act after he has commenced full-time remunerative employment is to be 15 days (regulation 3); for the manner in which a person required to register for employment at a local office as a condition for the award of benefit is to do so (regulation 4); for the method of calculation of a person's net weekly earnings (regulation 5); for the requirements of a person in a welfare authority home (regulation 6); for the circumstances in which determinations under the Act may be reviewed (regulation 7); and for the manner in which decisions of the Commission shall be notified (regulation 8).

1966. No. 189

[C]

SUPPLEMENTARY BENEFITS

Claims and Payments

REGULATIONS, DATED 17TH AUGUST 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE SUPPLEMENTARY BENEFITS &c. ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, with the consent of the Ministry of Finance, in exercise of powers conferred by section 4 as extended by paragraph 2(3) of Schedule 2, and section 18(1) of the Supplementary Benefits &c. Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

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

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1966, and shall come into operation on 22nd August 1966.

(2) In these regulations—

“the Act” means the Supplementary Benefits &c. Act (Northern Ireland) 1966;

“beneficiary” means a person entitled to benefit under the Act;

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

“local office” includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit under the National Insurance Acts (Northern Ireland) 1966(a);

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

“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.

(3) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

PART II

CLAIMS

Claims to be in writing

2.—(1) Every claim for benefit shall be made in writing and delivered or sent to a local office of the Ministry on a form approved by the Ministry for the purpose of the benefit for which the claim is being 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) 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.

Supply of claim forms

3. Forms of claim shall be supplied without charge by the Ministry or by such persons as the Ministry may appoint or authorise for that purpose.

Information to be given in connection with a claim

4. 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 Commission and, if reasonably so required, shall for that purpose attend at any office or place as the Commission may direct.

Amendment of claim forms

5. If, owing to the absence of due signature, 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 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.

Time for making claims

6.—(1) A claim for a supplementary pension or supplementary allowance shall be made not later than the beginning of the first period to which it relates.

(2) Claims for any benefit under section 5 of the Act (requirements for certain medical appliances or services) shall be made not later than six months after the appliance or service was provided.

(3) Notwithstanding anything in paragraphs (1) and (2), the Commission, where they are satisfied that there are exceptional circumstances justifying it in any particular case, may treat a claim as having been made on such date as they may determine.

PART III

PAYMENTS

Time and manner of payment

7. Any payment of benefit shall be made in such manner and at such times as the Ministry in any particular case or class of cases may determine.

Orders for payment

8.—(1) Drafts, serial orders and books of serial orders issued by the Ministry to enable a person to obtain payment of benefit shall remain the property of the Ministry.

(2) Any person having such a draft, serial order or book of serial orders shall on ceasing to be entitled to the benefit to which the draft or serial order relates or when so required by the Ministry, deliver the draft, serial order or book of serial orders to the Ministry or to such person as it may direct.

Extinguishment of sums payable by way of benefit

9.—(1) The right to any sum payable by way of 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 13, 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 of this paragraph 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 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 13 and of sub-paragraph (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 in connection with payment of benefit

10. 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.

PART IV

MISCELLANEOUS PROVISIONS

Persons unable to act

11.—(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 unable for the time being to act—

- (a) where no committee, guardian or receiver of his estate has been duly appointed; or
- (b) in an urgent case whether or not the condition contained in sub-paragraph (a) is satisfied;

the Ministry may upon written application being made to it, appoint a person to exercise on behalf of the person who is unable to act any right to which that person may be entitled under the Act and to receive and deal with any sums payable on behalf of such person:

Provided that—

- (i) except in a case to which sub-paragraph (b) applies, 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;
- (ii) a person who has not attained the age of 18 years shall not be capable of being appointed to act under this regulation;
- (iii) the Ministry may at any time in its absolute discretion revoke any appointment made under this regulation;
- (iv) 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; and

- (v) any woman falling within paragraph 3(1) of Schedule 2 to the Act who is a former beneficiary for the purposes of paragraph 4 of Schedule 6 to the Act may be appointed under this paragraph to act on behalf of her husband without her having made written application.

(2) Anything required by these regulations to be done by or to any such person as aforesaid 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 for any sum paid notwithstanding that such person has not attained the age of 21 years.

Negligible amounts and fractions of a shilling

12. Where any person claiming or in receipt of benefit is entitled to unemployment benefit under the National Insurance Acts (Northern Ireland) 1966 sub-paragraph (1) of paragraph 2 of Schedule 2 to the Act shall not apply and for the references in sub-paragraph (2) of that paragraph to the amount of any benefit there shall be substituted references to the aggregate of that amount and of the amount of unemployment benefit.

Payments on death

13.—(1) On the death of a person who has made a claim for benefit the Ministry may appoint such person as it may think fit to proceed with the claim for benefit and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of paragraph (4), any sum payable by way of benefit which is payable under a determination on a claim proceeded with 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 9 shall apply to any such payment or distribution:

Provided that—

- (a) the receipt of any such person who has attained the age of 16 years shall be a good discharge to the Ministry for any such 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 16 years, 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 16 years.

(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 9 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of regulation 9(1) the period of six months shall be calculated from the date on which it 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 regulation 9(2)(d) 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 (4) of this regulation.

(4) Paragraphs (2) and (3) of this regulation 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.

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

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 17th day of August 1966.

(L.S.)

H. A. Lowry,

Assistant Secretary.

The Ministry of Finance hereby consents to these regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of August 1966.

(L.S.)

R. R. Butler,

Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations provide for the manner in which claims for benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966 and the payment of such benefit shall be made. Part I is formal. Part II deals with the forms on which claims are to be made and the information to be given when claiming; Part III with the manner and time of payment of benefit, the extinction of the right to sums payable by way of benefit where payment is not obtained in time and the information to be given in connection with payment of benefit; and Part IV with persons unable to act and payments on death. This Part also provides that where unemployment benefit and benefit under the Act are to be paid together it is the aggregate of the two benefits which is to be rounded to the nearest shilling under paragraph 2 of Schedule 2 to the Act.

1966. No. 190

[C]

AGRICULTURE

Warble Fly

SCHEME, DATED 13TH AUGUST 1966, MADE BY THE MINISTER OF AGRICULTURE UNDER SECTION 1 OF THE AGRICULTURE (TEMPORARY ASSISTANCE) ACT (NORTHERN IRELAND) 1954(a), AS AMENDED BY THE AGRICULTURE (TEMPORARY ASSISTANCE) (AMENDMENT) ACT (NORTHERN IRELAND) 1957(b).

The Minister of Agriculture with the approval of the Minister of Finance and in exercise of the powers conferred upon him by the Agriculture (Temporary Assistance) Acts (Northern Ireland) 1954 and 1957, and of all other powers him thereunto enabling, hereby makes the following Scheme:—

Short title and commencement

1.—(1) This Scheme may be cited as the Warble Fly Dressing (Assistance) Scheme (Northern Ireland) 1966.

(2) This Scheme shall come into operation on 31st day of August 1966.

Financial Assistance

2. A contribution shall be made towards the cost of operating the Warble Fly (Dressing of Cattle) Scheme (Northern Ireland) 1966(c), at the rate of one shilling in respect of each bovine animal dressed with a systemic insecticide in accordance with that Scheme.

Dated this 13th day of August 1966.

(Sd.) *H. W. West,*
Minister of Agriculture
for Northern Ireland.

I approve the foregoing Scheme.

Dated this 13th day of August 1966.

(Sd.) *H. V. Kirk,*
Minister of Finance
for Northern Ireland.

EXPLANATORY NOTE

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

This Scheme provides for a contribution at the rate of 1/- per animal towards the cost of dressing cattle with a systemic insecticide under the Warble Fly (Dressing of Cattle) Scheme (Northern Ireland) 1966.

(a) 1954. c. 31.

(b) 1957. c. 3.

(c) S.R. & O. (N.I.) 1966, No. 186.