

1971. No. 123

[C]

FAMILY INCOME SUPPLEMENTS**Claims and Payments**

REGULATIONS, DATED 27TH APRIL 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FAMILY INCOME SUPPLEMENTS ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 5(2) and 10(2) of the Family Income Supplements Act (Northern Ireland) 1971(a), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 10(3) of that Act:

PART I**GENERAL***Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1971 and shall come into operation on 3rd May 1971.

(2) In these regulations—

“the Act” means the Family Income Supplements Act (Northern Ireland) 1971;

“benefit” means a family income supplement under the Act;

“beneficiary” means a person by whom benefit is or was receivable and any person authorised or appointed to act for such a person;

“claim” means a claim for benefit;

“determining authority” means, as the case may require, the Appeal Tribunal as defined in section 7(3) of the Act or the Supplementary Benefits Commission;

“instrument of payment” means a serial order and any other instrument whatsoever which is intended to enable a person to obtain payment of benefit;

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

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

PART II**CLAIMS***Manner in which claims are to be made*

2.—(1) Every claim shall be made in writing and delivered or sent to an office of the Ministry on a form approved by the Ministry, 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.

(a) 1971. c. 8 (N.I.).

(2) If a claim is defective at the date when it is received at an office of the Ministry, or has been made otherwise than on the form approved for the time being and not in a manner accepted by the Ministry as sufficient in accordance with paragraph (1), the Ministry shall refer the claim to the person making it, or, as the case may be, supply him with the approved form, and if the form is returned properly completed within one month from the date on which it is so referred or supplied, the Ministry shall treat the claim as if it had been duly made in the first instance.

(3) A person who has made a claim may withdraw it at any time before a determination has been made on it by a notice in writing delivered or sent to an office of the Ministry,

(4) Any reference in the Act or in regulations to the date on which a claim is made shall, in the case of a claim which is treated as if it had been duly made in the first instance under paragraph (2), be construed as a reference to the date on which such claim is so treated as having been duly made.

(5) Where for the purposes of the Act a family includes both a man and a woman, the Ministry may, if it is satisfied that it would be unreasonable to require a joint claim, accept as a valid claim a claim made by the man alone or by the woman alone.

(6) No claim made by or on behalf of a person who was included in a family for which benefit is payable shall be entertained if it is made more than four weeks before the expiration of the period for which benefit is payable for that family.

Information to be given in connection with a claim

3. Every person who makes a claim shall furnish such certificates, documents, information and evidence in connection with the claim as may be required by the Ministry and, if reasonably so required, shall for that purpose attend at such office of the Ministry or other place as the Ministry may direct.

PART III

PAYMENTS

Time and manner of payment of benefit

4.—(1) 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.

(2) Instruments of payment and books of serial orders issued by the Ministry shall remain its property; and any person having such an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit to which such instrument or book relates, or when so required by the Ministry, deliver the said instrument or book to the Ministry or to such person as it may direct.

(3) Where, by reason of any provision of the Act or of regulations, the date as from which benefit would commence, or as from which a change in the rate of benefit would take effect, is not a Tuesday, benefit shall commence only, or the change in the rate of benefit shall take effect only, as from the next Tuesday; and where the date on which benefit would cease to be payable is not a Monday, benefit shall continue to be payable in respect of the days of the week up to but not including the next Tuesday.

Extinguishment of right to payment of sums on account of benefit

5.—(1) The right to payment of any sum by way of benefit shall, subject to paragraph (2), be extinguished where payment thereof is not obtained within the period of twelve months from the date on which the right is to be treated as having arisen; and for the purposes of this regulation the right shall be treated as having arisen—

(a) in relation to any such sum contained in an instrument of payment which has been given or sent, for the purpose of making payment thereof, to the beneficiary or to a paying office for collection by him (whether or not received or collected as the case may be), notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—

(i) on the date on the said instrument of payment; or

(ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;

(b) in relation to any such sum to which sub-paragraph (a) does not apply, but where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection and notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—

(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 if more than one such notice is given or sent, on the date determined by reference to the first such notice.

(2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of paragraph (1) and

(a) after the expiration of the said period of twelve months the Ministry has received a request in writing for payment of that sum; and

(b) it is determined in accordance with the provisions of the Act that throughout a period commencing within the said period of twelve months and continuing up to the day on which the said request was made there was good cause for not making that request;

the right to payment of that sum shall, notwithstanding the provisions of that paragraph, be treated as having arisen on the date on which it is so determined.

PART IV

MISCELLANEOUS PROVISIONS

Persons unable to act

6.—(1) Where a person by whom benefit is receivable or is alleged to be receivable is or becomes unable for the time being to act, the Ministry may, upon written application being made to it, appoint any person who has attained the age of eighteen, whom it may consider suitable and who is prepared to be so appointed, to exercise on behalf of the person 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 that person; and the receipt of any person appointed under this regulation shall be a good discharge to the Ministry for any sum paid.

(2) The Ministry may at any time in its discretion revoke any appointment made under paragraph (1) and any person appointed under the said paragraph (1) may, on giving the Ministry not less than one month's notice in writing of his intention so to do, terminate his appointment.

Effect of death on claims and payments

7.—(1) A claim shall be treated as having lapsed if—

(a) in a case where a man and a woman were included in the family in respect of which the claim was made, that man and that woman have both died before any determination making benefit payable on the claim has been made;

(b) in any other case, where the man or the single woman included in the family in respect of which the claim was made has died before any determination making benefit payable on the claim has been made.

(2) On the death of a person by whom benefit is receivable, the Ministry may, upon written application being made to it, appoint such person who has attained the age of eighteen as it may consider suitable, and who is prepared to be so appointed, to exercise the rights that the deceased would have had under the Act in relation to the claim in respect of which benefit was receivable by the deceased and may pay sums on account of benefit determined to be due under such claim to any person who has attained the age of eighteen and who satisfies the Ministry that he will apply them for the benefit of any surviving member of the family for which benefit was determined to be payable.

(3) Where the right to payment of any sum on account of benefit receivable by a deceased person was not extinguished at the date of his death, the period of twelve months referred to in regulation 5 shall be calculated from the date on which the right to payment of that sum is treated as having arisen in relation to any such person as is referred to in paragraph (2) of this regulation, so, however, that this paragraph shall not apply to any sum on account of benefit for the payment of which written application has not been made to the Ministry within twelve months after the date of death or within such longer period as the Ministry may allow in any particular case.

(4) The receipt of any person to whom benefit is paid under paragraph (2) shall be a good discharge to the Ministry.

Suspension of payment of benefit

8. Where it appears to the Ministry that a question has arisen whether a determination by a determining authority awarding benefit ought to be revised in accordance with regulation 11 of the Family Income Supplements (General) Regulations (Northern Ireland) 1971(b), it may direct that payment of the benefit shall be suspended in whole or in part until that question has been decided.

Sealed with the Official Seal of the Ministry of Health and Social Services
for Northern Ireland this 27th day of April 1971.

(L.S.)

C. G. Oakes,
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, and payments of, family income supplements under the Family Income Supplements Act (Northern Ireland) 1971 are to be made.

Part I of the regulations contains various definitions which are relevant for the succeeding Parts of the regulations; Part II of the regulations contains provisions relating to the manner in which claims for supplements are to be made and to the information to be given in connection with such claims; Part III of the regulations contains provisions relating to the time and manner of payment of supplements and to the extinguishment of the right to receive sums on account of supplements where payment is not obtained in time; and Part IV of the regulations contains miscellaneous provisions relating to claimants who are unable to act or have died and to suspension of payment of supplements pending review decisions by the Supplementary Benefits Commission or the Appeal Tribunal.