



# Social Security Administration Act 1992

## 1992 CHAPTER 5

### PART I

#### CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

##### *Necessity of Claim*

#### **1 Entitlement to benefit dependent on claim**

- (1) Except in such cases as may be prescribed, and subject to the following provisions of this section and to section 3 below, no person shall be entitled to any benefit unless, in addition to any other conditions relating to that benefit being satisfied—
  - (a) he makes a claim for it in the manner, and within the time, prescribed in relation to that benefit by regulations under this Part of this Act; or
  - (b) he is treated by virtue of such regulations as making a claim for it.
- (2) Where under subsection (1) above a person is required to make a claim or to be treated as making a claim for a benefit in order to be entitled to it—
  - (a) if the benefit is a widow's payment, she shall not be entitled to it in respect of a death occurring more than 12 months before the date on which the claim is made or treated as made; and
  - (b) if the benefit is any other benefit except disablement benefit or reduced earnings allowance, the person shall not be entitled to it in respect of any period more than 12 months before that date,except as provided by section 3 below.
- (3) Where a person purports to make a claim on behalf of another—
  - (a) for an attendance allowance by virtue of section 66(1) of the Contributions and Benefits Act; or
  - (b) for a disability living allowance by virtue of section 72(5) or 73(12) of that Act,

that other shall be regarded for the purposes of this section as making the claim, notwithstanding that it is made without his knowledge or authority.

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*Status: This is the original version (as it was originally enacted).*

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- (4) In this section and section 2 below “benefit” means—
  - (a) benefit as defined in section 122 of the Contributions and Benefits Act; and
  - (b) any income-related benefit.
- (5) This section (which corresponds to section 165A of the 1975 Act, as it had effect immediately before this Act came into force) applies to claims made on or after 1st October 1990 or treated by virtue of regulations under that section or this section as having been made on or after that date.
- (6) Schedule 1 to this Act shall have effect in relation to other claims.