



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

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.

[^{F1}(1A) No person whose entitlement to any benefit depends on his making a claim shall be entitled to the benefit unless subsection (1B) below is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming benefit.

- (1B) This subsection is satisfied in relation to a person if—
- (a) the claim is accompanied by—
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
 - (b) the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.

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- (1C) Regulations may make provision disapplying subsection (1A) above in the case of—
- (a) prescribed benefits;
 - (b) prescribed descriptions of persons making claims; or
 - (c) prescribed descriptions of persons in respect of whom benefit is claimed, or in other prescribed circumstances.]
- (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 [^{F2}bereavement payment, the person] 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.
- (4) In this section and section 2 below “benefit” means—
- (a) benefit as defined in section 121 of the Contributions and Benefits Act;
 - [^{F3}(aa) a jobseeker’s allowance;]and
 - [^{F4}(ab) state pension credit;]
 - (b) any income-related benefit.
- (5) This section (which corresponds to section 154A 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.

Textual Amendments

- F1** S. 1(1A)-(1C) inserted (7.11.1997 for certain purposes and otherwise 1.12.1997) by [S.I. 1997/1182](#) (N.I. 11), [art. 18](#); [S.R. 1997/480](#), [art. 2](#)
- F2** Words in s. 1(2)(a) substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by [S.I. 1999/3147](#) (N.I. 11), [art. 67](#), [Sch. 8 para. 15](#); [S.R. 2000/133](#), [art. 2\(3\)\(a\)](#), [Sch. Pt. I](#)
- F3** S. 1(4)(aa) inserted (3.5.1996) by [S.I. 1995/2705](#) (N.I. 15), [art. 40\(1\)](#), [Sch. 2 para. 21](#); [S.R. 1996/180](#), [art. 2\(a\)](#)
- F4** S. 1(4)(ab) inserted (2.12.2002 for specified purposes, 7.4.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002](#) (c. 14), [ss. 11, 21\(2\)](#), [Sch. 1 Pt. 1 para. 2](#); [S.R. 2002/366](#), [art. 2](#); [S.R. 2003/211](#), [art. 2\(a\)](#)

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Modifications etc. (not altering text)

C1 S. 1 applied (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), [ss. 121\(1\), 173\(4\)](#) (with s. 108(5))

2 Retrospective effect of provisions making entitlement to benefit dependent on claim.

(1) This section applies where a claim for benefit is made or treated as made at any time on or after 2nd September 1985 (the date on which section 154A of the 1975 Act (general provision as to necessity of claim for entitlement to benefit), as originally enacted, came into force) in respect of a period the whole or any part of which falls on or after that date.

(2) Where this section applies, any question arising as to—

- (a) whether the claimant is or was at any time (whether before, on or after 2nd September 1985) entitled to the benefit in question, or to any other benefit on which his entitlement to that benefit depends; or
- (b) in a case where the claimant’s entitlement to the benefit depends on the entitlement of another person to a benefit, whether that other person is or was so entitled,

shall be determined as if the relevant claim enactment and any regulations made under or referred to in that enactment had also been in force, with any necessary modifications, at all times relevant for the purpose of determining the entitlement of the claimant, and, where applicable, of the other person, to the benefit or benefits in question (including the entitlement of any person to any benefit on which that entitlement depends, and so on).

(3) In this section “the relevant claim enactment” means section 1 above as it has effect in relation to the claim referred to in subsection (1) above.

(4) In any case where—

- (a) a claim for benefit was made or treated as made (whether before, on or after 2nd September 1985, and whether by the same claimant as the claim referred to in subsection (1) above or not), and benefit was awarded on that claim, in respect of a period falling wholly or partly before that date; but
- (b) that award would not have been made had the current requirements applied in relation to claims for benefit, whenever made, in respect of periods before that date; and
- (c) entitlement to the benefit claimed as mentioned in subsection (1) above depends on whether the claimant or some other person was previously entitled or treated as entitled to that or some other benefit,

then, in determining whether the conditions of entitlement to the benefit so claimed are satisfied, the person to whom benefit was awarded as mentioned in paragraphs (a) and (b) above shall be taken to have been entitled to the benefit so awarded, notwithstanding anything in subsection (2) above.

(5) In subsection (4) above “the current requirements” means—

- (a) the relevant claim enactment, and any regulations made under or referred to in that enactment, or referred to in it, as in force at the time of the claim referred to in subsection (1) above, with any necessary modifications; and

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- (b) subsection (1) (with the omission of the words following “at any time”) and subsections (2) and (3) above.

Modifications etc. (not altering text)

C2 S. 2 applied (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), [ss. 121\(1\)\(c\), 173\(4\)](#) (with [s. 108\(5\)](#))

[^{F5}Work-focused interviews]

Textual Amendments

F5 Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by [S.I. 1999/3147 \(N.I. 11\)](#), [arts. 1\(4\), 54](#)

[^{F6}2A Claim or full entitlement to certain benefits conditional on work-focused interview.

- (1) Regulations may make provision for or in connection with—
- (a) imposing, as a condition falling to be satisfied by a person who—
 - (i) makes a claim for a benefit to which this section applies, and
 - (ii) is under the age of 60 at the time of making the claim,
 a requirement to take part in a work-focused interview;
 - (b) imposing, at a time when—
 - (i) a person is under that age and entitled to such a benefit, and
 - (ii) any prescribed circumstances exist,
 a requirement to take part in such an interview as a condition of that person continuing to be entitled to the full amount which is payable to him in respect of the benefit apart from the regulations.
- (2) The benefits to which this section applies are—
- (a) income support;
 - (b) housing benefit;
 - (c) widow’s and bereavement benefits falling within section 20(1)(e) and (ea) of the Contributions and Benefits Act (other than a bereavement payment);
 - (d) incapacity benefit;
 - (e) severe disablement allowance; and
 - (f) [^{F7}carer’s allowance].
- (3) Regulations under this section may, in particular, make provision—
- (a) for securing, where a person would otherwise be required to take part in interviews relating to two or more benefits—
 - (i) that he is only required to take part in one interview, and
 - (ii) that any such interview is capable of counting for the purposes of all those benefits;
 - (b) for determining the persons by whom interviews are to be conducted;
 - (c) conferring power on such persons or the designated authority to determine when and where interviews are to take place (including power in prescribed

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- circumstances to determine that they are to take place in the homes of those being interviewed);
- (d) prescribing the circumstances in which persons attending interviews are to be regarded as having or not having taken part in them;
 - (e) for securing that the appropriate consequences mentioned in subsection (4) (a) or (b) below ensue if a person who has been notified that he is required to take part in an interview—
 - (i) fails to take part in the interview, and
 - (ii) does not show, within the prescribed period, that he had good cause for that failure;
 - (f) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a person does or does not have good cause for any failure to comply with the regulations, or
 - (ii) circumstances in which a person is or is not to be regarded as having or not having good cause for any such failure.
- (4) For the purposes of subsection (3)(e) above the appropriate consequences of a failure falling within that provision are—
- (a) where the requirement to take part in an interview applied by virtue of subsection (1)(a) above, that as regards any relevant benefit either—
 - (i) the person in question is to be regarded as not having made a claim for the benefit, or
 - (ii) if (in the case of an interview postponed in accordance with subsection (7) below) that person has already been awarded the benefit, his entitlement to the benefit is to terminate immediately;
 - (b) where the requirement to take part in an interview applied by virtue of subsection (1)(b) above, that the amount payable to the person in question in respect of any relevant benefit is to be reduced by the specified amount until the specified time.
- (5) Regulations under this section may, in relation to any such reduction, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the person in question is entitled to two or more relevant benefits, for determining the extent, and the order, in which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in an interview that would otherwise apply to a person by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until such time as is specified;
 - (b) is not to apply if the designated authority determines that an interview—
 - (i) would not be of assistance to that person, or
 - (ii) would not be appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines, if that authority determines that an interview—
 - (i) would not be of assistance to that person, or

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(ii) would not be appropriate in the circumstances,
until that time;

and the regulations may make provision for treating a person in relation to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

(7) Where—

- (a) a person is required to take part in an interview by virtue of subsection (1) (a) above, and
- (b) the interview is postponed by or under regulations made in pursuance of subsection (6)(a) or (c) above,

the time to which it is so postponed may be a time falling after an award of the relevant benefit to that person.

(8) In this section—

“the designated authority” means such of the following as may be specified—

- (a) a Northern Ireland department;
- (b) a person providing services to a Northern Ireland department;
- (c) any other body established by or under a statutory provision;
- (d) a person providing services to, or authorised to exercise any function of, any such body;

“interview” (in subsections (3) to (7) above) means a work-focused interview;

“relevant benefit”, in relation to any person required to take part in a work-focused interview, means any benefit in respect to which that requirement applied by virtue of subsection (1)(a) or (b) above;

“specified” means prescribed by or determined in accordance with regulations;

“work-focused interview”, in relation to a person, means an interview conducted for such purposes connected with employment or training in the case of that person as may be specified;

and the purposes which may be so specified include purposes connected with a person’s existing or future employment or training prospects or needs, and (in particular) assisting or encouraging a person to enhance his employment prospects.]

Textual Amendments

- F6** Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by [S.I. 1999/3147 \(N.I. 11\)](#), [arts. 1\(4\)](#), 54
- F7** Words in s. 2A(2)(f) substituted (21.10.2002 for certain purposes, otherwise 1.4.2003) by [The Deregulation \(Carer's Allowance\) Order \(Northern Ireland\) 2002 \(S.R. 2002/321\)](#), [art. 2\(2\)\(b\)\(i\)](#)

[^{F8}2AA Full entitlement to certain benefits conditional on work-focused interview for partner

(1) Regulations may make provision for or in connection with imposing, at a time when—

- (a) a person (“the claimant”) who—
 - (i) is under the age of 60, and
 - (ii) has a partner who is also under that age,

is entitled to a benefit to which this section applies at a higher rate referable to his partner; and

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- (b) prescribed circumstances exist,
a requirement for the partner to take part in a work-focused interview as a condition of the benefit continuing to be payable to the claimant at that rate.
- (2) The benefits to which this section applies are—
- (a) income support;
 - (b) an income-based jobseeker's allowance other than a joint-claim jobseeker's allowance;
 - (c) incapacity benefit;
 - (d) severe disablement allowance; and
 - (e) [F⁹carer's allowance].
- (3) For the purposes of this section a benefit is payable to a person at a higher rate referable to his partner if the amount that is payable in his case—
- (a) is more than it would be if the person concerned was not a member of a couple; or
 - (b) includes an increase of benefit for his partner as an adult dependant of his.
- (4) Regulations under this section may, in particular, make provision—
- (a) for securing, where the partner of the claimant would otherwise be required to take part in work-focused interviews relating to two or more benefits—
 - (i) that the partner is required instead to take part in only one such interview, and
 - (ii) that the interview is capable of counting for the purposes of all those benefits;
 - (b) in a case where the claimant has more than one partner, for determining which of those partners is required to take part in the work-focused interview or requiring each of them to take part in such an interview;
 - (c) for determining the persons by whom work-focused interviews are to be conducted;
 - (d) conferring power on such persons or the designated authority to determine when and where work-focused interviews are to take place (including power in prescribed circumstances to determine that they are to take place in the homes of those being interviewed);
 - (e) prescribing the circumstances in which partners attending work-focused interviews are to be regarded as having or not having taken part in them;
 - (f) for securing that if—
 - (i) a partner who has been notified of a requirement to take part in a work-focused interview fails to take part in it, and
 - (ii) it is not shown (by him or by the claimant), within the prescribed period, that he had good cause for that failure,the amount payable to the claimant in respect of the benefit in relation to which the requirement applied is to be reduced by the specified amount until the specified time;
 - (g) prescribing—
 - (i) matters which are or are not to be taken into account in determining whether a partner does or does not have good cause for any failure to comply with the regulations, or
 - (ii) circumstances in which a partner is or is not to be regarded as having or not having good cause for any such failure.

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- (5) Regulations under this section may, in relation to a reduction under subsection (4)(f) above, provide—
- (a) for the amount of the reduction to be calculated in the first instance by reference to such amount as may be prescribed;
 - (b) for the amount as so calculated to be restricted, in prescribed circumstances, to the prescribed extent;
 - (c) where the claimant is entitled to two or more benefits in relation to each of which a requirement to take part in a work-focused interview applied, for determining the extent to, and the order in, which those benefits are to be reduced in order to give effect to the reduction required in his case.
- (6) Regulations under this section may provide that any requirement to take part in a work-focused interview that would otherwise apply to a partner by virtue of such regulations—
- (a) is, in any prescribed circumstances, either not to apply or not to apply until the specified time;
 - (b) is not to apply if the designated authority determines that such an interview would not be of assistance to him or appropriate in the circumstances;
 - (c) is not to apply until such time as the designated authority determines (if that authority determines that such an interview would not be of assistance to him or appropriate in the circumstances until that time),

and the regulations may make provision for treating a partner to whom any such requirement does not apply, or does not apply until a particular time, as having complied with that requirement to such extent and for such purposes as are specified.

- (7) In this section—

[^{F10}“couple” has the meaning given by section 133(1) of the Contributions and Benefits Act;]

“designated authority” means such of the following as may be specified—

- (a) a Northern Ireland department;
- (b) a person providing services to a Northern Ireland department;
- (c) any other body established by or under a statutory provision;
- (d) a person providing services to, or authorised to exercise any function of, any such body;

“partner” means a person who is a member of the same couple as the claimant;

“specified” means prescribed by or determined in accordance with regulations;

“work-focused interview” has the same meaning as in section 2A above.]

Textual Amendments

F8 S. 2AA inserted (10.9.2003) by [Social Security Act \(Northern Ireland\) 2002 \(c. 10\)](#), **ss. 5, 9(1)**; S.R. 2003/396, art. 2

F9 Words in s. 2AA(2)(e) substituted (21.10.2002 for certain purposes, otherwise 1.4.2003) by [The Deregulation \(Carer's Allowance\) Order \(Northern Ireland\) 2002 \(S.R. 2002/321\)](#), arts. 1(1)(b), **2(2)(b)(ii)**

F10 Words in s. 2AA(7) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), **Sch. 24 para. 107**; S.I. 2005/3255, art. 2(1), Sch.

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[^{F11}2B Supplementary provisions relating to work-focused interviews.

- (1) Chapter II of Part II of the Social Security (Northern Ireland) Order 1998 (social security decisions and appeals) shall have effect in relation to relevant decisions [^{F12}made under regulations under section 2A or 2AA above] subject to and in accordance with subsections (3) to (8) below (and in those subsections “the 1998 Order” means that Order).
- (2) For the purposes of this section a “relevant decision” [^{F13}, in relation to regulations under section 2A above, is a decision] that a person—
 - (a) has failed to comply with a requirement to take part in an interview which applied to him by virtue of the regulations, or
 - (b) has not shown, within the prescribed period mentioned in section 2A(3)(e)(ii) above, that he had good cause for such a failure.

[For the purposes of this section a “relevant decision”, in relation to regulations under ^{F14}(2A) section 2AA above, is a decision that—

- (a) the partner of a person entitled to a benefit has failed to comply with a requirement to take part in an interview which applied to the partner by virtue of the regulations, or
- (b) it has not been shown, within the prescribed period mentioned in section 2AA(4)(f)(ii) above, that the partner had good cause for such a failure.]
- (3) Article 9(1)(c) of the 1998 Order (decisions falling to be made under certain statutory provisions are to be made by the Department) shall have effect subject to any provisions of regulations under section 2A [^{F15}or 2AA] above by virtue of which relevant decisions fall to be made otherwise than by the Department.
- (4) For the purposes of each of Articles 10 and 11 of the 1998 Order (revision and supersession of decisions of Department) any relevant decision made otherwise than by the Department shall be treated as if it were such a decision made by the Department (and accordingly may be revised by it under Article 10 or superseded by a decision made by it under Article 11).
- (5) Subject to any provisions of regulations under either Article 10 or 11 of the 1998 Order, any relevant decision made, or (by virtue of subsection (4) above) treated as made, by the Department may be—
 - (a) revised under Article 10 by a person or authority exercising functions under regulations under section 2A [^{F16}or 2AA] above other than the Department, or
 - (b) superseded under Article 11 by a decision made by such a person or authority, as if that person or authority were the Department.
- (6) Regulations shall make provision for conferring (except in any prescribed circumstances) a right of appeal under Article 13 of the 1998 Order (appeal to appeal tribunal) against—
 - (a) any relevant decision, and
 - (b) any decision under Article 11 of that Order superseding any such decision, whether made by the Department or otherwise.
- (7) Subsections (4) to (6) above apply whether—
 - (a) the relevant decision, or
 - (b) (in the case of subsection (6)(b)) the decision under Article 11 of the 1998 Order,

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is as originally made or has been revised (by the Department or otherwise) under Article 10 of that Order; and regulations under subsection (6) above may make provision for treating, for the purposes of Article 13 of that Order, any decision made or revised otherwise than by the Department as if it were a decision made or revised by it.

(8) Article 13 of the 1998 Order shall not apply to any decision falling within subsection (6) above except in accordance with regulations under that subsection.

(9) In the following provisions, namely—

- (a) section 3(1) of the Social Security Act 1998 (use of information), and
- (b) Article 69(6) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (supply of information),

any reference to information relating to social security includes any information supplied by a person for the purposes of an interview which he is required to take part in by virtue of section 2A [^{F17}or 2AA] above.

(10) In this section “interview” means a work-focused interview within the meaning of section 2A above.]

Textual Amendments

- F11** Ss. 2A, 2B and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4), 54**
- F12** Words in s. 2B(1) inserted (10.9.2003) by **Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), Sch. 1 para. 6(a); S.R. 2003/396, art. 2**
- F13** Words in s. 2B(2) substituted (10.9.2003) by **Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), Sch. 1 para. 6(b); S.R. 2003/396, art. 2**
- F14** S. 2B(2A) inserted (10.9.2003) by **Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), Sch. 1 para. 6(c); S.R. 2003/396, art. 2**
- F15** Words in s. 2B(3) inserted (10.9.2003) by **Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), Sch. 1 para. 6(d); S.R. 2003/396, art. 2**
- F16** Words in s. 2B(5)(a) inserted (10.9.2003) by **Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), Sch. 1 para. 6(d); S.R. 2003/396, art. 2**
- F17** Words in s. 2B(9) inserted (10.9.2003) by **Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), Sch. 1 para. 6(d); S.R. 2003/396, art. 2**

[^{F18}2C] **Optional work-focused interviews.**

(1) Regulations may make provision for conferring on the prescribed authorities functions in connection with conducting work-focused interviews in cases where such interviews are requested or consented to by persons to whom this section applies.

(2) This section applies to [^{F19}—

- (a) persons making claims for or entitled to any of the benefits listed in section 2A(2) above or any prescribed benefit; and
- (b) partners of persons entitled to any of the benefits listed in section 2AA(2) above or any prescribed benefit,]

and it so applies regardless of whether such persons have, in accordance with regulations under section 2A [^{F20}or 2AA] above, already taken part in interviews conducted under such regulations.

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- (3) The functions which may be conferred on the prescribed authorities by regulations under this section include functions relating to—
- (a) the obtaining and receiving of information for the purposes of work-focused interviews conducted under the regulations;
 - (b) the recording and forwarding of information supplied at, or for the purposes of, such interviews;
 - (c) the taking of steps to identify potential employment or training opportunities for persons taking part in such interviews.
- (4) Regulations under this section may make different provision for different areas.
- (5) In this section—
- “authorities” means a Northern Ireland department and any other body established by or under a statutory provision;
- “work-focused interview”, in relation to a person to whom this section applies, means an interview conducted for such purposes connected with employment or training in the case of such a person as may be prescribed; and the purposes which may be so prescribed include—
- (a) purposes connected with the existing or future employment or training prospects or needs of such a person, and
 - (b) (in particular) assisting or encouraging such a person to enhance his employment prospects.]

Textual Amendments

- F18** S. 2C inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 55
- F19** Words in s. 2C(2) substituted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 7(a)**; S.R. 2003/396, art. 2
- F20** Words in s. 2C(2) inserted (10.9.2003) by Social Security Act (Northern Ireland) 2002 (c. 10), s. 9(1), **Sch. 1 para. 7(b)**; S.R. 2003/396, art. 2

[^{F21}Bereavement benefits]

Textual Amendments

- F21** S. 3 and preceding cross-heading substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**

^{F223} **Late claims for bereavement benefit where death is difficult to establish.**

- (1) This section applies where a person’s spouse [^{F23}or civil partner] has died or maybe presumed to have died on or after the appointed day and the circumstances are such that—
- (a) more than 12 months have elapsed since the date of death; and
 - (b) either—
 - (i) the spouse’s [^{F24}or civil partner’s] body has not been discovered or identified or, if it has been discovered and identified, the surviving spouse [^{F23}or civil partner] does not know that fact; or

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- (ii) less than 12 months have elapsed since the surviving spouse [^{F23}or civil partner] first knew of the discovery and identification of the body.
- (2) Where this section applies, notwithstanding that any time prescribed for making a claim for a bereavement benefit in respect of the death has elapsed, then—
- (a) in any case falling within paragraph (b)(i) of subsection (1) above, where it has been decided under Article 9 of the Social Security (Northern Ireland) Order 1998 that the spouse [^{F23}or civil partner] has died or is presumed to have died; or
 - (b) in any case falling within paragraph (b)(ii) of subsection (1) above where the identification was made not more than 12 months before the surviving spouse [^{F23}or civil partner] first knew of the discovery and identification of the body, such a claim may be made or treated as made at any time before the expiration of the period of 12 months beginning with the date on which that decision was made or, as the case may be, the date on which the surviving spouse [^{F23}or civil partner] first knew of the discovery and identification.
- (3) If, in a case where a claim for a bereavement benefit is made or treated as made by virtue of this section, the claimant would, apart from subsection (2) of section 1 above, be entitled to—
- (a) a bereavement payment in respect of the spouse's [^{F24}or civil partner's] death more than 12 months before the date on which the claim is made or treated as made; or
 - (b) any other bereavement benefit in respect of his or her death for a period more than 12 months before that date,
- then, notwithstanding anything in that section, the surviving spouse [^{F23}or civil partner] shall be entitled to that payment or, as the case may be, to that other benefit ^{F25}....
- (4) In subsection (1) above “the appointed day” means the day appointed for the coming into operation of Articles 51 to 53 of the Welfare Reform and Pensions (Northern Ireland) Order 1999.]

Textual Amendments

- F22** S. 3 and preceding cross-heading substituted (24.4.2000 for certain purposes, otherwise 9.4.2001) by S.I. 1999/3147 (N.I. 11), art. 67, **Sch. 8 para. 16** (with art. 75); S.R. 2000/133, art. 2(3)(a), **Sch. Pt. I**
- F23** Words in s. 3 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 108(a)**; S.I. 2005/3255, art. 2(1), Sch.
- F24** Words in s. 3 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(d), **Sch. 24 para. 108(b)**; S.I. 2005/3255, art. 2(1), Sch.
- F25** Words in s. 3(3) repealed (6.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(3)(e), Sch. 1

4 Treatment of payments of benefit to certain widows.

In any case where—

- (a) a claim for a widow's pension or a widowed mother's allowance is made, or treated as made, before 14th August 1990 (the date of the coming into operation of paragraph 16(2) of Schedule 6 to the ^{M1}Social Security (Northern Ireland) Order 1990); and

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- (b) the Department has made a payment to or for the claimant on the ground that, if the claim had been received immediately after that date, she would have been entitled to that pension or allowance, or entitled to it at a higher rate, for the period in respect of which the payment is made,
- the payment so made shall be treated as a payment of that pension or allowance; and, if and to the extent that an award of the pension or allowance, or an award at a higher rate, is made for the period in respect of which the payment was made, the payment shall be treated as made in accordance with that award.

Marginal Citations

M1 S.I. 1990/1511 (N.I. 15).

Claims and payments regulations

5 Regulations about claims for and payments of benefit.

- (1) Regulations may provide—
- (a) for requiring a claim for a benefit to which this section applies to be made by such person, in such manner and within such time as may be prescribed;
 - (b) for treating such a claim made in such circumstances as may be prescribed as having been made at such date earlier or later than that at which it is made as may be prescribed;
 - (c) for permitting such a claim to be made, or treated as if made, for a period wholly or partly after the date on which it is made;
 - (d) for permitting an award on such a claim to be made for such a period subject to the condition that the claimant satisfies the requirements for entitlement when benefit becomes payable under the award;
 - ^{F26}(e) for any such award to be revised under Article 10 of the Social Security (Northern Ireland) Order 1998, or superseded under Article 11 of that Order, if any of those requirements are found not to have been satisfied;]
 - (f) for the disallowance on any ground of a person's claim for a benefit to which this section applies to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist;
 - (g) for enabling one person to act for another in relation to a claim for a benefit to which this section applies and for enabling such a claim to be made and proceeded with in the name of a person who has died;
 - (h) for requiring any information or evidence needed for the determination of such a claim or of any question arising in connection with such a claim to be furnished by such person as may be prescribed in accordance with the regulations;
 - ^{F27}(hh) for requiring such person as may be prescribed in accordance with the regulations to furnish any information or evidence needed for a determination whether a decision on an award of benefit to which this section applies—
 - (i) should be revised under Article 10 of the Social Security (Northern Ireland) Order 1998 ^{F28}or, as the case may be, under paragraph 3 of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000]; or

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- (ii) should be superseded under Article 11 of that Order [^{F29}or, as the case may be, paragraph 4 of that Schedule;]
- (i) for a claim for any one benefit to which this section applies to be treated, either in the alternative or in addition, as a claim for any other such benefit that may be prescribed;
- (j) for the person to whom, time when and manner in which a benefit to which this section applies is to be paid and for the information and evidence to be furnished in connection with the payment of such a benefit;
- (k) for notice to be given of any change of circumstances affecting the continuance of entitlement to such a benefit or payment of such a benefit;
- (l) for the day on which entitlement to such a benefit is to begin or end;
- (m) for calculating the amounts of such a benefit according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or facilitate computation;
- (n) for extinguishing the right to payment of such a benefit if payment is not obtained within such period, not being less than 12 months, as may be prescribed from the date on which the right is treated under the regulations as having arisen;
- [^{F30}(o) for suspending payment, in whole or in part, where it appears to the Department that a question arises whether—
- (i) the conditions for entitlement are or were fulfilled;
- (ii) an award ought to be revised;
- (iii) an appeal ought to be brought against an award;]
- [^{F31}(p) for withholding payments of a benefit to which this section applies in prescribed circumstances and for subsequently making withheld payments in prescribed circumstances;]
- (q) for the circumstances and manner in which payments of such a benefit may be made to another person on behalf of the beneficiary for any purpose, which may be to discharge, in whole or in part, an obligation of the beneficiary or any other person;
- (r) for the payment or distribution of such a benefit to or among persons claiming to be entitled on the death of any person and for dispensing with strict proof of their title;
- (s) for the making of a payment on account of such a benefit—
- (i) where no claim has been made and it is impracticable for one to be made immediately;
- (ii) where a claim has been made and it is impracticable for the claim or an appeal, reference, review or application relating to it to be immediately determined;
- (iii) where an award has been made but it is impracticable to pay the whole immediately.
- [^{F32}(t) for treating any payment on account made by virtue of paragraph (s) above as made on account of any benefit to which this section applies that is subsequently awarded or paid.]
- (2) This section applies to the following benefits—
- (a) benefit as defined in section 121 of the Contributions and Benefits Act;
- [^{F33}(aa) a jobseeker’s allowance;]
- [^{F34}(ab) state pension credit;]

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- (b) income support;
- ^{F35}(c)
- ^{F35}(d)
- (e) housing benefit;
- (f) any social fund payments such as are mentioned in section 134(1)(a) or (2) of the Contributions and Benefits Act;
- (g) child benefit; and
- (h) Christmas bonus.

^{F36}(2A) The references in paragraphs (h) and (hh) of subsection (1) above to information or evidence needed for the determination of a claim or of any question arising in connection with a claim or (as the case may be) for a determination whether a decision on an award should be revised or should be superseded, includes, in the case of state pension credit, a reference to information or evidence as to the likelihood of future changes in a person's circumstances which is needed for determining—

- (a) whether a period should be specified as an assessed income period under section 6 of the State Pension Credit Act (Northern Ireland) 2002 in relation to any decision; and
- (b) if so, the length of the period to be so specified.]

^{F37}(3) Subsection (1)(o) above shall have effect in relation to housing benefit as if the reference to the Department were a reference to the authority paying the benefit.]

(4) Subsection (1)(g), (j), (m), (q) and (r) above shall have effect as if statutory sick pay and statutory maternity pay were benefits to which this section applies.

^{F38}(“ Subsection (1)(g), (j), (m), (q) and (r) above shall have effect as if—

- (a) statutory paternity pay and statutory adoption pay were benefits to which this section applies; and
- (b) for the words “Regulations may” at the beginning of subsection (1) there were substituted the words “ The Department for Employment and Learning may by regulations subject to negative resolution (within the meaning of section 166(12)) ”.]

^{F39}(5) As it has effect in relation to housing benefit subsection (1)(q) above authorises provision requiring the making of payments of benefit to another person, on behalf of the beneficiary, in such circumstances as may be prescribed.]

Textual Amendments

- F26** S. 5(1)(e) substituted (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999 and 29.11.1999 for different purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(1), **Sch. 6 para. 60(1)(a)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1** and S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472)
- F27** S. 5(1)(hh) inserted (10.3.1999 and 29.11.1999 for certain purposes, otherwise *prosp.*) by S.I. 1998/1506 (N.I. 10), **arts. 1(2)**, 70; S.R. 1999/102, art. 2(a), **Sch. 1 Pt. I**; S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472)
- F28** Words in s. 5(1)(hh)(i) inserted (22.11.2000 for certain purposes, otherwise 2.7.2001) by 2000 c. 4 (N.I.), s. 59, **Sch. 7 para. 21** (with s. 66(6)); S.R. 2000/358, art. 2, **Sch. Pt. II**; S.R. 2001/141, art. 2(1), **Sch. Pt. III**

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- F29** Words in s. 5(1)(hh)(ii) inserted (22.11.2000 for certain purposes, otherwise 2.7.2001) by 2000 c. 4 (N.I.), s. 59, **Sch. 7 para. 21** (with s. 66(6)); S.R. 2000/358, art. 2, **Sch. Pt. II**; S.R. 2001/141, art. 2(1), **Sch. Pt. III**
- F30** S. 5(1)(o) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999, 29.11.1999 and 2.7.2001 for different purposes, otherwise prosp.) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(1)(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1**; S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472) and S.R. 2001/260, art. 2(a)
 S. 5(1)(o) repealed (2.7.2001 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 2001/260, **art. 2**
- F31** S. 5(1)(p) ceased to have effect (5.7.1999, 6.9.1999, 5.10.1999, 18.10.1999, 29.11.1999 and 2.7.2001 for different purposes, otherwise prosp.) by virtue of S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(1)(b)**; S.R. 1999/310, art. 2(1)(b), **Sch. 1**; S.R. 1999/371, art. 2(b), **Sch. 1**, S.R. 1999/407, art. 2(b), **Sch.**, S.R. 1999/428, art. 2(b), **Sch. 1**, S.R. 1999/472, art. 2(1), **Sch. 1** (subject to art. 2(2) of the said S.R. 1999/472) and S.R. 2001/260, **art. 2(a)**
 S. 5(1)(p) repealed (2.7.2001 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), arts. 1(2), 78(2), **Sch. 7**; S.R. 2001/260, **art. 2**
- F32** S. 5(1)(t) added (*retrospectively*) by S.I. 1993/1579 (N.I. 8), **art. 3(1)(4)**
- F33** S. 5(2)(aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2 para. 22**; S.R. 1996/180, **art. 2(a)**
- F34** S. 5(2)(ab) inserted (2.12.2002 for certain purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 11, 21(2), **Sch. 1 Pt. 1 para. 3(a)**; S.R. 2002/366, **art. 2(1)(i)**; S.R. 2003/211, art. 2(a)
- F35** S. 5(2)(c)(d) repealed (8.4.2003) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2003/962, art. 2(4) (e), **Sch. 2** (with art. 3)
- F36** S. 5(2A) inserted (2.12.2002 for certain purposes, 7.4.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 11, 21(2), **Sch. 1 Pt. 1 para. 3(b)**; S.R. 2002/366, **art. 2(1)(i)**; S.R. 2003/211, art. 2(a)
- F37** S. 5(3) repealed (2.7.2001 for certain purposes, otherwise prosp.) by S.I. 1998/1506 (N.I. 10), art. 78(1), **Sch. 6 para. 60(2)**, **Sch. 7**; S.R. 2001/260, **art. 2**
- F38** S. 5(4A) inserted (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836), arts. 1(2)(3), 17(1), **Sch. 2 para. 2(1)** (with art. 16); S.R. 2002/356, **art. 2(2)**, **Sch. 1 Pt. II**
- F39** S. 5(5) inserted (*retrospectively*) by S.I. 1995/2597 (N.I. 20), **art. 3(1)(2)**

Modifications etc. (not altering text)

- C3** S. 5 extended by S.I. 1991/2628 (N.I. 23), **art. 40** (as substituted 22.11.2000 for specified purposes, otherwise prosp.) by Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), **ss. 20, 68(1)(2)** (with s. 66(6)); S.R. 2000/358, art. 2(b), **Sch. Pt. II**
- C4** S. 5(1) modified (1.7.1998) by S.I. 1998/1506 (N.I. 10), arts. 1(3)(c)(d), 77, **Sch. 5 para. 5**

[^{F40} Sharing of functions as regards certain claims and information]

Textual Amendments

- F40** S. 5A and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 68

[^{F41}5A Sharing of functions as regards certain claims and information.

- (1) Regulations may, for the purpose of supplementing the persons or bodies to whom claims for relevant benefits may be made, make provision as regards any relevant

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benefit, for claims for that benefit to be made to any relevant authority (if such claims could not otherwise be made to that authority).

- (2) Regulations may make provision for or in connection with—
 - (a) the forwarding by a relevant authority of—
 - (i) claims received by virtue of any provision authorised by subsection (1) above, and
 - (ii) information or evidence supplied in connection with making such claims (whether supplied by persons making the claims or by other persons);
 - (b) the receiving and forwarding by a relevant authority of information or evidence relating to social security [^{F42}or work] matters supplied by, or the obtaining by a relevant authority of such information or evidence from—
 - (i) persons making, or who have made, claims for a relevant benefit, or
 - (ii) other persons in connection with such claims,including information or evidence not relating to the claims or benefit in question;
 - (c) the recording by a relevant authority of information or evidence relating to social security [^{F42}or work] matters supplied to, or obtained by, the authority and the holding by the authority of such information or evidence (whether as supplied or obtained or as recorded);
 - (d) the giving of information or advice with respect to social security [^{F42}or work] matters by a relevant authority to persons making, or who have made, claims for a relevant benefit.
- (3) In paragraphs (b) and (d) of subsection (2) above—
 - (a) references to claims for a relevant benefit are to such claims whether made as mentioned in subsection (1) above or not; and
 - (b) references to persons who have made such claims include persons to whom awards of benefit have been made on the claims.
- (4) Regulations under this section may make different provision for different areas.
- (5) Regulations under any other statutory provision may make such different provision for different areas as appears to the Department expedient in connection with any exercise by regulations under this section of the power conferred by subsection (4) above.
- (6) In this section—
 - (a) “benefit” includes child support (any reference to a claim being read, in relation to child support, as a reference to an application [^{F43}(or an application treated as having been made)] under the Child Support (Northern Ireland) Order 1991 for a [^{F44}maintenance calculation]);
 - (b) “relevant authority” means—
 - (i) a Northern Ireland department,
 - (ii) a person providing services to a Northern Ireland department,
 - (iii) any other body established by or under a statutory provision, or
 - (iv) a person providing services to, or authorised to exercise any function of, such a body;
 - (c) “relevant benefit” means housing benefit or any other benefit prescribed for the purposes of this section;

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- (d) [^{F45} “social security or work matters”] means matters relating to social security, child support or war pensions [^{F46}, or employment or training] and in this paragraph “war pension ” means a war pension within the meaning of section 25 of the Social Security Act 1989 (establishment and functions of war pensions committees).]

Textual Amendments

- F41** S. 5A and preceding cross-heading inserted (1.12.1999) by S.I. 1999/3147 (N.I. 11), **arts. 1(4)**, 68
- F42** Words in s. 5A(2) inserted (24.11.2002) by **Social Security Act (Northern Ireland) 2002 (c. 10)**, s. 8(1), **Sch. 1 para. 8(a)**; S.R. 2002/358, **art. 2**
- F43** Words in s. 5A(6)(a) inserted (3.3.2003 for specified purposes) by **Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)**, s. 68(1)(2), **Sch. 3 para. 29(a)** (with s. 66(6)); S.R. 2000/358, art. 3, **Sch.**
- F44** Words in s. 5A(6)(a) substituted (3.3.2003 for specified purposes) by **Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4)**, s. 68(1)(2), **Sch. 3 para. 29(b)** (with s. 66(6)); S.R. 2000/358, art. 3, **Sch.**
- F45** Words in s. 5A(6)(d) substituted (24.11.2002) by **Social Security Act (Northern Ireland) 2002 (c. 10)**, s. 8(1), **Sch. 1 para. 8(b)**; S.R. 2002/358, **art. 2**
- F46** Words in s. 5A(6)(d) inserted (24.11.2002) by **Social Security Act (Northern Ireland) 2002 (c. 10)**, s. 8(1), **Sch. 1 para. 8(b)**; S.R. 2002/358, **art. 2**

Industrial injuries benefit

6 Notification of accidents, etc.

Regulations may provide—

- (a) for requiring the prescribed notice of an accident in respect of which industrial injuries benefit may be payable to be given within the prescribed time by the employed earner to the earner’s employer or other prescribed person;
- (b) for requiring employers—
 - (i) to make reports, to such person and in such form and within such time as may be prescribed, of accidents in respect of which industrial injuries benefit may be payable;
 - (ii) to furnish to the prescribed person any information required for the determination of claims, or of questions arising in connection with claims or awards;
 - (iii) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions so arising.

7 Medical examination and treatment of claimants.

(1) Regulations may provide for requiring claimants for disablement pension—

- (a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty;
- (b) to submit themselves from time to time to appropriate medical treatment for the injury or loss of faculty.

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- (2) Regulations under subsection (1) above requiring persons to submit themselves to medical examination or treatment may—
- (a) require those persons to attend at such places and at such times as may be required; and
 - (b) with the consent of the Department of Finance and Personnel provide for the payment by the Department to those persons of travelling and other allowances (including compensation for loss of remunerative time).

8 Obligations of claimants.

- (1) Subject to subsection (3) below, regulations may provide for disqualifying a claimant for the receipt of industrial injuries benefit—
- (a) for failure without good cause to comply with any requirement of regulations to which this subsection applies (including in the case of a claim for industrial death benefit, a failure on the part of some other person to give the prescribed notice of the relevant accident);
 - (b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under regulations to which this subsection applies to submit himself, or in proceedings under this Act for the determination of his right to benefit or to its receipt,
- or for suspending proceedings on the claim or payment of benefit as the case may be, in the case of any such failure, obstruction or misconduct.
- (2) The regulations to which subsection (1) above applies are—
- (a) any regulations made by virtue of section 5(1)(h), (j) or (k) above, so far as relating to industrial injuries benefit; and
 - (b) regulations made by virtue of section 6 or 7 above.
- (3) Regulations under subsection (1) above providing for disqualification for the receipt of benefit for any of the following matters, that is to say—
- (a) for failure to comply with the requirements of regulations under section 7(1) or (2) above;
 - (b) for obstruction of, or misconduct in connection with, medical examination or treatment,
- shall not be made so as to disentitle a claimant to benefit for a period exceeding 6 weeks on any disqualification.

Disability working allowance

F479 Initial claims and repeat claims.

Textual Amendments

- F47** S. 9 repealed (8.4.2003) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 6](#); S.I. 2003/962, art. 2(4)(e), [Sch. 2](#) (with art. 3)

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The social fund

10 Necessity of application for certain payments.

- (1) A social fund payment such as is mentioned in section 134(1)(b) of the Contributions and Benefits Act may be awarded to a person only if an application for such a payment has been made by him or on his behalf in such form and manner as may be prescribed.
- (2) The Department may by regulations—
 - (a) make provision with respect to the time at which an application for such a social fund payment is to be treated as made;
 - (b) prescribe conditions that must be satisfied before any determination in connection with such an application may be made or any award of such a payment may be paid;
 - (c) prescribe circumstances in which such an award becomes extinguished.

Child benefit

11 Necessity of application for child benefit.

- (1) Subject to the provisions of this Act, no person shall be entitled to child benefit unless he claims it in the manner, and within the time, prescribed in relation to child benefit by regulations under section 5 above.
- [^{F48}(1A) No person shall be entitled to child benefit unless subsection (1B) below is satisfied in relation to him.
- (1B) This subsection is satisfied in relation to a person if—
 - (a) his claim for child benefit is accompanied by—
 - (i) a statement of his national insurance number and information or evidence establishing that that number has been allocated to him; or
 - (ii) information or evidence enabling the national insurance number that has been allocated to him to be ascertained; or
 - (b) he makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated.
- (1C) Regulations may make provision disapplying subsection (1A) above in the case of—
 - (a) prescribed descriptions of persons making claims, or
 - (b) prescribed descriptions of children in respect of whom child benefit is claimed,
 or in other prescribed circumstances.]
- (2) Except where regulations otherwise provide, no person shall be entitled to child benefit for any week on a claim made by him after that week if child benefit in respect of the same child has already been paid for that week to another person, whether or not that other person was entitled to it.

Textual Amendments

F48 S. 11(1A)-(1C) inserted (18.4.2000 for certain purposes, otherwise 15.5.2000) by S.I. 1999/3147 (N.I. 11), art. 66 (with art. 75); S.R. 2000/133, art. 2(2)

Status: Point in time view as at 05/12/2005.

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Modifications etc. (not altering text)

C5 S. 11(1A) excluded (7.4.2003) by [The Child Benefit \(General\) Regulations 2003 \(S.I. 2003/493\)](#), regs. 1(1), 37

Statutory sick pay

12 Duties of employees etc. in relation to statutory sick pay.

- (1) Any employee who claims to be entitled to statutory sick pay from his employer shall, if so required by his employer, provide such information as may reasonably be required for the purpose of determining the duration of the period of entitlement in question or whether a period of entitlement exists as between them.
- (2) The Department may by regulations [^{F49}made with the concurrence of the Inland Revenue] direct—
 - (a) that medical information required under subsection (1) above shall, in such cases as may be prescribed, be provided in a prescribed form;
 - (b) that an employee shall not be required under subsection (1) above to provide medical information in respect of such days as may be prescribed in a period of incapacity for work.
- (3) Where an employee asks an employer of his to provide him with a written statement, in respect of a period before the request is made, of one or more of the following—
 - (a) the days within that period which the employer regards as days in respect of which he is liable to pay statutory sick pay to that employee;
 - (b) the reasons why the employer does not so regard the other days in that period;
 - (c) the employer's opinion as to the amount of statutory sick pay to which the employee is entitled in respect of each of those days,the employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

Textual Amendments

F49 Words in s. 12(2) inserted (1.4.1999) by [S.I. 1999/671](#), art. 4, [Sch. 3 para. 41](#); [S.R. 1999/149](#), art. 2(c), [Sch. 2](#) (subject to arts. 3-6 of that S.R.)

Statutory maternity pay

13 Duties of women etc. in relation to statutory maternity pay.

- (1) A woman shall provide the person who is liable to pay her statutory maternity pay—
 - (a) with evidence as to her pregnancy and the expected date of confinement in such form and at such time as may be prescribed; and
 - (b) where she commences work after her confinement but within the maternity pay period, with such additional information as may be prescribed.

[^{F50}(1A) Any regulations for the purposes of subsection (1) above must be made with the concurrence of the Inland Revenue.]

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(2) Where a woman asks an employer or former employer of hers to provide her with a written statement, in respect of a period before the request is made, of one or more of the following—

- (a) the weeks within that period which he regards as weeks in respect of which he is liable to pay statutory maternity pay to the woman;
- (b) the reasons why he does not so regard the other weeks in that period; and
- (c) his opinion as to the amount of statutory maternity pay to which the woman is entitled in respect of each of the weeks in respect of which he regards himself as liable to make a payment,

the employer or former employer shall, to the extent to which the request was reasonable, comply with it within a reasonable time.

Textual Amendments

F50 S. 13(1A) inserted (1.4.1999) by S.I. 1999/671, art. 4, **Sch. 3 para. 42**; S.R. 1999/149, art. 2(c), **Sch. 2** (subject to arts. 3-6 of that S.R.)

^{F51} Payments in respect of mortgage interest, etc.

Textual Amendments

F51 S. 13A and cross-heading inserted (retrospective to 1.7.1992) by S.I. 1992/1309 (N.I. 9), art. 3(2), **Sch. para. 1**

^{F52} 13A Payment out of benefit of sums in respect of mortgage interest, etc.

(1) This section applies in relation to cases where—

- (a) mortgage interest is payable to a qualifying lender by a person (“the borrower”) who is entitled, or whose partner, former partner or qualifying associate is entitled, to income support [^{F53}or an income-based jobseeker’s allowance]; and
- (b) a sum in respect of that mortgage interest is or was brought into account in determining the applicable amount for the purposes of income support [^{F53}or an income-based jobseeker’s allowance] in the case of the borrower or the partner, former partner or qualifying associate;

and any reference in this section to “the relevant beneficiary” is a reference to the person whose applicable amount for the purposes of income support [^{F53}or an income-based jobseeker’s allowance] is or was determined as mentioned in paragraph (b) above.

[This section also applies in relation to cases where—

- ^{F54}(1A) (a) mortgage interest is payable to a qualifying lender by a person (also referred to as “the borrower”) who is entitled, or whose partner, former partner or qualifying associate is entitled, to state pension credit; and
- (b) a sum in respect of that mortgage interest is or was brought into account in determining the appropriate minimum guarantee for the purposes of state pension credit in the case of the borrower or the partner, former partner or qualifying associate;

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and any reference in this section to “the relevant beneficiary” includes a reference to the person whose appropriate minimum guarantee for the purposes of state pension credit is or was determined as mentioned in paragraph (b) above.]

(2) Without prejudice to paragraphs (j) and (q) of section 5(1) above, regulations may, in relation to cases where this section applies, make provision—

(a) requiring that, in prescribed circumstances, a prescribed part of any relevant benefits [^{F55}(other than state pension credit)] to which the relevant beneficiary is entitled shall be paid by the Department directly to the qualifying lender and applied by that lender towards the discharge of the liability in respect of the mortgage interest;

[^{F56}(aa) authorising or requiring that, in prescribed circumstances, a prescribed part of any state pension credit to which the relevant beneficiary is entitled may (or, as the case may be, shall) be paid by the Department directly to the qualifying lender and shall be applied by that lender towards the discharge of the liability in respect of the mortgage interest;]

(b) for the expenses of the Department in administering the making of payments under the regulations to be defrayed, in whole or in part, at the expense of qualifying lenders, whether by requiring them to pay prescribed fees or by deducting and retaining a prescribed part of the payments that would otherwise be made to them under the regulations or by such other method as may be prescribed;

(c) for requiring a qualifying lender, in a case where by virtue of paragraph (b) above the amount of the payment made to him under the regulations is less than it would otherwise have been, to credit against the liability in respect of the mortgage interest (in addition to the payment actually made) an amount equal to the difference between—

(i) the payment that would have been so made, apart from paragraph (b) above; and

(ii) the payment actually made;

and, in any such case, for treating the amount so credited as properly paid on account of benefit due to the relevant beneficiary;

(d) for enabling a body which, or person who, would otherwise be a qualifying lender to elect not to be regarded as such for the purposes of this section, other than this paragraph;

(e) for the recovery from any body or person—

(i) of any sums paid to that body or person by way of payment under the regulations that ought not to have been so paid; or

(ii) of any fees or other sums due from that body or person by virtue of paragraph (b) above;

(f) for cases where the same person is the borrower in relation to mortgage interest payable in respect of two or more different loans; and

(g) for any person of a prescribed class or description who would otherwise be regarded for the purposes of this section as the borrower in relation to any mortgage interest not to be so regarded, except for the purposes of this paragraph;

but the Department shall not make any regulations under paragraph (b) above unless it has consulted with such organisations representing qualifying lenders likely to be affected by the regulations as it considers appropriate.

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(3) The bodies and persons who are “qualifying lenders” for the purposes of this section are—

- [^{F57}(a) a deposit taker;]
- (b) ^{F58}
- [^{F59}(c) an insurer;]
- (d) any district council;
- (e) the Housing Executive;

and such bodies or persons not falling within paragraphs (a) to (e) above as may be prescribed.

(4) In this section—

[^{F60}“deposit taker” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to accept deposits, or
- (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to accept deposits;

“insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of insurance, or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of insurance;]

[^{F61}“appropriate minimum guarantee” has the meaning given by section 2(3) of the State Pension Credit Act (Northern Ireland) 2002;]

“mortgage interest” means interest on a loan which is secured by a mortgage of or charge over land and which has been taken out to defray money applied for any of the following purposes, that is to say—

- (a) acquiring any residential land which was intended, at the time of the acquisition, for occupation by the borrower as his home;
- (b) carrying out repairs or improvements to any residential land which was intended, at the time of taking out the loan, for occupation by the borrower as his home;
- (c) paying off another loan; or
- (d) any prescribed purpose not falling within paragraphs (a) to (c) above;

but interest shall be regarded as mortgage interest by virtue of paragraph (c) above only to the extent that interest on that other loan would have been regarded as mortgage interest for the purposes of this section had the loan not been paid off;

“partner” means—

- (a) any person [^{F62}who is married to, or a civil partner of, the borrower] and who is a member of the same household as the borrower; or
- (b) any person [^{F63}who is neither married to, nor a civil partner of, the borrower but who lives together with the borrower as husband and wife or as if they were civil partners], otherwise than in prescribed circumstances;

and “former partner” means a person who has at some time been, but no longer is, the borrower’s partner;

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“qualifying associate”, in relation to the borrower, means a person who, for the purposes of income support [^{F64}, an income-based jobseeker’s allowance or state pension credit,] falls to be treated by regulations under Part VII of the Contributions and Benefits Act [^{F65}, the Jobseekers (Northern Ireland) Order 1995 or the State Pension Credit Act (Northern Ireland) 2002, as the case may be,] as responsible for so much of the expenditure which relates to housing costs (within the meaning of those regulations) as consists of any of the mortgage interest payable by the borrower, and who falls to be so treated because—

- (a) the borrower is not meeting those costs, so that the person has to meet them if he is to continue to live in the dwelling occupied as his home; and
- (b) the person is one whom it is reasonable, in the circumstances, to treat as liable to meet those costs;

“relevant benefits” means such of the following benefits as may be prescribed, namely—

- (a) benefits, as defined in section 121 of the Contributions and Benefits Act ;
- (aa) [^{F66}a jobseeker’s allowance;]
- (b) income support;
- (c) [^{F67}state pension credit;]

“residential land” means any land which consists of or includes a dwelling.

[The definitions of “deposit taker” and “insurer” in subsection (4) must be read with—

- ^{F68}(4A)
- (a) section 22 of the Financial Services and Markets Act 2000;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.]

[For the purposes of this section, two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex.]

- (5) For the purposes of this section, regulations may make provision—
- (a) as to circumstances in which residential land is or is not to be treated as intended for occupation by the borrower as his home; or
 - (b) as to circumstances in which persons are to be treated as being or not being members of the same household.]

Textual Amendments

- F52** S. 13A inserted (retrospective to 1.7.1992) by S.I. 1992/1309 (N.I. 9), art. 3(2), **Sch. para. 1**
- F53** Words in s. 13A(1) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), **Sch. 2**, para. 23(2); S.R. 1996/180, **art.2**
- F54** S. 13A(1A) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 para. 9(a)**; S.R. 2002/366, **art. 2**; S.R. 2003/373, art. 2
- F55** Words in s. 13A(2)(a) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 para. 9(b)**; S.R. 2002/366, **art. 2**; S.R. 2003/373, art. 2
- F56** S. 13A(2)(aa) inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by State Pension Credit Act (Northern Ireland) 2002 (c. 14), ss. 14, 21(2), **Sch. 2 para. 9(c)**; S.R. 2002/366, **art. 2**; S.R. 2003/373, art. 2
- F57** S. 13A(3)(a) substituted (3.7.2002) by The Financial Services and Markets Act 2000 (Consequential Amendments) Order 2002 (S.I. 2002/1555), **art. 18(2)(a)**

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- F58** S. 13A(3)(b) repealed (3.7.2002) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2002 \(S.I. 2002/1555\)](#), [art. 18\(2\)\(b\)](#)
- F59** S. 13A(3)(c) substituted (3.7.2002) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2002 \(S.I. 2002/1555\)](#), [art. 18\(2\)\(c\)](#)
- F60** Words in s. 13A(4) inserted (3.7.2002) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2002 \(S.I. 2002/1555\)](#), [art. 18\(3\)](#)
- F61** In s. 13A(4) definition of "appropriate minimum guarantee" inserted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 14, 21(2), [Sch. 2 para. 9\(d\)\(i\)](#); S.R. 2002/366, [art. 2](#); S.R. 2003/373, art. 2
- F62** Words in s. 13A(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 109\(2\)\(a\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F63** Words in s. 13A(4) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 109\(2\)\(b\)](#); S.I. 2005/3255, art. 2(1), Sch.
- F64** Words in s. 13A(4) in definition of "qualifying associate" substituted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 14, 21(2), [Sch. 2 para. 9\(d\)\(ii\)](#); S.R. 2002/366, [art. 2](#); S.R. 2003/373, art. 2
- F65** Words in s. 13A(4) in the definition of "qualifying associate" substituted (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 14, 21(2), [Sch. 2 para. 9\(d\)\(ii\)](#); S.R. 2002/366, [art. 2](#); S.R. 2003/373, art. 2
- F66** S. 13A(4): in definition in s. 13A(4) para. (aa) inserted (3.5.1996) by S.I. 1995/2705 (N.I. 15), art. 40(1), [Sch. 2, para. 23\(4\)](#); S.R. 1996/180, [art. 2](#)
- F67** Words in s. 13A(4) in definition of "relevant benefits" added (2.12.2002 for certain purposes, 6.10.2003 in so far as not already in force) by [State Pension Credit Act \(Northern Ireland\) 2002 \(c. 14\)](#), ss. 14, 21(2), [Sch. 2 para. 9\(d\)\(iii\)](#); S.R. 2002/366, [art. 2](#); S.R. 2003/373, art. 2
- F68** S. 13A(4A) inserted (3.7.2002) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2002 \(S.I. 2002/1555\)](#), [art. 18\(4\)](#)
- F69** S. 13A(4B) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(d), [Sch. 24 para. 109\(3\)](#); S.I. 2005/3255, art. 2(1), Sch.

Emergency payments

14 **Emergency payments by Health and Social Services Boards and other bodies.**

- (1) The Department may make arrangements—
 - (a) with a Board; or
 - (b) with any other body,
 for the making on behalf of the Department by members of the staff of any Board or body of payments on account of benefits to which section 5 above applies in circumstances corresponding to those in which the Department itself has the power to make such payments under subsection (1)(s) of that section; and a Board shall have power to enter into any such arrangements.
- (2) A payment under any such arrangements shall be treated for the purposes of any statutory provision as if it had been made by the Department.
- (3) The Department shall repay a Board or other body such amount as the Department determines to be the reasonable administrative expenses incurred by the Board or body in making payments in accordance with arrangements under this section.
- (4) In this section “Board” means a Health and Social Services Board.

Status:

Point in time view as at 05/12/2005.

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