



# 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.

[<sup>F1</sup>(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.

*Status: Point in time view as at 19/10/2023.*

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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.]

<sup>F2</sup>(2) Where under subsection (1) 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, the person is not entitled to it in respect of any period more than 12 months before the date on which the claim is made or treated as made.

(2A) But subsection (2) does not apply—

- (a) to disablement benefit or reduced earnings allowance, or
- (b) in a case where a claim for the benefit is made or treated as made by virtue of section 3(2).]

(3) Where a person purports to make a claim on behalf of another—

- <sup>F3</sup>(za) for personal independence payment by virtue of Article 87 of the Welfare Reform (Northern Ireland) Order 2015; or]
- (a) for an attendance allowance by virtue of section 66(1) of the Contributions and Benefits Act;<sup>F4</sup> ...

<sup>F4</sup>(b) .....

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—

- <sup>F5</sup>(za) universal credit;]
- <sup>F6</sup>(zb) state pension or a lump sum under Part 1 of the Pensions Act (Northern Ireland) 2015;]
- <sup>F7</sup>(zc) bereavement support payment under section 29 of the Pensions Act (Northern Ireland) 2015;]
- (a) benefit as defined in section 121 of the Contributions and Benefits Act;
- <sup>F8</sup>(aa) a jobseeker’s allowance;]and
- <sup>F9</sup>(ab) state pension credit;]
- <sup>F10</sup>(ac) an employment and support allowance;]
- <sup>F11</sup>(ad) personal independence payment.]
- (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** S. 1(2)(2A) substituted for s. 1(2) (6.4.2017) by [Pensions Act \(Northern Ireland\) 2015 \(c. 5\)](#), s. 53(1), [Sch. 16 para. 21\(2\)](#); [S.R. 2017/44](#), [art. 2\(2\)](#) (with arts. 3, 4)

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- F3** S. 1(3)(za) inserted (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 7(2)(a)**; S.R. 2016/215, art. 3(2)
- F4** S. 1(3)(b) and preceding word repealed (20.6.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 7(2)(b)**; S.R. 2016/215, art. 3(2)
- F5** S. 1(4)(za) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 2 para. 4**; S.R. 2016/215, art. 2(2)(aa)(c)(v)
- F6** S. 1(4)(zb) inserted (6.4.2016 unless brought into operation earlier by an order under s. 53(1) of the amending Act) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(3), **Sch. 12 para. 9**
- F7** S. 1(4)(zc) inserted (6.4.2017) by Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 21(3)**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)
- F8** 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)**
- F9** 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)
- F10** S. 1(4)(ac) inserted (1.7.2008 for specified purposes, 27.7.2008 in so far as not already in force) by Welfare Reform Act (Northern Ireland) 2007 (c. 2), s. 60(1), **Sch. 3 para. 4(2)**; S.R. 2008/276, art. 2(2)(a)(i)(ii)
- F11** S. 1(4)(ad) inserted (2.5.2016) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 9 para. 7(3)**; S.R. 2016/215, art. 2(5)(h)(i)

#### **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))
- C2** S. 1(1A) excluded (20.11.2006) by The Housing Benefit Regulations (Northern Ireland) 2006 (S.R. 2006/405), regs. 1(1), **4**
- C3** S. 1(1A) excluded (20.11.2006) by The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006 (S.R. 2006/406), regs. 1(1), **4**
- C4** S. 1(1A) excluded by SR 1987/170 reg. 1A (as substituted (6.4.2009) by The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 (S.R. 2009/90), regs. 1(1), **4**)
- C5** S. 1(1A) excluded by SR 2008/280 reg. 2A (as inserted (6.4.2009) by The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 (S.R. 2009/90), regs. 1(1), **11**)
- C6** S. 1(1A) excluded by SR 2003/28 reg. 1A (as inserted (6.4.2009) by The Social Security (National Insurance Number Information: Exemption) Regulations (Northern Ireland) 2009 (S.R. 2009/90), regs. 1(1), **8**)
- C7** S. 1(1A) excluded (coming into force in accordance with reg. 1(3) of the amending Rule) by The Universal Credit, Personal Independence Payment, Jobseekers Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016 (S.R. 2016/220), regs. 1(3), **5**
- C8** S. 1(2) excluded (9.2.2023) by The Bereavement Benefits (Remedial) Order 2023 (S.I. 2023/134), arts. 1(2), **3(8)** (with art. 2)

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