

1979 No. 628**SOCIAL SECURITY****The Social Security (Claims and Payments)
Regulations 1979**

<i>Made</i> - - - -	<i>7th June 1979</i>
<i>Laid before Parliament</i>	<i>18th June 1979</i>
<i>Coming into Operation</i>	<i>9th July 1979</i>

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The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 45(3), 79 to 81, 88 to 90, 146(5), and 115(1) of, and Schedule 13 to, the Social Security Act 1975^(a) and paragraphs 9(1)(a) and (c) of Schedule 3 to the Social Security (Consequential Provisions) Act 1975^(b) and of all other powers enabling him in that behalf, hereby makes the following regulations, which consolidate the regulations hereby revoked and which accordingly by virtue of sections 139(2) and 141(2) of the Social Security Act 1975—and paragraphs 20 of Schedule 15 and 12 of Schedule 16—are not subject to the requirements of section 139(1) and 141(2) of that Act for prior reference to the National Insurance Advisory Committee and the Industrial Injuries Advisory Council respectively:—

(a) 1975 c. 14

(b) 1975 c. 18

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Social Security (Claims and Payments) Regulations 1979 and shall come into operation on 9th July 1979.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

“approved place” means a place approved by the Secretary of State for the purpose of obtaining payment of benefit;

“benefit order” means an order for the payment of a weekly sum on account of benefit to which regulation 16 applies or of a weekly instalment of a gratuity;

“claim for benefit” includes an application for a declaration that an accident was an industrial accident and an application for the review of an award or a decision for the purpose of obtaining any increase of benefit mentioned in Schedule 1 to these regulations but does not include any other application for the review of an award or a decision and the expression “claims benefit” for every reference to a claim shall be construed accordingly;

▶¹◀

▶²“health care professional” means—

(a) a registered medical practitioner,

(b) a registered nurse,

(c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Care Act 1999(a), or

(d) a member of such other profession, regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002(b), prescribed by the Secretary of State in accordance with powers under section 39(1) of the Social Security Act 1998(c).◀

“instrument of payment” means a serial order, benefit order, or 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, including benefit orders, for the payment of a sum on account of benefit which is or has been contained in a book of such orders;

“unemployment benefit office” means any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit;

and other expressions have the same meaning as in the Act.

▶³(1A) The provision in paragraph (1) for the interpretation of the words “claim for benefit” shall not be taken to preclude the application of the regulations to a claim for attendance allowance expressed as an application for review of an earlier determination but which discloses no grounds on which such a determination could be reviewed.◀

(2) Unless the context otherwise requires, any reference in these regulations to—

(a) 1999 c. 8. Section 60 was amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 26(9) and by S.I. 2002/254.

(b) 2002 c. 17.

(c) Section 39(1) was amended by section 62(5) of the Welfare Reform Act 2007 (c. 5).

¹Defn. of “determining authority” deleted by Sch. 4, para. 1 to S.I. 1999/1958 as from 4.7.99.

²Defn. of “health care professional” inserted by reg. 2 of S.I. 2007/1626 as from 3.7.07.

³Para. inserted by reg. 6(1) of S.I. 1980/1136 as from 25.8.80.

- (a) a numbered section is a reference to the section of the Social Security Act 1975 bearing that number;
- (b) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;
- (c) any provision made by or contained in an enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification

(3) For the purposes of the provisions of these regulations relating to the making of claims every increase of benefit mentioned in Schedule 1 to these regulations shall be treated as a separate benefit.

(4) The provisions of Schedules 1 and 2 to these regulations shall have effect; and the following provisions of these regulations shall, in relation to any particular benefit, have effect subject to any provision in those Schedules affecting that benefit.

[Regulations 3 to 11(6) revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88.]

[Regulation 11(7), (8) and (9) revoked by regulation 21 of, and Schedule 3 to, S.I. 1984/1303 as from 29.11.84.]

[Regulation 12 to 15(1)(e) revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88.]

[Regulation 15(1)(f) revoked by regulation 11(4) of S.I. 1983/186 as from 6.4.83]

[Regulation 15(1)(g) to 16A(7) revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88.]

[Regulation 16A(8) and (9) revoked by regulation 19(1) of, and Part I of the Schedule to, S.I. 1987/491 as from 6.4.87.]

[Regulations 17 to 23 revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88.]

PART IV

SPECIAL PROVISIONS RELATING TO INDUSTRIAL INJURIES BENEFIT ONLY

Notice of Accidents

24.—(1) Every employed earner who suffers personal injury by accident in respect of which benefit may be payable shall give notice of such accident either in writing or orally as soon as is practicable after the happening thereof:

Provided that any such notice required to be given by an employed earner may be given by some other person acting on his behalf.

(2) Every such notice shall be given to the employer, or (if there is more than one employer) to one of such employers, or to any foreman or other official under whose supervision the employed earner is employed at the time of the accident, or to any person designated for the purpose by the employer, and shall give the appropriate particulars.

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(3) Any entry of the appropriate particulars of an accident made in a book kept for that purpose in accordance with the provisions of regulation 25 shall, if made as soon as practicable after the happening of an accident by the employed earner or by some other person acting on his behalf, be sufficient notice of the accident for the purposes of this regulation.

(4) In this regulation—

“employer” means in relation to any person, the employer of that person at the time of the accident and “employers” shall be construed accordingly; and

“employed earner” means a person who is or is treated as an employed earner for the purposes of industrial injuries benefit.

(5) In this regulation and regulation 25, “appropriate particulars” mean the particulars indicated in Schedule 4 to these regulations.

Obligations of employers

25.—(1) Every employer shall take reasonable steps to investigate the circumstances of every accident of which notice is given to him or to his servant or agent in accordance with the provisions of regulation 24 and, if there appear to him to be any discrepancies between the circumstances found by him as a result of his investigation and the circumstances appearing from the notice so given, he shall record the circumstances so found.

(2) Every employer who is required to do so by the Secretary of State shall furnish to an officer of the Department within such reasonable period as may be required, such information and particulars as shall be required—

- (a) of any accident or alleged accident in respect of which benefit may be payable to, or in respect of the death of, a person employed by him at the time of the accident or alleged accident; or
- (b) of the nature of and other relevant circumstances relating to any occupation prescribed for the purposes of Chapter V of Part II of the Act in which any person to whom or in respect of whose death benefit may be payable under that chapter was or is alleged to have been employed by him.

(3) Every owner or occupier (being an employer) of any mine or quarry or of any premises to which any of the provisions of the Factories Act 1961^(a) applies and every employer by whom 10 or more persons are normally employed at the same time on or about the same premises in connection with a trade or business carried on by the employer shall, subject to the following provisions of this paragraph—

- ▶¹(a) keep readily accessible a means (whether in a book or books or by electronic means), in a form approved by the Secretary of State, by which person employed by the employer or some other person acting on his behalf may record the appropriate particulars (as defined in regulation 24) of any accident causing personal injury to that person; and
- (b) preserve every such record for the period of at least 3 years from the date of its entry.◀

¹Reg. 25(3)(a) and (b) substituted by reg. 2 of S.I. 1993/2113 as from 27.9.93.

²Words deleted by reg. 11(6) of S.I. 1983/186 as from 6.4.83

³Words deleted by reg. 11(7) of S.I. 1983/186 as from 6.4.83

Obligations of claimants for, and beneficiaries in receipt of ▶²◀ disablement benefit

26.—(1) Subject to the following provisions of this regulation, every claimant for, and every beneficiary in receipt of ▶³◀ disablement benefit shall comply with every notice given to him by the Secretary of State which requires him either—

(a) 1961 c. 34.

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- (a) to submit himself to a medical examination by a ¹▶²health care professional approved by the Secretary of State◀ who has experience in the issues specified in regulation 12(1) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(a)◀ for the purpose of determining the effects of the relevant accident or the treatment appropriate to the relevant injury or loss of faculty; or
- (b) to submit himself to such medical treatment for the said injury or loss of faculty as is considered appropriate in his case by the medical practitioner in charge of the case ▶³◀

¹Words substituted in reg. 26(1)(a) by Sch. 4, para. 2(a)(i) to S.I. 1999/1958 as from 4.7.99.

²Words substituted in reg. 26(1)(a) by reg. 2 of S.I. 2007/1626 as from 3.7.07.

³Words deleted in reg. 26(1)(b) by Sch. 4, para. 2(a)(ii) to S.I. 1999/1958 as from 4.7.99.

⁴Words substituted in para. (2) by Sch. 4, para 2(b) to S.I. 1999/1958 as from 4.7.99.

(2) Every notice given to a claimant or beneficiary requiring him to submit himself to medical examination shall be given in writing and shall specify the time and place for examination and shall not require the claimant or beneficiary to submit himself ▶⁴to examination before the expiration of the period to 6 days beginning with the date of the notice or such shorter period as may be reasonable in the circumstances◀

(3) Every claimant and every beneficiary who, in accordance with the foregoing provisions of this regulation, is required to submit himself to a medical examination or to medical treatment—

- (a) shall attend at every such place and at every such time as may be required; and
- (b) may, in the discretion of the Secretary of State, be paid such travelling and other allowances (including compensation for loss of remunerative time) as the Secretary of State may with the consent of the Minister for the Civil Service determine.

▶⁵◀

[Regulation 27 revoked by regulation 11(8) or S.I. 1983/186 as from 6.4.83]

⁵Words deleted in para. 4 by Sch. 4, para. 2(c) to S.I. 1999/1958 as from 4.7.99.

PART V

MISCELLANEOUS PROVISIONS

[Regulations 28 to 30 revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88.]

Breach of regulations

31. If any person contravenes or fails to comply with any requirement of these regulations (not being a requirement to give notice of an accident or a requirement to submit himself to medical treatment or examination) in respect of which no special penalty is provided, he shall for such offence be liable on summary conviction to a penalty not exceeding ▶⁶£200◀ or, where the offence consists of continuing any such contravention or failure after conviction thereof, ▶⁶£20◀ for each day on which it is so continued.

⁶Sums substituted by reg. 7(1) of S.I. 1982/1241 as from 4.10.82.

[Regulation 32 revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88]

7th June 1979

Patrick Jenkin
Secretary of State for Social Services

(a) 1999/991.

[Schedules 1 to 3 revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88.]

SCHEDULE 4

Regulations 24 and 25

PARTICULARS TO BE GIVEN OF ACCIDENTS

- (1) Full name, address and occupation of injured person;
- (2) Date and time of accident;
- (3) Place where accident happened;
- (4) Cause and nature of injury;
- (5) Name, address and occupation of person giving the notice, if other than the injured person.

[Schedule 5 revoked by regulation 48 of, and Schedule 10 to, S.I. 1987/1968 as from 11.4.88.]

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations are made for the purpose only of consolidating the Social Security (Claims and Payments) Regulations 1975 with subsequent amending regulations. They provide for the manner in which claims for and payments of benefits under the Social Security Act 1975 are to be made.

Part I of the Regulations contains general provisions including definitions.

Part II (with Schedules 1 to 3) include provisions concerning circumstances when claims are not required, how claims for benefits are to be made – the forms and information required, amendments and interchange with other claims – forward allowance and disallowance of certain benefits, time limits for claims and disqualification for late claim.

Part III contains provisions concerning time, and manner of payment of benefits, extinguishment of rights where benefits not obtained within specified time limits and information to be given by persons in receipt of benefit.

Part IV (with Schedule 4) relates to industrial injuries benefit and includes provisions that require notice to be given of accidents, impose obligations on employers, claimants and beneficiaries and enable claims for disablement benefit to be withdrawn.

Part V contains miscellaneous provisions relating to persons unable to act, payment on death, payment to third parties, penalties for breach of the late regulations and, with Schedule 5, specifies provisions that are revoked.