Under section 77 (4) of the National Insurance Act, 1946, these Provisional Regulations will not continue in force for longer than three months after the receipt by the Minister of National Insurance of the Report of the National Insurance Advisory Committee on the preliminary draft thereof submitted to them in accordance with the said section 77.

The National Insurance (Claims and Payments) Amendment (No. 2) Provisional Regulations, 1950

1950 No. 1143

Made - - - -	13*th July*, 1950
Laid before Parliament	13*th July*, 1950
Coming into Operation	19*th July*, 1950

M.N.I. 194.

The Minister of National Insurance hereby certifies under subsection (4) of section 77 of the National Insurance Act, 1946(a), that on account of urgency the following regulations should come into operation without delay, and, in exercise of the powers conferred by section 28 (2) of that Act, and of all other powers enabling her in that behalf, hereby makes the following regulations as provisional regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Claims and Payments) Amendment (No. 2) Provisional Regulations, 1950, shall be read as one with the National Insurance (Claims and Payments) Regulations, 1948(b) as amended(c) (hereinafter referred to as " the principal regulations ") and shall come into operation on the 19th July, 1950.

Amendment of the principal regulations

2. Regulation 11 and regulation 15 of the principal regulations shall be amended in accordance with the following provisions of these regulations, and shall accordingly have effect as set out in the Schedule hereto.

Amendment of regulation 11 *of the principal regulations*

3. The following amendments shall be made in regulation 11 of the principal regulations :—

(1) The words " the following provisions " shall be substituted for the words " paragraphs (2) and (3) " in the opening words of paragraph (1).

(2) The following sub-paragraph shall be substituted for sub-paragraph (*b*) of paragraph (1):—

" (*b*) in the case of sickness benefit (and subject to the provisions relating to the time for giving notice of incapacity contained in regulation 15), payment in respect of any period more than ten days before the date on which the claim is made ; or "

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948 (No. 1041) I, p. 2709.
(c) *See* reg. 12 and Second Schedule, National Insurance (Death Grant) Regulations, 1949 (S.I. 1949 (No. 1204) I, p. 2708); S.I. 1949 (Nos. 1392, 1696 and 2317) I, pp. 2702, 2717, 2703; and S.I. 1950 No. 297, p. 1 above.

(ii) *(subject to the provisions of paragraph* (5) *of regulation* 15) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim ;

he shall not be disqualified under this paragraph for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date.

(2) The prescribed time for the purposes of the foregoing paragraph shall (subject to the special provisions relating to the time for claiming benefit contained in Part IV of these regulations) be,—

(*a*) in the case of unemployment benefit (not being an increase of benefit in respect of a child or adult dependant), the day in respect of which the claim is made ; or

(*b*) in the case of sickness benefit (not being an increase of benefit in respect of a child or adult dependant),—

(i) *where the proviso to paragraph* (1) *of regulation* 15 *is applicable, the period of twenty-one days, or*

(ii) *where the said proviso to paragraph* (1) *is not applicable, the period of ten days,*

from the day in respect of which the claim is made ; or

(*c*) in the case of maternity grant, the period of three months from the date of the confinement ; or

(*d*) in the case of attendance allowance, the period of twenty-eight days from the date of the confinement ; or

(*e*) in the case of maternity allowance, the period up to the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto ; or

(*f*) in the case of a pension, the period of three months from the date on which, apart from satisfying the said condition, the claimant becomes entitled thereto ; or

(*g*) in the case of death grant, the period of one month from the date of the death of the deceased, except in the case of a payment under subsection (5) of section 22 of the Act, in which case the period shall be twenty-one days from the date of the death, or such longer period as the Minister may determine in the circumstances of any particular case ; or

(*h*) in the case of an increase, in respect of a child or adult dependant, of unemployment benefit or sickness benefit, the period of one month from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto, subject to the qualification that if, in the case of the benefit of which that increase is claimed, the prescribed time is extended in accordance with the proviso to this paragraph, the period of one month shall (subject to the condition contained in the next succeeding paragraph) be increased by a period equal to the period commencing on the said date and ending on the date on which the claim for the said benefit was made:

Provided that, subject to the condition contained in the next succeeding paragraph, if the claimant proves (*subject to the provisions of paragraph* (5) *of regulation* 15) that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time shall be extended to the date on which the claim is made.

(3) The proviso to either of the foregoing paragraphs of this regulation shall apply in any case subject to the condition that no sum shall be paid to any person on account of maternity grant in respect of a confinement occurring more than six months before the date on which the claim therefor is made in accordance with the provisions of these regulations, or on account of any other benefit in respect of any period more than six months before the date on which the claim therefor is so made.

(4) The provisions of the last preceding paragraph of this regulation shall apply to death grant as they apply to maternity grant with the substitution of death for confinement, and subject to the qualification that there shall be substituted for the period of six months specified in that paragraph in relation to maternity grant such longer period as the Minister may in the circumstances of any particular case decide, where the failure to make a claim within the said period either is due to the fact that the claimant did not, and in all the circumstances could not reasonably be expected to, know of the death, or, in the case of a death occurring outside Great Britain, is due to the claimant's absence from Great Britain during the said period or to unavoidable delay in obtaining any information necessary for making a claim.

REGULATION 15 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Sickness benefit

15.—(1) If a person fails, on becoming or again becoming incapable of work, to give to the Minister written notice of that fact within the time prescribed in *paragraph* (2) of this regulation, he shall be disqualified for receiving sickness benefit in respect of any period more than three days before the date on which the notice is given:

Provided that the provisions of this paragraph shall not operate to disqualify a person for the receipt of such benefit if he has not previously made a claim for sickness benefit under the Act (including, for this purpose, a claim for any other benefit, whether under the Act or the Industrial Injuries Act, which has been treated as a claim for sickness benefit).

(2) The time within which a notice shall be given by any person for the purpose of the foregoing paragraph shall be the period of three days from the date on which that person becomes or again becomes incapable of work:

Provided that, where a person proves (subject to the provisions of paragraph (5) of this regulation) that, throughout a period commencing on or after the last day of the said period of three days and ending immediately before the day on which the notice is given, there was good cause for delay in giving such notice, the time shall, subject to the condition contained in the next succeeding paragraph, be extended to the date on which the notice is given, but in that event that person shall be disqualified for receiving sickness benefit in respect of any period more than three days before the commencement of the period throughout which there was good cause for delay in giving notice.

(3) The condition subject to which the time for giving notice may be extended under the proviso to the foregoing paragraph shall be that no sickness benefit shall be paid in respect of any period more than six months before the date on which such notice is given in accordance with the provisions of this regulation.

(4) Where, for the purposes of the provisions of the National Insurance (Medical Certification) Regulations, 1948, as amended, it has been certified—

(i) that a person is incapable of work and will continue to be incapable of work for the period specified in the certificate; or

(ii) that a person (being a person who, throughout the period of six months immediately preceding the date of the certificate, has been in receipt of sickness benefit) is incapable of work,

a claim for sickness benefit may, unless the Minister otherwise directs, be made by that person in respect of the period of thirteen weeks, or such shorter period as the Minister may in the circumstances determine, in either case commencing immediately after the date of the certificate, and the provisions of regulation 11 shall be construed accordingly.

* The amendments made by these regulations are shown in italics.

Any claim for sickness benefit made by any such person may, if it is made on the form containing the certificate, be treated by the Minister as a claim made also in respect of any days in the said period of thirteen weeks or in any such shorter period, as the case may be.

(5) *In determining whether paragraph (ii) of the proviso to paragraph* (1), *or the proviso to paragraph* (2), *of regulation* 11, *or the proviso to paragraph* (2) *of this regulation, has been satisfied by a person who is, or has been, an in-patient in a hospital, and who either gives to the Minister written notice that he has become or again become incapable of work, or makes a claim for sickness benefit, any such proviso shall, in relation only to that notice or claim, be deemed to have been satisfied by him in respect of that one of the following periods which is appropriate, in so far as it is relevant for the purpose of any such proviso :—*

(a) where the person concerned has been discharged from the hospital, the period commencing on the date of his admission thereto as an in-patient and ending thirteen weeks thereafter or three weeks after the date of his discharge, whichever period is the shorter : or

(b) where the person concerned has not been so discharged, the period of thirteen weeks from the date of his admission to the hospital as an in-patient.

(6) *For the purposes of the last foregoing paragraph :—*

(a) in ascertaining the date of admission to hospital of the person concerned, where that person has previously been an in-patient in one or more hospitals for one or more periods, any such period shall be taken into account, provided the interval, or (if there was more than one previous period as an in-patient) each interval, between the end of such period and the beginning of the appropriate period specified in that paragraph does not exceed three weeks ;

(b) the expression " hospital " means any institution for the reception and treatment of persons suffering from illness or mental defectiveness and any maternity home (and, for this purpose, " illness " includes mental illness and any injury or disability requiring medical treatment or nursing) ; and

(c) the expression " in-patient " means a person admitted as an in-patient to a hospital for the purpose of receiving there treatment (not being treatment during convalescence) by or under the direction of a registered medical practitioner.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Provisional Regulations amend the National Insurance (Claims and Payments) Regulations, 1948, so that any failure, by a person who has not previously claimed sickness benefit, to give notice of incapacity shall not thereby result in his being disqualified for the receipt of that benefit ; and by extending the time for making a claim for sickness benefit by a person who claims for the first time. They also amend the provisions for extending the time for giving notice of incapacity ; and they relax, in favour of certain persons who are or have been in hospital, the provisions relating to the proof of good cause for delay in giving such notice or claiming sickness benefit. The remaining amendments are of a minor or consequential character.