1969. No. 84 [C]

NATIONAL INSURANCE

Claims and Payments

REGULATIONS, DATED 3RD APRIL 1969, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1969.

The Ministry of Health and Social Services, in conjunction with the Ministry of Finance in exercise of powers conferred by section 51(1) and (2) of the National Insurance Act (Northern Ireland) 1966(**a**) and section 2(4) of the National Insurance &c. Act (Northern Ireland) 1969(**b**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Claims and Payments) Amendment (No. 2) Regulations (Northern Ireland) 1969, shall be read as one with the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961(**c**) (hereinafter referred to as "the principal regulations") and shall come into operation on 7th April 1969.

Regulation substituted for regulation 12 of the principal regulations

2. For regulation 12 of the principal regulations there shall be substituted the following regulation:

"Extinguishment of right to payment of sums by way of benefit which are not obtained within the prescribed time

12.—(1) The right to payment of any sum by way of benefit shall, subject to the provisions of this regulation, be extinguished where payment thereof is not obtained within the period of 12 months from the date on which the right is to be treated as having arisen; and for the purposes of this regulation the right shall be treated as having arisen—

(*a*) in relation to any such sum contained in a serial order or draft which has been given or sent, for the purpose of making payment thereof, to the beneficiary or to a paying office for collection by him (whether or not received or collected as the case may be), notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—

(i) on the date on the said serial order or draft; or

(ii) if a further order or draft has been so given or sent as a replacement for an order or draft previously given or sent, on the date on the last such order or draft;

(*b*) in relation to any such sum to which sub-paragraph (*a*) does not apply, but where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection, notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—

(a) 1966. c. 6 (N.I.). (b) 1969. c. 3 (N.I.).
(c) S.R. & O. (N.I.) 1961, No. 221 as amended by S.R. & O. (N.I.) 1964, No. 120; 1965, No. 10; 1966, No. 219; 1967, No. 203 and 1969, No. 45.

(i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post; and

(ii) in any other case, on the date of the notice;

and if more than one such notice is given or sent, on the date determined by reference to the first such notice.

(2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of paragraph (1) and

(*a*) after the expiration of the said period of 12 months the Ministry has received a request in writing for payment of that sum; and

(*b*) it is determined in accordance with Part IV of the National Insurance Act (Northern Ireland) 1966 that throughout a period commencing within the said period of 12 months and continuing up to the day on which the said request was made there was good cause for not making that request;

the right to payment of that sum shall, notwithstanding the provisions of that paragraph, be treated as having arisen on the date on which it is so determined.

(3) This regulation shall apply to a person authorised or appointed to act on behalf of a beneficiary as it applies to a beneficiary.

(4) This regulation shall not apply to the right to payment of a sum by way of death grant or by way of a single payment under regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations (Northern Ireland) 1961(**d**) (satisfaction in certain cases by a single payment of a person's right to graduated retirement benefit)."

Amendment of regulation 15 of the principal regulations

3. Regulation 15 of the principal regulations (payments on death) shall be amended as follows—

(1) in paragraph (3) for the proviso there shall be substituted the following proviso—

"Provided that, for the purposes of the said regulation 12, the period of 12 months shall be calculated from the date on which the right to payment of any sum is treated as having arisen in relation to any such person and not from the date on which that right is treated as having arisen in relation to the deceased."

(2) in paragraph (6) for the words "six months" there shall be substituted the words "12 months".

Revival of right to payment of benefit

4. Where the right to payment of any sum by way of benefit fell to be extinguished on or after 6th March 1969 (being the date of the passing of the National Insurance &c. Act 1969(**e**)) and before the coming into operation of these regulations the right to payment of that sum shall be revived and any question arising with respect to that right shall be determined in accordance with the provisions of regulation 12 of the principal regulations as substituted by these regulations.

(**d**) S.R. & O. (N.I.) 1961, No. 86. (**e**) 1969. c. 4.

Transitional provisions

5. The provisions of regulation 12 of the principal regulations as substituted by these regulations shall apply to any right to a sum by way of benefit accruing before the coming into operation of these regulations except in the case of a right where—

(*a*) the right became an accrued right more than 6 months before 6th March 1969; and

(*b*) the application of the provisions of that regulation as in force before the coming into operation of these regulations has or would have resulted in that right being extinguished before 6th March 1969.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 3rd day of April 1969.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of April 1969.

(L.S.) *James V. Morrison,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations extend from 6 months to 12 months the time within which payment of an award of benefit once made must be obtained. The remaining provisions are of a consequential or transitional nature.