The National Insurance (Claims and Payments) Amendment Regulations, 1951

1951 No. 1332

Made - - - -	*24th July*, 1951
Laid before Parliament	*24th July*, 1951
Coming into Operation	*1st August*, 1951

M.N.I. 202.

The Minister of National Insurance, in exercise of the powers conferred by section 28 (2) of the National Insurance Act, 1946(a), and of all other powers enabling her in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Claims and Payments) Amendment Regulations, 1951, 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 1st August, 1951.

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 of any benefit for which the claim is not made within the prescribed time; or"

(3) The words "(subject to the provisions of paragraph (5) of regulation 15)" shall be added at the beginning of paragraph (ii) of the proviso to paragraph (1), and after the word "proves" in the proviso to paragraph (2).

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

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

(i) where, before making the claim, the claimant has not made an earlier claim for sickness benefit under the Act or an earlier claim for any other benefit (whether under the Act

(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; S.I. 1950 (No. 297) II, p. 1; and reg. 17, National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations, 1951 (S.I. 1951 No. 1232 p. 1466 below).

or the Industrial Injuries Act) which has been treated as a claim for sickness benefit, the period of twenty-one days, or

(ii) where sub-paragraph (*b*) (i) of this paragraph does not apply and the day of incapacity in respect of which the claim is made is not earlier than three days before the date on which written notice of the incapacity was given to the Minister, the period of ten days, or

(iii) where neither sub-paragraph (*b*) (i) nor sub-paragraph (*b*) (ii) of this paragraph applies, the period of three days,

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

Amendment of regulation 15 of the principal regulations

4.—(1) For paragraphs (1) and (2) of regulation 15 of the principal regulations, there shall be substituted the following paragraphs:—

" (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."

(2) The following paragraphs shall be added after paragraph (4) of regulation 15 of the principal regulations:—

" (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."

Revocation of provisional regulations

5. The National Insurance (Claims and Payments) Amendment (No. 2) Provisional Regulations, 1950(**a**), are hereby revoked but without prejudice to anything duly done or suffered or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Dated this 24th day of July, 1951.

Edith Summerskill,
Minister of National Insurance.

SCHEDULE

REGULATION 11 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Disqualification where benefit not claimed within the prescribed time.

11.—(1) Subject to the provisions of subsection (3) of section 28 of the Act (which subsection relates to retirement pension for a widow in receipt of widow's benefit), if a person fails to make a claim for any benefit within the prescribed time in accordance with *the following provisions* of this regulation, he shall be disqualified for receiving—

(*a*) in the case of unemployment benefit or maternity grant or death grant, any benefit; or

(*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 of any benefit for which the claim is not made within the prescribed time;* or

(*c*) in the case of attendance allowance, payment in respect of any period more than twenty-eight days before the date on which the claim is made; or

(*d*) in the case of maternity allowance, payment in respect of any period before the date on which the claim is made; or

(a) S.I. 1950 (No. 1143) II, p. 4.

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

(*e*) in the case of a pension, payment in respect of any period more than three months before the date on which the claim is made:

Provided that, subject to the condition contained in paragraph (3) of this regulation, if in any case the claimant proves—

(i) that on a date earlier than the date on which the claim was made, apart from satisfying the condition of making a claim, he was entitled to the benefit; and

(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, before making the claim, the claimant has not made an earlier claim for sickness benefit under the Act or an earlier claim for any other benefit (whether under the Act or the Industrial Injuries Act) which has been treated as a claim for sickness benefit, the period of twenty-one days, or*

(*ii*) *where sub-paragraph (b) (i) of this paragraph does not apply and the day of incapacity in respect of which the claim is made is not earlier than three days before the date on which written notice of the incapacity was given to the Minister, the period of ten days, or*

(*iii*) *where neither sub-paragraph (b) (i) nor sub-paragraph (b) (ii) of this paragraph applies, the period of three 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

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

(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.

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 Regulations revoke the National Insurance (Claims and Payments) Amendment (No. 2) Provisional Regulations, 1950, which they replace with amendments. They amend the National Insurance (Claims and Payments) Regulations, 1948, by providing that any failure, by a person who has not previously claimed sickness benefit, to give notice of incapacity shall not result in his being disqualified for the receipt of that benefit ; by extending the time for making a claim for sickness benefit by a person who claims

for the first time; and by disqualifying other claimants for the receipt of sickness benefit in respect of periods of incapacity earlier than three days (or such longer period as may be allowed for good cause for delay in claiming) before the giving of notice of the incapacity. 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.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with Section 77 of the National Insurance Act, 1946, and their report thereon, dated the 15th June, 1951, is contained in the House of Commons Paper No. 240 published by His Majesty's Stationery Office.

The National Insurance (Classification) Amendment Regulations, 1951

1951 No. 993

Made - - - -	1*st June*, 1951
Laid before Parliament	4*th June*, 1951
Coming into Operation	11*th June*, 1951

M.N.I. 199.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of the powers conferred by section 1 of the National Insurance Act, 1946(a), and of all other powers enabling her in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Classification) Amendment Regulations, 1951, shall be read as one with the National Insurance (Classification) Regulations, 1948(b) as amended(c) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 11th June, 1951.

Amendment relating to employment in the National Hospital Service Reserve

2. In Part III of the First Schedule to the principal regulations (which Part sets out, in column (A) employments in respect of which persons are treated as non-employed persons and their employment therein disregarded, and, in column (B) the persons excepted from the operations of column (A)) and immediately after paragraph 56, there shall be added—

(*a*) in column (A) the following paragraph:—

"57. Employment as a member of the National Hospital Service Reserve."; and

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(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948 (No. 1425) I, p. 2738.
(c) S.I. 1949 (No. 86) I, p. 2705; S.I. 1949 (No. 1518) I, p. 2706; and S.I. 1950 (Nos. 765 and 830) II, pp. 10 and 12.