1952 No. 1207

The National Insurance (Claims and Payments) Amendment Regulations, 1952

Made - - - -	23*rd June*, 1952
Laid before Parliament	24*th June*, 1952
Coming into Operation	1*st July*, 1952

The Minister of National Insurance, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and jointly with the Postmaster General so far as relates to payment of benefit through the Post Office, in exercise of the powers conferred by sections 20 (2) (*b*), 28 and 46 of the National Insurance Act, 1946(**a**), and of all other powers enabling him 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, 1952, 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 July, 1952.

Amendment of regulation 1 *of the principal regulations*

2. The following additional definitions shall be inserted in paragraph (2) of regulation 1 of the principal regulations, as amended(**d**), immediately after the definition of " pension order ":—

" ' serial order ' means one of a series of orders, including pension orders, for the payment through the Post Office of a sum on account of benefit which is or has been contained in a book of such orders ;

' draft ' means a postal draft, payable order or any other instrument whatsoever (except a serial order) which is payable through the Post Office or a bank ".

Amendment etc. of regulation 11 *and Part IV of the principal regulations*

3. For the purpose of consolidating the provisions of regulation 11 of the principal regulations, as amended(**e**), (which relate to disqualification where benefit is not claimed within the prescribed time) with Part IV of those regulations, as amended(**f**), (which Part contains special provisions relating to certain benefits), and effecting amendments to the provisions contained in

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(**a**) 9 & 10 Geo. 6. c. 67.
(**b**) S.I. 1948/1041; Rev. XVI, p. 313; 1948, I, p. 2709.
(**c**) *See* reg. 12 and Second Schedule, National Insurance (Death Grant) Regulations, 1949 (S.I. 1949/1204; 1949 I, p. 2708); S.I. 1949/1392, 1696, 2317; 1950/297: 1949 I, pp. 2702, 2717, 2703; 1950 II, p. 1; reg. 17, National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations, 1951 (S.I. 1951/1232; 1951 I, p. 1457); and S.I. 1951/1332; 1951 I, p. 1448.
(**d**) *See* reg. 12 and Second Schedule, National Insurance (Death Grant) Regulations, 1949 (S.I. 1949/1204; 1949 I, p. 2708).
(**e**) *See* reg. 12 and Second Schedule, National Insurance (Death Grant) Regulations, 1949 (S.I. 1949/1204; 1949 I, p. 2708); S.I. 1949/1392, 1696; 1950/297; 1951/1332: 1949 I, pp. 2702, 2717; 1950 II, p. 1; 1951 I, p. 1448.
(**f**) S.I. 1949/1392, 2317; 1951/1332: 1949 I, pp. 2702, 2703; 1951 I, p. 1448.

the said regulation 11 and the said Part IV in respect of the following matters, namely:—

(*a*) the application of the provision contained in sub-paragraph (*a*) of paragraph (1) of regulation 11 (which sub-paragraph relates to unemployment benefit, maternity grant and death grant) to attendance allowance and the consequential omission of sub-paragraph (*c*) of that paragraph (which sub-paragraph relates to attendance allowance);

(*b*) the substitution for the period of twenty-eight days in sub-paragraph (*d*) of paragraph (2) of regulation 11 (which sub-paragraph relates to attendance allowance) of the period of three months;

(*c*) the substitution for the period of one month in sub-paragraph (*g*) of paragraph (2) of regulation 11 (which sub-paragraph relates to death grant) of the period of three months;

(*d*) the omission of the qualification applying to the period of one month in sub-paragraph (*h*) of paragraph (2) of regulation 11 (which sub-paragraph relates to an increase of unemployment benefit or sickness benefit), and the provision of an alternative period ending one month after the date of the claim (not being a claim made after the prescribed time therefor) for unemployment or sickness benefit (other than the increase) in respect of the day in respect of which the increase is claimed;

(*e*) the application of the provision contained in paragraph (3) of regulation 11, relating to maternity grant, to attendance allowance;

(*f*) the addition to paragraph (4) of regulation 15 of the principal regulations(**a**), (which paragraph relates to claims in advance for sickness benefit) of a provision that, where for the purposes of the National Insurance (Medical Certification) Regulations, 1948(**b**), it has been certified that it is to be expected that a woman will be confined, and either a claim for sickness benefit is made by that woman on or after the date of that certificate or a claim for maternity allowance so made by that woman is treated under the provisions of paragraph (1) of regulation 7 of the principal regulations as a claim in the alternative for sickness benefit, any such claim may, unless the Minister otherwise directs, be treated as a claim for sickness benefit made in respect of any days in the period beginning with the sixth week before the expected week of confinement and ending two weeks after the date of the confinement; and

(*g*) the substitution for the period of twenty-eight days in the proviso to regulation 15A of the principal regulations(**c**), (which regulation relates to claims in advance to maternity grant and attendance allowance) of the period of three months;

there shall be substituted for the said regulation 11 and the said Part IV the following regulation and the provisions contained in Schedule A to these regulations (which Schedule shall be included in the principal regulations as the Second Schedule thereto):—

" *Late claims for benefit etc.*

11. Subject to the provisions of Part II of the Second Schedule to these regulations—

(*a*) the prescribed time for claiming any benefit specified in column (1) of Part I of that Schedule shall be the appropriate time specified opposite to that benefit in column (2) of that Part, and

(**a**) *See* S.I. 1949/2317; 1949 I, p. 2703.
(**b**) S.I. 1948/1175; Rev. XVI, p. 324; 1948 I, p. 2803.
(**c**) *See* S.I. 1949/1392; 1949 I, p. 2702.

(*b*) if a person fails to make his claim for any such benefit within the prescribed time, he shall be disqualified for the receipt of benefit to the extent specified opposite thereto in column (3) of the said Part I."

Amendment of regulation 12 *of the principal regulations*

4.—(1) Regulation 12 of the principal regulations (which relates to the extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed time) shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in Part I of Schedule B to these regulations.

(2) In paragraph (1) of the said regulation 12, for the word "three" there shall be substituted the word "six", and for the proviso thereto there shall be substituted the following proviso:—

"Provided that in calculating the said period of six months no account shall be taken of—

(*a*) any period during which a serial order or draft containing the sum is in the possession of the Minister or an employment exchange or any post office at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection;

(*b*) any period during which the Minister has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;

(*c*) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or

(*d*) any period during which the determination of any question as to such extinguishment is pending."

(3) In paragraph (2) of the said regulation 12—

(*a*) after the words "a sum payable by way of benefit shall" there shall be inserted the words "subject to the provisions of the next following paragraph and of paragraph (3) of regulation 18";

(*b*) for all the words in sub-paragraph (*a*) after the words "in the case of a sum" there shall be substituted the words "contained in a serial order, on the date on which the order is due to be paid"; and

(*c*) for sub-paragraph (*b*), there shall be substituted the following sub-paragraphs—

"(*b*) in the case of a sum contained in a draft—

(i) if the draft 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 issue of the draft;

(*c*) in the case of a sum not contained in a serial order or draft, where notice is given orally or in writing that the sum is available for collection—

(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

(*d*) in any case to which none of the preceding sub-paragraphs of this paragraph applies, six months (or such longer period as the Minister may determine in the circumstances of any particular case) after the date on which the sum became payable."

(4) Immediately after paragraph (2) of the said regulation 12 there shall be inserted the following paragraph:—

"(2A) In determining when a sum is receivable under the provisions of the foregoing paragraph, the following provisions shall apply:—

(*a*) If a person proves that through no fault of his own he did not receive any such serial order or draft or written notice until a date later than the appropriate receivable date determined in accordance with the provisions of the foregoing paragraph, the sum contained in the order or draft or referred to in the notice shall be receivable—

(i) on that later date, or

(ii) on the date which is six months after the said appropriate receivable date,

whichever is the earlier.

(*b*) If a person proves that through no fault of his own he has not received any such serial order or draft or written notice, the sum contained in the original order or draft or referred to in the notice shall be receivable—

(i) on the date determined in accordance with the provisions of the foregoing paragraph on the basis of the issue of any further order or draft or notice in respect of that sum, or

(ii) on the date which is six months after the receivable date determined in accordance with the provisions of the foregoing paragraph on the basis of the original order or draft or notice,

whichever is the earlier.

(*c*) Subject to the provisions of paragraph (3) of regulation 18 and of the preceding sub-paragraph, a sum which in accordance with the foregoing provisions of this regulation was receivable on any date shall remain receivable on that date notwithstanding the issue since that date of a serial order or draft or notice in respect of that sum or any part thereof."

(5) In paragraph (3) of the said regulation 12, for the words "provisions of sub-paragraph (*b*) of the foregoing paragraph" there shall be substituted the words "foregoing provisions of this regulation".

Amendment of regulation 18 *of the principal regulations*

5.—(1) Regulation 18 of the principal regulations (which relates to payments on death) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Part II of Schedule B to these regulations.

(2) In paragraph (2) of the said regulation 18—

(*a*) the words "which was receivable by the deceased at the date of his death or" shall be omitted;

(*b*) after the words "on a claim" there shall be inserted the words "proceeded with or"; and

(*c*) for the words "and thereupon any such sum shall be receivable by such person or persons" there shall be substituted the words "and the provisions of regulation 12 shall apply to any such payment or distribution".

(3) In paragraph (3) of the said regulation 18—

(*a*) the words "by means of a pension order" shall be omitted;

(*b*) for the word "shall" there shall be substituted the word "may"; and

(*c*) for the words after the words "at that date, be" there shall be substituted the following words:—

"paid or distributed to or amongst such persons as are mentioned in the last foregoing paragraph, and the provisions of regulation 12 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of paragraph (1) of the said regulation 12, the period of six months shall be calculated from the date on which the sum was receivable by any such person and not from the date on which it was receivable by the deceased, and for this purpose the reference in sub-paragraph (*d*) of paragraph (2) of regulation 12 to the date on which the sum became payable shall be construed as a reference to the date of the application to the Minister made in accordance with the next following paragraph of this regulation."

Consequential amendments

6. The following amendments (which are consequential on the amendments made by the foregoing provisions of these regulations) shall be made in the principal regulations:—

(*a*) In paragraph (6) of regulation 1, for the words "Part IV", there shall be substituted the words "the Second Schedule to these regulations";

(*b*) In paragraph (1) of regulation 7, before the word "Schedule", there shall be inserted the word "First";

(*c*) In paragraph (1) of regulation 8, before the word "Schedule", there shall be inserted the word "First"; and

(*d*) The existing Schedule to the principal regulations shall be re-numbered "First Schedule".

Transitional provisions

7. Notwithstanding the foregoing provisions of these regulations, the provisions of the principal regulations shall, in the case of a sum payable by way of benefit which became payable before the coming into operation of these regulations, continue to apply for the purpose of determining the day on which that sum is receivable as if these regulations had not been made.

Revocations

8. The regulations specified in Schedule C to these regulations are hereby revoked to the extent mentioned in the third column of that Schedule, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Dated this 23rd day of June, 1952.

Osbert Peake,
Minister of National Insurance.

Dated this 23rd day of June, 1952.

De La Warr,
Postmaster General.

Dated this 23rd day of June, 1952.

Edward Heath,
T. G. D. Galbraith,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE A Regulation 3

(*Note.*—The following provisions are by regulation 3 of these regulations incorporated in the principal regulations as the Second Schedule thereto.)

"SECOND SCHEDULE Regulation 11

SHOWING IN PART I THE PRESCRIBED TIMES FOR CLAIMING BENEFIT AND THE DISQUALIFICATIONS FOR BENEFIT ARISING BY REASON OF LATE CLAIMS, AND IN PART II THE PROVISIONS (AND RELATED PROVISIONS) WHICH AFFECT THE BENEFIT WHICH WOULD OTHERWISE BE PAYABLE, OR NOT PAYABLE, BY VIRTUE OF PART I*

PART I

TABLE OF (*a*) PRESCRIBED TIMES FOR MAKING A CLAIM FOR BENEFIT AND (*b*) DISQUALIFICATIONS FOR LATE CLAIM

Description of benefit (1)	Prescribed time for claiming benefit (2)	Benefit which a person is disqualified for receiving by failure to claim within the prescribed time (3)
1. 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.	The benefit claimed.
2. Sickness benefit (not being an increase of benefit in respect of a child or adult dependant)—		
(*a*) 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).	(*a*) The period of twenty-one days from the day in respect of which the claim is made.	
(*b*) where sub-paragraph (*a*) of this paragraph does not apply and the day 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.	(*b*) The period of ten days from the day in respect of which the claim is made.	The benefit claimed.
(*c*) where neither sub-paragraph (*a*) nor sub-paragraph (*b*) of this paragraph applies.	(*c*) The period of three days from the day in respect of which the claim is made.	

* Amendments (other than consolidating amendments) made by these regulations are shown in italics.

Description of benefit (1)	Prescribed time for claiming benefit (2)	Benefit which a person is disqualified for receiving by failure to claim within the prescribed time (3)
3. Maternity benefit—		
(*a*) Maternity grant.	(*a*) The period of three months from the date of the confinement.	(*a*) The benefit claimed.
(*b*) Attendance allowance.	(*b*) The period of *three months* from the date of the confinement.	(*b*) *The benefit claimed.*
(*c*) Maternity allowance.	(*c*) The period up to the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.	(*c*) Benefit in respect of any period before the date on which the claim is made.
4. Pension (not being a retirement pension for a widow by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to widow's benefit).	The period of three months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.	Benefit in respect of any period more than three months before the date on which the claim is made.
5. Death grant—		
(*a*) Death grant under subsection (1) of section 22 of the Act.	(*a*) The period of *three months* from the date of the death of the deceased.	The benefit claimed.
(*b*) Payment under subsection (5) of section 22 of the Act.	(*b*) The period of twenty-one days (or such longer period as the Minister may determine in the circumstances of any particular case) from the date of the death of the deceased.	
6. Increase, in respect of a child or adult dependant, of unemployment or sickness benefit.	The longer of the two following periods— (*a*) The period of one month from the day in respect of which the claim is made; or (*b*) *The period beginning with that day and ending one month after the date of the claim (not being a claim made after the prescribed time therefor) for unemployment or sickness benefit (other than the increase) in respect of that day.*	The benefit claimed.

PART II

CONTAINING PROVISIONS (AND RELATED PROVISIONS) WHICH VARY THE PRESCRIBED TIMES UNDER PART I OF THIS SCHEDULE, OR VARY OR EXTINGUISH THE BENEFIT WHICH WOULD OTHERWISE BE PAYABLE, OR NOT PAYABLE, BY VIRTUE OF THAT PART

ALL BENEFITS

Late claims

1.—(1) If in any case the claimant proves (subject to the provisions of paragraph 5 of this Part) that there was good cause for the failure to make the claim before the date on which it was made, the prescribed time for making that claim shall (subject to the provisions of paragraph 2 of this Part) be extended to the date on which the claim is made.

(2) If in any case the claimant proves—

(*a*) 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

(*b*) (subject to the provisions of paragraph 5 of this Part) 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 (subject to the provisions of paragraph 2 of this Part) be disqualified under Part I of this Schedule for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date.

General limitation of right to benefit

2. Notwithstanding anything contained in this Schedule (but subject to the provisions of sub-paragraph (*b*) of paragraph 5 of Part I hereof) no sum shall be paid to any person on account of—

(*a*) maternity grant *or attendance allowance* in respect of a confinement occurring more than six months before the date on which the claim therefor is made;

(*b*) death grant in respect of a death occurring more than six months before the date on which the claim therefor is made:

Provided that the foregoing reference in this sub-paragraph to a period of six months shall be construed as a reference to 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;

(*c*) any other benefit (not being a retirement pension payable to a widow by virtue of the insurance of her husband in respect of whose death she was immediately before attaining pensionable age entitled to widow's benefit) in respect of any period more than six months before the date on which the claim therefor is made.

UNEMPLOYMENT BENEFIT

3.—(1) Every person who makes a claim for unemployment benefit shall attend at the employment exchange at which he makes such claim, or at such other employment exchange as may be approved in his case, on every working day,

or on such working days as the Minister may direct, at such times as the Minister may direct, and, if required to do so, shall there sign a register to be kept at the employment exchange for the purpose:

Provided that—

(*a*) a claimant residing at a distance of more than two miles, but not more than four miles, from the employment exchange nearest or most convenient to his place of residence, shall be required to attend only on alternate days, or on such fewer days as the Minister may direct; and

(*b*) a claimant, residing more than four miles from the employment exchange nearest or most convenient to his place of residence, shall attend at such longer intervals, or furnish such other evidence that he was unemployed, as the Minister may direct.

(2) A claimant who, under these regulations, attends less frequently than on every working day, may on each attendance sign the register in respect of days on which the terms of the declaration set out in the register were satisfied in his case since his last attendance, as well as in respect of the actual day of attendance.

(3) The determining authority may in any particular case require a claimant, notwithstanding that he has signed the register in accordance with these regulations, to furnish further evidence that he was unemployed and not disentitled to unemployment benefit on all or any of the days in respect of which he has signed the register.

(4) The Minister, with the approval of the Postmaster General, may appoint such post offices as he thinks proper for the purpose of making claims for, and obtaining payments of, unemployment benefit.

Sickness Benefit

Notice of incapacity

4.—(1) The time within which a person, on becoming or again becoming incapable of work, shall for the purpose of the next succeeding paragraph give to the Minister written notice of that fact 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 Part) 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 provisions of sub-paragraph (4) of this paragraph) be extended to the date on which the notice is given.

(2) 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 the last foregoing paragraph, he shall, unless 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), be disqualified for receiving sickness benefit in respect of any period more than three days before the date on which the notice is given.

(3) Where, in accordance with the proviso to sub-paragraph (1) of this paragraph, a person proves that there was good cause for delay in giving such notice and the time so prescribed is extended accordingly, that person shall (subject to the provisions of sub-paragraph (4) of this paragraph) 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.

(4) If a person fails, on becoming or again becoming incapable of work, to give to the Minister written notice of that fact within the period of six months from the date on which that person becomes or again becomes so incapable, no sum shall be paid to him on account of sickness benefit in respect of any period more than six months before the date on which notice is given.

Hospital in-patients

5.—(1) In determining whether the provisions of sub-paragraph (1) or sub-paragraph (2) (*b*) of paragraph 1 or the proviso to sub-paragraph (1) of paragraph 4 of this Part have 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 provision 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 provision:—

(*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.

(2) For the purposes of the last foregoing sub-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 sub-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.

Claims in advance

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

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

(*b*) 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.

(2) 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.

(3) *Where for the said purposes it has been certified by a qualified practitioner*(a) *that it is to be expected that a woman will be confined, and either—*

(*a*) *a claim for sickness benefit is made by that woman on or after the date of that certificate, or*

(*b*) *a claim for maternity allowance so made by that woman is treated under the provisions of paragraph* (1) *of regulation 7 as a claim in the alternative for sickness benefit,*

any such claim may, unless the Minister otherwise directs, be treated as a claim for sickness benefit made in respect of any days in the period beginning with the sixth week before the expected week of confinement and ending two weeks after the date of the confinement.

MATERNITY BENEFIT

7. A claim for a maternity grant or an attendance allowance may be made before the confinement at any time not earlier than the relevant date; and, for this purpose, " the relevant date " means the date of a certificate furnished by the claimant to the Minister and given by a qualified practitioner that it is to be expected that the claimant will be confined in a contribution week specified in the certificate, not being more than eleven contribution weeks after that in which the certificate is given:

Provided that a claim for an attendance allowance which is so made shall be treated as not having been made unless the claimant furnishes to the Minister a certificate given by a qualified practitioner that she has been confined and the certificate is so furnished within the period of *three months* from the date of the confinement or, if such a certificate is so furnished after that period, unless the claimant proves that there was good cause for the failure to furnish it before the date on which it was furnished.

RETIREMENT PENSIONS

8.—(1) A claim for retirement pension may be made at any time not more than four months before the date on which the claimant will, subject to the fulfilment of the necessary conditions, become entitled to such a pension.

(2) A notice of retirement for the purpose of paragraph (*b*) of subsection (2) of section 20 of the Act (which section relates to retirement pensions) shall be given to the Minister in writing not more than four months before the date of retirement.

(3) For the purpose of facilitating the determination of a subsequent claim for retirement pension, a person may at any time not more than four months before the date on which he will attain pensionable age, and notwithstanding that he does not intend to retire from regular employment at that date, submit particulars in writing to the Minister in a form approved by him for that purpose with a view to the determination (in advance of a claim) of any questions under the Act relating to that person's title to a retirement pension other than the question of retirement, and, subject to the necessary modifications, the provisions of Part II of these regulations shall apply to any such particulars."

(a) *See* s. 16 (1) (c), National Insurance Act, 1946, and reg. 5, National Insurance (Maternity Benefit) Regulations, 1948 (S.I. 1948/1166; Rev. XVI, p. 192; 1948 I, p. 2635).

SCHEDULE B

CONTAINING REGULATIONS WHICH ARE AMENDED BY THESE REGULATIONS

PART I Regulation 4

REGULATION 12 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

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

12.—(1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of *six* months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

Provided that in calculating the said period of six months no account shall be taken of—

(a) any period during which a serial order or draft containing the sum is in the possession of the Minister or an employment exchange or any post office at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection;

(b) any period during which the Minister has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;

(c) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or

(d) any period during which the determination of any question as to such extinguishment is pending.

(2) For the purposes of this regulation, a sum payable by way of benefit shall, *subject to the provisions of the next following paragraph and of paragraph (3) of regulation 18,* be receivable—

(a) in the case of a sum *contained in a serial order, on the date on which the order is due to be paid;*

(b) in the case of a sum contained in a draft—

(i) if the draft 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 issue of the draft;

(c) in the case of a sum not contained in a serial order or draft, where notice is given orally or in writing that the sum is available for collection—

(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

(d) in any case to which none of the preceding sub-paragraphs of this paragraph applies, six months (or such longer period as the Minister may determine in the circumstances of any particular case) after the date on which the sum became payable.

(2A) In determining when a sum is receivable under the provisions of the foregoing paragraph, the following provisions shall apply:—

(a) If a person proves that through no fault of his own he did not receive any such serial order or draft or written notice until a date later than the appropriate receivable date determined in accordance with the provisions of the foregoing paragraph, the sum contained in the order or draft or referred to in the notice shall be receivable—

(i) on that later date, or

(ii) on the date which is six months after the said appropriate receivable date,

whichever is the earlier.

* The words added by these regulations are shown in italics.

(b) If a person proves that through no fault of his own he has not received any such serial order or draft or written notice, the sum contained in the original order or draft or referred to in the notice shall be receivable—

(i) on the date determined in accordance with the provisions of the foregoing paragraph on the basis of the issue of any further order or draft or notice in respect of that sum, or

(ii) on the date which is six months after the receivable date determined in accordance with the provisions of the foregoing paragraph on the basis of the original order or draft or notice,

whichever is the earlier.

(c) Subject to the provisions of paragraph (3) of regulation 18 and of the preceding sub-paragraph, a sum which in accordance with the foregoing provisions of this regulation was receivable on any date, shall remain receivable on that date notwithstanding the issue since that date of a serial order or draft or notice in respect of that sum or any part thereof.

(3) Any sum payable by way of benefit to a person who is for the time being unable to act shall be receivable in accordance with the *foregoing provisions of this regulation,* notwithstanding his inability to give a receipt therefor.

PART II Regulation 5

REGULATION 18 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Payments on death

18.—(1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, the Minister may appoint such person as he may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of paragraph (4) of this regulation, any sum payable by way of benefit which is payable under an award on a claim *proceeded with or* made under the foregoing paragraph may be paid or distributed by the Minister to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors, of the deceased (or, where the deceased was illegitimate, to or amongst other persons), *and the provisions of regulation 12 shall apply to any such payment or distribution :*

Provided that—

(a) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Minister and the National Insurance Fund for any sum so paid ; and

(b) where the Minister is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, he may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Minister that he will apply the sum so paid for the benefit of the person under the age of sixteen.

(3) Subject as aforesaid any sum payable by way of benefit to the deceased payment of which he had not obtained at the date of his death, *may,* unless the right thereto was already extinguished at that date, be *paid or distributed to or amongst such persons as are mentioned in the last foregoing paragraph, and the provisions of regulation 12 and of the proviso to the said paragraph shall apply to any such payment or distribution :*

Provided that, for the purpose of paragraph (1) of the said regulation 12, the period of six months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable

* The words added by these regulations are shown in italics.

by the deceased, and for this purpose the reference in sub-paragraph (d) of paragraph (2) of regulation 12 to the date on which the sum became payable, shall be construed as a reference to the date of the application to the Minister made in accordance with the next following paragraph of this regulation.

(4) Paragraphs (2) and (3) of this regulation shall not apply in any case unless written application for the payment of any such sum is made to the Minister within six months from the date of the deceased's death or within such longer period as the Minister may allow in any particular case.

(5) The Minister may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

SCHEDULE C Regulation 8

REGULATIONS REVOKED

Statutory Instrument	Citation	Extent of revocation
S.I. 1949 (No. 1204) I, p. 2708.	The National Insurance (Death Grant) Regulations, 1949.	Paragraph 5 of the Second Schedule.
S.I. 1949 (No. 1392) I, p. 2702.	The National Insurance (Claims and Payments) Amendment Regulations, 1949.	The whole of the regulations.
S.I. 1949 (No. 1696) I, p. 2717.	The National Insurance (Death Grant) Amendment Regulations, 1949.	Paragraph (3) of regulation 2.
S.I. 1949 (No. 2317) I, p. 2703.	The National Insurance (Claims and Payments) Amendment (No. 2) Regulations, 1949.	The whole of the regulations.
S.I. 1950 (No. 297) II, p. 1.	The National Insurance (Claims and Payments) Amendment Regulations, 1950.	The whole of the regulations.
S.I. 1951 No. 1332.	The National Insurance (Claims and Payments) Amendment Regulations, 1951.	The whole of the regulations.
S.I. 1952 No. 648.	The National Insurance (Claims and Payments) Amendment Provisional Regulations, 1952.	The whole of the regulations.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Claims and Payments) Regulations, 1948, by varying certain of the existing time limits relating either to the claiming of benefit, disqualifications for late claim or the obtaining payment of benefit, by amplifying the provisions for determining the date on which any benefit is receivable, and by providing for leaving certain periods out of account in calculating the time limit for obtaining payment of benefit after it is receivable. They also consolidate the provisions of those regulations (including the relevant amendments) relating to the times for claiming benefit and for giving notice of incapacity and the disqualifications for late claims and notices.

The preliminary drafts of these Regulations were submitted to the National Insurance Advisory Committee in accordance with Section 77 of the National Insurance Act, 1946, and their report thereon, dated the 6th May, 1952, is contained in House of Commons Paper No. 219 (Session 1951-2) published by Her Majesty's Stationery Office.