STATUTORY INSTRUMENTS

1969 No. 289

SOCIAL SECURITY

The National Insurance (Claims and Payments) Amendment Regulations 1969

Made - - - -	*6th March* 1969
Laid before Parliament	11*th March* 1969
Coming into operation	12*th March* 1969

The Secretary of State for Social Services, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of his powers under sections 49(3) and (4) and 52(1) and (2) of the National Insurance Act 1965(a) and section 2(4) of the National Insurance &c. Act 1969(b) and of all other powers enabling him in that behalf, hereby makes the following regulations which, by virtue of section 3(2) of the said Act of 1969, are exempt from the requirements of section 108 of the said Act of 1965 (reference to National Insurance Advisory Committee):—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Claims and Payments) Amendment Regulations 1969, shall be read as one with the National Insurance (Claims and Payments) Regulations 1948(c), as amended (d), (hereinafter referred to as "the principal regulations") and shall come into operation on 12th March 1969.

Variation of section 49(4) *of the National Insurance Act* 1965

2. Section 49(4) of the National Insurance Act 1965(a) (period for which benefit may be paid prior to claim) shall be varied by substituting for the words "six months", wherever they occur, the words "12 months".

Regulation substituted for regulation 12 *of the principal regulations*

3. 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 paragraph (2) of this regulation, be extinguished where payment thereof is not

(a) 1965 c. 51. (b) 1969 c. 4.
(c) S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).
(d) The relevant amending regulations are S.I. 1952/1207, 1957/578, 1961/557 (1952 II, p. 2122; 1957 I, p. 1518; 1961 I, p. 1228).

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 post 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*) of this paragraph 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—

(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;

(*c*) in relation to any such sum to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) of this paragraph applies, on such date as the Secretary of State for Social Services determines.

(2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this regulation and the determining authority is satisfied that—

(*a*) after the expiration of the said period of 12 months the said Secretary of State has received written notice requesting payment of that sum; and

(*b*) throughout a period commencing within the said period of 12 months and continuing up to the day on which the said notice was given there was good cause for not giving that notice;

the said period of 12 months shall be extended to the date on which the determining authority decides that question and for the purposes of the operation of this regulation thereafter the right to payment of that sum shall, notwithstanding the provisions of paragraph (1), be treated as having arisen on that date.

(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 1961(**a**), as amended(**b**), (satisfaction in certain cases by a single payment of a person's right to graduated retirement benefit)."

(**a**) S.I. 1961/557 (1961 I, p. 1228).
(**b**) No amendment affecting the subject matter of these regulations has been made.

Amendment of regulation 18 *of the principal regulations*

4. Regulation 18 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 (4) for the words "six months" there shall be substituted the words "12 months".

Transitional provisions

5.—(1) The provisions of section 49(4) of the National Insurance Act 1965 in force immediately before the date of the coming into operation of these regulations shall continue to apply to any sum on account of—

(*a*) maternity grant in respect of a confinement occurring more than 6 months before that date;

(*b*) death grant in respect of a death occurring more than 6 months before that date;

(*c*) any other benefit in respect of a period more than 6 months before that date.

(2) 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 the coming into operation of the National Insurance &c. Act 1969; and

(*b*) the application of the provisions of that regulation as in force before the coming into operation of that Act has or would have resulted in that right being extinguished.

R. H. S. Crossman,
Secretary of State for Social Services.

6th March 1969.

B. K. O'Malley,
Walter Harrison,
Two of the Lords Commissioners of Her Majesty's Treasury.

6th March 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are, by virtue of section 3(2) of the National Insurance &c. Act 1969, exempt from reference to the National Insurance Advisory Committee and no such reference has been made.

The Regulations vary the provisions of section 49(4) of the National Insurance Act 1965 so as to extend from 6 months to 12 months the maximum period for which benefit can be paid for late claims.

The Regulations also extend to 12 months the time within which payment of an award once made must be obtained. The remaining provisions are of a consequential or a transitional nature.