STATUTORY INSTRUMENTS

1972 No. 166

SOCIAL SECURITY

The National Insurance (Claims and Payments and Miscellaneous Provisions) Regulations 1972

Made - - - -	*8th February* 1972
Laid before Parliament	*17th February* 1972
Coming into Operation	*27th March* 1972

The National Insurance Joint Authority, in exercise of powers conferred under section 20(2)(*a*) of the National Insurance Act 1965**(a)**, and 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 10(1), 48(1), 49(3), (4) and 81(3) of the said Act of 1965 and of section 11(1)(*d*) of the National Insurance Act 1966**(b)**, in each case in exercise of all other powers enabling them in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them in accordance with section 108 of the said Act of 1965, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Claims and Payments and Miscellaneous Provisions) Regulations 1972, shall come into operation on 27th March 1972.

(2) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

Amendments relating to claims and payments

2.—(1) The National Insurance (Claims and Payments) Regulations 1971**(c)**, as amended **(d)**, shall be further amended in accordance with the provisions of paragraphs (2), (3) and (4) of this regulation.

(2) In regulation 2 (claims to be made to the Secretary of State in writing), paragraph (2) shall cease to have effect and for paragraph (1) there shall be substituted the following paragraph:—

"(1) Every claim for benefit shall be made in writing to the Secretary of State on the form approved by the Secretary of State for the purpose of the benefit for which the claim is made, or in such other manner, being in writing, as the Secretary of State may accept as sufficient in the circumstances of any particular case or class of cases; and, subject to any directions given by the Secretary of State in any particular case or class of cases, a person claiming unemployment benefit shall attend in person at an employment exchange to make his claim."

(3) In Schedule 3, for the heading and for paragraph 1 thereof (special provisions relating to claims for unemployment benefit), there shall be substituted the following heading and paragraph:—

(a) 1965 c. 51. **(b)** 1966 c. 6.
(c) S.I. 1971/707 (1971 I, p. 1908).
(d) The relevant amending instrument is S.I. 1971/1419 (1971 II, p. 3964).

"SCHEDULE 3 Regulations 1(6) and 11

CONTAINING SPECIAL MISCELLANEOUS PROVISIONS RELATING TO UNEMPLOYMENT BENEFIT, SICKNESS BENEFIT, MATERNITY ALLOWANCE AND RETIREMENT PENSION, INCLUDING PROVISIONS WHICH VARY THE PRESCRIBED TIMES UNDER SCHEDULE 2

Unemployment Benefit

1. A person who claims unemployment benefit in respect of any day shall not be disqualified for the receipt of that benefit by reason of his failure to make his claim for it on that day if—

(*a*) that claim is made on a day specified for the purpose of his claiming unemployment benefit in a notice previously given to him by the Secretary of State, and either

(*b*) that claim is made on the first or only day so specified in that notice, or

(*c*) he has claimed unemployment benefit on every day so specified in that notice which falls before the day on which that claim is made."

(4) In Schedule 3, in paragraph 3 thereof (claims in advance for sickness or invalidity benefit by a woman where it has been certified that it is to be expected that she will be confined), after the words "beginning with the 6th week before the expected week of confinement" there shall be inserted the words "or with the date of the confinement, whichever is the earlier,"; and the said paragraph 3 shall accordingly have effect as set out in Schedule 1 to these regulations.

(5) In section 49(4) of the National Insurance Act 1965 (limitation on payment of benefit for period before benefit is claimed), after the words "more than", wherever they occur, there shall be inserted, in the place of the words "six months" originally enacted, the words "twelve months".

Amendment of the National Insurance (Contributions) Regulations 1969

3. In regulation 2 of the National Insurance (Contributions) Regulations 1969**(a)**, as amended **(b)** (exceptions from liability to pay contributions and crediting of contributions for weeks of unemployment), head (*a*) of the proviso to paragraph (2) shall cease to have effect.

Amendment of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966

4.—(1) After regulation 2 of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966**(c)**, as amended **(d)**, there shall be inserted the following regulation:—

"*Forward disallowance of unemployment benefit*

2A. Where a person's claim for unemployment benefit has been disallowed on any grounds and in the decision disallowing that claim it is stated that the decision is to be treated as a disallowance of any further claim by that person for unemployment benefit for days specified in the decision until the expiration of a period specified in the decision (not being a period expiring more than

(a) S.I. 1969/1696 (1969 III, p. 5323).
(b) There is no amendment which relates expressly to the subject matter of these regulations.
(c) S.I. 1966/1006 (1966 II, p. 2403).
(d) The relevant amending instrument is S.I. 1967/1570 (1967 III, p. 4350).

12 months after the date on which the decision is given) or, if the grounds of the original disallowance have ceased to exist before the expiration of the specified period, until they have ceased to exist, the decision shall, subject to the provisions of section 72 of the Act (review of decisions of insurance officer, local tribunal or Commissioner), be so treated."

(2) In regulation 2(3) of the said regulations (forward disallowances of sickness benefit), there shall be inserted after the word "shall" the words "subject to the provisions of section 72 of the Act (review of decisions of insurance officer, local tribunal or Commissioner)".

Amendment of the National Insurance (Determination of Claims and Questions) (No. 2) Regulations 1967

5. In regulation 15 of the National Insurance (Determination of Claims and Questions) (No. 2) Regulations 1967**(a)**, as amended **(b)** (review of decisions involving payment or increase of benefit), for sub-paragraph (*d*) of paragraph (2) there shall be substituted the following sub-paragraph:—

"(*d*) The provisions of paragraph (2)(*a*) shall not apply to the review of a decision disallowing a claim for sickness benefit or unemployment benefit in so far as it is a decision which, under the provisions of regulation 2(3) or 2A of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966, has been treated as a decision disallowing a further claim for either of those benefits."

Amendment of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967

6. In regulation 7 of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967**(c)**, as amended **(b)** (days not to be treated as days of unemployment or incapacity for work), after sub-paragraph (*j*) of paragraph (1) there shall be added the following sub-paragraphs:—

"(*k*) where the Secretary of State has given or sent a written notice to a person directing him to report to an officer of the Department of Employment or of a local education authority youth employment service on a specified day and at a specified place for an interview in connection with the obtaining of employment and that person fails to comply with the requirements of that notice, then the specified day and any subsequent day falling before a day on which that person reports to such an officer at the specified place for such an interview, or before a day on which the Secretary of State rescinds the said notice (whichever event first occurs), shall not be treated as a day of unemployment unless, throughout the period beginning with the specified day and ending, as the case may be, with the day on which that person reports as aforesaid or with the day on which the Secretary of State rescinds the said notice, that person shows good cause for his failure to report;

(*l*) where a person—

(i) has failed to comply with a written notice given or sent to him by the Secretary of State requesting him to report to an officer of the

(a) S.I. 1967/1570 (1967 III, p. 4350).
(b) There is no amendment which relates expressly to the subject matter of these regulations.
(c) S.I. 1967/330 (1967 I, p. 1131).

Department of Employment or of a local education authority youth employment service at a time and place and on a day specified in the notice in order that he may make a written declaration in connection with the satisfaction by him of the conditions for receipt of unemployment benefit; and

(ii) within 14 days of the date on which that person failed to comply with the requirements of the said notice the Secretary of State gives or sends him a further notice directing him to report to an officer of the Department of Employment or of a local education authority youth employment service at a time and place and on a day specified in the further notice in order that he may make such a written declaration; and

(iii) that person fails to comply with the requirements of the said further notice;

then the day specified in the said further notice and any subsequent day falling before a day on which that person reports to an officer of the Department of Employment or of a local education authority youth employment service at a place specified in the further notice in order to make such a written declaration or before the Secretary of State rescinds the further notice (whichever event first occurs) shall not be treated as a day of unemployment unless, throughout the period beginning with the day specified in the further notice and ending, as the case may be, with the day on which that person reports as aforesaid or with the day on which the Secretary of State rescinds the further notice, he shows good cause for his failure to report."

Amendment of the National Insurance (General Benefit) Regulations 1970

7.—(1) Regulation 13(2) of the National Insurance (General Benefit) Regulations 1970**(a)**, as amended **(b)** (suspension of payment of certain benefits awarded by a local tribunal where an appeal is made to the National Insurance Commissioner within 21 days), shall be amended in accordance with the provisions of paragraph (2) of this regulation and shall accordingly have effect as set out in Schedule 2 to these regulations.

(2) Insert after the word "Where" the words "notice of" and after the words "an appeal" the words "by an insurance officer"; and substitute for the word "made" the words "given or sent to the claimant" and for the words "an award was given" the words "an insurance officer received the record of the decision of the local tribunal".

Given under the official seal of the National Insurance Joint Authority.

(L.S.)

N. Hanson,
Secretary,
National Insurance Joint Authority.

4th February 1972.

(a) S.I. 1970/1981 (1970 III, p. 6461).
(b) The relevant amending instruments are S.I. 1971/621, 1419 (1971 I, p. 1623; II, p. 3964).

Keith Joseph,
Secretary of State for Social Services.

4th February 1972.

Keith Speed,
Walter Clegg,
Two of the Lords Commissioners of Her Majesty's Treasury.

8th February 1972.

Regulation 2(4)

SCHEDULE 1

PARAGRAPH 3 OF SCHEDULE 3 TO THE NATIONAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS 1971 AS AMENDED* BY THESE REGULATIONS

Claims in advance

3. Where for the purposes of the provisions of the National Insurance (Medical Certification) Regulations 1967(a) it has been certified that it is to be expected that a woman will be confined, and either—

(*a*) a claim for sickness or invalidity 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 regulation 7(1) of these regulations as a claim in the alternative for sickness or invalidity benefit;

any such claim may, unless the Secretary of State otherwise directs, be treated as a claim for sickness or invalidity benefit made in respect of any days in the period beginning with the 6th week before the expected week of confinement *or with the date of the confinement, whichever is the earlier*, and ending 2 weeks after the date of the confinement.

Regulation 7

SCHEDULE 2

REGULATION 13(2) OF THE NATIONAL INSURANCE (GENERAL BENEFIT) REGULATIONS 1970 AS AMENDED* BY THESE REGULATIONS

(2) Where *notice of* an appeal *by an insurance officer* to the National Insurance Commissioners from an award of a local tribunal is *given or sent to the claimant* within 21 days of the date on which *an insurance officer received the record of the decision of the local tribunal*, payment of the benefit (or that part of the benefit) to which the appeal relates shall, in the case of any of the following benefits, be suspended until the appeal has been determined:—

(*a*) unemployment benefit, provided the ground of the appeal is that the claimant ought to be disqualified for receiving benefit by reason of the provisions of section 22(1) of the Act (disqualification for unemployment benefit in respect of unemployment due to a trade dispute); and

(*b*) maternity benefit, widow's benefit, attendance allowance, child's special allowance, guardian's allowance, retirement pension or age addition.

*The words added by these regulations are shown in italics.
(a) S.I. 1967/520 (1967 I, p. 1702).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (Claims and Payments) Regulations 1971 (hereafter called "the Claims and Payments Regulations"), the National Insurance (Contributions) Regulations 1969 (hereafter called "the Contributions Regulations"), the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations 1966 (hereafter called "the 1966 Miscellaneous and Consequential Provisions Regulations"), the National Insurance (Determination of Claims and Questions) (No. 2) Regulations 1967 (hereafter called "the Determination of Claims and Questions Regulations"), the National Insurance (Unemployment and Sickness Benefit) Regulations 1967 (hereafter called "the Unemployment and Sickness Benefit Regulations") and the National Insurance (General Benefit) Regulations 1970 (hereafter called "the General Benefit Regulations").

Regulation 1 is formal.

Regulation 2 amends regulation 2 of the Claims and Payments Regulations (claims to be made to the Secretary of State in writing), substitutes a new heading and paragraph for the heading and paragraph 1 of Schedule 3 to the Claims and Payments Regulations (special provisions relating to claims for unemployment benefit) and makes a minor amendment to paragraph 3 of that Schedule (claims in advance for sickness or invalidity benefit by a woman where it has been certified that it is to be expected that she will be confined): the regulation also expressly inserts in section 49(4) of the National Insurance Act 1965 (limitation on payment of benefit for period before benefit is claimed) references to 12 months (regulation 2 of the National Insurance (Claims and Payments) Amendment Regulations 1969, which had varied the said section 49(4) by substituting for the references in that section to 6 months references to 12 months, was revoked by the Claims and Payments Regulations, and the insertion of express references to 12 months in that section by these regulations is to clarify the position).

Regulation 3 revokes head (*a*) of the proviso to regulation 2(2) of the Contributions Regulations (special provisions relating to persons who reside at more than certain distances from an Employment Exchange).

Regulation 4 adds a new provision to the 1966 Miscellaneous and Consequential Provisions Regulations whereby a decision disallowing a claim for unemployment benefit may, in certain circumstances, be treated as a disallowance of further claims for unemployment benefit and makes a minor consequential amendment to regulation 2 of those regulations (forward disallowance of sickness benefit).

Regulation 5 amends regulation 15 of the Determination of Claims and Questions Regulations (review of decisions involving payment or increase of benefit), removing, in cases where a decision disallowing a claim for unemployment benefit is treated as a disallowance of any further claim, the absolute bar on payment of benefit, or a higher rate of benefit, for a period of more than 12 months before an application for review is made.

Regulation 6 adds two new sub-paragraphs to regulation 7 of the Unemployment and Sickness Benefit Regulations (days not to be treated as days of unemployment or incapacity for work) related to persons who, having been directed to attend for interview in connection with the obtaining of employment

or for the purpose of making a written declaration in connection with satisfaction of the conditions for receipt of unemployment benefit, fail to do so without good cause.

Regulation 7 amends regulation 13(2) of the General Benefit Regulations (suspension of payment of certain benefits awarded by a local tribunal where an appeal is made to the National Insurance Commissioner within 21 days).

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Claims and Payments and Miscellaneous Provisions) Regulations 1971) dated 31st December 1971 is contained in House of Commons Paper No. 140 (Session 1971-72) published by Her Majesty's Stationery Office.

SI 1972/166
ISBN 0-11-020166-3

