5. CLAIMS AND PAYMENTS

The National Insurance (Claims and Payments) Regulations, 1948

1948 No. 1041

Made - - - -	18*th May*, 1948
Laid before Parliament	25*th May*, 1948
Coming into Operation	1*st June*, 1948

102.

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, 46 and 52 (2) of the National Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:— 9 & 10 Geo. 6. c. 67.

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Claims and Payments) Regulations, 1948, and shall come into operation on the 1st June, 1948.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance Act, 1946;

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act, 1946; 9 & 10 Geo. 6. c. 62.

" the Minister " means the Minister of National Insurance;

" benefit " means any benefit under the Act other than death grant;

" insurance card " means a card issued in accordance with the regulations for the time being in force under section 8 of the Act relating to the collection of contributions;

" the Commissioner " means the National Insurance Commissioner or a deputy Commissioner or a tribunal presided over by the National Insurance Commissioner or a deputy Commissioner;

" determining authority " means, as the case may require, an insurance officer, a local tribunal or the Commissioner appointed or constituted in accordance with the regulations for the time being in force under section 43 of the Act relating to the determination of claims and questions;

" pension " means retirement pension, widow's benefit or guardian's allowance, as the case may require;

" pensioner " means a person to whom any pension is payable;

" pension order " means an order for the payment through the Post Office of a weekly sum on account of a pension;

" appropriate post office " means the post office at which a pension is payable in any particular case;

" employment exchange " includes any office or place appointed by the Minister for the purpose of claiming unemployment benefit;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.

52 & 53 Vict. c. 63.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(5) For the purposes of the provisions of these regulations relating to the making of claims an increase of benefit in respect of a child or adult dependant shall be treated as a separate benefit.

(6) The provisions of Parts II and III of these regulations shall have effect in relation to any particular benefit subject to any further provision affecting that benefit contained in Part IV.

PART II

Claims

Claims to be made to the Minister in writing.

2.—(1) Every claim for benefit shall be made in writing to the Minister on the form approved by the Minister for the purpose of the benefit for which the claim is made, or in such other manner, being in writing, as the Minister may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Subject to any directions given by the Minister in any particular case or class of cases, all claims for unemployment benefit shall be made at an employment exchange.

Supply of claim forms.

3. Forms of claim shall be supplied without charge by such persons as the Minister may appoint or authorise for that purpose.

Claims not on appropriate forms.

4. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Minister may treat the claim as if it had been made on the appropriate form:

Provided that the Minister may in any such case require the claimant to complete the appropriate form.

Information to be given when making a claim for benefit.

5.—(1) Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Minister and, if reasonably so required, shall for that purpose attend at such office or place as the Minister may direct.

(2) Subject to any directions given by the Minister in any particular case or class of cases, every person who makes a claim for unemployment benefit shall lodge his insurance card at the employment exchange at which his claim is made:

Provided that where in any particular case the determining authority is satisfied that the claimant is unable or has omitted for good cause to lodge his insurance card it may, if it thinks fit, dispense with the lodging of the insurance card under this regulation.

(3) Every person who makes a claim for widowed mother's allowance or guardian's allowance or for an increase of benefit in respect of a child shall, in particular, furnish such certificate relating to the birth of the child and such other information to show that the child is or may be treated as included in that person's family, as the Minister may require.

(4) Every person who makes a claim for an increase of benefit in respect of an adult dependant shall, in particular, furnish, if required, the following information concerning such dependant:—

(*a*) his identity, date of birth, usual place of residence, occupation and relationship to the claimant;

(*b*) his position in regard to benefit under the Act and under the Industrial Injuries Act, available sources of income and the amounts contributed by any person towards his maintenance; and

(*c*) in the case of an increase in respect of a wife or a husband, a certificate of the marriage;

together with a declaration signed by the dependant confirming the information given.

Amendment of claim forms.

6.—(1) If, owing to the absence of due signature or of due certification, a claim is defective at the date of its receipt by the Minister, the Minister may, in his discretion, refer the claim to the claimant, and if the form is returned duly signed and certified within one month from the date on which it is so referred, the Minister may treat the claim as if it had been duly made in the first instance.

(2) Any person who has made a claim for a pension in accordance with the provisions of these regulations may amend his claim, at any time before a decision has been given thereon, by notice in writing delivered or sent to the Minister, and any claim so amended may be treated as if it had been made as so amended in the first instance.

Interchange with claims for other benefits under the Act.

7.—(1) Where it appears that a person who has made a claim for a benefit specified in the first column of Part I of the Schedule to these regulations may be entitled to the benefit specified opposite thereto in the second column of that Part, any such claim may be treated as a claim in the alternative for that other benefit.

(2) Where it appears that a person who has made a claim for benefit is not entitled thereto, but that some other person may be entitled to an increase of benefit in respect of him, the claim may be treated as if it were a claim by such other person for an increase of benefit in respect of the claimant.

(3) Where it appears that a person who has made a claim for an increase of benefit in respect of a child or adult dependant is not entitled thereto but that some other person may be entitled to an increase of benefit in respect of that child or adult dependant, the claim may be treated as if it were a claim by that other person for such increase.

(4) Where it appears that a person who has made a claim for guardian's allowance in respect of any child is not entitled thereto, but that the claimant, or the wife or husband of the claimant, may be entitled to an increase of benefit for that child the claim may be treated as if it were a claim by the claimant or the wife or husband of the claimant for an increase of benefit for that child.

Interchange with claims for benefit under the Industrial Injuries Act.

8.—(1) Where it appears that a person who has made a claim for—

(*a*) a benefit under the Industrial Injuries Act specified in the first column of Part II of the Schedule to these regulations may be entitled to the benefit under the Act specified opposite thereto in the second column of that Part; or

(*b*) a benefit under the Act specified in the said second column may be entitled to the benefit under the Industrial Injuries Act specified opposite thereto in the said first column;

any such claim may be treated as a claim in the alternative for that other benefit.

(2) A claim for unemployment benefit may be treated as a claim in the alternative for industrial injury benefit or unemployability supplement under the Industrial Injuries Act.

PART III

Payments

Time and manner of payment of unemployment, sickness and maternity benefits.

9. Subject to the provisions of these regulations, unemployment benefit, sickness benefit and maternity benefit shall be paid in accordance with an award thereof, as soon as is reasonably practicable after such an award has been made by the determining authority, in the following manner:—

(*a*) in the case of unemployment benefit, at weekly intervals, in cash at the employment exchange at which the claim is made, or by such other means as may appear to the Minister to be appropriate in the circumstances of any particular case;

(*b*) in the case of sickness benefit and maternity benefit, by means of orders for payment thereof payable through the Post Office, or in cash at a local office of the Ministry of National Insurance, or by other means including cash payment in the home if the circumstances of any particular case appear to the Minister to render this appropriate.

Time and manner of payment of retirement pension, widow's benefit and guardian's allowance.

10.—(1) Subject to the provisions of these regulations, pensions shall be paid weekly in advance by means of pension orders payable in each case to the pensioner, at such post office as the Minister, after enquiry of the pensioner, may from time to time determine.

(2) In every case in which there is an award by the determining authority under which a pension is payable the Minister shall cause arrangements to be made whereby, on furnishing such evidence as to identity and such other particulars as may be required, the pensioner may obtain, either through the postmaster of the appropriate post office or otherwise, a book of pension orders, and the Minister shall notify the pensioner of the appropriate post office and of the arrangements so far as they affect him.

(3) The Minister shall arrange for the issue to every pensioner, either by the postmaster at the appropriate post office or otherwise, of a fresh book of pension orders on the expiration of the previous book.

(4) Weekly sums on account of pensions shall be payable on different days of the week as follows:—

(*a*) in the case of widow's benefit and guardian's allowance—on Tuesdays; and

(*b*) in the case of retirement pension—on Thursdays or Fridays, as shall be fixed by the Minister in any particular case or class of cases.

(5) Where by reason of any provision of the Act or of these regulations the date as from which a pension would commence, or as from which a change in the rate of a pension would take effect, is a day of the week other than the appropriate day of the week for the payment of that pension, the pension shall commence only, or the change in the rate of the pension shall take effect only, as from the next such appropriate day.

(6) Where the date on which a pension (other than any widow's benefit to which the next succeeding paragraph applies) would cease to be payable is a day of the week other than that immediately preceding the appropriate day of the week for the payment of that pension, the pension shall continue to be payable in respect of the days of the week up to but not including the next such appropriate day.

(7) In the case of a woman entitled to widow's benefit immediately before becoming entitled to a retirement pension, where the date on which the widow's benefit would cease to be payable is a day of the week other than that immediately preceding the appropriate day of the week for the payment of the retirement pension, the widow's benefit shall continue to be payable in respect of the days of the week up to but not including the next such appropriate day.

(8) A book of pension orders issued to any person shall remain the property of the Minister.

(9) Any person having a book of pension orders or any unpaid pension order shall, on the termination of the pension to which such book or order relates or when requested by the Minister, deliver such book or order to the Minister or to such person as he may direct.

(10) Notwithstanding anything contained in the foregoing provisions of this regulation, the Minister may in any particular case or class of cases arrange for the payment of a pension otherwise than weekly in advance or otherwise than by means of pension orders payable to the pensioner.

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 paragraphs (2) and (3) of this regulation, he shall be disqualified for receiving—

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

(*b*) in the case of sickness benefit,—

(i) where a notice of incapacity has been given in accordance with the provisions of regulation 15, payment in respect of any period more than ten days, or

(ii) where no such notice has been given, payment in respect of any period more than three days,

before the date on which the claim is made; or

(*c*) in the case of attendance allowance, payment in respect of any period more than ten 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

(*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) 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 be,—

(*a*) in the case of unemployment benefit, the day in respect of which the claim is made; or

(*b*) in the case of sickness benefit,—

(i) where notice of incapacity has been given in accordance with the provisions of regulation 15, the period of ten days, or

(ii) where no such notice has been given, 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 ten days from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto; or

(*e*) in the case of maternity allowance, the period up to the date on which, apart from satisfying the said condition, 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:

Provided that, subject to the condition contained in the next succeeding paragraph, if the claimant proves 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.

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 three months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

Provided that in any case where there was good cause for the failure to obtain payment the said period shall be extended to six months.

(2) For the purposes of this regulation a sum payable by way of benefit shall be receivable—

(*a*) in the case of a sum payable by means of a pension order, subject to the provisions of paragraph (3) of regulation 18 on the appropriate day for the payment of the pension in the week in respect of which the order is to be paid; and

(*b*) in the case of a sum payable in any other manner, on such day as the Minister may in any such case determine.

(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 provisions of sub-paragraph (*b*) of the foregoing paragraph, notwithstanding his inability to give a receipt therefor.

Information to be given when obtaining payment of benefit.

13.—(1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable shall furnish in such manner and at such times as the Minister may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Minister may require (either as a condition on which any such sum or sums shall be receivable or otherwise), and in particular shall notify the Minister in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to the receipt thereof, as soon as reasonably practicable after the occurrence thereof.

(2) Where any sum is receivable on account of an increase of benefit in respect of an adult dependant the beneficiary shall, in such cases or classes of cases as the Minister may direct, furnish a declaration signed by such dependant confirming the particulars respecting him furnished by the claimant.

PART IV

Special provisions relating to certain benefits

Unemployment benefit.

14.—(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.

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 the following provisions 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.

(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, subject to the condition contained in the next succeeding paragraph, where the person proves that from the expiration of the said period of three days up to the day on which the notice is given there was good cause for failure to give such notice, the time shall be extended to the date on which the notice is given.

(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.

Retirement pension.

16.—(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.

PART V

Miscellaneous provisions

Persons unable to act.

17.—(1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on whose behalf a claim for benefit has been made, and who is a child or is unable for the time being to act, where no committee or receiver of his estate has been duly appointed by the Court of Protection or where in Scotland his estate is not being administered by any tutor, curator or other guardian acting or appointed in terms of law, the Minister may, upon written application being made to him, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Act and to receive and deal with any sums payable on behalf of such child or person:

Provided that—

(*a*) any such appointment by the Minister shall terminate on the day immediately prior to the date on which the Minister is notified that a committee or receiver has been appointed, or, as regards Scotland, that a tutor, curator or other guardian is acting or has been appointed;

(*b*) a person who has not attained the age of eighteen shall not be capable of being appointed to act under this regulation;

(*c*) the Minister may at any time in his absolute discretion revoke any appointment made under this regulation; and

(*d*) any person appointed under this regulation may, on giving the Minister one month's notice in writing of his intention to do so, resign his office.

(2) Anything required by these regulations to be done by or to any such person as aforesaid who is a child or who is for the time being unable to act may be done by or to the committee or receiver, tutor, curator or other guardian, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Minister and the National Insurance Fund for any sum paid, notwithstanding that such person has not attained the age of twenty-one.

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 was receivable by the deceased at the date of his death or which is payable under an award on a claim 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 thereupon any such sum shall be receivable by such person or persons:

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 by means of a pension order payment of which he had not obtained at the date of his death shall, unless the right thereto was already extinguished at that date, be receivable in accordance with the provisions of sub-paragraph (*b*) of paragraph (2) of regulation 12.

(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.

Breach of regulations.

19. If any person contravenes or fails to comply with any requirement of these regulations (not being a requirement to submit himself to medical treatment or examination) in respect of which no special penalty is provided, he shall for such offence be liable on summary conviction to a penalty not exceeding ten pounds, or where the offence consists of continuing any such contravention or failure after conviction thereof, ten pounds together with a further ten pounds for each day on which it is so continued.

Dated this 18th day of May, 1948.

James Griffiths,
Minister of National Insurance.

Wilfred Paling,
Postmaster General.

Joseph Henderson,
J. W. Snow,
Two of the Lords Commissioners of His Majesty's Treasury.

SCHEDULE

Regulation 7 (1).

PART I

Benefit claimed and benefit for which the claim may be treated as a claim in the alternative

Benefit claimed	*Alternative benefit*
Unemployment benefit.	Sickness benefit.
An increase of unemployment benefit.	An increase of sickness benefit
Sickness benefit for a woman.	Maternity allowance.
Maternity allowance.	Sickness benefit.
Retirement pension for a woman by virtue of her husband's insurance.	Widow's benefit.

Regulation 8 (1).

PART II

Benefits under the Industrial Injuries Act and the Act for which claims may be treated as interchangeable

Benefit under the Industrial Injuries Act	*Benefit under the Act*
Industrial injury benefit.	Sickness benefit.
An increase of industrial injury benefit.	An increase of sickness benefit.
Industrial death benefit for a widow in respect of her late husband.	Widow's benefit.
Industrial death benefit in respect of a child of the deceased's family.	Guardian's allowance.

EXPLANATORY NOTE

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

These Regulations provide for the manner in which all claims for benefit under the National Insurance Act, 1946 (other than death grant) and the payment of such benefit shall be made. Part II contains provisions relating to the forms on which claims are to be made, the information to be given when claiming, and the interchange between claims for certain benefits (including benefits under the National Insurance (Industrial Injuries) Act, 1946). Part III contains provisions relating to the method of payment of benefit, for the disqualification for benefit which is claimed out of time and for the extinction of the right to sums payable by way of benefit where payment is not obtained in time. Part IV contains special provisions for certain benefits. Part V makes provision for claims and payments in the case of persons unable to act, and on death, and provides for a penalty for breaches of the regulations.