STATUTORY INSTRUMENTS

1971 No. 707

SOCIAL SECURITY

The National Insurance (Claims and Payments) Regulations 1971

Made - - -	*30th April* 1971
Laid before Parliament	*7th May* 1971
Coming into Operation	*10th May* 1971

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 30(3), 48, 52 and 93(2) of the National Insurance Act 1965(**a**), as amended, in the case of the said section 48, by the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970(**b**) and, in the case of the said section 52, by the National Insurance &c. Act 1969(**c**) and the Post Office Act 1969(**d**), and of all other powers enabling him in that behalf, and for the purpose only of consolidating the regulations hereby revoked, hereby makes the following regulations :—

PART I

General

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Claims and Payments) Regulations 1971 and shall come into operation on 10th May 1971.

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

"the Act" means the National Insurance Act 1965 ;

"approved place" means a place approved by the Secretary of State for the purpose of obtaining payment of benefit ;

"the Commissioner" means the Chief National Insurance Commissioner appointed under section 9 of the National Insurance Act 1966(**e**) and any other National Insurance Commissioner so appointed or any tribunal constituted under subsection (3) of that section ;

"the Department" means the Department of Health and Social Security ;

"determining authority" means, as the case may require, an insurance officer appointed under section 68(1) of the Act, a local tribunal constituted under section 77 of the Act, or the Commissioner ;

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

(**a**) 1965 c. 51.
(**b**) 1970 c. 51.
(**c**) 1969 c. 4.
(**d**) 1969 c. 48.
(**e**) 1966 c. 6.

"instrument of payment" means a serial order or any other instrument whatsoever which is intended to enable a person to obtain payment of benefit ;

"insurance card" means a card issued in accordance with the regulations for the time being in force under section 14 of the Act relating to the collection of contributions ;

"pension" means retirement pension, widow's benefit, child's special allowance 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 of a weekly sum on account of a pension ;

"the relevant person" means the person by whom the contribution conditions for death grant are to be satisfied ;

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

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

(3) References in these regulations to any enactment or regulation shall, except in so far as the context otherwise requires, be construed as references to such enactment or regulation as amended or extended by any subsequent enactment, order or regulation and as including references to any enactment or regulation thereby consolidated.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply in relation to this instrument (including any instrument read as one therewith) and in relation to any revocation effected by it as if this instrument, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

(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 Schedules 2 and 3 to these regulations.

PART II

Claims

Claims to be made to the Secretary of State in writing

2.—(1) Every claim for benefit shall be made in writing to the Secretary of State on the form approved by him 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.

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

(**a**) 1889 c. 63.

(3) Subject as aforesaid, all claims for death grant shall be made at a local office of the Department.

Supply of claim forms

3. Forms of claim shall be supplied without charge by such persons as the Secretary of State 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 Secretary of State may treat the claim as if it had been made on the appropriate form:

Provided that the Secretary of State 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 Secretary of State and, if reasonably so required, shall for that purpose attend at such office or place as the Secretary of State may direct.

(2) Subject to any directions given by the Secretary of State 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, child's special 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 Secretary of State 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.

(5) Every person who makes a claim for a death grant shall, in particular, furnish the following information:—

(*a*) if required by the Secretary of State, a death certificate relating to the deceased; and, where the claim is in respect of the death of a child,

such certificate relating to the birth of the child, and such other information as the Secretary of State may reasonably require in support of any contention that immediately before the death of the child or relevant person, as the case may be, the child was a child of the family of the relevant person ;

(*b*) if required by the Secretary of State, the estimate or account of the undertaker.

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 Secretary of State, he may, in his discretion, refer the claim to the claimant, and if the form is returned duly signed and certified within 1 month from the date on which it is so referred, the Secretary of State 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 Secretary of State, 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 column 1 of Part I of Schedule 1 to these regulations may be entitled to the benefit specified opposite thereto in column 2 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 column (1) of Part II of Schedule 1 to these regulations may be entitled to the benefit under the Act specified opposite thereto in column (2) of that Part ; or

(*b*) a benefit under the Act specified in the said column (2) may be entitled to the benefit under the Industrial Injuries Act specified opposite thereto in the said column (1) ;

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 benefit and of death grant

9. Subject to the provisions of these regulations, unemployment benefit, sickness benefit, maternity benefit and death grant 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, by means of instrument of payment or in cash at any employment exchange or at any local office of the Department or by such other means, including cash payment in the home, as appear to the Secretary of State to be appropriate in the circumstances of any particular case.

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 approved place as the Secretary of State, after enquiry of the pensioner, may from time to time specify.

(2) In every case in which there is an award by the determining authority under which a pension is payable, the Secretary of State 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 a book of pension orders, and the Secretary of State shall notify the pensioner of the arrangements so far as they affect him.

(3) The Secretary of State shall arrange for the issue to every pensioner 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, child's special allowance and guardian's allowance—on Tuesdays; so, however, that where, in the case of a widow entitled to widow's supplementary allowance by virtue of section 4(1) of the National Insurance Act 1966, a payment by way of widow's benefit under the Act does not, but a payment of widow's pension under section 19 of the Industrial Injuries Act does, fall to be made to that widow, the days shall be Wednesdays; and

(*b*) in the case of retirement pension—on Thursdays:

Provided that—

(i) in the case of a woman who, immediately before becoming entitled to retirement pension, was entitled to widow's benefit, the days shall be Tuesdays;

(ii) where a woman becomes entitled to a retirement pension immediately following the payment to her husband of an increase of

retirement pension in respect of her, the retirement pension to which she becomes entitled shall be payable on the same days as those upon which the retirement pension of her husband is payable ;

(iii) where, in relation to any person, any particular day of the week has become the appropriate day of the week for the payment of retirement pension, that day shall thereafter remain the appropriate day in his case for such payment ;

(iv) in the case of a person who becomes entitled to a retirement pension in respect of any period before the 1st January 1968, the days on which weekly sums on account of pension shall be payable shall be Mondays.

(5) Where by reason of any provision of the Act or of any 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 Secretary of State.

(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 Secretary of State, deliver such book or order to the Secretary of State or to such person as he may direct.

(10) Notwithstanding anything contained in the foregoing provisions of this regulation, the Secretary of State 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.

Time for claiming benefit

11.—(1) Subject to the provisions of Schedule 3 to these regulations—

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

(*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 that Schedule.

(2) If in any case 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 for making that claim shall (subject to the provisions of section 49(4) of the Act) be extended to the date on which the claim is made:

Provided that the foregoing provisions of this paragraph shall not—

(*a*) be applied in relation to a claim for a maternity grant in respect of expectation of the claimant's confinement; or

(*b*) so be applied, in relation to a claim for a maternity allowance in respect of expectation of the claimant's confinement, that the prescribed time for making that claim is extended to the date of the confinement or to any date thereafter.

(3) If in any case the claimant proves that—

(*a*) 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*) 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 section 49(4) of the Act) be disqualified under Schedule 2 to these regulations for receiving any benefit to which he would have been entitled if the claim had been made on the said earlier date:

Provided that, where the claimant is a woman claiming a maternity allowance in respect of expectation of her confinement, the foregoing provisions of this paragraph shall be applied only if the claim is made before the date of the confinement.

Extinguishment of right to sums payable 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 obtained within the period of 12 months from the date on which the right is to be treated as having arisen; and for the purpose of this regulation the right shall be treated as having arisen—

(*a*) in relation to any such sum contained in an instrument of payment which has been given or sent, for the purposes of making payment thereof, to the beneficiary or to an approved place 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 instrument of payment; or

(ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;

(*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 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 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).

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 Secretary of State may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Secretary of State may require (either as a condition on which any such sum or sums shall be receivable or otherwise), and in particular shall notify the Secretary of State 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 case as the Secretary of State may direct, furnish a declaration signed by such dependant confirming the particulars respecting him furnished by the claimant.

PART IV

Miscellaneous provisions

Persons unable to act

14.—(1) In the case of any person to whom benefit is payable, or who is

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

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 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 Secretary of State 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 that child or person:

Provided that—

(*a*) any such appointment by the Secretary of State shall terminate on the day immediately prior to the date on which the Secretary of State is notified that a 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 18 shall not be capable of being appointed to act under this regulation;

(*c*) the Secretary of State 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 Secretary of State 1 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 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 Secretary of State and the National Insurance Fund for any sum paid.

Payments on death

15.—(1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, or in respect of whose death a death grant is alleged to be payable, the Secretary of State 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:

Provided that in the case of a death grant a claim may be made by any person specified in the next following paragraph of this regulation.

(2) Subject to the provisions of paragraph (6) of this regulation, any sum payable by way of benefit which is payable under an award on a claim proceded with or made under the foregoing paragraph may be paid or distributed by the Secretary of State 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 of these regulations shall apply to any such payment or distribution:

Provided that—

(*a*) the receipt of any such person who has attained the age of 16 shall be a good discharge to the Secretary of State and the National Insurance Fund for any sum so paid; and

(*b*) where the Secretary of State is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 16, 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 Secretary of State that he will apply the sum so paid for the benefit of the person under the age of 16.

(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 the said regulation 12 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose 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.

(4) In relation to a death grant, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so however that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the National Insurance Fund any death grant so paid to him.

(5) Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him.

(6) 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 Secretary of State within 12 months from the date of the deceased's death or within such longer period as the Secretary of State may allow in any particular case.

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

Breach of regulations

16. 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 £10·00 or, where the offence consists of continuing any such contravention or failure after conviction thereof, £10·00 together with a further £10·00 for each day on which it is so continued.

Transitional provisions and revocations

17.—(1) The provisions of section 49(4) of the Act in force immediately before 12th March 1969 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 these regulations shall apply to any right to a sum by way of benefit accruing before 12th March 1969 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.

(3) The regulations specified in column 1 of Schedule 4 to these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

(4) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(5) So much of any document as refers expressly or by implication to any regulation revoked by these regulations shall, if and so far as the context permits, be construed as referring to the corresponding provision of these regulations.

(6) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 1(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeal) with regard to the effect of revocations.

Signed by authority of the Secretary of State for Social Services.

Paul Dean,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

28th April 1971.

V. H. Goodhew,
P. L. Hawkins,
Two of the Lords Commissioners
of Her Majesty's Treasury.

30th April 1971.

SCHEDULE 1

Regulation 7(1)

PART I

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

Benefit claimed (1)	Alternative benefit (2)
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 (1)	Benefit under the Act (2)
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
Increase of disablement pension where constant attendance needed	Attendance allowance

Regulations 1(6) and 11

SCHEDULE 2

SHOWING PRESCRIBED TIMES FOR CLAIMING BENEFIT AND DISQUALIFICATONS FOR BENEFIT ARISING BY REASON OF LATE CLAIMS

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.

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)
2. Sickness benefit (not being an increase of benefit in respect of a child or adult dependant)—		
(*a*) Where the claim is an original claim, that is to say, where the claimant has at no time made a claim for sickness benefit under the Act or a claim for injury benefit under the Industrial Injuries Act (or 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).	(*a*) The period of 21 days from the earliest day in respect of which the claim is made.	(*a*) Benefit in respect of any day more than 21 days before the date on which the claim is made.
(*b*) Where the claim is not an original claim but is the first claim made by the claimant after he has become or again become incapable of work.	(*b*) The period of 6 days from the earliest day in respect of which the claim is made.	(*b*) Benefit in respect of any day more than 6 days before the date on which the claim is made.
(*c*) Where the claim is a continuation claim, that is to say, a claim to which neither sub-paragraph (*a*) nor sub-paragraph (*b*) of this paragraph applies.	(*c*) The period of 10 days from the earliest day in respect of which the claim is made.	(*c*) Benefit in respect of any day more than 10 days before the date on which the claim is made.
3. Maternity benefit—		
(*a*) Maternity grant in respect of expectation of confinement.	(*a*) The period beginning with the 9th contribution week before the contribution week in which it is to be expected that the claimant will be confined and ending immediately before the date of the confinement.	The benefit claimed.
(*b*) Maternity grant by virtue of the fact of confinement.	(*b*) The period of 3 months beginning with the date of the confinement.	
(*c*) Maternity allowance in respect of expectation of confinement (not being an increase of benefit in respect of a child or adult dependant).	(*c*) The period of 3 weeks beginning with the 14th contribution week before the contribution week in which it is to be expected that the claimant will be confined.	Benefit in respect of any period before the beginning of the contribution week in which the claim is made.
(*d*) Maternity allowance by virtue of the fact of confinement (not being an increase of benefit in respect of a child or adult dependant).	(*d*) The period of 3 weeks beginning with the date of the confinement.	

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)
(*e*) Increase of maternity allowance in respect of a child or adult dependant.	(*e*) The longer of the 2 following periods— (i) the period of 1 month from the first day of the period in respect of which the claim is made; or (ii) the period beginning with that day and ending 1 month after the date on which the claim (not being a claim made after the prescribed time therefor) for the allowance (other than the increase) is made.	(*e*) Benefit in respect of any period more than 1 month 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 3 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 3 months before the date on which the claim is made.
5. Death grant.	The period of 6 months (or such longer period as the Secretary of State may determine in the circumstances of any particular case) from the date of the death of the deceased.	The benefit claimed.
6. Increase, in respect of a child or adult dependant, of unemployment or sickness benefit.	The longer of the 2 following periods— (i) the period of 1 month from the day in respect of which the claim is made; or (ii) the period beginning with that day and ending 1 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.

Regulations 1(6) and 11

SCHEDULE 3

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

Unemployment Benefit

1.—(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 Secretary of State may direct, at such times as the Secretary of State 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 2 miles, but not more than 4 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 Secretary of State may direct; and

(*b*) a claimant residing more than 4 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 Secretary of State 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.

Sickness Benefit

Hospital in-patients

2.—(1) When it is being determined whether the provisions of regulation 11(2) or regulation 11(3)(*b*) of these regulations have been satisfied by a person who is, or has been, an in-patient in a hospital, and who makes a claim for sickness benefit, any such provision shall, in relation only to that 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 13 weeks thereafter or 3 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 13 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 that 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 3 weeks;

(*b*) the expression "hospital" means any institution for the reception and treatment of persons suffering from illness and any maternity home (and, for this purpose, "illness" includes mental disorder 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

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 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 benefit,

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

Maternity Allowance

4. A claim for an increase of maternity allowance in respect of a child or adult dependant may be made before the prescribed time for making such a claim if, but only if—

(*a*) the claimant is entitled to a maternity allowance, or would be so entitled if she made the necessary claim; and

(*b*) in a case where the day on which the claim for the increase is to be made occurs before the commencement of the period for which the allowance is or would be payable, the claimant would be entitled to an increase of the allowance for that day in respect of the child or adult dependant in respect of whom the claim is to be made if the allowance were payable to her for a period including that day and she made the necessary claim, or, in any other case, the claimant is so entitled or would be so entitled if she made the necessary claim:

Provided that a claim which is so made shall be treated as not having been made unless, within the prescribed time for making such a claim, the claimant furnishes such certificates, documents, information and evidence as may be required in accordance with the provisions of regulation 5 of these regulations.

Retirement Pensions

5.—(1) A claim for retirement pension may be made at any time not more than 4 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 for the purpose of section 30(3) of the Act shall be given to the Secretary of State in writing and shall specify a date, being a date not earlier than the date on which the person giving the notice attains pensionable age and not later than the expiration of the period of 4 months after the date on which the notice is given, as the date of that person's retirement.

(3) For the purposes of paragraph (*a*) of the said section 30(3) the prescribed period shall be the period of 1 month:

(a) S.I. 1967/520 (1967 I, p. 1702).

Provided that the prescribed period shall be extended to the commencement of any continuous period immediately preceding the said period of 1 month throughout which the person giving the notice proves there was good cause for the delay in giving such notice, so however that the prescribed period shall in no case exceed 12 months.

(4) For the purpose of facilitating the determination of a subsequent claim for retirement pension, a person may at any time not more than 4 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 Secretary of State in a form approved by him for that purpose with a view to the determination (in advance of a claim) of any question 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.

Regulation 17

SCHEDULE 4

Regulations revoked (1)	Reference (2)	Extent of revocation (3)
The National Insurance (Claims and Payments) Regulations 1948.	S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).	The whole of the regulations.
The National Insurance (Death Grant) Regulations 1949.	S.I. 1949/1204 (1949 I, p. 2708).	Regulation 12 and Schedule 2.
The National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations 1951.	S.I. 1951/1232 (1951 I, p. 1457).	Regulation 17.
The National Insurance (Claims and Payments) Amendment Regulations 1952.	S.I. 1952/1207 (1952 II, p. 2122).	The whole of the regulations.
The National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations 1954.	S.I. 1954/189 (1954 I, p. 1387).	Regulation 19 and Parts III, IV and V of Schedule 1.
The National Insurance (Claims and Payments) Amendment Regulations 1957.	S.I. 1957/578 (1957 I, p. 1516).	The whole of the regulations.
The National Insurance (Claims and Payments) Amendment (No. 2) Regulations 1957.	S.I. 1957/1357 (1957 I, p. 1518).	The whole of the regulations.
The National Insurance (Child's Special Allowance) Regulations 1957.	S.I. 1957/1835 (1957 I, p. 1523).	The provisions in the Schedule relating to the National Insurance (Claims and Payments) Regulations 1948.
The National Insurance (Death Grant) (Consequential Provisions) Regulations 1957.	S.I. 1957/2179 (1957 I, p. 1527).	Regulation 2 and Part I of the Schedule.
The National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations 1961.	S.I. 1961/557 (1961 I, p. 1228).	Part I of Schedule 2 and Part I of Schedule 3.

Regulations revoked (1)	Reference (2)	Extent of revocation (3)
The National Insurance (Claims and Payments) Amendment Regulations 1964.	S.I. 1964/1110 (1964 II, p. 2472).	The whole of the regulations.
The National Insurance (Miscellaneous Consequential Amendments and Transitional Provisions) Regulations 1966.	S.I. 1966/1010 (1966 II, p. 2407).	Regulation 2.
The National Insurance (Claims and Payments) Amendment Regulations 1967.	S.I. 1967/1125 (1967 II, p. 3285).	The whole of the regulations.
The National Insurance (Claims and Payments) Amendment Regulations 1969.	S.I. 1969/289 (1969 I, p. 788).	The whole of the regulations.
The National Insurance (Claims and Payments) Amendment (No. 2) Regulations 1969.	S.I. 1969/339 (1969 I, p. 945).	The whole of the regulations.
The Family Allowances, National Insurance and Industrial Injuries (Post Office Act 1969 Consequential) Regulations 1969.	S.I. 1969/1135 (1969 II, p. 3371).	Regulation 3.
The National Insurance (Attendance Allowance) Regulations 1971.	S.I. 1971/621 (1971 I, p. 1623).	Regulation 12.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made for the purpose only of consolidating Regulations hereby revoked and accordingly, by virtue of section 108(9)(*c*) of the National Insurance Act 1965, no reference of them has been made to the National Insurance Advisory Committee.

The Regulations provide for the manner in which claims for and payments of benefit under the National Insurance legislation are to be made. Part I contains various definitions. 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 1965. Part III contains provisions relating to the time and manner of payment of benefit, disqualification for benefit which is claimed out of time, and extinguishment of the right to sums payable by way of benefit where payment is not obtained in time. Part IV contains miscellaneous provisions relating to persons unable to act or who have died, penalties for breaches of the regulations transitory matters and revocations.