STATUTORY INSTRUMENTS

1971 No. 1478

SOCIAL SECURITY

The National Insurance (General Benefit and Claims and Payments) Amendment Regulations 1971

Made - - -	*6th September* 1971
Laid before Parliament	*17th September* 1971
Coming into Operation	*23rd September* 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 48(1), 52(1) and 81(3) of the National Insurance Act 1965(**a**), as amended, in the case of the said section 52(1), by section 2(1) of the National Insurance &c. Act 1969(**b**) and section 141(1) of and Part II of Schedule 11 to the Post Office Act 1969(**c**), and of all other powers enabling him in that behalf, hereby makes the following regulations, which contain no provisions other than such as are made in consequence of the National Insurance Act 1971(**d**) and which accordingly by virtue of section 16(3) of and paragraph 2(1)(*a*) of Schedule 6 to that Act are exempt from the requirements of section 108 of the said Act of 1965 (reference to the National Insurance Advisory Committee) :—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (General Benefit and Claims and Payments) Amendment Regulations 1971, and shall come into operation on 23rd September 1971.

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

Amendment of the National Insurance (General Benefit) Regulations 1970

2. Regulation 13 (interim payments, arrears and repayments) of the National Insurance (General Benefit) Regulations 1970(**e**), as amended (**f**), shall be further amended by the insertion, after paragraph (10), of the following paragraph—

"(11) The provisions of paragraph (10) of this regulation shall, subject to the necessary modifications, apply in a case in which a claim for invalidity benefit has been made in accordance with the provisions of paragraph 3A of Schedule 3 to the National Insurance (Claims and Payments) Regulations 1971(**g**), as amended by the National Insurance (General Benefit and Claims and Payments) Amendment Regulations 1971(**h**), and in which, under arrangements made by the Secretary of State with the consent of the Treasury, payment by way of invalidity benefit has been made to the claimant pending the determination of that claim."

(**a**) 1965 c. 51.
(**b**) 1969 c. 4.
(**c**) 1969 c. 48.
(**d**) 1971 c. 50.
(**e**) S.I. 1970/1981 (1970 III, p. 6461).
(**f**) The relevant amending instrument is S.I. 1971/1419(1971 II, p. 3964).
(**g**) S.I. 1971/707 (1971 I, p. 1908).
(**h**) S.I. 1971/1478(1971 III, p. 4155).

Amendment of the National Insurance (Claims and Payments) Regulations 1971

3. Schedule 3 (special provisions relating to time for claiming benefit) of the National Insurance (Claims and Payments) Regulations 1971(**a**), as amended (**b**), shall be further amended by the insertion, after paragraph 3, of the following—

"*Invalidity Benefit*

3A. Where, for the purposes of the provisions of the National Insurance (Medical Certification) Regulations 1967(**c**), as amended (**d**), it has been certified that a person is incapable of work and will continue to be so incapable for the period specified in the certificate, a claim for invalidity benefit may, unless the Secretary of State otherwise directs, be made by that person in respect of that period, or such shorter period as the Secretary of State may in the circumstances determine, and any claim for invalidity benefit made by any such person may, if it is made on the form containing the certificate, be treated by the Secretary of State as a claim made in respect of any days in the period specified in the certificate or in any such shorter period, as the case may be."

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 August 1971.

Bernard Weatherill,
V. H. Goodhew,
Two of the Lords Commissioners of
Her Majesty's Treasury.

6th September 1971.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations contain no provisions other than such as are made in consequence of the National Insurance Act 1971 and accordingly, by virtue of paragraph 2 of Schedule 6 to that Act, no reference of them has been made to the National Insurance Advisory Committee.

These Regulations amend the provisions of the National Insurance (General Benefit) Regulations 1970 and the National Insurance (Claims and Payments) Regulations 1971 so that payments of invalidity benefit may, in certain cases, be made by the Secretary of State, with the consent of the Treasury, pending the determination of claims for such benefit by the statutory authorities.

(**a**) S.I. 1971/707 (1971 I, p. 1908).
(**b**) There is no amendment which relates expressly to the subject matter of these regulations.
(**c**) S.I. 1967/520 (1967 I, p. 1702).
(**d**) S.I. 1971/1419 (1971 II, p. 3964).

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