1982 No. 302

SOCIAL SECURITY

The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1982

Made	*22nd September 1982*
Coming into operation . . .	*18th October 1982*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 79(1) and (3) of the Social Security (Northern Ireland) Act 1975(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(**b**) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1982 and shall come into operation on 18th October 1982.

(2) In these regulations "the principal regulations" means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(**c**).

Substitution of regulation 4 of the principal regulations

2. For regulation 4 of the principal regulations (claims to be made to the Department in writing) there shall be substituted the following regulation—

"*Manner in which claims are to be made*

4. A claim for benefit is made in the prescribed manner if it is made in writing to the Department—

(*a*) on the form approved by it for the purpose of the benefit for which the claim is made and that form is duly completed; or

(*b*) in such other manner, being in writing, as the Department may accept as sufficient in the circumstances of any case or class of cases,

and, subject to any directions given by the Department in any particular case or class of cases, a person claiming unemployment benefit shall attend in person at a social security office.".

Amendment of regulation 12 of the principal regulations

3. After paragraph (3) of regulation 12 of the principal regulations (forward allowance and disallowance of unemployment benefit) there shall be inserted the following paragraph—

"(3A) Where the Department certifies that it is of the opinion that, as regards any case or class of cases in which the claimant's employment as an employed earner has not been terminated, the awarding and payment of unemployment

(a) 1975 c. 15
(b) 1980 c. 30
(c) S.R. 1977 No. 351; the relevant amending regulations are S.R. 1981 No. 281

benefit can be adequately controlled without the application of the usual provisions of these regulations—

(*a*) an insurance officer may treat a claim for unemployment benefit made—

(i) while such certificate has effect, or

(ii) within 28 days before the date on which the certificate is issued, whether or not benefit has already been allowed on such claim, or

(iii) while a previous certificate under this paragraph has effect so as to allow that claim to be treated as made for a period after the date on which it was made,

as a claim for that benefit for a period not exceeding 13 weeks after the date of the claim;

(*b*) the provisions of sub-paragraphs (*aa*) to (*c*) of paragraph (3) shall apply to any claim treated as extended under this paragraph as if each reference to a claim treated as extended under paragraph (3)(*a*) were a reference to a claim treated as extended under this paragraph and as if the reference in paragraph (3)(*aa*) to 26 weeks were a reference to 13 weeks.''.

Amendment of regulation 13 of the principal regulations

4. In regulation 13(2) of the principal regulations (special provisions relating to claims for unemployment benefit made during periods connected with public holidays) for ''regulation 12(3)'' there shall be substituted ''regulation 12(3) or (3A)''.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 22nd September 1982.

(L.S.) *I. M. S. Jordan* (Miss)
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend provisions of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 (''the principal regulations'').

Regulation 2 substitutes a revised version of regulation 4 of the principal regulations, making it clear that the prescribed manner of claiming benefit is either duly completing the form approved by the Department for the purpose of the benefit claimed or such other manner in writing as it may accept as sufficient.

Regulation 3 inserts paragraph (3A) into regulation 12 of the principal regulations enabling insurance officers to treat claims for unemployment benefit from claimants whose employment as an employed earner has not been terminated (''temporarily stopped'' claimants) as claims for up to 13 weeks where the Department has certified that adequate control can be exercised over awarding and paying benefit. It also enables awards to be made on such claims as if they were claims treated as extended under the existing paragraph (3) of regulation 12.

Regulation 4 makes a consequential amendment to regulation 13 of the principal regulations.