STATUTORY INSTRUMENTS

1969 No. 293

SOCIAL SECURITY

The Supplementary Benefit (Claims and Payments) Amendment Regulations 1969

Made - - -	*6th March* 1969
Laid before Parliament	*11th March* 1969
Coming into Operation	*12th March* 1969

The Secretary of State for Social Services, in exercise of his powers under section 17(1)(*e*) of the Ministry of Social Security Act 1966(**a**) and section 2(4) of the National Insurance &c. Act 1969(**b**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1. These regulations, which may be cited as the Supplementary Benefit (Claims and Payments) Amendment Regulations 1969, shall be read as one with the Supplementary Benefit (Claims and Payments) Regulations 1966(**c**) as amended(**d**) (hereinafter referred to as "the principal regulations") and shall come into operation on 12th March 1969.

Regulation substituted for regulation 9 of the principal regulations

2. For regulation 9 of the principal regulations there shall be substituted the following regulation:—

"*Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period*

9.—(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 purposes of this regulation the right shall be treated as having arisen—

(*a*) in relation to any such sum contained in a serial order or draft which has been given or sent, for the purpose of making payment thereof, to the beneficiary, or to a post office 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 serial order or draft; or

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

(*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—

(a) 1966 c. 20.
(b) 1969 c. 4.
(c) S.I. 1966/1067 (1966 II, p. 2622).
(d) S.I. 1967/422 (1967 I, p. 1362).

(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 for Social Services 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 Commission is satisfied that—

(*a*) after the expiration of the said period of 12 months the said 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 date 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 Commission 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."

Amendment to regulation 13 *of the principal regulations*

3. Regulation 13 of the principal regulations (payments on death) shall be amended as follows:—

(i) in paragraph (3) for the proviso there shall be substituted the following proviso:—

"Provided that, for the purposes of the said regulation 9, 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."

(ii) in paragraph (4) for "six months" there shall be substituted "12 months".

Transitional provisions

4. The provisions of regulation 9 of the principal regulations as substituted by these regulations shall apply to any right to a sum by way of benefit arising before the coming into operation of these regulations except 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 caused or would have caused that right to be extinguished.

R. H. S. Crossman,
Secretary of State for Social Services.

6th March 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Supplementary Benefit (Claims and Payments) Regulations 1966 so as to extend from 6 to 12 months the period after which the right to benefit under the Ministry of Social Security Act 1966 is extinguished if payment has not been obtained. They also contain consequential and transitional provisions.