STATUTORY INSTRUMENTS

1966 No. 1067

SOCIAL SECURITY

The Supplementary Benefit (Claims and Payments) Regulations 1966

Made - - - -	*12th August* 1966
Laid before Parliament	*24th August* 1966
Coming into Operation	*25th August* 1966

The Minister of Social Security, in exercise of the powers conferred by section 17(1) of, and paragraph 2(3) of Schedule 2 to, the Ministry of Social Security Act 1966(a), and all other powers enabling her in that behalf, hereby makes the following regulations:—

PART I

General

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefit (Claims and Payments) Regulations 1966 and shall come into operation on 25th August 1966.

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

"the Act" means the Ministry of Social Security Act 1966(a);

"beneficiary" means a person entitled to benefit under the Act;

"the Commission" means the Supplementary Benefits Commission;

"draft" means a postal draft, payable order or any other instrument whatsoever (except a serial order) which is payable through the Post Office or a bank;

"employment exchange" includes any office or place appointed by the Minister for the purpose of claiming unemployment benefit under the National Insurance Acts 1965(b) and 1966(c);

"the Minister" means the Minister of Social Security;

"Ministry" means Ministry of Social Security;

"serial order" means one of a series of orders for the payment through the Post Office 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 regulations shall, unless the context otherwise requires, include references to such enactment or regulations, as amended by any subsequent enactment, order or regulations, and to any enactments, orders or regulations which replace them by provisions which deal with the same subject matter and are (so far as material) to the like effect.

(a) 1966 c. 20. (b) 1965 c. 51. (c) 1966 c. 6.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

PART II

Claims

Claims to be in writing

2.—(1) Every claim for benefit shall be made in writing and delivered or sent to an office of the Ministry on a form approved by the Minister for the purpose of the benefit for which the claim is being 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) 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.

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.

Information to be given in connexion with a claim

4. 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 Commission and, if reasonably so required, shall for that purpose attend at any office or place as the Commission may direct.

Amendment of claim forms

5. If, owing to the absence of due signature, a claim is defective at the date of its receipt by the Minister, he may, in his discretion, refer the claim to the claimant and if the form is returned duly signed 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.

Time for making claims

6.—(1) A claim to a supplementary pension or supplementary allowance shall be made not later than the beginning of the first period to which it relates.

(2) Claims to any benefit under section 6 of the Act (requirements for certain medical appliances or services) shall be made not later than six months after the appliance or service was provided.

(3) Notwithstanding anything in the preceding paragraphs of this regulation, the Commission, where they are satisfied that there are exceptional circumstances justifying it in any particular case, may treat a claim as having been made on such date as they may determine.

(a) 1889 c. 63.

PART III

Payments

Time and manner of payment

7. Any payment of benefit shall be made in such manner and at such times as the Minister in any particular case or class of cases may determine.

Orders for payment

8.—(1) Drafts, serial orders and books of serial orders issued by the Minister to enable a person to obtain payment of benefit shall remain the property of the Minister.

(2) Any person having such a draft, serial order or book of serial orders shall on ceasing to be entitled to the benefit to which the draft or serial order relates or when so required by the Minister, deliver the draft, serial order or book of serial orders to the Minister or to such person as he may direct.

Extinguishment of sums payable by way of benefit

9.—(1) The right to any sum payable by way of benefit shall be extinguished where payment thereof is not obtained within the period of six months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

Provided that in calculating the said period of six months no account shall be taken of—

(*a*) any period during which a serial order or draft containing the sum is in the possession of the Minister or an employment exchange or any post office at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection;

(*b*) any period during which the Minister has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;

(*c*) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or

(*d*) any period during which the determination of any question as to such extinguishment is pending.

(2) For the purposes of this regulation, a sum payable by way of benefit shall, subject to the provisions of the next following paragraph and of paragraph (3) of regulation 13, be receivable—

(*a*) in the case of a sum contained in a serial order, on the date on which the order is due to be paid;

(*b*) in the case of a sum contained in a draft—

(i) if the draft 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 issue of the draft;

(*c*) in the case of a sum not contained in a serial order or draft, where notice is given orally or in writing that the sum is available for collection—

(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

(*d*) in any case to which none of the preceding sub-paragraphs of this paragraph applies, six months (or such longer period as the Minister may determine in the circumstances of any particular case) after the date on which the sum became payable.

(3) In determining when a sum is receivable under the provisions of the foregoing paragraph, the following provisions shall apply:—

(*a*) If a person proves that through no fault of his own he did not receive any such serial order or draft or written notice until a date later than the appropriate receivable date determined in accordance with the provisions of the foregoing paragraph, the sum contained in the order or draft or referred to in the notice shall be receivable—

(i) on that later date, or

(ii) on the date which is six months after the said appropriate receivable date,

whichever is the earlier.

(*b*) if a person proves that through no fault of his own he has not received any such serial order or draft or written notice, the sum contained in the original order or draft or referred to in the notice shall be receivable—

(i) on the date determined in accordance with the provisions of the foregoing paragraph on the basis of the issue of any further order or draft or notice in respect of that sum, or

(ii) on the date which is six months after the receivable date determined in accordance with the provisions of the foregoing paragraph on the basis of the original order or draft or notice,

whichever is the earlier.

(*c*) Subject to the provisions of paragraph (3) of regulation 13 and of the preceding sub-paragraph, a sum which, in accordance with the foregoing provisions of this regulation, was receivable on any date shall remain receivable on that date notwithstanding the issue since that date of a serial order or draft or notice in respect of that sum or any part thereof.

(4) 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 foregoing provisions of this regulation, notwithstanding his inability to give a receipt therefor.

Information to be given in connexion with payment of benefit

10. 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.

PART IV

Miscellaneous provisions

Persons unable to act

11.—(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 unable for the time being to act—

(*a*) 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; or

(*b*) in an urgent case whether or not the condition contained in sub-paragraph (*a*) of this paragraph is satisfied;

the Minister may upon written application being made to him, appoint a person to exercise on behalf of the person who is unable to act any right to which that person may be entitled under the Act and to receive and deal with any sums payable on behalf of such person:

Provided that—

(i) except in a case to which sub-paragraph (*b*) of this paragraph applies, 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;

(ii) a person who has not attained the age of 18 years shall not be capable of being appointed to act under this regulation;

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

(iv) 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; and

(v) any woman falling within paragraph 3(1) of Schedule 2 to the Act who is a former beneficiary for the purposes of paragraph 4 of Schedule 7 to the Act may be appointed under this paragraph to act on behalf of her husband without her having made written application.

(2) Anything required by these regulations to be done by or to any such person as aforesaid 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 for any sum paid notwithstanding that such person has not attained the age of 21 years.

Payments for the purposes of paragraph 2(3) of Schedule 2 to the Act

12. For the purposes of paragraph 2(3) of Schedule 2 to the Act (aggregation of benefit and such other payments as may be prescribed by the Minister for the purpose of disregarding negligible amounts and fractions of a shilling), the other payments there referred to shall be payments of

unemployment benefit payable under the National Insurance Acts 1965(a) and 1966(b) and that sub-paragraph shall apply where the Minister has arranged for such payments and the benefit under the Act to be paid together whether in cash, by serial order or by draft.

Payments on death

13.—(1) On the death of a person who has made a claim to benefit the Minister may appoint such person as he may think fit to proceed with the claim to 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 is payable under a determination on a claim proceeded with 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 the provisions of regulation 9 shall apply to any such payment or distribution:

Provided that—

(*a*) the receipt of any such person who has attained the age of 16 years shall be a good discharge to the Minister for any such 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 16 years, 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 16 years.

(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 regulation 9 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of regulation 9(1) the period of six months shall be calculated from the date on which it was receivable by any such person, and not from the date on which it was receivable by the deceased, and for this purpose the reference in regulation 9(2)(*d*) to the date on which the sum became payable shall be construed as a reference to the date of the application to the Minister made in accordance with the next following paragraph of this regulation.

(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.

Margaret Herbison,
Minister of Social Security.

12th August 1966.

(a) 1965 c. 51. (b) 1966 c. 6.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the manner in which claims for benefit under the Ministry of Social Security Act 1966 and the payment of such benefit shall be made. Part I is formal. Part II deals with the forms on which claims are to be made and the information to be given when claiming; Part III with the manner and time of payment of benefit, the extinction of the right to sums payable by way of benefit where payment is not obtained in time and the information to be given in connexion with payment of benefit; and Part IV with persons unable to act and payments on death. This Part also provides that where unemployment benefit and benefit under the Act are to be paid together it is the aggregate of the two benefits which is to be rounded to the nearest shilling under paragraph 2 of Schedule 2 to the Act.