STATUTORY INSTRUMENTS

1977 No. 1142

SOCIAL SECURITY

The Supplementary Benefits (Claims and Payments) Regulations 1977

Made- - - -	*8th July* 1977
Laid before Parliament	*8th July* 1977
Coming into Operation	*29th July* 1977

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

Regulation

1. Citation, commencement and interpretation.
2. Revocations.

PART II

CLAIMS

3. Manner in which claims are to be made.
4. Information to be given in connection with claims.
5. Time for making claim to pension or allowance.

PART III

PAYMENTS

6. Time and manner of payment of pensions and allowances.
7. Time and manner of payment of other benefits.
8. Information to be given in connection with payment of benefit.
9. Instruments of payment.
10. Payment of negligible amounts of benefit.
11. Payment of fractional amounts of benefit.
12. Extinguishment of right to payment of sums by way of benefit where payment is not obtained within the prescribed period.

PART IV

MISCELLANEOUS PROVISIONS

13. Persons unable to act.
14. Payment to a person under age 18.
15. Payments on death.

SCHEDULE—Revocations

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 2(2) and 14(1) and (2) of, and paragraph 2(2) of Schedule 1 to, the Supplementary Benefits Act 1976**(a)**, as amended in the case of the said section 2(2) by section 14(4) of the Social Security (Miscellaneous Provisions) Act 1977**(b)**, and of all other powers enabling him in that behalf, and with the consent of the Treasury so far as relates to the powers conferred by section 2(2) of the said Act of 1976, hereby makes the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Supplementary Benefits (Claims and Payments) Regulations 1977 and shall come into operation on 29th July 1977.

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

"the Act" means the Supplementary Benefits Act 1976;

"allowance" means a supplementary allowance;

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

"benefit" means supplementary benefit;

"beneficiary" means a person entitled to benefit;

"claim" means a claim to benefit and cognate expressions shall be construed accordingly;

"the Commission" means the Supplementary Benefits Commission;

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

"determining authority" means, as the case may require, the Commission or the Appeal Tribunal;

"the General Regulations" means the Supplementary Benefits (General) Regulations 1977**(c)**;

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

"pension" means a supplementary pension;

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

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

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

(3) Unless the context otherwise requires, any reference in these regulations to—

(*a*) a numbered regulation is a reference to the regulation bearing that number in these regulations and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;

(a) 1976 c.71. (b) 1977 c.5. (c) S.I. 1977/1141 (1977 II, p. 3190).

(*b*) any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it with or without modification.

(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 in relation to this instrument and in relation to the revocations 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.

Revocations

2. The regulations specified in the Schedule hereto are hereby revoked.

PART II
CLAIMS

Manner in which claims are to be made

3.—(1) Every claim for benefit shall be made in writing to the Secretary of State on a form approved by the Secretary of State for the purpose of the benefit for which the claim is being 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 and shall, subject to paragraph (2), be delivered or sent to an office of the Department.

(2) Where a claimant registers for employment in accordance with regulation 4 of the General Regulations the claim may be delivered (for forwarding to an office of the Department) to the unemployment benefit office which he attends for the purposes of such registration.

(3) Forms of claim shall be supplied without charge by such persons as the Secretary of State may appoint or authorise for that purpose.

(4) The date on which a claim is made shall be the date on which it is received in an office of the Department or, in a case where paragraph (2) applies, the date, if earlier, on which it is received at the unemployment benefit office.

(5) If a claim is defective at the date when it is received at an office of the Department, or has been made otherwise than on the form approved for the time being, the Secretary of State may, in his discretion, refer the claim to the person making it, or, as the case may be, supply him with the approved form, and if the form is returned properly completed within one month from the date on which it is so referred or supplied, the Secretary of State may treat the claim as if it had been duly made in the first instance.

(6) Notwithstanding anything in paragraphs (1) to (5) the Secretary of State may in any particular case or class of cases accept an oral claim for benefit under section 3 of the Act (benefit to meet exceptional needs).

(a) 1889 c.63.

Information to be given in connection with claims

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.

Time for making claim to pension or allowance

5.—(1) Subject to paragraph (2), a claim to a pension or allowance shall be made not later than the beginning of the first period for which it is payable.

(2) Where they are satisfied that there are exceptional circumstances justifying it in any particular case or class of cases, the determining authority may treat a claim as having been made on such earlier date as they may determine.

PART III
PAYMENTS

Time and manner of payment of pensions and allowances

6.—(1) A pension or allowance shall be paid weekly, on or as soon as is reasonably practicable after the first day of the benefit week for which it is payable, by means of an instrument of payment unless in any particular case or class of cases the Secretary of State makes other arrangements for payment including payment otherwise than weekly.

(2) Where a pension or allowance which is being paid by means of a book of serial orders is increased on review by the determining authority under regulation 9 of the General Regulations by an amount which, with any previous such increases, is less than 50p the Secretary of State may defer payment of that increase until not later than the first to occur of—

(*a*) the termination of entitlement to the pension or allowance; and

(*b*) the expiration of the period of one week from the date specified for payment in the last order in that book of serial orders.

(3) In this regulation, "the benefit week" has the same meaning as in regulation 11 of the General Regulations.

(4) This regulation shall not apply to any pension or allowance, or part thereof, which the determining authority has, under section 11 of the Act, determined shall be provided in kind.

Time and manner of payment of other benefits

7. Payment of any benefit other than a pension or allowance shall, except where section 11 of the Act applies (benefit in kind), be made by the Secretary of State, as soon as is reasonably practicable after the award has been made by the determining authority, by means of an instrument of payment or by such other means as appears to the Secretary of State to be appropriate in the circumstances of any particular case.

Information to be given in connection with payment of benefit

8. 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 its receipt, as soon as reasonably practicable after the occurrence thereof.

Instruments of payment

9.—(1) Instruments of payment and books of serial orders issued by the Secretary of State shall remain his property.

(2) Any person having such an instrument of payment or book of serial orders shall, on ceasing to be entitled to the benefit or benefits to which such instrument or book relates or when so required by the Secretary of State, deliver the said instrument or book to the Secretary of State or to such other person as he may direct.

Payment of negligible amounts of benefit

10. For the purposes of paragraph 2(2) of Schedule 1 to the Act (payment of negligible amount of benefit where entitlement also to other prescribed payments), the other payments there referred to shall be payments of any benefit under Part II of the Social Security Act 1975**(a)** for which a weekly rate is specified in Schedule 4 to that Act and the said paragraph 2(2) shall apply in circumstances where, under arrangements made by the Secretary of State either throughout or in any part of Great Britain, supplementary benefit is payable together with such a benefit.

Payment of fractional amounts of benefit

11. Where, notwithstanding any other provision of the Act or regulations, the amount of any benefit payable would otherwise include a fraction of a penny, that fraction shall be disregarded if it is less than a half penny and shall otherwise be treated as a penny.

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

12.—(1) The right to payment of any sum by way of benefit shall, subject to paragraph (2), 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 an instrument of payment which has been given or sent, for the purpose 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;

(a) 1975 c.14.

(*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 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 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.

PART IV

MISCELLANEOUS PROVISIONS

Persons unable to act

13.—(1) In the case of any person by whom or on whose behalf a claim has been made or to whom benefit is payable or who is alleged to be entitled to benefit, if he is for the time being unable to act and either—

(*a*) no receiver has been appointed by the Court of Protection with power to claim or, as the case may be, to receive benefit on his behalf; or

(*b*) in Scotland, his estate is not being administered by any curator or other guardian acting or appointed in terms of law,

the Secretary of State may, upon written application made to him by a person over the age of 18, appoint that person to exercise, on behalf of the person who is unable to act, any right to which the latter may be entitled under the Act and to receive and deal on his behalf with any sums payable to him.

(2) Where the Secretary of State has made an appointment under paragraph (1)—

(*a*) he may at any time in his discretion revoke any such appointment;

(*b*) the person appointed may resign his office after having given one month's notice in writing to the Secretary of State of his intention to do so;

(*c*) any such appointment shall terminate when the Secretary of State is notified that a receiver or other person to whom paragraph (1)(*a*) or (*b*) applies has been appointed.

(3) 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 receiver, 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 for any sum paid.

Payment to a person under age 18

14. Where a person who is awarded benefit is under the age of 18, his signature on any instrument of payment shall be a sufficient discharge to the Secretary of State for any sum paid under such instrument.

Payments on death

15.—(1) On the death of a person who has made a claim to benefit, the Secretary of State may appoint such person as he may think fit to proceed with the claim; 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), any sum payable by way of benefit under a determination on a claim proceeded with under paragraph (1) may be paid or distributed by the Secretary of State to or amongst persons over the age of 16 claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons over the age of 16), and the provisions of regulation 12 shall apply to any such payment or distribution; and

(*a*) the receipt of any such person shall be a good discharge to the Secretary of State 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 paragraph (2), and the provisions of regulation 12 shall apply to any such payment or distribution; so however that, for the purpose of 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) Paragraphs (2) and (3) 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.

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

(6) In paragraph (2) "next of kin" means—

(*a*) in England and Wales, the persons who would take beneficially on an intestacy; and

(*b*) in Scotland, the persons entitled to the moveable estate of the deceased on intestacy.

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

Stanley Orme,

Minister for Social Security,
Department of Health and Social Security.

7th July, 1977.

We consent.

J. Dormand,

T. E. Graham.

Two of the Lords Commissioners of Her Majesty's Treasury.

8th July, 1977.

Regulation 2

SCHEDULE

Revocations

Regulations revoked	References
The Supplementary Benefit (Claims and Payments) Regulations 1966	S.I. 1966/1067 (1966 II, p.2622)
The Supplementary Benefit (Claims and Payments) Amendment Regulations 1967	S.I. 1967/422 (1967 I, p.1362)
The Supplementary Benefit (Claims and Payments) Amendment Regulations 1969	S.I. 1969/293 (1969 I, p.799)
The Supplementary Benefit (Claims and Payments) Amendment (No. 2) Regulations 1969	S.I. 1969/1169 (1969 II, p.3438)
The Supplementary Benefit (Claims and Payments) Amendment Regulations 1971	S.I. 1971/1331 (1971 II, p.3819)
The Supplementary Benefit (Claims and Payments) Amendment Regulations 1974	S.I. 1974/2100 (1974 III, p.8166)

EXPLANATORY NOTE

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

These Regulations consolidate, with amendments which are of a minor or technical nature, the existing provisions relating to claims to and payment of benefit under the Supplementary Benefits Act 1976. The provisions revoked were made under the Supplementary Benefit Act 1966 (c.20) which was repealed, on consolidation, by the 1976 Act.

Part I of the Regulations relates to their citation, commencement and interpretation and, with the Schedule, to revocations. Part II contains provisions relating to claims to supplementary benefits. Part III contains provisions relating to payment of supplementary benefits. Part IV contains miscellaneous provisions relating to persons unable to act or who have died and to payments to persons under age 18. The subject matter of each provision of the Regulations is shown in the table of arrangement at the beginning of the Regulations.

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