

Subsidiary Legislation made under ss. 22, 37 and 38.

Social Insurance (Claims and Payments) Regulations**1955.08.04-8**

		<i>Commencement</i>	3.10.1955
Amending enactments	Relevant current provisions		Commencement date
LN. 1973/061	rr.15, 18		
1975/141	rr.7, 9(4), (8)-(9)		
1980/139	rr. 9(1)-(3), (6)-(7), 10, 16(1), 17(2), 18, Sch.2		
1996/094	rr. 2, 4(2)-(3), 6, 7(2), 8-9, 11(2), Schs.1-2		26.9.1996
Act. 2011-29	Sch. 2		1.7.2009
LN. 2018/280	r. 7(1), (1A)		20.12.2018

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Social Security (Insurance)

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SCHEDULE 1.

Benefits under the Social Security (Employment Injuries Insurance) Act and the Social Security (Insurance) Act for which claims may be treated as interchangeable.

SCHEDULE 2.

Table of prescribed times for claiming benefit and disqualifications for late claim.

Title.

1. These Regulations may be cited as the Social Insurance (Claims and Payments) Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise requires,—

“the deceased”, in relation to claims to death grant, has the same meaning as in section 18 of the Act ;

“determining authority” means the Director, Supreme Court or Board, as the case may require ;

“the relevant person” means the person by whom the contribution conditions for death grant are to be satisfied.

Manner of claiming benefit.

3.(1) Every claim to benefit shall be made in writing to the Director on the form approved by him for the purpose of the benefit for which the claim is made or in such other manner being in writing as he may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Claim forms shall be supplied without charge by such persons as the Director may appoint or authorize for that purpose.

Information to be given when making a claim.

4.(1) Every person who makes a claim to benefit shall furnish to the Director such certificates, documents, information and evidence for the purpose of determining the claim as may reasonably be required by him.

(2) Every person who makes a claim to death grant in respect of a child shall, in particular, furnish such certificate relating to the birth of the child and such other information to show that the child is or may be treated as included in the family of that person or of the relevant person as the Director may require.

(3) *Revoked.*

(4) Every person who makes a claim to death grant shall, in particular, furnish the following information :-

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- (a) if required by the Director, a death certificate relating to the deceased;
- (b) if required by the Director, the estimate or account of the undertaker;
- (c) in the case of a claim under the provisions of section 18(5) of the Act (which subsection enables the Director to make payments to the Consolidated Fund or to certain associations in respect of the cost of burial or cremation of certain persons), such particulars relating to the relevant person as may be required by the Director.

Amendment of claim forms.

5. Any person who has made a claim to benefit in accordance with the provisions of these regulations may amend his claim at any time before a decision has been given thereon, by notice in writing delivered or sent to the Director, and any claim so amended shall be treated as if it had been made as so amended in the first instance.

6. *Revoked.*

Time for claiming.

7.(1) Subject to sub-regulation (1A), the prescribed time for claiming any benefit specified in column (1) of Schedule 2 shall be the appropriate time specified opposite to that benefit in column (2) of that Schedule, and if a person fails to make his claim to any such benefit within the prescribed time he shall be disqualified for the receipt of benefit to the extent specified opposite thereto in column (3) of that Schedule.

(1A) Where the Director is satisfied that good cause has been shown for delay in making a claim for benefit, the prescribed time specified in Schedule 2 shall be extended by him by such time as he considers appropriate in the circumstances.

(2) *Revoked.*

8. *Revoked.*

9. *Revoked.*

Payment of grants.

10. Subject to any specific directions given by the Director in any particular case, any payment of maternity grant or death grant shall be made in one sum by cheque or in cash at the Department of Labour and Social Security.

Information to be given when obtaining payment.

11.(1) 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 Director may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Director may require, either as a condition on which any such sum or sums shall be receivable or otherwise.

(2) *Revoked.*

Changes of circumstances.

12. Every beneficiary shall as soon as may be practicable, notify the Director in writing of any change of circumstances which he might reasonably be expected to know might affect the continuance of his right to any benefit awarded to him or to the receipt thereof.

Suspension of payment.

13. Where it appears to the Director that a question has arisen whether—

- (a) the conditions for receipt of benefit under an award are or were fulfilled; or
- (b) an award of benefit ought to be revised in accordance with section 36 of the Act,

he may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined.

Deduction of benefit required to be repaid.

14. Where any benefit is required to be repaid in accordance with the provisions of the Act or of any regulations made thereunder, such benefit may without prejudice to any other method of recovery be deducted—

- (a) from any benefit then or thereafter payable to the person by whom it is to be repaid; or
- (b) in the case of death, from any benefit due to the deceased, and such deduction may be at such rate as the Director may determine.

Extinction of right to payment of benefit.

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15. The right to any sum payable by way of benefit shall be extinguished if payment of the sum is not obtained within the period of fifty two weeks following the date on which the payment becomes due.

Persons unable to act.

16.(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 to benefit has been made and who, by reason of any mental or other incapacity is unable for the time being to act, and where in the case of such person no committee or receiver of his estate has been appointed by the Supreme Court, the Director may upon written application being made to him, appoint a person to exercise on behalf of such person any right to which such person may be entitled under the Act and to receive and deal with any sums payable on behalf of such person :

Provided that—

- (a) any such appointment by the Director shall terminate on the day the Director is notified that a committee or receiver has been appointed ;
- (b) a person who has not attained the age of eighteen years shall not be capable of being appointed to act under this regulation ;
- (c) the Director may at any time revoke any appointment made under this regulation ;
and
- (d) any person appointed under this regulation may, on giving the Director one month's notice in writing of his intention to do so, resign his appointment.

(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 to or by the committee or receiver, 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 Director and the Fund for any sum paid.

Payments on death.

17.(1) On the death of a person who has made a claim to benefit or who is alleged to have been entitled to benefit, the Director may appoint such person as he may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of sub-regulation (3), any sum payable by way of benefit which was receivable by the deceased at the date of his death or which is payable under an

award or on a claim made under the foregoing paragraph may be paid or distributed by the Director 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 thereupon any such sum shall be receivable by such person or persons:

Provided that—

- (a) the receipt of any such person who has attained the age of eighteen years shall be a good discharge to the Director and the Fund for the sum so paid ; and
 - (b) where the Director is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of eighteen years, he may obtain a good discharge therefore by paying the sum or part thereof to a person over that age who need not be a person specified in this sub-regulation who satisfies the Director that he will apply the sum so paid for the benefit of the person under the age of eighteen years.
- (3) No sum payable by way of benefit to the deceased shall be paid or distributed by the Director to or amongst any other persons unless written application for the payment of such sum is made to the Director within six months from the date of the deceased's death or within such longer period as the Director may allow in any particular case.
- (4) The Director may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

Penalty

18. A person who contravenes any requirement of these regulations is guilty of an offence and is liable on summary conviction to a fine of £50, or where the offence consists of continuing any such contravention after conviction thereof, £50 together with a further £10 for every week or part thereof on which it is so continued.

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SCHEDULE 1.

Revoked.

SCHEDULE 2.

Regulation 7(1)

TABLE OF PRESCRIBED TIMES FOR CLAIMING BENEFIT AND
DISQUALIFICATIONS FOR LATE CLAIM.

Description of benefit (1)	Prescribed time for claiming benefit (2)	Benefit which a person is disqualified for receiving by failure to claim within the prescribed time. (3)
1. (a) Maternity grant in expectation of confinement. (b) Maternity grant by virtue of confinement. 2. <i>revoked.</i> 3. (a) Death grant. (b) Payment under section 18(5),if the Social Security (Insurance) Act.	1. (a) The period beginning with the ninth contribution week before the contribution week in which it is to be expected that the claimant will be confined and ending immediately before the date of confinement. (b) The period of six months beginning with the date of confinement. 3. (a) The period of six months from the date of the death of the deceased. (b) The period of one month (or such longer period as the Director may determine in the circumstances of any particular case) from the date of the death of the deceased.	1. (a) The benefit claimed. 1(b) The benefit claimed. 3. (a) The benefit claimed. (b) The benefit claimed.