

# Social Security (Insurance)

**1955-14**

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## SOCIAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS

**This version is out of date**

**Subsidiary  
1955.08.04-8**

Regulations made under ss. 22, 37 and 38 of the Social Security (Insurance) Act.

## SOCIAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS

**(1955.08.04-8)**

**3.10.1955**

Amending enactments	Relevant current provisions	Commencement date
LN. 1973/061	regs.15 and 18	
1975/141	regs.7, 9(4), (8) and (9)	
1980/139	regs. 9(1)-(3). (6) and (7), 10, 16(1), 17(2) and 18 and Sch.2	

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### **ARRANGEMENT OF REGULATIONS.**

#### Regulation

1. Title.
2. Interpretation.
3. Manner of claiming benefit.
4. Information to be given when making a claim.
5. Amendment of claim forms.
6. Interchange with claims for other benefits.
7. Time for claiming.
8. Increases of benefit to be treated as separate benefits.
9. Payment of pensions.
10. Payment of grants.
11. Information to be given when obtaining payment.
12. Changes of circumstances.
13. Suspension of payment.
14. Deduction of benefit required to be repaid.
15. Extinction of right to payment of benefit.
16. Persons unable to act.
17. Payments on death.
18. Penalty.

#### **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.

# Social Security (Insurance)

1955-14

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### **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 ;

“pension” means old age pension, widow’s benefit or guardian’s allowance, as the case may require ;

“pension order” means an order for the payment through a designated post office of a weekly sum by way of a pension ;

“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 widowed mother’s allowance, guardian’s allowance or to death grant or to an increase of benefit 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) Every person who makes a claim to an increase of benefit in respect of an adult dependant shall, in particular, furnish, if required, the following information concerning such dependant:-

- (a) his identity, date of birth, usual place of residence, occupation and relationship to the claimant;
- (b) his position in regard to benefit under the Act and under the Social Security (Employment Injuries Insurance) Act, available sources of income and the amounts contributed by any person towards his maintenance; and
- (c) in the case of an increase in respect of a wife or husband, a certificate of the marriage,

Together with a declaration signed by the dependant confirming the information given.

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

- (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.

## **Interchange with claims for other benefits.**

- 6.(1) Where it appears that a woman who has made a claim to old age pension by virtue of her husband's insurance may be entitled to widow's benefit, the claim may be treated as if it were a claim to that benefit.
- (2) Where it appears that a person who has made a claim to guardian's allowance in respect of any child is not entitled thereto, but that the claimant, or the wife or husband of the claimant, may be entitled to an increase of benefit for that child, the claim may be treated as if it were a claim by the claimant or the wife or husband of the claimant to an increase of benefit for that child.
- (3) Where it appears that a person who has made a claim to-
  - (a) a benefit under the Social Security (Employment Injuries Insurance) Act specified in the first column of Schedule 1 may be entitled to the benefit under the Act specified opposite thereto in the second column of that Schedule; or
  - (b) a benefit under the Act specified in the second column may be entitled to the benefit under the Social Security (Employment Injuries Insurance) Act specified opposite thereto in the first column,

Any such claim may be treated as a claim in the alternative to that other benefit.

## **Time for claiming.**

7.(1) 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.

(2) *revoked.*

## **Increases of benefit to be treated as separate, benefits.**

8. For the purposes of the provisions of these regulations relating to claims, every increase of benefit in respect of a child or adult dependant shall be treated as a separate benefit.

**Payment of pensions.**

9.(1) Subject to the provisions of these regulations, all pensions shall be paid weekly in arrear by means of pension orders payable in each case to the beneficiary at such place as the Director may from time to time, after enquiry of the beneficiary, specify.

(2) In every case in which there is an award of a pension the Director shall-

- (a) cause arrangements to be made whereby, on furnishing such evidence as to identify and other particulars as the Director may require, the beneficiary may obtain a book of pension orders; and
- (b) notify the beneficiary of those arrangements so far as they affect the beneficiary.

(3) The Director shall arrange for the issue, to every beneficiary entitled to a pension, of a fresh book of orders on the expiration of the previous book.

(4) All pension orders shall be payable on the day specified in the pension order book, which shall be a Monday or any other day which the Director may approve in any particular case.

(5) A book of pension orders issued to any person shall remain the property of the Government.

(6) Any person having a book of pension orders or any unpaid pension order shall, on the termination of the benefit to which such book or order relates or when required by the Director, send or deliver such book or order to the Department of Labour and Social Security.

(7) Notwithstanding anything contained in the foregoing provisions of his regulation, the Director may in any particular case or class of cases arrange for the payment of any pension otherwise than weekly in arrear or otherwise than by means of pension orders payable to the beneficiary.

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**SOCIAL INSURANCE (CLAIMS AND PAYMENTS)  
REGULATIONS**

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1955.08.04-8**

(8) Where by reason of any provision of the Act or of regulations made thereunder the date as from which the pension would commence or as from which a change in the rate of pension would take effect is a day of the week other than a Tuesday, payment of that pension shall commence, or the change in the rate of the pension shall take effect, as from the Tuesday preceding that day.

(9) Where the last day on which a pension would be paid is a day of the week other than a Monday, the pension shall cease to be payable in respect of any period after the preceding Monday.

### **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) Where a sum is receivable on account of an increase of benefit for an adult dependant the beneficiary shall, in such case or class of cases as the Director may direct, furnish a declaration signed by such dependant confirming the particulars respecting him furnished by the claimant..

### **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.**

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 ;



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- (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.

Regulation 6(3)

BENEFITS UNDER THE SOCIAL SECURITY (EMPLOYMENT  
INJURIES INSURANCE) ACT AND THE SOCIAL SECURITY  
(INSURANCE) ACT, FOR WHICH CLAIMS MAY BE TREATED AS  
INTERCHANGEABLE.

Benefit under the Social Security (Employments Injuries Insurance) Act	Benefit under the Social Security (Insurance) Act
Industrial death benefit for a widow in respect of her late husband	Widow's benefit
Industrial death benefit in respect of a child	Guardian's allowance

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**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. Pension (not being an old age pension for a widower by virtue of the insurance of a spouse in respect of whose death the beneficiary was immediately before attaining pensionable age entitled to widow's or widower's pension.	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.  2. The period of six months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto.	1. (a) The benefit claimed.  1(b) The benefit claimed.  2. Benefit in respect of any period more than six months before the date on which the claim is made.

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<p>3. (a) Death grant.</p> <p>(b) Payment under section 18(5), if the Social Security (Insurance) Act.</p>	<p>3. (a) The period of six months from the date of the death of the deceased.</p> <p>(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.</p>	<p>3. (a) The benefit claimed.</p> <p>(b) The benefit claimed.</p>
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