

1987 No. 465

SOCIAL SECURITY

**The Social Security (Claims and Payments) Regulations
(Northern Ireland) 1987**

Made 21st December 1987

Coming into operation 11th April 1988

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The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 27(4), 37A(5) and 154A of the Social Security (Northern Ireland) Act 1975(a), Article 24(4) of the Social Security Pensions (Northern Ireland) Order 1975(b), Article 8(1) of the Child Benefit (Northern Ireland) Order 1975(c), Articles 22(7) and 52(1)(a) to (r) of the Social Security (Northern Ireland) Order 1986(d) and, as regards the

(a) 1975 c. 15; section 37A(5) was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975. Section 154A was inserted by Article 17 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), substituted by paragraph 56 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 and extended by paragraph 32 of that Schedule

(b) S.I. 1975/1503 (N.I. 15)

(c) S.I. 1975/1504 (N.I. 16); Article 8(1) was amended by paragraph 61 of Schedule 9 to the Social Security (Northern Ireland) Order 1986

(d) S.I. 1986/1888 (N.I. 18); Article 52 has effect by virtue of paragraph 3 of Schedule 7 in relation to the benefits under earlier enactments as well as to the benefits specified in Article 52(2)

revocations set out in Schedule 9, the powers specified in that Schedule, and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and shall come into operation on 11th April 1988.

Interpretation

2.—(1) In these regulations—

“the Act” means the Social Security (Northern Ireland) Act 1975;

“the Order” means the Social Security (Northern Ireland) Order 1986;

“adjudicating authority” means any person with responsibility under the Social Security (Northern Ireland) Acts 1975 to 1986(a), and regulations made thereunder, for the determination of claims for benefit and questions arising in connection with a claim for, or award of, or disqualification for receiving, benefits;

“appropriate office” means an office of the Department;

“benefit” includes any benefit under the Act(b), child benefit under Part II of the Child Benefit (Northern Ireland) Order 1975, income support and family credit under the Order and any social fund payments such as are mentioned in Article 33(2)(a) of the Order(c);

“benefit orders” means orders for the payment of a weekly sum on account of benefit to which regulation 22 applies or of a weekly instalment of a gratuity;

“claim for benefit” includes—

(a) an application for a declaration that an accident was an industrial accident;

(b) a claim for attendance allowance expressed as an application for review of an earlier determination but which discloses no grounds on which such a determination could be reviewed;

(c) an application for the review of an award or a decision for the purpose of obtaining any increase of benefit, but does not include any other application for the review of an award or a decision;

(a) See Article 1(2) of the Social Security (Northern Ireland) Order 1986

(b) Amendments altering the range of benefits under this Act were made by Articles 2(3), 17, 18 and 24 of the Social Security Pensions (Northern Ireland) Order 1975, Article 32 of the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)), Articles 5 to 7 of, and Schedule 3 to, the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and Articles 37 to 43 of, and Schedule 3 and paragraph 13 of Schedule 4 to, the Social Security (Northern Ireland) Order 1986

(c) Article 33(2)(a) was amended by Article 3 of the Social Fund (Maternity and Funeral Expenses) (Northern Ireland) Order 1987 (S.I. 1987/464 (N.I. 8))

- “instrument of payment” means a serial order, benefit order, or any other instrument whatsoever which is intended to enable a person to obtain payment of benefit;
- “long term benefits” means any retirement pension, a widowed mother’s allowance, a widow’s pension, attendance allowance, mobility allowance, invalid care allowance, guardian’s allowance, any pension or allowance for industrial injury or disease and any increase in any such benefit;
- “married couple” means a man and a woman who are married to each other and are members of the same household;
- “partner” means one of a married or unmarried couple;
- “serial order” means one of a series of orders, including benefit orders, for the payment of a sum on account of benefit which is or has been contained in a book of such orders;
- “social security office” includes any office or place appointed by the Department for the purpose of claiming unemployment benefit;
- “unmarried couple” means a man and a woman who are not married to each other but are living together as husband and wife otherwise than in prescribed circumstances;
- “week” means a period of 7 days beginning with midnight between Saturday and Sunday.

(2) For the purposes of the provisions of these regulations relating to the making of claims every increase of benefit under the Act shall be treated as a separate benefit and so shall an increase in the weekly rate of benefit under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(a).

(3) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

PART II

CLAIMS

Claims not required for entitlement to benefit in certain cases

3. It shall not be a condition of entitlement to benefit that a claim be made for it in the following cases—

- (a) in the case of a Category C retirement pension where the beneficiary is in receipt of—
- (i) another retirement pension under the Act; or
 - (ii) widow’s benefit under Chapter 1 of Part II of the Act; or
 - (iii) benefit by virtue of section 39(4) of the Act corresponding to a widow’s pension or a widowed mother’s allowance;
- (b) in the case of a Category D retirement pension where the beneficiary—

(a) S.R. 1976 No. 223; the relevant amending regulations are S.R. 1980 No. 37 and S.R. 1987 No. 458
(b) 1954 c. 33 (N.I.)

- (i) was ordinarily resident in Northern Ireland on the day on which he attained 80 years of age; and
 - (ii) is in receipt of another retirement pension under the Act;
- (c) age addition in any case;
- (d) in the case of a Category A or B retirement pension—
- (i) where the beneficiary is a woman over the age of 65 and entitled to a widowed mother's allowance, on her ceasing to be so entitled; or
 - (ii) where the beneficiary is a woman under the age of 65 and in receipt of a widow's pension, on her attaining that age.

Making a claim for benefit

4.—(1) Every claim for benefit shall be made in writing on a form approved by the Department, or in such other manner, being in writing, as the Department may accept as sufficient in the circumstances of any particular case.

(2) In the case of a claim for family credit, where a married or unmarried couple is included in the family, the claim shall be made by the woman, unless the Department is satisfied that it would be reasonable to accept a claim by the man.

(3) In the case of a married or unmarried couple, a claim for income support shall be made by whichever partner they agree should so claim or, in default of agreement, by such one of them as the Department shall in its discretion determine.

(4) Where one of a married or unmarried couple is entitled to income support under an award and, with his agreement, his partner claims income support that entitlement shall terminate on the day before that claim is made or treated as made.

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

(6) Every claim shall be delivered or sent to an appropriate office, which, in the case of unemployment benefit, shall be such social security office, if any, as the Department may specify.

(7) If a claim is defective at the date when it is received, or has been made in writing but not on the form approved for the time being, the Department may 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 received properly completed within one month, or such longer period as the Department may consider reasonable, from the date on which it is so referred or supplied, the Department shall treat the claim as if it had been duly made in the first instance.

(8) A claim which is made on the form approved for the time being is, for the purposes of paragraph (7), properly completed if completed in accordance with the instructions on the form and defective if not so completed.

Amendment and withdrawal of claim

5.—(1) A person who has made a claim may amend it at any time by notice in writing received in an appropriate office before a determination has

been made on the claim, and any claim so amended may be treated as if it had been so amended in the first instance.

(2) A person who has made a claim may withdraw it at any time before a determination has been made on it, by notice to an appropriate office, and any such notice of withdrawal shall have effect when it is received.

Date of claim

6.—(1) Subject to paragraph (2), the date on which a claim is made shall be—

- (a) in the case of a claim which meets the requirements of regulation 4(1), the date on which it is received in an appropriate office;
- (b) in the case of a claim which does not meet the requirements of regulation 4(1) but which is treated under regulation 4(7) as having been duly made, the date on which the claim was received in an appropriate office in the first instance.

(2) In the case of a claim for family credit—

- (a) subject to sub-paragraphs (b) to (d), where, under paragraph (1), the date on which a claim is made is a day other than the first day of the benefit week for family credit (being a period of 7 days beginning with midnight between Monday and Tuesday) that claim shall be treated as made on the first day of the next following benefit week;
- (b) a claim made in accordance with paragraph 7(a) of Schedule 4 for a period following the expiration of an existing award shall be treated as made on the day after such expiration; and
- (c) where the time for claiming is extended under regulation 19 the claim shall be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of that regulation, timeously made; and
- (d) where the claim is made on or after the date when an up-rating order is made under Article 64(1) of the Order, but before the date when that up-rating order comes into operation, and—
 - (i) an award cannot be made on that claim as at the date it is made but could have been made if that up-rating order were then in operation; and
 - (ii) the period beginning with the date of claim and ending immediately before the date when the up-rating order came into operation does not exceed 28 days,

the claim shall be treated as made on the date the up-rating order comes into operation.

Evidence and information

7.—(1) Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence in connection with the claim, or any question arising out of it, as may be required by the Department and shall do so within one month of being required to do so or such longer period as the Department may consider reasonable.

(2) Where a benefit may be claimed by either of two partners or where entitlement to, or the amount of, any benefit is or may be affected by the

circumstances of a partner, the Department may require the partner other than the claimant to certify in writing whether he agrees to the claimant making the claim or, as the case may be, that he confirms the information given about his circumstances.

(3) In the case of a claim for family credit, the employer of the claimant or, as the case may be, of the partner shall furnish such certificates, documents, information and evidence in connection with the claim or any question arising out of it as may be required by the Department.

Attendance in person

8.—(1) Subject to any directions given by the Department in any particular case, a person who is claiming unemployment benefit or who is claiming income support and is required by Article 21(3)(d)(i) of the Order to be available for employment, shall attend in person at such social security office as the Department may direct.

(2) Every person who makes a claim for benefit shall attend at such office or place and on such days and at such times as the Department may direct, for the purpose of furnishing certificates, documents, information and evidence under regulation 7, if reasonably so required by the Department.

Interchange with claims for other benefits

9.—(1) Where it appears that a person who has made a claim for benefit specified in column (1) of Part I of Schedule 1 may be entitled to the benefit specified opposite to it in column (2) of that Part, any such claim may be treated by the Department as a claim alternatively, or in addition, to the benefit specified opposite to it in that column.

(2) Where it appears that a person who has claimed any benefit specified in Part II of Schedule 1 in respect of a child may be entitled to child benefit in respect of the same child, the Department may treat the claim for the benefit in question as a claim alternatively, or in addition, by that person for child benefit.

(3) Where it appears that a person who has claimed child benefit in respect of a child may be entitled to any benefit specified in Part II of Schedule 1 (except an increase of child benefit) in respect of the same child, the Department may treat the claim for child benefit as a claim alternatively, or in addition, by that person for the benefit in question specified in that Part.

(4) Where it appears that a person who has made a claim for benefit other than child benefit is not entitled to it, but that some other person may be entitled to an increase of benefit in respect of him, the Department may treat the claim as if it were a claim by such other person for an increase of benefit in respect of the claimant.

(5) Where it appears that a person who has made a claim for an increase of benefit, other than child benefit, in respect of a child or adult dependant is not entitled to it but that some other person may be entitled to such an increase of benefit in respect of that child or adult dependant, the Department may treat the claim as if it were a claim by that other person for such an increase.

(6) Where it appears that a person who has made a claim for a guardian's allowance in respect of any child is not entitled to it, but that the claimant, or the wife or husband of the claimant, may be entitled to an increase of benefit

for that child, the Department may treat the claim as if it were a claim by the claimant or the wife or husband of the claimant for an increase of benefit for that child.

Claim for sickness benefit etc. where no entitlement to statutory sick pay or statutory maternity pay

10.—(1) Paragraph (2) applies to a claim for sickness benefit, invalidity benefit or severe disablement allowance for a period of incapacity for work of which the claimant gave his employer a notice of incapacity under regulation 7 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(a), and for which he has been informed in writing by his employer that there is no entitlement to statutory sick pay.

(2) A claim to which this paragraph applies shall be treated as made on the date accepted by the claimant's employer as the first day of incapacity, provided that he makes the claim—

- (a) within the appropriate time specified in paragraph 2 of Schedule 4 beginning with the day on which he is informed in writing that he was not entitled to statutory sick pay; or
- (b) on a date after the expiry of that time if he proves that throughout the period from the expiry until that date he had good cause for not making it earlier.

(3) Paragraph (4) applies to a claim for maternity allowance for a pregnancy or confinement by reason of which the claimant gave her employer notice of absence from work under Article 47(4) of the Order and regulation 23 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(b) and in respect of which she has been informed in writing by her employer that there is no entitlement to statutory maternity pay.

(4) A claim to which this paragraph applies shall be treated as made on the date when the claimant gave her employer notice of absence from work or at the beginning of the 14th week before the expected week of confinement, whichever is later, provided that she makes the claim—

- (a) within one month of being informed in writing that she was not entitled to statutory maternity pay; or
- (b) on a date after the expiry of that month if she proves that throughout the period from the expiry until that date she had good cause for not making it earlier.

Special provisions where it is certified that a woman is expected to be confined or where she has been confined

11.—(1) Where in a certificate issued or having effect as issued under the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(c) it has been certified that it is to be expected that a woman will be confined, and she makes a claim for maternity allowance in expectation of that confinement, any such claim may, unless the Department otherwise directs, be treated as a claim for sickness or invalidity benefit or severe disablement allowance made in respect of any days in the period beginning with either—

(a) S.R. 1982 No. 263; the relevant amending regulations are S.R. 1984 No. 91

(b) S.R. 1987 No. 30

(c) S.R. 1976 No. 175; the relevant amending regulations are S.R. 1982 No. 153 and S.R. 1987 No. 117

- (a) the beginning of the 6th week before the expected week of confinement; or
 - (b) the actual date of confinement,
- whichever is the earlier, and ending in either case on the 14th day after the actual date of confinement.

(2) Where, in a certificate issued under the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976, it has been certified that a woman has been confined and she claims maternity allowance within one month of that date, her claim may be treated in the alternative, or in addition, as a claim for sickness or invalidity benefit or severe disablement allowance for the period beginning with the date of her confinement and ending 14 days after that date.

Self-certified claims for first 7 days of a spell of incapacity for work

12.—(1) Where a self-certificate in respect of a claimant is submitted in support of a claim for sickness or invalidity benefit or severe disablement allowance, that claim shall be treated as if made for days, whether or not after the date of the claim, to which the self-certificate relates, not being days later than the first 7 days of a spell of incapacity that exceeds that length.

(2) Where a claim to which paragraph (1) applies includes one or more days subsequent to the date of claim, an award of benefit or allowance made in respect of them shall be subject to the condition that the claimant satisfies the requirements for entitlement throughout those days and if those requirements are found not to have been satisfied on any of those days the award shall be reviewed.

(3) For the purposes of this regulation—

a “self-certificate” has the meaning ascribed to it by regulation 5 of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 (claimant’s declaration of incapacity as evidence for determining his right to benefit);

a “spell of incapacity” means a continuous period of incapacity for work (not excluding bank or other holidays) which is immediately preceded by a day on which the claimant either worked or was not incapable of work.

Advance claims and awards

13.—(1) Where, although a person does not satisfy the requirements for entitlement to benefit on the date on which a claim is made, the adjudicating authority is of the opinion that unless there is a change of circumstances he will satisfy those requirements for a period beginning on a day (“the relevant day”) not more than 3 months after the date on which the claim is made, then that adjudicating authority may—

(a) treat the claim as if made for a period beginning with the relevant day; and

(b) award benefit accordingly, subject to the condition that the person satisfies the requirements for entitlement when benefit becomes payable under the award.

(2) An award under paragraph (1)(b) shall be reviewed by the adjudicating authority if the requirements for entitlement are found not to have been satisfied on the relevant day.

(3) This regulation does not apply to any claim for maternity allowance, attendance allowance, mobility allowance, retirement pension or an increase of retirement pension, family credit or any claim within regulation 11(1)(a) or (b).

Advance claim for and award of maternity allowance

14.—(1) Subject to paragraph (2), a claim for maternity allowance in expectation of confinement, or for an increase in such an allowance in respect of an adult dependant, and an award on such a claim, may be made not earlier than 14 weeks before the beginning of the expected week of confinement.

(2) A claim for an increase of maternity allowance in respect of an adult dependant may not be made in advance unless, on the date when made, the circumstances relating to the adult dependant concerned are such as would qualify the claimant for such an increase if they occurred in a period for which she was entitled to a maternity allowance.

Advance notice of retirement and claim for and award of pension

15.—(1) A claim for a retirement pension of any category, and for any increase in any such pension, and an award on such a claim, may be made at any time not more than 4 months before the date on which the claimant will, subject to the fulfilment of the necessary conditions, become entitled to such a pension.

(2) A notice for the purposes of section 27(4) of the Act (retirement from regular employment) shall be given to the Department in writing and shall specify a date, being a date not earlier than the date on which the person giving the notice attains pensionable age and not later than the expiration of the period of 4 months after the date on which the notice is given, as the date of that person's retirement.

(3) Where the person giving notice of retirement specifies a date earlier than the date on which he attains pensionable age, the notice shall be treated as if the latter date had been specified.

(4) For the purposes of section 27(4) of the Act the prescribed period shall be the period of 12 months.

(5) Where a person who gives notice of retirement in accordance with paragraph (2) is, or would but for the fact of his retirement be, in receipt of sickness, invalidity or unemployment benefit for a period which includes the date specified in the notice as the date of his retirement then, if the date so specified is not the appropriate day of the week for payment of retirement pension in his case, the notice shall be treated as if it specified instead the date of the next following such pay day.

(6) Where the spouse of such a person as is mentioned in paragraph (5) also gives notice of retirement and specifies the same date of retirement as that person, the provisions of that paragraph shall apply also to the notice given by the spouse.

(7) For the purposes of facilitating the determination of a subsequent claim for a Category A, B or C retirement pension, a person may at any time not more than 4 months before the date on which he will attain pensionable age, and notwithstanding that he does not intend to retire from regular employment at that date, submit particulars in writing to the Department in a

form approved by it for that purpose with a view to the determination (in advance of the claim) of any question under the Act relating to that person's title to such a retirement pension other than the question of retirement, and subject to the necessary modifications, the provisions of these regulations shall apply to any such particulars.

Date of entitlement under an award for the purpose of determining the day from which benefit is to be payable and effective date of change of rate

16.—(1) For the purpose only of determining the day from which benefit is to become payable, where a benefit other than one of those specified in paragraph (4) is awarded for a period of a week, or weeks, and the earliest date on which entitlement would otherwise commence is not the first day of a benefit week, entitlement shall begin on the first day of the benefit week next following.

(2) Where there is a change in the rate of any benefit to which paragraph (1) applies, the change, if it would otherwise take effect on a day which is not the appropriate pay day for that benefit, shall take effect from the appropriate pay day next following.

(3) For the purposes of this regulation the first day of the benefit week in the case of child benefit is Monday and in any other case except family credit is the day of the week on which the benefit is payable in accordance with regulation 22 (long term benefits).

(4) The benefits specified for exclusion from the scope of paragraph (1) are unemployment benefit, sickness benefit, invalidity benefit, maternity allowance, attendance allowance, severe disablement allowance, income support and family credit and any increase of those benefits.

Duration of awards

17.—(1) Subject to the provisions of this regulation and of Article 21(6) of the Order (family credit), a claim for benefit shall be treated as made for an indefinite period and any award of benefit on that claim shall be for an indefinite period.

(2) Where a medical certificate has been issued in respect of the person named therein ("the claimant")—

(a) a claim for sickness or invalidity benefit or severe disablement allowance based on the medical certificate shall, unless in any case the Department otherwise directs, be treated as if made by the claimant for the period specified in that certificate;

(b) on any such claim the benefit may be awarded for the whole or part of that period after the date of the claim but not exceeding 13 weeks or such shorter period as the Department may in a particular case direct;

(c) if on any such claim the benefit is awarded for part only of the period in respect of which the claim is treated as if made, further decisions in accordance with sub-paragraph (b) awarding such benefit may be given on the same claim.

(3) For the purposes of paragraph (2) a medical certificate means—

(a) a doctor's statement issued in the form prescribed in Part II of Schedule 1 to the Social Security (Medical Evidence) Regulations

(Northern Ireland) 1976, or having effect as so issued, which advises the claimant to refrain from work for the period specified in it; or

- (b) a certificate issued by a person accepted by the Department as an appropriate person in which that person certifies on a form approved by the Department that the claimant is in hospital and is expected to remain there for the period specified in it; or
- (c) a doctor's statement in the form of a special statement issued by a doctor on a form approved by the Department in which that doctor advises the claimant to refrain from work for a specified period of not more than one month on the basis of a written report which—
 - (i) was received by that doctor from another doctor, and
 - (ii) was issued on a date not more than one month earlier than the date of the statement;

and in this sub-paragraph "doctor" means a registered medical practitioner not being the claimant.

(4) In the case of a first claim for unemployment benefit in any spell of unemployment no such benefit shall be awarded for any period after the date of that claim, but in the case of any subsequent claim made in the same spell of unemployment the adjudicating authority may treat that claim as having been made, and may award benefit, for a period after that date of claim of—

- (a) up to 7 days; and
- (b) whether or not an award has already been made on a claim, where the Department has certified that either—
 - (i) there are, will be or are likely to be circumstances making impracticable or unduly difficult the normal operation of the provisions governing, or the practice relating to, the claiming, awarding or payment of unemployment benefit; or
 - (ii) it is of the opinion that, as regards any case or class of case in which the claimant's employment as an employed earner has not been terminated, the awarding and payment of unemployment benefit can be adequately controlled without the application of the usual provisions of these regulations—

up to 26 weeks or the period for which the Department's certificate is in force (whichever is the shorter); and

- (c) where a claim has been treated as having been made and an award has been made under sub-paragraph (b) for less than the maximum period permitted by that sub-paragraph the claim may be treated as having been made for further periods and further awards may be made up to that maximum.

(5) In paragraph (4)—

- (a) "spell of unemployment" means any period of one or more days on which a person is unemployed and any 2 or more such periods, not separated by a period of more than 3 consecutive days which in relation to that person are not days of unemployment, shall be treated as one spell of unemployment; and
- (b) in computing any period of time Sundays shall not be disregarded.

(6) If, in any case outside paragraphs (2) and (4), it would be inappropriate to treat a claim as made, and to make an award, for an indefinite period (for example where a relevant change of circumstances is reasonably to be expected in the near future) the claim shall be treated as made and the award shall be for a definite period which is appropriate in the circumstances.

(7) In any case where benefit is awarded in respect of days subsequent to the date of claim, the award shall be subject to the condition that the claimant satisfies the requirements for entitlement; and where those requirements are not satisfied the award shall be reviewed.

(8) The provisions of Schedule 2 shall have effect in relation to claims for unemployment benefit made during periods connected with public holidays.

Duration of disallowance

18.—(1) Where a claim for a benefit which is specified in column (1) of Schedule 3 is disallowed on the grounds specified in column (2) of that Schedule, any continuation claim for the benefit shall be treated as disallowed until the grounds for the original disallowance have ceased to exist.

(2) For the purposes of paragraph (1) a "continuation claim" for sickness benefit, invalidity benefit or severe disablement allowance has the same meaning as in paragraph 2(c) of Schedule 4 and a "continuation claim" for unemployment benefit means a claim made in respect of a day subsequent to the first day of the period to which the earlier claim relates.

(3) Where a person's claim for unemployment benefit has been disallowed on any grounds other than failure to satisfy contribution conditions and in the decision disallowing that claim it is stated that the decision is to be treated as a disallowance of any further claim by that person for unemployment benefit for specified days until either a period specified in the decision has expired or the grounds of the original disallowance have ceased to exist, the decision shall be so treated.

Time for claiming benefit

19.—(1) Subject to the provisions of Schedule 5, the prescribed time for claiming any benefit specified in column (1) of Schedule 4 shall be the appropriate time specified opposite that benefit in column (2) of that Schedule.

(2) Where the claimant proves that there was good cause throughout the period from the expiry of the prescribed time for making the claim, for the failure to claim a benefit specified in column (1) of Schedule 4 before the date on which the claim was made the prescribed time shall, subject to section 154A of the Act (12 months limit on entitlement before the date of claim) and paragraphs (4) and (5), be extended to the date on which the claim is made.

(3) Where a claim is made for any benefit specified in column (1) of Schedule 4 and the Department certifies that to do so would be consistent with the proper administration of the Social Security (Northern Ireland) Acts 1975 to 1986, the prescribed time shall be extended to one month.

(4) The prescribed time for claiming income support, family credit or a social fund payment for maternity or funeral expenses shall not be extended under paragraph (2) so as to give entitlement to benefit in respect of any period

or, as the case may be, any birth, adoption or funeral occurring, more than 12 months before the date of claim.

(5) Where a claimant for a social fund payment for maternity expenses in respect of an adoption makes a claim on a date between 3 and 12 months from the date of the adoption order and proves that there was good cause, throughout the period from the expiry of the 3 months for the failure to make the claim before it was made, the claim shall be treated as if it had been made immediately before the expiry of the 3 months.

(6) The prescribed time for claiming benefits not specified in column (1) of Schedule 4 shall be—

- (a) 6 months in the case of guardian's allowance, child benefit and any increase in any benefit (other than income support) in respect of a child or adult dependant;
- (b) 12 months in the case of retirement pension of any category except the Category B retirement pension to which a woman is entitled by virtue of section 29(5) of the Act, graduated retirement benefit under section 35 of the National Insurance Act (Northern Ireland) 1966(a), widow's benefit and any benefit under section 39(4) of the Act corresponding to a widow's pension or a widowed mother's allowance, maternity allowance or invalid care allowance.

(7) The periods of 6 and 12 months prescribed by paragraph (6) are calculated from any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to the benefit concerned.

PART III

PAYMENTS

Time and manner of payment: general provision

20. Subject to the provisions of regulations 21 to 27, benefit shall be paid in accordance with an award as soon as is reasonably practicable after the award has been made, by means of an instrument of payment or by such other means as appear to the Department to be appropriate in the circumstances of any particular case.

Direct credit transfer

21.—(1) Subject to the provisions of this regulation, any benefit may, on the application of the person claiming, or entitled to it, and with the consent of the Department, be paid by way of automated or other direct credit transfer into a bank or other account—

- (a) in the name of the person entitled to benefit, or his spouse, or a person acting on his behalf; or
- (b) in the joint names of the person entitled to benefit and his spouse, or the person entitled to benefit and a person acting on his behalf.

(2) An application for the benefit to be paid in accordance with paragraph (1)—

(a) 1966 c. 6 (N.I.); section 35 was repealed by the Social Security Act 1973 (c. 38) but is continued in force by regulation 2 of S.R. 1978 No. 105 in the modified form set out in Schedule 1 to those regulations as amended by Article 6 of S.R. 1987 No. 458

- (a) shall be in writing on a form approved for the purpose by the Department or in such other manner, being in writing, as it may accept as sufficient in the circumstances; and
- (b) shall contain a statement or be accompanied by a written statement made by the applicant declaring that he has read and understood the conditions applicable to payment of benefit in accordance with this regulation.
- (3) Benefit shall be paid in accordance with paragraph (1) within 7 days of the last day of each successive period of entitlement as may be provided in the application.
- (4) In respect of benefit which is the subject of an arrangement for payment under this regulation, the Department may make a particular payment by credit transfer otherwise than is provided by paragraph (3) if it appears to it appropriate to do so for the purpose of—
- (a) paying any arrears of benefit; or
- (b) making a payment in respect of a terminal period of an award or for any similar purpose.
- (5) The arrangement for benefit to be payable in accordance with this regulation may be terminated—
- (a) by the person entitled to benefit or a person acting on his behalf by notice in writing delivered or sent to an appropriate office; or
- (b) by the Department if the arrangement seems to it to be no longer appropriate to the circumstances of the particular case.

Long term benefits

22.—(1) Subject to the provisions of regulation 21, long term benefits shall be paid at intervals of 4 weeks in the case of mobility allowance but otherwise weekly in advance, by means of benefit orders payable in each case to the beneficiary at such place as the Department, after enquiry of the beneficiary, may from time to time specify, unless in any particular case the Department arranges otherwise.

(2) Where the amount of long term benefit payable is less than £2 a week the Department may direct that it shall be paid (whether in advance or in arrears) at such intervals as may be specified not exceeding 12 months.

(3) Schedule 6 specifies the days of the week on which the various long term benefits are payable.

Child benefit

23.—(1) Subject to the provisions of this regulation and of regulation 21 (direct credit transfer), child benefit shall be payable as follows—

- (a) in a case where a person entitled to child benefit elects to receive payment weekly in accordance with the provisions of Schedule 8, child benefit shall be payable weekly from the first convenient date after the election has been made;
- (b) in any other case, child benefit shall be payable in the last week of each successive period of 4 weeks of the period of entitlement.

(2) Subject to paragraph (3) and regulation 21, child benefit payable weekly or four-weekly shall be payable on Mondays or Tuesdays (as the Department may in any case determine) by serial orders.

(3) In such cases as the Department may determine, child benefit shall be payable otherwise than—

- (a) by means of serial orders; or
- (b) on Mondays or Tuesdays; or
- (c) at weekly or four-weekly intervals,

and where child benefit is paid at four-weekly intervals in accordance with paragraph (1)(b) the Department shall arrange for it to be paid weekly if satisfied that payment at intervals of 4 weeks is causing hardship.

(4) The Department shall take steps to notify persons to whom child benefit is payable of the arrangements it has made for payment so far as those arrangements affect such persons.

Unemployment benefit, sickness or invalidity benefit, severe disablement allowance and maternity allowance

24.—(1) Subject to regulation 21 and paragraph (3), unemployment benefit shall be paid fortnightly in arrears and sickness or invalidity benefit and severe disablement allowance shall be paid weekly in arrears unless, in any particular case, the Department arranges otherwise.

(2) Maternity allowance shall be paid on Friday in the week for which it is payable unless in any particular case the Department arranges otherwise.

(3) If the weekly amount of sickness or invalidity benefit is less than £1 it may be paid in arrears at intervals of 4 weeks.

Payment of attendance allowance and constant attendance allowance at a daily rate

25.—(1) Attendance allowance shall be paid in respect of any person, for any day falling within a period to which paragraph (2) applies, at the daily rate (which shall be equal to one seventh of the weekly rate) and attendance allowance payable in pursuance of this regulation shall be paid weekly or as the Department may direct in any case.

(2) This paragraph applies to any period which—

(a) begins on the day immediately following the last day of a period during which a person was living in hospital or other accommodation specified in regulation 3, 4 or 11(1) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1987(a); and

(b) ends—

- (i) if the first day of the period was a day of payment, at midnight on the day preceding the 13th following day of payment; or
- (ii) if that day was not a day of payment, at midnight on the day preceding the 14th following day of payment; or
- (iii) if earlier, on the day immediately preceding the day on which regulation 3, 4, 5, 11(1) or 11(4) of those regulations next applies to his case;

if on the first day of the period it is expected that, before the expiry of the period of 13 weeks beginning with that day, he will return to hospital or other accommodation to which regulation 3, 4, 5 or 11 of those regulations applies.

(3) An increase of disablement pension under section 61 of the Act where constant attendance is needed ("constant attendance allowance") shall be paid at a daily rate of one seventh of the weekly rate in any case where it becomes payable for a period of less than a week which is immediately preceded and immediately succeeded by periods during which the constant attendance allowance was not payable because regulation 19(1) of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(a) applied.

Income support

26.—(1) Schedule 7 shall have effect for determining the manner in and time at which income support is to be paid, the day when any change of circumstances affecting entitlement is to have effect and the day when entitlement to income support is to begin.

(2) Where income support paid by means of a book of serial orders is increased on review by an amount which, with any previous such increase, is less than 50 pence per week, the Department may defer payment of that increase until not later than either—

(a) the termination of entitlement; or

(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,

whichever is the earlier.

(3) Where income support paid by means of a book of serial orders is reduced on review by less than 50 pence per week, the reduction shall be disregarded for the period to which that book relates.

(4) Where the entitlement to income support is less than 10 pence or, in the case of a beneficiary to whom Article 24(8) of the Order applies, £5, that amount shall not be payable unless the claimant is also entitled to payment of any other benefit with which income support is paid under arrangements made by the Department.

Family credit

27.—(1) Subject to regulation 21, family credit shall be payable in respect of any benefit week on the Tuesday next following the end of that week by means of a book of serial orders unless in any case the Department arranges otherwise.

(2) Where the entitlement to family credit is less than 50 pence a week that amount shall not be payable.

Fractional amounts of benefit

28. Where the amount of any benefit payable would, but for this regulation, 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.

Payment to a person under age 18

29. 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 Department for any sum paid under such instrument.

(a) S.R. 1984 No. 92, to which there are amendments not relevant to these regulations

Payments on death

30.—(1) On the death of a person who has made a claim for benefit, the Department may appoint such person as it may think fit to proceed with the claim.

(2) Subject to paragraph (4), any sum payable by way of benefit which is payable under an award on a claim proceeded with under paragraph (1) may be paid or distributed by the Department 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 37 (extinguishment of right) shall apply to any such payment or distribution; and—

- (a) the receipt of any such person shall be a good discharge to the Department for any sum so paid; and
- (b) where the Department is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of 16, it may obtain a good discharge therefor by paying the sum or part thereof to a person over that age who satisfies the Department that he will apply the sum so paid for the benefit of the person under the age of 16.

(3) Subject to paragraph (2), 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 regulation 37 shall apply to any such payment or distribution, except that, for the purpose of that regulation, 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 Department within 12 months from the date of the deceased's death or within such longer period as the Department may allow in any particular case.

(5) Where the conditions specified in paragraph (6) are satisfied, a claim may be made on behalf of the deceased to any benefit other than income support or family credit or a social fund payment such as is mentioned in Article 33(2)(a) of the Order, to which he would have been entitled if he had claimed it in the prescribed manner and within the prescribed time.

(6) The following conditions are specified for the purposes of paragraph (5)—

- (a) within 6 months of the death an application must have been made in writing to the Department for a person, whom the Department thinks fit to be appointed to make the claim, to be so appointed;
- (b) a person must have been appointed by the Department to make the claim;
- (c) there must have been no longer period than 6 months between the appointment and the making of the claim.

(7) A claim made in accordance with paragraph (5) shall be treated, for the purposes of these regulations, as if made by the deceased on the date of his death.

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

(9) In paragraph (2) "next of kin" means the persons who would take beneficially on an intestacy under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1955(a).

Time and manner of payments of industrial injuries gratuities

31.—(1) This regulation applies to any gratuity payable under Chapter IV or V of Part II of the Act.

(2) Subject to paragraphs (3) to (5), every gratuity shall be payable in one sum.

(3) A gratuity may be payable by instalments of such amounts and at such times as appear reasonable in the circumstances of the case to the adjudicating authority awarding the gratuity if—

(a) the beneficiary to whom the gratuity has been awarded is, at the date of the award, under the age of 18 years; or

(b) in any other case, the amount of the gratuity so awarded (not being a gratuity payable to the widow of a deceased person on her remarriage) exceeds £52 and the beneficiary requests that payments should be made by instalments.

(4) An appeal shall not be brought against any decision that a gratuity should be payable by instalments or as to the amounts of any such instalments or the time of payment but any such decision may be varied by any adjudicating authority by whom the award of that gratuity is varied.

(5) Subject to the provisions of regulation 36 (suspension), a gratuity shall—

(a) if it is payable by equal weekly instalments, be paid in accordance with the provisions of regulation 22 insofar as they are applicable; or

(b) in any case, be paid by such means as may appear to the Department to be appropriate in the circumstances.

Information to be given when obtaining payment of benefit

32.—(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 Department may determine, such certificates and other documents and such information or facts affecting the right to benefit or to its receipt as the Department may require (either as a condition on which any sum or sums shall be receivable or otherwise), and in particular shall notify the Department 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 its occurrence, by giving notice in writing of any such change to the appropriate office.

(2) Where any sum is receivable on account of an increase of benefit in respect of an adult dependant, the Department may require the beneficiary to furnish a declaration signed by such dependant confirming the particulars respecting him, which have been given by the claimant.

(a) 1955 c. 24 (N.I.)

THIRD PARTIES

Persons unable to act

33.—(1) Where—

- (a) a person is, or is alleged to be, entitled to benefit, whether or not a claim for benefit has been made by him or on his behalf;
- (b) that person is unable for the time being to act; and
- (c) no controller has been appointed by the High Court with power to claim or, as the case may be, receive benefit on his behalf,

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

(2) Where the Department has made an appointment under paragraph (1)—

- (a) it may at any time revoke it;
- (b) the person appointed may resign his office after having given one month's notice in writing to the Department of his intention to do so;
- (c) any such appointment shall terminate when the Department is notified that a controller has been appointed by the High Court.

(3) Anything required by these regulations to be done by or to any person who is for the time being unable to act may be done by or to the controller appointed by the High Court, or by or to the person appointed under this regulation or regulation 42 (mobility allowance for children) and the receipt of any person so appointed shall be a good discharge to the Department for any sum paid.

Payment to another person on the beneficiary's behalf

34. The Department may direct that benefit shall be paid, wholly or in part, to another person on the beneficiary's behalf if such a direction as to payment appears to the Department to be necessary for protecting the interests of the beneficiary, or any child or dependant in respect of whom benefit is payable.

Payment to a partner as alternative payee

35. Where one of a married or unmarried couple residing together is entitled to child benefit or family credit, the Department may make arrangements whereby that benefit, as well as being payable to the person entitled to it, may, in the alternative, be paid to that person's partner on behalf of the person entitled.

PART V

SUSPENSION AND EXTINGUISHMENT

Suspension

36.—(1) Subject to paragraph (3), where it appears to the Department that a question has arisen in relation to a person's entitlement to benefit or to

payment of that benefit, it may direct that payment of that benefit shall be suspended, wholly or in part, pending the determination of that question on review, appeal or reference.

(2) Where it appears to the Department that a question has arisen whether any amount paid or payable to a person by way of, or in connection with a claim for, benefit is recoverable under Article 28 or 54 of the Order or regulations made under either Article, it may direct that any payment of arrears of benefit to that person shall be suspended, in whole or in part, pending determination of that question.

(3) The Department may direct that payment of benefit under a decision of a social security appeal tribunal be suspended during any period when consideration is being given as to whether an appeal should be made to a Commissioner.

(4) A suspension of benefit under paragraph (3) shall cease at the expiry of the period of one month from the date on which notice of the tribunal's decision was given to the adjudication officer unless within that period the claimant is given notice in writing that an application for leave to appeal to a Commissioner has been made; but if notice of such an application is given the suspension may continue until the application and any consequent appeal have been determined.

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

37.—(1) The right to payment of any sum by way of benefit shall be extinguished where payment of that sum 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 to the person to whom it is payable, or to a place approved by the Department for collection by him (whether or not received or collected as the case may be)—
 - (i) on the date of the said instrument of payment; or
 - (ii) if a further instrument of payment has been so given or sent as a replacement, on the date of the last such instrument of payment;
- (b) in relation to any such sum to which sub-paragraph (a) does not apply, where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection on the date of the notice or, if more than one such notice is given or sent, the date of the first such notice;
- (c) in relation to any such sum to which neither sub-paragraph (a) nor sub-paragraph (b) applies, on such date as the Department determines.

(2) The giving or sending of an instrument of payment under sub-paragraph (a) of paragraph (1), or of a notice under sub-paragraph (b) of paragraph (1), shall be effective for the purposes of that paragraph, even where the sum contained in that instrument, or notice, is more or less than the sum which the person concerned has the right to receive.

(3) For the purposes of paragraph (1) the date of an instrument of payment is the date of issue of that instrument or, if the instrument specifies a date which is the earliest date on which payment can be obtained on the instrument and which is later than the date of issue, that date.

(4) This regulation shall apply to a person authorised or appointed to act on behalf of a beneficiary as it applies to a beneficiary.

(5) This regulation shall not apply to the right to a single payment of any industrial injury gratuity or in satisfaction of a person's right to graduated retirement benefit.

PART VI

MOBILITY ALLOWANCE

Claim and award for period beginning after the date on which the claim is received

38.—(1) Subject to paragraphs (2) and (3), a claim for mobility allowance may be made, or treated as made, for a period beginning on such date later than the date on which the claim is received, being a date not more than 3 months after the date on which it is so received as the Department may determine.

(2) In the case of a claim in respect of a child who will attain the age of 5 within the 3 month period, no date earlier than the date of his fifth birthday shall be treated as the date the claim is made.

(3) In the case of a claim for the renewal of an existing award of mobility allowance, the first day after the ending of the period of the existing award shall be treated as the date the claim is made.

(4) Where, in accordance with paragraphs (1) to (3), a claim is made, or treated as made, for a period beginning after the date on which it is received—

(a) the entitlement to mobility allowance of the person in respect of whom such claim is made shall be determined having regard to the physical disablement to which that person may be expected to be subject at the beginning of the period for which the claim is, or is treated as being, made; and

(b) if it appears that the conditions for entitlement to mobility allowance will be satisfied from the beginning of such period, mobility allowance may be awarded, payable from that date, subject to the condition that, when mobility allowance becomes payable, the person in respect of whom such a claim is made satisfies the requirements for entitlement to mobility allowance for which provision is made in section 37A of the Act(a), in the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975(b) or in these regulations; and if at any time during the period for which such an award is made, any of those requirements are found not to have been satisfied, the award shall be reviewed.

(a) Section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), and amended by Article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and Article 72(1) to (3) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(b) S.R. 1975 No. 280; the relevant amending regulations are S.R. 1977 No. 73, S.R. 1979 No. 47, S.R. 1980 No. 385 and S.R. 1986 No. 341

Claim received within 6 months after the end of a period for which mobility allowance is awarded

39. Where mobility allowance has been awarded to any person for a period ending before the date on which he attains the age of 75 and no further claim for mobility allowance made by, or in respect of, that person has been received by the Department before the end of that period, any further claim so made, which is received, or by virtue of regulation 4(1) of the Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 is treated as received, by the Department on a date not more than 6 months after the end of that period, shall be treated as a claim for a period beginning immediately after the end of that period.

Obligations of persons in respect of whom mobility allowance is claimed or awarded and disqualification for failure to comply

40.—(1) Subject to paragraphs (2) to (6), every person in respect of whom a claim for mobility allowance is made or to whom mobility allowance has been awarded shall comply with every notice given to him by the Department which requires him either—

- (a) to submit himself to a medical examination by a medical authority for the purpose of determining any medical question as defined in regulation 53 of the Social Security (Adjudication) Regulations (Northern Ireland) 1987(a); or
- (b) to submit himself to such medical or other treatment as is available to him and is considered appropriate in his case by any medical authority to whose examination he has submitted himself in accordance with sub-paragraph (a), being treatment that may be expected to improve his condition so as to enable him to walk.

(2) Every notice given for the purpose of this regulation requiring a person to submit himself to medical examination shall be given in writing and shall specify the time and place of examination and shall not require a person to submit himself to examination on a date earlier than the third day after the day on which the notice is sent.

(3) Every person who is required to submit himself to a medical examination under this regulation shall attend at every such place and at every such time as may be required.

(4) Subject to paragraphs (5) and (6), every person in respect of whom a claim for mobility allowance is made or to whom mobility allowance is awarded who, without good cause, fails to comply with any requirement of this regulation shall, if the adjudicating authority so decides, be disqualified for receiving mobility allowance in respect of the period of such failure.

(5) Nothing in this regulation shall authorise the disqualification of any person for receiving mobility allowance for a period exceeding 6 weeks on any disqualification.

(6) No person shall be disqualified for receiving mobility allowance for refusal to undergo a surgical operation not being one of a minor character.

(a) S.R. 1987 No. 82, to which there are amendments not relevant to these regulations

Cases where mobility allowance not to be payable

41.—(1) Subject to the provisions of this regulation, mobility allowance shall not be payable to any person who would otherwise be entitled to it in respect of any period—

- (a) during which that person has the use of an invalid carriage or other vehicle provided by the Department under Article 30 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) which is a vehicle propelled by petrol engine or by electric power supplied for use on the road and to be controlled by the occupant; or
- (b) in respect of which that person has received, or is receiving, any payment—
 - (i) by way of grant under the said Article 30 towards the costs of running a private car, or
 - (ii) of mobility supplement under the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(b) or the Personal Injuries (Civilians) Scheme 1983(c), or under that Order by virtue of the War Pensions (Naval Auxiliary Personnel) Scheme 1964(d), the Pensions (Polish Forces) Scheme 1964(e), the War Pensions (Mercantile Marine) Scheme 1964(f) or an Order of Her Majesty in relation to the Home Guard dated 21st December 1964(g) or 22nd December 1964(h), or in relation to the Ulster Defence Regiment dated 4th January 1971(i), or any payment out of public funds which the Department is satisfied is analogous thereto.

(2) A person who has notified the Department that he no longer wishes to use such an invalid carriage or other vehicle as is referred to in paragraph (1)(a) and has signed an undertaking that he will not use it while it remains in his possession awaiting collection, shall be treated, for the purposes of this regulation, as not having the use of that invalid carriage or other vehicle.

(3) Where a person in respect of whom mobility allowance is claimed for any period has received any such payment as is referred to in paragraph (1)(b) for a period which, in whole or in part, covers the period for which mobility allowance is claimed, such payment shall be treated as an aggregate of equal weekly amounts in respect of each week in the period for which it is made and, where in respect of any such week a person is treated as having a weekly amount so calculated which is less than the weekly rate of mobility allowance specified in paragraph 3A of Part III of Schedule 4 to the Act(j), any mobility allowance to which that person may be entitled for that week shall be payable at a weekly rate reduced by the weekly amount so calculated.

(a) S.I. 1972/1265 (N.I. 14)

(b) S.I. 1983/883, as amended by S.I. 1983/1116 and 1521 and S.I. 1986/592

(c) S.I. 1983/686, as amended by S.I. 1983/1164 and 1540 and 1986/628

(d) S.I. 1964/1985

(e) S.I. 1964/2007, as extended by S.I. 1967/293, S.I. 1972/95 and S.I. 1981/1876

(f) S.I. 1964/2058

(g) Cmnd. 2563

(h) Cmnd. 2564

(i) Cmnd. 4567

(j) Paragraph 3A was inserted by Article 24(2) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)) and amended by the Schedule to the Social Security Benefits Up-rating (No. 2) Order (Northern Ireland) 1987 (S.R. 1987 No. 458)

(4) In a case where the Department has issued a certificate to the effect that it is satisfied—

(a) that the person in question either—

(i) has purchased or taken on hire or hire-purchase; or

(ii) intends to purchase or take on hire or hire-purchase,

a private car or similar vehicle (in this paragraph called "the car") for a consideration which is more than nominal, on or about a date (not being earlier than 13th January 1982) specified in the certificate (in this paragraph called "the said date");

(b) that that person intends to retain possession of the car at least during, and to learn to drive it within, the period of 6 months or such greater or lesser length of time as may be specified in the certificate (in this paragraph called "the said period") beginning on the said date; and

(c) that that person will use mobility allowance in whole or in part during the said period towards meeting the expense of acquiring the car,

paragraph (1)(a) shall not apply, and shall be treated as having never applied, during a period beginning on the said date and ending at the end of the said period or (if earlier) the date on which the Department cancels the certificate because that person has parted with possession of the car or for any other reason.

Children

42.—(1) In any case where a claim for mobility allowance for a child is received by the Department, it shall, in accordance with paragraphs (2) to (9), appoint a person to exercise, on behalf of that child, any right to which he may be entitled under the Act in connection with mobility allowance and to receive and deal on his behalf with any sums payable by way of mobility allowance.

(2) Subject to paragraphs (3) to (9), a person appointed by the Department under this regulation to act on behalf of the child shall—

(a) be a person with whom the child is living; and

(b) be over the age of 18; and

(c) be either the father or mother of the child, or, if the child is not living with either parent, be such other person as the Department may determine; and

(d) have given such undertaking as may be required by the Department as to the use, for the child's benefit, of any mobility allowance paid.

(3) For the purposes of paragraph (2)(a), a person with whom a child has been living shall, subject to paragraphs (5) and (6) and to the power of the Department to determine in any case that the provisions of this paragraph should not apply, be treated as continuing to live with that child during any period—

(a) during which that person and the child are separated but such separation has not lasted for a continuous period exceeding 8 weeks; or

(b) during which the child is absent by reason only of the fact that he is receiving full-time education at a school; or

- (c) during which the child is absent and undergoing medical or other treatment as an in-patient in a hospital or similar institution; or
- (d) during such other period as the Department may in any particular case determine.

(4) Where the absence of the child under paragraph (3)(b) has lasted for a continuous period of 26 weeks or the child is absent under paragraph (3)(c), that person shall only be treated as continuing to live with that child if he satisfies the Department that he has incurred, or has undertaken to incur, expenditure for the benefit of the child of an amount not less than the mobility allowance payable in respect of such period of absence.

(5) Subject to paragraph (6), where a child, in respect of whom mobility allowance is payable, is, by virtue of any provision of an enactment, committed to, or received into, the care of a Health and Social Services Board, any appointment made under paragraphs (1) to (4) shall terminate forthwith.

(6) Where a child is committed to, or received into, care for a period which is, and when it began was, not intended to last for more than 8 weeks the appointment shall not terminate by virtue of paragraph (5) until such period has lasted for 8 weeks.

(7) In any case where an appointment on behalf of any child in the care of a Health and Social Services Board is terminated in accordance with paragraph (5), the Department may, upon application made to it by the said Board or by an officer of such Board nominated for the purpose by that Board, appoint the Health and Social Services Board or nominated officer thereof or appoint such other person as it may, after consultation with the Health and Social Services Board, determine, to exercise on behalf of the child any right to which that child may be entitled under the Act in connection with mobility allowance and to receive and deal on his behalf with any sums payable to him by way of mobility allowance for any period during which he is in the care of that Board.

(8) Where a child is undergoing medical or other treatment as an in-patient in a hospital or similar institution and there is no other person to whom mobility allowance may be payable by virtue of an appointment under this regulation, the Department may, upon application made to it by the Health and Social Services Board controlling the hospital or similar institution in which the child is an in-patient, or by an officer of that Board nominated for the purpose by the Health and Social Services Board, appoint that Board or the nominated officer thereof or such other person as the Department may, after consultation with that Board, determine, to exercise on behalf of the child any right to which that child may be entitled in connection with mobility allowance and to receive and deal on his behalf with any sums payable to him by way of mobility allowance for any period during which he is an in-patient in a hospital or similar institution under the control of that Board.

(9) For the purposes of this regulation—

“Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;

“child’s father” and “child’s mother” include a person who is a child’s father or mother by adoption or would be such a relative if an illegitimate child had been born legitimate;

“hospital or similar institution” means any premises for the reception and treatment of persons suffering from any illness, including any mental disorder, or of persons suffering from physical disability, and any premises used for providing treatment during convalescence or for medical rehabilitation.

Payment of mobility allowance on behalf of a beneficiary

43.—(1) Where, under arrangements made or negotiated by Motability, an agreement has been entered into by or on behalf of a beneficiary in respect of whom mobility allowance is payable for the hire or hire-purchase of a vehicle, the Department may arrange that any mobility allowance payable to the beneficiary shall be paid in whole or in part on behalf of the beneficiary in settlement of liability for payments due under that agreement.

(2) Subject to regulations 44 and 45, an arrangement made by the Department under paragraph (1) shall terminate at the end of whichever is the relevant period specified in paragraph (3), in the case of hire, or paragraph (4), in the case of a hire-purchase agreement.

(3) In the case of hire the relevant period shall be—

- (a) where the vehicle is returned to the owner at or before the expiration of the original term of hire, the period of the original term; or
- (b) where the vehicle is retained by or on behalf of the beneficiary with the owner's consent after the expiration of the original term of hire, the period of the original term; or
- (c) where the vehicle is retained by or on behalf of the beneficiary otherwise than with the owner's consent after the expiration of the original term of hire or its earlier termination, whichever is the longer of the following periods—

- (i) the period ending with the return of the vehicle to the owner; or
- (ii) the period of the original term of hire.

(4) In the case of a hire-purchase agreement, the relevant period shall be—

- (a) the period ending with the purchase of the vehicle; or
- (b) where the vehicle is returned to the owner or is repossessed by the owner under the terms of the agreement before the completion of the purchase, the original period of the agreement.

(5) In this regulation “Motability” means the company, set up under that name as a charity and incorporated under the Companies Act 1985(a), Registered No. 1348959.

Power for the Department to terminate an arrangement

44. The Department may terminate an arrangement for the payment of mobility allowance on behalf of a beneficiary under regulation 43 on such date as it shall decide—

- (a) if requested to do so by the owner of the vehicle to which the arrangement relates; or

- (b) where it appears to the Department that the arrangement is causing undue hardship to the beneficiary and that it should be terminated before the end of any of the periods specified in paragraph (3) or (4) of regulation 43.

Restriction on duration of arrangements by the Department

45. The Department shall end an arrangement for the payment of mobility allowance on behalf of a beneficiary made under regulation 43, where it is satisfied that the vehicle to which the arrangement relates has been returned to the owner and that the expenses of the owner arising out of the hire or hire-purchase agreement have been recovered following the return of the vehicle.

PART VII

MISCELLANEOUS

Instruments of payment

46. Instruments of payment and books of serial orders issued by the Department shall remain its property; and any person having such an instrument or book shall, on ceasing to be entitled to the benefit to which such instrument or book relates or when so required by the Department, deliver the instrument or book to the Department or to such other person as it may direct.

Revocations

47. The regulations specified in column (1) of Schedule 9 are hereby revoked to the extent mentioned in column (2) of that Schedule, in exercise of the powers specified in column (3).

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 21st December 1987.

(L.S.)

A. N. Burns

Assistant Secretary

PART I

Benefit claimed and other benefit which may be treated as if claimed in addition or in the alternative

<i>Benefit claimed</i> (1)	<i>Alternative benefit or benefit treated as if also claimed</i> (2)
Sickness benefit	Invalidity benefit or severe disablement allowance
Invalidity benefit	Sickness benefit or severe disablement allowance
Unemployment benefit	Sickness benefit, invalidity benefit, unemployability supplement, severe disablement allowance or invalid care allowance
Severe disablement allowance	Sickness benefit or invalidity benefit
An increase of unemployment benefit	An increase of sickness benefit, invalidity pension, severe disablement allowance or of invalid care allowance
Sickness benefit for a woman	Maternity allowance
Invalidity benefit for a woman	Maternity allowance
Severe disablement allowance for a woman	Maternity allowance
Maternity allowance	Sickness benefit, invalidity benefit or severe disablement allowance
Category B or Category C retirement pension	Widow's benefit
A retirement pension of any category	A retirement pension of any other category
An increase of sickness benefit or of invalidity pension	An increase of severe disablement allowance
Attendance allowance	An increase of disablement pension where constant attendance is needed
An increase of disablement pension where constant attendance is needed	Attendance allowance
An increase of severe disablement allowance	An increase of sickness benefit or invalidity pension
Income support	Supplementary benefit, attendance allowance or an invalid care allowance

In this Part of this Schedule—

- (a) references to an increase of any benefit (other than an increase of disablement pension where constant attendance is needed) are to an increase of that benefit in respect of a child or adult dependant;
- (b) "widow's benefit" means widow's benefit under Chapter I of Part II of the Act and benefit by virtue of section 39(4) of the Act corresponding to a widow's pension or a widowed mother's allowance.

PART II

Regulation 9(2) and (3)

Interchange of claims for child benefit with claims for other benefits

Increase in child benefit under regulation 2(2) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(a)

Guardian's allowance

Maternity allowance claimed after confinement

Increase for child dependant by virtue of sections 41(b), 49(c) and 64(d) of the Act or regulations made under section 39(4) of the Act.

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- (a) S.R. 1976 No. 223: the relevant amending regulations are S.R. 1980 No. 37 and S.R. 1987 No. 458
- (b) Section 41 was amended by paragraph 14 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)); Part II of Schedule 4 to the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)); paragraph 2 of Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)); Schedule 10 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and Article 10 of S.R. 1987 No. 458
- (c) Section 49 was amended by paragraph 2 of Schedule 2 to the Health and Social Security (Northern Ireland) Order 1984
- (d) Section 64 was amended by paragraph 22 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975; Schedule 5 to the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16)) and paragraph 3 of Schedule 3 to the Health and Social Security (Northern Ireland) Order 1984; and ceased to have effect from 6th April 1987 by virtue of paragraph 4 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 but is preserved in relation to certain existing cases as mentioned in that paragraph

Special provisions relating to claims for unemployment benefit made during periods connected with public holidays

1. In this Schedule—
 - (a) “public holiday” means, as the case may be, Christmas Day or a Bank Holiday under the Banking and Financial Dealings Act 1971(a); and “Christmas and New Year holidays” shall be construed accordingly and shall be treated as one period;
 - (b) “office closure” means a period during which a social security office is closed in connection with a public holiday;
 - (c) in computing any period of time Sundays shall not be disregarded.
2. Where any claim for unemployment benefit is made during one of the periods set out in paragraph 3, the following provisions shall apply—
 - (a) a claim for unemployment benefit may be treated by an adjudication officer as a claim for that benefit for a period, to be specified in his decision, not exceeding 35 days after the date of the claim where the claim is made during the period specified in sub-paragraph (a) of paragraph 3 or 21 days after the date of claim where the claim is made during the period specified in sub-paragraph (b) of paragraph 3;
 - (b) on any claim so treated, benefit may be awarded as if the provisions of paragraph (7) of regulation 17 applied.
3. For the purposes of paragraph 2 the periods are—
 - (a) in the case of Christmas and New Year holidays, a period beginning with the start of the 35th day before the first day of office closure and ending at midnight between the last day of office closure and the following day;
 - (b) in the case of any other public holiday, a period beginning with the start of the 21st day before the first day of office closure and ending at midnight between the last day of office closure and the following day.

(a) 1971 c. 80

Duration of disallowance

Column (1)	Column (2)
Sickness benefit or unemployment benefit	The contribution condition in paragraph 1(2) of Schedule 3 to the Act(a) is not satisfied; or although that condition is satisfied, the contribution condition in paragraph 1(3) of that Schedule is not satisfied.
Invalidity benefit	The claimant has not been entitled to sickness benefit for 168 days in the relevant period of interruption of employment.
Severe disablement allowance	The claimant has not— (a) been incapable of work for 196 consecutive days; or (b) satisfied the requirements of regulation 3 of the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(b) (residence and presence conditions).

- (a) Paragraph 1 of Schedule 3 was amended by paragraph 2(1) to (3) of Schedule 8 to the Social Security (Northern Ireland) Order 1986
(b) S.R. 1984 No. 317, to which there are amendments not relevant to these regulations

Prescribed times for claiming benefit

<i>Description of benefit</i> (1)	<i>Prescribed time for claiming benefit</i> (2)
<p>1. Unemployment benefit.</p> <p>2. Sickness benefit, invalidity benefit or severe disablement allowance—</p> <p>(a) Where the claim is an original claim, that is to say, where the claimant has at no time made a claim for sickness benefit or severe disablement allowance under the Act or a claim which has been treated as a claim for sickness benefit or severe disablement allowance.</p> <p>(b) Where the claim is not an original claim but is the first claim made by the claimant after he has become or again becomes incapable of work.</p> <p>(c) Where the claim is a continuation claim, that is to say a claim to which neither sub-paragraph (a) nor sub-paragraph (b) applies.</p> <p>3. Disablement benefit (not being an increase of benefit).</p> <p>4. Increase of disablement benefit under section 61(a) (constant attendance) or 63 (exceptionally severe disablement) of the Act.</p>	<p>The day in respect of which the claim is made.</p> <p>(a) The day in respect of which the claim is made and the period of one month immediately following it.</p> <p>(b) The day in respect of which the claim is made and the period of 6 days immediately following it.</p> <p>(c) The day in respect of which the claim is made and the period of 10 days immediately following it.</p> <p>As regards any day on which, apart from satisfying the condition of making a claim, the claimant is entitled to benefit, that day and the period of 3 months immediately following it.</p> <p>As regards any day on which, apart from satisfying the conditions that there is a current award of disablement benefit and the making of a claim, the claimant is entitled to benefit, that day and the period of 3 months immediately following it.</p>
<p>(a) Section 61 was amended by paragraph 6 of Schedule 3 to the Social Security (Northern Ireland) Order 1986</p>	

<i>Description of benefit</i> (1)	<i>Prescribed time for claiming benefit</i> (2)
5. Reduced earnings allowance.	As regards any day on which apart from satisfying the conditions that there is an assessment of disablement of not less than one per cent. and the making of a claim, the claimant is entitled to the allowance, that day and the period of 3 months immediately following it.
6. Income support.	The first day of the period in respect of which the claim is made.
7. Family credit.	<p>(a) Where family credit has previously been claimed and awarded the period beginning 28 days before and ending 14 days after the last day of that award;</p> <p>(b) subject to (a), the first day of the period in respect of which the claim is made.</p>
8. Social fund payment in respect of maternity expenses.	The period beginning 11 weeks before the first day of the expected week of confinement and ending 3 months after the actual date of confinement or, in the case of an adopted baby, the date of the adoption order.
9. Social fund payment in respect of funeral expenses.	3 months from the date of the funeral.
10. Increase of disablement benefit under section 62 of the Act(a) on the grounds of receipt of hospital treatment.	As regards any day on which, apart from satisfying the conditions that there is a current award of disablement benefit and the making of a claim, the claimant is entitled to benefit, that day and the period of 3 months immediately following it.

For the purposes of this Schedule—

“actual date of confinement” means the date of the issue of the child or, if the woman is confined of twins or a greater number of children, the date of the issue of the last of them; and

“confinement” means labour resulting in the issue of a living child, or labour after 28 weeks of pregnancy resulting in the issue of a child whether alive or dead.

(a) Section 62 ceased to have effect from 6th April 87 by virtue of paragraph 7 of Schedule 3 to the Social Security (Northern Ireland) Order 1986 but is preserved in relation to certain existing cases as mentioned in that paragraph

**Miscellaneous provisions which vary the prescribed times under
Schedule 4***Unemployment benefit*

1. A person who claims unemployment benefit in respect of any day shall not be disentitled to that benefit by reason of his failure to make a claim for it on that day if that claim is made on a day specified for the purpose of his claiming unemployment benefit in a notice previously given to him by the Department; and either—

- (i) that claim is made on the first or only day so specified in that notice; or
- (ii) he has claimed unemployment benefit on every day so specified in that notice which falls before the day on which that claim is made.

Sickness benefit etc. claimed by hospital in-patients

2.—(1) Where it is being determined whether the provisions of regulation 19(2) (good cause) have been satisfied by a person who is, or has been, an in-patient in a hospital and who makes a claim for sickness or invalidity benefit or severe disablement allowance, any such provision shall, in relation only to that claim, be deemed to have been satisfied by him in respect of that one of the following periods which is appropriate in so far as it is relevant for the purpose of any provision:

- (a) where the person concerned has been discharged from the hospital, the period commencing on the date of his admission thereto as an in-patient and ending 13 weeks thereafter or 3 weeks after the date of his discharge, whichever period is the shorter; or
- (b) where the person concerned has not been so discharged, the period of 13 weeks from the date of his admission to the hospital as an in-patient;

and where the person concerned claims an increase of that benefit or allowance in respect of a child or adult dependant within the period of one month from the date of the claim to that benefit or allowance, any such provision shall be deemed to be satisfied for the whole of the period in respect of which the claim to that benefit or allowance is made.

(2) For the purposes of paragraph 2(1)—

- (a) in ascertaining the date of admission to hospital of the person concerned, where that person has previously been an in-patient in one or more hospitals for one or more periods any such period shall be taken into account; so however that the interval, or (if there was more than one previous period as an in-patient) each interval, between the end of such period and the beginning of the appropriate period specified in paragraph 2(1) does not exceed 3 weeks;
- (b) "hospital" means any institution for the reception and treatment of persons suffering from illness and any maternity home (and, for this purpose, "illness" includes mental disorder and any injury or disability requiring medical treatment or nursing); and
- (c) "in-patient" means a person who is admitted as an in-patient to a hospital for the purpose of receiving treatment (not being treatment during convalescence) by or under the direction of a registered medical practitioner.

Days for payment of long term benefits*Attendance allowance*

1. Subject to the provisions of regulation 25 (payment of attendance allowance and constant attendance allowance at a daily rate), attendance allowance shall be payable on Mondays, except that the Department may in any particular case arrange for the allowance to be payable on any other day of the week and where it is in payment to any person and the day on which it is payable is changed, it shall be paid at a daily rate of one seventh of the weekly rate in respect of any of the days for which payment would have been made but for that change.

Guardian's allowance

2. Guardian's allowance shall be payable on Tuesdays or, if the Department so arranges in respect of any particular case, on Mondays.

Industrial injuries benefit

3. Any pension or allowance under Chapter IV or V of Part II of the Act, including any increase, shall be payable on Wednesdays.

Invalid care allowance

4. Invalid care allowance shall be payable on Mondays, except that where a person is entitled to that allowance in respect of a severely disabled person by virtue of regulation 3 of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(a) the invalid care allowance shall be payable on Wednesdays.

Retirement pension

5. Retirement pension shall be payable on Mondays, except that—

- (a) where a person became entitled to a retirement pension before 28th September 1984, that pension shall be payable on Thursdays;
- (b) where a woman was entitled to a widow's benefit immediately before becoming entitled to a retirement pension, that pension shall be payable on Tuesdays;
- (c) where a woman becomes entitled to a retirement pension immediately following the payment to her husband of an increase of retirement pension in respect of her, the retirement pension to which she becomes entitled shall be payable on the same days as those upon which the retirement pension of her husband is payable;
- (d) the Department may, notwithstanding anything contained in the foregoing provisions of this paragraph, arrange for retirement pension to be payable on such other day of the week as it may in any particular case determine;
- (e) where, in relation to any person, any particular day of the week has become the appropriate day of the week for the payment of retirement pension, that day shall thereafter remain the appropriate day in his case for such payment.

Widowed mother's allowance and widow's pension

6. Widowed mother's allowance and widow's pension shall be payable on Tuesdays.

Mobility allowance

7. Mobility allowance shall be payable on Wednesdays.

(a) S.R. 1976 No. 99, to which there are amendments not relevant to these regulations

Manner and time of payment, effective date of change of circumstances and commencement of entitlement in income support cases*Manner of payment*

1. Except as otherwise provided in these regulations, income support shall be paid in arrears in accordance with the award by means of an instrument of payment.

Time of payment

2. Income support shall be paid in advance where the claimant is—

- (a) in receipt of retirement pension;
- (b) over pensionable age and not in receipt of unemployment benefit, sickness or invalidity benefit or severe disablement allowance and is not a person to whom Article 24 of the Order (trade disputes) applies unless he was in receipt of income support immediately before the trade dispute began;
- (c) in receipt of widow's benefit and is not registering or required to register as available for work or providing or required to provide medical evidence of incapacity for work; or
- (d) a person to whom Article 24(8) of the Order applies, but only for the period of 15 days mentioned in that paragraph.

3. Income support in respect of any benefit week shall, if the beneficiary is entitled to a relevant social security benefit or would be so entitled but for failure to satisfy the contribution conditions, or because he had exhausted his entitlement, be paid on the day and at the intervals appropriate to payment of that benefit and otherwise at such intervals and on such day as the Department may direct.

4. In paragraph 3—

“benefit week” means, if the beneficiary is entitled to a relevant social security benefit or would be so entitled but for failure to satisfy the contribution conditions or because he had exhausted his entitlement, the week corresponding to the week in respect of which that benefit is paid, and in any other case a period of 7 days beginning or ending with such day as the Department may direct; and

“relevant social security benefit” means unemployment benefit, sickness benefit, invalidity benefit, severe disablement allowance, retirement pension or widow's benefit.

Payment of small amounts of income support

5. Where the amount of income support is less than £1 a week the Department may direct that it shall be paid at such intervals as may be specified not exceeding 13 weeks.

Commencement of entitlement to income support

6.—(1) Subject to sub-paragraphs (3) and (4), in a case where income support is payable in arrears entitlement shall commence on the date of claim.

(2) Subject to sub-paragraphs (3) and (4), in a case where, under paragraph 2, income support is payable in advance entitlement shall commence on the date of claim if that day is a day for payment of income support as determined under paragraph 3 but otherwise on the first such day after the date of claim.

(3) If on the date of commencement of entitlement to income support, determined under sub-paragraph (1) or, as the case may be, sub-paragraph (2), all the conditions

for such entitlement are not satisfied, entitlement shall commence on the first later date when those conditions are satisfied.

(4) Where the time for claiming is extended under regulation 19 the claim shall be treated as made on the first day of the period in respect of which the claim is, by reason of the operation of that regulation, timeously made.

(5) If a claim is made by a claimant within 3 days of the date on which he became resident at a hostel as defined in regulation 20(2) of the Income Support (General) Regulations (Northern Ireland) 1987^(a) of a type mentioned in head (b)(iii) of that definition (hostel managed by voluntary body to provide care, support or supervision for rehabilitation or resettlement of persons within the community) then, except to the extent that it relates to amounts other than the charges for accommodation in the hostel, it shall be treated as having been made on the day he became so resident.

(6) Where, in consequence of a further claim for income support such as is mentioned in paragraph 4(7) of Schedule 3 to the Income Support (General) Regulations (Northern Ireland) 1987, a claimant is treated as occupying a dwelling as his home for a period before moving in, that further claim shall be treated as having been made on the date from which he is treated as so occupying the dwelling or the date of the claim made before he moved in to the dwelling and referred to in that paragraph, whichever is the later.

Date when change of circumstances is to take effect

7.—(1) Subject to sub-paragraph (2), where the amount of income support payable under an award is changed because of a change of circumstances that change shall have effect—

- (a) where income support is paid in arrears, from the first day of the benefit week in which the change occurs or, if entitlement ends for a reason other than that the claimant no longer satisfies the provisions of Article 21(3)(b) of the Order, from the date of the change of circumstances; or
- (b) where income support is paid in advance, from the date of the change of circumstances if that is the first day of the benefit week and otherwise from the next following such day.

(2) Where the change of circumstances requires a reduction in the amount of income support then, if the Department certifies that it is impracticable to give effect to that reduction from the date specified in sub-paragraph (1), the change shall have effect from the first day of the following benefit week.

(a) S.R. 1987 No. 459

Election to have child benefit paid weekly

1. A person to whom child benefit is payable for an uninterrupted period beginning before and ending after 15th March 1982 may make an election, in accordance with paragraph 3, that child benefit be payable weekly after that date, if either—

- (a) he makes the election before the end of the 26th week from the day on which child benefit was payable for the first 4 weeks in respect of which the Department made arrangements for four-weekly payment to the person entitled in accordance with regulation 21 or 23(1)(b); or
- (b) he was absent from Northern Ireland on 15th March 1982 for one of the reasons specified in paragraph 4 and he makes the election before the end of the 26th week of the period beginning with the first week in respect of which child benefit became payable to him in Northern Ireland on his return.

2. Subject to paragraph 5, a person entitled to child benefit may make an election, in accordance with paragraph 3, that child benefit be paid weekly if he satisfies either of the following conditions:

- (a) he satisfies the conditions specified in regulation 2(2)(a), (b) and (c) of the Child Benefit and Social Security (Fixing and Adjustment of Rates) Regulations (Northern Ireland) 1976(a) (conditions for increase of child benefit for person living alone), or
- (b) he, or his spouse residing with him or the person with whom he is living as husband and wife, is receiving income support or family credit.

3. An election for child benefit to be payable weekly under paragraph 1 or 2 shall be effected by giving notice in writing to the Department delivered or sent to the appropriate office and shall be made when it is received.

4. An election may not be made under paragraph 1(b) unless the person's absence abroad on 15th March 1982 was by reason of his being—

- (a) a serving member of the forces, as defined by regulation 1(2) of the Social Security (Contributions) Regulations 1979(b); or
- (b) the spouse of such a member, or
- (c) a person living with such a member as husband and wife.

5. Every person making an election for child benefit to be paid weekly under paragraph 2 shall furnish such certificates, documents and such other information of facts as the Department may, in its discretion, require, affecting his right to receive payment of child benefit weekly and in particular shall notify the Department in writing of any change of circumstances which he might reasonably be expected to know might affect the right to receive payment of child benefit weekly, as soon as reasonably practicable after the occurrence thereof.

6. Where a person makes an election, in accordance with this Schedule, for child benefit to be paid weekly, it shall continue to be so payable—

- (a) in the case of an election under paragraph 1, so long as that person remains continually entitled to child benefit, or

(a) S.R. 1976 No. 223; the relevant amending regulations are S.R. 1980 No. 37 and S.R. 1987 No. 458
(b) S.I. 1979/591, to which there are amendments not relevant to these regulations

(b) in the case of an election under paragraph 2, so long as that person remains continually entitled to child benefit and the conditions specified in that paragraph continue to be satisfied.

7. A person who has made an election that child benefit be payable weekly may cancel it at any time by a notice in writing delivered or sent to the appropriate office; and effect shall be given to such a notice as soon as is convenient.

Revocations

Column (1)	Column (2)	Column (3)
The Social Security (Mobility Allowance) Regulations (Northern Ireland) 1975 (S.R. 1975 No. 280)	Regulations 5 to 9, 20 and 21(2)	Social Security (Northern Ireland) Act 1975, sections 37A(a), 81(b), 119(3) and (4)
The Social Security (Child Benefit Consequential) Regulations (Northern Ireland) 1977 (S.R. 1977 No. 73)	Regulation 16(3)	Social Security (Northern Ireland) Act 1975, section 81(4)(b)
The Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 (S.R. 1977 No. 351)	Regulations 3 to 14, 15(1) and (2), 16 to 23, 28 to 30 and 32 and Schedules 1 to 3 and 5	Social Security (Northern Ireland) Act 1975, sections 79(c), 80(d) and 81
The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 90)	Regulation 4	Social Security (Northern Ireland) Act 1975, section 79(1) and 80(2)(b)
The Social Security (Mobility Allowance) (Motability Payment Arrangements) Regulations (Northern Ireland) 1978 (S.R. 1978 No. 222)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 81(4)(d)

- (a) 1975 c. 15; section 37A was inserted by Article 24(1) of the Social Security Pensions (Northern Ireland) Order 1975 (S.I. 1975/1503 (N.I. 15)), and amended by Article 4 of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5)) and Article 72(1) to (3) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))
- (b) Section 81 was extended by Article 5(3) of the Social Security (Northern Ireland) Order 1980 (S.I. 1980/870 (N.I. 8)) and amended by Schedule 5 to the Social Security (Northern Ireland) Order 1982 (S.I. 1982/1084 (N.I. 16))
- (c) Section 79 was amended by paragraph 10 of Schedule 4 to the Social Security (Northern Ireland) Order 1982, paragraph 2 of Schedule 2 to the Health and Social Security (Northern Ireland) Order 1984 (S.I. 1984/1158 (N.I. 8)) and Schedule 6 to the Social Security (Northern Ireland) Order 1985
- (d) Section 80 was amended by Schedule 5 to the Child Benefit (Northern Ireland) Order 1975 (S.I. 1975/1504 (N.I. 16)), Article 13(2) of the Social Security (Miscellaneous Provisions) (Northern Ireland) Order 1977 (S.I. 1977/610 (N.I. 11)) and paragraph 20 of Schedule 6 to the Supplementary Benefits (Northern Ireland) Order 1977 (S.I. 1977/2156 (N.I. 27))

Column (1)	Column (2)	Column (3)
The Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1979 (S.R. 1979 No. 47)	Regulation 3	Social Security (Northern Ireland) Act 1975, section 37A(5)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1979 (S.R. 1979 No. 259)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 79(3)
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1980 (S.R. 1980 No. 267)	The whole regulations so far as previously unrevoked	Social Security (Northern Ireland) Act 1975, section 79(1)
The Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1980 (S.R. 1980 No. 376)	The whole regulations	Family Income Supplements Act (Northern Ireland) 1971, sections 5(2) and 10(2)(a)
The Social Security (General Benefit, Claims and Payments and Mobility Allowance) Regulations (Northern Ireland) 1980 (S.R. 1980 No. 385)	Regulation 4.	Social Security (Northern Ireland) Act 1975, section 81(2)(a) and (4)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1980 (S.R. 1980 No. 452)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 79(3)(d)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1981 (S.R. 1981 No. 281)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 79(1) and (3)

(a) 1971 c. 8 (N.I.); section 10(2) was amended by Article 8(5) of the Social Security (Northern Ireland) Order 1980 and paragraph 2 of Schedule 4 to the Social Security (Northern Ireland) Order 1982

Column (1)	Column (2)	Column (3)
The Supplementary Benefit (Claims and Payments) Regulations (Northern Ireland) 1981 (S.R. 1981 No. 368)	The whole regulations	Supplementary Benefits (Northern Ireland) Order 1977, Articles 15 and 19(1) and 2(a), (b), (c), (e), (g), (h), (i), (j) and (k) and paragraph 4 of Schedule 1(a)
The Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1981 (S.R. 1981 No. 407)	The whole regulations	Social Security (Northern Ireland) Act 1975, sections 37A(5), 79(1) and 114(1) and (2)
The Supplementary Benefit (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 140)	The whole regulations	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(2)(i)
The Social Security (Medical Evidence, Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 153)	Regulation 3	Social Security (Northern Ireland) Act 1975, section 79
The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 240)	Regulation 4	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1) and 2(a), (g) and (i)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 284)	The whole regulations except regulation 7	Social Security (Northern Ireland) Act 1975, section 81
The Supplementary Benefit (Miscellaneous Amendments No. 2) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 295)	Regulation 2	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1) and 2(g)

(a) S.I. 1977/2156 (N.I. 27); provisions of the Supplementary Benefits (Northern Ireland) Order 1977, as amended by Article 7 of, and Part I of Schedule 2 to, the Social Security (Northern Ireland) Order 1980, are set out in Part II of that Schedule

Column (1)	Column (2)	Column (3)
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 302)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 79(1) and (3)
The Social Security (Claims and Payments) (Amendment No. 3) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 318)	The whole regulations	Social Security (Northern Ireland) Act 1975, sections 79 and 82(a)
The Statutory Sick Pay (Adjudication) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 324)	The whole regulations so far as previously unrevoked	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(2)(f)
The Social Security (Mobility Allowance) (Motability Payment Arrangements) (Amendment) Regulations (Northern Ireland) 1982 (S.R. 1982 No. 381)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 81(4)(d)
The Social Security (Abolition of Injury Benefit) (Consequential) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 36)	Regulations 10(2) to (5) and (8) to (11) and 13	Social Security (Northern Ireland) Act 1975, sections 79(1) and (3), 80, 81(1) and 82(1)
The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 191)	Regulation 3	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1) and (2)
The Social Security (Attendance Allowance) (Amendment) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 203)	The whole regulations so far as previously unrevoked	Social Security (Northern Ireland) Act 1975, section 81(1)

(a) Section 82(1) was repealed by Article 25(2) of, and Schedule 6 to, the Social Security (Northern Ireland) Order 1985

Column (1)	Column (2)	Column (3)
The Family Income Supplements (Miscellaneous Amendments) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 216)	Regulation 3	Family Income Supplements Act (Northern Ireland) 1971, section 10(2)
The Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 233)	The whole regulations so far as previously unrevoked	Social Security (Northern Ireland) Act 1975, section 85(1)(a)(a)
The Supplementary Benefit (Housing Benefits) (Miscellaneous Consequential Amendments) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 290)	Regulation 2	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1) and (2) and paragraph 4 of Schedule 1
The Supplementary Benefit (Equal Treatment) Regulations (Northern Ireland) 1983 (S.R. 1983 No. 322)	Regulation 4	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1) and (2)
The Social Security (General Benefit) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 92)	Regulations 8, 9(1) to (4) and (7) and 39	Social Security (Northern Ireland) Act 1975, sections 81(6) and 119(3) and (4)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 123)	The whole regulations	Social Security (Northern Ireland) Act 1975, sections 45(3), 79(1), 81(1), 157(1) and Schedule 17
The Social Security (Adjudication) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 144)	The whole regulations so far as previously unrevoked	Social Security (Northern Ireland) Act 1975, section 119(3) and (4); Child Benefit (Northern Ireland) Order 1975, Articles 9 and 24

(a) Section 85(1)(a) was amended by paragraph 29 of Schedule 4 to the Child Benefit (Northern Ireland) Order 1975

Column (1)	Column (2)	Column (3)
The Social Security (Adjudication) (Consequential Amendments) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 174)	Regulations 5(b) and (c), 17, 20 and 26(d)	Family Income Supplements Act (Northern Ireland) 1971, section 10(2); Social Security (Northern Ireland) Act 1975, section 119(3); Supplementary Benefits (Northern Ireland) Order 1977, Article 19
The Supplementary Benefit (Miscellaneous Amendments) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 266)	Regulation 3	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1), (2)(a) and (k)
The Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 317)	Regulation 16	Social Security (Northern Ireland) Act 1975, sections 79(3) and 80
The Social Security Benefit (Dependency, Claims and Payments and Hospital In-Patients) (Amendment) Regulations (Northern Ireland) 1984 (S.R. 1984 No. 382)	Regulation 4(b) and (c)	Social Security (Northern Ireland) Act 1975, section 79(1)
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1985 (S.R. 1985 No. 92)	The whole regulations	Social Security (Northern Ireland) Act 1975, sections 27(4), 80(1) and 81(1)
The Child Benefit (Claims and Payments) Regulations (Northern Ireland) 1985 (S.R. 1985 No. 124)	Regulations 1(3), 2 to 11, 13 to 18 and Schedules 1 and 2	Child Benefit (Northern Ireland) Order 1975, Articles 8(1), (4) and (5), 9(1)(b), 13(2), 22(1) and (2)(b)
The Supplementary Benefit (Trade Disputes and Claims and Payments) (Amendment) Regulations (Northern Ireland) 1985 (S.R. 1985 No. 176)	The whole regulations so far as previously unrevoked	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1) and (2)(a)

Column (1)	Column (2)	Column (3)
The Social Security (Claims and Payments) (Amendment No. 2) Regulations (Northern Ireland) 1985 (S.R. 1985 No. 226)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 154A(a)
The Social Security (Claims and Payments, Hospital In-Patients and Maternity Benefit) (Amendment) Regulations (Northern Ireland) 1986 (S.R. 1986 No. 157)	Regulation 2	Social Security (Northern Ireland) Act 1975, sections 27(4) and 154A
The Social Security (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1986 (S.R. 1986 No. 326)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 79(3)
The Social Security (Industrial Injuries and Diseases) (Miscellaneous Provisions) Regulations (Northern Ireland) 1986 (S.R. 1986 No. 340)	Regulation 5	Social Security (Northern Ireland) Act 1975, section 154A(1)
The Social Security (Mobility Allowance) (Amendment) Regulations (Northern Ireland) 1986 (S.R. 1986 No. 341)	Regulation 2(3), (4) and (5)	Social Security (Northern Ireland) Act 1975, section 37A; Social Security (Northern Ireland) Order 1986, Article 52(1)(b) to (e)
The Supplementary Benefit (Claims and Payments) (Amendment) Regulations (Northern Ireland) 1986 (S.R. 1986 No. 365)	The whole regulations	Supplementary Benefits (Northern Ireland) Order 1977, Article 19(1) and (2)(i)
The Social Fund (Maternity and Funeral Expenses) (Claims and Payments) Regulations (Northern Ireland) 1987 (S.R. 1987 No. 100)	The whole regulations	Social Security (Northern Ireland) Act 1975, section 114; Social Security (Northern Ireland) Order 1986, Articles 52(1)(a) to (r) and 55

(a) Section 154A was inserted by Article 17 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)), substituted by paragraph 56 of Schedule 9 to the Social Security (Northern Ireland) Order 1986 and extended by paragraph 32 of that Schedule

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations contain provisions about the making of claims for, and the payment of, benefits under the Social Security (Northern Ireland) Acts 1975 to 1986 and the Child Benefit (Northern Ireland) Order 1975.

Articles 22(7) and 52(1)(a) to (r) of the Social Security (Northern Ireland) Order 1986 ("the Order") are two of the enabling provisions under which these regulations are made. Article 22 is brought into operation on 11th April 1988 by virtue of the Social Security (1986 Order) (Commencement No. 7) Order (Northern Ireland) 1987 (S.R. 1987 No. 449 (C. 14)). Article 52, so far as not already in operation, is brought into operation on 11th April 1988 by virtue of the Social Security (1986 Order) (Commencement No. 6) Order (Northern Ireland) 1987 (S.R. 1987 No. 299 (C. 11)).

Part I of the regulations contains general provisions including definitions.

Part II, with Schedules 1 to 5, contains provisions about claims for benefit and in particular, the cases in which claims are not required; the method of making a claim and the time limits for doing so; interchange with other claims; advance claims for and awards of benefit and the duration of awards and disallowances.

Part III, with Schedules 6 to 8, specifies the time when, and the method by which, benefit is to be paid. Schedule 7, which deals with income support, also contains provisions about when entitlement is to begin and when a change of circumstances is to have effect.

Part IV sets out the circumstances in which benefit may be paid to someone other than the beneficiary.

Part V contains provisions relating to the suspension of benefit and the extinguishment of the right to payment.

Part VI contains special provisions for mobility allowance.

Part VII and Schedule 9 contain miscellaneous provisions and revocations.

These regulations correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Further regulations under Article 52(1)(q) of the Order will be made dealing with deductions from benefit and direct payment to third parties.