

THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT, 1969.

THE NATIONAL INSURANCE AND SOCIAL SECURITY (CLAIMS AND PAYMENTS) REGULATIONS, 1969.

In exercise of the powers conferred upon the Minister by sections 21 and 51 of the National Insurance and Social Security Act, 1969, and by virtue and in exercise of all other powers enabling him in that behalf the following Regulations are hereby made:—

Citation
and com-
mencement.

1. These Regulations may be cited as the National Insurance and Social Security (Claims and Payments) Regulations, 1969, and shall come into operation on the appointed day.

Interpre-
tation.

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

No. 15 of
1969.

“Act”, means the National Insurance and Social Security Act, 1969;

“determining authority” means, as the case may require, the Board or the Director, or the appeal tribunal or the National Insurance Commissioner appointed or constituted in accordance with any Regulations for the time being in force;

“draft” means a draft, voucher, order or any other instrument whatsoever (except a serial order) which is payable through a post office, an office of the Board or a bank;

“pension order” means an order for the payment through a post office or an office of the Board of a fortnightly sum on account of a pension;

“serial order” means one of a series of orders including pension orders, for the payment through a post office or an office of the Board of a sum on account of benefit which is or has been contained in a book of such orders.

PART 1

Claims

Claims to
be made in
writing.

3. Every claim for benefit shall be made in writing to the Director on the form approved by the Board for the purpose, or in such

other manner (being in writing) as the Director may accept as sufficient in the circumstances of any particular case or class of cases.

4. Forms of claims shall be supplied without charge by the Board. Supply of claim forms.

5. Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the claim may be treated as if it had been made on the appropriate form : Claims not on appropriate forms.

Provided that the Director may in any such case require the claimant to complete the appropriate form.

6. (1) Every person who makes a claim for benefit shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Director and, if so required, shall for that purpose attend at such office or place as the Director may direct. Information to be given when making a claim for benefit.

(2) Every person who makes a claim for benefit in respect of a child shall, in particular, furnish such certificates relating to the birth of the child and such other information as the Director may require.

(3) Every person who makes a claim for funeral benefit shall in particular furnish the following information—

- (a) if required, a death certificate relating to the deceased;
- (b) if required, the estimate or account of the undertaker;
- (c) in the case of any council, association or other authority, such particulars relating to the relevant person as may be required.

(4) The Director may accept in support of claims and in the absence of the certificates or documents aforementioned—

- (a) as proof of kinship or marriage other documentary evidence or evidence of a trustworthy third person; or
- (b) as proof of age, extracts from baptismal records or school records or such other evidence as he considers satisfactory.

7. (1) If, owing to the absence of due signature or of due certification, a claim is defective at the date of its receipt by the Director, the Director may refer the claim to the claimant, and if the form is returned duly signed and certified within one month from the date on which it is so referred, or such other period as the Director may in any special circumstance specify, the claim may be treated as if it had been duly made in the first instance. Amendment of claim forms.

(2) Any person who has made a claim for a benefit in accordance with the provisions of these Regulations may amend his

claim at any time before a decision has been given thereon by notice in writing delivered or sent to the office of the Board, and any claim so amended be treated as if it had been duly made in the first instance.

Interchange
with claims
for other
benefits.

8. Where it appears that a person who has made a claim for benefit is not entitled thereto, but may be entitled to some other benefit any such claim may be treated by the Director as a claim in the alternative for that other benefit.

PART II

Payments

Time and
manner of
payment of
benefits,
other than
pensions.

9. Subject to the provisions of these Regulations, benefit shall be paid in accordance with an award thereof as soon as practicable after such an award has been made by the determining authority, in the following manner:—

- (a) in the case of sickness benefit or maternity benefit or injury benefit, by means of drafts or by other means including cash payment in the home or at an office of the Board if the circumstances of any particular case appear to the Director to render this appropriate;
- (b) payments under paragraph (a) of this regulation shall be made weekly or fortnightly, but where payment is due for a period covering less than a week, there shall be paid after the end of that period an amount equal to the proportion of the rate of benefit which the number of days in that period, Sunday being disregarded, bears to six;
- (c) in the case of funeral benefit and in the case of old age benefit, invalidity benefit and survivor's benefit where such benefits consist of a single payment, by means of drafts or by such other means as appear to the Director to be appropriate in the circumstances of any particular case:

Provided that a person who applies for benefit or payment shall produce on request satisfactory particulars of his identity.

Time and
manner of
payment of
pensions.

10. (1) Subject to the provisions of these Regulations, pensions shall be paid fortnightly on the basis of one week in arrear and one week in advance by means of pension orders payable in each case to the pensioner at such post office or office of the Board as the Director after enquiry of the pensioner may from time to time determine.

(2) In every case in which there is an award by the determining authority under which a pension is payable, the Board shall cause arrangements to be made whereby on furnishing such evidence as to identity and such other particulars as may be required the pensioner may obtain a book of pension orders and the pensioner shall be notified of the appropriate place at which he may obtain such a book and of the arrangements so far as they affect him.

(3) The Board shall arrange where appropriate for the issue to every pensioner of a fresh book of pension orders on the expiration of the previous book.

(4) Fortnightly sums on account of pensions shall be payable on such day of the fortnight as the Board may in respect of any pension determine.

11. (1) A book of pension orders issued to any person shall remain the property of the Board.

Books of pension orders to remain property of the Board.

(2) Any person having a book of pension orders or any unpaid pension order shall, on the termination of the pension to which such book or order relates or when requested by an officer of the Board, deliver such book or order to the Board or to such person as the Board may direct.

12. Notwithstanding anything contained in these Regulations, the Board may arrange—

Board may make other arrangements for payment of pension in certain cases.

(a) in any case where the date as from which a pension would commence or as from which a change in the rate of pension would take effect is a day other than the day determined by the Board under paragraph (4) of regulation 10 for the payment of that pension, that the pension shall commence only, or the change in the rate of pension shall take effect only, as from the next such day;

(b) in any case where the date as from which a pension would cease to be payable is a day other than the day immediately preceding the day determined by the Board under paragraph (4) of regulation 10 for the payment of that pension, that the pension shall continue to be payable up to but not including the next such day.

13. Notwithstanding anything contained in these Regulations the Board may in any particular case or class of cases arrange for the payment of a pension otherwise than fortnightly or otherwise than by means of pension orders payable to the pensioner.

Other times and method of payment of pensions.

14. (1) The prescribed time for claiming benefit shall be —

- (a) in the case of sickness benefit or injury benefit, not later than four days from the earliest day in respect of which the claim is made;
- (b) in the case of maternity benefit —
 - (i) in respect of expectation of confinement, within the period of four weeks beginning with the ninth contribution week before the contribution week in which it is expected that the claimant will be confined;
 - (ii) where confinement has taken place, within the period of four weeks beginning with the date of confinement;
- (c) in the case of old age benefit, invalidity benefit, survivor's benefit, disablement benefit and death benefit, within the period of three months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled thereto;
- (d) in the case of funeral benefit, the period of six months from the date of death of the deceased.

(2) A person failing to make a claim for benefit within the prescribed time shall be disqualified for receiving —

- (a) in the case of sickness benefit or injury benefit, benefit in respect of any day more than four days before the date on which the claim is made;
- (b) in the case of maternity benefit, benefit in respect of any period before the beginning of the contribution week in which the claim is made;
- (c) in the case of old age benefit, invalidity benefit, survivor's benefit, disablement benefit and death benefit—
 - (i) where such benefits consist of a pension, benefit in respect of any period more than three months before the date on which the claim is made;
 - (ii) where such benefits consist of a single payment, the single payment;
- (d) in the case of funeral benefit, the benefit:

Provided that, if in any case the claimant proves—

- (i) that on a date earlier than the date on which the claim was made, apart from satisfying the condi-

tion of making a claim, he was entitled to the benefit; and

- (ii) that throughout the period between the earlier date and the date on which the claim was made there was good cause for delay in making such claim,

he shall not be disqualified under this paragraph for receiving any benefit to which he would have been entitled if the claim had been made on the earlier date except that in the case of maternity benefit, in respect of expectation of confinement the foregoing proviso shall be applied only if the claim is made before the date of confinement:

Provided further that no sum shall be paid to any person on account of —

- (i) sickness benefit or maternity benefit or on account of old age benefit, invalidity benefit or survivor's benefit where such benefit consists of a pension, in respect of any period more than six months before the date on which the claim therefor is duly made;
- (ii) benefit other than funeral benefit consisting of a single payment if the claim therefor is not duly made within six months after the date of entitlement thereto; and
- (iii) funeral benefit if the claim therefor is not duly made within twelve months after the date of the death of the person in respect of whom the benefit is payable.

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

Extinguishment of right to sums payable by way of benefit which are not obtained within the prescribed

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

- (a) any period during which a serial order or draft containing the sum is in the possession of the Board or any post office at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection;
- (b) any period during which the Board has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;
- (c) any period during which the person concerned is for

the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or

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

(2) For the purposes of this regulation, a sum payable by way of benefit shall, subject to the provision of paragraph (3) of this regulation and of paragraph (3) of regulation 18, be receivable—

- (a) in the case of a sum contained in a serial order, on the date on which the order is due to be paid;
- (b) in the case of a sum contained in a draft—
 - (i) if the draft is sent through the post, on the date on which it would be delivered in the ordinary course of post; and
 - (ii) in any other case, on the date of issue of the draft;
- (c) in the case of a sum not contained in a serial order or draft, where notice is given orally or in writing that the sum is available for collection —
 - (i) if written notice is sent through the post, on the date on which it would be delivered in the ordinary course of post; and
 - (ii) in any other case, on the date of the notice; and
- (d) in any case to which none of the preceding sub-paragraphs of this paragraph applies, six months (or such longer period as the Director may determine in the circumstances of any particular case) after the date on which the sum became payable.

(3) In determining when a sum is receivable under the provisions of paragraph (2) of this regulation the following provisions shall apply —

- (a) If a person proves that through no fault of his own he did not receive any such serial order or draft or written notice until a date later than the appropriate receivable date determined in accordance with the provisions of paragraph (2) of this regulation the sum contained in the order or draft or referred to in (ii) on the date which is six months after the said the notice shall be receivable —
 - (i) on that later date; or

appropriate receivable date,
whichever is the earlier.

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

(i) on the date determined in accordance with the provisions of paragraph (2) of this regulation on the basis of the issue of any further order or draft or notice in respect of that sum; or

(ii) on the date which is six months after the receivable date determined in accordance with the provisions of paragraph (2) of this regulation on the basis of the original order or draft or notice,

whichever is the earlier.

- (c) Subject to the provisions of paragraph (3) of regulation 18 and of sub-paragraph (b) of this paragraph a sum which in accordance with the foregoing provisions of this regulation was receivable on any date, shall remain receivable on that date notwithstanding the issue since that date of a serial order or draft or notice in respect of that sum or any part thereof.

(4) Any sum payable by way of benefit to a person who is for the time being unable to act shall be receivable in accordance with the foregoing provisions of this regulation, notwithstanding his inability to give a receipt therefor.

16. 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 Board may determine such certificates and other documents and such information of facts affecting the right to benefit or to the receipt thereof as the Board may require (either as a condition on which any such sum or sums shall be receivable or otherwise), and in particular shall notify the Board in writing of any change of circumstances which he might reasonably be expected to know might affect the right to benefit, or to the receipt thereof, as soon as practicable after the occurrence thereof.

Information to be given when obtaining payment of benefit.

PART III

Miscellaneous Provisions

17. (1) In the case of any person to whom benefit is payable or who is alleged to be entitled to benefit or by whom or on whose behalf a claim for benefit has been made, and who is a child or is unable for the time being to act, where no person or authority has been duly

Persons unable to act.

appointed under the law to have charge of his estate the Board may, upon written application being made to it, appoint a person to exercise on behalf of the child or person who is unable to act any right to which that child or person may be entitled under the Act and to receive and deal with any sums payable on behalf of such child or person:

Provided that—

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

(2) Anything required by these Regulations to be done by or to any such person as aforesaid who is a child or who is for the time being unable to act may be done by or to the person or authority duly appointed under the law to have charge of such person or of his estate or by or to the person appointed under this regulation to act on behalf of such person, and the receipt of any person appointed under this regulation shall be a good discharge to the Board and the Fund for any sum paid, notwithstanding that such person has not attained the age of twenty-one.

18. (1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, or in respect of whose death funeral benefit is alleged to be payable, the Board may appoint such person as it thinks fit to proceed with or to make a claim for the benefit, and the provisions of these Regulations shall apply subject to the necessary modifications to any such claim:

Provided that in the case of funeral benefit a claim may be made by any person specified in paragraph (2) of this regulation.

(2) Subject to the provisions of paragraph (7) of this regulation any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under paragraph (1) of this regulation may be paid or distributed by the Board to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 15 shall apply to any such payment or distribution:

Provided that—

- (a) the receipt of any such person who has attained the

age of sixteen shall be a good discharge to the Board and the Fund for any sum so paid; and

- (b) where the Board is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, the Board may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph of this regulation) who satisfies the Board that he will apply the sum so paid for the benefit of the person under the age of sixteen.

(3) Subject as aforesaid any sum payable by way of benefit to the deceased, payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (2) of this regulation and the provisions of regulation 15 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that for the purpose of paragraph (1) of regulation 15, the period of six months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable by the deceased, and for this purpose the reference in sub-paragraph (d) of paragraph (2) of regulation 15 to the date on which the sum became payable, shall be construed as a reference to the date of application to the Board made in accordance with paragraph (6) of this regulation.

(4) In relation to funeral benefit, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of funeral benefit to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the Fund any funeral benefit so paid to him.

(5) Where any person has received an amount by way of funeral benefit by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the funeral benefit received by him.

(6) Paragraphs (2) and (3) of this regulation shall not apply in any case unless written application for the payment of any such sum is made to the Board within six months from the date of the deceased's death or within such longer period as the Board may allow in any particular case.

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

19. If any person contravenes or fails to comply with any of these Regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars, or where the offence consists of continuing any such contravention or failure after conviction thereof, one hundred dollars together with a further one hundred dollars for each day on which it is so continued. ^{Offences.}

Made this 18th day of September, 1969.

W. CARRINGTON,
Minister of Labour and Social Security.