

National Insurance and Social Security

Cap. 47.

**NATIONAL INSURANCE AND SOCIAL
SECURITY (CLAIMS AND PAYMENTS)
REGULATIONS, 1984**

1984/148.
1986/88.
1988/116.
1991/16.
1998/134.
2006/127.

Authority: These Regulations were made on 8th October, 1984 by the Minister under section 50 of the *National Insurance and Social Security Act*.

Commencement: 30th April, 1984.

1. These Regulations may be cited as the *National Insurance and Social Security (Claims and Payments) Regulations, 1984*. Citation.

Preliminary

2. (1) In these Regulations,

Inter-
pretation.

"benefit" means any benefit under the Act;

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

"Director" means the Director, National Insurance;

"payable instrument" includes a draft, voucher, cheque or pension order;

"pension" means old age contributory, invalidity or survivors' pension, as the case may require;

"pensioner" means a person to whom any pension is payable;

"the relevant person" means the person by whom the contribution conditions for benefit are to be satisfied.

Schedule. (2) The provisions of Parts I and II of these Regulations shall have effect in relation to any particular benefit subject to any further provision affecting that benefit contained in the *Schedule*.

PART I

Claims

Claims to be made to the Board 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 of the benefit for which the claim is made, 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.

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

Claims not on appropriate forms. **5.** Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Director may treat the claim as if it had been made on the appropriate form, or require the claimant to complete the appropriate form.

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

(2) Every person who makes a claim for benefit shall, if the Director so requires, furnish the following information concerning himself or in respect of the person for whom benefit is claimed:

- (a) his identity, date of birth, national registration number, usual place of residence, occupation and relationship to the claimant;
- (b) his position in regard to benefit under the Act, available sources of income and the amounts contributed by any person towards his maintenance; and

- (c) in the case of a claim in respect of or based on the insurance of a wife, a husband, a widow or a widower, a certificate of marriage,

together with a declaration signed by the other person, where appropriate, confirming the information given.

(3) Every person who makes a claim for a funeral grant shall, in particular, furnish the following information if the Director so requires:

- (a) a death certificate relating to the deceased;
- (b) 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 specified by the Director.

(4) The Director may accept in support of claims and in the absence of the certificates or documents mentioned in paragraph (3),

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

(5) Where a claim for benefit has been made by or on behalf of an employee, his employer shall, upon request, furnish the Director immediately with a certificate of insurable earnings for the requisite period for that employee in the form approved by the Director.

7. For the purposes of a claim to benefit, the day of receipt of the claim at the office of the Board shall be deemed to be the date of claim. Date of claim.

8. (1) Where, 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, 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 on the claim by notice in writing delivered or sent to the office of the Board, and any claim so amended may be treated as if it had been duly made in the first instance.

Interchange with claims for other benefits under the Act.

9. Where it appears that a person who has made a claim for benefit may be entitled to some other benefit, that claim may be treated by the Director as a claim in the alternative for that other benefit.

Late claims for benefit etc. 1986/88.

10. (1) The prescribed time for claiming benefit is,

1986/88. 1988/116.

(a) in the case of sickness benefit, not later than 4 days from the earliest day in respect of which a claim is made;

1986/88.

(b) in the case of unemployment benefit, not later than 2 weeks from the date of termination of the claimant's employment;

2006/127.

(c) in the case of maternity benefit,

(i) in respect of expectation of confinement, the period of 4 weeks beginning with the eighth 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 3 weeks beginning with the date of confinement;

2006/127.

(d) in the case of maternity grant and invalidity benefit, the period of 3 months from the date on which, apart from satisfying the condition of making a claim, the claimant becomes entitled to the grant or benefit;

1986/88.

(e) in the case of funeral grant, the period of 6 months from the date of death of the deceased;

2006/127.

(f) in the case of old age contributory benefit and survivors' benefit, the period of 12 months from the date of entitlement to the benefit or 12 months from the date of the death of the insured person.

(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, benefit in respect of any day more than 4 days before the date on which the claim is made; 1986/88.
- (b) in the case of unemployment benefit, benefit in respect of any period more than 2 weeks before the date on which the claim is made; 1986/88. 1988/116.
- (c) 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; and 1986/88.
- (d) in the case of invalidity benefit, benefit in respect of any period more than 3 months before the date on which the claim is made. 2006/127.

(3) Notwithstanding paragraph (2), where in any case the claimant proves

- (a) that on a date earlier than the date on which the claim was made, apart from satisfying the conditions of making a claim, he was entitled to the benefit; and
- (b) 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 a benefit to which he would have been entitled if the claim had been made on the earlier date.

(4) Notwithstanding paragraph (3),

- (a) no sum shall be paid by way of sickness or maternity benefit in respect of any period more than 12 months before the date on which the claim for that benefit is duly made;

- 1991/16. (b) no sum shall be paid by way of a funeral grant if the claim for that grant is not duly made within 12 months after the date of the death of the person in respect of whom the grant is payable;
- 1988/116.
1991/16. (c) no sum shall be paid by way of unemployment benefit in respect of any period more than 2 weeks before the week in which the claim for that benefit is duly made; and
- 1991/16. (d) no sum shall be paid by way of a maternity grant if the claim for that grant is not duly made within 12 months after the date of confinement of the person in respect of whom the grant is payable.

PART II

Payments

Time and manner of payment of benefit.

- 11.** (1) Subject to the provisions of these Regulations, all payment benefits shall be paid in accordance with an award of those benefits as soon as is reasonably practicable after the award has been determined.
- (2) Payment of benefits to which paragraph (1) refers shall be made by means of such payable instruments as the Board may determine, or by cash payment in the home where the circumstances of any particular case appear to render this appropriate.
- (3) In the case of sickness benefit, unemployment benefit, maternity benefit and pensions, payments are to be made weekly, or at such other intervals not exceeding one month as the Board may determine.
- (4) Notwithstanding paragraph (3), where payment is due for a period covering less than the relevant pay period, 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 the whole period.

(5) A person who applies for benefit or payment to which paragraph (1) refers shall produce, on request, satisfactory particulars of his identity.

12. (1) A payable instrument issued to any person under this Part shall remain the property of the Board.

Payable instruments to remain property of the Board.

(2) Any person having an unpaid payable instrument shall, on the termination of the benefit to which the payable instrument relates or when requested by an officer of the Board to do so, deliver the payable instrument to the Board or to such person as the Board may direct.

13. (1) Subject to regulation 14, the right to a sum payable by way of benefit shall be extinguished where payment of that sum is not obtained within the period of 6 months from the date on which that sum is receivable in accordance with this regulation.

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

(2) Notwithstanding paragraph (1), in calculating the period of 6 months referred to in paragraph (1) no account shall be taken of

- (a) any period during which a payable instrument containing the sum is in the possession of the Board or any Post Office or institution at which it is payable, other than a period after written notice has been given that the payable instrument is available for collection;
- (b) any period during which the Board has under consideration any representation that a payable instrument 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 bodily or 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.

(3) For the purposes of this regulation, a sum payable by way of benefit shall, subject to the provisions of paragraph (4) of this regulation and of paragraph (3) of regulation 17, be receivable

- (a) on or after
 - (i) the date indicated on the payable instrument; or
 - (ii) the date on which the payable instrument is authenticated and issued for payment;
- (b) in the case of a sum not contained in a payable instrument 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;
- (c) in any case to which none of the preceding sub-paragraphs of this paragraph applies, 6 months, or such longer period as may be determined in the circumstances of any particular case, after the date on which the sum became payable.

(4) In determining when a sum is receivable under the provisions of paragraph (3) the following provisions shall apply:

- (a) if a person proves that through no fault of his own he did not receive the payable instrument or written notice to which that paragraph refers until a date later than the appropriate receivable date determined in accordance with the provisions of paragraph (3), the sum contained in the payable instrument or referred to in the notice shall be receivable
 - (i) on that later date, or
 - (ii) on the date which is 6 months after the appropriate receivable date,whichever is the earlier;

- (b) if a person proves that through no fault of his own he has not received the payable instrument or written notice to which this paragraph refers, the sum contained in the original payable instrument or referred to in the notice shall be receivable
- (i) on the date determined in accordance with the provisions of paragraph (3) on the basis of the issue of any further payable instrument or notice in respect of that sum; or
 - (ii) on the date that is 6 months after the receivable date determined in accordance with the provisions of paragraph (3) on the basis of the original payable instrument or notice,

whichever is the earlier;

- (c) subject to the provisions of paragraph (3) of regulation 17 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 payable instrument or notice in respect of that sum or any part of that sum.

(5) A 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 for that sum.

14. Notwithstanding regulation 13, where a right to a sum payable by way of benefit is extinguished by virtue of regulation 13, the Board may authorise payment of that sum if it is of the opinion that the extinguishment would in the circumstances cause hardship.

Payment of extinguished benefit.

15. (1) Every beneficiary and every person by whom or on whose behalf sums payable by way of benefit are receivable

Information to be given when obtaining payment of benefit.

- (a) shall furnish in such manner and at such times as may be determined such certificates and other documents and such information of facts affecting the right to benefit or to the

receipt of benefit as may be required, either as a condition on which any of the sums shall be receivable or otherwise; and

- (b) 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 reasonably practicable after the occurrence of the change of circumstances.

(2) Where a sum is receivable on account of any other person, the beneficiary shall, in such cases or classes of cases as may be directed, furnish a declaration signed by that other person confirming the particulars respecting him furnished by the claimant.

PART III

Miscellaneous Provisions

Persons
unable to
act.

16. (1) Subject to paragraph (2), in the case of a 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 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 the child or person.

- (2) Notwithstanding paragraph (1),
- (a) an appointment by the Board to which that paragraph refers 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 18 shall not be capable of being appointed to act under this regulation;

- (c) the Board may at any time in its absolute discretion revoke an appointment made under this regulation; and
- (d) a 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.

(3) Anything required by these Regulations to be done by or to a person referred to in paragraph (1) who is a child or who is for the time being unable to act may be done by or to any person or authority duly appointed under the law to have charge of the person or of his estate or by or to the person appointed under this regulation to act on behalf of the person; and the receipt of a person appointed under this regulation shall be a good discharge to the Board and the Fund for any sum paid, notwithstanding that the person has not attained the age of 18.

17. (1) Subject to paragraph (2), 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 a funeral grant 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 the claim. Payment on death.

(2) Where the claim to which paragraph (1) refers is in respect of a funeral grant, the claim may be made by any person specified in paragraph (3).

(3) Subject to the provisions of paragraph (10), a sum payable by way of benefit which is payable under an award on a claim proceeded with or made under paragraph (1) or (2) may be paid or distributed 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 10 shall apply to the payment or distribution.

(4) In respect of sums payable under paragraph (3) to persons specified in that paragraph,

(a) the receipt of a person who has attained the age of 16 shall be a good discharge to the Board and the Fund for any sum so paid; and

(b) where the Board is satisfied that the sum or part of the sum referred to in sub-paragraph (a) is needed for the benefit of a person under the age of 16, the Board may obtain a good discharge for that sum or part of that sum by paying the sum or part thereof to a person over that age, who need not be a person specified in this paragraph, who satisfies the Board that he will apply the sum so paid for the benefit of the person under the age of 16.

(5) Subject to paragraph (3), a 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 to the sum was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in paragraph (3); and the provisions of regulation 13(1) and (2) shall apply to the payment or distribution.

(6) For the purposes of paragraph (1) of regulation 13, the period of 6 months shall be calculated from the date on which the sum was receivable by a person referred to in paragraph (3), and not from the date on which it was receivable by the deceased; and for this purpose the reference in sub-paragraph (3)(d) of regulation 13 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 (9).

(7) In relation to a funeral grant, the reference in paragraph (3) to creditors shall include a reference to a 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 grant to a person by virtue of this paragraph shall be subject to the condition that, if the person fails to carry out the undertaking, he shall repay to the Fund the funeral grant so paid to him.

(8) Where a person has received an amount by way of funeral grant 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 that reimbursement shall be reduced by the amount of the funeral grant received by him.

(9) Paragraphs (3) and (4) shall not apply in any case unless written application for the payment of an amount referred to in paragraph (8) is made to the Board within 6 months from the date of the deceased's death, or within such longer period as may be allowed in any particular case.

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

18. If any person contravenes or fails to comply with a requirement of these Regulations, not being a requirement to submit himself to medical treatment or examination, he is guilty of an offence and, where no penalty is otherwise provided in respect of the offence, is liable on summary conviction to a penalty of \$2 000 or, where the offence consists of continuing the contravention or failure after conviction thereof, \$2 000 together with a further \$500 for each day on which it is so continued.

Breach of regulations.
1998/134.

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(Claims and Payments) Regulations, 1984

SCHEDULE

(Regulation 2(2))

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| Claims in advance. | 1. Where it has been certified that a person is incapable of work and will continue to be incapable of work for the period specified in the certificate, a claim for sickness benefit may, unless the Director otherwise directs, be made by that person in respect of the period or such shorter period as the Director may in the circumstances determine, in either case commencing immediately after the date of the certificate. |
| Calculation of claims. | 2. A claim for sickness benefit made by a person referred to in paragraph 1 may, where it is made on the form containing the certificate, be treated as a claim made also in respect of any days in the period referred to in that paragraph or in any shorter period, as the case may be. |