

Government Circular No. 103/70.

G.O. Reference No. N2304/64/1

ISLE OF MAN

SUPPLEMENTARY BENEFIT

THE SUPPLEMENTARY BENEFIT (ISLE OF MAN) (CLAIMS
AND PAYMENTS) REGULATIONS 1970

Approved by resolution of Tynwald, 17th November, 1970

BSS 4

The Isle of Man Board of Social Security, with the approval of the Deputy Governor, in exercise of the powers conferred by section 16(1) of, and paragraph 2(3) of Schedule 1 to, the Isle of Man Board of Social Security Act 1970 and all other powers enabling the said Board in that behalf, hereby makes the following regulations:—

PART I

GENERAL

CITATION, COMMENCEMENT AND INTERPRETATION

1.—(1) These Regulations may be cited as the Supplementary Benefit (Isle of Man) (Claims and Payments) Regulations 1970 and shall come into operation on the day following the date of the resolution of Tynwald approving these regulations.

(2) In these regulations, unless the context otherwise requires —

“the Act” means the Isle of Man Board of Social Security Act 1970 ;

“beneficiary” means a person entitled to benefit under the Act ;

“the Board” means the Isle of Man Board of Social Security ;

“employment exchange” includes any office or place appointed by the Board for the purpose of claiming unemployment benefit under the National Insurance (Isle of Man) Act 1948 ;

“instrument of payment” means a serial order and any other instrument whatsoever which is intended to enable a person to obtain payment of benefit ;

“serial order” means one of a series of orders for the payment of sums on account of benefit which is, or has been contained in a book or such orders ;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall, unless the context otherwise requires, include references to such enactment or regulations, as amended by any subsequent enactment, order or regulations, and to any enactments, orders or regulations which replace

them by provisions which deal with the same subject matter and are (so far as material) to the like effect.

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

(5) The Interpretation Act 1970 shall apply for the purpose of the interpretation of these regulations as it applies for the purpose of the interpretation of an Act of Tynwald.

PART II

CLAIMS

CLAIMS TO BE IN WRITING

2. —(1) Every claim for benefit shall be made in writing and delivered or sent to the Head Office of the Board on a form approved by the Board for the purpose of the benefit for which the claim is being made, or in such other manner, being in writing, as the Board may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Where a claim for benefit has been made on an approved form other than the form appropriate to the benefit claimed, the Board may treat the claim as if it had been made on the appropriate form, provided that the Board may in any such case require the claimant to complete the appropriate form.

SUPPLY OF CLAIM FORMS

3. —Forms of claim shall be supplied without charge by such persons as the Board may appoint or authorise for that purpose.

INFORMATION TO BE GIVEN IN CONNECTION WITH A CLAIM

4. —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 Board and, if reasonably so required, shall for that purpose attend at any office or place as the Board may direct.

AMENDMENT OF CLAIM FORMS

5. —If, owing to the absence of due signature, a claim is defective at the date of its receipt by the Board, the Board may, in its discretion, refer the claim to the claimant and if the form is returned duly signed within one month from the date on which it is so referred the Board may treat the claim as if it had been duly made in the first instance.

TIME FOR MAKING CLAIMS

6. —(1) A claim to a supplementary pension or supplementary allowance shall be made not later than the beginning of the first period to which it relates.

(2) Notwithstanding anything in the preceding paragraph of this regulation, the Board, if satisfied that there are exceptional circumstances justifying it in any particular case, may treat a claim as having been made on such date as the Board may determine.

PART III

PAYMENTS

TIME AND MANNER OF PAYMENT

7.—Any payment of benefit shall be made in such manner and at such times as the Board in any particular case or class of cases may determine.

INSTRUMENTS OF PAYMENT

8.—(1) Instruments of payment and books of serial orders issued by the Board shall remain the property of the Board.

(2) Any person having such an instrument of payment or book of serial orders shall on ceasing to be entitled to the benefit or benefits to which such instrument or book relates or when so required by the Board, deliver the said instrument or book to the Board or to such person as the Board may direct.

EXTINGUISHMENT OF RIGHT TO PAYMENT OF SUMS BY WAY OF BENEFIT WHERE PAYMENT IS NOT OBTAINED WITHIN THE PRESCRIBED PERIOD

9.—(1) The right to payment of any sum by way of benefit shall, subject to paragraph (2) of this regulation, be extinguished where payment thereof 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, for the purpose of making payment thereof, to the beneficiary (whether or not received) notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—
 - (i) on the date on the said instrument of payment; or
 - (ii) if a further instrument of payment has been so given or sent as a replacement for an instrument of payment previously given or sent, on the date on the last such instrument of payment;
- (b) in relation to any such sum to which sub-paragraph (a) of this paragraph does not apply, but where notice is given (whether orally or in writing) or is sent that the sum contained in the notice is available for collection, notwithstanding that that sum is greater or less than the sum to which the beneficiary has the right to payment—
 - (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 if more than one such notice is given or sent, on the date determined by reference to the first such notice ;

(c) in relation to any such sum to which neither sub-paragraph (a) nor sub-paragraph (b) of this paragraph applies, on such date as the Board determines.

(2) Where a question arises whether the right to payment of any sum by way of benefit has been extinguished by the operation of this regulation and the Board is satisfied that—

(a) after the expiration of the said period of 12 months the Board has received written notice requesting payment of that sum ; and

(b) throughout a period commencing within the said period of 12 months and continuing up to the date on which the said notice was given there was good cause for not giving that notice ;

the said period of 12 months shall be extended to the date on which the Board decided that question and, for the purposes of the operation of this regulation, thereafter the right to payment of that sum shall, notwithstanding the provisions of paragraph (1), be treated as having arisen on that date.

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

INFORMATION TO BE GIVEN IN CONNECTION WITH PAYMENT OF BENEFIT

10. —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 reasonably practicable after the occurrence thereof.

PART IV

MISCELLANEOUS PROVISIONS

PERSONS UNABLE TO ACT

11. —(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 unable for the time being to act—

(a) where no committee or receiver of his estate has been duly appointed by the Court ; or

(b) in an urgent case whether or not the condition contained in sub-paragraph (a) of this paragraph is satisfied ;

the Board may upon written application being made to the Board appoint a person to exercise on behalf of the person who is unable to act any right to which that person may be entitled under the Act and to receive and deal with any sums payable on behalf of such person:

Provided that—

- (i) except in a case to which sub-paragraph (b) of this paragraph applies, any such appointment by the Board shall terminate on the day immediately prior to the date on which the Board is notified that a committee or receiver has been appointed ;
- (ii) a person who has not attained the age of 18 years shall not be capable of being appointed to act under this regulation ;
- (iii) the Board may at any time in the Board's absolute discretion revoke any appointment made under this regulation ;
- (iv) 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 and ;
- (v) any woman falling within paragraph 3(1) of Schedule 1 to the Act who is a former beneficiary for the purposes of paragraph 2 of Schedule 5 to the Act may be appointed under this paragraph to act on behalf of her husband without her having made written application.

(2) Anything required by these regulations to be done by or to any such person as aforesaid who is for the time being unable to act may be done by or to the committee or receiver, if any, or by or to the person appointed under this regulation to act on his behalf, and the receipt of any person appointed under this regulation shall be a good discharge to the Board for any sum paid notwithstanding that such person has not attained the age of 21 years.

PAYMENTS FOR THE PURPOSES OF PARAGRAPH 2(3) OF SCHEDULE I TO THE ACT.

12.—(1) For the purposes of paragraph 2(3) of Schedule I to the Act (aggregation of benefit and such other payments as may be prescribed by the Board for the purpose of disregarding negligible amounts and fractions of a shilling) the other payments there referred to shall be payments of unemployment benefit and retirement pension payable under the National Insurance (Isle of Man) Act 1948 and that sub-paragraph shall apply in the following circumstances:—

- (a) where the Board has arranged for the unemployment benefit and the benefit under the Act to be paid together whether in cash or by instrument of payment ;
- (b) subject to the following provisions of this regulation, where the Board has arranged for the retirement pension to be so paid together with the supplementary pension.

(2) Where a retirement pension and a supplementary pension were being paid separately to a beneficiary immediately before the date on which sub-paragraph (b) of the foregoing paragraph would otherwise apply in his case, that sub-paragraph shall not apply unless or until the determination with respect to the amount of his supplementary pension is reviewed.

(3) Where the said sub-paragraph (b) applies in the case of a beneficiary and by reason of an election by him or otherwise his retirement pension and his supplementary pension cease to be paid together, the said sub-paragraph shall continue to apply in his case unless or until the determination with respect to the amount of the supplementary pension is reviewed.

(4) The said sub-paragraph (b) shall not apply to any case where the Board is satisfied that there are exceptional circumstances which make its application inappropriate.

PAYMENTS ON DEATH

13. —(1) On the death of a person who has made a claim to benefit the Board may appoint such person as the Board may think fit to proceed with the claim to benefit and the provisions of these regulations shall apply subject to the necessary modifications to any such claim.

(2) Subject to the provisions of paragraph (4) of this regulation, any sum payable by way of benefit which is payable under a determination on a claim proceed with under the foregoing paragraph 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 9 shall apply to any such payment or distribution:

Provided that—

- (a) the receipt of any such person who has attained the age of 16 years shall be a good discharge to the Board for any such 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 16 years, 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) who satisfies the Board that he will apply the sum so paid for the benefit of the person under the age of 16 years.

(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 the last foregoing paragraph and the provisions of regulation 9 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of the said regulation 9 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) of this regulation shall not apply in any case unless written application for payment of any such sum is made to the Board within 12 months from the date of the deceased's death or within such longer period as the Board may allow in any particular case.

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



GIVEN UNDER THE OFFICIAL SEAL
OF THIS ISLE OF MAN BOARD OF
SOCIAL SECURITY THIS TWENTIETH
DAY OF OCTOBER NINETEEN
HUNDRED AND SEVENTY.

J. C. NIVISON, *Chairman.*

W. H. CAIN, *Secretary.*

Approved by me,
G. E. MOORE,
Deputy Governor.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the manner in which claims for benefit under the Isle of Man Board of Social Security Act 1970 and the payment of such benefit shall be made. Part I is formal. Part II deals with the forms on which claims are to be made and the information to be given when claiming; Part III with the manner and time of payment of benefit, the extinction of the right to sums payable by way of benefit where payment is not obtained in time and the information to be given in connection with payment of benefit; and Part IV with persons unable to act and payments on death. This Part also provides that where unemployment benefit and benefit under the Act are to be paid together it is the aggregate of the two benefits which is to be rounded to the nearest shilling under paragraph 2 of Schedule 1 to the Act.