2. ADMINISTRATION OF ASSISTANCE

The National Assistance (Administration of Assistance) Regulations Confirmation Instrument, 1948

1948 No. 1482

Made - - - -	*30th June,* 1948
Laid before Parliament	*1st July,* 1948
Coming into Operation	*5th July,* 1948

M.N.I. 144.

Whereas the Assistance Board, in exercise of the powers conferred on them by sections 2 (3), 8 (3), 9 (1) and 15 of the National Assistance Act, 1948 (hereinafter referred to as "the Act"), and of all other powers enabling them in that behalf, made on the 30th day of June, 1948, the National Assistance (Administration of Assistance) Regulations, 1948;

11 & 12 Geo. 6. c. 29.

And Whereas by virtue of section 63 of the Act no regulations made by the said Board shall take effect unless confirmed by the Minister of National Insurance:

Now, therefore, in exercise of the powers conferred on me by the said section 63 and of all other powers enabling me in that behalf, I do hereby confirm the National Assistance (Administration of Assistance) Regulations, 1948, contained in the Schedule hereto.

This instrument may be cited as the National Assistance (Administration of Assistance) Regulations Confirmation Instrument, 1948, and shall come into operation on the 5th July, 1948.

Dated this 30th day of June, 1948.

James Griffiths,
Minister of National Insurance.

SCHEDULE

The National Assistance (Administration of Assistance) Regulations, 1948

The Assistance Board, in exercise of the powers conferred on them by sections 2 (3), 8 (3), 9 (1) and 15 of the National Assistance Act, 1948, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation commencement and interpretation.

1.—(1) These regulations may be cited as the National Assistance (Administration of Assistance) Regulations, 1948, and shall come into operation on the 5th July, 1948.

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

11 & 12 Geo. 6. c. 29.

"the Act" means the National Assistance Act, 1948;

"Appeal Tribunal" means the Appeal Tribunal for the purposes of the Act;

"application" means an application for an assistance grant or assistance in kind under the Act;

" decision " means a decision of an officer of the Board or of an Appeal Tribunal as the case may be, with respect to any of the matters mentioned in subsection (1) of section 14 of the Act and includes a decision given on review;

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

(3) References in these regulations to any enactment shall include references to that enactment as amended by any subsequent enactment, order or regulations.

(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, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

Local administration.

2.—(1) For the purpose of securing the prompt discharge of their functions under the Act, the Board shall set up local offices in such places and for such areas as they shall from time to time think fit.

(2) Subject to any arrangements for the discharge of the said functions by officers of another Government department or of a local authority, local officers of the Board shall discharge the functions of the Board in relation to applications for assistance and the decision of all questions arising thereon, and such other functions as the Board may from time to time assign to them.

Applications.

3.—(1) Every application shall be made in writing and given or sent to an office of the Board on the form approved by the Board, or in such other manner, being in writing, as an officer of the Board may accept as sufficient in the circumstances of any particular case.

(2) A person shall be treated as having made an application on the date on which the application is received by an officer of the Board:

Provided that where it is represented, and the officer is satisfied, that the application has been unduly delayed in transmission, he may treat the person as having made the application on the date on which it would have been so received but for the delay.

Information to be given on application or on change of circumstances.

4.—(1) Every person who makes an application shall furnish such certificates, documents, information and evidence for the purpose of deciding the application as may be required by an officer of the Board.

(2) Every person in receipt of an assistance grant shall comply with any directions which may be given by an officer of the Board as to reporting to the Board any change of circumstances affecting his need of assistance.

Effective date of decisions.

5.—(1) A decision shall have effect from the date specified therein and may be reviewed at any time:

Provided that—

(*a*) No decision on an application shall have effect from a date earlier than the date on which the applicant is treated in accordance with paragraph (2) of regulation 3 of these regulations as having made the application;

(*b*) A decision made on review shall not have effect from a date more than fourteen days before the date thereof;

(*c*) The decision of an Appeal Tribunal on an appeal against a decision of an officer of the Board shall not take effect earlier than the earliest date on which the decision which is the subject of appeal could have been made to take effect.

(2) A decision shall remain in force for such period as may be specified therein, or, if no period is so specified, until the date on which a decision made on review takes effect.

Notice of decision.

6. Notice of the decision of an officer of the Board shall be given in writing by the officer of the Board to the person to whom the decision relates:

Provided that where the decision is on an application which is made in person, notice thereof need not be given in writing unless the applicant so requests.

Orders for payment.

7.—(1) Orders issued by the Board to enable a person to obtain payment of an assistance grant shall remain the property of the Board.

(2) Any person having such an order shall, on ceasing to be entitled to the receipt of the assistance grant to which the order relates, or when so required by an officer of the Board, deliver the order to the officer of the Board or to such person as he may direct.

Persons unable to act.

8.—(1) In the case of any person who is, or who is alleged to be, in need of assistance under Part II of the Act, or by whom or on whose behalf, an application has been made, and who is unable for the time being to act, where no committee or receiver of his estate has been duly appointed by the Court of Protection or where in Scotland his estate is not being administered by any tutor, curator, or other guardian acting or appointed in terms of law, an officer of the Board may, upon written request being made to him, 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 or goods receivable on account of assistance under Part II of the Act to or by such person:

Provided that—

(*a*) any such appointment by an officer of the Board shall terminate on the day immediately prior to the date on which the officers of the Board is notified that a committee or receiver has been so appointed, or, as regards Scotland, that a tutor, curator or other guardian is acting or has been 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*) an officer of the Board may at any time in his absolute discretion revoke any appointment made under this regulation; and

(*d*) any person appointed under this regulation may, on giving an officer of 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 unable to act may be done by or to the committee or receiver, tutor, curator or other guardian, 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 twenty-one.

Registration for employment.

9. Where a person is required by the Board under subsection (3) of section 8 of the Act to register for employment as a condition of the making of an assistance grant to him, he shall so register in the manner required by the Minister of Labour and National Service for the purpose of the Labour Exchanges Act, 1909.

9 Edw. 7. c. 7.

10.—(1) Where a person is required to register in accordance with the last foregoing regulation, he shall—

(*a*) if an insurance card has been issued to him in accordance with the provisions of the National Insurance and Industrial Injuries (Collection of Contributions) Regulations, 1948(a), lodge such card at the employment exchange at which he is registered for employment;

(a) S.I. 1948 No. 1274, p. 3037 below.

(*b*) attend such employment exchange as aforesaid, or such other exchange as may be approved in his case, on such occasions as he would be required to attend if he were claiming unemployment benefit under the National Insurance Act, 1946, and there sign a register kept for the purpose. 9 & 10 Geo. 6. c. 67.

(2) For the purpose of this regulation " employment exchange " includes any office or place appointed by the Minister of National Insurance for the purpose of claiming unemployment benefit under the National Insurance Act, 1946.

11. An officer of the Board may, if it appears reasonable so to do, treat a person who fails to comply with the requirements of the last foregoing regulation or to register for employment in accordance with regulation 9, as if he had duly complied or registered, as the case may be.

Persons in full time employment.

12. A person shall not be disqualified in accordance with the provisions of subsection (1) of section 9 of the Act (which section relates to disqualification for assistance grants) for an assistance grant by reason of his engagement in remunerative full time work until he has been so engaged for a period of seven days, or, if he is in receipt of an assistance grant, for a complete pay week, being a week by reference to which his assistance grant is being calculated.

Given under the official seal of the Assistance Board this 30th day of June, 1948.

(L.S.)

Jennie Adamson,
Deputy Chairman.

H. Fieldhouse,
A person authorised to act as Secretary of the Assistance Board.

EXPLANATORY NOTE

(This Note is not part of the Confirmation Instrument, but is intended to indicate its general purport.)

This Instrument confirms regulations made by the Assistance Board, providing for the local administration of the functions of the Board under the National Assistance Act, 1948, and for the discharge by officers of the Board of those functions in relation to applications for assistance and the decision of all questions arising thereon. The regulations also contain provisions relating to the issue of assistance grants and to the currency and review of decisions; the manner of registration for employment is prescribed, and an exception made to the disqualification imposed by the Act for assistance by reasons of the applicant's engagement in full time work.