1959. No. 113 **[C]**

NATIONAL ASSISTANCE

Determination of Need

REGULATIONS, DATED 6TH JULY, 1959, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTIONS 5 AND 6 OF THE NATIONAL ASSISTANCE ACT (NORTHERN IRELAND), 1948.

The Ministry of Labour and National Insurance in accordance with the provisions of section 6 of the National Assistance Act (Northern Ireland), 1948(**a**), and in exercise of powers conferred by section 5 of that Act, and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1959, shall be read as one with the National Assistance (Determination of Need) Regulations (Northern Ireland), 1948(**b**) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 7th September, 1959.

Amendment of regulation 2 of the principal regulations

2. At the end of regulation 2 of the principal regulations (which regulation provides for the determination of the need for assistance of an applicant in accordance with the provisions of the Schedule to those regulations), there shall be added the words "and with the rules as to the disregarding of certain assets set out in the Second Schedule to the Act".

Provisions substituted for the provisions of the Schedule to the principal regulations

3. For the provisions of the Schedule to the principal regulations (which Schedule provides for the computation of the requirements and the resources of an applicant for assistance), there shall be substituted the provisions set out in the First Schedule.

Revocation of regulations

4. The regulations specified in the Second Schedule are hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 6th day of July, nineteen hundred and fifty-nine.

(L.S.) *W. N. McWilliam,*
Secretary.

(**a**) 1948. c. 13.
(**b**) S.R. & O. (N.I.) 1948, No. 213 as amended by S.R. & O. (N.I.) 1950, No. 84; S.R. & O. (N.I.) 1951, No. 137; S.R. & O. (N.I.) 1952, No. 82; S.R. & O. (N.I.) 1952, No. 192; S.R. & O. (N.I.) 1955, No. 13; S.R. & O. (N.I.) 1955, No. 45; S.R. & O. (N.I.) 1955, No. 200 and S.R. & O. (N.I.) 1957, No. 246.

FIRST SCHEDULE Regulation 3

Containing the Schedule to the principal regulations as substituted by these regulations

SCHEDULE

PART I

Rules for the Computation of Requirements

Aggregation of requirements

1. The requirements of an applicant, subject to the provisions of paragraphs 5 and 6, shall be taken to be the aggregate amount of the sums in respect of the requirements—

(*a*) of the applicant; and

(*b*) of the husband or wife of the applicant; and

(*c*) of any other member of the household dependent on the applicant;

allowed in accordance with the provisions of paragraphs 2, 3 and 4.

Requirements other than rent

2. *Ordinary scale.* Subject to the provisions of the next succeeding paragraph a weekly sum in respect of requirements other than rent shall be allowed as follows, that is to say:

	s.	d.
(*a*) For a husband and wife	85	0
(*b*) For a person who is living alone, or is a householder and, as such, is directly responsible for rent and household necessaries	50	0
(*c*) For any other person, being—		
(i) aged 21 years or over	46	0
(ii) aged 18 years or over but less than 21 years	36	0
(iii) aged 16 years or over but less than 18 years	30	0
(iv) aged 11 years or over but less than 16 years	23	0
(v) aged 5 years or over but less than 11 years	19	0
(vi) aged under 5 years	16	0

3. *Scale for blind and certain tuberculous persons.* Where a person aged 16 years or over, or his wife or her husband, is a blind person or has suffered a loss of income in order to undergo treatment for tuberculosis of the respiratory system, the weekly sum in respect of requirements other than rent shall be allowed as follows, that is to say:

	s.	d.
(*a*) For a husband and wife—		
(i) of whom one is such a person	107	6
(ii) of whom both are such persons	122	6
(*b*) For any other such person, being—		
(i) aged 21 years or over	72	6
(ii) aged 18 years or over but less than 21 years	55	0
(iii) aged 16 years or over but less than 18 years	45	0

Rent

4.—(1) A weekly sum in respect of requirements for rent shall be allowed as follows, that is to say:

(*a*) where the applicant, or his wife or her husband, is a householder, or where the applicant is living alone, the net rent payable, or such a part thereof as is reasonable in the circumstances;

(*b*) in any other case (unless there are special circumstances or the applicant is under the age of 18 years) a reasonable share of the rent payable by the householder of whose household the applicant is a member, but not less than 2s. 6d. nor more than 15s.

(2) In this paragraph the expression "rent" means—

(i) the weekly rent, or a proportion thereof, appropriate to a week, excluding arrears thereof, and

(ii) the weekly proportion of outgoings borne by the householder including, in particular, rates, a reasonable allowance towards any necessary expenditure on repairs or insurance, and such portion as is for the time being attributable to interest of any sum payable in respect of a mortgage debt or heritable security charged on the house in which the householder resides, or on any interest therein;

and the expression "net rent" means the rent less any proceeds of subletting any part of the premises in respect of which the said rent is paid or the outgoings incurred.

Applicants in accommodation provided under the Welfare Services Act (Northern Ireland), 1949

5. The requirements of an applicant who is residing in accommodation provided under section 4 or section 7 of the Welfare Services Act (Northern Ireland), 1949(a), and in whose case the accommodation so provided includes board and other services shall be taken to be the amount which exceeds by 10s. the weekly sum appropriate to his case for the time being prescribed under sub-section (3) of section 5 of that Act as the minimum charge for that accommodation.

Trade disputes

6.—(1) Where an applicant is a person disqualified for an assistance grant in respect of his own requirements by virtue of sub-section (5) of section 9 of the Act, his requirements to provide for any other person shall be taken to be the appropriate sum allowed in accordance with the provisions of head (*c*) of paragraph 2, increased by the sum in respect of requirements for rent allowed in accordance with the provisions of paragraph 4.

(2) Where the husband or wife of an applicant is a person disqualified for an assistance grant in respect of his or her own requirements by virtue of the said sub-section (5), the requirements of the applicant to provide for himself or herself and for any other person other than his wife or her husband shall be taken to be the sum appropriate in his or her case allowed in accordance with the provisions of the last foregoing sub-paragraph.

PART II

Rules for the Computation of Resources

Aggregation of resources

1. The available resources of an applicant shall be taken to be the aggregate amount of the resources of such persons as are mentioned in paragraph 1 of Part I computed in accordance with the provisions of this Part and with the rules as to the disregarding of certain assets set out in the Second Schedule to the Act.

Treatment of earnings

2.—(1) The portion of the earnings of any person to be taken into account in computing his resources shall be taken to be the amount of his net weekly earnings reduced by the amount allowed in accordance with the provisions of sub-paragraph (2).

(2) The amount (which may be varied if there are special circumstances) to be allowed for the purposes of sub-paragraph (1) shall be as follows, that is to say—

(*a*) the first 30s., half of the next twenty complete shillings, and any amount in excess of the last complete shilling, of the net weekly earnings of any person aged 16 years or over, unless he is a person required under sub-section (4) of section 8 of the Act to register for employment as a condition for the

(a) 1949. c. 1.

receipt of an assistance grant, in which case the amount allowed shall be the first 15s. of his net weekly earnings; or

(*b*) the first 15s. of the net weekly earnings of any person aged under 16 years.

Contributions towards household expenses

3.—(1) The resources of a householder shall, unless exceptional circumstances are shown, be taken to include a contribution towards the expenses of the household from any member thereof who is not a dependant of his of such an amount as is reasonable having regard to all the circumstances of the case, but not exceeding such share of the rent payable by the householder as is reasonably attributable to that member having regard to all the circumstances, including the number of members of the household dependent on him:

Provided that this paragraph shall not apply—

(*a*) where the resources of the said member are derived solely from a gainful occupation or occupations and his net weekly earnings do not exceed 60s.; or

(*b*) where the householder is a blind person or the husband or wife of a blind person.

(2) The expression "rent" has the same meaning in this paragraph as in paragraph 4 of Part I.

Treatment of other resources

4. In computing the available resources of a person there shall be taken into account any resources not particularly mentioned in this Part nor falling to be disregarded under the rules contained in the Second Schedule to the Act, reduced by such amount (if any) as is reasonable having regard to all the circumstances of the case.

SECOND SCHEDULE

Regulation 4

Regulations Revoked

Statutory Rules and Orders of Northern Ireland	Citation
S.R. & O. (N.I.) 1950, No. 84 ..	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1950.
S.R. & O. (N.I.) 1951, No. 137 ..	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1951.
S.R. & O. (N.I.) 1952, No. 82 ..	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1952.
S.R. & O. (N.I.) 1952, No. 192 ..	The National Assistance (Determination of Need) Amendment (No. 2) Regulations (Northern Ireland), 1952.
S.R. & O. (N.I.) 1955, No. 13 ..	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1955.
S.R. & O. (N.I.) 1955, No. 45 ..	The National Assistance (Determination of Need) Amendment (No. 2) Regulations (Northern Ireland), 1955.
S.R. & O. (N.I.) 1955, No. 200 ..	The National Assistance (Determination of Need) Amendment (No. 3) Regulations (Northern Ireland), 1955.
S.R. & O. (N.I.) 1957, No. 246 ..	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland), 1957.