4. NON-CONTRIBUTORY OLD AGE PENSIONS

The Non-Contributory Old Age Pensions Regulations, 1948

1948 No. 1564

Made - - - -	*5th July*, 1948
Laid before Parliament	*7th July*, 1948
Coming into Operation	*8th July*, 1948

M.N.I. 142.

26 Geo. 5. & 1 Edw. 8. c. 31. 11 & 12 Geo. 6. c. 29.

In exercise of the powers conferred on them by section 12 of the Old Age Pensions Act, 1936, as amended by the National Assistance Act, 1948, and of all other powers enabling them in that behalf, the National Assistance Board hereby make, and the Minister of National Insurance, and, so far as they relate to the Post Office, the Postmaster General, hereby confirm, the following regulations:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the Non-Contributory Old Age Pensions Regulations, 1948, and shall come into operation on 8th July, 1948.

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

1 & 2 Geo. 6. c. 11. 6 & 7 Geo. 6. c. 27. 9 & 10 Geo. 6. c. 67.

" the Act " means the Old Age Pensions Act, 1936, as amended by the Blind Persons Act, 1938, the Pensions and Determination of Needs Act, 1943, the National Insurance Act, 1946, the National Insurance (Non-Contributory Old Age Pensions) Regulations, 1946(a), and the National Assistance Act, 1948;

" Appeal Tribunal " means the Appeal Tribunal for the purpose of the National Assistance Act, 1948;

" the Board " means the National Assistance Board;

" claim " means a claim for a pension;

" claimant " means a person who has made a claim for a pension;

" pension " means a pension under the Act;

" pensioner " means a person in receipt of a pension;

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

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations 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 or to the Board under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post, in the case of any person, to that person at his ordinary or last known address, or, in the case of the Board, to an office of the Board.

(a) S.R. & O. 1946 (No. 1400) I, p. 1087.

(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.

Claims.

2.—(1) Every claim for a pension shall be made in writing and sent or delivered to an office of the Board on the form approved by the Board, or in such other manner, being in writing, as the Board may accept as sufficient in the circumstances of any particular case.

(2) By arrangement between the Board and the Postmaster General, there shall be furnished to every postmaster printed forms of claim and such leaflets or other documents explanatory of the conditions of entitlement to a pension as may be issued by the Board, and every postmaster shall supply without charge such a form of claim, leaflet or document to any person who makes a request to him therefor.

(3) Where a claim is not duly made on the form or in a manner required by paragraph (1) of this regulation when received at an office of the Board, it shall, if it is returned duly made within one month of the date on which it is delivered to the claimant for completion, be treated as if it had been duly made in the first instance.

(4) Where it appears that a person who has made a claim in accordance with the provisions of the National Insurance (Claims and Payments) Regulations, 1948(a), for a retirement pension or widow's benefit under the National Insurance Act, 1946, is not entitled thereto but may be entitled to a pension, any such claim may be treated as if it were a claim duly made in accordance with paragraph (1) of this regulation by such person for a pension.

Provisional claims.

3.—(1) A claim for a pension may be made at any time not more than four months, or such other longer period as the Board may in any particular case allow, before the date on which it appears that the claimant will become entitled to a pension.

(2) Where the Board, or, in the case of an appeal, the Appeal Tribunal, are satisfied that a claimant is likely at any time within four months from the date on which the claim is considered to be entitled to a pension, they may allow the claim provisionally so as to take effect on any future date not later than four months from the date of the decision.

Information on claiming and on change of circumstances.

4.—(1) Every person who makes a claim for a pension shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Board.

(2) Every pensioner shall comply with any directions which may be given by the Board as to reporting to the Board any change of circumstances affecting his right to pension, or the amount thereof.

Raising of questions.

5. If any pensioner desires to raise any question as to the weekly rate of his pension, or if any person whose claim has been provisionally allowed desires to make any application for the alteration of the provisional allowance, he may do so by giving notice in writing of the question or the application at an office of the Board, or in such other manner as the Board may accept as sufficient in the circumstances of any particular case.

(a) S.I. 1948 No. 1041, p. 2709 above.

References to Appeal Tribunal.

6. The reference of a claim or question to an Appeal Tribunal under subsection (1) of section 8 of the Act by a person aggrieved by a decision of the Board on that claim or question shall be made by giving notice in writing at an office of the Board, and such claim or question shall be determined in like manner as if it were an appeal brought under section 14 of the National Assistance Act, 1948, and accordingly the provisions of the National Assistance (Appeal Tribunals) Rules, 1948(a), shall, subject to any necessary modifications, apply thereto.

Persons unable to act.

7.—(1) In the case of any person to whom a pension is payable or who is alleged to be entitled to a pension or by whom or on whose behalf a claim for a pension has been made, and who is, by reason of any mental or other incapacity, 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 the Board may, upon written application being made to them, 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 sum payable on account of a pension to such person:

Provided that—

(*a*) any such appointment by the Board shall terminate on the day immediately prior to the date on which the Board are notified that a committee or receiver has been 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*) the Board may at any time in their absolute 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 for the time being 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.

Notice of decision.

8. The Board shall give notice in writing of their decision on any claim, application or question, made or raised in accordance with the provisions of the Act and of these regulations, to the claimant or to the person who has made the application or raised the question, as the case may be.

Authentication of copies of decision.

9.—(1) A copy of a decision of the Board under section 8 of the Act shall be authenticated by the signature of an officer of the Board, and a copy purporting to be signed by such an officer shall, unless the contrary is proved, be deemed to be so signed.

(a) *See* S.I. 1948 No. 1454, p. 1984 above.

(2) A copy of the decision of the Appeal Tribunal on any claim or question referred to them under the said section 8 shall be authenticated by the signature of the clerk of the Appeal Tribunal, and a copy purporting to be signed by such clerk shall, unless the contrary is proved, be deemed to be so signed.

Pension order books.

10.—(1) A book of orders issued by the Board to enable a person to obtain payment of a pension through the Post Office shall remain the property of the Board.

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

Repayment under section 11 (2) of the Act.

11. Where a person in receipt of a pension is liable to repay any sums under subsection (2) of section 11 of the Act, and the Board under subsection (4) of that section direct those sums or any part of them to be deducted from the sums to which that person becomes entitled on account of a pension, the deduction shall be made by withholding either the whole or part of payments on account of the pension until the total of the sums withheld amounts to the total of the sums so directed to be deducted.

Hospital in-patients.

12.—(1) Where a person is undergoing free of charge medical or other treatment as an in-patient in a hospital or similar institution to which this regulation applies, no account shall be taken, in calculating his means for the purposes of the First Schedule to the Act, of the value to him of the accommodation, maintenance and services provided in the hospital or institution.

(2) Subject to the following provisions of this regulation, where for any period such a person would but for this regulation be in receipt of a pension at a weekly rate exceeding five shillings, that pension shall be adjusted for that period so that the weekly rate thereof shall be five shillings:

Provided that where a person—

(*a*) was in receipt of a pension either immediately before commencing to undergo such treatment as aforesaid, or on the 5th July, 1948, whichever is the later; and

(*b*) is a married person, and immediately before commencing to undergo such treatment was living with his wife or her husband otherwise than in accommodation provided by, or by arrangement with, a local authority under Part III of the National Assistance Act, 1948;

that pension shall not be so adjusted until that person has undergone such treatment for a continuous period of fifty-six days from the date of his admission to hospital or from the said 5th July, 1948, whichever is the later.

(3) Where by virtue of the foregoing provisions of this regulation a pension becomes payable at a reduced rate, the pension shall first be paid at that rate on the first Friday after the date on which it becomes so payable, or if that date is a Friday, on that Friday.

(4) This regulation applies to a hospital or similar institution maintained or administered by a public authority or by or on behalf of the Minister of Pensions or under the National Health Service Act, 1946, or under the National Health Service (Scotland) Act, 1947, or a hospital or similar institution not so maintained or administered, in which, pursuant to arrangements made by a regional hospital board constituted under either of those Acts, accommodation and medical, nursing or other services are provided.

9 & 10 Geo. 6. c. 81. 10 & 11 Geo. 6. c. 27.

Exceptions from disqualification for imprisonment, etc.

13. For the purposes of subsection (1) of section 3 of the Act (which subsection provides for disqualification for the receipt of a pension during periods of penal servitude, imprisonment and detention in legal custody) a person shall not, by reason of undergoing a period of penal servitude, imprisonment or detention in legal custody, be disqualified for receiving a pension if, being charged with a criminal offence, either such charge against him is withdrawn, or he is discharged by the magistrates or (not being a criminal lunatic) is acquitted.

Revocation of existing regulations.

14. The Non-Contributory Old Age Pensions Regulations, 1947(a), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued, or incurred thereunder.

Given under the official seal of the National Assistance Board this 5th day of July, 1948.

(L.S.) *Jennie Adamson,*
Deputy Chairman of the National Assistance Board.

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

James Griffiths,
Minister of National Insurance.

Wilfred Paling,
Postmaster General.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations supersede the Non-Contributory Old Age Pensions Regulations, 1947, and are necessitated by amendments made to the Old Age Pensions Act, 1936, by the National Assistance Act, 1948. The Regulations provide for the manner in which claims for pensions are to be made, and in which references of claims and questions are to be brought before the Appeal Tribunal. They contain provisions relating to the calculation of means, and the adjustment of pensions, of persons undergoing treatment free of charge in hospitals; and exceptions to the statutory disqualification for the receipt of pensions of persons undergoing imprisonment are made.

(a) S.R. & O. 1947 (No. 526) I, p. 1575.