Contribution towards household expenses

8. Where the applicant is the householder, or the husband or wife of the householder, his resources 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 an amount of 7s. a week, or of such less amount as is reasonable having regard to the said member's circumstances and personal responsibilities :

Provided that—

(*a*) where the resources of the said member are derived solely from a gainful occupation or occupations and his net weekly earnings—

(i) amount to less than 70s. a week but more than 45s. a week, the amount of the contribution shall not be taken to exceed 5s. a week ;

(ii) amount to 45s. a week or less, but more than 25s. a week, the amount of the contribution shall not be taken to exceed 2s. 6d. a week ;

(iii) amount to 25s. a week or less, no contribution shall be taken to be so included ;

(*b*) this paragraph shall not apply where the householder or his wife or her husband is a blind person.

Treatment of other resources

9. In computing the available resources of a person there shall be taken into account any resources not particularly mentioned in this Part of this Schedule reduced by such amount (if any) as is reasonable having regard to all the circumstances of the case.

Application of rules to aggregated resources

10. Where the resources of two or more persons are to be aggregated, paragraphs 3 and 7 of this Part of this Schedule shall apply to the resources of each of the said persons severally and paragraphs 4 and 6 thereof shall apply to the aggregate of the resources of both or all the said persons.

Non Contributory Old Age Pensions

REGULATIONS, DATED 27TH JULY, 1948, MADE BY THE NATIONAL ASSISTANCE BOARD FOR NORTHERN IRELAND, IN EXERCISE OF THE POWERS CONFERRED UPON THEM BY SECTION 12 OF THE OLD AGE PENSIONS ACT (NORTHERN IRELAND), 1936 AS AMENDED BY THE NATIONAL ASSISTANCE ACT (NORTHERN IRELAND), 1948.

1948. No. 252

The National Assistance Board for Northern Ireland by virtue of the powers conferred upon them by section 12 of the Old Age Pensions Act (Northern Ireland), 1936, hereby make the following regulations :—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the Non-Contributory Old Age Pensions Regulations, (Northern Ireland), 1948, and shall come into operation on the day on which they are confirmed by the Minister of Labour and National Insurance.

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

" the Act " means the Old Age Pensions Act (Northern Ireland), 1936, as amended by any enactment, order or regulation ;

" Appeal Tribunal " means the Appeal Tribunal for the purpose of the National Assistance Act, (Northern Ireland), 1948 ;

" the Board " means the National Assistance Board for Northern Ireland ;
" 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.

(5) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

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) 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.

(3) Where it appears that a person who has made a claim in accordance with the provisions of the National Insurance (Claims and Payments) Regulations, (Northern Ireland), 1948, for a retirement pension or widow's benefit under the National Insurance Act, (Northern Ireland), 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 longer period as the pension officer 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 pension officer or, in the case of an appeal, the Appeal Tribunal, or the umpire, is 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, he or the Tribunal 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.

References to Appeal Tribunal.

6. The requirement by a person aggrieved by a decision of the pension officer on a claim or question that the claim or question should be referred to an Appeal Tribunal under subsection (3) of section 8 of the Act shall be made by giving notice in writing at an office of the Board, and such claim or question shall, subject to regulation 7 hereof, be determined in like manner as if it were an appeal brought under section 14 of the National Assistance Act, (Northern Ireland), 1948, and accordingly the provisions of the National Assistance (Appeal Tribunals) Rules, (Northern Ireland), 1948, shall, subject to any necessary modifications, apply thereto.

Procedure for references to the umpire.

7.—(1) Where the pension officer disagrees with any recommendation of an Appeal Tribunal, or where a claimant or pensioner, with the leave of that Tribunal, requires the pension officer to refer a matter to the umpire, the pension officer shall give notice to the claimant or pensioner of the grounds for the reference and shall afford the claimant or pensioner an opportunity of submitting a statement of his evidence.

(2) On the receipt of the claimant's or pensioner's statement of evidence, or on the expiration of fourteen days from the date that the above mentioned notice has been given, whichever happens first, the pension officer shall refer the matter to the umpire.

(3) The pension officer shall forward to the umpire any documents submitted by the claimant or pensioner, together with a statement showing to what extent he admits or disputes the facts stated in such documents and setting out any further facts and the contentions on which he relies.

Proceedings of umpire.

8.—(1) The umpire may at any time require a claimant or pensioner or the Board to furnish to him in writing such further particulars in regard to the reference as he may reasonably require and may, at any stage of the proceedings, allow the amendment of any application or particulars upon such terms as he may think just.

(2) If the umpire is of opinion that the case is of such a nature that it can properly be determined without a hearing, he may dispense with a hearing and may determine the reference summarily.

(3) If in the opinion of the umpire a hearing is required he shall, as soon as may be, fix a date and place for the hearing.

(4) The Board shall cause a notification to be sent to the claimant or pensioner giving him at least seven days' notice of the time and place of the hearing.

(5) The claimant or pensioner shall be entitled to be present at the hearing and to be represented by any member of his family or by any other representative including counsel or a solicitor.

(6) The Board shall be entitled to be represented at the hearing.

(7) Subject as aforesaid, there shall not be admitted to the hearing any member of the public or the representative of any newspaper.

(8) The umpire may adjourn the hearing from time to time as he may think fit.

(9) If, after notice of a hearing has been duly given, the claimant fails to appear at the hearing, such decision may be given or such proceedings may be taken, with a view to the disposing of the reference, as the umpire may think just.

(10) The Board shall cause notification of the decision of the umpire to be sent as soon as may be to the claimant or pensioner.

(11) Subject as aforesaid, the proceedings of the umpire in determining a reference may be conducted in such manner as he considers best fitted for the purpose.

Persons unable to act.

9.—(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, quasi-committee, receiver or guardian of his estate has been duly appointed, 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, quasi-committee, receiver or guardian 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, quasi-committee, receiver or 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.

10.—The Board or the pension officer as the case may be 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.

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

(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.

12.—(1) A book of orders issued by the Board to enable a person to obtain payment of a pension 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 of the Act.

13. Where a person in receipt of a pension is liable to repay any sums under section 11 of the Act, and the Board under subsection (5) 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.

14.—(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 welfare authority ;

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 or on behalf of the Minister of Pensions or under the Health Services Act, (Northern Ireland), 1948, or a hospital or similar institution not so maintained or administered, in which, pursuant to arrangements made by the Northern Ireland Hospitals Authority constituted under that Act, accommodation and medical, nursing or other services are provided.

Exception from disqualification for imprisonment, etc.

15. 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.

16. The Non-Contributory Old Age Pensions Regulations, (Northern Ireland), 1937, 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.

Sealed with the Official Seal of the National Assistance Board for Northern Ireland this 27th day of July, 1948, in the presence of

(L.S.)

J. Gorman,
Secretary to the National Assistance Board for Northern Ireland.

I, the Right Honourable Brian Maginess, Minister of Labour and National Insurance for Northern Ireland, hereby confirm the foregoing regulations.

Given under my hand at Stormont this 29th day of July, 1948.

Brian Maginess,
Minister of Labour and National Insurance.

Occupiers of Land (Assistance Grants)

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

1948: No. 215

The Ministry of Labour and National Insurance in exercise of the powers conferred by sections 5 and 9 of the National Assistance Act (Northern Ireland), 1948, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

Citation, commencement and interpretation.

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

(2) In these regulations, unless the context otherwise requires, expressions have the same meanings as in the National Assistance Act (Northern Ireland), 1948.

(3) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Disqualification for assistance grants in the case of occupiers of agricultural holdings.

2. A person who is the occupier of land valued at less than ten pounds shall be disqualified for the receipt of an assistance grant for the period from the fifteenth February to the fifteenth November of each year :

Provided that this regulation shall not apply in respect of any period during which that person proves that he is—

(*a*) over pensionable age within the meaning of the National Insurance Act (Northern Ireland), 1946 ; or

(*b*) incapable of work within the meaning of that Act.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 5th day of July, 1948, in the presence of

(L.S.)

William Allen,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Residence Condition for Assistance Grants Regulations (Northern Ireland), 1948

REGULATIONS, DATED 3RD JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL ASSISTANCE ACT (NORTHERN IRELAND), 1948.

1948: No. 214

The Ministry of Labour and National Insurance in exercise of the powers conferred by section 9 of the National Assistance Act (Northern