1966. No. 188 **[C]**

SUPPLEMENTARY BENEFITS

General

REGULATIONS, DATED 17TH AUGUST 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE SUPPLEMENTARY BENEFITS &C. ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 7, 8(2), 11 and 18(1) of, and paragraphs 7 and 15 of Schedule 2 to, the Supplementary Benefits &c. Act (Northern Ireland) 1966(a), 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 Supplementary Benefit (General) Regulations (Northern Ireland) 1966 and, subject to the provisions of paragraph (2), shall come into operation on 22nd August 1966.

(2) Regulations 3 and 4 shall come into operation on 28th November 1966.

(3) In these regulations—

"the Act" means the Supplementary Benefits &c. Act (Northern Ireland) 1966;

"Appeal Tribunal" means a tribunal under the Act.

(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.

Persons excepted from requirement to have been resident in the United Kingdom for qualifying period

2. Section 7 of the Act shall not apply to any person who in relation to the period of five years immediately preceding the date on which his application for benefit is made has when not resident in the United Kingdom been—

(*a*) employed as a member of any of Her Majesty's Forces;

(*b*) employed on board any ship, vessel or aircraft in an employment which for the purposes of the National Insurance Act (Northern Ireland) 1966(b) has been treated as an employed contributor's employment;

(*c*) employed under a contract of service by an employer having a place of business in the United Kingdom and was resident in the United Kingdom immediately before becoming so employed; or

(*d*) resident in a country with which a convention or an agreement has been made providing for reciprocity in the matter of benefit under the Act and of comparable benefit under the legislation of that other country for persons whose resources are insufficient to meet their requirements (being a convention or agreement under which in relation to benefit under the Act residence in that other country is treated as if it were

(a) 1966. c. 28 (N.I.). (b) 1966. c. 6 (N.I.).

residence in the United Kingdom), and is a person to whom the convention or agreement applies;

and that section shall not apply to any other person who having been resident in the United Kingdom has not been so resident for the said period of five years for any cause which in the opinion of the Commission was in all the circumstances reasonable.

Persons in full-time employment

3. Section 8(1) of the Act (exclusion of persons in full-time employment) shall not apply to a person becoming engaged in remunerative full-time work until the expiration of a period of 15 days from the beginning of the engagement.

Registration for employment

4.—(1) Where the Commission determines under section 11 of the Act that the right of any person to a supplementary allowance shall be subject to the condition that he is registered for employment he shall be so registered in the following manner:

(*a*) by registering in accordance with regulations having effect for the purposes of the Employment and Training Act (Northern Ireland) 1950(**a**); and

(*b*) by attending at the local office at which he is registered for employment, or such other local office 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 Acts (Northern Ireland) 1966(**b**) and there signing a register kept for the purpose.

(2) For the purpose of this regulation, "local office" includes any office or place appointed by the Ministry for the purpose of claiming unemployment benefit under the National Insurance Acts (Northern Ireland) 1966.

Computation of net weekly earnings

5.—(1) For the purposes of Schedule 2 to the Act a person's net weekly earnings shall be the net remuneration or profit, calculated on a weekly basis, derived by him from any occupation or occupations and, in particular, in so far as the earnings consist of salary or wages, there shall be deducted—

(*a*) any sum the deduction of which from salary or wages is authorised by statute; and

(*b*) any expenses reasonably incurred by him in connection with his employment.

(2) Where the earnings of a person for any week are not immediately ascertainable, the preceding provisions of this regulation shall not apply and the net weekly earnings for that week shall be calculated or estimated in such manner and on such basis as the Commission consider appropriate, having regard to all the circumstances of the case.

Persons in welfare authority homes

6. For the purpose of calculating the requirements of a person for whom accommodation which includes board and other services is provided under the Welfare Services Act (Northern Ireland) 1949(**c**) the sum of 16s. shall be the prescribed amount by which those requirements are to be taken as exceeding the sums applicable to his case for the time being prescribed under section 5(3) of that Act as the minimum charge for that accommodation.

(**a**) 1950. c. 29.
(**b**) 1966. c. 6 (N.I.) and 1966. c. 16 (N.I.).
(**c**) 1949. c. 1.

Review of determinations made by the Commission or an Appeal Tribunal

7.—(1) A determination made by the Commission or by an Appeal Tribunal on the right to or amount of supplementary pension or allowance in respect of any week may be reviewed by the Commission if—

(*a*) the Commission are satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact; or

(*b*) there has been any relevant change of circumstances since the determination was made and—

(i) the Ministry has been notified within a period of 26 weeks from that week of such change of circumstances and the determination on review would result in an increase of more than 2s. in the amount of pension or allowance payable; or

(ii) the determination on review would result in a decrease of more than 2s. in that amount; or

(iii) the determination was made before 28th November 1966 and the change of circumstances occurred before that date.

(2) A determination made by the Commission or by an Appeal Tribunal on any of the following matters—

(*a*) the issue of benefit to a person other than the claimant;

(*b*) the imposition of a condition under section 11 of the Act;

(*c*) the provision of goods or services instead of the whole or part of any payment:

may be reviewed by the Commission in respect of such period as the Commission may determine having regard to the circumstances of the case if—

(i) there has been any relevant change of circumstances since the original determination was made; or

(ii) the Commission are satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact.

(3) A determination made by the Commission or by an Appeal Tribunal on either of the following matters—

(*a*) the recovery of the whole or part of any sums paid by virtue of section 13 of the Act;

(*b*) the amount of any excess mentioned in section 17 of the Act;

may be reviewed by the Commission if the Commission are satisfied that the determination was made in ignorance of, or was based on a mistake as to, some material fact.

(4) Any determination made by the Commission on a matter specified in the preceding paragraphs of this regulation may be reviewed by them if they are satisfied that it was based on a mistake as to the law.

Notice of decisions

8.—(1) This regulation applies to the following decisions of the Commission:

(*a*) a determination made by the Commission on any claim;

(*b*) a determination made by the Commission on a review under regulation 7;

(*c*) a refusal by the Commission to review a determination under regulation 7.

(2) Subject to the following provisions of this regulation, notice of any decision to which this regulation applies shall be given or sent to the claimant in writing.

(3) Where the determination concerned relates to the making of or refusal to make a cash payment in respect of benefit other than supplementary pension, the notice required by paragraph (2) may be given to the claimant orally unless he requests that it be in writing.

(4) Where the Commission determine that the claimant is entitled to benefit of an amount which, when added to some other payment, if any, payable by the Ministry, will amount to a stated sum, notice of that sum shall be notice for the purposes of this regulation.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 17th day of August 1966.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations make general provisions for the purposes of the Supplementary Benefits &c. Act (Northern Ireland) 1966. They provide for exceptions to the requirement of residence in the United Kingdom for a qualifying period (regulation 2); that the period for which a person is not to be excluded from benefit under the Act after he has commenced full-time remunerative employment is to be 15 days (regulation 3); for the manner in which a person required to register for employment at a local office as a condition for the award of benefit is to do so (regulation 4); for the method of calculation of a person's net weekly earnings (regulation 5); for the requirements of a person in a welfare authority home (regulation 6); for the circumstances in which determinations under the Act may be reviewed (regulation 7); and for the manner in which decisions of the Commission shall be notified (regulation 8).

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SUPPLEMENTARY BENEFITS

Claims and Payments

REGULATIONS, DATED 17TH AUGUST 1966, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE SUPPLEMENTARY BENEFITS &C. ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, with the consent of the Ministry of Finance, in exercise of powers conferred by section 4 as extended by paragraph 2(3) of Schedule 2, and section 18(1) of the Supplementary Benefits &c. Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

(a) 1966. c. 28 (N.I.).