

2. This Order may be cited as the Unemployment Act (Northern Ireland), 1934, (Second Appointed Day) Order (Northern Ireland), 1936.

Given under my hand at Stormont this fifteenth day of September, 1936.

John M. Andrews,
Minister of Labour for
Northern Ireland.

The Ministry of Finance hereby consents to the foregoing Order.

Given under the Official Seal of the Ministry of Finance this fifteenth day of September, 1936.

(L.S.)

W. B. Spender,
Secretary to the
Ministry of Finance.

UNEMPLOYMENT ASSISTANCE.

Determination of Need, p. 366. | Temporary Provisions, p. 373.

Determination of Need.

THE UNEMPLOYMENT ASSISTANCE (DETERMINATION OF NEED AND ASSESSMENT OF NEEDS) REGULATIONS (NORTHERN IRELAND), 1936, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER THE UNEMPLOYMENT ASSISTANCE ACT (NORTHERN IRELAND), 1934 (24 AND 25 GEO. 5, CH. 12).

1936. No. 122.

WHEREAS it is provided by the Unemployment Assistance Act (Northern Ireland) 1934 (hereinafter referred to as "the Act") that the amount of any allowance to be granted under the Act shall be determined by reference to the needs of the applicant for such an allowance, and that the need of the applicant shall be determined and his needs assessed in accordance with regulations made under the Act by the Ministry of Labour for Northern Ireland (hereinafter referred to as "the Ministry") after consideration of draft regulations prepared and submitted to him by the Unemployment Assistance Board for Northern Ireland;

And whereas the Ministry duly made the Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1934 (a);

And whereas it is expedient that new Regulations should be made for the purposes aforesaid;

Now therefore the Ministry by virtue of the powers conferred on it by Sections 33 and 46 of the Act and of all other powers in that behalf hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations (Northern Ireland) 1936, and shall come into force on the sixteenth day of November, 1936.

(2) The Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1934, are hereby revoked as from the date on which these Regulations come into force ; but such revocation shall not affect any determination made in accordance with the Regulations so revoked or anything done or to be done under any such determination.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say :—

“ The Act ” means the Unemployment Assistance Act (Northern Ireland), 1934.

“ Advisory Committee ” means a Committee established by the Unemployment Assistance Board under Section 30 of the Act.

“ Applicant ” means a person who has applied for an allowance under the Act.

“ Benefit rate ” means one of the rates or increased rates at which benefit is on the date on which these Regulations are made, or, in the case of Agricultural Benefit will on the 5th November, 1936, become payable under the Unemployment Insurance Acts (Northern Ireland), 1920 to 1936.

“ Appropriate benefit rate ” means the benefit rate which, having regard to the general character of his normal occupation, appears to be the rate appropriate to the applicant's circumstances, excluding any increase of benefit provided by the said Acts in respect of any dependants who are not members of his household.

“ Proceeds of subletting ” means the total amount received for each week from persons to whom accommodation (without board) is provided less a reasonable allowance for wear and tear and for lighting and any other common services.

“ Outgoings ” include rates, a reasonable allowance towards any necessary expenditure on repairs or insurance and such portion of any sum payable in respect of a mortgage debt charged on the house in which the household resides (or on any interest therein) as is for the time being attributable to interest.

“ Rent ” means the weekly proportion of rent (excluding arrears of rent) and outgoings ; or, where no rent as such is payable, the weekly proportion of outgoings.

“ Net rent actually paid ” means the amount actually paid by the applicant or by some other member of the household of which he is a member by way of rent less the amount of any proceeds of subletting.

“ Scale allowance ” means a sum calculated in the manner provided by the First Schedule to these Regulations.

“ Scale rate ” means in relation to any member of a household that one of the rates specified in the scale set out in subparagraph (1) of paragraph 1 of the First Schedule to these Regulations which is appropriate or would be appropriate if he were a person whose needs were to be included with those of the applicant.

“ Available resources ” means a sum calculated in the manner provided by the Second Schedule to these Regulations.

“ Officer ” means an officer of the Unemployment Assistance Board for Northern Ireland.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The question whether an applicant is in need of an allowance shall be determined primarily by reference to the amount at which his needs would be assessed under these Regulations, but where, by reason of the fact that that amount is small, doubt arises whether the applicant is in need, regard shall be had also to the relation of that amount to the amount at which the applicant's needs would be assessed if he had no resources and to all the other circumstances of the case.

4. Subject as hereinafter provided, the needs of an applicant shall be assessed on a weekly basis at a sum calculated as follows :—

1.—(i) The amount of the applicant's scale allowance shall be calculated in the manner provided by the First Schedule to these Regulations and from that amount shall be deducted the amount (if any) of his available resources, calculated in the manner provided by the Second Schedule to these Regulations.

(ii) The sum so ascertained shall, where necessary be adjusted in accordance with the following provisions :—

(a) Except where special circumstances or needs of an exceptional character exist, the said sum shall be so adjusted as to be less than the amount which would ordinarily be available for the support of the household out of the earnings of the applicant and of other members of the household whose needs have been included with those of the applicant, if they were following the occupations normally followed by them.

(b) If the applicant resides in a locality which is predominantly rural in character, the said sum may be adjusted by reference to circumstances connected with the general character of that locality in such manner as appears to the officer or on an appeal to the Appeal Tribunal to be reasonable in the circumstances after considering any recommendations which the Advisory Committee for the area in which the applicant resides may make as to the manner in which this provision should be applied in various classes of cases arising in that area, or in any specified portion thereof.

2. If in any case special circumstances exist, the amount calculated in accordance with paragraph 1 hereof may be adjusted by way of increase or decrease by such amount as is reasonable to meet such special circumstances.

3. If in any case needs of an exceptional character exist, whether arising from prolonged unemployment or otherwise, the amount calculated in accordance with the foregoing provisions may be increased by such amount as is reasonably necessary to meet those exceptional needs.

Provided that if, in any case where the applicant is the householder and the needs of some other member of the household have been included with those of the applicant, and there are no available resources, the sum calculated in accordance with the foregoing provisions is less than the appropriate benefit rate, that sum shall (whether the applicant is insured against unemployment or not) be increased by the amount by which the appropriate benefit rate (less the amount of any reduction made under sub-paragraph (2) of paragraph 1 of the First Schedule to these Regulations) exceeds (a) the amount of the applicant's scale allowance, or (b) where the appropriate benefit rate is a rate of agricultural benefit, the amount of the applicant's scale allowance less the amount of any reduction made under sub-paragraph (ii) (b) of paragraph 1 of this Regulation.

Provided also that if in any case it appears that the sum calculated in accordance with the foregoing provisions is less than the amount which would be arrived at if the case were dealt with in accordance with the practice relating to the assessment of allowances in force on the date on which these Regulations are made in the area in which the applicant resides, then that sum may be increased by such an amount as is reasonable having regard to the amount by which it is so less and to the relation of that amount to all the circumstances of the case; so however that:—

(a) the power conferred by this proviso shall not be exercised after the expiration of eighteen months from the date on which these Regulations come into force

and during that period shall be so exercised as progressively to bring the assessment of the applicant's needs into conformity with the foregoing provisions of this Regulation ; and

- (b) in so exercising the said power consideration shall be given to any recommendations which the Advisory Committee for the area in which the applicant resides may make as to the manner in which progressive adjustments should be made in various classes of cases arising in that area, or in any specified portion thereof.

FIRST SCHEDULE.

CALCULATION OF SCALE ALLOWANCE.

1. Where the applicant is living as a member of a household consisting of two or more persons the scale allowance shall be a sum calculated as follows :—

(1) There shall be ascertained the total amount provided by the following scale for the applicant and any other member of his household whose needs are to be included with those of the applicant.

For the householder and the householder's wife or husband 24s. 0d. a week.

For the householder (where the above rate is not applicable)—

Male 16s. 0d. a week.
Female 15s. 0d. a week.

For members of the household to whom the foregoing rates do not apply—

If aged 21 years or over—

Male 10s. 0d. a week.
Female 9s. 0d. a week.

If aged 16 years or over but less than 21 years 8s. 0d. a week.

If aged 14 years or over but less than 16 years 6s. 0d. a week.

If aged 11 years or over but less than 14 years 4s. 6d. a week.

If aged 8 years or over but less than 11 years 4s. 0d. a week.

If aged 5 years or over but less than 8 years 3s. 6d. a week.

If under the age of 5 years 3s. 0d. a week.

Where the household consists of only one child in addition to not more than two adults, the amount allowed in respect of that child shall be not less than 4s. 0d.

(2)—(a) If the net rent actually paid is greater or less than one-quarter of the total of the scale rates of all the members of the household, the amount ascertained under the preceding sub-paragraph may be increased or reduced by such sum as appears to the officer or on an appeal to the Appeal Tribunal to be reasonable in the circumstances after considering any recommendations which the Advisory Committee for the area in which the applicant resides may make as to the application of this provision to any class or classes of cases arising in that area or in any specified portion thereof.

(b) Recommendations made by an Advisory Committee for the purpose of this clause may, in particular, having regard to local conditions, provide that, for the purpose of determining whether any and if so what reduction shall be made—

(i) the whole or any specified part of the amount by which the net rent is less than one-quarter of the scale rates should be disregarded ; or

(ii) the foregoing provision should be applied as though, for the reference therein to "one-quarter," there were substituted a reference to some smaller proportion; and where any such recommendation is made the Committee may further recommend that in any special class or classes of cases the whole or any specified part of the amount by which the net rent is less than the substituted proportion of the scale rates should be disregarded.

2. Where the applicant is living otherwise than as a member of a household consisting of two or more persons the scale allowance for the applicant shall be 15s. a week (subject to adjustment by way of increase or reduction to meet the circumstances of the particular case).

SECOND SCHEDULE.

COMPUTATION OF AVAILABLE RESOURCES.

PART I.

The amount of the applicant's available resources shall be taken to be a sum calculated as follows:—

1. All the resources of the applicant and of all the other members of the household of which he is a member shall be aggregated; and in computing the amount to be taken into account in respect of such resources the following provisions shall be complied with:—

- (i) The amount to be taken into account in respect of earnings shall be the net profits derived from the carrying on of any trade, occupation or calling, or (as the case may be) the net amount of salary or wages received by the member less the employee's share of contributions payable under the National Health Insurance Acts (Northern Ireland), the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland) and the Unemployment Insurance Acts (Northern Ireland), and any other sums the deduction of which is authorised by statute, and less also such further amount (if any) in respect of expenses necessarily incurred by the member in connection with his employment as is reasonable in all the circumstances of the case.
- (ii) The Capital value of any interest in the house in which the household resides shall be disregarded.
- (iii) All money and investments treated as capital assets shall—
 - (a) in so far as the value of all such money and investments considered in the aggregate does not exceed £25, be disregarded;
 - (b) in so far as that value exceeds £25 but does not exceed £300, be treated as equivalent to a weekly income of one shilling for every complete £25;
 - (c) in so far as that value exceeds £300, be taken into account, together with the actual income derived from such excess.
- (iv) There shall be disregarded—
 - (a) the first five shillings a week of any sick pay from a Friendly Society, and the first seven shillings and sixpence a week of any benefit under the National Health Insurance Acts (Northern Ireland) and the whole of any maternity benefit under those Acts (exclusive of any increase of such benefit by way of additional benefits and of any second maternity benefit);
 - (b) the first one pound a week of any wounds or disability pension; and
 - (c) one-half of any weekly payment by way of compensation under the enactments relating to workmen's compensation.

2. From the sum so ascertained there shall be deducted the aggregate amount of the several sums specified in Part II. of this Schedule, being the amounts to be allowed for the personal requirements of the applicant and of the other members of the household whose resources are taken into account.

PART II.

The amounts to be allowed for personal requirements shall be calculated as follows:—

1. In the case of earnings there shall be allowed for each week out of the amounts taken into account in respect of their respective earnings:—

(1) To the applicant—

The first 3s. or (subject to a maximum of 8s.) one-half of the earnings, whichever is the greater.

(2) To the applicant's wife, husband, father or mother—

The same as in the case of the applicant, and in addition, if the needs of the earner have not been included in the scale allowance, the appropriate scale rate for the earner and for any other member of the household who is dependent on or ordinarily supported by the earner.

(3) To the applicant's son, daughter, brother or sister, there being no member of the household dependent on or ordinarily supported by him or her—

(a) If under the age of eighteen years, all earnings up to 12s. and one-half of any earnings in excess of 12s.

(b) If eighteen years of age or over all earnings up to 20s., or the first 16s. and one-half of any earnings in excess of 16s., whichever is the greater.

(c) If the earner is the householder an additional 5s.

(d) If the earner is dependent on or ordinarily supported by the applicant and is included in the scale allowance, instead of the above amounts, one-third of his earnings.

(4) To any member of the household to whom the foregoing sub-paragraphs do not apply—

The amount which a person of the same age would be allowed under sub-paragraph (3), together with such further sum as is reasonable in the circumstances.

(5) References in the foregoing sub-paragraphs to the father, mother, son or daughter of the applicant shall include a person who is in fact treated in the household as in that relationship.

2. In the case of money and investments treated as capital assets there shall be allowed to members of the household other than the applicant, the applicant's wife, husband, father or mother, such portion of the amount taken into account under sub-paragraph (iii) of paragraph 1 of Part I. of this Schedule as is reasonable in the circumstances; so however that the amount to be so allowed shall not be less than is required to ensure that, in respect of capital assets owned by such members, only the weekly proportion of the income actually derived therefrom is taken into account under sub-paragraph (iii) (b) of that paragraph and that, in a case where the total value of money and investments treated as capital assets exceeds £300 but does not exceed £400, no part of the capital assets so owned is taken into account under sub-paragraph (iii) (c) thereof.

3. In the case of other resources there shall be allowed such amount (if any) as is reasonable in the circumstances; not being, in the case of resources belonging to a member other than the applicant, less than one-third of the amount by which the total cash resources of the member derived from sources other than those specified in sub-paragraph (iv) of paragraph 1 of Part I. of this Schedule or from earnings, capital assets or outdoor relief, exceed the scale rate or rates for that member and for any member of the household dependent on or ordinarily supported by him.

4. Where special circumstances exist the amounts allowed under this part of this Schedule may be adjusted by way of increase or decrease in such manner as is reasonable in the circumstances.

Given under the Official Seal of the Ministry of Labour
for Northern Ireland this fifteenth day of September,
1936.

(L.S.)

H. Conacher,
Secretary to the Ministry of
Labour for Northern Ireland.

Temporary Provisions.

THE UNEMPLOYMENT ASSISTANCE (TEMPORARY PROVISIONS) ACT (NORTHERN IRELAND), 1935, (TERMINATION) ORDER (NORTHERN IRELAND), 1936, DATED 6TH NOVEMBER, 1936, MADE BY THE MINISTER OF LABOUR FOR NORTHERN IRELAND UNDER THE UNEMPLOYMENT ASSISTANCE (TEMPORARY PROVISIONS) ACT (NORTHERN IRELAND), 1935 (25 GEO. 5, CH. 5).

1936. No. 148.

WHEREAS Sub-section (5) of Section one of the Unemployment Assistance (Temporary Provisions) Act (Northern Ireland), 1935, provides that the said section shall continue in operation until such date as may be determined by the Minister of Labour :

And whereas the said sub-section further provides that in determining such date the said Minister shall have regard to the date determined under sub-section (5) of section one of the Unemployment Assistance (Temporary Provisions) Act, 1935, passed by the Parliament of the United Kingdom (hereinafter referred to as "the United Kingdom Act") :

And whereas an Order dated the fifteenth day of July, nineteen hundred and thirty-six has been made under the United Kingdom Act providing that the said Act shall not continue in operation after the fifteenth day of November, nineteen hundred and thirty-six :

Now therefore I, the Right Honourable John Miller Andrews, Minister of Labour for Northern Ireland, by virtue of the powers conferred on me as aforesaid, hereby make the following Order :—

1. Section one of the Unemployment Assistance (Temporary Provisions) Act (Northern Ireland), 1935, shall not continue in operation after the fifteenth day of November, nineteen hundred and thirty-six.

2. This Order may be cited as the Unemployment Assistance (Temporary Provisions) Act (Northern Ireland), 1935 (Termination) Order (Northern Ireland), 1936.

Given under my hand at Stormont this sixth day of
November, 1936.

John M. Andrews,
Minister of Labour for
Northern Ireland.
