

satisfaction of the Ministry that the sum is needed for the benefit of such child, the Ministry may pay the sum or any part thereof to any person who may satisfy it that the person will apply such money for the benefit of such child, and the receipt of such person shall be a good discharge to the Ministry for the amount so paid.

(6) The Ministry upon making any payments in accordance with these Regulations shall be discharged from all liability in respect of any sum or sums so paid.

5. The Contributory Pensions (Payments on Death) Regulations (Northern Ireland), 1930(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 Ministry of Labour for Northern Ireland, this 6th day of October, One thousand nine hundred and thirty-seven.

(L.S.)

*R. R. Bowman,*

Assistant Secretary, Ministry of  
Labour for Northern Ireland.

### Procedure on References.

REGULATIONS, DATED 22nd DECEMBER, 1937, MADE BY THE  
MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER  
SECTION 32 (1) (b) OF THE WIDOWS', ORPHANS' AND OLD  
AGE CONTRIBUTORY PENSIONS ACT (NORTHERN IRELAND)  
1936.

1937. No. 140.

The Ministry of Labour for Northern Ireland, in exercise of the powers conferred on it by paragraph (b) of sub-section (1) of Section 32 of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Contributory Pensions (Procedure on References) Regulations (Northern Ireland), 1937.

(2) These Regulations shall come into force on the 1st day of January, 1938.

2.—(1) In these Regulations, unless the context otherwise requires—

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(a) S. R. & O. (N.I.) 1930, No. 50.

“ the Acts ” means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 and 1937 ;

“ the Ministry ” means the Ministry of Labour for Northern Ireland ;

“ the Umpire ” means the Umpire appointed by the Governor of Northern Ireland, and “ the Registrar ” means the Registrar of Appeals appointed by the Ministry ;

“ award ” means an award or decision of the Ministry which may be referred to the Umpire under the Acts ;

“ hearing ” means oral hearing.

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

3. Any person who is dissatisfied with an award and desires that the question shall be referred, shall make application in that behalf in writing to the Registrar.

4.—(1) The application for a reference shall contain a concise statement of the facts and contentions upon which the applicant intends to rely.

(2) Any person desiring to withdraw an application for reference may do so by sending to the Registrar a notice of withdrawal.

5. The Registrar shall furnish the Ministry with a copy of the application for a reference, and the Ministry shall within twenty-one days supply to the Registrar a statement showing to what extent it admits or disputes the facts stated in the application, and setting out any further facts and the contentions upon which it intends to rely at the hearing.

6. The Umpire may at any time require the applicant or the Ministry to furnish to him in writing further particulars with respect to the reference, and may at any stage of the proceedings allow the amendment of any application, statement, or particulars and extend the time for furnishing any statement or particulars upon such terms as he may think just.

7. 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.

8. 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, and the Registrar shall send to the applicant and to the Ministry not less than seven days' notice thereof and shall at the same time

send to each of the parties copies of any statement or further particulars received from the other party.

9.—(1) The applicant may appear at the hearing in person or by any member of his family or by any other representative, including counsel or solicitor.

(2) The Ministry may be represented at the hearing by such officer of the Ministry as may be appointed for the purpose.

(3) The Umpire may adjourn the hearing from time to time as he may think fit.

(4) The Umpire may, if he thinks fit, admit any duly authenticated statement or other material, as *prima facie* evidence of any fact or facts in any case in which, having regard to the question of costs or otherwise, he thinks it just and proper so to do.

10. If after notice of a hearing has been duly given either of the parties fails to appear at the hearing, such order or award may be made, and such proceedings may be taken with a view to the disposing of, or in reference to, the application as the Umpire may think just.

11. The decision of the Umpire on a reference shall be in writing signed by him, and a copy of the decision shall be sent, as soon as may be, to the applicant and to the Ministry.

12.—(1) The provisions of the Arbitration Act (Northern Ireland), 1937, set out in the Schedule to these Regulations (being provisions applied by that Act to any arbitration under any other Act, and not inconsistent with the provisions of the Acts) shall, with the necessary modifications, apply to a reference under these Regulations as if the reference were a reference under an arbitration agreement and as if the Umpire were a single arbitrator within the meaning of that Act.

(2) Save as aforesaid the provisions of that Act shall not apply to a reference under these Regulations.

13. The Contributory Pensions (Procedure on References Regulations (Northern Ireland), 1925 (S.R. & O. of Northern Ireland, 1925, No. 116) 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.

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#### SCHEDULE.

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*Provisions of the Arbitration Act (Northern Ireland), 1937, applied to references under these Regulations.*

Section 13. The arbitrators or umpire acting under a reference in an arbitration agreement shall . . . have power to administer oaths to or take the affirmations of the parties and witnesses appearing, and to correct in an award any clerical mistake or error arising from any accidental slip or omission.

*Section 14.* Any party to a reference under an arbitration agreement may sue out a writ of subpoena *ad testificandum*, or a writ of subpoena *duces tecum*, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action:

Provided that no writ shall issue under this section unless the arbitrator has entered on the reference or has been called on to act by notice in writing from a party to the reference and has agreed to do so.

*Section 16.* An award on a reference under an arbitration agreement may, by leave of the court, be entered as a judgment in terms of the award, and shall thereupon have the same force and effect as a judgment or order of the court.

*Section 22 (1).* An arbitrator or umpire may, and shall if so ordered by the court, state—

(a) any question of law arising in the course of the reference,

(b) . . .

in the form of a special case for the determination of the court.

(2) A special case . . . with respect to a question of law arising in the course of a reference may be stated, or may be ordered by the court to be stated, notwithstanding that proceedings under the reference are still pending.

*Section 23 (1).* Any order made under this Act by the court may be made on such terms as to costs or otherwise as the court thinks just.

*First Schedule 4.* The parties to the reference and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

5. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

8. The Arbitrators or umpire may, if they think fit, make an interim award.

9. The costs of the reference and award shall be in the discretion of the arbitrators or umpire who may direct to, and by whom, and in what manner, those costs, or any part thereof, shall be paid and may tax or settle the amount of costs to be so paid, or any part thereof, and may award costs to be paid as between solicitor and client.

Given under the Official Seal of the Ministry of Labour for  
Northern Ireland this 22ND day of DECEMBER,  
nineteen hundred and thirty-seven.

(L.S.)

W. A. Iliff,

Assistant Secretary to the Ministry  
of Labour for Northern Ireland.

## Voluntary Contributors.

REGULATIONS, DATED 19TH NOVEMBER, 1937, MADE BY THE  
NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE  
MINISTRY OF LABOUR FOR NORTHERN IRELAND ACTING  
JOINTLY UNDER THE WIDOWS', ORPHANS' AND OLD AGE  
CONTRIBUTORY PENSIONS ACTS (NORTHERN IRELAND),  
1936 AND 1937.