

payable by way of payment on account to the Vote of the Ministry of Labour under these regulations.

8.—Except as provided in the preceding Article the Contributory Pensions (Appropriation in Aid) Regulations (Northern Ireland), 1926, dated 12th June, 1926, shall cease to have effect.

Sealed with the Official Seal of the Ministry of Finance
this fifth day of October, 1938, in the presence of

(Signed) G. C. DUGGAN,
Assistant Secretary.

(L.S.)

Claims and Payment.

REGULATIONS, DATED 8TH JANUARY, 1938, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTRY OF LABOUR FOR NORTHERN IRELAND, IN CONJUNCTION WITH THE MINISTRY OF FINANCE FOR NORTHERN IRELAND, UNDER THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACT (NORTHERN IRELAND), 1936.

1938. No. 5.

The National Health Insurance Joint Committee and the Ministry of Labour for Northern Ireland, acting jointly so far as regards Regulations which the said Joint Committee is empowered to make jointly with the said Ministry, and acting separately so far as regards Regulations which the said Joint Committee or Ministry is empowered to make alone, and in conjunction with the Ministry of Finance for Northern Ireland so far as regards Regulations which are required to be so made, in pursuance of the powers conferred by sub-section (1) of section 32 of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—These Regulations may be cited as the Contributory Pensions (Claims and Payment) Regulations (Northern Ireland), 1938.

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

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

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

“ post-55 widow's pension ” means a widow's pension under paragraph 1 of the Fourth Schedule to the Act ;

“ post-70 old age pension ” means an old age pension under the Old Age Pensions Act (Northern Ireland), 1936, payable by virtue of the Act ;

“ paying officer ” means such officer as may be appointed or designated by the Ministry for the purpose of paying pensions under the Act and includes any officer who may be authorised to act as paying officer in pursuance of arrangements made under Section 63 of the Government of Ireland Act, 1920, for the purpose of paying pensions on behalf of the Ministry.

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

3.—(1) Every person who desires to make a claim for a pension shall make an application for the pension in the appropriate form approved for the time being by the Ministry, or in such other form as the Ministry may accept as sufficient in any special case and shall deliver or send the application to the Ministry or to such officer or person as the Ministry may appoint for the purpose :

Provided that if

- (i) the Ministry requires a claimant who has made an application for a pension otherwise than in the appropriate form to make the application afresh in the appropriate form and
- (ii) the fresh application is made within one month of the date on which the form is sent to the applicant, or within such longer period as the Ministry may in any special case allow,

the Ministry may accept the date of the earlier application as the date of the claim.

(2) If it appears to any person that although for the time being he or she is not entitled to an old age pension, a post-70 old age pension or a post-55 widow's pension, he or she will, nevertheless, become entitled to such a pension at some future date, that person may make a claim at any time not more than four months before that future date ; and if the Ministry is satisfied that the claimant is likely at any time within four months from the date on which the claim is being considered to be entitled to such a pension, it may allow the claim provisionally so as to take effect, subject to the provisions of the Act, on any future date not later than four months from the date of its decision.

(3) Where a widow fails to make a claim for an additional allowance in respect of a child in charge of some person other than the widow, a claim for the additional allowance may be made under these Regulations by the person having the charge of the child, and the Ministry may direct, after consultation with the Ministry of Home Affairs, that any additional allowance payable under such a claim shall be paid to that person for the benefit of the child so long as that person has the charge of the child.

4.—(1) Where, upon the death of a widow who has made application for and was entitled to a widow's pension as part of which an additional allowance was payable, any child in respect of whom such additional allowance was payable becomes eligible for an orphan's pension, the application for the widow's pension shall be treated as an application for an orphan's pension in respect of that child.

(2) Where a woman who has made an application for an old age pension in respect of her husband's insurance (the claim for which pension has not been rejected) becomes upon the death of her husband eligible for a widow's pension, the application shall be treated as an application for a widow's pension.

(3) Where a woman who has made application for and is entitled to a widow's pension, or a person who has made application for and is entitled to an old age pension, attains the age of seventy, the application in either case shall be treated as an application for a post-70 old age pension.

5.—Every officer whom the Ministry may appoint for the purpose shall supply on demand a form of application, gratis, to any person who desires to make a claim for a pension, except in the case of orphans' pensions and in such other special cases as the Ministry may direct, in which excepted cases the Ministry shall cause the form to be supplied, gratis, to the person desiring to make the claim.

6.—(1) Where a claim has been made in the prescribed manner the claim may be amended by notice in writing delivered or sent to the Ministry or to such officer as the Ministry may appoint for the purpose, and the provisions of section 29 of the Act shall apply to the amended claim as though it were a new claim.

(2) Where a claim for a pension in the appropriate form is not duly signed and attested at the date of receipt by the Ministry or such officer or person as the Ministry may appoint for that purpose, the Ministry may, provided that the claim is duly signed and attested and returned within one month of the date on which it is sent to the applicant for completion, treat the claim as valid.

7.—(1) Where a person to whom the provisions of section 22 of the Act apply makes an application for a pension on the appropriate form, the date of the posting of the application shall for the purposes of section 29 of the Act, be treated as the date on which the claim was made.

(2) Where such a person in the first instance makes an application for a pension otherwise than in the appropriate form, the date of the posting of the application shall for the purposes aforesaid be treated as the date on which the claim was made, provided that a claim in the appropriate form is received by the Ministry or by such officer or person as may be appointed for the purpose within four months of the date on which the form is sent to the applicant.

8.—Every person making a claim for a pension shall furnish such certificates by employers and others and such other documents and information as the Ministry may require in connection therewith, and shall for that purpose attend at such office or place as the Ministry may require.

9.—(1) The Ministry may, in giving its award or decision on any claim made to it under these Regulations, have regard to any such evidence or information as in its opinion is sufficient for the purpose.

(2) The Ministry shall cause due notice of its award or decision on a claim to be given in writing to the person making the claim.

10.—Where a claim for a pension has been duly made and the claim or any question in connection therewith has not been finally determined, the Ministry may, if satisfied that the claimant has furnished all such particulars in connection with the claim as he is in a position to furnish, and has produced all particulars and documents in connection therewith which are in his possession or the possession of which he would be able readily to secure, and that, subject to the production of further particulars or documents, the claim appears to be valid, authorise payment of a sum by way of pension for such period or periods as the Ministry may from time to time determine.

11.—(1) Subject as hereinafter provided, pensions shall be paid by means of pension orders payable in each case to the person to whom the pension is payable under the Act (in this Regulation referred to as "the pensioner") at such place as the Ministry, after consultation with the pensioner, may from time to time determine, the place at which the pension is payable in the particular case being in this Regulation referred to as "the appropriate paying office."

(2) In every case in which there is an award or decision under which a pension is payable, the Ministry shall cause arrangements to be made whereby, on furnishing such evidence of identity and such other particulars as may be required the pensioner may obtain either through the appropriate paying office or otherwise a book of pension orders, and the Ministry shall cause to be sent to the pensioner written intimation of the appropriate paying office and of the arrangements so far as they affect the pensioner.

(3) The pensioner shall furnish in writing a statement in such form as the Ministry may require and at such times as the Ministry may determine, with respect to the pension continuing to be payable to him.

(4) The Ministry shall cause arrangements to be made for the issue to every pensioner either by the paying officer at the appropriate paying office or otherwise of a fresh book of pension orders on the expiration of the previous book.

(5) In the case of an award or decision under which a post-70 old age pension is payable the foregoing provisions of this Regulation shall apply subject to such modification as the Ministry may determine.

(6) Notwithstanding anything in this Regulation the Ministry may in any particular case arrange for the payment of the pension otherwise than by means of pension orders through the paying office, and may if the pensioner is unable by reason of infirmity to attend at the paying office make the payment to a person authorised by him in writing to receive it on his behalf :

Provided that if the pensioner is an inmate of any Workhouse Infirmary or District Hospital and is unable to attend as aforesaid, an officer of the local authority concerned may not be authorised by him to receive sums due to him by way of pension save with the approval of the Ministry.

12.—The prescribed day in the week for the purposes of the weekly payments on account of pension shall be as follows—

- (i) in the case of widows' pensions and orphans' pensions, Tuesday,
- (ii) in the case of old age pensions, Thursday, and
- (iii) in the case of post-70 old age pensions, Friday.

13.—Upon the death of a person entitled to a pension, any person having possession or thereafter obtaining possession of the pension order book, and on the marriage of a widow entitled to a widow's pension, the widow, shall deliver to the Ministry the pension order book then current.

14.—(1) Where any person, being either a person to whom a pension is payable, or a person who is alleged to be entitled to

a pension, or a person by whom or on whose behalf a claim has been made, is by reason of any mental or other incapacity unable to act and no committee or quasi-committee of his estate has been appointed, the Ministry may, upon written application being made to it, appoint a person to exercise on behalf of the person unable to act any right to which that person may be entitled under the Act and to receive on behalf and for the benefit of that person any sums which may become payable to that person by way of a pension :

Provided that—

- (i) no person under 18 years of age shall be capable of being appointed to act under this Regulation ;
- (ii) the Ministry may at any time in its absolute discretion revoke any appointment made under this Regulation ;
- (iii) any person appointed under this Regulation may, on giving the Ministry one month's notice of his intention so to do, resign his office.

(2) Anything required by these Regulations to be done by or to any such person as aforesaid who is by reason of any mental or other incapacity unable to act, may be done by or to the committee or quasi-committee of his estate, if any, or by or to the person appointed under this Regulation to act on his behalf.

15.—The Contributory Pensions (Claims and Payment) Regulations (Northern Ireland), 1927 (S.R. & O. of Northern Ireland, 1927, No. 115), the Contributory Pensions (Claims and Payment) Amendment Regulations (Northern Ireland), 1932 (S.R. & O. of Northern Ireland, 1932, No. 96), and the Contributory Pensions (Oversea Claims) Regulations (Northern Ireland), 1931 (S.R. & O. of Northern Ireland, 1931, No. 130) 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 Health Insurance Joint Committee this 8th day of January, nineteen hundred and thirty-eight.

(L.S.)

E. C. MOFFREY,

Secretary to the National Health Insurance Joint Committee.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 8th day of January, nineteen hundred and thirty-eight.

(L.S.)

R. R. BOWMAN,

Assistant Secretary to the Ministry of Labour for Northern Ireland,

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 8th day of January, nineteen hundred and thirty-eight.

(L.S.)

W. B. SPENDER,

Secretary to the Ministry of Finance
for Northern Ireland.

Collection of Contributions.

REGULATIONS, DATED DECEMBER 29, 1938, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTRY OF LABOUR FOR NORTHERN IRELAND, ACTING JOINTLY, AND IN CONJUNCTION WITH THE MINISTRY OF FINANCE FOR NORTHERN IRELAND, UNDER SECTION 13 (1) OF THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACT (NORTHERN IRELAND), 1936.

1938. No. 144.

The National Health Insurance Joint Committee and the Ministry of Labour for Northern Ireland, acting jointly, and in conjunction with the Ministry of Finance for Northern Ireland, in exercise of the powers conferred by sub-section (1) of section 13 of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—These Regulations may be cited as the Contributory Pensions (Collection of Contributions for Excepted Persons) Regulations (Northern Ireland), 1938.

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

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

“ the Insurance Act ” means the National Health Insurance Act, 1936;

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

“ excepted person ” means a person employed in an excepted employment in respect of which contributions are payable under the Act;

“ the principal Regulations ” means the National Health Insurance and Contributory Pensions (Collection of Contributions) Regulations (Northern Ireland), 1938, and any Regulations amending or superseding those Regulations.