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Appeal Tribunals.

THE SUPPLEMENTARY PENSIONS (APPEAL TRIBUNALS) RULES
(NORTHERN IRELAND), 1940, MADE BY THE ASSISTANCE BOARD
FOR NORTHERN IRELAND UNDER PART II OF THE OLD AGE AND
WIDOWS' PENSIONS ACT (NORTHERN IRELAND), 1940.

1940. No. 89.

The Assistance Board for Northern Ireland, by virtue of the powers conferred on it by Part II of the Old Age and Widows' Pensions Act (Northern Ireland), 1940, and of all other powers in that behalf, hereby makes the following rules :

1.—Any rules made by the Board and confirmed by the Minister of Labour as to the tenure of office of the chairman and other members of an appeal tribunal acting for the purposes of the Unemployment Assistance Act (Northern Ireland), 1934, shall apply to the appeal tribunal when acting for the purposes of Part II of the Act.

2.—Notwithstanding that the members of the tribunal are not all present, any matter may, with the consent of the person concerned or of the person representing him in accordance with these rules and of any Board of Guardians concerned and of the officer of the Board concerned, be proceeded with if the chairman or acting chairman of the tribunal is present.

3.—(1) An appeal from a determination of an officer of the Board shall be made by lodging notice of appeal in writing at the office designated by the Board either—

- (i) within fourteen days from the issue of the determination, or
- (ii) where within that time the applicant has notified an officer of the Board that he is dissatisfied with the determination of his case, within such further time as the chairman may for good cause allow ;

and if an appeal lies to the appeal tribunal the tribunal shall as soon as may be hold an oral hearing.

(2) Where an appeal does not lie to an appeal tribunal without the leave of the chairman, the chairman shall on granting or refusing leave to appeal endorse the notice of appeal accordingly.

4.—Any question arising under section 43 of the Unemployment Assistance Act (Northern Ireland), 1934, as that section is applied by Part II of the Act with respect to supplementary pensions as to the amount of an excess payment in respect of the supplementary pension shall be referred on the prescribed form to the appeal tribunal for the district in which the supplementary pension was first granted or to such other tribunal as the Board may designate, and the tribunal shall hold an oral hearing.

5.—(1) A dispute arising between the Board and a Board of Guardians respecting an amount payable by the Board to the Board of Guardians under the Sixth Schedule to the Unemployment Assistance Act (Northern Ireland), 1934, as that Schedule is applied with respect to supplementary pensions by Part II of the Act shall be referred by way of an application to the appeal tribunal having jurisdiction for the district where the person in respect of whom the dispute has arisen resided at the time of his application for poor relief.

(2) The reference may be made by the Board or by the Board of Guardians and the appeal tribunal may, if the chairman thinks it desirable, and shall at the request of the Board of Guardians hold an oral hearing.

6.—(1) Notice of the time and place at which an oral hearing will take place together with particulars of the case shall be sent by the clerk of the appeal tribunal to the officer of the Board concerned and to the person concerned and to any Board of Guardians concerned, and a notice shall be sufficiently sent if sent by post to the ordinary or last known address.

(2) The person concerned and the officer of the Board concerned (or any other officer of the Board on his behalf) or any Board of Guardians concerned (by their representative not being of counsel or a solicitor and appearing as such) may attend and be heard at the oral hearing; and the person concerned may be accompanied or, if by reason of infirmity or for some other good reason he is unable to attend the hearing, may be represented by a friend (not being of counsel or a solicitor and appearing as such) for the purpose of assisting the chairman or the tribunal (as the case may be) in the elucidation of the facts, and the chairman may permit any other person to be present at the proceedings or to attend for the purpose of giving evidence, but, save as aforesaid, there shall not be admitted to any hearing any member of the public or any representative of any newspaper.

(3) The chairman may adjourn an oral hearing from time to time as he thinks fit.

(4) The clerk of the appeal tribunal or his deputy shall be present at all sittings of the chairman or the tribunal for the consideration

of any matter under the Act and shall as soon as may be notify the officer of the Board concerned and the person concerned and any Board of Guardians concerned of any decision, determination, or direction of the chairman or the tribunal.

(5) A decision, determination or direction of a majority of the members of an appeal tribunal shall be the decision, determination or direction of the tribunal, provided that where a matter is proceeded with under rule 2 of these rules in any case where the chairman or acting chairman is sitting alone the decision, determination or direction of such chairman or acting chairman shall be the decision, determination or direction of the tribunal, and in any case where the chairman or acting chairman is sitting together with one other member of the tribunal the chairman or acting chairman shall have a second or casting vote.

7.—Except as expressly provided in these rules the procedure on any appeal, application or reference shall be such as the chairman may determine.

8.—(1) The Board may pay travelling and other allowances (including compensation for loss of remunerative time) in respect of attendance at an oral hearing before a chairman or appeal tribunal to any person required to attend thereat or a person permitted by these rules to attend a hearing as a representative of the person concerned.

(2) Any person desiring to claim any expenses as aforesaid shall forthwith submit a claim to the Board whose decision thereon shall be final.

9.—(1) In these rules, save where the context otherwise requires :—

“ Act ” means the Old Age and Widows’ Pensions Act (Northern Ireland), 1940 ;

“ any Board of Guardians concerned ” means a Board of Guardians which is an appellant or applicant ;

“ appeal tribunal ” means an appeal tribunal acting for the purposes of Part II of the Act ;

“ Board ” means the Assistance Board for Northern Ireland ;

“ chairman ” means the chairman or acting chairman of an appeal tribunal ;

“ prescribed form ” means the form set out in the Schedule to these rules or such form substantially to the same effect as may from time to time be approved by the Board ;

“ person concerned ” means the person in respect of whom the decision, determination, supplementary pension or direction under consideration was made.

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

10.—These rules may be cited as the Supplementary Pensions (Appeal Tribunals) Rules (Northern Ireland), 1940, and shall come into force on the day upon which they are confirmed by the Minister of Labour.

Given under the Official Seal of the Assistance Board for Northern Ireland this 26th day of July, nineteen hundred and forty.

John S. Godden,

Secretary to the Assistance Board
for Northern Ireland.

(L.S.)

I, the Rt. Hon. John Fawcett Gordon, Minister of Labour for Northern Ireland, hereby confirm the foregoing rules.

Given under My Hand this 29th day of July, 1940.

John F. Gordon,

Minister of Labour for
Northern Ireland.

SCHEDULE.

OLD AGE AND WIDOWS' PENSIONS ACT (NORTHERN IRELAND), 1940.

Reference to an appeal tribunal of a question arising under Section 43 of the Unemployment Assistance Act (Northern Ireland), 1934, as applied with respect to supplementary pensions as to the amount of an excess payment in respect of a supplementary pension.

Name of person concerned*

Address

*The person concerned is the applicant for a supplementary pension who has procured by the non-disclosure or misrepresentation of a material fact an issue by way of a supplementary pension to himself or any other person in excess of that which would have been made but for the non-disclosure or misrepresentation.

It having been found that the above-named person procured by the non-disclosure or misrepresentation of a material fact an issue by way of a supplementary pension in excess of that which would have been made but for the non-disclosure or misrepresentation, and a question having arisen as to the amount of such excess, that question is hereby referred to the appeal tribunal at

- (1) Particulars of the non-disclosure or misrepresentation which gave rise to the issue by way of a supplementary pension in excess of that which would have been made but for the non-disclosure or misrepresentation.
- (2) Particulars of the determinations made and the supplementary pension granted thereunder which were affected by the non-disclosure or misrepresentation.

.....
Signature of person referring the question.

Determinations of Need, Etc.

REGULATIONS, DATED 24TH JULY, 1940, MADE BY THE MINISTRY OF LABOUR UNDER SECTION 33 (3) OF THE UNEMPLOYMENT ASSISTANCE ACT (NORTHERN IRELAND), 1934, AS APPLIED BY PART II OF THE OLD AGE AND WIDOWS' PENSIONS ACT (NORTHERN IRELAND), 1940.

1940. No. 82

Whereas it is provided by Section 33 of the Unemployment Assistance Act (Northern Ireland), 1934, as that section is applied with respect to the functions of the Assistance Board for Northern Ireland by Part II of the Old Age and Widows' Pensions Act (Northern Ireland), 1940 (hereinafter referred to as "the Act"), that the amount of any supplementary pension to be granted under Part II of the Act shall be determined by reference to the needs of the applicant for a supplementary pension and that the need of the applicant shall be determined and his needs assessed in accordance with regulations having effect for the purposes of Part II of the Act made by the Ministry of Labour (hereinafter referred to as "the Ministry") after consideration of draft regulations prepared and submitted to the Minister of Labour by the Assistance Board for Northern Ireland,

Now, therefore, the Ministry in pursuance of the powers conferred on it by Part II of the Act and of all other powers in that behalf hereby makes the following regulations :

†Rule 4 of the Supplementary Pensions (Appeal Tribunals) Rules (Northern Ireland), 1940, provides for the reference of the question to the appeal tribunal for the district in which the supplementary pension was first granted, or to such other tribunal as the Board may designate.