

SCHEDULE.

Section of the Act.	Subject Matter.	Power to be exercised by Joint Committee jointly with the Ministry.
8 (1)	Adaptation of the Pensions Acts to war time conditions.	Power to make regulations with the approval of the Ministry of Finance for Northern Ireland, modifying or suspending the operation of provisions of the Pensions Acts.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 29th day of December, nineteen hundred and forty-one.

(L.S.)

W. Allen,

Assistant Secretary to the Ministry of Labour
for Northern Ireland.

The National Health Insurance Joint Committee consents to these regulations.

Given under the Official Seal of the National Health Insurance Joint Committee this 29th day of December, nineteen hundred and forty-one.

(L.S.)

H. N. Howorth,

Secretary to the National Health Insurance
Joint Committee.

Supplementary Pensions.
Determination of Need and Assessment of Needs.

REGULATIONS, DATED 26TH MAY, 1941, 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.

1941. No. 119.

WHEREAS the Ministry of Labour for Northern Ireland (hereinafter referred to as "the Ministry") in pursuance of the powers conferred on it 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), duly made for the purposes of Part II of the Act, the Supplementary Pensions (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1940.

AND WHEREAS by reason of the Determination of Needs Act (Northern Ireland), 1941, it is necessary to amend the said Regulations.

NOW, THEREFORE, the Ministry, after consideration of draft Regulations prepared and submitted to the Minister of Labour for Northern Ireland by the Assistance Board for Northern Ireland, by virtue of the powers conferred on it by the Act and of all other powers in that behalf, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Supplementary Pensions, (Determination of Need and Assessment of Needs) (Amendment) Regulations (Northern Ireland), 1941, and shall come into force in relation to pensioners of any class on the first day after the second day of June, 1941, prescribed as the day of the week for the payment of supplementary pensions to pensioners of that class.

(2) These Regulations and the Supplementary Pensions (Determination of Need and Assessment of Needs) Regulations, (Northern Ireland), 1940 (hereinafter referred to as “ the Principal Regulations ”) shall be construed and may be cited together as the Supplementary Pensions (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1940 and 1941.

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

2.—(1)—(a) So much of paragraph 1 of Part I of the Second Schedule to the Principal Regulations as requires the resources of other members of the household to be aggregated with those of the applicant shall apply as respects only the resources of the husband or wife of the applicant and of any member of the household dependent on the applicant, and accordingly for the words “ all the other members of the household of which he is a member ” in the first and second lines of the said paragraph there shall be substituted the words “ the husband or wife of the applicant being a member of the same household as the applicant and of any member of the household dependent on the applicant.”

(b) The following sub-paragraph shall be inserted after sub-paragraph (1) of paragraph 1 of Part I of the Second Schedule to the Principal Regulations :—

“(1a) Where the applicant is the householder or the husband or wife of the householder, the resources of the applicant shall, unless exceptional circumstances are shown, be deemed to include a contribution towards the expenses of his household

from each member of the household who is not a dependent member of 7s. a week or such less amount as having regard to the member's circumstances and personal responsibilities is reasonable: so, however, that where it appears that a member's resources consist solely of earnings of less than 55s. a week, the contribution from that member so deemed to be included shall not exceed the following amount, that is to say, where the earnings are less than 55s. a week but more than 30s. a week—5s. a week: where the earnings do not exceed 30s. a week but are more than 20s. a week—2s. 6d. a week: and where the earnings do not exceed 20s. a week he shall not be deemed to make any contribution.

In computing the earnings of a member for the purposes of this sub-paragraph, there shall be excluded any remuneration which, if it were the remuneration of a householder, would be excluded in computing the weekly income of the householder under the provisions of Regulation 3 of these Regulations."

(2) The following sub-paragraph shall be inserted after sub-paragraph (3) of paragraph 1 of Part I of the Second Schedule to the Principal Regulations:—

"(3a) The amount of any war savings and any income receivable therefrom required to be disregarded by Section 3 of the Determination of Needs Act, (Northern Ireland), 1941, shall be disregarded."

3.—The following proviso and new paragraph shall be added at the end of Regulation 3 of the Principal Regulations:—

"Provided that where an applicant is living as a member of a household of which his father or mother, son or daughter is the householder and there are no members of the household dependent on the applicant and the householder's income calculated in accordance with paragraph (2) of this Regulation is of the amount therein specified as the appropriate amount the needs of the applicant shall, unless exceptional circumstances are shown, be deemed not to include the need of making contributions towards the cost of his board and lodging or the other expenses of the household and in such a case or in any case where an applicant is not in fact required to make a substantial contribution towards the cost of his board and lodging the applicant shall, unless exceptional circumstances are shown, be deemed not to be in need of a supplementary pension.

(2)—(a) The appropriate amount of income for the purpose of the Proviso to paragraph (1) of this Regulation shall, subject as hereinafter provided, be £6 a week or more:

Provided that if in any case there are special circumstances the sum of £6 shall be increased by such amount as is reasonable in the circumstances and in particular if two or more

members of the household exclusive of the applicant are dependent on or ordinarily supported by the householder there shall be added 15s. in respect of the second and each succeeding member who is so dependent or ordinarily supported.

(b) The weekly income of the householder for the purposes aforesaid shall be calculated by reference to either the total income of the householder, or, where the householder is the father or mother of the applicant and the applicant's mother or father is also a member of the household, the aggregate of the total incomes of both the father and mother, and the expression "householder's income" shall be construed accordingly:

Provided that :—

(a) There shall be excluded—

- (i) in the case of earnings, any remuneration received in respect of hours worked in excess of the hours ordinarily worked before the war by persons in the same grade or class as the person concerned and in the same class of employment and any additional remuneration received by reason of the fact that work has been performed at times when before the war such persons did not ordinarily work ; and
 - (ii) in the case of income other than earnings, any income which if it were the income of the applicant would be disregarded in computing his available resources under paragraph 1 of Part I of the Second Schedule
- (b) where the householder's income is irregular or varies from week to week the householder shall not be deemed to have a weekly income of the appropriate amount unless the officer, or on an appeal the Appeal Tribunal, is of the opinion that over such period as appears to the officer or the tribunal to be reasonable, the householder has on an average had and is likely to continue to have a weekly income of at least that amount.

4.—(1) The adjustment authorised by sub-paragraph (2) (a) of paragraph 2 of the First Schedule to the Principal Regulations in respect of rent shall only be made where the applicant is the householder and in such a case the adjustment shall be made by reference to the total of the scale rates for the applicant and any member of the household whose needs are to be included with those of the applicant and not by reference to the total of the scale rates for all the members of the household, and accordingly there shall be inserted after the word " If " in the first line of the said sub-paragraph the words " the applicant is the householder and ", the words " the total of the scale rates of all the members of the household " in the second line thereof shall be deleted and after the word " sub-paragraph " in the third line there shall be inserted the words " the amount so ascertained."

(2) The following sub-paragraph shall be inserted after sub-paragraph (2) of paragraph 2 of the First Schedule to the Principal Regulations :—

“(c) If the applicant is not the householder there shall (unless exceptional circumstances are shown) be added to the amount provided for such an applicant by the scale set out in sub-paragraph (1) such amount not exceeding 5s. or, where some other member of the household is dependent on or ordinarily supported by the applicant, not exceeding 7s. by way of a contribution towards rent as is reasonable having regard to the number of persons between whom the accommodation is shared and to all the other circumstances of the case.”

5.—(1) The following amendments shall be made in the provisions of the Principal Regulations :—

(i) In paragraph (1) of Regulations 2 there shall be inserted the following definition :—

“ Dependent member ” means, in relation to an applicant, a member of the household who is a person dependent on or ordinarily supported by the applicant not being a member in whose case the qualifications set out in sub-section (1) of Section 31 of the Unemployment Assistance Act (Northern Ireland), 1934, are fulfilled and the expression “ member of the household dependent on the applicant ” shall be construed accordingly.

(ii) In paragraph 1 of Part I of the Second Schedule after the word “ assets ” in the first line of sub-paragraph (4) thereof there shall be inserted the words “ other than war savings required to be disregarded by sub-paragraph (3a). ”

(iii) For sub-paragraph (2) of paragraph 1 of Part II of the Second Schedule there shall be substituted the following sub-paragraph :—

“(2) To any other earner who is a member of the household dependent on the applicant and is included in the scale allowance one-third of his earnings.”

(iv) Sub-paragraphs (3) and (4) of paragraph 1 and paragraph 2 of Part II of the Second Schedule are hereby revoked.

(v) In paragraph 3 of Part II of the Second Schedule the words “ or a person dependent on the applicant ” shall be deleted.

(2) Save as herein expressly provided nothing in these Regulations shall affect the operation of any provision of any of the Principal Regulations.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 26th day of May, nineteen hundred and forty-one.

(L.S.)

R. R. Bowman,
Secretary to the Ministry of Labour
for Northern Ireland.

POLICE.

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Royal Ulster Constabulary : Pay.

THE ROYAL ULSTER CONSTABULARY PAY (AMENDING) ORDER, 1941,
DATED 20TH AUGUST, 1941.

1941. No. 162.

WHEREAS, by Section 2 of the Constabulary Act (Northern Ireland), 1922, and by Sub-Section (1) of Section 4 of the Constabulary and Police (Ireland) Act, 1919, as applied by the said Act of 1922, the Minister of Home Affairs was empowered to make orders as to the pay, pensions and allowances of members of the Royal Ulster Constabulary, and by any such Order to prescribe the rates and scales of pay, pensions, and allowances aforesaid :

AND WHEREAS the Governor of Northern Ireland has, in pursuance of powers vested in him by Sub-Section (3) of Section 1 of the Ministries Act (Northern Ireland), 1940, made an Order transferring to the Ministry of Public Security the functions exercisable by the Minister of Home Affairs in relation to the Royal Ulster Constabulary (except functions exercisable under the Civil Authorities (Special Powers) Acts, (Northern Ireland), 1922 and 1933) :

NOW, THEREFORE, the Ministry of Public Security, in pursuance of all the powers enabling it in that behalf hereby orders that Article 7 of the Schedule to the Royal Ulster Constabulary Pay Order, 1922, dated 6th November, 1922, be cancelled and that the Article set forth in the Schedule appended hereto be substituted therefor with effect from 1st January, 1941 :

AND it is hereby certified that Sub-Section (2) of Section 4 of the Constabulary and Police (Ireland) Act, 1919, which provides that a draft of any Order proposed to be made under the said Section shall be