

Minister of Labour may by order appoint, and that different days may be appointed for different purposes and for different provisions of the Act ;

AND WHEREAS by the Family Allowances (Appointed Days) Order, (Northern Ireland), 1945, made on the 21st day of December, 1945, certain of the provisions of the Act were brought into force on that date for the purposes specified in the schedule to the said Order :

NOW, THEREFORE, I, the Right Honourable WILLIAM BRIAN MAGINESS, Minister of Labour for Northern Ireland, hereby make the following further Order :—

1.—(1) This Order may be cited as the Family Allowances (Appointed Days) Order (Northern Ireland), 1946.

(2) The Interpretation Act, 1921, applies to the interpretation of this Order as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

2.—(1) The whole of the provisions of the Act, other than section 1 thereof, shall, in so far as they are not already in force by virtue of the said Family Allowances (Appointed Days) Order (Northern Ireland), 1945, come into force for all purposes on the 1st day of April, 1946.

(2) Section 1 of the Act shall come into force for all purposes on the 6th day of August, 1946.

Given under my hand at Stormont this 25th day of March, 1946.

*Brian Maginess,*

Minister of Labour for Northern Ireland.

### **Making of Claims and Payments**

REGULATIONS, DATED 7TH MARCH, 1946, MADE BY THE MINISTRY OF LABOUR IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER THE FAMILY ALLOWANCES ACT (NORTHERN IRELAND), 1945.

1946. No. 23

The Ministry of Labour, in exercise of the powers conferred on it by the Family Allowances Act (Northern Ireland), 1945, and of all other powers enabling it in that behalf, and in conjunction with the Ministry of Finance so far as relates to matters with respect to which the Ministry of Finance has so directed, hereby makes the following regulations :—

1.—(1) These regulations may be cited as the Family Allowances (Making of Claims and Payments) Regulations (Northern Ireland), 1946, and shall come into force on the first date on which, by virtue of orders made by the Minister of Labour under subsection (1) of section

Citation,  
commence-  
ment and  
interpre-  
tation.

26 of the Family Allowances Act (Northern Ireland), 1945, the whole of the provisions of that Act other than section 1 are in force.

(2) In these regulations, unless the context otherwise requires—

“ the Act ” means the Family Allowances Act (Northern Ireland), 1945 ;

“ allowance ” means an allowance under the Act ;

“ paying office ” means such place as the Ministry may designate for the payment of allowances ;

“ the appropriate paying office ” means such paying office as the Ministry may, on the request of a person to whom an allowance belongs or (where an order has been made under subsection (3) of section 4 of the Act) by whom sums on account of an allowance are receivable, or of a person appointed under regulation 12 to act on behalf of any such person, from time to time determine ;

“ award or decision ” includes any award or decision as revised by the Ministry ;

“ claim ” means a claim for or in respect of an allowance ;

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

“ week ” means a period of seven days commencing from midnight between Monday and Tuesday.

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

2.—(1) (a) Every claim shall be made to the Ministry in writing in a form approved by the Ministry for the purpose containing the several particulars indicated therein or required thereby for the proper determination of the claim and in accordance with the instructions contained therein and shall be sent by post or delivered to the Ministry or to such officer or person as the Ministry may appoint. Manner in which claims may be made.

(b) Forms of claim shall be supplied free on demand by every officer or person whom the Ministry may appoint for that purpose except in any such case or class of cases as the Ministry may determine; when they shall be supplied free on demand by the Ministry or in such other manner as the Ministry may decide.

(c) If, owing to the absence of due signature or of due certification or of both, a claim fails to fulfil the requirements of sub-paragraph (a) of this paragraph at the date of receipt by the Ministry or by any officer or person appointed by the Ministry, the Ministry may, provided that the form of claim is returned duly signed and certified within one month of the date on which it is received for completion by the person making the claim, nevertheless treat the claim as valid as from the date on which it would have been valid if the claim had originally fulfilled the requirements of sub-paragraph (a) of this paragraph.

(d) Where a claim has been made on a form approved by the Ministry for certain purposes of the Act, but that form is not the form appropriate to the claim, the Ministry may treat the claim as if it had been made on the appropriate form :

Provided that the Ministry may require the person making the claim to complete the appropriate form, without prejudice to its being able, if it thinks fit, to treat the claim as made on the date on which the claim on the form other than the appropriate form was made.

(2) Where a claim has been made in accordance with paragraph (1) of this regulation, save that certain particulars have been either wrongly stated in or omitted from the form of claim, the Ministry may in its discretion, provided it has not made its award or given its decision, allow the person making the claim to amend the claim or supply the particulars, as the case may be, by notice in writing sent by post or delivered to the Ministry or to such officer or person as the Ministry may appoint, and in such cases the Ministry may treat the claim as valid as from the date on which it would have been valid if the claim had originally fulfilled the requirements of paragraph (1) of this regulation.

(3)—(a) Where a person who is absent from Northern Ireland makes a claim on the appropriate form, the date of the posting of the claim shall be treated as the date on which the claim was made.

(b) Where such a person in the first instance makes a claim in writing otherwise than on the appropriate form, the date of the posting of such claim in writing shall be treated as the date on which the claim was made, provided that a claim on the appropriate form is duly completed and posted or despatched to the Ministry, or to such officer or person as the Ministry may appoint for the purpose, within one month from the date on which the form is received for completion by the person making the claim.

Information  
in support  
of claim.

3. Every person claiming an allowance (including any person appointed to act on his behalf under regulation 12) shall furnish such certificates and other documents and information as the Ministry may require in connection with the claim.

Notice of  
award.

4. The Ministry shall cause notice in writing of its award or decision in respect of an allowance to be sent or delivered to the person making the claim and any such notice shall be treated as duly sent to such person if sent to him by post at his usual or last known place of abode.

Awards  
before the  
coming into  
force of  
section 1  
of the Act.

5. Claims may be made and disposed of and allowances may be awarded before the coming into force of section 1 of the Act.

Payment of  
sums as on  
account of an  
allowance  
pending final  
determi-  
nation.

6. Where a claim for an allowance has been duly made or any question as to an allowance has been referred and the claim or question has not been finally determined, the Ministry may, if it has prima facie grounds for believing that an allowance should be awarded but desires to obtain further information or to inspect any documents before making

its award or giving its decision, authorise payment of a sum or sums as on account of an allowance for such period or periods as it may determine.

7. An allowance awarded shall begin to accrue on a Tuesday and shall terminate on a Monday, provided that no allowance shall begin to accrue before the date of entitlement. Accruer of allowances.

8. Sums on account of an allowance shall become receivable at the times hereinafter prescribed and shall be paid either— Method of payment of sums on account of allowance.

- (1) by means of allowance orders payable in respect of every week to a person by whom such sums are receivable at the appropriate paying office ; or
- (2) in such other special manner as the Ministry may in any particular case and for any particular period determine.

9.—(1) In every case in which sums on account of an allowance are payable by means of allowance orders the Ministry shall cause arrangements to be made whereby— Allowance order books.

- (a) on furnishing such evidence of identity and such other particulars as may be required the person to whom the allowance belongs or (where an order has been made under subsection (3) of section 4 of the Act) by whom sums on account of the allowance are receivable, or any person appointed under regulation 12 to act on behalf of any such person, may obtain, either through the appropriate paying office or otherwise, a book of allowance orders ;
- (b) written intimation shall be sent to that person of the appropriate paying office and of the arrangements so far as they affect that person ; and
- (c) a fresh book of allowance orders may be issued to that person on the expiration of the previous book either through the appropriate paying office or otherwise.

(2) A book of allowance orders issued to any person shall remain the property of the Ministry.

(3) Any person having possession of an allowance order book or an unpaid allowance order in respect of an allowance shall, on the termination of that allowance or on the request of the Ministry, as the case may be, deliver such book or order to the Ministry or to such officer as the Ministry may appoint.

10. Sums on account of an allowance shall be receivable—

- (1) in the case of a sum payable by means of an allowance order, on the Tuesday of the week in respect of which it is to be paid ;

Date on which sums are receivable on account of allowance.

- (2) in the case of a sum to be paid in any other manner under these regulations on such day as the Ministry may in any such case determine.

Further information and notification of change of circumstances.

11. Any person to whom an allowance belongs or by whom or on whose behalf sums on account of an allowance are receivable (including any person appointed to act on behalf of any such person under regulation 12) shall, in such manner and at such time as the Ministry may determine, furnish to the Ministry such certificates and other documents and such information of facts, affecting the right to the allowance as the Ministry may require, whether as a condition on which any such sum or sums shall be receivable or otherwise, and in particular shall notify the Ministry in writing of any change of circumstances affecting the right to the allowance as soon as practicable after the occurrence of any such change.

Representation of persons unable to act.

12. Where any person, being a person who is alleged to be entitled to make a claim or a person to whom an allowance belongs or by whom sums on account of an allowance are receivable, is or becomes unable for the time being to act, the Ministry may appoint any person whom it may consider suitable and who is prepared to be so appointed, to exercise on behalf of the person unable to act any right or power which that person may be entitled to exercise under the Act and to receive any sum on account of an allowance on behalf of that person :

Provided that—

- (1) the Ministry may at any time in its discretion revoke any appointment made under this regulation ;
- (2) any person appointed under this regulation may, on giving the Ministry one month's notice in writing of his intention so to do, terminate his appointment.

Claims and payments after death.

13.—(1) On the death of a person who had made a claim for an allowance or to whom an allowance belonged the Ministry may appoint such person as it may think fit to proceed with or to make a claim for the allowance.

(2) The period limited by section 7 of the Act for obtaining payment of a specified sum shall, in respect of any specified sum made receivable on any day within six months before the death of a person by whom it was receivable, be extended until the expiration of six months following the date on which such sum is made payable by the Ministry to any one or more of the persons to or amongst whom it may be paid or distributed in accordance with the provisions of sub-paragraph (a) of the next succeeding paragraph :

Provided that this shall not apply to any such sum for the payment of which written application has not been made to the Ministry within six months after the date of death or within such longer period as the

Ministry, having regard to the circumstances of the particular case, may determine.

(3)—(a) Any specified sum may be paid or distributed by the Ministry to or amongst persons claiming as personal representatives, legatees, next of kin or creditors of a deceased person who had made a claim for the allowance to which the specified sum relates or to whom the allowance belonged or by whom sums on account of the allowance were receivable or, in the case of illegitimacy of such deceased person, to or amongst others :

Provided that the receipt of any one or more persons so claiming of the age of sixteen years or upwards shall be a good discharge to the Ministry for any specified sum so paid, and that in the case of such a person being a child under the age of sixteen years the Ministry may, if it is satisfied that the specified sum or any part thereof is needed for the benefit of that child, obtain a good discharge therefor by paying such specified sum or part thereof, as the case may be, to a person (who need not be a person specified in this sub-paragraph) who has satisfied the Ministry that he will apply the sum so paid for the benefit of that child.

(b) The Ministry may dispense with strict proof of the title of persons so claiming as aforesaid.

(4) For the purposes of this regulation " specified sum " means any sum referred to in paragraph (f) of subsection (1) of section 17 of the Act.

Sealed with the Official Seal of the Ministry of Labour for Northern Ireland this 7th day of March, 1946, in the presence of

(L.S.)

*William Allen,*

Assistant Secretary to the Ministry of Labour for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 7th day of March, 1946, in the presence of

(L.S.)

*Thom McCrea,*

Assistant Secretary to the Ministry of Finance for Northern Ireland.

### Reciprocal Arrangements with Great Britain

REGULATIONS, DATED 26TH MARCH, 1946, MADE BY THE MINISTRY OF LABOUR, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE FAMILY ALLOWANCES ACT (NORTHERN IRELAND), 1945.

1946. No. 40

The Ministry of Labour for Northern Ireland, acting in conjunction with the Ministry of Finance for Northern Ireland, in exercise of the