

Existing rates of old age pensions.	Corresponding increased rates of old age pensions	
	where pension is by virtue of pensioner's own insurance or where pensioner is a widow.	where pensioner is a married woman and pension is by virtue of insurance of pensioner's husband.
9s.	23s.	14s.
8s.	20s.	12s.
7s.	18s.	11s.
6s.	15s.	9s.
5s.	13s.	8s.
4s.	10s.	6s.
3s.	8s.	5s.
2s.	5s.	3s.

## PENSIONS

### Increase of Pensions

THE INCREASE OF PENSIONS (GENERAL) (AMENDMENT) REGULATIONS (NORTHERN IRELAND), 1946, DATED 4TH MAY, 1946, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 3 (5) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND), 1944.

1946. No. 63

The Ministry of Finance for Northern Ireland, in pursuance of its powers under sub-section (5) of Section 3 of the Pensions (Increase) Act (Northern Ireland), 1944, (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf hereby makes the following Regulations :—

1.—(1) In these Regulations "The Principal Regulations" means the Increase of Pensions (General) Regulations (Northern Ireland), 1944 (a).

(2) These Regulations shall be construed as one with the Principal Regulations.

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

(a) S. R. & O. 1944 (No. 73)

(b) 12 Geo. 5, c. 4. (N.I.)

2. Paragraph (2) of Regulation 7 of the Principal Regulations (which specifies the period for which an increase of pension shall remain in force) shall have effect and shall be deemed always to have had effect as if for the words " the 31st day of December, 1945," there were substituted the words " the 31st day of December, 1946 ".

3.—(1) Where a pensioner who has fulfilled the prescribed conditions for any period after the 31st day of December, 1943, dies (whether before or after the date of these Regulations) and at the time of his death a grant of the increase of pension for which he was eligible under the Act had not been made to him or an adjustment of increase already granted was outstanding the Pension Authority shall, for the purposes of the grant of an increase or an adjustment thereof up to the time of his death, accept, in place of the application declaration and evidence which was, or might have been, required from the deceased pensioner under the Principal Regulations, an application or declaration made or evidence produced on the deceased pensioner's behalf by his legal personal representative or by any person from whom the Pension Authority may obtain a discharge for payment of the increase.

(2) Where any dependant of a pensioner dies (whether before or after the date of these Regulations) without having made the declaration or produced the evidence required of him under the Principal Regulations, the Pension Authority shall, for the purposes of the grant of an increase to the pensioner or an adjustment thereof, accept, in place of such declaration or evidence, a declaration made or evidence produced by the legal personal representative of the dependant or by any other person who appears to the Authority a proper person to represent the deceased dependant.

(3) Any declaration made on behalf of a deceased pensioner or dependant under these Regulations, other than as to the amounts of income, shall be made by reference to the circumstances existing at the date of death.

4.—(1) Where a pensioner and his wife, or her husband, are living apart then if—

- (a) the pensioner gives notice in writing to the Pension Authority electing that they shall be treated as unmarried persons, for the purposes of the Act, and
- (b) it appears to the Pension Authority
  - (i) that the separation has continued for not less than twelve months and is likely to be permanent ; and
  - (ii) that the pensioner's wife or husband either is not in receipt of a pension which may be increased under the Act or, if in receipt of such a pension, is willing, as regards the increase of her or his pension, to be treated in accordance with this Regulation as unmarried for the purposes of the Act they shall, subject

to the provisions of this Regulation, be treated as unmarried persons for the purposes of the Act as from the beginning of the period falling after the expiration of the twelve months mentioned in (i) of sub-paragraph (b) for which an increase is or has been payable under the Act or the date (not being after the date on which the notice of election is given) specified in the pensioner's notice of election, whichever is the later.

A pensioner may give notice of election under this paragraph notwithstanding that he has been granted an increase of pension under the Act as a married person.

(2) If an increase of pension is granted to a pensioner on the basis that the pensioner and his wife or her husband are treated as unmarried persons for the purposes of the Act, and subsequently it appears to the Pension Authority that the conditions mentioned in (i) and (ii) of sub-paragraph (b) of paragraph (1) of this Regulation cease to be fulfilled or have never been fulfilled, then, as from the appropriate date, the increase shall cease or shall be subject to such adjustment, if any, as the case may require.

(3) A pensioner who gives notice of election under paragraph (1) of this Regulation shall, in so far as the evidence or information is not contained in the Declaration made by him under Regulation 5 of the Principal Regulations,

- (a) inform the Pension Authority whether, to the best of his knowledge and belief, his wife or her husband is in receipt of a pension which may be increased under the Act and, if so, give the name of the Pension Authority by whom the wife's or husband's pension is payable ;
- (b) furnish to the Pension Authority such evidence as the Pension Authority may require as to the matters mentioned in sub-paragraph (b) of paragraph (1) of this Regulation.

Any evidence or information furnished under this Regulation shall, if the Pension Authority so requires, be in the form of a declaration and shall be subscribed before and attested by one of the parties prescribed in the Second Schedule to the Principal Regulations.

(4) Any Declaration by or on behalf of a pensioner may continue to be made on the form prescribed by Regulation 5 (1) of the Principal Regulations, but no information need be given as to whether the pensioner or his wife or her husband is benefiting from the income of the other.

(5) If it appears from any Declaration made by or on behalf of a pensioner that the pensioner is living apart from his wife or her husband and that the separation is likely to be permanent but no notification as

to the provisions of this Regulation has been made on, or attached to, the form of Declaration, the Pension Authority shall call the attention of the person by whom the Declaration was made to the provisions of the new Regulation.

(6) Regulation 13 of the Principal Regulations is hereby revoked.

5.—(1) Where an increase of pension granted under the Act is to cease or to be adjusted by reason of the occurrence of any event the appropriate date shall be the date on which the event occurred, provided that the appropriate date shall be the date on which the occurrence of the event first came to the knowledge of the Pension Authority if—

(a) the pensioner has not been responsible for any unreasonable delay in notifying the Pension Authority of the occurrence of the event, and

(b) that date is more favourable to the pensioner.

(2) Where an increase of pension granted under the Act is to cease or to be adjusted by reason that certain conditions have never been fulfilled, the appropriate date shall be the beginning of the period in respect of which the increase was granted.

6. The following minor amendments shall also be made to the Principal Regulations, that is to say :—

(a) there shall be inserted at the end of paragraph (b) of Regulation 8 the words “ or, if the pensioner and his wife or her husband have been treated as unmarried persons for the purposes of the Act, their resumption of cohabitation or the receipt by the wife or husband of a pension which may be increased under the Act ” ; and

(b) in paragraph (e) of Regulation 8 the words from “ and excluding ” to the end shall be omitted and there shall be substituted therefor the words “ and otherwise in accordance with the Increase of Pensions (Calculation of Income) Regulations (Northern Ireland), 1944, as amended from time to time.”

7. These Regulations may be cited as the Increase of Pensions (General) (Amendment) Regulations (Northern Ireland), 1946, and these Regulations and the Principal Regulations may be cited together as the Increase of Pensions (General) Regulations (Northern Ireland), 1944 and 1946.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 4th day of May, 1946, in the presence of

(L.S.)

J. A. McKeown,  
Second Secretary.