

except that a local tribunal or the umpire, instead of themselves or himself referring a question for determination in accordance with subparagraph (a) of the last foregoing paragraph, shall direct it to be so referred by the insurance officer.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 12th day of June, 1948, in the presence of

(L.S.)

*William Allen,*

Assistant Secretary to the Ministry  
of Labour and National Insurance  
for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 12th day of June, 1948, in the presence of

(L.S.)

*John I. Cook,*

Assistant Secretary to the Ministry  
of Finance for Northern Ireland.

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**Determination of Claims and Questions (Transitional)**

1948. No. 233

*See p 844*

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**General Benefit**

1948. No. 208

*See p 849*

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**General Transitional Regulations**

1948. No. 239

*See p 860*

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**Guardian's Allowances**

1948. No. 235

*See p 875*

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## Guardian's Allowances Regulations

REGULATIONS, DATED 2ND JULY, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 235

The National Insurance Joint Authority, in exercise of the powers conferred by section 18 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Guardian's Allowances) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 1948. Citation, commencement and interpretation.

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

“the Act” means the National Insurance Act (Northern Ireland), 1946;

“insurance officer”, “local tribunal” and “the umpire” have the same meanings as in the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948;

“the determining authority” means, as the case may require, an insurance officer, a local tribunal or the umpire;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) 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. Subject to the provisions of regulation 7, where a child has been adopted within the meaning of the Adoption of Children Act (Northern Ireland), 1929, there shall be substituted for the condition contained in paragraph (a) of subsection (1) of section 18 of the Act that the parents (including any step-parent) of the child are dead, that condition set out below which is appropriate to the circumstances of the case, namely,—

(a) if the child was adopted by a person who was not married at the date of the adoption order, the condition that that person is dead, and that, if that person married after the date of the adoption order, the spouse whom that person so married is also dead; or

(b) if the child was adopted by two spouses jointly, or by one of two spouses with the consent of the other, the condition that both of those spouses are dead, and that, if either of them remarried, the person whom either of such spouses remarried is also dead;

- (c) if the child was adopted by one of two spouses without the consent of the other, the condition that the spouse who adopted the child is dead, and that, if at the death of that spouse the spouse who did not consent to the adoption has in fact assumed joint responsibility for the child, such other spouse is also dead; and further that, if the spouse who adopted the child remarried, the person to whom that spouse was remarried is also dead.

Illegitimate children.

3.—(1) Subject as aforesaid, where a child (other than a child to whom the preceding regulation applies) is illegitimate, there shall be substituted for the said condition that the parents (including any step-parent) of the child are dead the condition or conditions set out below appropriate to the circumstances of the case, namely,—

- (a) if any person has been found by a court of competent jurisdiction to be the father of the child, or if there is no such finding but in the opinion of the determining authority the paternity of the child has been admitted or established, the condition that the father and the mother of the child are dead, and, where applicable, the further condition specified in paragraph (2) of this regulation; or
- (b) in any other case, the condition that the mother is dead, and, where applicable, the further condition specified in the said paragraph (2).

(2) For the purposes of this regulation, the further condition shall be that, if the mother of such a child is married at the time of her death and the child is a child of her husband's family at that time, the husband is also dead.

Children of divorced persons.

4.—(1) Subject as aforesaid, where the marriage of a child's parents was terminated by divorce, there shall be substituted for the said condition that the parents (including any step-parent) of the child are dead the condition or conditions set out below appropriate to the circumstances of the case, namely,—

- (a) where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, the condition that one parent is dead; and
- (b) if one or both of the parents has remarried and at the date of the death of either parent the child is included in the family of the person whom either parent has so remarried, the condition that any such person is also dead.

(2) In the application of this regulation, the expression "parents" shall include persons who adopt children in the circumstances specified in regulation 2 and persons who marry any such persons, and the expression "step-parent" shall be construed accordingly.

5.—(1) Subject as aforesaid, where at the date of the death of one of the parents of a child the other parent cannot be traced, there shall be substituted for the condition that the parents (including any step-parent) of the child are dead the condition that one of the parents is dead. <sup>whose</sup> <sup>parents</sup> cannot be traced.

(2) For the purposes of this regulation, the provisions of paragraph (2) of regulation 4 shall apply.

6. Except in relation to regulation 5, there shall be substituted for the condition contained in paragraph (b) of subsection (1) of the said section 18 that one at least of the parents of the child was an insured person, the condition that the person or, as the case may be, one at least of the persons to whom the appropriate substituted condition contained in these regulations is applicable, was an insured person. <sup>condition.</sup>

7. Notwithstanding anything contained in these regulations, the parent or the step-parent of a child shall not be entitled to a guardian's allowance in respect of that child. <sup>saving.</sup>

Given under the Official Seal of the National Insurance Joint Authority this 2nd day of July, nineteen hundred and forty-eight.



*C. D. Curtis,*  
Secretary,  
National Insurance Joint Authority.

### Insurance Industry Special Scheme Regulations

REGULATIONS, DATED 30TH JUNE, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 199

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 66 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Insurance Industry Special Scheme) Regulations (Northern Ireland), 1948, and shall come into operation on the 30th June, 1948. <sup>Citation, commencement and interpretation.</sup>