

foregoing regulation or to register for employment in accordance with regulation 9, as if he had duly complied or registered, as the case may be.

Persons
in full em-
ployment.

12. A person shall not be disqualified in accordance with the provisions of subsection (2) of section 9 of the Act (which section relates to disqualification for assistance grants) for an assistance grant by reason of his engagement in remunerative full time work until he has been so engaged for a period of seven days, or, if he is in receipt of an assistance grant, for a complete pay week, being a week by reference to which his assistance grant is being calculated.

Sealed with the Official Seal of the National Assistance Board for Northern Ireland this 22nd day of July, 1948.

(L.S.)

J. Gorman,
Secretary to the National Assistance
Board for Northern Ireland.

I, the RIGHT HONOURABLE BRIAN MAGINESS, Minister of Labour and National Insurance for Northern Ireland, hereby confirm the foregoing regulations.

Given under my hand at Stormont, this 23rd day of July, 1948.

Brian Maginess,
Minister of Labour and National
Insurance for Northern Ireland.

Appeal Tribunals

RULES MADE BY THE NATIONAL ASSISTANCE BOARD FOR NORTHERN IRELAND UNDER THE FOURTH SCHEDULE TO THE NATIONAL ASSISTANCE ACT (NORTHERN IRELAND), 1948.

1948. No. 251

The National Assistance Board for Northern Ireland, by virtue of the powers conferred on them by the Fourth Schedule to the National Assistance Act (Northern Ireland), 1948, and of all other powers enabling them in that behalf, hereby make the following rules:—

Citation
commence-
ment and
interpre-
tation.

1.—(1) These rules may be cited as the National Assistance (Appeal Tribunals) Rules (Northern Ireland), 1948, and shall come into operation on the day after the day on which they are confirmed by the Minister.

(2) In these rules, unless the context otherwise requires—
“the Act” means the National Assistance Act (Northern Ireland), 1948;

“ the appellant ” means a person who has brought an appeal under section 14 of the Act ;

“ the Board ” means the National Assistance Board for Northern Ireland ;

“ the chairman ” means the chairman or acting chairman of a Tribunal ;

“ the Minister ” means the Minister of Labour and National Insurance for Northern Ireland ;

“ the person concerned ” means, as the case may require —

(a) a person in respect of whom a report has been made by the Board to a Tribunal under section 10 of the Act ; or

(b) where a question has arisen as to the amount which the Board are entitled to recover from any person under subsection (1) of section 22 of the Act, that person ;

“ Tribunal ” means an Appeal Tribunal ;

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

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

(4) Any notice or other document required or authorised to be given or sent to any person under the provisions of these rules shall be deemed to have been given or sent if it was sent by post to that person at his ordinary or last known address.

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

2.—(1) The chairman, and the member of a Tribunal appointed by the Minister, shall hold office in accordance with the terms of his letter of appointment.

Tenure of office of member of Tribunals.

(2) The member of a Tribunal appointed by the Board from the panel of persons nominated by the Minister in accordance with subparagraph (1) of paragraph 3 of the Fourth Schedule to the Act shall be appointed to serve upon the Tribunal at such sittings as the Board may direct and, as far as is practicable, each member of the said panel shall be so appointed in turn.

(3) Notwithstanding anything in the foregoing provisions of this rule, no member of a Tribunal shall sit upon a Tribunal during the consideration of a matter —

(i) in which he appears as the representative of or accompanies the appellant or the person concerned ; or

(ii) by which he is or may be directly affected.

3.—(1) Where the Board have made a report to a Tribunal under section 10 of the Act (which section relates to the making of assistance grants in special cases) the Tribunal shall, as soon as may be, hold an oral hearing.

Procedure on reports made by the Board under section 10 of the Act

(2) A representation under subsection (6) of the said section 10 that a direction of a Tribunal ought to be revoked shall be made in writing and shall be given or sent to the clerk of the Tribunal by whom such direction was made and the Tribunal shall, as soon as may be, hold an oral hearing :

Provided that if the chairman is of opinion that the said direction can properly be revoked without an oral hearing he may, with the consent of the Board, order the said direction to be revoked accordingly.

Time and manner of bringing appeals under section 14 of the Act.

4. An appeal against a decision of the Board with respect to any of the matters mentioned in subsection (1) of section 14 of the Act shall be brought by giving notice of appeal in writing at an office of the Board within twenty-one days of the date of the issue of the decision, or within such further time as the chairman may for good cause allow, and the Tribunal shall, as soon as may be, hold an oral hearing.

Procedure on references to Tribunals under section 22 of the Act.

5. Any question arising as to the amount which the Board are entitled in any case to recover under subsection (1) of section 22 of the Act (which section relates to recovery in cases of misrepresentation or non-disclosure) shall be referred by the Board to a Tribunal by notice in writing, and the Tribunal shall, as soon as may be, hold an oral hearing.

Jurisdiction of Tribunals.

6. All matters which are required to be brought in accordance with the provisions of these rules before a Tribunal shall be so brought before the Tribunal having jurisdiction in respect of the district in which the appellant or the person concerned resides or before such other Tribunal as the Board in any particular case or class of cases may direct.

Time and place of hearing.

7.—(1) Reasonable notice of the time and place of an oral hearing, together with particulars of the case, shall be given by the clerk of the Tribunal to the officer of the Board concerned and to the appellant or the person concerned, and, except with the consent of the appellant or the person concerned, the Tribunal shall not proceed with the hearing unless such notice has been given.

(2) If an appellant, or the person concerned, to whom notice of oral hearing has been duly given in accordance with the foregoing provisions of this rule should fail to appear at such hearing, and has not given a reasonable explanation for his absence, the Tribunal may proceed to consider and determine the matter notwithstanding the absence of the appellant or the person concerned, or may give such directions with a view to the consideration and determination of the matter as they may think proper.

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

8. The consideration of any matter may, with the consent of the officer of the Board concerned, and the appellant or the person concerned, but not otherwise, be proceeded with in the absence of any member of a Tribunal other than the chairman.

Procedure in the absence of members of the Tribunal.

9.—(1) The clerk of a Tribunal, or his deputy, shall be present at all sittings of the Tribunal, and the appellant or the person concerned and an officer of the Board shall be entitled to be present during an oral hearing and to be heard, and the appellant or the person concerned may be represented or accompanied by any person not being of counsel or a solicitor.

Procedure at hearings.

Provided that —

- (i) where the proceedings relate only to a claim or question arising under the Old Age Pensions Act (Northern Ireland), 1936, a claimant or pensioner as defined in the Non-Contributory Old Age Pensions Regulations (Northern Ireland), 1948, may be represented during an oral hearing by counsel or a solicitor; and
- (ii) for the purpose of discussing their decision on any matter under this regulation the chairman shall order all persons, not being members of the Tribunal or their clerk, to withdraw from the sitting of the Tribunal.

(2) The chairman may allow any other person appearing to him to be interested to be present during the oral hearing, but, save as aforesaid, there shall not be admitted to such hearing any member of the public or the representative of any newspaper.

10. The decision on any matter of the majority of a Tribunal shall be the decision of the Tribunal, and the Tribunal shall record in writing all their decisions, and as soon as is practicable after any matter has been decided, the clerk of the Tribunal shall notify the Board and the appellant or the person concerned of the decision. Where a matter is proceeded with under rule 8 of these rules the chairman shall have a second or casting vote.

Decision of Tribunal.

11. Subject to the provisions of the Act and of these rules, the procedure on any matter shall be such as the chairman of the Tribunal may determine.

General provisions as to proceedings before Tribunals.

12.—(1) The Board may pay travelling and other allowances (including, with the consent of the chairman, compensation for loss of remunerative time) in respect of attendance at an oral hearing before a Tribunal to any person required to attend thereat or to a person permitted in accordance with the provisions of these rules to represent or to accompany the appellant or the person concerned at such hearing.

(2) Any person desiring to claim any allowances as aforesaid

shall forthwith submit a claim to the Board, whose decision thereon shall be final.

Sealed with the Official Seal of the National Assistance Board for Northern Ireland this 27th day of July, 1948, in the presence of

(L.S.)

J. Gorman,
Secretary to the National Assistance
Board for Northern Ireland.

I, the Right Honourable Brian Maginess, Minister of Labour and National Insurance for Northern Ireland, hereby confirm the foregoing rules.

Given under my hand this 29th day of July, 1948.

Brian Maginess,
Minister of Labour and National
Insurance for Northern Ireland.

Determination of Need

REGULATIONS, DATED 3RD JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTIONS 5 AND 6 OF THE NATIONAL ASSISTANCE ACT (NORTHERN IRELAND), 1948.

1948. No. 213

The Ministry of Labour and National Insurance by virtue of the powers conferred on it by sections 5 and 6 of the National Assistance Act (Northern Ireland), 1948 (hereinafter referred to as "the Act"), hereby makes the following regulations:—

Citation,
commence-
ment and
interpre-
tation.

1.—(1) These regulations may be cited as the National Assistance (Determination of Need) Regulations (Northern Ireland), 1948, and shall come into operation on the 5th July, 1948.

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

"the applicant" means a person who has made an application for assistance under the Act;

"net weekly earnings" means the net remuneration or profit, calculated on a weekly basis, derived by a person from any gainful occupation or occupations, and, in particular, in so far as the earnings consist of salary or wages, there shall be deducted—

(a) any sum the deduction of which from salary or wages is authorised by statute;

(b) the reasonable expenses, if any, incurred by the said person in connection with his employment;

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