

**Death Grant (Consequential Provisions) Regulations  
(Northern Ireland), 1957**

REGULATIONS, DATED 30TH DECEMBER, 1957, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 267

[C]

The National Insurance Joint Authority, in exercise of the powers conferred by sections 21(5), 24 and 29(1) of the National Insurance Act (Northern Ireland), 1946(a), and the Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 21(2), 21(4), 28, 40 and 43(3) of that Act, in each case in conjunction with the Ministry of Finance so far as relates to matters with regard to which that Ministry has so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation, interpretation and commencement*

1.—(1) These regulations may be cited as the National Insurance (Death Grant) (Consequential Provisions) Regulations (Northern Ireland), 1957, and shall come into operation on the 1st January, 1958.

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

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

“the Death Grant Regulations” means the National Insurance (Death Grant) Regulations (Northern Ireland), 1949(b);

“the Ministry” means the Ministry of Labour and National Insurance;

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

*Claims and payments*

2.—(1) The provisions of regulation 18 of the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948(c), (which relates to payments on death) shall apply to death grant as if it were a benefit due to the deceased at his death, and accordingly that regulation shall be amended in accordance with the following provisions of this regulation and shall have effect as set out in Part I of the Schedule.

(2) In paragraph (1) of the said regulation 18, after the words “entitled to benefit”, there shall be inserted the words “or in respect of whose death a death grant is alleged to be

(a) 1946. c. 23.

(b) S.R. & O. (N.I.) 1949. No. 142 as amended by S.R. & O. (N.I.) 1950. No. 11; S.R. & O. (N.I.) 1952. No. 46; S.R. & O. (N.I.) 1957. No. 72.

(c) S.R. & O. (N.I.) 1948. No. 196 as amended by S.R. & O. (N.I.) 1949. No. 142; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 46; S.R. & O. (N.I.) 1952. No. 141; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1954. No. 45; S.R. & O. (N.I.) 1957. No. 72; and S.R. & O. (N.I.) 1957. No. 179.

payable", and at the end of the paragraph there shall be inserted the words "Provided that in the case of a death grant a claim may be made by any person specified in the next following paragraph of this regulation."

(3) In the proviso to paragraph (3) of the said regulation 18, for the words "the next following paragraph" there shall be substituted the words "paragraph (4)".

(4) After paragraph (3) of the said regulation 18, there shall be inserted the following:—

"(3A) In relation to a death grant, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the National Insurance Fund any death grant so paid to him.

(3B) Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him."

#### *Children*

3. The following provisions shall be added after regulation 4 of the Death Grant Regulations:—

#### *"Children*

4A. Where the deceased was at death a child but the requirements of subsection (1) of section 21 of the Act (which subsection specifies the persons by whom the contribution conditions for death grant may be satisfied) are not satisfied, a death grant shall, subject to the provisions of the Act, be payable in respect of the death of the deceased if the relevant contribution conditions are satisfied by either—

- (a) a parent (including a person who has adopted a child within the meaning of the Adoption of Children Act (Northern Ireland), 1950(a)), of the deceased, notwithstanding that the deceased was not at death a child of the family of that parent; or
- (b) a person who, immediately before the deceased's death, was entitled to an increase of benefit in respect of the deceased under section 22 of the Act (which relates to increases of benefit for children) or would have been so entitled had he then been entitled to any benefit of which that section provides an increase:

Provided that—

- (i) (subject to the next following paragraph of this proviso) the amount of a death grant payable by

virtue of this regulation shall not exceed the amount of the deceased's funeral expenses;

- (ii) the foregoing paragraph of this proviso shall not apply if the deceased would have been a child of the family of a parent satisfying the relevant contribution conditions but for the provisions of subsection (3) of section 24 of the Family Allowances Act (Northern Ireland), 1945(a) (which subsection makes it a condition of a child's being included in a family that the child is in Northern Ireland)."

*Deaths occurring outside Northern Ireland*

4.—(1) Regulation 5 of the Death Grant Regulations (which relates to deaths occurring outside Northern Ireland) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part II of the Schedule.

(2) In the said regulation 5, before the words "Subject" and "paragraphs", there shall be inserted respectively the expressions "(1)" and "sub-".

(3) In paragraph (b) of the said regulation 5, the words "and in any such case the death occurred in any part of His Majesty's dominions" shall be omitted.

(4) For paragraph (c) of the said regulation 5, there shall be substituted the following:—

"(c) that the deceased was a widow who was, immediately before her death, entitled to any personal death benefit by way of pension or allowance in respect of the death of her husband under any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme; or".

(5) In paragraph (e) of the said regulation 5, for the words "the last complete contribution year before his death", there shall be substituted the words "a contribution year, being either the last complete contribution year before his death or the contribution year immediately preceding that year".

(6) In paragraph (g) of the said regulation 5, the words "widow's benefit, a retirement pension or industrial death benefit," and the words "or of the National Insurance (Industrial Injuries) (Mariners) Regulations (Northern Ireland), 1948, or the National Insurance (Industrial Injuries) (Airmen) Regulations (Northern Ireland), 1948," shall be omitted.

(7) In paragraph (h) of the said regulation 5, the words "of paragraph (b)" shall be omitted, and for the words "paragraph (b)", where they occur for the second time, there shall be substituted the words "subsection (1)".

(8) For paragraph (j) of the said regulation 5, there shall be substituted the following:—

“(j) that the deceased was a woman who immediately before death was residing in Northern Ireland with her husband, and he was then an insured person satisfying the relevant contribution conditions; or

(jj) that the deceased was a child (including a person treated as a child under subsection (3) of section 21 of the Act (which subsection has effect by virtue of section 7 of the National Insurance Act (Northern Ireland), 1957(a)) who immediately before death was residing in Northern Ireland with an insured person by virtue of whose satisfaction of the relevant contribution conditions a death grant is payable in respect of the deceased's death; or”.

(9) The proviso to the said regulation 5 shall be omitted.

(10) At the end of the said regulation 5, there shall be inserted the following—

“(2) In this regulation, the expressions “personal death benefit”, “Personal Injuries Scheme”, “Service Pensions Instrument” and “1914-1918 War Injuries Scheme” have the same meanings as in the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(b).”

#### *Absence from Northern Ireland*

5. In regulation 6 of the Death Grant Regulations (which relates to absence from Northern Ireland) all words after the words “Northern Ireland”, where they first appear, shall be omitted.

#### *Partial satisfaction of contribution conditions, and reduced amount of death grant*

6.—(1) Regulation 10 of the Death Grant Regulations (which relates to the partial satisfaction of contribution conditions, and reduced amount of death grant) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part III of the Schedule.

(2) In paragraph (1) of the said regulation 10 the words “a person would be entitled to” shall be omitted and after the words “death grant” there shall be inserted the words “would be payable”; and the words “that person shall nevertheless be entitled to” shall be omitted and after the words “the grant” there shall be inserted the words “shall nevertheless be payable”.

#### *Revocations*

7. Regulation 11 of the Death Grant Regulations (which relates to adjustment of death grant) and sub-paragraphs (d) and (e) of paragraph (1) of regulation 2 of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(c) (which sub-paragraphs have effect by virtue of

(a) 1957. c. 7.

(b) S.R. & O. (N.I.) 1949. No. 154 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1951. No. 181; S.R. & O. (N.I.) 1952. No. 65; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 80; S.R. & O. (N.I.) 1953. No. 123; and S.R. & O. (N.I.) 1955. No. 7.

(c) S.R. & O. (N.I.) 1948. No. 185 as amended by S.R. & O. (N.I.) 1951. No. 157; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1956. No. 8; and S.R. & O. (N.I.) 1957. No. 169.

regulation 13 of, and the Third Schedule to, the Death Grant Regulations and relate to the determination of certain questions by the Ministry) are hereby revoked.

*Transitional provisions*

8. Nothing in these regulations shall have effect in relation to a death occurring before the date of their coming into operation, but in relation to any such death the provisions of any regulations amended by these regulations shall have effect as if these regulations had not been made.

Given under the Official Seal of the National Insurance Joint Authority this 30th day of December, nineteen hundred and fifty-seven.

(L.S.)

*Ian G. Gilbert,*

Secretary,

National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 30th day of December, nineteen hundred and fifty-seven.

(L.S.)

*H. A. Lowry,*

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

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of December, nineteen hundred and fifty-seven.

(L.S.)

*W. W. Arthur,*

Assistant Secretary to the Ministry of Finance for Northern Ireland.

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SCHEDULE

Containing Regulations which are amended

PART I

Regulation 2

REGULATION 18 OF THE NATIONAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS (NORTHERN IRELAND), 1948, AS AMENDED\*

Payments on death

18.—(1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, *or in respect of whose death a death grant is alleged to be payable*, the Ministry may appoint such person as it may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim:

*Provided that in the case of a death grant a claim may be made by any person specified in the next following paragraph of this regulation.*

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\* The words added or substituted by these regulations are shown in italics.

(2) Subject to the provisions of paragraph (4) of this regulation, any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under the foregoing paragraph may be paid or distributed by the Ministry to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors, of the deceased (or where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 12 shall apply to any such payment or distribution:

Provided that—

- (a) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Ministry and the National Insurance Fund for any sum so paid; and
- (b) where the Ministry is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, it may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Ministry that he will apply the sum so paid for the benefit of the person under the age of sixteen.

(3) Subject as aforesaid, any sum payable by way of benefit to the deceased payment of which he had not obtained at the date of his death may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in the last foregoing paragraph, and the provisions of regulation 12 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of paragraph (1) of the said regulation 12, the period of six months shall be calculated from the date on which the sum was receivable by any such person and not from the date on which it was receivable by the deceased, and for this purpose the reference in sub-paragraph (d) of paragraph (2) of regulation 12 to the date on which the sum became payable shall be construed as a reference to the date of the application to the Ministry made in accordance with paragraph (4) of this regulation.

(3A) *In relation to a death grant, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the National Insurance Fund any death grant so paid to him.*

(3B) *Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him.*

(4) Paragraphs (2) and (3) of this regulation shall not apply in any case unless written application for the payment of any such sum is made to the Ministry within six months from the date of the deceased's death or within such longer period as the Ministry may allow in any particular case.

(5) The Ministry may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

## REGULATION 5 OF THE DEATH GRANT REGULATIONS, AS AMENDED\*

## Deaths occurring outside Northern Ireland

5.—(1) Subject to the provisions of the Act and these regulations, a death grant shall be payable in respect of a death occurring outside Northern Ireland if the conditions contained in any one of the following sub-paragraphs are satisfied, namely:—

- (a) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to sickness benefit or to industrial injury benefit under the Industrial Injuries Act; or
- (b) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to widow's benefit or a retirement pension, or to industrial death benefit under the Industrial Injuries Act, or would have been entitled to a retirement pension had he then retired from regular employment and made the necessary claim, or was a child in respect of whom a child's special allowance or a guardian's allowance was payable; or
- (c) *that the deceased was a widow who was, immediately before her death, entitled to any personal death benefit by way of pension or allowance in respect of the death of her husband under any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme; or*
- (d) that the deceased immediately before death was entitled to industrial disablement benefit under the Industrial Injuries Act; or
- (e) that the deceased immediately before death was entitled to pay contributions under the provisions of paragraph (2) of regulation 3 of the Residence and Persons Abroad Regulations (which provisions specify the circumstances in which contributions are payable by persons for periods when they are outside Northern Ireland), and not less than forty-five contributions were paid by or credited to him in respect of *a contribution year, being either the last complete contribution year before his death or the contribution year immediately preceding that year; or*
- (f) that the deceased immediately before death was a serving member of the forces within the meaning of paragraph (2) of regulation 1 of the National Insurance (Members of the Forces) Regulations, 1949; or
- (g) that the deceased immediately before death was either (i) employed as a mariner within the meaning of paragraph (2) of regulation 1 of the National Insurance (Mariners) Regulations (Northern Ireland), 1948 (other than a mariner excepted from insurance by paragraph (2) of regulation 2 of those regulations) or as an airman within the meaning of paragraph (2) of regulation 1 of the National Insurance (Airmen) Regulations (Northern Ireland), 1948 (other than an airman excepted from insurance by paragraph (2) of regulation 2 of those regulations), or (ii) a person

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\*The words added or substituted by these regulations are shown in italics.

- who (then being otherwise entitled to unemployment benefit, or then being so entitled but for any failure to make a claim) by virtue of the relevant provisions of either of the said regulations was not disqualified for receiving any such benefit by reason of his absence from Northern Ireland; or
- (h) that the deceased immediately before death was either the wife or husband or child (to whom the provisions of subsection (1) of section 21 of the Act are applicable) of a person who, had he then died, would have satisfied the conditions contained in any one of the foregoing paragraphs, and such wife or husband or child, as the case may be, was then resident with that person, and for this purpose the expression "child of the family" contained in the said *subsection (1)* shall be deemed to include a child who would be included in that expression but for the provisions of subsection (3) of section 24 of the Family Allowances Act (Northern Ireland), 1945 (which subsection makes it a condition of a child's being included in a family that the child is in Northern Ireland); or
- (i) that the deceased immediately before death was ordinarily resident in Northern Ireland, and the death occurred within a period of thirteen weeks, or, in the case of a death occurring in the Channel Islands, within a period of six months, from the date when he last left Northern Ireland; or
- (j) *that the deceased was a woman who immediately before death was residing in Northern Ireland with her husband, and he was then an insured person satisfying the relevant contribution conditions; or*
- (jj) *that the deceased was a child (including a person treated as a child under subsection (3) of section 21 of the Act (which subsection has effect by virtue of section 7 of the National Insurance Act (Northern Ireland), 1957)) who immediately before death was residing in Northern Ireland with an insured person by virtue of whose satisfaction of the relevant contribution conditions a death grant is payable in respect of the deceased's death; or*
- (k) that the deceased died during or as the result of a confinement in respect of which she was not, or but for any failure to make a claim would not have been, disqualified for receiving maternity benefit (to which she was otherwise entitled) by reason of her absence from Northern Ireland.

(2) *In this regulation, the expressions "personal death benefit", "Personal Injuries Scheme", "Service Pensions Instrument" and "1914-1918 War Injuries Scheme" have the same meanings as in the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949.*

## PART III

## Régulation 6

## REGULATION 10 OF THE DEATH GRANT REGULATIONS, AS AMENDED\*

Partial satisfaction of contribution conditions, and reduced amount of death grant

10.—(1) Where a death grant *would be payable* but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, the grant *shall nevertheless be*

\* The words added by these regulations are shown in italics.



*payable* in accordance with the next succeeding paragraph, if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full amount of the death grant under Part II of the Second Schedule to the Act, as modified by subsection (2) of section 69 of the Act (which subsection provides for the reduction in certain cases of the amount of the death grant specified in that Schedule) is one of the amounts first set out in columns (2), (3), (4), (5) and (6) of the First Schedule to these regulations, then the grant shall be reduced to the amount specified in the appropriate column of the First Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Schedule.

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#### EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations, which are made in consequence of the provisions concerning death grant in the National Insurance Act (Northern Ireland), 1957, apply certain provisions of the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948, to claims for, and payments of, death grant as if it were a benefit due to the deceased at his death. They amend the National Insurance (Death Grant) Regulations (Northern Ireland), 1949, with respect to deaths abroad and add new provisions to those regulations with respect to the persons on whose insurance death grant may be paid in the case of a child.

The remaining provisions are of a minor or consequential character.

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#### Determination of Claims and Questions Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 2ND AUGUST, 1957, MADE BY THE MINISTRY OF  
LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE  
ACT (NORTHERN IRELAND), 1946.

1957. No. 169

[C]

The Ministry of Labour and National Insurance, in exercise of the powers conferred by section 40 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

#### *Citation, interpretation and commencement*

1. These regulations, which may be cited as the National Insurance (Determination of Claims and Questions) Amendment Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Determination of Claims and Questions)