

EXPLANATORY NOTE

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

These Regulations amend regulation 15 of, and paragraph 4 of the Schedule to, the Family Allowances (Qualifications) Regulations (Northern Ireland), 1946, insofar as their provisions are inappropriate in consequence of the transfer, pursuant to section 1 of the Family Allowances and National Insurance Act (Northern Ireland), 1959, of the functions of determining questions arising under the Family Allowances Act (Northern Ireland), 1945, from the Ministry of Labour and National Insurance to insurance officers or local tribunals with appeal to the Umpire appointed under the National Insurance Act (Northern Ireland), 1946. Regulation 3 of these Regulations also makes a drafting amendment to the heading of the said Schedule.

1959. No. 141

[C]

FAMILY ALLOWANCES

Making of Claims and Payments

REGULATIONS, DATED 24TH AUGUST, 1959, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE FAMILY ALLOWANCES ACT (NORTHERN IRELAND), 1945.

The Ministry of Labour and National Insurance, in exercise of powers conferred by section 17(1)(a) of the Family Allowances Act (Northern Ireland), 1945(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 Family Allowances (Making of Claims and Payments) Amendment Regulations (Northern Ireland), 1959, shall be read as one with the Family Allowances (Making of Claims and Payments) Regulations (Northern Ireland), 1946(b) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 7th September, 1959.

Amendment of regulation 1 of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations, the following definition shall be substituted for the definition of "award or decision":

"'award or decision' includes a revised award or decision;"

Amendment of regulation 2 of the principal regulations

3. The following regulation shall be substituted for regulation 2 of the principal regulations:

"Manner in which claims may be made

2.—(1) Every claim shall be made to the Ministry—

- (a) on a form approved by it for the purpose (in this regulation called "the appropriate form") containing the several particulars indicated therein or required thereby for the proper determination of the claim and in accordance with the instructions contained therein; or
- (b) in such other manner, being in writing, as the Ministry may accept as sufficient in the circumstances of any particular case or class of cases.

(2) Every claim shall be sent by post or delivered to the Ministry and, where any such claim is sent by post, the date of the posting of the claim shall be treated as the date on which the claim was made:

Provided that, if there is any reasonable doubt as to the date of the posting of any claim received by the Ministry, it shall be deemed to have been delivered in the ordinary course of post and to have been posted accordingly.

(3) If, owing to the absence of due signature or of due certification a claim is defective at the date of its receipt by the Ministry, the Ministry may, in its discretion, refer the claim to the person making it and, if the claim is returned duly signed and certified within one month of the date on which it is so referred, the Ministry may treat the claim as if it had been duly made in the first instance.

(4) Where a claim has been made in accordance with the provisions of this regulation, the person making the claim may, at any time before a decision has been given thereon, amend the claim by notice in writing sent by post or delivered to the Ministry, and any claim so amended may be treated as if it had been made as so amended in the first instance."

Revocation of regulations 4, 5 and 6 of the principal regulations

4. Regulations 4, 5 and 6 of the principal regulations (which regulations relate respectively to notice of award, awards before the coming into force of section 1 of the Act and payment of sums as on account of an allowance pending final determination) are hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 24th day of August, nineteen hundred and fifty-nine.

(L.S.)

H. A. Lowry,
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations amend regulation 2 of the Family Allowances (Making of Claims and Payments) Regulations (Northern Ireland), 1946, to enable a claim to allowance to be made in writing otherwise than on a form and to provide for the date of posting of a claim to be treated as the date on which the claim was made. They revoke regulations 4 and 6 of those regulations, which are inappropriate in consequence of the transfer, pursuant to section 1