

EXPLANATORY NOTE

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

The Regulations prescribe the forms of Notices to be used for the purposes of the Business Tenancies Act (Northern Ireland) 1964.

These Regulations shall cease to have effect unless before the expiration of six months from the 29th day of March, 1965, they have been approved by a resolution of each House of Parliament.

1964. No. 216

[C]

NATIONAL ASSISTANCE

Determination of Need

REGULATIONS, DATED 30TH DECEMBER, 1964, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER SECTIONS 5 AND 6 OF THE NATIONAL ASSISTANCE ACT (NORTHERN IRELAND) 1948.

The Ministry of Labour and National Insurance in accordance with the provisions of section 6 of the National Assistance Act (Northern Ireland) 1948(a), and in exercise of powers conferred by section 5 of that Act, and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Assistance (Determination of Need) Regulations (Northern Ireland) 1964, and shall come into operation on the 29th March, 1965.

(2) In these regulations—

“the Act” means the National Assistance Act (Northern Ireland) 1948;

“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.

(a) 1948. c. 13.

(3) For the purposes of these regulations, a person shall be treated as a husband or a wife only where he or she is a member of the same household as his wife or her husband, and the expression "husband and wife" shall be construed accordingly.

Determination of need for assistance

2. Subject to the provisions of these regulations, the need for assistance of an applicant shall be determined on a weekly basis at the amount calculated by deducting from his requirements, computed in accordance with the provisions of Part I of Schedule 1, his available resources, computed in accordance with the provisions of Part II of the said Schedule and with the rules as to the disregarding of certain assets set out in Schedule 2 to the Act.

Adjustment in special circumstances

3. Where there are special circumstances the amount calculated in accordance with regulation 2 may be adjusted as may be appropriate to meet those circumstances.

Minor adjustments

4. Notwithstanding anything contained in regulations 2 and 3—

(a) where the amount calculated in accordance therewith is less than one shilling the applicant shall be deemed not to be in need of assistance; and subject thereto

(b) where such amount is not a multiple of sixpence it shall be treated as the amount nearest thereto which is a multiple of sixpence.

Adjustment in relation to normal wages

5. The need for assistance of an applicant, being a person required under section 8(4) of the Act to register for employment as a condition for the receipt of an assistance grant, shall not, unless there are special circumstances, be determined at an amount which, when taken together with his net weekly earnings from any regular part-time occupation, would exceed the amount of his net weekly earnings if he were employed full-time in his normal occupation.

Grants for exceptional need

6. An assistance grant of such a sum as is reasonable having regard to all the circumstances of the case may be made, by way of a single payment, to meet an exceptional need for assistance of an applicant.

Revocation of regulations

7. The regulations specified in Schedule 2 are hereby revoked.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 30th day of December, 1964.

(L.S.)

Ronald Green,
Secretary.

SCHEDULE 1

Regulation 2

PART I

Rules for the Computation of Requirements

Aggregation of requirements

1. The requirements of an applicant, subject to the provisions of paragraphs 5 and 6, shall be taken to be the aggregate amount of the sums in respect of the requirements—

- (a) of the applicant; and
- (b) of the husband or wife of the applicant; and
- (c) of any other member of the household dependent on the applicant; allowed in accordance with the provisions of paragraphs 2, 3 and 4.

Requirements other than rent

2. *Ordinary scale.* Subject to the provisions of paragraph 3 a weekly sum in respect of requirements other than rent shall be allowed as follows:

	£	s.	d.
(a) For a husband and wife	6	5	6
(b) For a person who is living alone, or is a householder and, as such, is directly responsible for rent and household necessities	3	16	0
(c) For any other person, being—			
(i) aged 21 years or over	3	7	6
(ii) aged 18 years or over but less than 21 years	2	11	6
(iii) aged 16 years or over but less than 18 years	2	4	6
(iv) aged 11 years or over but less than 16 years	1	13	6
(v) aged 5 years or over but less than 11 years	1	7	0
(vi) aged under 5 years	1	2	6

3. *Scale for blind and certain tuberculous persons.* Where a person aged 16 years or over, or his wife or her husband, is a blind person or has suffered a loss of income in order to undergo treatment for tuberculosis of the respiratory system, the weekly sum in respect of requirements other than rent shall be allowed as follows:

	£	s.	d.
(a) For a husband and wife—			
(i) of whom one is such a person	7	10	0
(ii) of whom both are such persons	8	6	0
(b) For any other such person, being—			
(i) aged 21 years or over	5	0	6
(ii) aged 18 years or over but less than 21 years	3	11	6
(iii) aged 16 years or over but less than 18 years	3	0	6

Rent

4.—(1) A weekly sum in respect of requirements for rent shall be allowed as follows:

- (a) where the applicant, or his wife or her husband, is a householder, or where the applicant is living alone, the net rent payable, or such a part thereof as is reasonable in the circumstances;

- (b) in any other case (unless there are special circumstances or the applicant is under the age of 18 years) a reasonable share of the rent payable by the householder of whose household the applicant is a member, but not less than 2s. 6d. nor more than 15s.
- (2) In this paragraph the expression "rent" means—
- (i) the weekly rent, or a proportion thereof, appropriate to a week, excluding arrears thereof, and
 - (ii) the weekly proportion of outgoings borne by the householder including, in particular, rates, a reasonable allowance towards any necessary expenditure on repairs or insurance, and such portion as is for the time being attributable to interest of any sum payable in respect of a mortgage debt or heritable security charged on the house in which the householder resides, or on any interest therein;

and the expression "net rent" means the rent less any proceeds of subletting any part of the premises in respect of which the said rent is paid or the outgoings incurred.

Applicants in accommodation provided under the Welfare Services Act (Northern Ireland) 1949

5. The requirements of an applicant who is residing in accommodation provided under section 4 or section 7 of the Welfare Services Act (Northern Ireland) 1949(a), and in whose case the accommodation so provided includes board and other services, shall be taken to be the amount which exceeds by 16s. the weekly sum appropriate to his case for the time being prescribed under section 5(3) of that Act as the minimum charge for that accommodation.

Trade disputes

6.—(1) Where an applicant is a person disqualified for an assistance grant in respect of his own requirements by virtue of section 9(5) of the Act, his requirements to provide for any other person shall be taken to be the appropriate sum allowed in accordance with the provisions of head (c) of paragraph 2, increased by the sum in respect of requirements for rent allowed in accordance with the provisions of paragraph 4.

(2) Where the husband or wife of an applicant is a person disqualified for an assistance grant in respect of his or her own requirements by virtue of the said section 9(5), the requirements of the applicant to provide for himself or herself and for any other person other than his wife or her husband shall be taken to be the sum appropriate in his or her case allowed in accordance with the provisions of sub-paragraph (1).

PART II

Rules for the Computation of Resources

Aggregation of resources

1. The available resources of an applicant shall be taken to be the aggregate amount of the resources of such persons as are mentioned in paragraph 1 of Part I computed in accordance with the provisions of this Part and with the rules as to the disregarding of certain assets set out in Schedule 2 to the Act.

(a) 1949. c. 1.

Treatment of earnings

2.—(1) The portion of the earnings of any person to be taken into account in computing his resources shall be taken to be the amount of his net weekly earnings reduced by the amount allowed in accordance with the provisions of sub-paragraph (2).

(2) The amount (which may be varied if there are special circumstances) to be allowed for the purposes of sub-paragraph (1) shall be as follows:

- (a) the first 30s., half of the next twenty complete shillings, and any amount in excess of the last complete shilling, of the net weekly earnings of any person aged 16 years or over, unless he is a person required under section 8(4) of the Act to register for employment as a condition for the receipt of an assistance grant, in which case the amount allowed shall be the first 15s. of his net weekly earnings; or
- (b) the first 15s. of the net weekly earnings of any person aged under 16 years.

Contributions towards household expenses

3.—(1) The resources of a householder shall, unless exceptional circumstances are shown, be taken to include a contribution towards the expenses of the household from any member thereof who is not a dependant of his of such an amount as is reasonable having regard to all the circumstances of the case, but not exceeding such share of the rent payable by the householder as is reasonably attributable to that member having regard to all the circumstances, including the number of members of the household dependent on him:

Provided that this paragraph shall not apply—

- (a) where the resources of the said member are derived solely from a gainful occupation or occupations and his net weekly earnings do not exceed 60s.; or
- (b) where the householder is a blind person or the husband or wife of a blind person.

(2) The expression "rent" has the same meaning in this paragraph as in paragraph 4 of Part I.

Treatment of other resources

4. In computing the available resources of a person there shall be taken into account any resources not particularly mentioned in this Part nor falling to be disregarded under the rules contained in Schedule 2 to the Act, reduced by such amount (if any) as is reasonable having regard to all the circumstances of the case.

SCHEDULE 2

Regulation 7

Regulations Revoked

<i>Statutory Rules and Orders of Northern Ireland</i>	<i>Citation</i>
S.R. & O. (N.I.) 1948, No. 213	The National Assistance (Determination of Need) Regulations (Northern Ireland) 1948.
S.R. & O. (N.I.) 1959, No. 113	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland) 1959.
S.R. & O. (N.I.) 1960, No. 207	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland) 1960.
S.R. & O. (N.I.) 1962, No. 139	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland) 1962.
S.R. & O. (N.I.) 1963, No. 32	The National Assistance (Determination of Need) Amendment Regulations (Northern Ireland) 1963.

EXPLANATORY NOTE

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

These Regulations increase the weekly sums prescribed for the purpose of computing the requirements, other than rent, of applicants for assistance under the National Assistance Act (Northern Ireland) 1948. They increase the weekly sum allowed for a married couple from £5 4s. 6d. to £6 5s. 6d. and for a single householder from £3 3s. 6d. to £3 16s. 0d. Proportionate increases are made for other classes of applicants.

The Regulations consolidate with these amendments the provisions of the regulations set out in Schedule 2.

This Order shall cease to have effect unless before the expiration of six months from 31st December, 1964, it has been confirmed by a Resolution of each House of Parliament.

1964. No. 217

[C]

HOUSING**Housing Subsidy Order**

ORDER, DATED 31ST DECEMBER, 1964, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION 1 OF THE HOUSING (NO. 2) ACT (NORTHERN IRELAND) 1946.

The Ministry of Health and Local Government (in this Order referred to as "the Ministry") with the approval of the Ministry of Finance, in exercise of the powers conferred on the Ministry by section 1 of the Housing (No. 2) Act (Northern Ireland) 1946(a), and of every other power enabling it in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Housing Subsidy (Variation) (No. 2) Order (Northern Ireland) 1964, and shall be construed as one with the Housing Subsidy Order (Northern Ireland) 1962(b).

2. This Order shall apply to a housing scheme in respect of which the tender has been submitted for approval to the Ministry after 31st December, 1964.

3. The Housing Subsidy Order (Northern Ireland) 1956(c) shall be amended as follows:—

(1) In Article 4 the word "description" shall be substituted for the words "area and description" and for the word "area" where they respectively appear.

(2) For the Second Schedule there shall be substituted the Second Schedule contained in the Schedule to this Order.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 31st December, nineteen hundred and sixty-four.

(L.S.)

W. K. FitzSimmons,
Parliamentary Secretary to the Ministry of
Health and Local Government.

The Ministry of Finance hereby approves the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 31st December, nineteen hundred and sixty-four.

(L.S.)

Ivan Neill,
Minister of Finance.

(a) 1946. c. 20.

(b) S.R. & O. (N.I.) 1962, No. 238.

(c) S.R. & O. (N.I.) 1956, No. 187.