

*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)

Regulations (Northern Ireland), 1948(a), (hereinafter referred to as "the principal regulations") and shall come into operation on the 5th August, 1957.

*Amendment of Part IV of the principal regulations*

2. Where a husband and his wife are both entitled to retirement pensions by virtue of the husband's insurance and the husband has given notice of election for the purpose of regulations made under section 1 of the National Insurance Act (Northern Ireland), 1957(b), Part IV of the principal regulations (which Part relates to the determination of claims and questions by insurance officers, local tribunals and the umpire), in its application to the determination of the question whether the wife has consented to such election or whether her consent has been unreasonably withheld, shall be modified as follows:—

- (a) the determination of any such question shall have effect in relation to the entitlement to such pensions of both the husband and wife; and
- (b) in respect of such determination both the husband and the wife shall be treated as claimants and shall have all the rights and powers of claimants for the purposes of the said Part IV.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of August, 1957, in the presence of

(L.S.)

*J. E. Greeves,*

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

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EXPLANATORY NOTE

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

These regulations amend Part IV of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948. They provide that where a husband and wife are entitled to retirement pensions by virtue of the husband's insurance and he elects to be treated as not having retired, the determination of the question whether the wife has consented to the election or whether her consent has been unreasonably withheld shall have effect in relation to the award of both pensions; and in respect thereof both husband and wife shall be treated as claimants and have the same rights as such.

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- (a) S.R. & O. (N.I.) 1948. No. 185 as amended by reg. 13 of, and Third Schedule to, National Insurance (Death Grant) Regulations (Northern Ireland), 1949 (S.R. & O. (N.I.) 1949. No. 142); S.R. & O. (N.I.) 1951. No. 157; reg. 21 of, and Second Schedule to, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (S.R. & O. (N.I.) 1953. No. 123); S.R. & O. (N.I.) 1956. No. 8.
  - (b) 1957. c. 7.