

**OLD AGE PENSIONS.**

**Non-Contributory Pensions.**

REGULATIONS DATED 31ST DECEMBER, 1937, MADE BY THE  
 MINISTRY OF LABOUR FOR NORTHERN IRELAND IN CON-  
 JUNCTION WITH THE MINISTRY OF HOME AFFAIRS FOR  
 NORTHERN IRELAND UNDER THE OLD AGE PENSIONS ACT  
 (NORTHERN IRELAND), 1936.

1937. No. 144.

The Ministry of Labour for Northern Ireland in conjunction with the Ministry of Home Affairs for Northern Ireland so far as relates to local authorities or officers of local authorities, in exercise of the powers conferred on them by Section 12 of the Old Age Pensions Act (Northern Ireland); 1936, and of all other powers enabling them in that behalf hereby makes the following Regulations:—

1. These Regulations may be cited as the Non-Contributory Old Age Pensions Regulations (Northern Ireland), 1937. Short title.

2:—(1) In these Regulations unless the context otherwise requires— Interpreta-  
tion.

“the Act” means the Old Age Pensions Act (Northern Ireland), 1936 ;

“the Minister” means the Minister of Labour for Northern Ireland ;

“the Ministry” means the Ministry of Labour for Northern Ireland ;

“investigating officer” means such officer as may be designated by the Ministry to investigate claims to pensions ;

“paying officer” means such officer as may be appointed or designated by the Ministry for the purpose of paying pensions under the Act and includes any officer who may be designated to act as paying officer in pursuance of any arrangement made under Section 63 of the Government of Ireland Act, 1920, for the purpose of paying pensions on behalf of the Ministry ;

“paying office” means such place as the Ministry may designate for the payment of pensions ;

“pension” means an old age pension under the Act ;

“claim” means a claim to a pension ;

“claimant” means a person by whom a claim has been made ;

“pensioner” means, except where otherwise provided, a person in receipt of a pension ;

“appropriate form” means such form, appropriate to the circumstances for which it is required, as may be approved for the time being by the Ministry, or such other form as the Ministry may accept as sufficient in any special case.

(2) The Interpretation Act, 1921, applies to the interpretation of these Regulations, as it applies to the interpretation of an Act of Parliament.

#### MAKING OF CLAIMS AND RAISING OF QUESTIONS.

Method of making a claim.

3.—(1) Every person who desires to make a claim shall fill up the appropriate form and deliver or send the form when filled up to the Ministry :

Provided that a claim shall not be made more than four months before the date as from which the claimant alleges that his title to pension will commence.

(2) The Ministry shall supply, on demand, to any person who desires to make a claim an appropriate form of application, gratis.

(3) The Ministry shall arrange that those of its officers whom the Ministry may from time to time so direct, shall give to any person desiring to make a claim such information and assistance for the proper completion of the form of application as is in their power to give.

Raising of question by pensioner.

4.—(1) Any pensioner may raise a question as to the weekly rate of the pension awarded to him by sending to the Ministry a written statement of the question, together with a summary of any evidence in its support, and for the purpose of the investigation and determination of the said question such statement shall be regarded as a claim and the following provisions of these Regulations shall apply accordingly :

Provided that a question shall not be raised more than four months before the date as from which it is claimed that the title to a different rate of pension will arise.

(2) The date on which a written statement of the question is received by the Ministry shall be deemed to be the date on which the question is raised.

Raising of question by Ministry.

5.—(1) A pensioner's title to pension may be re-investigated at any time by an investigating officer and the following pro-

visions of these Regulations as to the investigation of claims shall apply to such re-investigation.

(2) If an investigating officer has reason to believe as a result of re-investigation that the pensioner is not entitled to continue to receive a pension, or is not entitled to continue to receive a pension at the rate which is being paid, he shall raise a question.

(3) When a question is raised such steps may be taken as the Ministry may direct to suspend payment of the pension until the question is determined, and for this purpose the investigating officer may be empowered to require the pensioner to deliver to him the current book of pension orders.

(4) A proposal to alter or revoke a provisional allowance of a claim may be made, after at least seven days' notice has been given by the pension officer to the claimant in such manner as the Ministry may direct, and such a proposal shall be regarded as a question raised by the Ministry and the provisions of these Regulations shall apply accordingly.

#### INVESTIGATION OF CLAIMS

6.—(1) As soon as may be after receiving any claim, the Ministry shall cause the claim to be investigated by an investigating officer for the purpose of enabling the pension officer to determine whether the claimant is entitled to a pension, and if he is so entitled, to what rate of pension :

Method of investigation.

Provided that in any case where, in the opinion of the pension officer, no fresh and substantial evidence is adduced by the claimant or pensioner, an investigation shall not be required unless six months have elapsed since the date of the determination of a previous claim or similar question.

(2) Subject to compliance with such instructions as may from time to time be given by the Ministry, an investigating officer shall investigate a claim in such manner as he thinks best fitted for the purpose.

(3) Every claimant or pensioner shall furnish such certificates and such other documents or information as the investigating officer may require for the proper investigation of the claim.

(4) In any case in which he thinks it desirable so to do for the purpose of the proper investigation of a claim, the investigating officer may reduce to writing any question which he desires to put to any claimant and the answer to the question given by the claimant, and may require the claimant to sign the answer.

7. As soon as he has completed his investigation the investigating officer shall forward to the pension officer a report of his investigation together with any other documents in his possession relating to the claim or question.

Report of investigating officer.

## DETERMINATION OF CLAIMS AND QUESTIONS.

A. *Pension Officer.*

Determina-  
tion of claim  
or question  
by pension  
officer.

8. As soon as may be after the receipt of a report on a claim or question from the investigating officer, the pension officer shall take into consideration the report of the investigating officer and any other evidence or information laid before him, and shall give a decision.

Notification  
of pension  
officer's  
decision.

9.—(1) The Ministry shall issue a notification of the pension officer's decision on any claim or question to the claimant or pensioner raising the question.

(2) In any case where the decision of the pension officer has been to refuse a pension, the form of notification shall indicate the grounds on which the pension officer decided to refuse a pension.

(3) In any case where the decision of the pension officer has been to refuse a pension or to allow a pension at a rate lower than ten shillings, the form of notification shall contain an intimation to the claimant of his right to appeal against the pension officer's decision to a local pension court.

Provisional  
allowance of  
claims.

10. If the pension officer is satisfied that a claimant is likely, at any time within four months from the date on which the claim is being considered, to be entitled to a pension, he may allow the claim provisionally so as to take effect, subject to the provisions of the Act, on any future date not later than four months from the date of his decision.

Appeal to  
local pension  
court.

11.—(1) Where a claimant or pensioner desires to appeal against the pension officer's decision to a local pension court, he shall, within fourteen days from the date of the receipt by him of notification of the decision, send to the pension officer a written notice of appeal.

(2) The said written notice of appeal shall be on the appropriate form and there shall be inserted thereon by the claimant or pensioner the grounds for his appeal.

(3) The Ministry shall supply, on demand, to any person desiring to appeal against a decision of the pension officer a copy of the appropriate form, gratis.

Reference by  
pension  
officer to  
local pension  
court.

12.—(1) As soon as may be after the receipt of the form of appeal the pension officer shall refer the claim or question to a local pension court for its recommendation.

(2) In any case where the pension officer instead of himself determining a claim or question, refers it to a local pension court, the provisions of these Regulations shall apply to such a reference as though it were a reference required by a claimant or pensioner.

B. *Local Pension Courts.*

13. The members of the panels of local pension courts shall hold office for such term as the Minister may direct :

Term of office of members of panels.

Provided that the Minister may at any time terminate the appointment of any member of a panel.

14.—(1) A local pension court shall consist of a Chairman appointed by the Minister and two or more persons selected from the panel for the district in such manner as the Minister may direct and duly summoned to serve on the court :

Composition of court.

Provided that not less than one half of the members of a local pension court (not including the Chairman) shall be persons who, in the opinion of the Minister, are representative of the classes of persons for whose benefit non-contributory old age pensions are intended.

(2) No member of a panel shall act as a member of a local pension court during the consideration of a case in which he is or may be affected.

(3) Any claim or question referred to a local pension court may, with the consent of the claimant or pensioner but not otherwise, be proceeded with in the absence of any member or members of the court other than the Chairman.

(4) Subject as aforesaid the constitution of a local pension court (including the procedure for summoning the court) shall be such as the Minister may determine.

15.—(1) Before the meeting of a local pension court at which any claim or question is to be considered, reasonable notice shall be sent to the claimant or pensioner informing him of the time and place of the meeting and affording him an opportunity of being heard. Such notice shall state the grounds for the reference.

Procedure of local pension court.

(2) During the consideration by a local pension court of any claim or question, the claimant or pensioner, the pension officer or his deputy, and any other officer of the Ministry that the Ministry may direct, shall be entitled to be present at the sitting of the court, and the claimant or pensioner may be represented at the sitting of the court by any person authorised by him, including counsel or a solicitor :

Provided that for the purpose of discussing its recommendation the court may order any or all persons, not being members of the court, to withdraw from the sitting of the court.

(3) The local pension court may allow any person appearing to the court likely to be affected by its recommendation to be present during the consideration of a case ; but save as aforesaid there shall not be admitted to the court any member of the public or the representative of any newspaper.

(4) The local pension court may adjourn the consideration of a claim or question from time to time as it may think fit.

(5) If, after notice of the meeting has been duly given, the claimant fails to appear at the court, the local pension court may make such recommendation or take such proceedings with a view to the disposing of the reference as it may think just.

(6) The recommendation of a majority of a local pension court shall be the recommendation of the court; but any member dissenting from any recommendation of the court may record his dissent and his reason therefor, and a statement that the member so dissented and the reason recorded by him for so dissenting shall be transmitted to the pension officer with the recommendation of the court.

(7) Subject as aforesaid the procedure of a local pension court shall be such as the Ministry may determine.

### C. *The Umpire.*

Procedure  
for references  
to the  
umpire.

16.—(1) Where the pension officer disagrees with any recommendation of a local pension court, or where a claimant or pensioner, with the leave of that court, requires the pension officer to refer a matter to the umpire, the pension officer shall give notice to the claimant or pensioner of the grounds for the reference and shall afford the claimant or pensioner an opportunity of submitting a statement of his evidence.

(2) On the receipt of the claimant's or pensioner's statement of evidence, or on the expiration of fourteen days from the date that the above mentioned notice has been given, whichever happens first, the pension officer shall refer the matter to the umpire.

(3) The pension officer shall forward to the umpire any documents submitted by the claimant or pensioner, together with a statement showing to what extent he admits or disputes the facts stated in such documents and setting out any further facts and the contentions on which he relies.

Proceedings  
of umpire.

17.—(1) The umpire may at any time require a claimant or pensioner or the Ministry to furnish to him in writing such further particulars in regard to the reference as he may reasonably require and may, at any stage of the proceedings, allow the amendment of any application or particulars upon such terms as he may think just.

(2) If the umpire is of opinion that the case is of such a nature that it can properly be determined without a hearing, he may dispense with a hearing and may determine the reference summarily.

(3) If in the opinion of the umpire a hearing is required he shall, as soon as may be, fix a date and place for the hearing.

(4) The Ministry shall cause a notification to be sent to the claimant or pensioner giving him at least seven days' notice of the time and place of the hearing.

(5) The claimant or pensioner shall be entitled to be present at the hearing and to be represented by any member of his family or by any other representative including counsel or a solicitor.

(6) The pension officer shall be entitled to be present at the hearing and to be represented by any person including counsel or a solicitor, who may be appointed for the purpose.

(7) Subject as aforesaid, there shall not be admitted to the hearing any member of the public or the representative of any newspaper.

(8) The umpire may adjourn the hearing from time to time as he may think fit.

(9) If, after notice of a hearing has been duly given, the claimant fails to appear at the hearing, such decision may be given or such proceedings may be taken, with a view to the disposing of the reference, as the umpire may think just.

(10) The Ministry shall cause notification of the decision of the umpire to be sent as soon as may be to the claimant or pensioner.

(11) Subject as aforesaid, the proceedings of the umpire in determining a reference may be conducted in such manner as he considers best fitted for the purpose.

#### PAYMENT OF PENSIONS.

18.—(1) Subject as hereinafter provided pensions shall be paid by means of pension orders payable in each case to the person to whom the pension is payable under the Act (in this Regulation referred to as the pensioner) at such paying office as the Ministry, after consultation with the pensioner, may from time to time determine.

Pensions payable by pension orders.

(2) In every case in which there is a decision under which a pension is payable the Ministry shall cause arrangements to be made whereby, on furnishing such evidence of identity and such other particulars as the Ministry may require, the pensioner shall be supplied with a book of pension orders, and the Ministry shall cause to be sent to the pensioner written information of the appropriate paying office and of the arrangements affecting the pensioner.

(3) On or before the issue to a pensioner of a fresh book of pension orders the pensioner shall furnish in writing a statement in such form as the Ministry may require as proof that he continues to be entitled to receive the pension.

(4) The Ministry shall cause arrangements to be made for the issue to every pensioner of a fresh book of pension orders as soon as may be after the expiration of the previous book.

(5) Notwithstanding anything in this Regulation the Ministry may in any particular case arrange for the payment of the pen-

sion otherwise than by means of pension orders through the paying office, and may if the pensioner is unable by reason of infirmity to attend at the paying office make the payment to a person authorised by the pensioner in writing to receive it on his behalf ; provided that if the pensioner is an inmate of any Workhouse Infirmary or District Hospital and is unable to attend as aforesaid, an officer of the local authority concerned may not be authorised by such pensioner to receive sums due to him by way of pension, save with the approval of the Ministry.

#### MISCELLANEOUS.

Persons  
suffering  
from  
incapacity.

19.—(1) Where any person, being a person to whom a pension is payable or a person who is alleged to be entitled to a pension or a person by whom or on whose behalf a claim has been made, is, by reason of any mental or other incapacity, unable to act and no committee or quasi-committee of his estate has been appointed, the Ministry may, upon written application being made to it, appoint a person to exercise on behalf of the person unable to act any right to which that person may be entitled under the Act and to receive on behalf and for the benefit of that person any sums which may become payable to that person by way of a pension :

Provided that—

- (a) no person under 18 years of age shall be capable of being appointed to act under this Regulation ;
- (b) the Ministry may at any time, in its absolute discretion, revoke any appointment made under this Regulation ; and
- (c) any person appointed under this Regulation may, on giving the Ministry one month's notice of his intention so to do, resign his office.

(2) Anything required by these Regulations to be done by or to any such person as aforesaid who is, by reason of any mental or other incapacity, unable to act, may be done by or to the committee or quasi-committee of his estate, or by or to the person appointed under this Regulation to act on his behalf.

Deductions  
from pension  
under  
Section 11  
(5) of the  
Act.

20. Any deductions which the Ministry directs under subsection (5) of Section 11 of the Act to be made from any sums to which a person may become entitled on account of a pension shall be made by withholding payments on account of the pension until the total of the sums withheld amounts to the total of the sum so directed to be deducted.

Provision as  
to evidence  
on deter-  
mination of  
claims, etc.

21. The pension officer, the local pension court and the umpire may for the purpose of determining any claim or question have regard to any such evidence or information as, in the opinion of the pension officer, local pension court or umpire, is sufficient for the purpose and is the best evidence or information which it is reasonably possible to obtain.



22. For the purpose of enabling a pension officer to ascertain whether any claimant or pensioner is, by reason of being an inmate of any workhouse or other poor law institution, disqualified for receiving or continuing to receive a pension, or to ascertain the yearly means of any claimant or pensioner, every officer or person acting in the administration of the relief of the poor shall, if so requested by the Ministry, supply such information as it is in his power to give as respects any person who is or has been an inmate of a workhouse or other poor law institution or is or has been otherwise in receipt of poor relief.

Information to be supplied by poor law officers.

23.—(1) The Ministry shall, for the purposes of meetings of local pension courts or of hearings by the umpire, be entitled to use free of charge (except such charge as may be approved by the Ministry with the consent of the Ministry of Finance for Northern Ireland for heating, lighting and cleaning) at all reasonable times, and after reasonable notice, any offices of any local authority situate within the area in which the meeting or hearing is required.

Use of offices of Local Authorities.

(2) If any question arises under this Regulation it shall be determined by the Ministry of Home Affairs for Northern Ireland.

24. Upon a pension ceasing to be payable on account of the death of a pensioner or from any other cause, or upon a pensioner ceasing to be entitled to a pension at the rate which is being paid, the book of pension orders shall be delivered to the Ministry by any person having possession of such book or thereafter obtaining possession of it.

Surrender of book of pension orders on cessation of pension.

25. Notwithstanding anything in these Regulations the Ministry may extend the period within which anything is required by these Regulations to be done in any case in which it appears to the Ministry reasonable so to do having regard to all the circumstances.

Extension of periods.

26. For the purposes of sub-section (8) of Section 8 of the Act every copy of a decision of a pension officer on any matter which is not referred to a local pension court or on any recommendation of a local pension court that is not referred to the umpire and every copy of a decision of the umpire shall be regarded as duly authenticated if it purports to be certified as a copy of such a decision by a secretary or assistant secretary of the Ministry, unless the contrary is shown.

Authentication of copies of decisions.

27. The Non-Contributory Old Age Pensions Regulations (Northern Ireland), 1928,(a) are hereby repealed, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Repeal.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this thirty-first day of December, nineteen hundred and thirty-seven.

(L.S.)

*H. Conacher,*

Secretary to the Ministry of Labour for Northern Ireland.

Given under the Official Seal of the Ministry of Home Affairs for Northern Ireland this thirty-first day of December, nineteen hundred and thirty-seven.

(L.S.)

*W. A. Magill,*

Secretary to the Ministry of Home Affairs for Northern Ireland.

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## POOR LAW.

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*District Hospitals, p. 250.**General Regulations, p. 251.*

### District Hospitals.

ORDER OF THE MINISTRY OF HOME AFFAIRS, DATED 9TH MARCH, 1937, AMENDING THE DISTRICT HOSPITALS ORDER, 1918.

1937. No. 21.

To the Guardians of the Poor of the several Poor Law Unions in Northern Ireland;

To the Committee of Governors of each District Hospital in Northern Ireland;

And to all others whom it may concern :

The Ministry of Home Affairs for Northern Ireland, in exercise of the powers vested in it by the Poor Relief Acts (Northern Ireland), 1838 to 1928, and the Local Government Acts (Northern Ireland), 1898 to 1934, and of every other power in that behalf enabling the Ministry hereby orders and directs as follows :—

1. Article 21 of the District Hospitals Order, 1918, shall be revoked and the following Article substituted therefor :—

“Article 21. The Medical Officer of the Hospital shall not be entitled to demand, receive, or accept any fee or payment of any kind in respect of his attendance on or treatment of any patient in the Hospital who is eligible for the receipt of medical relief under the Poor Relief Acts (Northern Ireland), 1838 to 1928. He may, however, receive fees from private patients attended by him in the Hospital.”

2. This Order may be cited as the District Hospitals (Amendment) Order, 1937.