

NATIONAL INSURANCE

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Children's Allowances and Orphans' Pensions (Transitional) Regulations (Northern Ireland), 1952

REGULATIONS, DATED 29TH AUGUST, 1952, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1952.

1952. No. 176

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of powers conferred by section 62 of the National Insurance Act (Northern Ireland), 1946 (a), and section 7 of the Family Allowances and National Insurance Act (Northern Ireland), 1952 (b), 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 Insurance (Children's Allowances and Orphans' Pensions) (Transitional) Regulations (Northern Ireland), 1952, and shall come into operation on the 2nd September, 1952.

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

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

“ the Family Allowances Act ” means the Family Allowances Act (Northern Ireland), 1945 (c) ;

“ the Act of 1952 ” means the Family Allowances and National Insurance Act (Northern Ireland), 1952 ;

“ the Existing Beneficiaries Regulations ” means the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948 (d), as amended (e) ;

(a) 1946. c.23. (b) 1952. c.14. (c) 1945. c.19. (d) S. R. & O. (N.I.) 1948. No. 39. (e) S. R. & O. (N.I.) 1949. No. 124 ; S. R. & O. (N.I.) 1951. No. 154 ; S. R. & O. (N.I.) 1952. No. 133.

“the Existing Contributors Regulations” means the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948 (a), as amended (b);

“the General Transitional Regulations” means the National Insurance (General Transitional) Regulations (Northern Ireland), 1948 (c), as amended (d);

“the Overlapping Benefits Regulations” means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949 (e), as amended (f);

“the Ministry” means the Ministry of Labour and National Insurance for Northern Ireland;

and other expressions have the same meanings as in the principal Act as amended by the National Insurance Act (Northern Ireland), 1951 (g), and the Act of 1952.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889 (h), applies for the purpose of the interpretation of these regulations in like manner as it applies for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

Children's allowances

2.—(1) Notwithstanding the provisions of paragraph (2) of regulation 3 of the Existing Beneficiaries Regulations (which relates to descriptions of additional benefits under the principal Act), a child's allowance shall not, as from the 2nd September, 1952, be treated as a guardian's allowance for the purpose of subsection (4) of section 29 of that Act (which section relates to overlapping benefits).

(2) As from the 2nd September, 1952, a child's allowance which would otherwise be payable in respect of a child shall not be payable in respect of any week if at the beginning of that week an award of an allowance under the Family Allowances Act in respect of the child has been made :

Provided that that child's allowance shall become payable in respect of any such week as aforesaid if and when it has been found by revision of the award, or by an express decision under section 5 of the Family Allowances Act, that the allowance under that Act awarded in respect of the child did not accrue during any part of that week and, in the case of an award or of a decision of the Ministry, the time for making

(a) S. R. & O. (N.I.) 1948. No. 129. (b) S. R. & O. (N.I.) 1949. No. 130; S. R. & O. (N.I.) 1949. No. 159; S. R. & O. (N.I.) 1951. No. 110; S. R. & O. (N.I.) 1951. No. 154; S. R. & O. (N.I.) 1952. No. 133; S. R. & O. (N.I.) 1952. No. 137. (c) S. R. & O. (N.I.) 1948. No. 239. (d) S. R. & O. (N.I.) 1951. No. 154. (e) S. R. & O. (N.I.) 1949. No. 154. (f) S. R. & O. (N.I.) 1951. No. 181; S. R. & O. (N.I.) 1951. No. 154; S. R. & O. (N.I.) 1952. No. 65; S. R. & O. (N.I.) 1952. No. 137. (g) 1951. c.18. (h) 52 & 53 Vict. c.63.

an application to have the matter referred under that section has expired or the matter has been referred thereunder and the Ministry's award or decision has been affirmed.

(3) As from the 2nd September, 1952, paragraph (2) of regulation 20 of the General Transitional Regulations (which regulation contains special provisions relating to the Family Allowances Act) shall cease to have effect.

Orphans' pensions

3.—(1) As from the 2nd September, 1952, but subject to the provisions of subsection (1) of section 27 of the principal Act (which makes it a condition of any person's right to benefit that he makes a claim therefor in the prescribed manner), the weekly rate of an orphan's pension shall, notwithstanding the provisions of regulation 14 of the Existing Beneficiaries Regulations (which contains special provisions in respect of certain children), be increased to eight shillings for any period during which —

- (a) the child in respect of whom the orphan's pension is payable is included in the family of the beneficiary ; and
- (b) an allowance under the Family Allowances Act would be payable in respect of any child of the beneficiary's family, if that orphan's pension were not payable :

Provided that, where the family of the beneficiary includes two or more children in respect of all of whom orphans' pensions are payable, the foregoing increase of orphan's pension shall as from the said date, but subject as aforesaid, be payable in the case of any such child, other than the elder or eldest, if an allowance under the Family Allowances Act would be payable in respect of him if the orphans' pensions in respect of him and the elder or eldest child were not payable.

(2) Subsection (1) of section 9 of the Act of 1952 (which relates to existing awards) shall not apply to an award of orphan's pension which is in force on the 2nd September, 1952.

(3) An orphan's pension at the weekly rate of eight shillings by virtue of paragraph (1) of this regulation shall not, for the purposes of regulation 5, as amended (a), of the Overlapping Benefits Regulations, be treated as dependency benefit.

Children treated as included in a family

4.—(1) In determining for the purpose of any regulation specified in paragraph (2) of this regulation whether a child is or would be included in a person's family on or after the 2nd September, 1952, a child shall not be treated as not so included by reason of the fact that the rate of contribution by that person (or, if the case so requires, by that person and that person's wife or husband taken together) towards the cost of providing for the child is less than eight shillings a week, provided

(a) S. R. & O. (N.I.) 1951. No. 181 ; S. R. & O. (N.I.) 1952. No. 65.

that that rate of contribution is not less than the weekly rate of the child's allowance or orphan's pension in respect of that child.

- (2) The regulations referred to in the preceding paragraph are :—
- (a) Regulation 15 of the Existing Beneficiaries Regulations (which relates to diversion of child's allowance and orphan's pension) ;
 - (b) Regulation 17 of the General Transitional Regulations (which relates to children's allowances for certain children outside Northern Ireland) ; and
 - (c) Paragraph (4) of regulation 6 of the Existing Contributors Regulations (a) (which paragraph relates to children's allowances for certain children outside Northern Ireland).

(3) Any question relating to the said rate of contribution shall be determined in like manner as a question is to be determined under subsection (2) of section 40 of the principal Act (which section relates to the determination of Claims and Questions), but any decision of any such question shall have effect only for the purposes of this regulation.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 29th day of August, 1952, in the presence of

(L.S.)

William Allen,

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

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of August, 1952, in the presence of

(L.S.)

G. N. Cox,

Assistant Secretary to the Ministry of Finance for Northern Ireland.

Claims and Payments Amendment Regulations (Northern Ireland), 1952

REGULATIONS, DATED 28TH MARCH, 1952, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1952. No. 46

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance so far as relates to matters with

(a) S. R. & O. (N.I.) 1951. No. 110.