

NATIONAL ASSISTANCE AND WELFARE SERVICES**Adaptation of Enactments**

REGULATIONS*, DATED 1ST JANUARY, 1954, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SUB-SECTION (2) OF SECTION THIRTY-FOUR OF THE WELFARE SERVICES ACT (NORTHERN IRELAND), 1949.

1954. No. 15

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sub-section (2) of section thirty-four of the Welfare Services Act (Northern Ireland), 1949(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Assistance and Welfare Services (Adaptation of Enactments) Regulations (Northern Ireland), 1954, and shall come into operation on the fourteenth day after the day on which they were approved by Parliament.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(3) References in these regulations to the provisions of any enactment shall be construed as references to those provisions as amended or applied by any subsequent enactment.

2. The enactments specified in Part I of the Schedule to these regulations are hereby adapted so as to have effect in the forms respectively set forth in Part II of that Schedule.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this first day of January, one thousand nine hundred (L.S.) and fifty-four, in the presence of

W. McCaughey,

Assistant Secretary.

(a) ~~12 & 13~~ ¹⁴ Geo. 6. Ch. 1.

(b) 52 and 53 Vict. Ch. 63.

*The above Regulations were approved by Resolution of the Senate on the 2nd day of February, 1954, and by Resolution of the House of Commons on the 10th day of February, 1954.

SCHEDULE

PART I

ENACTMENTS ADAPTED

1. The Merchant Shipping Act, 1894 (57 & 58 Vict. Ch. 60), sections 182, 183 and 184.
2. The Merchant Shipping Act, 1906 (6 Edw. 7. Ch. 48), section 28 (8).

PART II

FORM IN WHICH THE ABOVE-MENTIONED ENACTMENTS HAVE EFFECT
IN NORTHERN IRELAND1. The Merchant Shipping Act, 1894.*Reimbursement of certain expenditure in connection with
Seamen's Families*

182.—(1) Whenever, during the absence of any seaman on a voyage,

- (i) assistance is granted under the National Assistance Act (Northern Ireland), 1948(c), by reference to the requirements of his wife or any children whom he is liable to maintain in accordance with the provisions of section nineteen of that Act; or
- (ii) accommodation is provided by a welfare authority under the Welfare Services Act (Northern Ireland), 1949, for his wife or any such children, and payment for that accommodation is not made at the standard rate fixed therefor or, where such accommodation is temporary accommodation, payment is not made at such rate as the welfare authority may determine; or
- (iii) any child is received into care by a welfare authority under section eighty-one of the Children and Young Persons Act (Northern Ireland), 1950(d), in such circumstances that the seaman becomes liable to make contributions in respect of that child under that Act,

then the National Assistance Board for Northern Ireland or any welfare authority concerned shall be entitled to be reimbursed out of his wages any sums properly expended during his absence in the grant of assistance under the National Assistance Act (Northern Ireland), 1948, or the provision of accommodation under the Welfare Services Act (Northern Ireland), 1949, to or for those members of his family or any of them, or to receive contributions in respect of any sums so expended as aforesaid in the maintenance of any child under the Children and Young Persons Act

Relief to seamen's families to be chargeable on a certain proportion of their wages.

(Northern Ireland), 1950, so, however, that the sums do not exceed the following proportions of his wages; that is to say,

- (a) If only one of those members is granted assistance or provided with accommodation or maintained as aforesaid, one half of the wages:
 - (b) If two or more of those members are granted assistance or provided with accommodation or maintained as aforesaid, two thirds of the wages.
- (2) If during the absence of the seaman any sums have been paid by the owner of his ship to or on behalf of any such member as aforesaid, under an allotment note made by the seaman in favour of the member, any claim for reimbursement or contributions as aforesaid shall be limited to the excess (if any) of the proportion of the wages hereinbefore mentioned over the sums so paid.

183.—(1) For the purpose of obtaining such reimbursement or contributions as aforesaid the National Assistance Board or the welfare authority may give to the owner of the ship in which the seaman is serving a notice in writing stating the proportion of the seaman's wages upon which it is intended to make a claim, and requiring the owner to retain such proportion in his hands for a period to be therein mentioned, not exceeding twenty-one days from the time of the seaman's return to his port of discharge, and also requiring the owner immediately on the seaman's return to give notice in writing thereof to the National Assistance Board or the welfare authority.

Notice to owner, and enforcement of charge.

(2) The owner, after receiving any such notice, shall retain the said proportion of wages, and give notice of the seaman's return accordingly, and shall likewise give to the seaman notice of the intended claim.

(3) The National Assistance Board or the welfare authority may, upon the seaman's return, apply to a court of summary jurisdiction having jurisdiction in the place where the assistance under the National Assistance Act (Northern Ireland), 1948, was given or applied for or the place where the accommodation was provided under the Welfare Services Act (Northern Ireland), 1949, or application was made for the provision thereof, or, in the case of a welfare authority into whose care a child has been received under section eighty-one of the Children and Young Persons Act (Northern Ireland), 1950, having jurisdiction in the area of that welfare authority, for an order for reimbursement or, as the case may be, requiring contributions to be made; and that court may make a summary order for the reimbursement to the whole extent claimed, or to such lesser amount as the court, under the circumstances, think fit; or, as the case may require, may make an order requiring such contributions to be made as the court, having regard to the seaman's means, think fit; and the owner shall pay to the National Assistance Board or the welfare authority out of the seaman's wages the amount so ordered to be paid by way of reimbursement or contributions, and shall pay the residue of the wages to the seaman.

(4) If no order for reimbursement or contributions is obtained within the period mentioned in the notice given to the owner as aforesaid, the proportion of wages to be retained by him shall immediately on the expiration of that period and without deduction be payable to the seaman.

Destitute Seamen

Penalty on
masters of
ships
leaving
certain
seamen in
distress in
the United
Kingdom

184.—(1) If any person being a native of any country in Asia or Africa, or of any island in the South Sea or the Pacific Ocean, or of any other country not having a consular officer in the United Kingdom, is brought to the United Kingdom in a ship, British or foreign, as a seaman, and is left in the United Kingdom, and within six months of his being so left is granted assistance by the National Assistance Board under the National Assistance Act (Northern Ireland), 1948, or is provided with accommodation by a welfare authority under the Welfare Services Act (Northern Ireland), 1949, and payment for that accommodation is not made at the standard rate fixed therefor or, where such accommodation is temporary accommodation, at such rate as the welfare authority may determine, or commits any act by reason whereof he is liable to be convicted as an idle and disorderly person, or any other act of vagrancy, the master or owner of the ship, or in case of a foreign ship the person who is consignee of the ship at the time of the seaman being so left as aforesaid, shall be liable to a fine not exceeding thirty pounds, unless he can show that the person left as aforesaid quitted the ship without the consent of the master, or that the master, owner, or consignee, has afforded him due means of returning to his native country, or to the country in which he was shipped.

(2) The court inflicting the fine may order the whole or any part of the fine to be applied towards the expenditure incurred by the National Assistance Board or the welfare authority in granting that assistance or providing that accommodation or towards the sending home of the person left.

2. The Merchant Shipping Act, 1906.

28.—(8) The Board of Trade shall not be under any liability with respect to anything done under this section, except that, if after the wages or effects of a seaman have been dealt with under this section, any legal proceedings are taken in respect of those wages or effects, or involving the forfeiture of those wages or effects, or of any sum out of the wages, by the seaman against the master or owner of the ship, or by the master or owner of the ship against the seaman, the Board shall, if notice is given to them of the proceedings, and a reasonable opportunity afforded to them of appearing, comply with any order of the court made as respects the wages or effects, so far as they can do so out of the wages and effects remitted to them in respect of the voyage of the ship, and, so far as those wages and effects are not required for reimbursing any expenses incurred by or on behalf of the Crown, or incurred by the Government of a