1971. No. 122 **[C]**

FAMILY INCOME SUPPLEMENTS

General

REGULATIONS, DATED 27TH APRIL 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FAMILY INCOME SUPPLEMENTS ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services, in exercise of powers conferred by sections 4(2), 5(2), 6(2), 8(2) and (3) and 10(2) of the Family Income Supplements Act (Northern Ireland) 1971(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 10(3) of that Act:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Income Supplements (General) Regulations (Northern Ireland) 1971 and shall come into operation on 3rd May 1971.

(2) In these regulations—

"the Act" means the Family Income Supplements Act (Northern Ireland) 1971;

"the Appeal Tribunal" has the same meaning as in section 7(3) of the Act;

"the appointed day" means the day appointed by the Minister under section 15 of the Act;

"attendance allowance" means an attendance allowance under the National Insurance Acts (Northern Ireland) 1966 to 1970; an increase of disablement pension under section 15 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**b**); a payment under regulations made in exercise of the power in section 76(2)(*b*) of that Act; an increase of allowance under Article 8 of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966(**c**); and an allowance in respect of constant attendance on account of disablement for which a person is in receipt of a war disablement pension, including an allowance in respect of exceptionally severe disablement;

"benefit" means a family income supplement under the Act;

"beneficiary" means a person by whom benefit is or was receivable and any person authorised or appointed to act for such a person;

"claim" means a claim for benefit;

"the Commission" means the Supplementary Benefits Commission;

"war disablement pension" means—

(*a*) retired pay, pension or allowance granted under powers conferred by or under the Ministry of Pensions Act 1916(**d**), the Air Force (Constitution) Act 1917(**e**), the Pensions (Navy, Army, Air Force

(**a**) 1971. c. 8 (N.I.).
(**b**) 1966. c. 9 (N.I.).
(**c**) S.I. 1966/164.
(**d**) 6 & 7 Geo. 5. c. 65.
(**e**) 7 & 8 Geo. 5. c. 51.

and Mercantile Marine) Act 1939(**f**), the Personal Injuries (Emergency Provisions) Act 1939(**g**), the Polish Resettlement Act 1947(**h**), the Home Guard Act 1951(**i**) or the Ulster Defence Regiment Act 1969(**j**); and

(*b*) injury or disablement pension payable under any scheme made under the Injuries in War (Compensation) Act 1914(**k**) and the Injuries in War (Compensation) Act 1915(**l**), or under any War Risks Compensation Scheme for the Mercantile Marine.

Computation of normal gross income of members of a family

2.—(1) For the purposes of the Act, a person's normal gross income and the weekly amount thereof shall be calculated or estimated in the manner provided in paragraphs (2) to (5).

(2) In so far as a person's normal gross income consists of earnings from a gainful occupation, the weekly amount of that person's normal gross income therefrom shall be calculated or estimated by reference to the average of his earnings from that occupation over the period of the five weeks (being pay-weeks if in respect of that occupation he is paid weekly) or the two pay-months (if in respect of that occupation he is paid monthly) immediately preceding the date on which the claim is made, so, however, that in any case, and in particular in a case where a person has been working abnormally long or short hours in a gainful occupation, or has commenced working in a gainful occupation shortly before the claim is made, or is following a gainful occupation from which his earnings normally fluctuate at approximately the same time or times each year, or is following a gainful occupation otherwise than under a contract of service, the Commission or the Appeal Tribunal may have regard to the average of a person's earnings from a gainful occupation over such other period or periods as may appear to them to be appropriate in order properly to determine what is that person's normal weekly income therefrom.

(3) In so far as a person's earnings from any gainful occupation comprise salary, wages or fees related to a fixed period, the gross amount thereof shall be taken into account; and in so far as a person's earnings from any gainful occupation do not comprise salary, wages or fees related to a fixed period, the net profit derived from that occupation shall be taken into account.

(4) In so far as a person's normal gross income does not consist of earnings from a gainful occupation, the weekly amount thereof shall be calculated or estimated on such basis as appears to the Commission or the Appeal Tribunal to be appropriate in the circumstances of the particular case.

(5) In calculating or estimating a person's normal gross income and the weekly amount thereof, there shall be disregarded—

(*a*) the whole of any sums by way of attendance allowance;

(*b*) the whole of any payments made in respect of a child who is boarded out for the purposes of the Children and Young Persons (Boarding Out) Regulations (Northern Ireland) 1950(**m**);

(*c*) the whole of any sums by way of benefit under the Act;

(*d*) the whole of any sums by way of benefit under the Supplementary Benefits Act; and

(*e*) up to £2·00 a week of any war disablement pension payable.

(**f**) 2 & 3 Geo. 6. c. 83.
(**g**) 2 & 3 Geo. 6. c. 82.
(**h**) 10 & 11 Geo. 6. c. 19.
(**i**) 15 & 16 Geo. 6 and 1 Eliz. 2. c. 8.
(**j**) 1969. c. 65.
(**k**) 4 & 5 Geo. 5. c. 30.
(**l**) 5 & 6 Geo. 5. c. 24.
(**m**) S.R. & O. (N.I.) 1950, No. 43.