**1968. No. 174** [C]

# FAMILY ALLOWANCES

## Determination of Claims and Questions

REGULATIONS, DATED 25TH JULY 1968, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966, AND THE FAMILY ALLOWANCES ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 72, 74(2) and 80(3) of the National Insurance Act (Northern Ireland) 1966(**a**), and sections 5(2) and 8(1) and (2) of the Family Allowances Act (Northern Ireland) 1966(**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 Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland) 1968 and shall come into operation on 2nd September 1968.

(2) In these regulations—

"the Family Allowances Act" means the Family Allowances Act (Northern Ireland) 1966;

"the National Insurance Act" means the National Insurance Act (Northern Ireland) 1966;

"local tribunal" and "insurance officer" have the same meanings as in the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968(**c**);

"allowance" means an allowance under the Family Allowances Act;

"award" means an award of an allowance;

and other expressions have, as the case may require, the same meanings as in the Family Allowances Act or the National Insurance Act.

*Modification of provisions of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968 in their application to family allowances*

**2.** Where by virtue of section 5(2) of the Family Allowances Act (determination of questions arising under that Act) any of the provisions of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968 apply in relation to the determination for the purposes of the Family Allowances Act of any question as to the right to an allowance in respect of any person for any family, those provisions shall apply subject to the provisions of these regulations and in particular to the following modifications, that is to say, that references in the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968 to a question as to the right to benefit shall be treated as including references to a question as to the right to an allowance and references to a claim or to a claimant shall be construed accordingly.

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(**a**) 1966. c. 6 (N.I.).
(**b**) 1966. c. 8 (N.I.).
(**c**) S.R. & O. (N.I.) 1968, No. 172.

*Review of decisions of insurance officers*

**3.**—(1) Any decision given by an insurance officer by virtue of section 5(2) of the Family Allowances Act or in accordance with section 75(1) of the National Insurance Act (determination of certain questions as to child or family) may be reviewed at any time by an insurance officer, or, on a reference from an insurance officer, by a local tribunal, on the ground that the decision was erroneous in point of law.

(2) Nothing in paragraph (1) shall in relation to such a decision prejudice the operation of section 71(1) of the National Insurance Act (review on various grounds of decisions of insurance officer, local tribunal or Commissioner), but the provisions of subsections (2), (3) and (4) of that section (procedure on such review) shall, subject to the necessary modifications, apply to a review under this regulation as they apply to a review under the said section 71(1).

*Review of decisions involving payment of allowances*

**4.**—(1) Where on review a decision is revised so as to make sums on account of an allowance payable the decision given on the review shall have effect as if a claim to the allowance had been made on the date of the application for the review and accordingly no sum on account of the allowance shall be payable in respect of any period earlier than six months before the date on which such application was made.

(2) For the purpose of this regulation, where a decision is reviewed at the instance of an insurance officer, the date on which it was first decided by the insurance officer that the decision should be reviewed shall be deemed to be the date of the application for the review.

*Adjustment of sums paid on account of allowances*

**5.**—(1) In any case in which—

(*a*) by virtue of an award sums have been paid on account of an allowance by reason of the inclusion of a child in one family (in this regulation referred to as "the first family"); and

(*b*) by a subsequent decision the child is found to be included in another family (in this regulation referred to as "the second family") during a period for which the sums were paid, and an award is made for the second family by reason of the inclusion of the child in that family; and

(*c*) either—

(i) during that period the conditions of the Family Allowances Act and regulations for the inclusion of the child in the first family would have been satisfied but for the inclusion of that child in the second family by virtue of the provisions of paragraphs 1, 2 or 3 of the Schedule to that Act; or

(ii) the sums paid for that period were paid to the person to whom arrears have become payable by reason of the inclusion of the child in the second family or, where that family is the family of a man and his wife living together, were paid to the man on account of an allowance for the family of that man as not having a wife or not living together with his wife;

the subsequent decision shall direct that the sums so paid shall be treated, in accordance with paragraph (2), as having been properly paid for that period and that any arrears payable for that period or any part thereof by virtue of the award to the second family shall be reduced to the extent to which the