1967. No. 226 **[C]**

FAMILY ALLOWANCES, NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Temporary Increase and Consequential Provisions

ORDER, DATED 21ST AUGUST 1967, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, WITH THE CONSENT OF THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1967.

The Ministry of Health and Social Services, with the consent of the Ministry of Finance, in exercise of powers conferred by section 6 of the National Insurance Act (Northern Ireland) 1967(**a**), and of all other powers enabling it in that behalf, hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Family Allowances (Temporary Increase and Consequential Provisions) Order (Northern Ireland) 1967 and shall come into operation on 22nd August 1967.

(2) In this order—

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

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

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**d**);

"the Act of 1967" means the National Insurance Act (Northern Ireland) 1967;

"the increase date", in relation to benefit of any description under the Insurance Act or the Industrial Injuries Act, means the day appointed under paragraph 1 of Schedule 7 to the Act of 1967 (general provisions for appointed days) or prescribed by regulations under the Act in question for the payment of benefit of the description in question at a higher weekly rate or within a higher maximum weekly rate by virtue of the Act of 1967 or any regulations made in consequence thereof; and, in relation to allowances under the Family Allowances Act means 24th October 1967;

"serial order" means one of a series of orders for the payment of a sum on account of benefit which is or has been contained in a book of such orders;

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

Temporary increase of family allowances

2. In respect of the period beginning with 24th October 1967 and ending with 8th April 1968, the weekly rate of every family allowance payable under section 1 of the Family Allowances Act (direction for payment, and amount, of allowances) in respect of a child in a family not being the elder or eldest or the first or second child other than the elder or eldest shall be increased

(**a**) 1967. c. 22 (N.I.).
(**b**) 1966. c. 8 (N.I.).
(**c**) 1966. c. 6 (N.I.).
(**d**) 1966. c. 9 (N.I.).

by five shillings; and accordingly the said section 1 shall in respect of that period have effect as if, for the words "and ten shillings a week in respect of each other such child", there were substituted the words "ten shillings a week in respect of the second such child and fifteen shillings a week in respect of each other such child".

Temporary reduction of insurance benefit for children

3. In respect of the period beginning with the increase date and ending with 8th April 1968 the weekly rate of—

(*a*) an increase of benefit under any of the provisions of section 39 of the Insurance Act (increase of benefit for children); or

(*b*) an increase of injury benefit or disablement pension under section 17 of the Industrial Injuries Act (increase of injury benefit or disablement pension in respect of children) or a death benefit allowance under section 21(1) of that Act (children of deceased's family);

shall in the case of any qualifying child other than the only, elder or eldest, second or third be reduced by five shillings a week; and accordingly the enactments and regulations specified in column (1) of the Schedule shall in respect of that period have effect as if there were made in them the modifications specified in column (3) of that Schedule.

Awards

4.—(1) In relation to benefit under the Insurance Act or the Industrial Injuries Act, any reference in paragraph 2 of Schedule 7 to the Act of 1967 (effect of awards made before, or in respect of the period beginning before, appointed or prescribed day) or in any regulations made thereunder to a higher weekly rate or higher maximum weekly rate shall, as respects any period to which Article 3 applies, be construed as referring to such rate as modified by the said Article 3.

(2) In relation to allowances under the Family Allowances Act, the provisions of the said paragraph 2 shall, as respects any period to which Article 2 applies, apply in like manner as they apply to benefit to which they relate, so, however, that the reference in those provisions to the increase date shall be construed as a reference to 24th October 1967 and any reference therein to prescribing by regulations shall include a reference to prescribing by order under section 6 of the Act of 1967.

(3) Where an award of an allowance under the Family Allowances Act has been made before the increase date, the said paragraph 2 as applied by paragraph (2) of this Article shall, if the period to which the award relates has not ended before the increase date, have effect subject to the following conditions:

(*a*) If the award has not been made in accordance with paragraph 2(2) of the said Schedule 7 (which sub-paragraph authorises the making of such an award providing for the payment of an allowance at the higher weekly rate as from that date), and a question arises as to—

(i) the weekly rate at which the allowance is payable by virtue of this order, or

(ii) whether the conditions for the receipt of the allowance at the higher weekly rate are satisfied,

the allowance shall be or continue to be payable at the weekly rate specified in the award until the said question shall have been determined in accordance with the provisions of the Family Allowances Act.

(*b*) Without prejudice to the application of section 7(2) of the Family Allowances Act (extinguishment of the right to an allowance) to so much of an allowance as is payable by a sum on account thereof made receivable under that section, the right to any additional family allowance by virtue of Article 2 shall—

(i) as respects the period beginning with the increase date and ending with the expiration of the order book of the person by whom sums on account of the allowance are receivable being an order book which is current on the increase date, or, if there is no such order book, 8th April 1968; and

(ii) so far as sums on account of such additional allowance have not become receivable under the said section 7;

be extinguished at the expiration of 18 months from the increase date:

Provided that in a case where the said current order book expires after 8th April 1968, head (i) of this sub-paragraph shall apply as if there were no such order book.

(*c*) Benefit under the Insurance Act or the Industrial Injuries Act paid to one person in respect of a child as being, or falling for the purposes of the relevant provision to be treated as, a child of the family of that person shall, unless it is required to be repaid, be treated as properly paid for any period for which it is not in fact payable, but would have been payable but for the provisions of Article 3, in cases where, by virtue of the provisions of Article 2, either that person or another person is entitled to any additional family allowance in respect of that child for that period; and any arrears of family allowance payable in respect of that child for that period shall be reduced or withheld accordingly:

Provided that for the purposes of this paragraph a week for which a family allowance is payable and a week for which benefit is payable by means of a serial order shall be treated as coincident if they begin on different days in the same calendar week.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 21st day of August 1967.

(L.S.) *W. J. Arthurs,*
Assistant Secretary.

The Ministry of Finance hereby consents to this order.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 21st day of August 1967.

(L.S.) *R. R. Butler,*
Assistant Secretary.