Statutory Rules and Orders of Northern Ireland	*Citation*	*Extent of Revocation*
S.R. & O. (N.I.) 1960, No. 141	The National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations (Northern Ireland), 1960.	The whole of the regulations.
S.R. & O. (N.I.) 1960, No. 194	The National Insurance (Graduated Contributions and Non-participating Employments — Miscellaneous Provisions) Regulations (Northern Ireland), 1960.	In the Schedule, the entry relating to the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948.
S.R. & O. (N.I.) 1961, No. 77	The Family Allowances and National Insurance (Commissioner—Transitional and Consequential Provisions) Regulations (Northern Ireland), 1961.	In the Schedule, the entry relating to the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948, and subsequent amending regulations which are set out in the Third Schedule and are revoked by regulation 16.

No amendments other than those of a drafting or consequential nature have been made.

1961. No. 223 **[C]**

FAMILY ALLOWANCES

Qualifications

REGULATIONS, DATED 27TH NOVEMBER, 1961, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE FAMILY ALLOWANCES ACT (NORTHERN IRELAND), 1945.

The Ministry of Labour and National Insurance, 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 17(1), 21(7) and 24 of the Family Allowances Act (Northern Ireland),

1945(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Allowances (Qualifications) Regulations (Northern Ireland), 1961, and shall come into operation on the 1st December, 1961.

(2) In these regulations—

"the Act" means the Family Allowances Act (Northern Ireland), 1945;

"the Ministry" means the Ministry of Labour and National Insurance;

the expressions "a member of the Forces", "a merchant seaman", "a British protected person" and "a person under treatment" have the meanings assigned to them in the First Schedule;

"parent" means in relation to any child, the person in whose family such child would, if living with such person, be treated as included for the purposes of the Act as being issue of that person or, in the case of a man and his wife living together, as being issue of either the man or his wife.

PART II

REQUIREMENTS AS TO NATIONALITY, RESIDENCE, ETC.

Requirements for family of a man and his wife living together

2. It shall be a condition of the right to any allowance at any date for the family of a man and his wife living together, if the man is not a British subject whose place of birth is in the United Kingdom, that one of the following requirements is satisfied, namely:

(*a*) that the wife is at that date a British subject whose place of birth is in the United Kingdom; or

(*b*) that the man or the wife is a British subject or a British protected person who for at least one hundred and four weeks in the aggregate out of the three years immediately preceding that date has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman; or

(*c*) that for at least one hundred and fifty-six weeks in the aggregate out of the four years immediately preceding that date the man or the wife has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman.

Requirements for family of a man not having a wife or not living together with his wife

3. It shall be a condition of the right to any allowance at any date for the family of a man not having a wife or not living together with his wife, if he is not a British subject whose place of birth is in the United Kingdom, that one of the following requirements is satisfied, namely:

(*a*) that he is at that date a British subject or a British protected person who for at least one hundred and four weeks in the aggregate out

(a) 1945. c. 19.

of the three years immediately preceding that date has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman; or

(*b*) that for at least one hundred and fifty-six weeks in the aggregate out of the four years immediately preceding that date he has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman.

Requirements for family of a woman not having a husband or not living together with her husband

4. It shall be a condition of the right to any allowance at any date for the family of a woman not having a husband or not living together with her husband, if she is not a British subject whose place of birth is in the United Kingdom, that one of the following requirements is satisfied, namely:

(*a*) that she is a British subject or a British protected person who for at least one hundred and four weeks in the aggregate out of the three years immediately preceding that date has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman; or

(*b*) that for at least one hundred and fifty-six weeks in the aggregate out of the four years immediately preceding that date she has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman.

Aggregation of periods

5. Periods during which a person is present in Northern Ireland and periods during which, when not so present, he is a member of the Forces or a merchant seaman shall be aggregated.

Effect of once satisfying requirements

6. Notwithstanding anything contained in this Part, where a person has once been a member, otherwise than as a child, of a family for which the right to an allowance existed at any time while he or she was such a member, he or she shall thenceforth be treated as having satisfied the conditions of sub-section (1) of section 24 of the Act for the purposes of any allowances at any date for that family or for any other family of which he or she may subsequently become a member.

PART III

RULES FOR DETERMINING WHETHER PRESENCE IN OR ABSENCE FROM NORTHERN IRELAND IS OR IS NOT TO BE TREATED AS TEMPORARY

Interpretation

7. In this Part, "presence" and "absence" mean actual presence in and actual absence from Northern Ireland respectively.

An adult's presence in or absence from Northern Ireland

8.—(1) For the purposes of sub-section (2) of section 24 of the Act—

(*a*) the presence of a person at any date shall be treated as temporary except in the following circumstances:

(i) if for at least twenty-six weeks in the aggregate out of the twelve months immediately preceding that date he has either been present

or, when not so present, been a member of the Forces, a merchant seaman or a person under treatment; or

(ii) if the period of that presence has been immediately preceded by a period of absence throughout which there was a right to an allowance for his family;

(*b*) the absence of a person at any date shall be treated as temporary except in the following circumstances:

(i) if it is or was when it began for a purpose other than a temporary purpose; or

(ii) if it has lasted for a continuous period exceeding six months; or

(iii) if the person is a member of a family for which there was no right to an allowance in existence immediately prior to that date, and for more than twenty-six weeks in the aggregate out of the twelve months immediately preceding that date he has neither been present nor been a member of the Forces, a merchant seaman or a person under treatment:

Provided that the absence of a person at any date while he is a member of the Forces, a merchant seaman or a person under treatment shall always be treated as temporary if for at least twenty-six weeks in the aggregate out of the twelve months immediately preceding that date he has either been present or, when not so present, been a member of the Forces, a merchant seaman or a person under treatment.

(2) Where at any date there is already in existence a right to one or more allowances for the family of a man and his wife, that family shall, for the purposes of this regulation, be treated as continuing in existence despite the death of either of them occurring whilst they are living together.

Aggregation of periods

9. For the purposes of regulation 8 periods during which a person is present and periods during which, when not so present, he is a member of the Forces, a merchant seaman or a person under treatment, shall be aggregated.

A child's presence in or absence from Northern Ireland

10. For the purposes of sub-section (3) of section 24 of the Act, the presence or absence of a child at any date shall not be treated as temporary except in the following circumstances:

(*a*) the presence at any date of a child whose place of birth is not in the United Kingdom and who would, if his presence were treated as other than temporary, be included in the family of any person other than a parent, shall be treated as temporary unless—

(i) he has been present for the whole period of six months immediately preceding that date; or

(ii) the period of that presence has been immediately preceded by a period of temporary absence;

(*b*) the absence of a child who is ordinarily resident in Northern Ireland shall be treated as temporary—

(i) if and so long as it is not intended to exceed and has not exceeded six months, for the period of such absence; or

(ii) in any other case if it is for a temporary purpose, for such period or periods, if at all, as the Ministry in its discretion may from time