Death Grant (Consequential Provisions) Regulations (Northern Ireland), 1957

REGULATIONS, DATED 30TH DECEMBER, 1957, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 267 [C]

The National Insurance Joint Authority, in exercise of the powers conferred by sections 21(5), 24 and 29(1) of the National Insurance Act (Northern Ireland), 1946(a), and the Ministry of Labour and National Insurance, in exercise of the powers conferred by sections 21(2), 21(4), 28, 40 and 43(3) of that Act, in each case in conjunction with the Ministry of Finance so far as relates to matters with regard to which that Ministry has so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1.—(1) These regulations may be cited as the National Insurance (Death Grant) (Consequential Provisions) Regulations (Northern Ireland), 1957, and shall come into operation on the 1st January, 1958.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Death Grant Regulations" means the National Insurance (Death Grant) Regulations (Northern Ireland), 1949(b);

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

and other expressions have the same meanings as in the Act.

Claims and payments

2.—(1) The provisions of regulation 18 of the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948(c), (which relates to payments on death) shall apply to death grant as if it were a benefit due to the deceased at his death, and accordingly that regulation shall be amended in accordance with the following provisions of this regulation and shall have effect as set out in Part I of the Schedule.

(2) In paragraph (1) of the said regulation 18, after the words "entitled to benefit", there shall be inserted the words "or in respect of whose death a death grant is alleged to be

(a) 1946. c. 23.
(b) S.R. & O. (N.I.) 1949. No. 142 as amended by S.R. & O. (N.I.) 1950. No. 11; S.R. & O. (N.I.) 1952. No. 46; S.R. & O. (N.I.) 1957. No. 72.
(c) S.R. & O. (N.I.) 1948. No. 196 as amended by S.R. & O. (N.I.) 1949. No. 142; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 46; S.R. & O. (N.I.) 1952. No. 141; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1954. No. 45; S.R. & O. (N.I.) 1957. No. 72; and S.R. & O. (N.I.) 1957. No. 179.

payable ", and at the end of the paragraph there shall be inserted the words " Provided that in the case of a death grant a claim may be made by any person specified in the next following paragraph of this regulation."

(3) In the proviso to paragraph (3) of the said regulation 18, for the words " the next following paragraph " there shall be substituted the words " paragraph (4) ".

(4) After paragraph (3) of the said regulation 18, there shall be inserted the following:—

" (3A) In relation to a death grant, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the National Insurance Fund any death grant so paid to him.

(3B) Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him."

Children

3. The following provisions shall be added after regulation 4 of the Death Grant Regulations:—

" *Children*

4A. Where the deceased was at death a child but the requirements of subsection (1) of section 21 of the Act (which subsection specifies the persons by whom the contribution conditions for death grant may be satisfied) are not satisfied, a death grant shall, subject to the provisions of the Act, be payable in respect of the death of the deceased if the relevant contribution conditions are satisfied by either—

(*a*) a parent (including a person who has adopted a child within the meaning of the Adoption of Children Act (Northern Ireland), 1950(**a**)), of the deceased, notwithstanding that the deceased was not at death a child of the family of that parent; or

(*b*) a person who, immediately before the deceased's death, was entitled to an increase of benefit in respect of the deceased under section 22 of the Act (which relates to increases of benefit for children) or would have been so entitled had he then been entitled to any benefit of which that section provides an increase:

Provided that—

(i) (subject to the next following paragraph of this proviso) the amount of a death grant payable by

(**a**) 1950. c. 6.

virtue of this regulation shall not exceed the amount of the deceased's funeral expenses;

(ii) the foregoing paragraph of this proviso shall not apply if the deceased would have been a child of the family of a parent satisfying the relevant contribution conditions but for the provisions of subsection (3) of section 24 of the Family Allowances Act (Northern Ireland), 1945(a) (which subsection makes it a condition of a child's being included in a family that the child is in Northern Ireland)."

Deaths occurring outside Northern Ireland

4.—(1) Regulation 5 of the Death Grant Regulations (which relates to deaths occurring outside Northern Ireland) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part II of the Schedule.

(2) In the said regulation 5, before the words "Subject" and "paragraphs", there shall be inserted respectively the expressions "(1)" and "sub-".

(3) In paragraph (*b*) of the said regulation 5, the words "and in any such case the death occurred in any part of His Majesty's dominions" shall be omitted.

(4) For paragraph (*c*) of the said regulation 5, there shall be substituted the following:—

"(*c*) that the deceased was a widow who was, immediately before her death, entitled to any personal death benefit by way of pension or allowance in respect of the death of her husband under any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme; or".

(5) In paragraph (*e*) of the said regulation 5, for the words "the last complete contribution year before his death", there shall be substituted the words "a contribution year, being either the last complete contribution year before his death or the contribution year immediately preceding that year".

(6) In paragraph (*g*) of the said regulation 5, the words "widow's benefit, a retirement pension or industrial death benefit," and the words "or of the National Insurance (Industrial Injuries) (Mariners) Regulations (Northern Ireland), 1948, or the National Insurance (Industrial Injuries) (Airmen) Regulations (Northern Ireland), 1948," shall be omitted.

(7) In paragraph (*h*) of the said regulation 5, the words "of paragraph (*b*)" shall be omitted, and for the words "paragraph (*b*)", where they occur for the second time, there shall be substituted the words "subsection (1)".

(8) For paragraph (*j*) of the said regulation 5, there shall be substituted the following:—

(a) 1945. c. 19.

"(*j*) that the deceased was a woman who immediately before death was residing in Northern Ireland with her husband, and he was then an insured person satisfying the relevant contribution conditions; or

(*jj*) that the deceased was a child (including a person treated as a child under subsection (3) of section 21 of the Act (which subsection has effect by virtue of section 7 of the National Insurance Act (Northern Ireland), 1957(**a**))) who immediately before death was residing in Northern Ireland with an insured person by virtue of whose satisfaction of the relevant contribution conditions a death grant is payable in respect of the deceased's death; or".

(9) The proviso to the said regulation 5 shall be omitted.

(10) At the end of the said regulation 5, there shall be inserted the following—

"(2) In this regulation, the expressions "personal death benefit", "Personal Injuries Scheme", "Service Pensions Instrument" and "1914-1918 War Injuries Scheme" have the same meanings as in the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(**b**)."

Absence from Northern Ireland

5. In regulation 6 of the Death Grant Regulations (which relates to absence from Northern Ireland) all words after the words "Northern Ireland", where they first appear, shall be omitted.

Partial satisfaction of contribution conditions, and reduced amount of death grant

6.—(1) Regulation 10 of the Death Grant Regulations (which relates to the partial satisfaction of contribution conditions, and reduced amount of death grant) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part III of the Schedule.

(2) In paragraph (1) of the said regulation 10 the words "a person would be entitled to" shall be omitted and after the words "death grant" there shall be inserted the words "would be payable"; and the words "that person shall nevertheless be entitled to" shall be omitted and after the words "the grant" there shall be inserted the words "shall nevertheless be payable".

Revocations

7. Regulation 11 of the Death Grant Regulations (which relates to adjustment of death grant) and sub-paragraphs (*d*) and (*e*) of paragraph (1) of regulation 2 of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(**c**) (which sub-paragraphs have effect by virtue of

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(**a**) 1957. c. 7.

(**b**) S.R. & O. (N.I.) 1949. No. 154 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1951. No. 181; S.R. & O. (N.I.) 1952. No. 65; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 80; S.R. & O. (N.I.) 1953. No. 123; and S.R. & O. (N.I.) 1955. No. 7.

(**c**) S.R. & O. (N.I.) 1948. No. 185 as amended by S.R. & O. (N.I.) 1951. No. 157; S.R. & O. (N.I.) 1953. No. 123; S.R. & O (N.I.) 1956. No. 8; and S.R. & O. (N.I.) 1957. No. 169.