Guardian's Allowances Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 15TH NOVEMBER, 1957, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1957.

1957. No. 242 [C]

The National Insurance Joint Authority, in exercise of the powers conferred by section 18 of the National Insurance Act (Northern Ireland), 1946(a), and the Ministry of Labour and National Insurance, in exercise of powers conferred by section 9 of the National Insurance Act (Northern Ireland), 1957(b), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Guardian's Allowances) Amendment Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Guardian's Allowances) Regulations (Northern Ireland), 1948(c), (hereinafter referred to as "the principal regulations"), and shall come into operation on the 18th November, 1957.

Amendment of the principal regulations

2. The principal regulations shall be amended in accordance with the following provisions and shall accordingly have effect as set out in the Schedule.

Amendment of regulation 2 of the principal regulations

3.—(1) In regulation 2 of the principal regulations (which relates to adopted children), for the reference to the Adoption of Children Act (Northern Ireland), 1929(d), there shall be substituted a reference to the Adoption of Children Act (Northern Ireland), 1950(e), and the words "(including any step-parent)" shall be omitted.

(2) In paragraph (*a*) of the said regulation 2, the words "and that, if that person married after the date of the adoption order, the spouse whom that person so married is also dead" shall be omitted.

(3) In paragraph (*b*) of the said regulation 2, the words "or by one of two spouses with the consent of the other" and the words "and that, if either of them remarried, the person whom either of such spouses remarried is also dead" shall be omitted.

(4) In paragraph (*c*) of the said regulation 2, there shall be inserted after the word "spouses" the words "with or" and

(a) 1946. c.23.
(b) 1957. c.7.
(c) S.R. & O. (N.I.) 1948. No. 235.
(d) 20 Geo. 5. c.15.
(e) 1950. c.6.

the words "and that, if at the death of that spouse the spouse who did not consent to the adoption has in fact assumed joint responsibility for the child, such other spouse is also dead; and further that, if the spouse who adopted the child remarried, the person to whom that spouse was remarried is also dead" shall be omitted.

Amendment of regulation 3 of the principal regulations

4.—(1) In paragraph (1) of regulation 3 of the principal regulations (which relates to illegitimate children), the words "(including any step-parent)" and the words "or conditions" shall be omitted.

(2) In sub-paragraph (*a*) of the said paragraph (1) the words "and, where applicable, the further condition specified in paragraph (2) of this regulation" shall be omitted.

(3) In sub-paragraph (*b*) of the said paragraph (1) the words "and, where applicable, the further condition specified in the said paragraph (2)" shall be omitted.

(4) Paragraph (2) of the said regulation 3 shall be omitted.

Children of divorced persons, etc.

5.—(1) In paragraph (1) of regulation 4 of the principal regulations (which relates to children of divorced persons) the words after the word "divorce" shall be omitted and there shall be substituted the following words "and where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, there shall be substituted for the said condition that the parents of the child are dead the condition that one parent is dead."

(2) In paragraph (2) of the said regulation 4 the words "and persons who marry any such persons, and the expression 'step-parent' shall be construed accordingly" shall be omitted.

(3) After the said paragraph (2) there shall be inserted the following paragraph:—

"(3) For the purposes of this regulation, a voidable marriage which has been annulled, whether before or after the date when this paragraph comes into force, shall be treated as if it had been a valid marriage which was terminated by divorce at the date of the annulment."

Amendment of regulation 5 of the principal regulations

6. In paragraph (1) of regulation 5 of the principal regulations (which relates to children whose parents cannot be traced), for the words "at the date of the death of one of the parents of a child the other parent cannot be traced", there shall be substituted the words "one of the child's parents is dead and the person claiming the guardian's allowance shows that he was at the date of the death unaware of, and has failed after all reasonable efforts to discover, the whereabouts of the other parent," and the words "(including any step-parent)" shall be omitted.