(2) In paragraph (2) of the said regulation 14 there shall be substituted for the words " five shillings ", in each place where they occur, the words " six shillings and sixpence ".

Sealed with the Official Seal of the National Assistance Board for Northern Ireland this 13th day of August, 1952, in the presence of

(L.S.)

J. Gorman,
Secretary to the National Assistance Board for Northern Ireland.

I, THE RIGHT HONOURABLE IVAN NEILL, Minister of Labour and National Insurance for Northern Ireland, hereby confirm the foregoing regulations.

Given under my hand this 18th day of August, 1952.

Ivan Neill,
Minister of Labour and National Insurance for Northern Ireland.

PENSION

Increase of Pensions

REGULATIONS, DATED 10TH DECEMBER, 1952, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 3 (5) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND), 1944, AND SECTION 3 (4) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND), 1952.

1952. No. 224

The Ministry of Finance in exercise of the powers conferred upon it by subsection (5) of section three of the Pensions (Increase) Act (Northern Ireland), 1944 (**a**), and by that subsection as applied to the Pensions (Increase) Act (Northern Ireland), 1952 (**b**), by subsection (4) of section three thereof, and of all other powers enabling it in that behalf, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Increase of Pensions (General) Regulations (Northern Ireland), 1952, and shall come into operation on the 15th day of December, 1952.

(2) The Interpretation Act, 1889 (**c**) shall apply for the purposes of the interpretation of these Regulations in like manner as it applies by virtue of the Interpretation Act, 1921 (**d**), for the purposes of the interpretation of an Act of the Parliament of Northern Ireland.

(a) 1944 c. 19. (b) 1952 c. 25. (c) 52 & 53 Vict. c. 63.
(d) 12 Geo. 5 c. 4 (N.I.).

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

" the Act of 1944 " means the Pensions (Increase) Act (Northern Ireland), 1944, as amended by the Pensions (Increase) Act (Northern Ireland), 1947 (a) ;

" the Act of 1952 " means the Pensions (Increase) Act (Northern Ireland), 1952 ;

" the Acts " means the Act of 1944 and the Act of 1952 ;

" dependant " has, for the purposes of an increase of pension under section one of the Act of 1944, the meaning assigned to it by subsection (5) of that section, and, for the purposes of an increase of pension under section one of the Act of 1952, the meaning assigned to it by subsection (5) of section one of the Act of 1944 as applied to the Act of 1952 by subsections (4) and (5) of section three thereof ;

" income " in relation to any person means the income of that person calculated in accordance with the Increase of Pensions (Calculation of Income) Regulations (Northern Ireland), 1952 (b) ;

" the prescribed conditions " means, for the purposes of an increase of pension under section one of the Act of 1944, the conditions prescribed in that section and in the Second Schedule to that Act, and, for the purposes of an increase of pension under section one of the Act of 1952, the conditions prescribed in subsections (2) and (3) of that section and in the Second Schedule to that Act and in subsections (2) to (4) of section one of the Act of 1944 as applied to the Act of 1952 by subsection (4) of section three thereof.

(2) In these Regulations references to a pensioner who is unmarried include references to a pensioner who in accordance with these Regulations is to be treated as unmarried for the purposes of the Acts.

(3) Any reference in these Regulations to the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment or regulations.

3.—(1) The first application for the grant of an increase of pension under section one of the Act of 1944 or section one of the Act of 1952 shall be made by the pensioner to the pension authority not more than three months before, or as soon as may be after, the prescribed conditions are fulfilled in his case.

Provided that where the pensioner is receiving an increase of pension under section one of the Act of 1944, the pension authority may at its

(a) 1947 c.4. (b) S. R. & O. 1952, No. 226.

discretion dispense with the requirement of an application to be made by him for an increase of pension under section one of the Act of 1952.

(2) An application for the continuation and re-assessment of any such increase of pension as aforesaid shall be made by the pensioner to the pension authority not more than three months before, or as soon as may be after, the expiration of the current grant of increase.

(3) An application by a pensioner under the age of seventeen years shall be made on his behalf by the person who appears to the pension authority to have control over the pensioner.

4.—(1) Every such application as aforesaid shall be accompanied by a declaration of income made by the pensioner in a form acceptable to the pension authority.

(2) Every application by a pensioner who is unmarried but claims to have a dependant shall be accompanied by a declaration of income made by the person claimed as a dependant in a form acceptable to the pension authority. Where the person claimed as a dependant is under the age of seventeen years the declaration shall be made on his behalf by the person who appears to the pension authority to have control over such dependant.

5.—(1) Where a pensioner who has fulfilled the prescribed conditions dies and at the time of his death a grant or renewal of the increase of pension for which he was eligible under the Acts or either of them had not been made to him, or an adjustment of an increase already granted or renewed was outstanding, the pension authority shall, for the purposes of the grant or renewal of an increase or an adjustment thereof up to the time of his death, accept, in place of the application, declaration and evidence which was, or might have been, required from the deceased pensioner under these Regulations, an application or declaration made or evidence produced on the deceased pensioner's behalf by his personal representative or by any person from whom the pension authority may obtain a discharge for payment of the increase.

(2) Where any person who is, or is claimed to be a dependant of a pensioner dies without having made the declaration or produced the evidence required of him under these Regulations, the pension authority shall, for the purposes of the grant of an increase to the pensioner or an adjustment thereof, accept, in place of such declaration or evidence, a declaration made or evidence produced by that person's personal representative or by any other person who appears to the pension authority a proper person to represent the deceased.

6.—(1) Where —

(*a*) a pensioner and his wife, or her husband, are living apart, and

(*b*) it appears to the pension authority that the separation has continued for not less than three months and is likely to be permanent, and

(*c*) the pensioner gives notice in writing to the pension authority not less than three months after the date of the separation electing that he and his wife, or she and her husband, shall be treated as unmarried for the purposes of the Acts, and

(*d*) it appears to the pension authority that the pensioner's wife or husband either is not in receipt of a pension which may be increased under the Act of 1944 or the Act of 1952 or, if in receipt of such pension, is willing as regards the increase of her or his pension to be treated in accordance with this Regulation as unmarried for the purposes of the Acts,

the pensioner and his wife, or her husband, shall, subject to the provisions of these Regulations, be treated as unmarried persons for the purposes of the Acts from the date of their separation or from such later date as may be specified in the pensioner's notice of election.

(2) A pensioner may give notice of election under this Regulation notwithstanding that he has been granted an increase of pension under the Act of 1944 or the Act of 1952 as a married person.

(3) A pensioner who gives notice of election under this Regulation shall —

(*a*) inform the pension authority whether, to the best of his knowledge and belief, his wife or her husband is in receipt of a pension which may be increased under either of the Acts and, if so, give the name of the pension authority by whom the wife's or husband's pension is payable, and

(*b*) furnish to the pension authority such evidence as it may require as to the matters mentioned in sub-paragraphs (*b*) and (*d*) of paragraph (1) of this Regulation.

(4) Any information furnished under paragraph (3) of this Regulation shall, if the pension authority so requires, be in the form of a declaration.

7.—(1) The amount of any increase of pension shall be determined by reference to the income during the basic period, but the pension authority shall take into consideration, as from the appropriate date, any reduction or increase in the annual rate of income during or subsequent to the basic period.

(2) The basic period shall be —

(*a*) in the case of the first application by a pensioner, the period of twelve months preceding the date of the application or the date on which the prescribed conditions are fulfilled in his case, whichever is the earlier, and

(*b*) in the case of the second and any subsequent application, the period of twelve months preceding the date of the application.

(3) The grant of an increase of pension shall remain in force for a period not exceeding twenty-four months :