Contribution towards household expenses

8. Where the applicant is the householder, or the husband or wife of the householder, his resources shall, unless exceptional circumstances are shown, be taken to include a contribution towards the expenses of the household from any member thereof who is not a dependant of his of an amount of 7s. a week, or of such less amount as is reasonable having regard to the said member's circumstances and personal responsibilities :

Provided that—

(*a*) where the resources of the said member are derived solely from a gainful occupation or occupations and his net weekly earnings—

(i) amount to less than 70s. a week but more than 45s. a week, the amount of the contribution shall not be taken to exceed 5s. a week ;

(ii) amount to 45s. a week or less, but more than 25s. a week, the amount of the contribution shall not be taken to exceed 2s. 6d. a week ;

(iii) amount to 25s. a week or less, no contribution shall be taken to be so included ;

(*b*) this paragraph shall not apply where the householder or his wife or her husband is a blind person.

Treatment of other resources

9. In computing the available resources of a person there shall be taken into account any resources not particularly mentioned in this Part of this Schedule reduced by such amount (if any) as is reasonable having regard to all the circumstances of the case.

Application of rules to aggregated resources

10. Where the resources of two or more persons are to be aggregated, paragraphs 3 and 7 of this Part of this Schedule shall apply to the resources of each of the said persons severally and paragraphs 4 and 6 thereof shall apply to the aggregate of the resources of both or all the said persons.

Non Contributory Old Age Pensions

REGULATIONS, DATED 27TH JULY, 1948, MADE BY THE NATIONAL ASSISTANCE BOARD FOR NORTHERN IRELAND, IN EXERCISE OF THE POWERS CONFERRED UPON THEM BY SECTION 12 OF THE OLD AGE PENSIONS ACT (NORTHERN IRELAND), 1936 AS AMENDED BY THE NATIONAL ASSISTANCE ACT (NORTHERN IRELAND), 1948.

1948. No. 252

The National Assistance Board for Northern Ireland by virtue of the powers conferred upon them by section 12 of the Old Age Pensions Act (Northern Ireland), 1936, hereby make the following regulations :—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the Non-Contributory Old Age Pensions Regulations, (Northern Ireland), 1948, and shall come into operation on the day on which they are confirmed by the Minister of Labour and National Insurance.

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

" the Act " means the Old Age Pensions Act (Northern Ireland), 1936, as amended by any enactment, order or regulation ;

" Appeal Tribunal " means the Appeal Tribunal for the purpose of the National Assistance Act, (Northern Ireland), 1948 ;

" the Board " means the National Assistance Board for Northern Ireland ;
" claim " means a claim for a pension ;
" claimant " means a person who has made a claim for a pension ;
" pension " means a pension under the Act ;
" pensioner " means a person in receipt of a pension ;
and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) Any notice or other document required or authorised to be given or sent to any person or to the Board under the provisions of these regulations shall be deemed to have been given or sent if it was sent by post, in the case of any person, to that person at his ordinary or last known address, or, in the case of the Board, to an office of the Board.

(5) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Claims.

2.—(1) Every claim for a pension shall be made in writing and sent or delivered to an office of the Board on the form approved by the Board, or in such other manner being in writing as the Board may accept as sufficient in the circumstances of any particular case.

(2) Where a claim is not duly made on the form or in a manner required by paragraph (1) of this regulation when received at an office of the Board, it shall, if it is returned duly made within one month of the date on which it is delivered to the claimant for completion, be treated as if it had been duly made in the first instance.

(3) Where it appears that a person who has made a claim in accordance with the provisions of the National Insurance (Claims and Payments) Regulations, (Northern Ireland), 1948, for a retirement pension or widow's benefit under the National Insurance Act, (Northern Ireland), 1946, is not entitled thereto but may be entitled to a pension, any such claim may be treated as if it were a claim duly made in accordance with paragraph (1) of this regulation by such person for a pension.

Provisional claims.

3.—(1) A claim for a pension may be made at any time not more than four months, or such longer period as the pension officer may in any particular case allow, before the date on which it appears that the claimant will become entitled to a pension.

(2) Where the pension officer or, in the case of an appeal, the Appeal Tribunal, or the umpire, is satisfied that a claimant is likely at any time within four months from the date on which the claim is considered to be entitled to a pension, he or the Tribunal may allow the claim provisionally so as to take effect on any future date not later than four months from the date of the decision.

Information on claiming and on change of circumstances.

4.—(1) Every person who makes a claim for a pension shall furnish such certificates, documents, information and evidence for the purpose of determining the claim as may be required by the Board.

(2) Every pensioner shall comply with any directions which may be given by the Board as to reporting to the Board any change of circumstances affecting his right to pension, or the amount thereof.

Raising of questions.

5. If any pensioner desires to raise any question as to the weekly rate of his pension, or if any person whose claim has been provisionally allowed desires to make any application for the alteration of the provisional allowance, he may do so by giving notice in writing of the question or the application at an office of the Board, or in such other manner as the Board may accept as sufficient in the circumstances of any particular case.

References to Appeal Tribunal.

6. The requirement by a person aggrieved by a decision of the pension officer on a claim or question that the claim or question should be referred to an Appeal Tribunal under subsection (3) of section 8 of the Act shall be made by giving notice in writing at an office of the Board, and such claim or question shall, subject to regulation 7 hereof, be determined in like manner as if it were an appeal brought under section 14 of the National Assistance Act, (Northern Ireland), 1948, and accordingly the provisions of the National Assistance (Appeal Tribunals) Rules, (Northern Ireland), 1948, shall, subject to any necessary modifications, apply thereto.

Procedure for references to the umpire.

7.—(1) Where the pension officer disagrees with any recommendation of an Appeal Tribunal, or where a claimant or pensioner, with the leave of that Tribunal, requires the pension officer to refer a matter to the umpire, the pension officer shall give notice to the claimant or pensioner of the grounds for the reference and shall afford the claimant or pensioner an opportunity of submitting a statement of his evidence.

(2) On the receipt of the claimant's or pensioner's statement of evidence, or on the expiration of fourteen days from the date that the above mentioned notice has been given, whichever happens first, the pension officer shall refer the matter to the umpire.

(3) The pension officer shall forward to the umpire any documents submitted by the claimant or pensioner, together with a statement showing to what extent he admits or disputes the facts stated in such documents and setting out any further facts and the contentions on which he relies.

Proceedings of umpire.

8.—(1) The umpire may at any time require a claimant or pensioner or the Board to furnish to him in writing such further particulars in regard to the reference as he may reasonably require and may, at any stage of the proceedings, allow the amendment of any application or particulars upon such terms as he may think just.

(2) If the umpire is of opinion that the case is of such a nature that it can properly be determined without a hearing, he may dispense with a hearing and may determine the reference summarily.