Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 7th day of July, 1947, in the presence of

(L.S.) *John I. Cook,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

Provisions of regulations modified

Provisions modified.	*Modification.*
National Health Insurance and Contributory Pensions (Collection of Contributions) Regulations (Northern Ireland), 1938	
Regulation 11.	The prohibition relating to the affixing of stamps to cards contained in paragraph (3) of regulation 11 shall not apply to the affixing of a stamp to a card in payment of contributions by virtue of these regulations.
Contributory Pensions (Voluntary Contributors) Regulations (Northern Ireland), 1938	
Regulation 10 as amended.	Sub-paragraph (*b*) (ii) of paragraph (1) of regulation 10 (which relates to the transitional period of voluntary contributors) shall apply to any week in respect of which a contribution has been paid by virtue of these regulations.

PENSION

Increase of Pension

REGULATIONS, DATED 23RD MAY, 1947, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 3 (5) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND), 1944.

1947. No. 79

The Ministry of Finance, in pursuance of its powers under subsection (5) of section three of the Pensions (Increase) Act, (Northern Ireland), 1944 (which Act, as amended by the Pensions (Increase) Act (Northern Ireland), 1947, is hereinafter referred to as " the Act ") and of all other powers enabling it in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Increase of Pensions (General) Regulations (Northern Ireland), 1947. Citation.

2.—(1) In these Regulations :— Interpretation.

(*a*) the expression " dependant " has the meaning assigned to it in Section 1 (5) of the Act ;

(*b*) the expression " income ", in relation to any person, means income of that person calculated in accordance with Regulations made by the Ministry of Finance under Section 3 (1) of the Act ;

(*c*) the expression " the prescribed conditions " means the conditions prescribed in Section 1 of the Act and the second schedule thereto ;

(*d*) other expressions which are defined in the Act or in Regulations made by the Ministry of Finance under Section 3 (1) of the Act have the same meanings as in the Act or in those Regulations, as the case may be ;

(*e*) references to a pensioner who is unmarried include references to a pensioner who in accordance with these Regulations is treated as unmarried for the purposes of the Act.

(2) The Interpretation Act, 1921 applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Applications.

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

(2) An application for the continuation and reassessment of an increase in pension shall be made to the pension authority not more than three months or less than two months before the expiration of the current grant of increase :

Provided that

(*a*) the pension authority may deal with a later application if satisfied that the application has been delayed owing to circumstances beyond the pensioner's control ;

(*b*) where the increase has been granted for a period beginning before 1st April, 1946, the application for continuation and reassessment shall be made as soon as practicable after the date of these Regulations.

(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.

Declarations.

4.—(1) Every such application as aforesaid shall be accompanied by a Declaration by the pensioner in the form of Declaration X set out in the First Schedule hereto or in a form substantially to the like effect.

Provided that in the case of a second or subsequent application where none of the events mentioned in Regulation 10 has occurred since the pensioner last made a Declaration, the pension authority may, at its discretion, accept a Declaration in the form of Declaration Y set out in the First Schedule hereto or in a form substantially to the like effect.

(2) Every application by a pensioner who is unmarried but claims to have a dependant shall also be accompanied by a Declaration by the person claimed as the dependant in the form of Declaration Z set out in the First Schedule hereto or in a form substantially to the like effect.

Applications and Declarations on behalf of deceased pensioners and dependants.

5.—(1) Where a pensioner who has fulfilled the prescribed conditions for any period after the 31st day of December, 1943, dies (whether before or after the date of these Regulations) and at the time of his death a grant or renewal of the increase of pension for which he was eligible under the Act had not been made to him or an adjustment of 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 (whether before or after the date of these Regulations) 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 authority a proper person to represent the deceased.

Time by reference to which statements in Declarations are to be made.

6.—(1) The statements in any Declaration as to the amounts of income shall be made with reference to the income of the basic period.

(2) The basic period shall be—

(*a*) in the case of the first application by a pensioner and of any person claimed to be a dependant of his, the period of twelve months ending on the day before the date from which he is entitled to an increase of pension under the Act; and

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

(3) Other statements in any such Declaration shall be made by reference to the circumstances existing at the date of the Declaration in question except in the case of a Declaration made on behalf of a deceased pensioner or dependant where such other statements shall be made by reference to the circumstances existing at the date of death.

(4) A pensioner shall submit to the pension authority with the Declaration required to be made by him as aforesaid particulars of any events of the kinds mentioned in Regulation 10 which occurred between the end of the basic period and the date of his Declaration.

Circumstances in which married Pensioners are to be treated as unmarried for the purposes of the Act.

7.—(1) Where a pensioner and his wife, or her husband, are living apart, then if

(*a*) the pensioner gives notice in writing to the pension authority electing that they shall be treated as unmarried persons for the purposes of the Act and

(*b*) it appears to the pensions authority

(i) that the separation has continued for not less than twelve months and is likely to be permanent and

(ii) that the pensioner's wife or husband either is not in receipt of a pension which may be increased under the Act or, if in receipt of such a 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 Act they shall, subject to the provisions of these Regulations, be treated as unmarried persons for the purposes of the Act as from the beginning of the period falling after the expiration of the twelve months mentioned in (i) of this sub-paragraph for which an increase is or has been payable under the Act or the date (not being after the date on which the notice of election is given) specified in the pensioner's notice of election whichever is the later.

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

(3) A pensioner who gives notice of election under paragraph (1) of this Regulation (otherwise than on the occasion of an application for a grant or renewal of an increase) 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 the Act and, if so, give the name of the pension authority by whom the wife's or husband's pension is payable ;

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

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

Subscription and Attestation of Declarations and Declarations by children.

8.—(1) Every Declaration made under these Regulations shall be subscribed before and attested by one of the persons described in the Second Schedule hereto, not being the husband or wife of the person making the Declaration.

(2) Every Declaration which is hereby required to be made by a child under the age of 17 years shall be made on his behalf by the person who appears to the pension authority to have control over the child.

Determination period and adjustment of increase.

9.—(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 of income or any increase of income during or subsequent to the basic period.

(2) The first grant of an increase shall remain in force until the 30th June, 1947, or the 31st March next but one following the date from which the increase was payable, whichever date is the later and any subsequent grant of an increase may remain in force—

(*a*) until the 31st March, 1949, in a case where an increase has been granted for a period commencing before the 1st April, 1946 ; or

(*b*) for twenty-four months in a case where an increase has been granted for a period commencing after the 31st March, 1946.

Provided that, where an increase has been granted for a period commencing before the 1st April, 1946, the pension authority shall have discretion to extend the grant for such period beyond the 30th June, 1947, as may be necessary to enable the pensioner to make an application for the continuance of the increase.

And Provided also that, as from the appropriate date, the increase shall cease or shall be subject to such adjustments, if any, as the case may require if in the meantime—

(i) the pensioner dies, or

(ii) there occurs any such event as is mentioned in the next succeeding Regulation, or

(iii) in the case of an increase of a pension on the basis that the pensioner and his wife or her husband are treated as unmarried persons for the purposes of the Act, it appears to the pension authority that any of the conditions mentioned in (i) and (ii) of sub-paragraph (*b*) of paragraph (1) of Regulation 7 have ceased to be fulfilled or have never been fulfilled or

(iv) the pensioner ceases for any other reason to fulfil the prescribed conditions.

(3) Where an increase of pension is to cease or to be adjusted by reason of the occurrence of any event or, as mentioned in paragraph (2) (iv) hereof by reason that it appears to the pension authority that certain conditions have ceased to be fulfilled, the appropriate date shall be the date on which the event occurred, or, as the case may be, the date which appears to the pension authority to be the date on which the conditions ceased to have been fulfilled provided that the appropriate date shall be the date on which the pension authority first knew that the event had occurred or, as the case may be, that the conditions had ceased to be fulfilled if