First Schedule 4. The parties to the reference and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

5. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

8. The arbitrators or umpire may, if they think fit, make an interim award.

9. The costs of the reference and award shall be in the discretion of the arbitrators or umpire who may direct to, and by whom, and in what manner, those costs, or any part thereof, shall be paid and may tax or settle the amount of costs to be so paid, or any part thereof, and may award costs to be paid as between solicitor and client.

Qualifications

REGULATIONS, DATED 7TH MARCH, 1946, MADE BY THE MINISTRY OF LABOUR IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER THE FAMILY ALLOWANCES ACT (NORTHERN IRELAND), 1945.

1946. No. 25

The Ministry of Labour, in exercise of the powers conferred on it by the Family Allowances Act (Northern Ireland), 1945, and of all other powers enabling it in that behalf and in conjunction with the Ministry of Finance, so far as relates to matters with respect to which the Ministry of Finance has so directed, hereby makes the following regulations :—

PART I.

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the Family Allowances (Qualifications) Regulations (Northern Ireland), 1946, and shall come into force on the first date on which, by virtue of orders made by the Minister of Labour under subsection (1) of section 26 of the Family Allowances Act (Northern Ireland), 1945, the whole of the provisions of that Act other than section 1 are in force.

(2) In these regulations, except as hereinafter provided and unless the context otherwise requires—

" the Act " means the Family Allowances Act (Northern Ireland), 1945 ;

" allowance " means an allowance under the Act ;

" family " has the same meaning as in the Act ;

the expressions " a member of the Forces " and " a merchant seaman " have the meanings assigned to them in the Schedule hereto ;

" the Ministry " means the Ministry of Labour for Northern Ireland ;

" parent " means in relation to any child, the person in whose family such child would, if living with such person, be treated as included for the purposes of the Act as being issue of that person or, in the case of a man and his wife living together, as being issue of either the man or his wife.

(3) 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.

PART II.

Requirements as to Nationality, Residence, etc.

Section 24 (1) of the Act.

Requirements for family of a man and his wife living together.

2. It shall be a condition of the right to any allowance at any date for the family of a man and his wife living together, if the man is not a British subject whose place of birth is in the United Kingdom, that one of the following requirements is satisfied, namely :—

(1) that the wife is at that date a British subject whose place of birth is in the United Kingdom ; or

(2) that the wife was at any time before that date a British subject whose place of birth is in the United Kingdom but ceased to be so solely by reason of marriage to a man who was at any time during the marriage an alien ; or

(3) that the man or the wife is a British subject who for at least one hundred and four weeks in the aggregate out of the three years immediately preceding that date has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman ; or

(4) that the wife was at any time before that date a British subject but ceased to be so solely by reason of marriage to a man who was at any time during the marriage an alien, and that for at least one hundred and four weeks in the aggregate out of the three years immediately preceding that date she has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman ; or

(5) that for at least one hundred and fifty-six weeks in the aggregate out of the four years immediately preceding that date the man or the wife has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman.

Requirements for family of a man not having a wife or not living together with his wife.

3. It shall be a condition of the right to any allowance at any date for the family of a man not having a wife or not living together with his wife, if he is not a British subject whose place of birth is in the United Kingdom, that one of the following requirements is satisfied, namely :—

(1) that he is at that date a British subject who for at least one hundred and four weeks in the aggregate out of the three

years immediately preceding that date has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman ; or

(2) that for at least one hundred and fifty-six weeks in the aggregate out of the four years immediately preceding that date he has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman.

Requirements for family of a woman not having a husband or not living together with her husband.

4. It shall be a condition of the right to any allowance at any date for the family of a woman not having a husband or not living together with her husband, if she is not a British subject whose place of birth is in the United Kingdom, that one of the following requirements is satisfied, namely :—

(1) that she was at any time before that date a British subject whose place of birth is in the United Kingdom but ceased to be so solely by reason of marriage to a man who was at any time during the marriage an alien ; or

(2) that she is a British subject who for at least one hundred and four weeks in the aggregate out of the three years immediately preceding that date has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman ; or

(3) that she was at any time before that date a British subject but ceased to be so solely by reason of marriage to a man who was at any time during the marriage an alien, and that for at least one hundred and four weeks in the aggregate out of the three years immediately preceding that date she has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman ; or

(4) that for at least one hundred and fifty-six weeks in the aggregate out of the four years immediately preceding that date she has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman.

Modification of requirements for all families by reason of recent emergency.

5.—(1) Where at any date a family would have failed to qualify under the provisions of regulations 2, 3 or 4 for the right to an allowance solely because no member thereof had, for the amount of time applicable to his case under those regulations, been present in Northern Ireland or a member of the Forces or a merchant seaman, the Ministry may in its discretion, if it is of opinion that but for circumstances arising directly out of the recent emergency a member thereof would have fulfilled those requirements, treat the family as qualified for the right to the allowance so far as the provisions of subsection (1) of section 24 of the Act are concerned, provided that at some date during the period of the recent emergency the conditions of sub-paragraph (*a*) or (*b*) of this paragraph, as the case may be, were fulfilled in respect of such member, namely, that at that date—

(*a*) he or she was a British subject (or alternatively, in the case of a woman, she had once been a British subject but had ceased to be so solely by reason of marriage to a man who was at any time during the marriage an alien), who had for at least one hundred and four weeks in the aggregate out of the then immediately preceding three years either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman ; or

(*b*) he or she had for at least one hundred and fifty-six weeks in the aggregate out of the immediately preceding four years either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seaman.

(2) For the purposes of this regulation " the recent emergency " means the emergency which was the occasion of the passing of the Emergency Powers (Defence) Act, 1939, and " the period of the recent emergency " means the period beginning with the 24th day of August, 1939, and ending on the 24th day of February. 1946,

Aggregation of periods.

6. For the purposes of this Part of these regulations periods during which a person is present in Northern Ireland and periods during which, when not so present, he is a member of the Forces or a merchant seaman shall be aggregated.

Effect of once satisfying requirements.

7. Notwithstanding anything contained in this Part of these regulations, where a person has once been a member, otherwise than as a child, of a family for which the right to an allowance existed at any time while he or she was such a member, he or she shall thenceforth be treated as having satisfied the conditions of subsection (1) of section 24 of the Act for the purposes of any allowances at any date for that family or for any other family of which he or she may subsequently become a member.

PART III.

Rules for determining whether presence in or absence from Northern Ireland is or is not to be treated as temporary.

Section 24 (4) of the Act.

Interpretation.

8. In this Part of these regulations, unless the context otherwise requires, " presence " and " absence " mean presence in and absence from Northern Ireland respectively.

An adult's presence in or absence from Northern Ireland.

9.—(1) For the purposes of subsection (2) of section 24 of the Act—

(*a*) the presence of a person at any date shall be treated as temporary except in the following circumstances :—

(i) if for at least twenty-six weeks in the aggregate out of the twelve months immediately preceding that date he has either been present in Northern Ireland or, when not so present, been a member of the Forces or a merchant seamen ; or