It having been found that the above-named person procured by the non-disclosure or misrepresentation of a material fact an issue by way of a supplementary pension in excess of that which would have been made but for the non-disclosure or misrepresentation, and a question having arisen as to the amount of such excess, that question is hereby referred to the appeal tribunal at .....†

(1) Particulars of the non-disclosure or misrepresentation which gave rise to the issue by way of a supplementary pension in excess of that which would have been made but for the non-disclosure or misrepresentation. .....

(2) Particulars of the determinations made and the supplementary pension granted thereunder which were affected by the non-disclosure or misrepresentation. .....

.....

Signature of person referring the question.

Determinations of Need, Etc.

REGULATIONS, DATED 24TH JULY, 1940, MADE BY THE MINISTRY OF LABOUR UNDER SECTION 33 (3) OF THE UNEMPLOYMENT ASSISTANCE ACT (NORTHERN IRELAND), 1934, AS APPLIED BY PART II OF THE OLD AGE AND WIDOWS' PENSIONS ACT (NORTHERN IRELAND), 1940.

1940. No. 82

Whereas it is provided by Section 33 of the Unemployment Assistance Act (Northern Ireland), 1934, as that section is applied with respect to the functions of the Assistance Board for Northern Ireland by Part II of the Old Age and Widows' Pensions Act (Northern Ireland), 1940 (hereinafter referred to as " the Act "), that the amount of any supplementary pension to be granted under Part II of the Act shall be determined by reference to the needs of the applicant for a supplementary pension and that the need of the applicant shall be determined and his needs assessed in accordance with regulations having effect for the purposes of Part II of the Act made by the Ministry of Labour (hereinafter referred to as " the Ministry ") after consideration of draft regulations prepared and submitted to the Minister of Labour by the Assistance Board for Northern Ireland,

Now, therefore, the Ministry in pursuance of the powers conferred on it by Part II of the Act and of all other powers in that behalf hereby makes the following regulations :

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†Rule 4 of the Supplementary Pensions (Appeal Tribunals) Rules (Northern Ireland), 1940, provides for the reference of the question to the appeal tribunal for the district in which the supplementary pension was first granted, or to such other tribunal as the Board may designate.

1.—(1) These regulations may be cited as the Supplementary Pensions (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1940, and shall come into force on the date hereof.

(2) The Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1936 and 1939, and the Unemployment Assistance (Winter Adjustments) Regulations (Northern Ireland), 1938, shall as from the date of these regulations cease to have effect with respect to the functions of the Assistance Board for Northern Ireland under Part II of the Act.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say :— Interpretation

" The Act " means the Old Age and Widows' Pensions Act (Northern Ireland), 1940.

" Advisory Committee " means a Committee established by the Assistance Board for Northern Ireland under Section 30 of the Unemployment Assistance Act (Northern Ireland), 1934.

" Applicant " means a person who has applied for a Supplementary Pension under the Act.

" Proceeds of subletting " means the total amount received for each week from persons to whom accommodation (without board) is provided less a reasonable allowance for wear and tear and for lighting and any other common services.

" Outgoings " include rates, a reasonable allowance towards any necessary expenditure on repairs or insurance and such portion of any sum payable in respect of a mortgage debt charged on the house in which the household resides (or on any interest therein) as is for the time being attributable to interest.

" Rent " means the weekly proportion of rent (excluding arrears of rent) and outgoings; or, where no rent as such is payable, the weekly proportion of outgoings.

" Net rent actually paid " means the amount actually paid by the applicant or by some other member of the household of which he is a member by way of rent less the amount of any proceeds of subletting.

" Pensioner " means a person to whom an old age pension or a widow's pension has been awarded.

" Scale allowance " means a sum calculated in the manner provided by the First Schedule to these regulations.

" Scale rate " means in relation to any member of a household that one of the rates specified in the scale set out in paragraph 2 of the First Schedule to these regulations which is appropriate or would be appropriate if he were a person whose needs were to be included with those of the applicant.

"Available resources" means a sum calculated in the manner provided by the Second Schedule to these regulations.

"Officer" means an officer of the Assistance Board for Northern Ireland.

(2) 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.

Determination of Need

3.—The question whether an applicant is in need of a supplementary pension shall be determined primarily by reference to the amount at which his needs would be assessed under these regulations, but where, by reason of the fact that that amount is small, doubt arises whether the applicant is in need, regard shall be had also to the relation of that amount to the amount at which the applicant's needs would be assessed if he had no resources and to all the other circumstances of the case.

Assessment of Needs

4.—Subject as hereinafter provided, the needs of an applicant shall be assessed on a weekly basis at a sum calculated as follows :—

(1) The amount of the applicant's scale allowance shall be calculated in the manner provided by the First Schedule to these regulations and from that amount shall be deducted the amount (if any) of his available resources, calculated in the manner provided by the Second Schedule to these regulations.

(2) If the applicant resides in a locality which is predominantly rural in character, the amount so ascertained may be adjusted by reference to circumstances connected with the general character of that locality in such manner as appears to the officer or on appeal to the Appeal Tribunal to be reasonable in the circumstances after considering any recommendations which the Advisory Committee for the area in which the applicant resides may make as to the manner in which this provision should be applied in various classes of cases arising in that area, or in any specified portion thereof.

(3) If in any case special circumstances exist, the amount calculated in accordance with the foregoing paragraphs of this regulation may be adjusted by way of increase or decrease by such amount as is reasonable to meet such special circumstances.

(4) Where special needs due to winter conditions exist, the amount calculated in accordance with the foregoing paragraphs may be increased to meet such needs by such amount as is reasonable in all the circumstances of the case.

(5) If in any case needs of an exceptional character exist, the amount calculated in accordance with the foregoing paragraphs may be increased by such amount as is reasonably necessary to meet those exceptional needs,

FIRST SCHEDULE.

CALCULATION OF SCALE ALLOWANCE.

1.—Where the applicant is living otherwise than as a member of a household consisting of two or more persons the scale allowance for the applicant shall be 19s. 6d. a week (subject to adjustment by way of increase or reduction to meet the circumstances of the particular case).

2.—Where the applicant is living as a member of a household of two or more persons, the scale allowance shall be a sum calculated as follows:—

(1) There shall be ascertained the total amount provided by the following scale for the applicant and any other member of his household whose needs are to be included with those of the applicant.

For the householder and the householder's wife or husband (except where both husband and wife are pensioners)		24s.	0d. a week
For the householder (where the above rate is not applicable)	Male ...	16s.	0d. ,, ,,
	Female ...	15s.	0d. ,, ,,
For members of the household to whom the foregoing rates do not apply—			
If aged 21 years or over	Male ...	10s.	0d. ,, ,,
	Female ...	9s.	0d. ,, ,,
If aged 16 years or over but less than 21 years ...		8s.	0d. ,, ,,
If aged 14 years or over but less than 16 years ...		6s.	0d. ,, ,,
If aged 11 years or over but less than 14 years ...		4s.	6d. ,, ,,
If aged 8 years or over but less than 11 years ...		4s.	0d. ,, ,,
If aged 5 years or over but less than 8 years ...		3s.	6d. ,, ,,
If under the age of 5 years		3s.	0d. ,, ,,
Where the household consists of only one child in addition to not more than two adults, the amount allowed in respect of that child shall be not less than 4s.			

(2). (*a*) If the net rent actually paid is greater or less than one-quarter of the total of the scale rates of all the members of the household, the amount ascertained under the preceding sub-paragraph may be increased or reduced by such sum as appears to the officer or on appeal to the Appeal Tribunal to be reasonable in the circumstances after considering any recommendations which the Advisory Committee for the area in which the applicant resides may make as to the application of this provision to any class or classes of cases arising in that area or in any specified portion thereof.

(*b*) Recommendations made by an Advisory Committee for the purpose of this clause may, in particular, having regard to local conditions provide that, for the purpose of determining whether any and, if so, what reduction shall be made—

(i) the whole or any specified part of the amount by which the net rent is less than one-quarter of the scale rates should be disregarded; or

(ii) the foregoing provision should be applied as though, for the reference therein to "one-quarter," there was substituted a reference to some smaller proportion; and where any such recommendation is made the Committee may further recommend that in any special class or classes of cases the whole or any specified part of the amount by which the net rent is less than the substituted proportion of the scale rates should be disregarded.

(3) To the amount so ascertained there shall be added—

(*a*) in respect of each person whose needs have been included in the calculation 1s. 6d. if that person is of the age of sixteen years or over and 9d. if of less than that age; and

(*b*) the further sum of 2s. each in respect of the applicant and of the applicant's wife or husband if her or his needs have been included in the calculation,

(4) If in any case the amount ascertained under the foregoing sub-paragraphs is greater than the amount normally earned by persons living in the locality where the applicant resided when he was working who are following the occupation which he was accustomed to follow, that amount may be adjusted in such manner as appears to be reasonable in all the circumstances of the case ; provided that if the applicant is a widow or widower the foregoing provision shall, if more favourable to the applicant, be applied by reference to the occupation followed by the deceased husband or wife as the case may be.

SECOND SCHEDULE.

COMPUTATION OF AVAILABLE RESOURCES.

PART I.

The amount of the applicant's available resources shall be taken to be a sum calculated as follows:—

1.—All the resources of the applicant and of all the other members of the household of which he is a member, including any old age or widow's pension or supplementary pension of which he is or they are in receipt, shall be aggregated ; and in computing the amount to be taken into account in respect of such resources the following provisions shall be complied with:—

(1) The amount to be taken into account in respect of earnings shall be the net profits derived from the carrying on of any trade, occupation or calling, or (as the case may be) the net amount of salary or wages received by the member less the employee's share of contributions payable under the National Health Insurance Acts (Northern Ireland), the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland) and the Unemployment Insurance Acts (Northern Ireland) and any other sums the deduction of which is authorised by statute, and less also such further amount (if any) in respect of expenses necessarily incurred by the member in connection with his employment as is reasonable in all the circumstances of the case.

(2) Where after an assessment has been made in any case in which the earnings of a member of the household other than the applicant or his wife or her husband have been taken into account such earnings are increased or diminished, no alteration shall, during the currency of the existing determination, be made in the amount so taken into account, unless if the case were reassessed that amount would be varied by more than 5s.

(3) The capital value of any interest in the house in which the household resides shall be disregarded.

(4) All money and investments treated as capital assets shall—

(*a*) in so far as the value of all such money and investments considered in the aggregate does not exceed £25, be disregarded ;

(*b*) in so far as that value exceeds £25 but does not exceed £300 be treated as equivalent to a weekly income of one shilling for every complete £25 ;

(*c*) in so far as that value exceeds £300 be taken into acount, together with the actual income derived from such excess.

(5) There shall be disregarded—

(*a*) the first five shillings a week of any sick pay from a Friendly Society, and the first seven shillings and sixpence a week of any benefit under the National Health Insurance Acts, and the whole of any maternity benefit under those Acts (exclusive of any increase of such benefit by way of additional benefits and of any second maternity benefit) ;