OLD AGE PENSIONS.

Non-Contributory Pensions.

REGULATIONS DATED 31ST DECEMBER, 1937, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND IN CONJUNCTION WITH THE MINISTRY OF HOME AFFAIRS FOR NORTHERN IRELAND UNDER THE OLD AGE PENSIONS ACT (NORTHERN IRELAND), 1936.

1937. No. 144.

The Ministry of Labour for Northern Ireland in conjunction with the Ministry of Home Affairs for Northern Ireland so far as relates to local authorities or officers of local authorities, in exercise of the powers conferred on them by Section 12 of the Old Age Pensions Act (Northern Ireland), 1936, and of all other powers enabling them in that behalf hereby makes the following Regulations :—

Short title.

1. These Regulations may be cited as the Non-Contributory Old Age Pensions Regulations (Northern Ireland), 1937.

Interpretation.

2.—(1) In these Regulations unless the context otherwise requires—

"the Act" means the Old Age Pensions Act (Northern Ireland), 1936 ;

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

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

"investigating officer" means such officer as may be designated by the Ministry to investigate claims to pensions ;

"paying officer" means such officer as may be appointed or designated by the Ministry for the purpose of paying pensions under the Act and includes any officer who may be designated to act as paying officer in pursuance of any arrangement made under Section 63 of the Government of Ireland Act, 1920, for the purpose of paying pensions on behalf of the Ministry ;

"paying office" means such place as the Ministry may designate for the payment of pensions ;

"pension" means an old age pension under the Act ;

"claim" means a claim to a pension;

"claimant" means a person by whom a claim has been made;

"pensioner" means, except where otherwise provided, a person in receipt of a pension;

"appropriate form" means such form, appropriate to the circumstances for which it is required, as may be approved for the time being by the Ministry, or such other form as the Ministry may accept as sufficient in any special case.

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

MAKING OF CLAIMS AND RAISING OF QUESTIONS.

Method of making a claim.

3.—(1) Every person who desires to make a claim shall fill up the appropriate form and deliver or send the form when filled up to the Ministry:

Provided that a claim shall not be made more than four months before the date as from which the claimant alleges that his title to pension will commence.

(2) The Ministry shall supply, on demand, to any person who desires to make a claim an appropriate form of application, gratis.

(3) The Ministry shall arrange that those of its officers whom the Ministry may from time to time so direct, shall give to any person desiring to make a claim such information and assistance for the proper completion of the form of application as is in their power to give.

Raising of question by pensioner.

4.—(1) Any pensioner may raise a question as to the weekly rate of the pension awarded to him by sending to the Ministry a written statement of the question, together with a summary of any evidence in its support, and for the purpose of the investigation and determination of the said question such statement shall be regarded as a claim and the following provisions of these Regulations shall apply accordingly:

Provided that a question shall not be raised more than four months before the date as from which it is claimed that the title to a different rate of pension will arise.

(2) The date on which a written statement of the question is received by the Ministry shall be deemed to be the date on which the question is raised.

Raising of question by Ministry.

5.—(1) A pensioner's title to pension may be re-investigated at any time by an investigating officer and the following pro-

visions of these Regulations as to the investigation of claims shall apply to such re-investigation.

(2) If an investigating officer has reason to believe as a result of re-investigation that the pensioner is not entitled to continue to receive a pension, or is not entitled to continue to receive a pension at the rate which is being paid, he shall raise a question.

(3) When a question is raised such steps may be taken as the Ministry may direct to suspend payment of the pension until the question is determined, and for this purpose the investigating officer may be empowered to require the pensioner to deliver to him the current book of pension orders.

(4) A proposal to alter or revoke a provisional allowance of a claim may be made, after at least seven days' notice has been given by the pension officer to the claimant in such manner as the Ministry may direct, and such a proposal shall be regarded as a question raised by the Ministry and the provisions of these Regulations shall apply accordingly.

Investigation of Claims

Method of investigation.

6.—(1) As soon as may be after receiving any claim, the Ministry shall cause the claim to be investigated by an investigating officer for the purpose of enabling the pension officer to determine whether the claimant is entitled to a pension, and if he is so entitled, to what rate of pension :

Provided that in any case where, in the opinion of the pension officer, no fresh and substantial evidence is adduced by the claimant or pensioner, an investigation shall not be required unless six months have elapsed since the date of the determination of a previous claim or similar question.

(2) Subject to compliance with such instructions as may from time to time be given by the Ministry, an investigating officer shall investigate a claim in such manner as he thinks best fitted for the purpose.

(3) Every claimant or pensioner shall furnish such certificates and such other documents or information as the investigating officer may require for the proper investigation of the claim.

(4) In any case in which he thinks it desirable so to do for the purpose of the proper investigation of a claim, the investigating officer may reduce to writing any question which he desires to put to any claimant and the answer to the question given by the claimant, and may require the claimant to sign the answer.

Report of investigating officer.

7. As soon as he has completed his investigation the investigating officer shall forward to the pension officer a report of his investigation together with any other documents in his possession relating to the claim or question.

Determination of Claims and Questions.

A. *Pension Officer.*

Determination of claim or question by pension officer.

8. As soon as may be after the receipt of a report on a claim or question from the investigating officer, the pension officer shall take into consideration the report of the investigating officer and any other evidence or information laid before him, and shall give a decision.

Notification of pension officer's decision.

9.—(1) The Ministry shall issue a notification of the pension officer's decision on any claim or question to the claimant or pensioner raising the question.

(2) In any case where the decision of the pension officer has been to refuse a pension, the form of notification shall indicate the grounds on which the pension officer decided to refuse a pension.

(3) In any case where the decision of the pension officer has been to refuse a pension or to allow a pension at a rate lower than ten shillings, the form of notification shall contain an intimation to the claimant of his right to appeal against the pension officer's decision to a local pension court.

Provisional allowance of claims.

10. If the pension officer is satisfied that a claimant is likely, at any time within four months from the date on which the claim is being considered, to be entitled to a pension, he may allow the claim provisionally so as to take effect, subject to the provisions of the Act, on any future date not later than four months from the date of his decision.

Appeal to local pension court.

11.—(1) Where a claimant or pensioner desires to appeal against the pension officer's decision to a local pension court, he shall, within fourteen days from the date of the receipt by him of notification of the decision, send to the pension officer a written notice of appeal.

(2) The said written notice of appeal shall be on the appropriate form and there shall be inserted thereon by the claimant or pensioner the grounds for his appeal.

(3) The Ministry shall supply, on demand, to any person desiring to appeal against a decision of the pension officer a copy of the appropriate form, gratis.

Reference by pension officer to local pension court.

12.—(1) As soon as may be after the receipt of the form of appeal the pension officer shall refer the claim or question to a local pension court for its recommendation.

(2) In any case where the pension officer instead of himself determining a claim or question, refers it to a local pension court, the provisions of these Regulations shall apply to such a reference as though it were a reference required by a claimant or pensioner.

B. *Local Pension Courts.*

Term of office of members of panels.

13. The members of the panels of local pension courts shall hold office for such term as the Minister may direct :

Provided that the Minister may at any time terminate the appointment of any member of a panel.

Composition of court.

14.—(1) A local pension court shall consist of a Chairman appointed by the Minister and two or more persons selected from the panel for the district in such manner as the Minister may direct and duly summoned to serve on the court :

Provided that not less than one half of the members of a local pension court (not including the Chairman) shall be persons who, in the opinion of the Minister, are representative of the classes of persons for whose benefit non-contributory old age pensions are intended.

(2) No member of a panel shall act as a member of a local pension court during the consideration of a case in which he is or may be affected.

(3) Any claim or question referred to a local pension court may, with the consent of the claimant or pensioner but not otherwise, be proceeded with in the absence of any member or members of the court other than the Chairman.

(4) Subject as aforesaid the constitution of a local pension court (including the procedure for summoning the court) shall be such as the Minister may determine.

Procedure of local pension court.

15.—(1) Before the meeting of a local pension court at which any claim or question is to be considered, reasonable notice shall be sent to the claimant or pensioner informing him of the time and place of the meeting and affording him an opportunity of being heard. Such notice shall state the grounds for the reference.

(2) During the consideration by a local pension court of any claim or question, the claimant or pensioner, the pension officer or his deputy, and any other officer of the Ministry that the Ministry may direct, shall be entitled to be present at the sitting of the court, and the claimant or pensioner may be represented at the sitting of the court by any person authorised by him, including counsel or a solicitor :

Provided that for the purpose of discussing its recommendation the court may order any or all persons, not being members of the court, to withdraw from the sitting of the court.

(3) The local pension court may allow any person appearing to the court likely to be affected by its recommendation to be present during the consideration of a case ; but save as aforesaid there shall not be admitted to the court any member of the public or the representative of any newspaper.

(4) The local pension court may adjourn the consideration of a claim or question from time to time as it may think fit.