2. This Order may be cited as the Unemployment Act (Northern Ireland), 1934, (Second Appointed Day) Order (Northern Ireland), 1936.

Given under my hand at Stormont this fifteenth day of September, 1936.

John M. Andrews,
Minister of Labour for Northern Ireland.

The Ministry of Finance hereby consents to the foregoing Order.

Given under the Official Seal of the Ministry of Financ this fifteenth day of September, 1936.

(L.S.)

W. B. Spender,
Secretary to the Ministry of Finance.

UNEMPLOYMENT ASSISTANCE.

Determination of Need, p. 366. | *Temporary Provisions, p.* 373.

Determination of Need.

THE UNEMPLOYMENT ASSISTANCE (DETERMINATION OF NEED AND ASSESSMENT OF NEEDS) REGULATIONS (NORTHERN IRELAND), 1936, MADE BY THE MINISTRY OF LABOUR FOR NORTHERN IRELAND UNDER THE UNEMPLOYMENT ASSISTANCE ACT (NORTHERN IRELAND), 1934 (24 AND 25 GEO. 5, CH. 12).

1936. No. 122.

WHEREAS it is provided by the Unemployment Assistance Act (Northern Ireland) 1934 (hereinafter referred to as "the Act") that the amount of any allowance to be granted under the Act shall be determined by reference to the needs of the applicant for such an allowance, and that the need of the applicant shall be determined and his needs assessed in accordance with regulations made under the Act by the Ministry of Labour for Northern Ireland (hereinafter referred to as "the Ministry") after consideration of draft regulations prepared and submitted to him by the Unemployment Assistance Board for Northern Ireland;

And whereas the Ministry duly made the Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1934 (*a*);

And whereas it is expedient that new Regulations should be made for the purposes aforesaid;

(*a*) S. R. & O. 1934, No. 125.

Now therefore the Ministry by virtue of the powers conferred on it by Sections 33 and 46 of the Act and of all other powers in that behalf hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations (Northern Ireland) 1936, and shall come into force on the sixteenth day of November, 1936.

(2) The Unemployment Assistance (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1934, are hereby revoked as from the date on which these Regulations come into force ; but such revocation shall not affect any determination made in accordance with the Regulations so revoked or anything done or to be done under any such determination.

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

" The Act " means the Unemployment Assistance Act (Northern Ireland), 1934.

" Advisory Committee " means a Committee established by the Unemployment Assistance Board under Section 30 of the Act.

" Applicant " means a person who has applied for an allowance under the Act.

" Benefit rate " means one of the rates or increased rates at which benefit is on the date on which these Regulations are made, or, in the case of Agricultural Benefit will on the 5th November, 1936, become payable under the Unemployment Insurance Acts (Northern Ireland), 1920 to 1936.

" Appropriate benefit rate " means the benefit rate which, having regard to the general character of his normal occupation, appears to be the rate appropriate to the applicant's circumstances, excluding any increase of benefit provided by the said Acts in respect of any dependants who are not members of his household.

" 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.

" 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 sub-paragraph (1) of paragraph 1 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 Unemployment 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 Parliament.

3. The question whether an applicant is in need of an allowance 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.

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

1.—(i) 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.

(ii) The sum so ascertained shall, where necessary be adjusted in accordance with the following provisions :—

(*a*) Except where special circumstances or needs of an exceptional character exist, the said sum shall be so adjusted as to be less than the amount which would ordinarily be available for the support of the household out of the earnings of the applicant and of other members of the household whose needs have been included with those of the applicant, if they were following the occupations normally followed by them.

(*b*) If the applicant resides in a locality which is predominantly rural in character, the said sum 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 an 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.

2. If in any case special circumstances exist, the amount calculated in accordance with paragraph 1 hereof may be adjusted by way of increase or decrease by such amount as is reasonable to meet such special circumstances.

3. If in any case needs of an exceptional character exist, whether arising from prolonged unemployment or otherwise, the amount calculated in accordance with the foregoing provisions may be increased by such amount as is reasonably necessary to meet those exceptional needs.

Provided that if, in any case where the applicant is the householder and the needs of some other member of the household have been included with those of the applicant, and there are no available resources, the sum calculated in accordance with the foregoing provisions is less than the appropriate benefit rate, that sum shall (whether the applicant is insured against unemployment or not) be increased by the amount by which the appropriate benefit rate (less the amount of any reduction made under sub-paragraph (2) of paragraph 1 of the First Schedule to these Regulations) exceeds (*a*) the amount of the applicant's scale allowance, or (*b*) where the appropriate benefit rate is a rate of agricultural benefit, the amount of the applicant's scale allowance less the amount of any reduction made under sub-paragraph (ii) (*b*) of paragraph 1 of this Regulation.

Provided also that if in any case it appears that the sum calculated in accordance with the foregoing provisions is less than the amount which would be arrived at if the case were dealt with in accordance with the practice relating to the assessment of allowances in force on the date on which these Regulations are made in the area in which the applicant resides, then that sum may be increased by such an amount as is reasonable having regard to the amount by which it is so less and to the relation of that amount to all the circumstances of the case; so however that :—

(*a*) the power conferred by this proviso shall not be exercised after the expiration of eighteen months from the date on which these Regulations come into force