1972. No. 223 **[C]**

FAMILY INCOME SUPPLEMENTS

Miscellaneous Amendments

REGULATIONS, DATED 4TH SEPTEMBER 1972, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE FAMILY INCOME SUPPLEMENTS ACT (NORTHERN IRELAND) 1971.

The Ministry of Health and Social Services on behalf of the Secretary of State, in exercise of powers conferred by sections 4(2)(*a*) and (*b*) and 10(2) of the Family Income Supplements Act (Northern Ireland) 1971(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 10(3) of that Act:

Citation and commencement

1. These regulations may be cited as the Family Income Supplements (Miscellaneous Amendments) Regulations (Northern Ireland) 1972 and shall come into operation on 15th September 1972.

Amendment of the Family Income Supplements (General) Regulations

2.—(1) The Family Income Supplements (General) Regulations (Northern Ireland) 1971(**b**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2)(definitions), for the definition of "war disablement pension" there shall be substituted the following definition:

" 'war disablement pension' means—

(*a*) retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the Ministry of Pensions Act 1916(**c**), the Air Force (Constitution) Act 1917(**d**), the Personal Injuries (Emergency Provisions) Act 1939(**e**), the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**f**), the Polish Resettlement Act 1947(**g**), the Home Guard Act 1951(**h**) or the Ulster Defence Regiment Act 1969(**i**);

(*b*) any retired pay or pension to which section 365(1) of the Income and Corporation Taxes Act 1970(**j**) applies, not being retired pay, pension or allowance to which head (*a*) of this definition applies; or

(*c*) any payment which the Ministry accepts as being analogous to any such retired pay, pension or allowance as is referred to in head (*a*) or head (*b*) of this definition."

(3) In regulation 2, for paragraph (5) (sums to be disregarded in calculating or estimating a person's normal gross income) there shall be substituted the following paragraph:

"(5) In calculating or estimating a person's normal gross income and the weekly amount thereof, there shall be deducted—

(**a**) 1971. c. 8 (N.I.).
(**b**) S.R. & O. (N.I.) 1971, No. 122.
(**c**) 6 & 7 Geo. 5. c. 65.
(**d**) 7 & 8 Geo. 5. c. 51.
(**e**) 2 & 3 Geo. 6. c. 82.
(**f**) 2 & 3 Geo. 6. c. 83.
(**g**) 10 & 11 Geo. 6. c. 19.
(**h**) 15 & 16 Geo. 6 and 1 Eliz. 2. c. 8.
(**i**) 1969. c. 65.
(**j**) 1970. c. 10.

(*a*) the whole of any sums by way of attendance allowance;

(*b*) the whole of any payments made in respect of a child who is boarded out for the purposes of the Children and Young Persons (Boarding Out) Regulations (Northern Ireland) 1950(**k**);

(*c*) the whole of any sums by way of benefit under the Act;

(*d*) the whole of any sums by way of benefit under the Supplementary Benefits Act; and

(*e*) up to £2·00 a week of any sums (other than sums payable by way of attendance allowance) payable by way of a war disablement pension."

Amendment of the Family Income Supplements (Claims and Payments) Regulations

3.—(1) Regulation 2 (manner in which claims are to be made) of the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1971(**l**) shall be amended in accordance with paragraphs (2) to (4).

(2) For paragraph (1) there shall be substituted the following paragraph:

"(1) Every claim shall be made in writing on a form approved by the Ministry, or in such other manner, being in writing, as the Ministry may accept as sufficient in the circumstances of any particular case or class of cases and shall be delivered or sent to an office of the Ministry."

(3) After paragraph (1) as so substituted, there shall be inserted the following paragraph:

"(1A) The date on which a claim is made shall be the date on which it is received at an office of the Ministry (hereinafter referred to as 'the relevant date'), so however that if—

(*a*) a person making a claim requests the Ministry to treat that claim as having been made on a date earlier than the relevant date, or the Ministry is aware that a claim which has been sent by post has not been delivered in the ordinary course of post; and

(*b*) the Ministry is satisfied that it was through no fault on the part of that person that the claim was not made on a date earlier than the relevant date,

the Ministry may treat the claim as having been made on a date earlier than the relevant date, being a date not more than three months before the relevant date."

(4) For paragraph (4) there shall be substituted the following paragraph:

"(4) Any reference in the Act or in regulations to the date on which a claim is made shall—

(*a*) in the case of a claim which is treated as having been made on a date earlier than the relevant date under paragraph (1A), be construed as a reference to the date on which such claim is so treated as having been made; and

(*b*) in the case of a claim which is treated as if it had been duly made in the first instance under paragraph (2), be construed as a reference to the date on which such claim is so treated as having been duly made."

(**k**) S.R. & O. (N.I.) 1950, No. 43. (**l**) S.R. & O. (N.I.) 1971, No. 123.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 4th day of September 1972.

(L.S.)

C. G. Oakes,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations make minor amendments to the Family Income Supplements (General) Regulations (Northern Ireland) 1971 and the Family Income Supplements (Claims and Payments) Regulations (Northern Ireland) 1971.

Regulation 2 amends the former by substituting a new definition of "war disablement pension" and a new provision whereby sums which hitherto fell to be disregarded for the purpose of computing a person's normal gross income will in future be deducted for that purpose.

Regulation 3 amends the latter so that, in certain circumstances, a claim for family income supplement may be treated as having been made before the date on which it is received at an office of the Ministry.