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# OLD-AGE PENSIONS ACT, 1908.

TOGETHER WITH

THE TEXT OF THE REGULATIONS MADE THEREUNDER

*Dated 15th October, 1908,*

AND

Official Circulars and Instructions for the  
Guidance of Pension Authorities by the  
Local Government Boards

OF

ENGLAND, SCOTLAND, AND IRELAND;

Annotated and Explained, with Historical Introduction.

BY

**WILLIAM A. CASSON,**

*Barrister-at-Law, of the South-Eastern Circuit, author of various  
works on Local Government, including the Education Act, 1902,  
Model Byelaws under the Public Health Acts, etc.*

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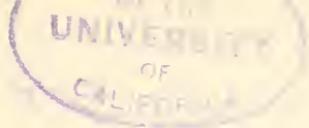
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## PREFACE TO THIRD EDITION.

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The second edition having become exhausted, and the Provisional Regulations made by the Treasury in conjunction with the Postmaster-General and with the Local Government Boards of England, Scotland, and Ireland, having been replaced by the permanent Regulations made on the 15th October, 1908, a third edition of this book was called for.

As is explained in the Circular issued by the Local Government Board on 27th October, the new Regulations are for the most part identical with the Provisional Regulations. Apart from a few alterations which are merely verbal, the following are the points on which the new Regulations differ from the Provisional Regulations:—

No. 19. Words have been added to paragraph (2) of this Regulation requiring that a committee on receiving notice of any decision of the Local Government Board on an appeal by a person aggrieved other than the claimant or pensioner, shall send information of such decision to that person as well as to the pension officer and to the claimant or pensioner.

No. 22. This Regulation has been slightly altered with the object of making it clear that the right of a sub-committee to the use of offices of a local authority extends to any such offices in the area of the council of the county, borough, or urban district by whom the local pension committee are appointed, and is not confined to offices within the area of the sub-committee.

A proviso has also been added to paragraph (3) of the Regulation directing that, except with the sanction of the Local Government Board, a committee or sub-committee shall not hold a meeting on any licensed premises, nor shall any such premises be used without such sanction as an office of the committee or sub-committee, or for any purpose of or incidental to their business. The sanction of the Local Government Board in any such case is only to be given when no other suitable room is available, either free of charge or at a cost not exceeding the scale fixed by the Treasury. For the purpose of the Regulation, the expression "licensed premises" is defined by paragraph (4) of the Regulation to mean premises licensed for the sale of intoxicating liquor, and to include any club at which such liquor is supplied.

No. 24. A proviso has been added to paragraph (2) of this Regulation, to enable the Local Government Board, in special circumstances, to authorise a smaller or a greater number of members of a sub-committee than that specified in the Regulation.

No. 31. Some alteration has been made in paragraph (2) of the Regulation, with respect to the disposal of documents by the pension officers.

No. 36. Paragraph (1) of this Regulation has been altered to bring it up to date. It requires that every council by whom a local pension committee has not already been appointed shall forthwith hold a meeting for the purpose of appointing such committee.

No. 38. This Regulation is new. It provides that everything done in pursuance of the Provisional Regulations shall, notwithstanding anything contained in the present Regulations, be deemed to have been validly done, and have full effect accordingly.

The opportunity has been taken to amend and add to the notes to the various sections with a view of elucidating such points of difficulty as are likely to be raised during the early stages of the application of the Act.

All important Circulars issued by the Local Government Boards of England, Scotland, and Ireland since the publication of the second edition have been inserted in the present edition.

W. A. C.

Temple,

2nd November, 1908.

PREFACE TO SECOND EDITION.

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The first edition of this little book was hurried through the press at such speed that some mistakes were unavoidable. The opportunity which the preparation of a second edition has afforded has been taken advantage of to correct any errors, and to add further matter. In view of some opinions which have been elsewhere expressed as to the mode of calculating the incomes of married persons, a special note has been added to section 4 (2), in which it is pointed out that the total income of a married couple is not to be divided in every case, but is only to be divided for the purpose of providing a technical minimum income for one of the couple. Complete lists have been added to Appendix C, giving the local authorities in Scotland and Ireland by whom local pension committees are to be appointed, as well as those given in the previous edition for England. Additions have been made to Appendix D so that it now comprises the three Naturalization Acts of 1870, 1872, and 1895.

W. A. C.

Temple,

15th September, 1908.

## INTRODUCTION.

—:0:—

IT was on Thursday, the 7th May, 1908, that the Right Hon. H. H. Asquith, the Prime Minister, in introducing the Budget, announced the intention of the Government to deal with the question of old-age pensions. This question has been made the subject of many proposals, but all of them were reported on adversely by Lord Aberdare's Royal Commission on the Aged Poor in 1895. Subsequently to that there were other proposals, and several Bills were introduced into Parliament, and these were considered by various committees in 1899, 1900, and 1903. Mr. Asquith told the House of Commons that whilst these inquiries had been proceeding other countries had been making experiments. The German system, which is one of compulsory State-aided assurance, has been in existence since 1889. Under it pensions averaging a little over £6 13s. a year are paid to insured persons of the age of 70 and upwards. The State contribution amounts to less than 40 per cent. of the whole, and it would seem that in 1907 not more than 126,000 persons out of a population of over 52 millions were in receipt of old-age pensions. Legislation had been initiated in Denmark in 1891, in New Zealand in 1898, and subsequently in New South Wales and Victoria. These systems, though differing widely in their details, have several important features in common. In the first place, they do not depend for their application either upon voluntary or compulsory contribution on the part of the pensioner. In the next place, they are limited in all cases to persons whose income or property is below a prescribed figure; and, thirdly, in all cases they impose some test or other varying in stringency and in complexity, of character and desert in regard to such matters, for instance, as past criminality or pauperism.

Mr. Asquith said "We have had to consider this matter very carefully, and the first conclusion at which we arrived was that all so-called contributory schemes must be ruled out. They do not meet the necessities of the case. If the contribution which is to be the condition of a pension were left to the option of the would-be pensioner, the assistance of the State might be confined to a comparatively small class, and that not by any means necessarily the most necessitous or the most deserving class. On the other hand, if it were sought to make the contribution compulsory with no practical machinery in this country by which it could be worked, you would certainly have to face the hostility of many other competing bodies like the trade unions, friendly societies, insurance companies, and a host of others."

Mr. Asquith proceeded to say that "As regards the amount of the pension, it has been generally agreed in this country that 5s. a week, or £13 a year, should be the sum. Let me assume that the *maximum* of £13 a year—and I prefer to speak of it as so much a year instead of so much a week—was to be awarded in all cases and to make no allowance, as you must do, for the differential treatment of married couples. The annual cost of providing pensions for the total number of pensionables—and I hope I shall be forgiven for that barbarous word—would work out thus. For persons over 65 the cost would be £12,180,000; and for persons over 70 the cost would be £7,440,000. To both these figures you must add the cost of administration, estimated by the Hamilton Committee at 3 per cent.; and the experience of New Zealand shows that that is an outside figure. On the other hand, there are certain heads of deduction which ought to be taken into account in forming the estimate of cost. In the first place, it is reasonable to suppose that, through ignorance, inadvertence, and other causes a substantial proportion of persons legally entitled to pensions would not receive them. In the next place, married couples ought, when living together, to be pensioned at a lower rate than single people. The number of husbands and wives so living together over 65 years of age and upwards form about 26 per cent. of the total population at that age in any year; that is, roughly speaking,

about a quarter, not more, of the total number of pensioners will receive not more than 3s. 9d., instead of 5s. per head, or £9 15s., instead of £13 a year. Then, of course, there is another very important consideration. There must clearly be provision for the forfeiture or suspension of the pensions if they are shown to have been obtained by fraudulent misstatements, or if the pensioner is subsequently convicted of serious offences.

#### THE MAIN CONSIDERATIONS.

“Now I will bring these various considerations to a head in a moment. We think, first of all, the financial situation admits of a substantial first step being now taken. We think next that the social and economic conditions of the United Kingdom are so different from those in other countries, like Denmark and New Zealand, which alone afford any relevant experience that has been obtained, that we ought in the first place to proceed with great caution upon lines which may admit of subsequent development; and we think, further, that the experimental effort which we are about to make should be one of which, as far as it goes, we should from the first be able to foresee—I do not say with precision, but with reasonable accuracy—the ultimate cost, and thus avoid committing Parliament to a mortgage of indefinite amount upon the future resources of the country. The proposals that we make, having regard to these various considerations, are as follows:—First, the income limit, apart from pension, should be fixed at £26 a year, subject to reduction in the case of married couples living together from £52 to £39 per year. I say a year because, as many of these old people are in more or less casual employment, now with a job and now without one, it is very much better to take the whole income for the preceding year than the weekly income from time to time. Secondly, we think that the age limit, having regard to the figures which I quoted to the House a short time ago, at which a pension should accrue should in the first instance, at any rate, and for the purpose of our present proposal, be fixed at 70. Thirdly, there is no substantial difference of opinion, I believe, as to the amount of the pension, which

should be £13 a year, and in the case of married couples living together £9 15s. per head. Fourthly, we think that stringent conditions should be provided—and by stringent I mean effective—for forfeiture or suspension, following in the main those which prevail in New Zealand.”

The Bill was introduced shortly after the Budget Speech, and reached its Second Reading stage on the 15th June, 1908. On moving that the Bill be read a second time, the Chancellor of the Exchequer (Mr. Lloyd George) explained the principles on which the Government had proceeded in framing the measure, and his speech contains practically all the arguments for and against the various schemes that have been propounded, including that which is embodied in the Bill. The Chancellor of the Exchequer said that a contributory scheme was impossible in this country, because it would practically exclude women from its benefits, and because “the majority of working men are unable to deflect from their weekly earnings a sufficient sum of money to make adequate provision for old age, in addition to that which they are now making for sickness, infirmity, and unemployment.” In this speech the Chancellor of the Exchequer foreshadowed the changes which ultimately were made in the Bill by the introduction of a sliding scale, and he stated that the Government would not offer any strenuous resistance to the amendment of the Bill in that direction, and that he was quite prepared to give due weight to the considerations in favour of such a scale. (Parliamentary Debates, Vol. CXC., p. 569.)

In the Committee Stage of the Bill amendments were subsequently made by which the sliding scale set forth in the Schedule to the Act was adopted. (Parliamentary Debates, Vol. CXC., p. 1587.)

The Bill rapidly passed through all its stages in both Houses of Parliament, and received the Royal Assent on 1st August, 1908.

With regard to the various schemes for the provision of old-age pensions, a memorandum which has been prepared

by the Local Government Board was issued as a Parliamentary Paper in July, 1907. [Cd. 3618.]

This memorandum contains, firstly, a short account of the proposals which have from time to time been considered by the Royal Commission on the Aged Poor and by Parliamentary and other Committees with the object of providing pensions for aged persons; secondly, a statement of the effect of the scheme for this purpose put forward by one of these Committees (Mr. Chaplin's) in 1899, and of the examination of the financial aspects of this scheme by the Departmental Committee of 1899-1900; thirdly, an estimate of the cost of providing pensions under certain schemes; fourthly, an estimate of the possibilities of a reduction in Poor Law expenditure under a scheme of old-age pensions; and, finally, some notes of the existing information as to the classes of persons at present in receipt of pensions or superannuation allowances from various sources.

In this memorandum, from which much of the following matter is taken, it is stated that although various pension schemes for the aged poor in this country have been propounded and considered between 1893 and 1903—some of a universal kind, some on a basis of insurance (with or without an element of compulsion), and others involving special conditions, limiting the number of possible pensioners—there is, as yet, no scheme which has, after consideration by a Parliamentary Committee, taken so definite a shape and reached so authoritative a position as that favoured by the Select Committee of 1899 (Mr. Chaplin's), and virtually adopted, with modifications, by the Select Committee of 1903.

It is, therefore, of moment to refer to the question of the numbers which might now be pensionable under that scheme, having regard to the investigations made by the Departmental Committee of 1899-1900. Further, the opportunity is taken of making some observations on points affecting the matter, such as the number and growth of the aged population.

The main task of the Departmental Committee of 1899-1900 was to arrive at an estimate of the cost which the scheme of the Chaplin Committee, if put into operation, would involve. For this purpose the Departmental Committee took the means set out in their report to arrive, first, at estimates of the total number of the aged (various age-periods and dates being dealt with), and, secondly, at the numbers who would be disqualified from a pension, on the various grounds specified in the scheme. The residue of the aged population would represent the possible pensioners.

Applying the estimates of the Departmental Committee of 1899-1900 to the present time, it has been calculated that in the United Kingdom, out of a total population of the age of 65 years and upwards probably numbering some 2,116,000 in 1907, there would be about 686,000 persons qualified for a pension, leaving about 1,430,000 persons of pensionable age who would be disqualified on one or other of the grounds specified in the scheme of Mr. Chaplin's Committee.

As regards population, tables show the number of persons of 65 years and upwards as enumerated at the census of 1901, and as estimated for the middle of 1907. In the enumerated population of the United Kingdom (1901) the number of persons 65 years of age and upwards was 2,018,716, or about 5 per cent. of the total population of all ages. The population at later ages decreases rapidly; the number of persons 70 years and upwards being but little more than one-half the number over 65, viz., 1,205,000, while it was less than a third at 75, viz., 600,000. Women were in excess of men, their number being in the proportion of 1.27 to one man for the population aged 65 years and upwards, and in the proportion of 1.37 to one man at the age of 75 years and upwards. Nearly one-third of the whole number of persons aged 65 years and upwards in England and Wales in 1901 were living in rural districts, the number of aged persons in rural districts being a larger factor in the general population of those districts than is the case in urban districts.

## AGE LIMIT.

As to age limit, it may be noted that this has been set at 65 years by most of the Bills promoted in regard to pension schemes and by each of the Committees which have considered the subject. The same age limit is fixed by the statutes governing the grant of State pensions in New Zealand. Lord Rothschild's Committee, indeed, remarked in their report that they felt that once a scheme of old-age pensions had become operative, the limit of 65 might be hard to maintain. It will be obvious that any reduction of the age limit would bring a largely increased number of persons on the pension list.

A suggestion was made by the Select Committee on the Aged Pensioners Bill, 1903, to the effect that if a pension scheme with an age limit of 65 were not feasible, on account of the cost of such a scheme, it would be possible at the outset to raise the limit. Calculations with the object of ascertaining the number qualified for pensions at later ages under the proposals of Mr. Chaplin's Committee were made by the Departmental Committee of 1899, and these calculations have been revised for the present year. It is estimated that, at the present time, of the whole number of 2,116,000 persons aged 65 years and upwards, 1,254,000 are 70 years and upwards, and 635,000 aged 75 years and upwards. If the age limit were raised from 65 to 70 the estimated number of possible pensioners would be reduced by nearly 44 per cent., viz., to 387,000, and if raised to 75 the number would be reduced by about 72 per cent., viz., to 190,000.

## INCOME TEST.

In the case of income, the estimate was obtained by the only means practicable for the Committee, *i.e.*, a test census carried out by means of a house-to-house visitation of certain districts in England and Wales, and Scotland, selected as approximately representative of the general population.

The statement of income given by the person visited was necessarily accepted, though the Committee remarked on the liability to understatement of income as affecting both

their own estimate and the practical working of any similar investigation under a pension scheme of the kind considered. If it may be assumed that some material understatement of income occurred in this census, but that facts as to income could be more correctly ascertained under a pension scheme in operation, there should be some reduction on this account in the estimate of the numbers pensionable. The facts would obviously be difficult to ascertain in the case of earnings derived from casual labour, which would necessarily constitute a large proportion of the work performed by aged persons.

Women, whose numbers amounted to nearly 56 per cent. of the aggregate number of persons visited in the English districts selected, were treated as independent persons in respect of income, but the numbers who were married were separately tabulated. Out of 3,282 women aged 65 and upwards who were found to have incomes of 10s. a week or less and not to be in receipt of poor relief, 1,213, or 37 per cent., were returned as married. Many of these would possibly be wives of men who had incomes of more than 10s. a week. In this connection it must be noticed that the Aged Pensioners Bill, 1903, provided that to qualify for a pension, in the case of a married couple, the joint income of a husband and wife must not be in excess of 15s. a week, and there can be little doubt that had the census taken by the Committee of 1899 been framed on this basis, the results would have shown a considerably higher number as disqualified for pensions. The census of 1901 (England and Wales) showed that out of the whole number of 1,518,000 persons aged 65 and upwards, 398,686, or 26 per cent. (199,343 couples, both husband and wife in each case being over 65 years of age), were returned as married couples living together. It may be noticed that under the New Zealand scheme there were, in 1905, 1,035 married couples (2,070 persons) out of an aggregate of 11,138 pensioners 65 years of age and over, or 19 per cent. of the latter number. The position of women generally as regards the income test and the pension allowance would probably deserve separate attention if any scheme of pensions were put in operation.

It is not clear how far or in what manner the Committee considered, under the head of income, benefits distinct from cash receipts, though in taking their census they endeavoured to obtain information on the subject. The value of a cottage in the free occupation of an applicant, whether belonging to him or not, should under a pension scheme imposing a limit of income doubtless be taken into account. The value of property, as well as income, possessed by an applicant is required to be considered under the Danish and New Zealand systems of old-age pensions.

A suggestion was made by the Committee on the Aged Pensioners Bill, 1903, that if the scheme embodied in that Bill were not immediately practicable on account of the cost involved, it would be possible in the first instance to reduce the amount of weekly income, the possession of which should disqualify for a pension. The results, as regards England and Wales, of the test census, undertaken by the Departmental Committee of 1899, show that a large number of persons were returned as having incomes verging on the limit of 10s. a week, and that, had the income limit been fixed at 7s. 6d. a week instead of 10s., the effect would have been to exclude about 45 per cent. of the aged population from the receipt of pensions, instead of 37 per cent., as estimated by the Committee.

#### POOR LAW RELIEF TEST.

The Departmental Committee estimated that nearly 26 per cent. of the population 65 years of age and upwards in the United Kingdom, and 27 per cent. in England and Wales, might be taken as having at some time in the previous 20 years received poor relief, other than medical relief. The estimate was based partly on the results of the test census above referred to, and partly on returns relating to the number of persons relieved in the course of a whole year. No attempt was made to distinguish the number of persons who might have had relief under exceptional circumstances. This class was, under the proposals of Mr. Chaplin's Committee, exempted from the disqualification attaching to the receipt of poor relief, but the report of that Committee

contained no definite suggestions as to the "circumstances" which, for this purpose, might be regarded as "exceptional." The Select Committee on the Aged Pensioners Bill, 1903, recommended that a definition of the expression should be inserted in the Bill, though they did not state what it should be. Such a definition might be difficult to frame; but it is clear that, if one were put in operation, it might lead to a distinct increase in the numbers pensionable.

The suggestion made by the Committee on the Aged Pensioners Bill, 1903, that persons qualified by age for the receipt of pensions who were in receipt of Poor Law relief at the time of the passing of the Act, but who had not received any such relief for 20 years before reaching the age of 65, should be exempted from disqualification, would also reduce, perhaps considerably, the number of persons estimated by the Departmental Committee to be disqualified by the receipt of relief.

#### THRIFT TEST.

The estimate of the number of aged persons who would fail to satisfy the pension authority that they had exercised thrift was also entirely hypothetical. The Departmental Committee considered that "when all persons who have been or are, partly or wholly, constantly or casually dependent on the rates, are rejected as ineligible for pensions, very nearly full account will have been taken of those who would fail" in one way or another to secure this qualification.

In regard to these estimates, generally, it is obvious that, under a scheme involving elaborate investigation into the character and past history of applicants, any calculation of the number of persons who might at the outset have to be provided for would be liable to be gravely affected by the degree of accuracy in its inquiries that the pension authority was able to secure.

## ESTIMATES OF COST OF SCHEMES.

In estimating the cost of schemes for the provision of old-age pensions regard must be had not only to the immediate cost, but also to the expenditure which will probably be involved at a more remote date, subsequent to the inception of the scheme.

## UNIVERSAL OLD-AGE PENSIONS.

The total number of persons aged 65 and upwards in 1907 being estimated at 2,116,000, the cost of granting a pension of 5s. a week to all persons of this age without distinction, would, at the outset, amount for the United Kingdom to £27,508,000, apart from the cost of administration. This amount would be equivalent to a poll-tax of about 12s. 6d. per head on the total estimated population (1907) of the United Kingdom. The cost of pensions granted universally to persons of 70 years and upwards would amount to £16,302,000, the estimated numbers at that age being 1,254,000.

The cost at a later date, after the scheme had become operative, would be affected only by the natural growth of the aged section of the population, and in 1921 might be estimated at £30,632,000 for all persons 65 years of age and upwards.

## SCHEME OF MR. CHAPLIN'S COMMITTEE.

The immediate cost of the scheme framed by Mr. Chaplin's Committee of 1899, on the estimates arrived at by the Departmental Committee of the same year, would be for 1907, assuming the age limit to be 65 years, £8,029,000 for England and Wales, and £10,780,000 for the United Kingdom. Raising the age limit to 70 years, the cost works out at £4,444,000 for England and Wales, and £6,119,000 for the United Kingdom. If the limit were fixed at 75 years the cost would be about £2,223,000 for England and Wales, and £3,033,000 for the United Kingdom.

## AMOUNT PAYABLE IN PENSIONS.

The estimates in the preceding paragraph comprise both the amount to be given in pensions on the basis of the numbers assumed to be pensionable and the cost of administration, which, in the case of the scheme applicable to persons 65 and upwards, is taken at 3 per cent. on the amount of the pensions given.

In regard to the amount of actual pensions, which for 1907 is calculated at £10,466,000 on an age limit of 65 years, the Departmental Committee assumed an average payment of 6s. a week (£15 12s. a year), on the ground that the pension was to range between 5s. and 7s. a week. This margin was allowed by Mr. Chaplin's Committee to meet differences in the cost of living in various localities, and the pension scale in any given district was to be fixed by the pension authority. A fixed amount of 5s. a week (£13 a year) has been assumed in a very large proportion of the schemes and of Bills introduced in Parliament, and has been recommended by resolutions of trade and friendly organisations. Had this smaller fixed amount been assumed in the calculations of the Departmental Committee, the amount which would, on their estimate of the numbers pensionable, have to be distributed by way of pensions in 1907 would be for the United Kingdom £8,924,000. It should, however, be noticed that the Committee on the Aged Pensioners Bill, 1903, were disposed to depart from the fixed scale of pensions, and recommended that it might be well to intrust the pension authority with a discretion as to amount, so that the pension awarded may not be so reduced as to deprive applicants of the fruits of their own thrift. The Committee did not, however, suggest that the amount of pension should be proportionate to the needs, or means, of the applicants.

The aggregate amount to be distributed in pensions would be slightly reduced if a lower rate of pension were

accorded to married couples as suggested in the evidence taken before the Committee on the Aged Pensioners Bill, 1903. The number of husbands and wives, 65 years of age or upwards, residing together, as ascertained for England and Wales in 1901, formed 26 per cent. of the total population of 65 and over; and if the same percentage be assumed to apply to the whole number of persons estimated to be qualified for pensions in 1907 (*viz.*, 686,000), and a reduced allowance of 9s. a week instead of 12s. be assumed for each married couple, the aggregate amount to be distributed in pensions in 1907 to persons 65 years and upwards would be reduced by over £695,000.

The amount to be given in pensions would again be reduced by the extent to which the number of persons having incomes above the income limit were found in practice to be actually higher than the estimate formed by the Departmental Committee. The estimated cost, however, was calculated so as not to give an unduly magnified idea of the cost of the scheme.

The above estimates relate only to the immediate cost of a pension scheme. Any estimate of the cost of this scheme some years after its introduction must be quite hypothetical. The Departmental Committee, in their estimate, went on the view that a progressive decrease in the number receiving Poor Law relief would be the only factor—beside the normal increase of the aged population—that need be taken into account as tending to increase the number pensionable, and the gross amount of the pensions, and on this supposition the total cost in 1921 would amount to £14,878,000, on a scheme inaugurated in 1907 at a cost of £10,780,000.

#### SOURCES FROM WHICH COST SHOULD BE DEFRAIDED.

As to the sources from which the cost of any pension scheme should be defrayed, it may be pointed out that sub-

vention by the State is assumed in all the schemes considered. Mr. Chaplin's Committee proposed an Imperial grant, to be distributed among the several Poor Law unions, the amount of which was not to exceed one-half of the estimated cost of pensions. But the grant was to be distributed on the basis of population; so that the burden on the rates in the case of any given union would bear no necessary relation to the cost of pensions in that case.

Both the scheme to which least objection was taken by Lord Rothschild's Committee, and the scheme embodied in the Aged Pensioners Bill, 1903, contemplated that about half the cost of each pension should fall on the local rates.

In connection with the arrangements for a grant from Imperial sources, it would be necessary to bear in mind the observation of the Committee on the Aged Pensioners Bill, 1903, to the effect that any "temptation to relieve the rates by the grant of pensions instead of Poor Law relief might lead to grave abuses." The extent of any inducement offered to the pension authority to exercise care in the grant of pensions would be a matter of importance, and might seriously affect the general cost of the scheme.

The probable incidence of the charge upon rates as between urban and rural areas under a scheme of old-age pensions deserves attention. Taking a scheme of old-age pensions based on proposals under which 30.9 per cent. of the population aged 65 years and upwards in England and Wales would be pensionable, and assuming one-half the cost of the pensions to be met by a grant from Imperial sources, the following table shows approximately the comparative incidence on the rates in urban and rural areas in England and Wales of the half cost assumed to be directly charged to rates. The cost of administration is not included, nor does the table deal with the ultimate effect on rates, of

any possible distribution of an Imperial grant on the basis of population:—

(1)	Numbers of persons aged 65 years and upwards in 1907.		Estimated cost of pensions.		Rate in the £, of amount in column 5, on aggregate assessable values (1906) (6)
	Estimated total numbers. *	Numbers assumed to be pensionable.	Amount. †	One-half to be borne by local rates.	
	(2)	(3)	(4)	(5)	(6)
London and provincial boroughs and other urban districts.	1,083,000	335,000	£ 5,650,000	£ 2,825,000	d. 4·5
Rural districts-	533,000	165,000	2,145,000	1,072,000	5·9
Total	1,616,000	500,000	7,795,000	3,897,000	4·8

\* Based on the assumption that the proportions of the total population aged 65 years and upwards living in urban and rural districts are the same in 1907 as in 1901, viz., 67 per cent. and 33 per cent. respectively.

† Calculated on a pension of 5s. per week for rural districts (Cp. par. 95, Cd. Paper 67, 1900), the amount shown for urban districts being the difference between the amount for rural districts calculated on this basis and the total sum of £7,795,000 estimated to be the total cost for England and Wales.

## POOR LAW EXPENDITURE: POSSIBILITIES OF REDUCTION UNDER A SYSTEM OF OLD-AGE PENSIONS.

Some reduction in the expenditure on Poor Law relief has usually been assumed, whether as an immediate, or a more remote, result of schemes of old-age pensions.

### INDOOR RELIEF.

There appears to be a general agreement in the reports of the various Committees, who have considered the question of old-age pensions, that the cost of indoor relief would

be practically unaffected by the operation of a pension scheme. The Royal Commission on the Aged Poor observed that "except in crowded urban areas the great majority of aged poor in receipt of relief are given outdoor relief, while those receiving indoor relief are usually persons for whom it is necessary for substantial reasons." Mr. Chaplin's Committee reported that "the evidence is clear that the majority of the inmates of the House are in that position because of sickness or infirmity, which obliges them to accept the shelter of such an institution." From a return obtained as to aged paupers in England and Wales on the 1st September, 1903, it appeared that out of nearly 96,000 inmates of workhouse institutions over 60 years of age, about 61 per cent. were, in the opinion of the medical officers, unable, owing to physical or mental infirmity, to satisfactorily take care of themselves. Finally, inquiries instituted for the Committee on the Aged Pensioners Bill, 1903, in 21 Poor Law unions in England and Wales showed that (apart from those who, in the opinion of the workhouse medical officers, could not satisfactorily take care of themselves) only 14 per cent. of the total number of inmates over 65 years of age could live on a pension outside the workhouse with relatives having suitable accommodation for them, and only 10 per cent. were willing to do so. This Committee reported that "the reduction on Poor Law expenditure will be considerably less than has often been represented, inasmuch as the proportion of the aged poor who are now, or may in future be, in the workhouses, who could with advantage to themselves live outside with the aid of a pension will probably be found to be very small."

If of the present number of inmates aged 65 years and upwards of workhouse institutions in England and Wales (about 76,000) 10 per cent., or about 7,600, were assumed to leave the workhouse on satisfactory terms, the result would be that the workhouse population per union would be reduced on an average by only 12 persons, or thereabouts, the total average number per union of indoor paupers (all ages) in workhouses and workhouse infirmaries at the present time being about 359. The withdrawal of this small number of persons would leave the expenditure

on indoor relief, except in respect of actual food and clothing, practically unaffected.

It may be noticed also that the proposals of Mr. Chaplin's Committee which, according to their report, "must necessarily include substantial amendments in the Poor Law," comprised suggestions for the provision of separate cottages in connection with the workhouse for the aged poor, and it will be obvious that the provision of special accommodation of this character would tend to increase the total expenditure on indoor relief.

#### OUTDOOR RELIEF.

It may be assumed, therefore, that the only appreciable saving in Poor Law expenditure would be in that portion which relates to outdoor relief. Out of an aggregate expenditure for England and Wales on poor relief for the year 1904-5 amounting to about £13,852,000, £3,265,000 represented the value of the outdoor relief distributed, and £532,000 the salaries of officers and minor incidental expenses connected with the administration of outdoor relief. If the average amount of out-relief given to aged persons in England and Wales may be taken to be about 3s. a week (as mentioned in the report of the Departmental Committee of 1899-1900), and if the same average number of outdoor paupers aged 65 years and upwards be assumed to have been in receipt of relief in England and Wales in the year 1904-5 as were shown by the return of aged persons in receipt of relief on the 1st September, 1903, it would appear that in 1904-5 about £1,630,000, or 50 per cent. of the total out-relief, was distributed to poor persons aged 65 years and upwards.

The total amount distributed in out-relief in the United Kingdom in 1904-5 was about £4,014,000, but there is no means of stating precisely the proportion of this amount which was distributed to aged poor. The Departmental Committee of 1899 computed that about £1,858,000 represented the annual cost of outdoor relief to paupers 65 years of age and over in the United Kingdom.

The proposals of Mr. Chaplin's Committee, with the modification suggested by the Committee on the Aged Pensioners Bill, 1903, would have excluded from pensions all who were in receipt of outdoor relief, other than merely medical relief, at the time of the passing of the Act, except those who had not received relief between the ages of 45 and 65. Under this scheme probably there would be little or no immediate saving in the Poor Law expenditure. Any reduction of outdoor relief after the passing of the Act would be effected only by the inducement offered under the scheme to poor persons to avoid Poor Law relief in the 20 years prior to their reaching 65 years of age, and by the diversion of existing charities with the object of assisting persons to this end. A similar process is stated to have occurred in Denmark under the pension system there in operation. The Departmental Committee of 1899 estimated that the number of persons who would become qualified for pensions in place of receiving outdoor relief would, by 1911, be a number equivalent to one-third of the computed numbers of aged outdoor paupers in 1899 (*i.e.*, about 85,000 persons), and by the year 1921 a number equivalent to two-thirds (*i.e.*, 171,000 persons), and that thus a reduction in the cost of out-relief would be effected, amounting for the United Kingdom to £619,000 in 1911, and £1,239,000 in 1921. Their data, however, were admitted by them to be purely hypothetical.

Under schemes of a wider scope than that proposed by Mr. Chaplin's Committee, and embodied in several Bills that have been submitted to Parliament—see, for instance, the Old-Age Pensions Bill, 1903—no disqualification has been attached to the receipt of Poor Law relief. The saving in regard to expenditure on out-relief as such would, of course, under such schemes, be immediate and more considerable than that estimated above. Thus, taking the cost of relief given to aged outdoor poor in the United Kingdom to be about £1,858,000, as computed by the Departmental Committee of 1899-1900, it might be assumed that this amount would, under such a scheme, be saved so far as Poor Law expenditure was concerned. The saving in the cost of relief effected under a scheme of this character would

not, of course, become progressively greater by process of time, and the immediate cost of the pensions granted would be greater than the saving in relief effected.

In regard to any possible saving in the cost of outdoor relief caused by a scheme of old-age pensions, it must be observed that some part of the cost of this relief consists of medical relief, which is more particularly necessary in the case of the aged, and it is unlikely that the cost to the Poor Law of medical relief would be diminished. Under the proposals of Mr. Chaplin's Committee, and those approved by the Committee on the Aged Pensioners Bill, 1903, Poor Law medical relief might continue to be given without involving any disqualification for a pension.

Finally, in any saving of Poor Law expenditure, urban and rural unions would be somewhat differently affected. The number of paupers 65 years of age and upwards, in proportion to the total population of the same age, varies greatly in different parts of the country, and the number is usually higher in rural than in urban areas. Thus, in 50 urban unions in England the number of paupers of this age on 1st September, 1903, who were in receipt of relief was 18 per cent. of the total population of the same age, while in 50 rural unions the proportion for the same class was 21 per cent. Assuming the same proportion of aged paupers to become pensionable in urban as in rural districts (either at the outset, or at a more remote date, according to the provisions of the scheme adopted), any saving, so far as Poor Law expenditure is concerned, might be expected to be greater in the case of agricultural districts than in that of towns; though, against this, as already pointed out, there might be a heavier charge for pensions in rural districts.

The foregoing particulars are mostly taken from the Parliamentary Paper No. 3618 (1907), and there is much additional information in that Paper in the form of tables which may usefully be consulted. In particular, there are the tables relating to a test census in regard to the incomes of persons 65 years of age and upwards, which was insti-

tuted by the Departmental Committee on the Aged Deserving Poor in 1899.

The Old-Age Pensions Regulations were signed on the same date, namely, the 20th August, 1908, by the Lords Commissioners of His Majesty's Treasury and by the Postmaster-General, and they were sealed by the Local Government Boards of England, Scotland, and Ireland also on that date. They are, therefore, now in force throughout the whole of the United Kingdom.

In conclusion, it may be well to point out the effect of the Financial Instructions for Pension Committees and Sub-Committees contained in the Treasury Minute of 20th August, 1908. Clerks to committees will be paid by fees, which are to be fixed by the pension committee, and are to be inclusive of out-of-pocket expenses. The fees are of two kinds—(1) those for general incidental expenses, including office accommodation, and (2) for claims and questions dealt with by the committees. Clerks will use official forms which will be supplied free of charge, and will be entitled to free transmission through the post for the greater part of their correspondence. The fees payable to clerks for incidental expenses are intended to cover stationery, postages, and incidental expenses generally. It is well to bear in mind that although during the month of September there will be much preliminary work in organising committees and sub-committees, and in making preparations for the consideration of claims, no fee will be payable in respect of any period prior to the 1st October. Committees must transmit to the Treasury, through the clerk of the appointing council, complete schedules of the fees approved for each clerk, and whenever any alteration is made in a schedule of fees the whole schedule, as altered, and not merely the particular alteration, must be sent to the Treasury. No travelling expenses of any kind will be chargeable by members of committees, and no expenses will be allowed to any claimant for attending before a committee, or for supplying any information to a committee, or otherwise. It should be noted that the Treasury will not consider any

correspondence except through the clerk of the appointing council. It is probable that some expenses will be incurred by committees which will require the special sanction of the Treasury. In such cases the application for sanction on the part of the committee must be made to the Treasury by the clerk of the appointing council, who must himself recommend what he thinks should be done in the matter. The clerks to the appointing councils are required to submit the claims for reimbursement of the expenses, or for sanction to expenditure out of moneys advanced by the Treasury, of the pension committees and sub-committees in their areas within one month after the end of each quarter.

It will thus be seen that clerks to appointing councils will have many duties imposed upon them by the new Act, for which they will not in any way be remunerated out of public moneys.

The Act and the Regulations apply alike to the whole of the United Kingdom, and the modifications necessary in the cases of Scotland and Ireland are set out in section 11 of the Act and No. 3 of the Regulations. The Circulars issued by the Local Government Boards of Scotland and Ireland are set out in Appendix A.

As there will probably be cases of claimants to pensions whose residence has been partly in Scotland or Ireland, as well as England, and as no provision is made for referring claims in such cases to the Local Government Board of either of the kingdoms other than that in which the claimant makes his claim, it would seem that any investigations as to a claimant's life in the other kingdoms must be made by the pension officer.

A list of the local authorities who will have to appoint pension committees has been added in Appendix C.

WM. A. CASSON.

1, Essex Court, Temple,  
25th August, 1908.

## ORDER OF PROCEEDINGS.

All claims are in the first instance to be sent to the pension officers to be investigated by them.

On receipt of any claim from a pension officer, together with his report thereon, the clerk to the local pension committee or sub-committee must arrange for a meeting of such committee within seven days. (R. 11 (1).)

Not less than three days before the meeting notice of the time and place of meeting, giving the names of the claimants whose claims are to be considered, must be sent to the pension officer. (R. 12, Form 3.)

Where pension officer has reported that claim may be allowed, and the committee agree with the report, they must forthwith allow the claim, and send notice to the pension officer and the claimant. (R. 13.)

Where they adjourn the investigation of a claim they must do so to an adjourned meeting to be held not more than one month after the date of the original meeting, and notice must be sent to the claimant. (R. 14 (3), Form 6.)

Committee must give final decision on adjourned claim, and send notice to pension officer and claimant. (R. 14 (4), Forms 4 and 5.)

Within seven days after decision of committee, or of notice of decision, pension officer or any person aggrieved may appeal to Local Government Board. (R. 18 (1), Form 9.)

Appellant must send appeal to Local Government Board and notice to committee (Form 10), and committee must send the claim and documents to Local Government Board. (R. 18 (2).)

After decision of committee, or, in the event of an appeal, of the Local Government Board has been given, such decision becomes final and conclusive on the expiration of seven days. The clerk to the committee must enter record of the case in the register, and send all documents relating thereto in his possession to the pension officer.

# OLD-AGE PENSIONS ACT, 1908.

8 EDW. VII. C. 40.

An Act to provide for Old-Age Pensions.

[1st August, 1908.]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

## Right to Receive Old-Age Pension.

1.—(1) Every person in whose case the conditions laid down by this Act for the receipt of an old-age pension (in this Act referred to as statutory conditions) are fulfilled, shall be entitled to receive such a pension under this Act so long as those conditions continue to be fulfilled, and so long as he is not disqualified under this Act for the receipt of the pension.

(2) An old-age pension under this Act shall be at the rate set forth in the schedule to this Act.

(3) The sums required for the payment of old-age pensions under this Act shall be paid out of moneys provided by Parliament.

(4) The receipt of an old-age pension under this Act shall not deprive the pensioner of any franchise, right, or privilege, or subject him to any disability.

### Note to section 1.

The effect of this section is to give an inalienable right to a pension to every person who can comply with the statutory conditions set out in section 2, and unless the pensioner becomes disqualified under section 3, such pension will be payable until death. The intention of the Government, as explained in Parliament, was that such pensions should continue to be payable to

all persons who receive them under this Act, even though Parliament should in the future decide to abandon the scheme in consequence of the great cost, or for any other reason. It was made clear in the debates on the Committee Stage of the Bill that whilst the scheme was an experimental one in regard to its conditions, qualifications, and disqualifications, the part which established the right of men over 70 to a pension under certain conditions which might be altered from time to time was not experimental. (Parliamentary Debates, Vol. CXC., column 1544.)

The last subsection is intended to preserve the rights of every pensioner as a citizen, and to prevent his being disqualified or subjected to any disability by the receipt of a pension. In this respect the old-age pension differs from the receipt of alms and Poor Law relief. In the cases of *Dix v. Kent* and *Edwards v. Lloyd* (Fox's Registration Cases) it was decided that where a person was in a state of poverty, and lacked that independence that was desirable in a voter, the receipt of alms in an almshouse operated as a disqualification for the franchise. This was a common law disqualification, grounded on the principle that the electors ought not to be dependent either on the bounty of the community or of private persons for the necessities either for themselves or those dependent on them. This rule was extended by statute to parochial relief by the Reform Act, 1832, and the Representation of the People Act, 1867. These provisions, as amended by section 7 of the Parliamentary, Municipal, and Registration Act, 1878, have been rendered applicable to all Parliamentary and local government elections by subsequent legislation, and their effect is that no person is entitled to be registered as a voter who shall, within a year previous to the 15th July in any year, have received parochial relief or other alms which by the law of Parliament operates as a disqualification. The enactment in subsection (4) of the present section excludes old-age pensions from the effect of these disqualifying enactments.

### Statutory Conditions for Receipt of Old-Age Pension.

2. The statutory conditions for the receipt of an old-age pension by any person are—

- (1) The person must have attained the age of seventy :
- (2) The person must satisfy the pension authorities that for at least twenty years up to the date of the receipt of any sum on account of a pension he has been a British subject, and has had his residence, as defined by regulations under this Act, in the United Kingdom :

- (3) The person must satisfy the pension authorities that his yearly means as calculated under this Act do not exceed thirty-one pounds ten shillings.

#### Note to section 2.

The statutory conditions laid down in this section gave rise to much discussion in Parliament, and they will have to be read in conjunction with the regulations to be made under section 10, as much will depend on the proof that is to be exacted of compliance with the requirements of the section.

When the claim has been made and signed and delivered to the postmaster, the procedure for deciding and adjudicating upon the claim will begin. The three main points to be determined are:—

(1) Whether the claimant satisfies the statutory conditions.

(2) Whether he is subject to any of the disqualifications.

(3) Assuming that his yearly means as calculated under the Act exceed £21 and are less than £31 10s., at what figure they are to be taken to stand.

In the case of claimants who are not subject to any of the disqualifications the conditions are as follows:—The applicant must have attained the age of 70, he must have been a British subject for at least 20 years and have had his residence in the United Kingdom, and his yearly means must not exceed £31 10s.

The age of the applicant will have to be proved in the best manner possible.

It will rest with the claimant in the first place to produce evidence of age, and he will have to do this at his own expense. The cost of a certificate of birth in England is 3s. 7d., and many applicants may be unable to bear this. In any such case the claimant may give the exact date and place of birth, and the pension officer will himself endeavour to verify it by application to the Registrar-General. Such applications can only be made in respect of births in England and Wales which may have been registered as having occurred on or after 1st July, 1837, as that is the earliest date on which births were registered in England and Wales. No births that occurred prior to the 1st July, 1837, were registered on that date, and no certificates of such births can therefore be obtained. There is no provision such as there is in the Education Acts, under which birth certificates can be obtained at reduced fees. Pension officers and pension committees are not empowered to make any payment to clergymen or parish clerks or others for information supplied as to the birth or baptism of claimants, and where applications from pension officers for information are met with demands for fees no such fees can be paid. It would seem that if the pension committee judge from the appearance of an aged applicant that he is not less than 70 years of age they would be justified in allowing the claim.

In Scotland, where for some time to come certificates of birth of persons 70 years of age or over will not be available, the Old Parochial Registers of births and baptisms in the custody of the Registrar-General in Edinburgh may be searched for information where necessary. In Ireland, where also certificates of birth will not be available, the Baptismal Registers will probably afford the necessary evidence of age, and claimants should have no difficulty in obtaining certificates if proper application is made. Relieving officers, rate collectors, and clerks of unions in Ireland may also be in a position to give assistance on questions of age and means, and available census records may be made use of.

According to the instructions in the Second Schedule to the Regulations, in determining the age of any person, "regard may be had to any of the following documents, viz. :—

- "Certificate of birth;
- "Certificate of baptism;
- "Certificate of service in any of the forces of the Crown;
- "Certificate of membership of any friendly or provident society or trade union;
- "Certificate of marriage;
- "Any other evidence which appears sufficient for the purpose."

The applicant must prove that for at least 20 years up to the receipt of a pension he has been a British subject, and he will do this by producing the best evidence he can of his nationality. He will answer the question No. 8 in the Claim Form No. 1 in the affirmative, and supply the pension officer with such information as he can on the point by making a declaration, in order to satisfy that officer that the claimant is entitled to a pension. In the instructions to pension officers as regards the investigation of claims it is stated that—

"Where it appears that any person was born in the British dominions and has not resided out of the British dominions during the preceding twenty years, he may unless there is reason to suspect the contrary, be taken as being a British subject.

"If it appears that any person was not born in the British dominions, he may prove that he is a British subject either by producing a naturalisation certificate and showing that he is the person referred to in the certificate or by showing that he was born of a father who was a British subject.

"If a person who alleges that he was naturalised is unable to produce a naturalisation certificate, inquiry may be made of the Home Office as to whether the person is on the Register of Naturalised Aliens.

"If any person alleges that he was born out of the British dominions of a British father he should be required, if possible, to show whether his father and his grandfather were born in the British dominions or not."

The question of residence gave rise to some discussion in Parliament, and an amendment was moved to alter the section so as

to require that a person in receipt of an old-age pension should remain in the United Kingdom. The Chancellor of the Exchequer explained that the intention of the Government was that the pensioner should receive his pension only so long as he resided in the country, but if he went for a few weeks' fishing at the Dogger Bank, or to the South of France for a few months, he would still be a resident here according to the legal meaning of "resident." This is made clear by the Regulations, rule 29 of which defines "residence" for the purposes of the Act as meaning actual presence in the United Kingdom uninterrupted otherwise than by temporary absences.

"A person (being a claimant) shall be deemed to have been temporarily absent—

"(i.) If before the absence he was living in the United Kingdom and throughout the absence he was employed in the service of the Crown as a soldier, sailor, or otherwise, or was in the service of any one so employed: Provided that for the purposes of this provision a person shall not be deemed to be in the service of the Crown unless his remuneration is paid out of moneys provided by the Parliament of the United Kingdom; or

"(ii.) If before the absence he was living in the United Kingdom and throughout the absence he was serving on board a vessel registered in the United Kingdom; or

"(iii.) If throughout the absence his home was in the United Kingdom: Provided that a person shall not be deemed for the purposes of this provision to have had his home in the United Kingdom during any absences (other than absences to which paragraphs (i.) and (ii.) of this Regulation apply) which occurred wholly or partly within the period of twenty years prescribed by subsection (2) of section 2 of the Act, if the aggregate of those absences since the beginning of the earliest of them exceeds eight years:

"A person (being a pensioner) shall be deemed to have been temporarily absent if he is absent for any period not exceeding three months at any one time."

For the purposes of the Regulations, it must be understood that residence in the Channel Islands or the Isle of Man is to be considered as absence from the United Kingdom.

A pension will lapse if the pensioner is absent from the United Kingdom for any longer period than three months, and if he desires to receive a pension on his return he must make a fresh claim.

It is provided by the instructions in the Second Schedule to the Regulations that "for the purpose of determining whether a person has been resident in the United Kingdom, he must be required to give, if possible, a reference to two persons who have known him, and to state what his employment, if any, has been, during the last twenty years."

The calculation of means will have to be effected by the pension officer in the manner prescribed by rule 10 of the Regulations, and in accordance with the conditions prescribed in section 4 of the Act. Under that section the income which the applicant may reasonably be expected to receive during the succeeding year from 1st January to 31st December must not exceed £31 10s., exclusive of any sum receivable on account of an old-age pension. If an applicant has any property, its yearly value must be taken account of under subsections (b) and (c) of section 4, whether he makes a profitable use of it or invests it or not. If, therefore, an applicant has a cottage in which he lives, or has some land which is capable of being used beneficially and is not so used or let, or if he has any money hoarded, the yearly income which it would produce if used or invested would have to be taken account of. Hoarding money is not a practice which is as common in this country as in some others, for instance, as in France, but it is well to bear in mind that if an applicant has a sum of money hoarded and hidden away so that it does not produce any interest he would have to disclose the fact, as otherwise he would be liable to penalties under section 9 of the Act for making false statements should the effect of his non-disclosure be to secure to him a pension at a higher rate than he was otherwise entitled to.

It will rest with the pension officer to inquire into the means of all claimants, and if he finds that a person has a cottage of valuable old furniture, or is hoarding up some treasures that have been in his family for many years, such as old china, old pictures, old books, war medals, &c., he will have to take the value of these into account. Furniture up to £30 in value will not be taken into account.

Under Regulation 15 it rests with the committee to fix the weekly rate of pension to which the pensioner is entitled, and under Regulation 16 any claim may be made and provisionally allowed at any time not exceeding four months before the date on which the claimant will become entitled to receive his pension. Under section 5 of the Act every pension is to be paid weekly in advance, and to commence to accrue in the case of a claim provisionally allowed on the first Friday after the day on which the claimant becomes entitled to receive the pension, that is, the first Friday after the person shall have attained the age of 70. It therefore follows that as a person attains the age of 70 on the completion of the day preceding his 70th birthday, and as the pension is to be paid weekly in advance, he would be entitled to receive his book of pension orders under Regulation 32, and to claim the first payment in respect of his pension not later than the Friday following his 70th birthday. But if that birthday falls on a Friday he will not be entitled to receive his first payment until the following Friday. (See section 5 (2).)

The system by which claims are to be provisionally allowed permits of the investigation of claims of persons who have not

actually attained the age of 70, so that such claims may be allowed in time to become operative immediately after that age has been reached. This provision in Regulation 16 is made in pursuance of the statutory direction in section 10 (2) of the Act.

Generally speaking, on the whole of the requirements it may be said that the greatest responsibility will rest on the pension officer for the investigation of claims, and he will be free to make such inquiries as he considers necessary to enable him to certify that any claim should be allowed, or otherwise. He will be in a position to put any question that he thinks proper and necessary to a claimant, and it is provided by instruction (5) in the Second Schedule to the Act that "in any case in which the pension officer thinks it desirable so to do, he may reduce to writing any question which he desires to put to any person and the answer given by that person to the question, and may require that person to sign the answer, or may require any person to fill up and sign any form."

It is further provided by instruction (6) that "the pension officer shall in every case take all reasonable steps to obtain the best evidence and information which it is reasonably possible to obtain, and make all such inquiries as appear to him necessary having regard to the circumstances of the case."

#### **Note to section 2 (2).**

In view of the difficulties that are likely to arise in determining whether a person is a British subject or not, it may be well to draw attention to the rules which govern the status of nationality. By the common law, which has always followed the feudal principle that the child belongs to the land in which it is born, every child born within the British dominions, whether of English or alien parents, is a British subject, but by Statutes 7 Anne, c. 5, and 4 Geo. II., c. 21, all the children born of British subjects out of the kingdom were declared to be British subjects. This privilege was further extended by the Statute 13 Geo. III., c. 21, to the grandchildren of every natural born male British subject, provided that the father of such children was himself entitled to all the rights and privileges of a natural born subject, though not himself being one. These rules apply to legitimate children only, and the illegitimate issue born of English women abroad will take the nationality of their place of birth. By the same rule illegitimate children born of foreign mothers in England are British subjects, as also are foundlings.

By the accession of Queen Victoria to the Throne of England, in 1837, the Kingdom of Hanover passed away from the British Crown, and there may be still living persons whose fathers were Hanoverians and subjects of King William IV. Such persons would not be British subjects themselves unless born within the British dominions, and even if they complied with the condition as to 20 years' residence they would not be entitled to receive pensions. In the case of the Stepney Election Petition, Isaacson

(petitioner), Durant (respondent), L. R. 17 Q. B. D. 54, persons born in the Kingdom of Hanover before the accession of Queen Victoria, and not naturalised in the United Kingdom, and persons born in the Kingdom of Hanover after the accession of Queen Victoria of parents born in Hanover before that date were held to be aliens. The rules of the common law and statute law stated above apply to all persons born within any part of the British dominions, so that persons born in the Colonies, or the children of Colonial subjects, whether natural born or naturalised, would be British subjects if born in any foreign country. Persons born on the high seas in British ships are British subjects. There may be cases in which natural born British subjects have in their early life resided in some foreign country and become naturalised there. By section 6 of the Naturalisation Act, 1870, any British subject who becomes naturalised in a foreign State ceases to be a British subject, and becomes an alien. If such a person had returned to England, and even if he had resided there for 20 years, he would not be entitled to a pension because he would not have been a British subject.

There is an exception in section 6 of the Naturalisation Act, 1870, in favour of persons who had, prior to the passing of that Act, become naturalised in any foreign State retaining their British nationality by making a declaration. This declaration must have been made before 12th May, 1872. Any person, therefore, who had become a naturalised subject of a foreign State, but who made such a declaration, would be a British subject. A person who had become naturalised as an alien may be re-admitted to British nationality on obtaining from one of the principal Secretaries of State, or from the Governor of any British possession, a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. There is no reference to this class of naturalised British subject in the Instructions to Pension Officers in the Second Schedule to the Regulations, and it would appear that where a claim to British nationality is made on this ground a copy of the certificate would have to be obtained through the Colonial Office from the Governor of the British possession, unless it has been deposited in the United Kingdom in pursuance of regulations made under section 11 of the Act. The case of women is specially dealt with in section 10 of the Naturalisation Act, 1870. Provision is there made for widows, who, being natural born British subjects, had become aliens by or in consequence of marriage, obtaining certificates of re-admission to British nationality.

It should be borne in mind that persons who have not been born within the British dominions, but who have become naturalised as British subjects under the laws of any British colony, cannot be regarded as British subjects unless they have become naturalised in the United Kingdom under English law. Such persons, therefore, would not be entitled to pensions.

### Note to section 2 (3).

In the Bill as originally introduced into Parliament it was proposed to give a pension of 5s. a week to all persons whose incomes entitled them to it, and this sum was to be reduced to 3s. 9d. in the case of married couples living together. During the Committee stage of the Bill in the House of Commons a strong feeling was exhibited in favour of a sliding scale, and in deference to these views the Chancellor of the Exchequer stated the willingness of the Government to adopt such a scale. He said that "his own opinion was strongly in favour of a sliding scale. He was, at the same time, fully alive to the objections to a sliding scale. There was the objection that it would interfere with simplicity of administration. It would add a good deal of perplexity in that regard, and it would add something in the way of cost; but he did not think those considerations were sufficiently strong to outweigh the reasons in favour of a sliding scale. Every scheme of non-contributory old-age pension had been a scheme with a sliding scale. The New Zealand, Victoria, and Queensland schemes, and the new scheme of the Commonwealth, had all a sliding scale. They were all so fully alive to the injustice and irritation which might be caused by a rigid scale that they had come to the conclusion that the sliding scale was, on the whole, fairer in spite of its cost and the difficulty in administration."

### Disqualification for Old-Age Pension.

3.—(1) A person shall be disqualified for receiving or continuing to receive an old-age pension under this Act, notwithstanding the fulfilment of the statutory conditions:—

(a) While he is in receipt of any poor relief (other than relief excepted under this provision), and, until the thirty-first day of December nineteen hundred and ten unless Parliament otherwise determines, if he has at any time, since the first day of January nineteen hundred and eight received, or hereafter receives, any such relief: Provided that for the purposes of this provision—

(i) any medical or surgical assistance (including food or comforts) supplied by or on the recommendation of a medical officer; or

(ii) any relief given to any person by means of the maintenance of any dependant of that person in any lunatic asylum, infirmary, or hospital, or the payment of any expenses of the burial of a dependant ; or

(iii) any relief (other than medical or surgical assistance, or relief herein-before specifically exempted) which by law is expressly declared not to be a disqualification for registration as a parliamentary elector, or a reason for depriving any person of any franchise, right, or privilege ;

shall not be considered as poor relief :

- (b) If, before he becomes entitled to a pension, he has habitually failed to work according to his ability, opportunity, and need, for the maintenance or benefit of himself and those legally dependent upon him :

Provided that a person shall not be disqualified under this paragraph if he has continuously for ten years up to attaining the age of sixty, by means of payments to friendly, provident, or other societies, or trade unions, or other approved steps, made such provision against old age, sickness, infirmity, or want or loss of employment as may be recognised as proper provision for the purpose by regulations under this Act, and any such provision, when made by the husband in the case of a married couple living together, shall as respects any right of the wife to a pension, be treated as provision made by the wife as well as by the husband :

- (c) While he is detained in any asylum within the meaning of the Lunacy Act, 1890, or while he is being maintained in any place as a pauper or criminal lunatic :

(d) During the continuance of any period of disqualification arising or imposed in pursuance of this section in consequence of conviction for an offence.

(2) Where a person has been before the passing of this Act, or is after the passing of this Act, convicted of any offence, and ordered to be imprisoned without the option of a fine or to suffer any greater punishment, he shall be disqualified for receiving or continuing to receive an old-age pension under this Act while he is detained in prison in consequence of the order, and for a further period of ten years after the date on which he is released from prison.

(3) Where a person of sixty years of age or upwards having been convicted before any court is liable to have a detention order made against him under the Inebriates Act, 1898, and is not necessarily, by virtue of the provisions of this Act, disqualified for receiving or continuing to receive an old-age pension under this Act, the court may, if they think fit, order that the person convicted be so disqualified for such period, not exceeding ten years, as the court direct.

#### **Note to section 3.**

This section deals with the disqualifications for receiving or continuing to receive old-age pensions, and these disqualifications are five in number, namely:—(1) The receipt of poor relief; (2) having habitually failed to work according to the ability, opportunity, and need of the applicant for the maintenance or benefit of himself and those legally dependent upon him; (3) detention in any lunatic asylum or maintenance as a pauper or criminal lunatic; (4) having been within the last 10 years imprisoned without the option of a fine, or in penal servitude; (5) having been disqualified by an order of any court. The claims will be reported on by the pension officer and considered by the local pension committee under Regulations 10-16. Any question that may subsequently arise as to the continuance of the qualification of a pensioner will be determined under Regulation 17.

### Note to section 3 (1, a).

As this subsection stood in the Bill as originally introduced into the House of Commons, its opening words were "while he is in receipt of any such parochial or other relief as disqualifies for registration for a Parliamentary elector." These words were omitted on the motion of the Chancellor of the Exchequer, because it had been suggested that they might apply to charity or alms, owing to the use of the term "relief." The subsection was finally adopted in the form in which it now stands after a very exhaustive discussion in the House of Commons. (Parliamentary Debates, Vol. CXCI., columns 381-435.) This discussion brought out very strongly the distinction that was being made between those of the aged poor who had been compelled to obtain poor relief and those who would receive old-age pensions. It will be remembered that the circular issued by Mr. Chaplin, as President of the Local Government Board, on 4th August, 1900, to boards of guardians stated that "The Board consider that aged deserving persons should not be urged to enter the workhouse at all, unless there is some cause which renders such a course necessary, such as infirmity of mind or body, or absence of house accommodation, or of a suitable person to care for them, or some similar cause, but that they should be relieved by having adequate outdoor relief granted to them." This policy has, no doubt, been largely acted on, and there are, doubtless, at the present moment large numbers of persons in receipt of poor relief whose circumstances are indistinguishable from those who will become entitled to old-age pensions. As the Bill originally stood the disqualification by receipt of relief was to continue "until Parliament otherwise determines," but on the suggestion of the Chancellor of the Exchequer (Parliamentary Debates, Vol. CXCI., column 398) these words were withdrawn, and the words "until the 31st December, 1910, unless Parliament otherwise determines" were substituted. The Chancellor of the Exchequer said that it would be imperative that the problem should be dealt with at the earliest possible moment "because the guardians necessarily will in future do their very best to keep men off the poor rate in order to transfer them to the pension fund. Not only that, but there would be a conspiracy with the poor person himself and his relatives to get on to the Exchequer Fund, and gradually the number of outdoor paupers must necessarily diminish by the automatic operation of this disqualification." The date fixed for the poor relief disqualification (31st December, 1910) was specially selected so as to give an opportunity to deal with the whole question in a comprehensive manner. The Chancellor of the Exchequer said "we are awaiting the report of the Poor Law Commission with a view of dealing with it in a thoroughly comprehensive fashion, and we have given the best guarantee by saying that next year we confidently hope to be able to make financial arrangements to deal with it, and before December, 1910, the whole operation will have been completed."

The words "other than relief excepted under this provision" and certain consequential amendments were inserted with a view of making it quite clear that the only relief which should disqualify was that which was given through the agency of the relieving officer to a person for the maintenance of himself or any dependant. With this object in view, the clause has been framed on the principle of specifically excluding certain forms of relief from the disqualification condition. These excluded forms are set out in subparagraphs (i.), (ii.), and (iii.). Taking these in order it would appear that a person receiving medical or surgical assistance, with relief in kind, on the recommendation of a medical officer was not disqualified, but if he received any relief in money he would be disqualified. It seems, therefore, to be imperative that relieving officers and Poor Law medical officers should be instructed not to recommend, and boards of guardians should make it a rule not to give, any relief in money to a person who is in receipt of or who is eligible for an old-age pension. Sub-clause (ii.) is intended to deal with the cases of the lunatic wife and the crippled child maintained in an asylum, infirmary, or hospital, and it also permits the payment by the Poor Law authorities of the expenses of the burial of a wife or child. By the Poor Law Amendment Act, 1834, s. 56, it is enacted that all relief given to or on account of the wife, or to or on account of any child or children under the age of 16 shall be considered as given to the husband, and it therefore follows that if a person who is otherwise eligible for an old-age pension permits any child of his under 16 years of age to be in receipt of poor relief, or is ordered by the justices to maintain a grandchild that has become chargeable on the poor rate, he would be disqualified for receiving or continuing to receive an old-age pension. It would seem, however, that if in the case of any young child an arrangement was made under the Boarding-Out Orders by which the grandparent became a foster-parent to the child—an arrangement which the Local Government Board have in recent years assented to—there would be no disqualification, as the amount paid would not be relief to the foster-parent. A possibly curious result of the application of section 56 of the Act of 1834 (under which relief to a wife is declared to be relief to her husband) is that the wife of a man who is in receipt of relief may not herself be deemed to be in receipt of relief, and may conceivably be eligible for a pension on her own account.

If any person who has become a claimant for an old-age pension has been in receipt of poor relief for however short a time since 1st January, 1908, he is disqualified from receiving a pension, and he cannot get rid of that disqualification by repaying the amount or value of such relief to the Poor Law authorities.

Sub-clause (iii.) deals with those cases where Acts of Parliament have specifically declared that certain forms of assistance given from the rates shall not operate as a disqualification for registration as an elector. From some points of view this enactment in

its present form might be regarded as unnecessary, but it was inserted in order to avoid any inference that the exceptions which had been made in other Acts were not to be regarded as exceptions under this Act. Such cases are the provision in section 26 of the Vaccination Act, 1867, to the effect that vaccination should not be considered to be parochial relief, and the enactment in the Education (Provision of Meals) Act, 1906, that the provision of any meal to a child, or the failure of the parent to pay any sum demanded under the Act in respect of a meal, shall not deprive the parent of any franchise.

See Regulation 35, under which information is to be supplied to the pension officer as to persons who are, or have been, in receipt of poor relief.

### **Note to section 3 (1, b).**

This enactment has been inserted more as a precaution than for any other reason, and it is doubtful whether any proof short of a conviction under the Vagrancy Acts would be sufficient evidence that a man had "habitually failed to work according to his ability, opportunity, and need." The proviso to this clause must be read in connection with the Regulations, under rule 30 of which it is provided that a person shall be regarded as having made proper provision against old age, sickness, infirmity, or want or loss of employment, if he has continuously for 10 years up to attaining the age of 60, by means of payments to friendly, provident, or other societies or trade unions, or other approved steps, made provision to secure for himself, free from any deductions or encumbrances, any of the following advantages:—

- "(1) The right to receive during any period of sickness, not less than seven shillings and sixpence a week during the first twenty-six weeks (or alternatively not less than fifteen shillings a week for the first thirteen weeks) of the period, and not less than two shillings a week for the remainder of the period:
- "(2) The right to receive not less than five shillings a week during want or loss of employment:
- "(3) The right to receive not less than three shillings a week for life either on becoming permanently incapacitated or upon the attainment of any specified age not exceeding seventy:
- "(4) The right to receive not less than five shillings a week upon the attainment of any age not exceeding sixty-five until the attainment of the age of seventy:
- "(5) The right to receive not less than two shillings a week upon the attainment of any age not exceeding sixty until the attainment of the age of seventy:

- “(6) The right to receive a capital sum of not less than fifty pounds upon the attainment of any specified age not exceeding seventy :
- “(7) The possession, upon the attainment of the age of sixty, of accumulated savings, or of property purchased out of accumulated savings, to the value of not less than fifty pounds.”

It will be observed that the provision contemplated by the Regulations which the claimant must have made may be of two kinds, (a) rights to receive money acquired in pursuance of payments to a society or trade union or other approved steps, and (b) the possession of accumulated savings or of property. In any case where a man has made this provision he will be exempt from disqualification under section 3 (1) (b), even though he may have habitually failed to work according to his ability, opportunity, and need. It would have been well if the Regulations had been amplified so as to indicate what the “other approved steps” are. As Regulation 30 is framed it is not made clear that a person would come within its conditions if he made the necessary provision by purchasing an annuity or taking out an endowment policy in an ordinary life insurance company or through the Post Office, and it would seem that provision made in this way would have to be specially approved by the pension authorities.

#### **Note to section 3 (1, d).**

The disqualification referred to under this section is of two kinds, namely, that arising under subsection (2), which is a statutory disqualification which a person cannot avoid or be released from, and that imposed by a court under subsection (3). It will be observed that in both cases the disqualification arises after conviction for an offence. At present no provision is made for the notification of convictions to the pension authorities by the officers of the courts, but probably in course of time some arrangements of this kind will have to be made. It will rest with the pension officer and with the pension committee to explain the nature of the disqualifying circumstances to claimants, and to rely on the answers to any questions put to them.

### **Calculation of Means.**

4.—(1) In calculating the means of a person for the purpose of this Act account shall be taken of—

- (a) the income which that person may reasonably expect to receive during the succeeding year in cash,

excluding any sums receivable on account of an old-age pension under this Act, that income, in the absence of other means for ascertaining the income, being taken to be the income actually received during the preceding year ;

- (b) the yearly value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him ;
- (c) the yearly income which might be expected to be derived from any property belonging to that person which, though capable of investment or profitable use, is not so invested or profitably used by him ; and
- (d) the yearly value of any benefit or privilege enjoyed by that person.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall not in any case be taken to be a less amount than half the total means of the couple.

(3) If it appears that any person has directly or indirectly deprived himself of any income or property in order to qualify himself for the receipt of an old-age pension, or for the receipt of an old-age pension at a higher rate than that to which he would otherwise be entitled under this Act, that income or the yearly value of that property shall, for the purposes of this section, be taken to be part of the means of that person.

**Note to section 4.**

The application of this section to the case of each claimant is likely to occasion considerable difficulty to the pension authorities, and the questions which have to be answered by the claimant in making the "claim to pension" on Form 1 will probably, in most

cases, have to be supplemented by other inquiries. It is to be observed that the income for the purposes of section 4 has to be estimated for the "succeeding year" in cash, and any sum receivable in respect of an old-age pension will be excluded. The "year" will be from 1st January to 31st December. In the case of a married couple living together in the same house, the total means must be divided by two, and the amount credited to the income of any claimant must not in any case be less than half the total means. In the estimation of means the yearly value of any benefit or privilege enjoyed by the claimant, as well as of any advantage which he gets from any property which he enjoys, and the yearly income from any property which is not invested or profitably used must be considered. The rateable value of any land, house, or other building, as shown in the valuation list, would be the best criterion of the yearly value of the property. In the case of married claimants who are not living together, the income of both cannot be added together for the purpose of ascertaining the income of either, and in such cases the income of a married claimant living apart from his or her spouse would be calculated as if the claimant were single. The Regulations do not provide for any inquiries as to whether a man who is a claimant for a pension is living apart from his wife by arrangement or has deserted her, and it seems probable that the pension authorities will find it necessary to supplement the information contained on the claim form by more precise inquiries on these points. By Regulation 26 the pension committee, for the purpose of determining any claim, may avail themselves of any evidence or information which, in their opinion, is sufficient for the purpose, and is the best evidence or information which it is reasonably possible to obtain. They are not bound by the ordinary rules of evidence applicable to matters coming for decision before courts of law.

#### **Note to section 4 (1).**

Considerable discussion has arisen as to the position of claimants who have been in receipt of allowances from their children, and it has been suggested that these allowances, being purely voluntary, need not be taken into account as income.

This view is erroneous, and so long as a claimant is in receipt of such allowances he must include them as part of his income. If, however, the children have ceased to make any such contributions, and have intimated that they will not do so in future, the claimant would be entitled to exclude any such sums, and would not be bound to base his income for the coming year on the amount which he had received during the preceding year, as he would otherwise be bound to do under subsection (1, a).

On the 28th October, 1908, in the House of Commons, Mr. J. D. White asked the Chancellor of the Exchequer whether steps would be taken to issue Instructions that for the purposes of the

Old-Age Pensions Act, 1908, allowances made voluntarily to parents over 70 years of age by their children shall not be taken into account in calculating the means of such parents, and that allowances made voluntarily to parents by their children shall, for the purposes of that Act, be placed on the same basis as allowances made to them by persons who are under no Poor Law obligation to contribute to their support.—Mr. Lloyd George said: The Instructions to Pension Officers are that all money income received by claimants to old-age pensions, whether from voluntary allowances or otherwise, is to be taken into account in estimating their means for the purposes of the Act; and, as at present advised, I see no reason for modifying those Instructions or discriminating between different kinds of allowances.

#### **Note to section 4 (2).**

The effect of this subsection is that where two persons are "living together in the same house" and either of them applies for a pension, the means of the applicant shall not be taken at a less sum than half the total means of both. Thus, if a man has an income of £40 a year and his wife has an income of £10, the wife, if 70 years of age, must place her income at not less than £25 a year, which would give her a pension of 3s. a week. In the same case, assuming that the man was 70 years of age also, he would not be entitled to divide his income by two, and to state it at £25, but would have to state it at £40, and thus would not be entitled to any pension at all. In the converse case if a man and woman are living together and the woman has a cottage, the rental value of which is £8 a year, and an allowance of £26 a year from any source, such as a legacy from a former employer, she would have to return her income at £34 a year, and could not claim a pension. But her husband, if 70 years of age, would have to state his income at not less than half the joint income, and if his earnings did not amount to more than £8 a year, he could return his income at £21, and claim a pension of 5s. a week. Thus, the income of a claimant, being one of a married couple living together in the same house, must in every case be stated at the actual amount which he or she receives for the purpose of making a claim, but if one of the couple has an income and the other has none the income of that other must be stated at not less than half the total income of both. It will accordingly happen that in some cases the husband, and in other cases the wife, will be entitled to a pension, where the other partner is disentitled by reason of his or her income being in excess of the statutory limit of £31 10s., or is entitled to a pension of less than the maximum of 5s. a week. This provision will not apply in the case of any married person living apart from his or her husband or wife, and accordingly a woman who had left her husband, or who had been deserted by

him and was not in receipt of any allowance from him, would be entitled to claim a pension without returning any part of his income as her own, even though he was in receipt of such an income as would be greatly in excess of £31 10s. a year.

### Mode of Paying Pensions.

5.—(1) An old-age pension under this Act, subject to any directions of the Treasury in special cases, shall be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Treasury direct.

(2) A pension shall commence to accrue on the first Friday after the claim for the pension has been allowed, or, in the case of a claim provisionally allowed, on the first Friday after the day on which the claimant becomes entitled to receive the pension.

#### Note to section 5.

Under this section power is given to the Treasury to direct that pensions may in special cases be paid in arrear, or at greater or less intervals of time than a week, but in ordinary cases all pensions will be paid weekly. Under section 12 (1) of the Act it is provided that a person shall not be entitled to the receipt of an old-age pension under this Act until the 1st January, 1909, and no such pension shall begin to accrue until that day. In the Instructions issued to Excise Officers by the Commissioners of Inland Revenue it is explained that the payment of pensions will be made by means of pension orders of the denominations of 5s., 4s., 3s., 2s., and 1s., bound in books, each containing 25 orders, payable weekly at the specified post office. The books of orders will be obtainable through the pension officers only. Where the local committees have provisionally allowed pensions which are to commence on Friday, 1st January, 1909, the officer may deliver the books of orders to pensioners as soon after the 10th December, 1908, as may be convenient. The pensioner must, unless incapacitated by illness, present in person the book of orders at the post office of payment, when the postmaster will pay the amount due. If unable to attend personally, provision is made for authorising another person to receive payment on his or her behalf.

### Old-Age Pension to be Inalienable.

6. Every assignment of or charge on and every agreement to assign or charge an old-age pension under this

Act shall be void, and, on the bankruptcy of a person entitled to an old-age pension, the pension shall not pass to any trustee or other person acting on behalf of the creditors.

### Determination of Claims and Questions.

7.—(1) All claims for old-age pensions under this Act and all questions whether the statutory conditions are fulfilled in the case of any person claiming such a pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such a pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows :—

- (a) Any such claim or question shall stand referred to the local pension committee, and the committee shall (except in the case of a question which has been originated by the pension officer and on which the committee have already received his report), before considering the claim or question, refer it for report and inquiry to the pension officer :
- (b) The pension officer shall inquire into and report upon any claim or question so referred to him, and the local pension committee shall, on the receipt of the report of the pension officer and after obtaining from him or from any other source if necessary any further information as to the claim or question, consider the case and give their decision upon the claim or question :
- (c) The pension officer, and any person aggrieved, may appeal to the central pension authority against a decision of the local pension committee allow-

ing or refusing a claim for pension or determining any question referred to them within the time and in the manner prescribed by regulations under this Act, and any claim or question in respect of which an appeal is so brought shall stand referred to the central pension authority, and shall be considered and determined by them :

- (d) If any person is aggrieved by the refusal or neglect of a local pension committee to consider a claim for a pension, or to determine any question referred to them, that person may apply in the prescribed manner to the central pension authority, and that authority may, if they consider that the local pension committee have refused or neglected to consider and determine the claim or question within a reasonable time, themselves consider and determine the claim or question in the same manner as on an appeal from the decision of the local pension committee.

(2) The decision of the local pension committee on any claim or question which is not referred to the central pension authority, and the decision of the central pension authority on any claim or question which is so referred to them, shall be final and conclusive.

**Note to section 7.**

As to this section, see Regulation 17 and paragraphs 45 and 46 of the Local Government Board circular of 21st August, 1908. Decisions of the local pension committee on claims, and on questions that may arise as to whether the statutory conditions are fulfilled in the case of a claimant, or continue to be fulfilled in the case of a pensioner, must be arrived at in the manner prescribed by this section and by Regulation 17, and they may be appealed against by the pension officer or by any person aggrieved within seven days after the date of the decision or notice, as provided by Regulation 18. The appeal must be on Form 9, and must be sent to the Local Government Board, Whitehall, London, S.W., within

seven days, so that if the decision of the committee is given on the 1st December the appeal must be dispatched to the Local Government Board not later than the 8th December. (See par. 37 of Local Government Board circular of 21st August, 1908, set out *post.*) It is provided by Regulation 19 that the Local Government Board may hold a local inquiry in regard to any appeal. They are not compelled to do so. It is not clear what the powers of the inspector or other officer who holds an inquiry will be, as neither the enactments governing inquiries under the Poor Laws nor those under the Public Health Acts are made applicable, and it is, therefore, doubtful whether any evidence could be taken on oath.

#### **Note to section 7 (1, a).**

The subsection directs that all claims shall stand referred to the local pension committee, but this will not give the committee anything more than a technical control over claims in the first instance, as it is provided by Article 7 (2) of the Regulations that in all cases the claim shall be sent to the pension officer, even though the committee has directed the postmaster to send all claims to them instead of direct to the pension officer.

#### **Note to section 7 (1, b).**

This subsection requires the local pension committee to consider the case and give their decision where any claim or question is submitted to them, and they will be guided in their action by the rules in Regulations 13, 14, 15, and 16, in dealing with claims, and Regulation 17 in dealing with questions. Where the committee receive a report from a pension officer that a claim may properly be allowed, and they agree with the report, they must forthwith allow the claim (Regulation 13). It is important to note that in certain cases where a claim is disallowed the committee must give the claimant an opportunity of being heard (Regulation 14). The Instructions to Pension Officers state that in making investigations with regard to claims, officers are warned to be cautious in accepting the uncorroborated statements of claimants and their relatives. Wherever possible it is recommended that some documentary corroboration of all statements should be obtained, and inquiries should be made from those likely to be able to give information respecting the claimant. It is suggested that officers or persons acting in the administration of the Poor Law, ministers of religion, clerks to justices, petty sessions clerks, collectors of rates, police officials, shopkeepers, or officials connected with friendly and other provident societies or with trade unions, may be able and willing to assist the officer in his inquiries. It is to be hoped that every official of any local authority or anyone who is in any way in a position to assist the pension officers in their inquiries will render all possible aid, without exacting payment of fees to which they might deem themselves entitled. Local authorities might well pass resolutions directing their officers to allow the pension officers and

persons acting on behalf of local pension committees to have free inspection of all books of record which are likely to assist in ascertaining the facts about any claimant to a pension.

**Note to section 7 (1, c and d).**

Under these subsections there are two classes of persons who may appeal to the Local Government Board, as the Central Pension Authority, and these are (1) pension officers, and (2) persons aggrieved. There may be some doubt as to who are the latter class, for whilst the claimant to a pension whose claim has been disallowed is a person aggrieved in one case, he would not be where his claim had been allowed, unless he considered himself entitled to a pension at a higher rate than had been granted to him. But where a pension has been allowed, and there are grounds for believing that the claimant is not entitled to it, the proper course for any person who wishes to raise the question is to lay the matter before the pension officer, who will be obliged to take notice of any information tendered to him under Regulation 17 (2). It is probable that the Local Government Board will refuse to entertain an appeal from any person, other than the pension officer, who is not either a pensioner or a claimant to a pension.

**Local Pension Committee, Central Pension Authority, and Pension Officers.**

8.—(1) The local pension committee shall be a committee appointed for every borough and urban district, having a population according to the last published census for the time being of twenty thousand or over, and for every county (excluding the area of any such borough or district), by the council of the borough, district, or county.

The persons appointed to be members of a local pension committee need not be members of the council by which they are appointed.

(2) A local pension committee may appoint such and so many sub-committees, consisting either wholly or partly of the members of the committee as the committee think fit, and a local pension committee may delegate, either abso-

lutely or under such conditions as they think fit, to any such sub-committee any powers and duties of the local pension committee under this Act.

(3) The central pension authority shall be the Local Government Board, and the Board may act through such committee, persons, or person appointed by them as they think fit.

(4) Pension officers shall be appointed by the Treasury, and the Treasury may appoint such number of those officers as they think fit to act for such areas as they direct.

(5) Any reference in this Act to pension authorities shall be construed as a reference to the pension officer, the local pension committee, and the central pension authority, or to any one of them, as the case requires.

#### **Note to section 8.**

With regard to the mode in which this section is to be carried out, see Regulations 21, 22, 23, and 24, and paragraphs 8-16 of the Local Government Board circular, 21st August, 1908. Under subsection (2) of this section a local pension committee may appoint sub-committees, and may delegate any of their powers and duties to any such sub-committees "either absolutely or under such conditions as they think fit." In view of the fact that subsection (2), whilst giving power to delegate powers and duties "absolutely," does not give power at any time afterwards to review such delegation, it seems to be very undesirable that any pension committee should do anything which might appear to permanently divest itself of its powers by "absolute" delegation to any sub-committee. Of course, the delegation could be put an end to by the dissolution of the sub-committee, or it might be resumed by the local pension committee in accordance with the general rules as to delegation, were it not for the doubt which arises from the use of the term "absolutely" in subsection (2) of this section. In the case of *Huth v. Clarke*, L. R. 25 Q. B. D. 391, Lord Coleridge said "the word 'delegation' implies that powers are committed to another person or body which are, as a rule, always subject to resumption by the power delegating, and many examples of this might be given. Unless, therefore, it is controlled by statute the delegating power can at any time resume its authority." In the same case Mr. Justice Wills said "delegation as the word is gener-

ally used does not imply a parting with powers by the person who grants the delegation, but points rather to the conferring of an authority to do things which otherwise that person would have to do himself." Probably the best reading of the subsection is one in which the word "absolutely" is read as meaning "unconditionally." Some meaning must be attached to the term in the Act, and if this meaning is adopted there would be no doubt as to the power of the local pension committee to resume the powers delegated.

Lists of the counties, boroughs, and urban districts by which local pension committees are to be appointed will be found in Appendix C, *post*, p. 139.

The Treasury have appointed all persons for the time being holding the appointments of supervisor or officer of Excise in the service of the Board of Inland Revenue to be pension officers, such and so many of those officers as may for the time being, by order of the Board of Inland Revenue, be stationed within each Excise district, to act, subject to the instructions of that Board, as pension officers for the area comprised in each such district. These appointments have effect as from September 1, 1908.

### **Penalty for False Statements, &c., and Repayment where Pensioner is Found Not to have been Entitled to Pension.**

9.—(1) If for the purpose of obtaining or continuing an old-age pension under this Act, either for himself or for any other person, or for the purpose of obtaining or continuing an old-age pension under this Act for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with hard labour.

(2) If it is found at any time that a person has been in receipt of an old-age pension under this Act while the statutory conditions were not fulfilled in his case or while he was disqualified for receiving the pension, he or, in the case of his death, his personal representative, shall be

liable to repay to the Treasury any sums paid to him in respect of the pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension, and the amount of those sums may be recovered as a debt due to the Crown.

### Regulations and Expenses.

10.—(1) The Treasury in conjunction with the Local Government Board and with the Postmaster-General (so far as relates to the Post Office) may make regulations for carrying this Act into effect, and in particular—

- (a) for prescribing the evidence to be required as to the fulfilment of statutory conditions and for defining the meaning of residence for the purposes of this Act ; and
- (b) for prescribing the manner in which claims to pensions may be made, and the procedure to be followed on the consideration and determination of claims and questions to be considered and determined by pension officers and local pension committees or by the central pension authority, and the mode in which any question may be raised as to the continuance, in the case of a pensioner, of the fulfilment of the statutory conditions, and as to the disqualification of a pensioner ; and
- (c) as to the number, quorum, term of office, and proceedings generally of the local pension committee and the use by the committee, with or without payment, of any offices of a local authority, and the provision to be made for the immediate payment of any expenses of the com-

mittee which are ultimately to be paid by the Treasury.

(2) The regulations shall provide for enabling claimants for pensions to make their claims and obtain information as respects old-age pensions under this Act through the Post Office, and for provisionally allowing claims to pensions before the date on which the claimant will become actually entitled to the pension, and for notice being given by registrars of births and deaths to the pension officers or local pension committees of every death of a person over seventy registered by them, in such manner and subject to such conditions as may be laid down by the regulations, and for making the procedure for considering and determining on any claim for a pension or question with respect to an old-age pension under this Act as simple as possible.

(3) Every regulation under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such regulation is laid before it, praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(4) Any expenses incurred by the Treasury in carrying this Act into effect, and the expenses of the Local Government Board and the local pension committees under this Act up to an amount approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

#### **Note to section 10.**

The Regulations made under this section are set out *post*, as well as the financial instructions for pension committees and sub-committees made by the Treasury alone. It would appear that

these Regulations are only provisional, and that others will probably be issued at a later date. One of the most important of these Regulations is No. 37, which enables the Local Government Board and the Treasury to dispense with compliance with any of the Regulations, or make any Orders, or give any directions otherwise necessary for the purpose of bringing the Act into effect.

The pension committee will have nothing whatever to do with the payment of pensions, as this will be carried out by the officials of the Government alone. Having once given their decision as to the eligibility of a claimant for a pension, the local pension committee will not have to concern themselves with any question which might arise under section 3 of the Act as to whether a pensioner has become disqualified for continuing to receive an old-age pension, unless any such question is raised by the pension officer under Regulation 17 (2), and is submitted to the committee for their consideration and determination.

Expenses incurred by local pension committees will be defrayed out of funds to be supplied by the Treasury, and the "Financial Instructions," set out *post*, at page 134, show what expenses can be legitimately incurred. It is understood to be the intention of the Government to provide almost everything which pension committees are likely to require in the way of books and forms; as registers, minute books, and forms for reports and correspondence will be supplied by His Majesty's Stationery Office on application. The local pension committee, although appointed by the county council, borough council, or urban district council, is not itself a local authority, but is an entirely new body acting as the local agent of the Crown. Its position is somewhat similar to that of the local income tax commissioners. Its accounts will not be subject to audit by the district auditors of the Local Government Board, but will be rendered to the Treasury under paragraph 9 of the Financial Instructions. Under Regulation 25 of the "Old-Age Pensions Regulations," the council by whom any committee is appointed is required from time to time to advance such sums as may be necessary to provide for the payment of the expenses properly incurred by any committee and sub-committee. The sums so advanced are to be repaid to the council at such time and in such manner as the Treasury think fit (Regulation 25 (2)). No provision is made for defraying any expenses that may have been inadvertently incurred by a committee and are not repaid by the Treasury. It is probable that in any such case the council which has advanced moneys to a committee, and cannot recover the whole of them, would have to apply to the Local Government Board for sanction, under the Local Authorities (Expenses) Act, 1887, to charge the deficiency in their accounts. This, however, would not have to be done by a municipal corporation, as the advances would be made out of the borough fund, the accounts of which are not subject to Government audit.

## Application to Scotland, Ireland, and the Scilly Isles.

11.—(1) In the application of this Act to Scotland, the expression “ Local Government Board ” means the Local Government Board for Scotland; the expression “ borough ” means royal or parliamentary burgh; the expression “ urban district ” means police burgh; the population limit for boroughs and urban districts shall not apply; and the expression “ Lunacy Act, 1890,” means the Lunacy (Scotland) Acts, 1857 to 1900.

(2) In the application of this Act to Ireland, the expression “ Local Government Board ” means the Local Government Board for Ireland; ten thousand shall be substituted for twenty thousand as the population limit for boroughs and urban districts; and the expression “ asylum within the meaning of the Lunacy Act, 1890,” means a lunatic asylum within the meaning of the Local Government (Ireland) Act, 1898.

(3) In the application of this Act to the Isles of Scilly, those isles shall be deemed to be a county and the council of those isles the council of a county.

### Note to section 11.

SCOTLAND.—The Central Pension Authority is the Local Government Board for Scotland, and the local authorities by whom pension committees are to be appointed are the councils of counties and the councils of Royal or Parliamentary burghs, and police burghs. There are no urban districts as such in Scotland. As the population limit does not apply, every burgh in Scotland will appoint a pension committee. A list of counties and burghs is given in the Appendix, *post*, p. 143.

IRELAND.—The Central Pension Authority is the Local Government Board for Ireland, and the local authorities by whom pension committees are to be appointed are the councils of counties and

of boroughs and urban districts having populations of 10,000 and upwards. A list of counties, boroughs, and urban districts is given in the Appendix, *post*, p. 147.

ISLES OF SCILLY.—There is a local Council for these Isles which was constituted under an Order of the Local Government Board, and that Council will be the authority to appoint the pension committee.

### Commencement and Short Title.

12.—(1) A person shall not be entitled to the receipt of an old-age pension under this Act until the first day of January nineteen hundred and nine and no such pension shall begin to accrue until that day.

(2) This Act may be cited as the Old-Age Pensions Act, 1908.

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## SCHEDULE.

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Means of Pensioner.	Rate of Pension per Week.
Where the yearly means of the Pensioner as calculated under this Act—	s. d.
Do not exceed £21 - - - - -	5 0
Exceed £21, but do not exceed £23 12s. 6d. -	4 0
Exceed £23 12s. 6d., but do not exceed £26 5s.-	3 0
Exceed £26 5s., but do not exceed £28 17s. 6d. -	2 0
Exceed £28 17s. 6d., but do not exceed £31 10s.-	1 0
Exceed £31 10s. - - - - -	No pension

## OLD-AGE PENSIONS REGULATIONS,

Dated October 15, 1908.

In pursuance of section ten of the Old-Age Pensions Act, 1908, the Lords Commissioners of His Majesty's Treasury, in conjunction with the Local Government Board and the Postmaster-General, hereby make the following Regulations:—

### General Provisions.

#### *Short Title.*

1. These Regulations may be cited as the Old-Age Pensions Regulations, 1908.

#### *Interpretation.*

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

“ The Act ” means the Old-Age Pensions Act, 1908 :

“ The committee ” means the local pension committee under the Act, and includes, with regard to any matter delegated to a sub-committee under subsection (2) of section eight of the Act, the sub-committee to which the matter is delegated :

“ The pension officer ” means the pension officer to whom any claim or question is referred :

“ District ” means the area for which any pension officer is appointed to act :

“ 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 a person in receipt of a pension.

(2) The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

**Note.**

The following are the enactments in the Interpretation Act, 1889, which are here rendered applicable to the interpretation of the Regulations. It must be remembered that they also apply to the interpretation of the Act itself :—

1. Unless the contrary intention appears—
  - (a) words importing the masculine gender shall include females ; and
  - (b) words in the singular shall include the plural, and words in the plural shall include the singular.
3. The expression "month" shall mean calendar month.
20. Expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.
26. Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give" or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.
30. In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown.
31. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or bye-laws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.
- 32.—(1) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3) Where an Act passed after the commencement of this Act confers a power to make any rules, regulations, or bye-laws, the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or bye-laws.

*Application to Scotland and Ireland.*

3.—(1) In the application of these Regulations to Scotland—

The expression “ Local Government Board ” means the Local Government Board for Scotland; the expression “ Registrar-General of Births, Deaths, and Marriages in England ” means the registrar-general of births, deaths, and marriages in Scotland, appointed under the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, and the Acts amending the same; and the expression “ sub-district ” means “ registration district,” and the reference to an urban district council shall not apply;

The expression “ county fund ” means “ the county general purposes rate ”; the expression “ borough council ” means “ town council ”; the expression “ borough fund ” means “ the burgh general improvement or other assessment.”

(2) In the application of these Regulations to Ireland—

The expression “ Local Government Board ” means the Local Government Board for Ireland; and the expression “ Registrar-General of Births, Deaths, and Marriages in England ” means the registrar-general of births and deaths in Ireland appointed under the Registration of Births and Deaths (Ireland) Act.

*Provisions as to Sending of Notices.*

4.—(1) Any notice or other document required or authorised to be sent for the purpose of these Regulations shall be in writing.

(2) Any notice or other document required or authorised to be sent to any person for the purpose of these Regulations shall be deemed to be duly sent if sent by post addressed to that person at his ordinary address or, in the case of a committee or sub-committee, addressed to the clerk of the committee or sub-committee at his usual office.

*Use of Scheduled Forms.*

5. The forms set out in the First Schedule to these Regulations, or forms to the like effect, shall be used in all cases to which those forms are applicable.

**Making of Claims.***Method of Making Claim.*

6.—(1) Every person who desires to make a claim must fill up a form of claim, and deliver the form when filled up either to the postmaster of the post office at which he desires that the pension should be payable or to the pension officer.

(2) The Postmaster-General shall furnish to every postmaster printed forms of claims, and every postmaster shall, on application being made to him for the purpose, supply a form of claim gratis to any person who desires to make a claim.

(3) Every postmaster shall, if any person who desires to make a claim requests him so to do, give to that person such information and such assistance in filling up the

form of claim as it is in his power to give and as may be necessary to enable that person to fill up the form properly. [Form No. 1.]

*Transmission of Claims to Pension Officer or to Committee.*

7.—(1) Every postmaster upon delivery to him of a claim to a pension shall, unless he has received from the committee appointed for the area in which the claimant resides directions that claims shall be sent to the committee, forthwith send the claim to the pension officer :

Provided that if the committee give any such direction as aforesaid, the postmaster shall instead of sending the claim to the pension officer send it to the committee, or where the committee have appointed a sub-committee for the area in which the claimant resides, and the committee have sent notice to the postmaster requiring him so to do, shall send the claim to the sub-committee instead of to the committee.

(2) As soon as may be after the receipt thereof, any claim so sent to a committee or sub-committee shall be transmitted by the clerk of the committee or sub-committee to the pension officer.

**Investigation and Determination of Claims by Pension Officers and Committees.**

*Register of Claims.*

8.—(1) The pension officer shall keep a register of all claims referred to him, and on receiving any claim shall, subject to these Regulations, forthwith cause the claim to be registered in such manner as the Treasury prescribe, and shall number all claims consecutively in the order in which they are entered in the register.

(2) The pension officer shall also enter in the register of claims such particulars as the Treasury prescribe of every

decision of the committee or of the Local Government Board on or in reference to any claim entered in his register, or on or in reference to any question raised in connection with any pension allowed on any such claim.

*Investigation of Claim by Pension Officer.*

9.—(1) As soon as may be after receiving any claim, the pension officer shall take all necessary steps for investigating the claim for the purpose of ascertaining whether the claimant is entitled to a pension, and if he is so entitled, to what rate of pension :

Provided that—

- (a) where a claim previously made by the claimant within four months of his present claim has been disallowed, and the claimant does not satisfy the pension officer that there is prima facie reason to believe that the ground on which the former claim was disallowed is no longer in operation ; or
- (b) where a claim on the face of it discloses that the claimant does not fulfil the statutory conditions ;

the pension officer shall not be bound to investigate the claim, but in any case in which the pension officer decides under this provision not to investigate a claim he shall make a special report to the committee stating his reasons for not investigating the claim.

(2) Subject to compliance with the instructions set out in the Second Schedule to these Regulations and to any further instructions issued for the guidance of pension officers, the pension officer shall investigate the claim in such manner as he thinks best fitted for the purpose.

*Report of Pension Officer.*

10. The pension officer shall send to the committee his reports on any claims investigated by him, and any special reports on any claims which he has decided not to inves-

tigate, on such date or dates in each month as the Treasury may direct for the purpose, and shall annex to every report sent by him to the committee the original claim and (except in the case of a special report) a statement of the inquiries made by him in reference to the claim and of the result of those inquiries, and, unless he is satisfied that the yearly means of the claimant do not exceed £21, and so states in the report, a summary of the income, property, and other yearly means of the claimant. [Form No. 2.]

*Meetings for Consideration of Claims.*

11.—(1) Not later than seven days after the receipt of the report of the pension officer on any claim a meeting of the committee shall be held for the purpose of considering the claim.

(2) At the meeting held for the consideration of a claim the committee shall consider the claim together with the report of the pension officer, and any other evidence or information laid before them, and the committee may at any time, if they think necessary, require the pension officer to procure any further information which it is in his power to procure in reference to any matter to be considered by the committee.

(3) The pension officer shall be entitled to attend any meeting held for considering any claim and to speak but not to vote thereat.

**Note.**

The pension officer is entitled to attend meetings of committees, but as he is not an officer of the committee he cannot be required to attend any meeting of a committee.

*Notice of Meetings for Considering Claims.*

12. Not less than three clear days before the day of the meeting at which any claims are to be considered, the committee shall send to the pension officer a notice stating that a meeting for the consideration of claims will be held on that day, and specifying the claims which will be considered at that meeting. [Form No. 3.]

*Determination of Claim where Committee agree with Pension Officer that Claim should be allowed.*

13. In any case in which the pension officer has reported that the claim may properly be allowed and the committee after considering the claim agree with the report of the pension officer, the committee shall forthwith allow the claim and send notice of their decision to the pension officer and the claimant. [Form No. 4.]

*Procedure for Determination of Claim in other Cases.*

14.—(1) In any case in which the pension officer has reported that the claim cannot properly be allowed, and the committee, after considering the claim, agree with the report of the pension officer, the committee shall not give their final decision on the claim without giving the claimant an opportunity of being heard.

(2) If on considering any claim the committee disagree as respects any matter with the report of the pension officer, or if they consider that for any other reason the claim requires further consideration, the committee shall not proceed to give their final decision on the claim without making such further investigation as the committee think necessary, and also, if the case is one in which the committee think the matter ought to be decided adversely to the claimant, without giving the claimant an opportunity of being heard.

(3) The committee may, if necessary for the purpose of making any further investigation or of giving a claimant the opportunity of being heard, adjourn the consideration of any claim, and where the consideration of any claim is so adjourned, an adjourned meeting for the further consideration of the claim shall be held not more than one month after the date of the original meeting, and the committee shall send notice to the claimant of the adjournment of the consideration of the claim, and of the

day fixed for the further consideration of the claim. [Form No. 6.]

(4) The claimant shall be entitled to attend and be heard at any such adjourned meeting, and the committee after hearing the claimant (if he desires to be heard), and, after considering any other evidence or information which they have been able to obtain, shall give their decision on the claim, and shall forthwith send notice of the decision to the pension officer and the claimant. [Forms Nos. 4 and 5.]

(5) In any case where a claim is disallowed, the notice to be sent to the claimant under this Regulation shall state the grounds upon which the claim has been disallowed and that the claimant is entitled to appeal to the Local Government Board against the decision of the committee.

*Committee to fix and specify rate of Pension.*

15. In any case where a claim is allowed, the committee must fix the weekly rate of pension to which the pensioner is entitled and specify the rate in the notice of their decision.

*Provisional Allowance of Claims.*

16. A claim may be made and provisionally allowed at any time not exceeding four months before the date on which the claimant will become entitled to receive his pension.

**Raising and Determination of Questions.**

*Raising and determination of Questions as to continuance of fulfilment of Statutory Conditions, &c.*

17.—(1) If any pensioner desires to raise any question as to the weekly rate of pension to which he is entitled,

he may send a statement of the question together with a summary of any evidence in support of his allegations to the pension officer of the district in which the pension is payable, and the pension officer shall investigate and (subject to the provisions of this Regulation) report on the question in the same manner *mutatis mutandis* as he is by these Regulations required to do in the case of a claim :

Provided that if in any case the pension officer is satisfied that there is no evidence in support of the allegations made by the pensioner, the pension officer shall not be bound to make any report on the question.

(2) If the pension officer of the district in which any pension is payable himself desires to raise any question as to the continuance in the case of the pensioner of the fulfilment of the statutory conditions, or as to the disqualification of the pensioner, or any question as to the weekly rate of pension to which the pensioner is entitled, he may do so by submitting the question together with his report thereon for consideration and determination by the committee.

The pension officer shall take into consideration any representation which may be made by any person that any such question as aforesaid ought to be investigated, and shall, if he considers it necessary so to do, investigate and report on the question accordingly.

(3) Where a committee receive a report from the pension officer as respects any such question as aforesaid they shall consider and determine the question in the same manner *mutatis mutandis* as they are by these Regulations required to do in the case of a claim. [Forms Nos. 7 and 8.]

## Appeals.

### *Provisions as to time and manner of Appeal, &c.*

18.—(1) The pension officer or any person aggrieved who desires to appeal to the Local Government Board against a decision of the committee may do so by sending to the Board notice of appeal within seven days after the date of the decision, or, if the appellant is a person to whom notice of the decision is required to be sent under these Regulations, within seven days after the receipt of the notice by him. [Form No. 9.]

(2) The person appealing must at the time of sending his notice of appeal to the Local Government Board, also send to the committee a notification that he has so appealed, and the committee shall forthwith after receiving the notification send to the Board the claim or question in respect of which the appeal is brought, the report of the pension officer upon the claim or question, a statement of the decision of the committee thereon, and all other documents in the possession of the committee relating thereto. [Form No. 10.]

(3) Except where the appeal is brought by a claimant or a pensioner, the committee shall send notice to the claimant or pensioner informing him that the appeal has been brought. [Form No. 11.]

(4) The clerk of the committee shall supply gratis to any person desiring to appeal a form of notice of appeal and a form of notification to the committee of an appeal having been made.

### *Procedure of Local Government Board on Appeals.*

19.—(1) In the case of any appeal to the Local Government Board the Board shall cause such inquiry to be held, or take such other steps as they think necessary for the purpose of enabling them to come to a proper decision in the case.

(2) Notice of every decision of the Board shall forthwith be sent to the committee, and the committee shall on receiving any such notice send information thereof to the pension officer and to the claimant or pensioner, and likewise (if the appellant is a person aggrieved other than the claimant or pensioner) to the appellant. [Forms Nos. 12 and 13.]

### **Applications to Local Government Board where Committee Refuse or Neglect to Determine Matter.**

*Applications to Local Government Board by persons aggrieved by refusal or neglect of Committee to consider claim, &c.*

20.—(1) An application to the Local Government Board under paragraph (d) of subsection (1) of section seven of the Act by a person aggrieved by the refusal or neglect of a committee to consider a claim, or determine any question, may be made by sending to the Board a notice in writing stating that the applicant is so aggrieved, and specifying the date on which the claim was made or the question referred to the committee, as the case may be.

(2) If the Board do not consider that the committee have refused or neglected to consider and determine the claim or question within a reasonable time, the Board shall inform the applicant accordingly.

(3) The provisions of these regulations relating to the procedure of the Local Government Board on appeals shall apply in the case of applications to the Board under the above-mentioned provision of the Act as they apply in the case of appeals to the Board.

### **Local Pension Committees and Sub-Committees.**

*Constitution, Chairman, and Proceedings of Local Pension Committee.*

21.—(1) A local pension committee shall consist of such

number of persons, not being less than seven nor more than the number of the council by whom the committee is appointed, as the council may determine.

(2) The council by whom a committee is appointed may make regulations as to the quorum, proceedings, and place of meeting of the committee, but subject to any such regulations, the quorum, proceedings, and place of meeting of the committee shall be such as the committee determine :

Provided that the quorum shall in no case be less than three.

(3) The term of office of a person appointed to be a member of a committee shall be three years or such less term as may be fixed by the appointing council at the time of the appointment, and any person on ceasing to be a member of a committee may be re-appointed :

Provided that—

- (a) if any person so appointed is a member of the appointing council, he shall cease to be a member of the committee if he ceases to be a member of that council ; and
- (b) a member of the committee may resign by sending to the clerk of the appointing council notice of his desire so to do ; and
- (c) a member whose office expires by effluxion of time shall continue to hold office until his successor is appointed ; and
- (d) the appointing council may, if they think fit, at any time remove any member of a committee and appoint another person to be a member of the committee in his place ; and
- (e) if a member of the committee is absent from meetings of the committee for more than six months consecutively, except in case of illness or for some reason approved by the committee, his office shall on the expiration of those months become vacant.

(4) If any vacancy occurs in a committee by death, resignation, or otherwise, the clerk of the committee shall forthwith send notice of the vacancy to the clerk of the appointing council, and that council shall as soon as possible fill up the vacancy.

(5) A committee shall appoint some member of the committee to be chairman of the committee, and the person so appointed shall, if he so long remains a member of the committee, hold office as chairman for such period, not being less than twelve months, as may be specified in the resolution of the committee under which he is so appointed.

(6) Every question at a meeting of the committee shall be determined by a majority of the votes of the members of the committee present and voting on the question, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

(7) The proceedings of a committee shall not be invalidated by any vacancy in their number or by any defect in the appointment of any member of the committee.

*Use by Committees of Offices of Local Authorities, and provisions in case there are no such Offices available.*

22.—(1) A committee shall, for the purpose of any of the meetings of the committee under these Regulations, be entitled to use free of charge (except such charge as may be approved by the Treasury for heating, lighting, or cleaning), at all reasonable times, and after reasonable notice, any offices of any local authority situate in the area of the council by which the committee is appointed.

(2) If any question arises under this Regulation as to what is reasonable, it may be determined by the Local Government Board.

(3) If in any case there are no offices of any local

authority available for use by a committee and the committee are unable to obtain the use of any room free of charge, the committee may hire such room as may be required for the purpose of any meeting of the committee :

Provided that ;—

- (a) the cost of hiring any such room shall not exceed the scale fixed for the purpose by the Treasury ; and
- (b) except with the sanction of the Local Government Board (which sanction shall only be given when no other suitable room is available either free of charge or at a cost not exceeding such scale as aforesaid) a committee shall not hold a meeting on any licensed premises, nor shall any such premises be used, without such sanction, as an office of the committee or for any purpose of or incidental to the business of the committee.

(4) In this Regulation the expression “committee” (except where the context otherwise requires) includes a sub-committee, and the expression “licensed premises” means premises licensed for the sale of intoxicating liquor, and includes any club at which such liquor is supplied.

#### *Appointment of Clerk of Committee.*

23.—(1) Every committee shall appoint some fit person to be clerk of the committee, to hold office during the pleasure of the committee.

(2) The committee may assign to the clerk such remuneration as the committee think fit, not being in excess of the scale fixed for the purpose by the Treasury.

(3) The clerk of every committee shall keep a record in such form and containing such particulars as the Local Government Board direct of all claims and questions in respect of which a report is sent to the committee by the pension officer, and of the decision of the committee thereon.

(4) The clerk of every committee shall immediately upon his appointment notify the appointment, together with his name and address, to the Local Government Board. [Form No. 14.]

(5) In this Regulation the expression "committee" includes a sub-committee, except that in the case of the clerk to a sub-committee the remuneration shall be assigned by the committee.

*Provisions as to Sub-Committees.*

24.—(1) Every committee by whom a sub-committee is appointed under the Act shall send notice of the appointment to the Local Government Board and to such pension officer as the Board direct, and the notice so sent shall specify the area for which the sub-committee is appointed to act, and shall state which of the powers and duties of the committee have been delegated to the sub-committee. [Form No. 15.]

(2) A sub-committee shall consist of such number of members, not being less than five nor more than nine, as the committee may determine.

Provided that the Local Government Board may in special circumstances authorise a smaller or a greater number.

(3) Subject as aforesaid, the provisions of these Regulations relating to the constitution, chairman, and proceedings of committees shall apply to sub-committees as they apply to committees, with the substitution of the committee for the appointing council, and of the sub-committee for the committee.

**Miscellaneous.**

*Provision for immediate payment of Expenses of Committees.*

25.—(1) For the purpose of providing for the immediate payment of any expenses properly incurred by any committee (including any expenses properly incurred by

any sub-committees appointed by the committee) the council by whom the committee was appointed shall from time to time advance such sums as may be necessary to provide for the payment of those expenses.

(2) Any sums so advanced by a council shall, notwithstanding any statutory provision to the contrary, be provided, in the case of a county council out of the county fund, in the case of a borough council out of the borough fund, and in the case of any other urban district council out of any fund out of which expenses incurred in the execution of the Public Health Acts may be paid, and shall be repaid to the council at such time and otherwise in such manner as the Treasury think fit.

(3) The Treasury may, for the purpose of providing for the payment by any such council of any such expenses, if they think fit so to do, advance to the council such sums as the Treasury think proper for the purpose, and the council shall apply the sums so advanced accordingly.

(4) Every council to whom any sums are so advanced by the Treasury shall render to the Treasury such accounts in respect of the sums advanced as the Treasury may require.

**Note.**

It is provided by section 10 (3) of the Act that if an address is presented to His Majesty by either House of Parliament a Regulation may be annulled.

On the 29th October, 1908, the House of Lords, on the motion of the Earl of Camperdown, resolved: "That a humble address be presented to His Majesty, praying that His Majesty will annul Regulation No. 25, which has been laid before Parliament in pursuance of the Old-Age Pensions Act, 1908." The part of the Regulation which the noble Earl objected to is as follows: "For the purpose of providing for the immediate payment of any expenses properly incurred by any committee, the council by whom the committee was appointed shall from time to time advance such sums as may be necessary to provide for the payment of such expenses." The Treasury and the Local Government Board, said the noble Earl, seemed to impose on the county councils a charge which there was no legal authority to impose. In fact, there was

an attempt on the part of the Government Departments to dispense with the statute, such action being in his view, and in that of the Earl of Halsbury, who unfortunately could not be present, illegal and unconstitutional. The county council and its old-age pension committee had no power to advance any money, and the words of the Treasury Regulation—which later declared “any statutory provision to the contrary notwithstanding”—showed that the Department was arrogating to itself the powers of Parliament.

Up to the date of this book going to press no action had been taken in the matter, and as the Lord Chancellor did not agree with the view embodied in the resolution it is probable that nothing further will be done.

*Provision as to Evidence on Determination of Claim.*

26. The Local Government Board or any committee may for the purpose of determining any claim or question which is to be determined by the Board or the committee, have regard to any such evidence or information as in the opinion of the Board or committee is sufficient for the purpose, and is the best evidence or information which it is reasonably possible to obtain.

*Provision as to Dates being Directory.*

27. Any failure on the part of any pension officer or any committee to comply with any requirements of these Regulations or of any directions given by virtue of these Regulations as to the time within which any proceedings are to be taken, or any things are to be done, or as to the notice to be given of meetings for the consideration of claims, shall not of itself render invalid the decision of the committee on any claim or question.

*Returns by Registrars of Births and Deaths.*

28.—(1) The registrar of births and deaths of every sub-district shall once in every week send to such pension officer or pension officers in his sub-district as the Treasury may through the Registrar-General of Births, Deaths, and Marriages in England direct, a return in respect of all

deaths of persons of the age of seventy years or upwards which have been registered by him in the week immediately preceding the date of the return.

(2) The registrar shall be entitled to a fee of twopence for every return sent by him under this regulation, whether the return contains any entry of any death or not, and in addition to a fee of twopence for every death entered in a return.

(3) The return under this Regulation shall be in such form as the Registrar-General, with the consent of the Treasury, prescribes, and in prescribing the form, regard shall be had to the desirability of the form following so far as possible the form of a certificate of death.

(4) Forms necessary for the purpose of the return shall be supplied by the Registrar-General to every registrar of births and deaths.

(5) The first return under this Regulation shall be made in respect of the week ending the fifth day of December nineteen hundred and eight.

#### *Definition of Residence.*

29. For the purpose of the statutory condition relating to residence, the expression "residence" shall mean actual presence in the United Kingdom, uninterrupted otherwise than by temporary absences, and

(a) A person (being a claimant) shall be deemed to have been temporarily absent—

(i) If before the absence he was living in the United Kingdom and throughout the absence he was employed in the service of the Crown as a soldier, sailor, or otherwise, or was in the service of anyone so employed: Provided that for the purposes of this provision a person shall not be deemed to be in the service

of the Crown unless his remuneration is paid out of moneys provided by the Parliament of the United Kingdom ; or

(ii) If before the absence he was living in the United Kingdom and throughout the absence he was serving on board a vessel registered in the United Kingdom ; or

(iii) If throughout the absence his home was in the United Kingdom : Provided that a person shall not be deemed for the purposes of this provision to have had his home in the United Kingdom during any absences (other than absences to which paragraphs (i) and (ii) of this Regulation apply) which occurred wholly or partly within the period of twenty years prescribed by subsection (2) of section 2 of the Act, if the aggregate of those absences since the beginning of the earliest of them exceeds eight years :

(b) A person (being a pensioner) shall be deemed to have been temporarily absent if he is absent for any period not exceeding three months at any one time.

*Definition of " proper provision " for the purpose of s. 3 (1) (b) of the Act.*

30. A person shall be regarded for the purpose of the proviso to paragraph (b) of subsection (1) of section three of the Act as having made proper provision against old age, sickness, infirmity, or want or loss of employment, if he has continuously for ten years up to attaining the age of sixty, by means of payments to friendly, provident, or other societies, or trade unions, or other approved steps, made provision to secure for himself free from any

deductions or incumbrances any of the following benefits or advantages :—

- (1) The right to receive during any period of sickness, not less than seven shillings and sixpence a week during the first twenty-six weeks (or alternatively not less than fifteen shillings a week for the first thirteen weeks) of the period, and not less than two shillings a week for the remainder of the period :
- (2) The right to receive not less than five shillings a week during want or loss of employment :
- (3) The right to receive not less than three shillings a week for life either on becoming permanently incapacitated or upon the attainment of any specified age not exceeding seventy :
- (4) The right to receive not less than five shillings a week upon the attainment of any age not exceeding sixty-five until the attainment of the age of seventy :
- (5) The right to receive not less than two shillings a week upon the attainment of any age not exceeding sixty until the attainment of the age of seventy :
- (6) The right to receive a capital sum of not less than fifty pounds upon the attainment of any specified age not exceeding seventy :
- (7) The possession, upon the attainment of the age of sixty, of accumulated savings, or of property purchased out of accumulated savings, to the value of not less than fifty pounds.

#### *Disposal of Documents.*

31.—(1) As soon as may be after the Local Government Board have given their decision on any claim or question, or after the decision of the committee on any

claim or question has become final, the Board or the committee, as the case may be, shall return the claim or question and all documents relating thereto in their possession to the pension officer.

(2) Subject as herein-after provided, the pension officer shall preserve all such documents for such period after the date of the decision on the claim or question, as the Treasury may determine, and on the expiration of that period they shall be destroyed or otherwise disposed of in such manner as the Treasury may direct.

(3) If a pensioner removes from the district of one pension officer to the district of another pension officer, the first-named pension officer shall transmit to the other pension officer all documents in his possession relating to the pensioner or to his claim, together with a copy of the entries in the register of claims relating thereto.

*Issue of Books of Pension Orders.*

32.—(1) It shall be the duty of the pension officer, in every case in which there is a final decision allowing a claim, to issue to the claimant a book of pension orders not later than the date on which the first payment in respect of the pension is to be made.

(2) On every issue to a pensioner of a fresh book of pension orders the pension officer shall require the pensioner to sign a statement in writing to the effect that to the best of his belief his yearly means have not increased so as to disentitle him to receive a pension at the weekly rate at which he was previously receiving the pension, and that to the best of his belief he is not disqualified for continuing to receive a pension. [Form No. 16.]

*Instructions by Postmaster-General to Postmasters.*

33. The Postmaster-General shall issue to all postmasters such instructions as he thinks necessary for the purpose of giving effect to these Regulations.

*Pension Officers to obey directions of Commissioners of Inland Revenue.*

34. Subject to the provisions of the Act and of these Regulations, every person appointed as a pension officer shall in the execution of his office observe and follow the orders, instructions, and directions of the Commissioners of Inland Revenue.

*Information to be supplied by Poor Law Officers.*

35. For the purpose of enabling a pension officer to ascertain whether any person is disqualified by reason of the receipt of poor relief for receiving or continuing to receive a pension, every officer or person acting in the administration of the relief of the poor shall, if so requested to do by the pension officer, supply to the pension officer such information as it is in his power to give as respects any person who is or has been in receipt of poor relief.

**Temporary Provisions.**

*Provisions as to First Appointment and First Meetings of Committees.*

36.—(1) Every council by whom a local pension committee has not been appointed before the date of these Regulations shall forthwith hold a meeting for the purpose of appointing the committee, and the council shall have full power to appoint the committee at that meeting or any adjournment thereof, notwithstanding that any standing orders or regulations relating to the notices to be given of business to be transacted at meetings of the council have not been complied with.

(2) The first meeting of the committee shall be convened by the clerk of the council as soon as may be after the committee has been appointed.

(3) If the appointing council so direct, the first meeting of the committee may subject as herein-after provided be held without any notice immediately after the appointment of the committee :

Provided that where any persons other than members of the appointing council are appointed as members of the committee, the meeting shall not be held unless all those persons have been informed of their appointment and given an opportunity of attending the meeting.

(4) The appointing council shall forthwith after appointing the committee send notice thereof to the Local Government Board.

*Power of Local Government Board and Treasury to remove difficulties.*

37. In order to enable all claims made during the year nineteen hundred and eight to be investigated and determined, whenever possible, before the first day of January nineteen hundred and nine, the Local Government Board and the Treasury may, if they think fit, make orders declaring the appointment of any committee to be valid notwithstanding any defect in the appointment thereof, or dispensing with compliance with any of these Regulations, or may make any orders or give any directions otherwise necessary for the purpose of bringing the Act into effect.

*Saving of things done under Provisional Regulations.*

38. These Regulations shall be deemed to have had effect as from the 20th day of August, 1908.

Provided that anything done in pursuance of the provisional Regulations made under the Act on the 20th day of August, 1908, shall, notwithstanding anything in these Regulations, be deemed to have been validly done and have full effect accordingly.

Dated this 15th day of October, 1908.

J. HERBERT LEWIS,  
CECIL NORTON,

Two of the Lords Commissioners  
of His Majesty's Treasury.

SYDNEY CHARLES BUXTON,  
His Majesty's Postmaster-General.

Given under the Seal of Office of the Local Government Board this fifteenth day of October, in the year One thousand nine hundred and eight.

(L.S.)

JOHN BURNS,

President.

S. B. PROVIS,

Secretary.

Given under the Seal of Office of the Local Government Board for Scotland this fifteenth day of October, in the year One thousand nine hundred and eight.

(L.S.)

JOHN SINCLAIR,

President.

G. FALCONAR-STEWART,

Secretary.

Given under the Seal of Office of the Local Government Board for Ireland this fifteenth day of October, in the year One thousand nine hundred and eight.

(L.S.)

AUGUSTINE BIRRELL,

H. A. ROBINSON.

# SCHEDULES.

## FIRST SCHEDULE.

### FORMS.

#### FORM 1.

#### *The Old-Age Pensions Act, 1908.*

#### CLAIM TO PENSION.

*Note.*—Claims should not be made more than four months before the date on which the claimant will attain the age of seventy.

*Note.*—“ If for the purpose of obtaining or continuing an old-age pension under this Act, either for himself or any other person, or for the purpose of obtaining or continuing an old-age pension under this Act for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with hard labour.” (Old-Age Pensions Act, 1908, section 9 (1).)

1. Full name of claimant.
2. \*Home address.
3. Occupation.
4. Sex.
5. Are you single?  
or married?  
or a widower or widow?

If a married woman or widow, what was your maiden name?

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\* The postal address in full of the claimant must be given.

6. Age . . . Date of Birth.
7. †Place where born.
8. Are you a British subject?
9. ‡Have you lived in the United Kingdom for the whole of the last twenty years?

At what place or places did you live during those years?

10. How much have you coming in per week in money?  
What are your other means of subsistence (if any)?  
Do you pay rent for the house or lodging in which you live?

NOTE.—*You will subsequently have to furnish any further particulars which the pension officer may require, in order to satisfy himself that you are entitled to a pension.*

I have clearly understood the above questions, and to the best of my knowledge and belief all the statements made by me in this claim are correct, and so far as I know I am not disqualified for the receipt of a pension.\*

If my claim is allowed I desire that my pension should be payable at the Post Office at§

*Signature (or Mark) of Claimant.*

*Date.*

*(Date.)*            *Witness to signature, or (where claimant is unable to write) to mark, of claimant.*

*Address of Witness.*

† Give exact address if possible.

‡ If the claimant answers the question in the negative, he will not necessarily be disentitled to a pension.

§ The full address of the post office must be given.

\* Under section 3 of the Act, a person is disqualified for the receipt of a pension in the following (among other) cases :—

1. While he is in receipt of poor relief (other than medical and certain other kinds of relief excepted under the Act), or if he has been in receipt of any such relief at any time since the 1st January, 1908.

2. If he has habitually failed to work according to his ability, opportunity, and need for the maintenance or benefit of himself and those legally dependent upon him, unless he can show that from the age of fifty to sixty he made proper provision against old age, sickness, infirmity, or want or loss of employment.
3. If within the last ten years he has been in prison under a sentence of imprisonment without the option of a fine, or of penal servitude.
4. If an order of a court disqualifying him is in force.

*To be filled in only when the claimant has been assisted by a Sub-Postmaster.*

I have assisted the claimant to fill up this form.



*Signature.*

Sub-Postmaster of

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FORM 2.

*The Old-Age Pensions Act, 1908.*

REPORT OF PENSION OFFICER ON CLAIM.

District

Station

No. in Pension Officer's Register

Name of Claimant

To the Local Pension Committee of the County [*or*  
Borough] [*or* Urban District] of

A\* I have investigated the claim of the above-named claimant and in my opinion the claim may properly be allowed, and the claimant is entitled to receive a pension at the weekly rate of

---

\* To be used where report in favour of allowance of claim.

B† I have investigated the claim of the above-named claimant and in my opinion the claimant is at the present date not entitled to receive, [*or disqualified for receiving*] a pension, but the claim may properly be allowed provisionally, and the claimant will become entitled on the day of to a pension at the weekly rate of

C§ I have investigated the claim of the above-named claimant, and in my opinion the claim cannot properly be allowed for the following reasons, namely:—

The claimant does not fulfil the statutory conditions by reason of not being a British subject [*or, as the case may be*].

[*or, The claimant is disqualified under section 3 (1) (d) of the Act [or, as the case may be] .*]

† [I am satisfied that the yearly means of the claimant do not exceed £21.]

† [The annexed statement contains a summary of the income, property, and other means of the claimant.]

*Statement as to inquiries made.*

*(Signature of Pension Officer.)*

*(Address of Pension Officer.)*

*(Date.)*

† To be used where report in favour of provisional allowance of claim.

§ To be used where report in favour of disallowance of claim.

† Strike out both these if C is used ; otherwise strike out alternative which is not appropriate.

### FORM 3.

#### *The Old-Age Pensions Act, 1908.*

#### NOTICE OF MEETING OF COMMITTEE FOR CONSIDERING CLAIMS OR QUESTIONS.

County [*or Borough*] [*or Urban District*] of

To the Pension Officer.

You are hereby informed that a meeting of the Local

Pension Committee of the County [*or* Borough] [*or* Urban District] of \_\_\_\_\_ will be held at \_\_\_\_\_ on the\*  
 \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock for the purpose of  
 considering the claims [*or* questions] specified in the sub-  
 joined list.

*List of Claims.*

Name of Claimant.	Address of Claimant.	Number of Claim in Pension Officer's Report.
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*(Signature of Clerk of Committee.)*

*(Address of Clerk of Committee.)*

*(Date.)*

\* This must be a day not less than three days after the date of notice.

FORM 4.

A.—FORM OF NOTICE TO CLAIMANT.

*The Old-Age Pensions Act, 1908.*

NOTICE OF DECISION OF COMMITTEE ALLOWING CLAIM.

District \_\_\_\_\_

Station \_\_\_\_\_

No. in Pension Officer's Register \_\_\_\_\_

Name of Claimant \_\_\_\_\_

To the above-named Claimant.

You are hereby informed that by their decision dated the \_\_\_\_\_ day of \_\_\_\_\_, the Local Pension Committee have [*provisionally*] allowed your claim to a pension, and that you will be entitled [*on the* \_\_\_\_\_ day of \_\_\_\_\_] to a pension at the weekly rate of \_\_\_\_\_, the first payment in respect of which will be made on Friday, the day of \_\_\_\_\_.

The Pension Officer will in due course issue to you a book of pension orders enabling you to obtain payment of the pension at the post office at \_\_\_\_\_

The pension will continue so long only as you continue to fulfil the statutory conditions and do not incur any disqualification.

This decision is subject to appeal, but if an appeal is brought you will be informed of the fact.

*(Signature of Clerk of Committee.)*

*(Address of Clerk of Committee.)*

*(Date.)*

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B.—FORM OF NOTICE TO PENSION OFFICER.

*The Old-Age Pensions Act, 1908.*

NOTICE OF DECISION OF COMMITTEE ALLOWING CLAIM.

District \_\_\_\_\_ Station \_\_\_\_\_

No. in Pension Officer's Register \_\_\_\_\_

Name of Claimant \_\_\_\_\_

To the Pension Officer.

You are hereby informed that by their decision dated the  
 day of \_\_\_\_\_, the Local Pension Committee  
 have [provisionally] allowed the claim of the above-named  
 claimant, and that the claimant will be entitled [on the  
 day of \_\_\_\_\_] to a pension at the weekly rate  
 of \_\_\_\_\_

Should you desire to appeal to the Local Government Board against this decision, you may do so by sending notice of appeal to the Local Government Board not later than seven days after the receipt of this notice, and sending at the same time to me notification that you have so appealed.

*(Signature of Clerk of Committee.)*

*(Address of Clerk of Committee.)*

*(Date.)*

## FORM 5.

## A.—FORM OF NOTICE TO CLAIMANT.

*The Old-Age Pensions Act, 1908.*

NOTICE OF DECISION OF COMMITTEE DISALLOWING CLAIM.

District

Station

No. in Pension Officer's Register

To *A.B.* of

You are hereby informed that by their decision dated the \_\_\_\_\_ day of \_\_\_\_\_ the Local Pension Committee have disallowed your claim to a pension on the grounds that [*state the grounds*].

Should you desire to appeal to the Local Government Board against this decision, you may do so by sending notice of appeal to the Local Government Board not later than seven days after the receipt of this notice, and sending at the same time to me notification that you have so appealed. A form of notice of appeal and a form of notification may be obtained on application to me.

*(Signature of Clerk of Committee.)**(Address of Clerk of Committee.)**(Date.)*

## B.—FORM OF NOTICE TO PENSION OFFICER.

*The Old-Age Pensions Act, 1908.*

NOTICE OF DECISION OF COMMITTEE DISALLOWING CLAIM.

District

Station

No. in Pension Officer's Register

Name of Claimant

To the Pension Officer.

You are hereby informed that by their decision dated the \_\_\_\_\_ day of \_\_\_\_\_ the Local Pension Committee have disallowed the claim of the above-named claimant on the grounds that [*state the grounds*].

*(Signature of Clerk of Committee.)**(Address of Clerk of Committee.)**(Date.)*

## FORM 6.

*The Old-Age Pensions Act, 1908.*

## NOTICE OF ADJOURNED CONSIDERATION OF CLAIM.

District Station

No. in Pension Officer's Register

Name of Claimant

To the above-named Claimant.

You are hereby informed that the consideration of your claim has been adjourned, and that a meeting for the further consideration of it will be held at on the  
day of .

You are entitled to attend and be heard at the meeting if you so desire.

*(Signature of Clerk of Committee.)**(Address of Clerk of Committee.)**(Date.)*

## FORM 7.

*The Old-Age Pensions Act, 1908.*

## REPORT OF PENSION OFFICER ON QUESTION.

District Station

No. in Pension Officer's Register

Name of Pensioner

To the Local Pension Committee of the County [*or*  
Borough] [*or* Urban District] of

I desire to raise the following question in reference to the pension of the above-named pensioner, namely [*state the question*], [*or* The above-named pensioner has raised the question that he is entitled to a pension at the weekly rate of s. instead of at the weekly rate of s.].

I have investigated the above-mentioned question, and in my opinion the pensioner [*state whether the pensioner does or does not continue to fulfil the statutory conditions, or is or is not disqualified, or is entitled to a pension at a higher or a lower rate*].

*Statement as to inquiries made.*

*(Signature of Pension Officer.)*

*(Address of Pension Officer.)*

*(Date.)*

FORM 8.

A.—FORM OF NOTICE TO PENSIONER.

*The Old-Age Pensions Act, 1908.*

NOTICE OF DECISION OF COMMITTEE ON QUESTION.

District

Station

No. in Pension Officer's Register

Name of Pensioner

To the above-named Pensioner.

You are hereby informed that by their decision dated the \_\_\_\_\_ day of \_\_\_\_\_ the Local Pension Committee have decided the question whether [*state the question*] as follows:—

The consequence of this decision is that [*state whether the position of the pensioner is or is not altered by the decision, and if so, how*].

Should you desire to appeal to the Local Government Board against this decision, you may do so by sending notice of appeal to the Local Government Board not later than seven days after the receipt of this notice, and sending at the same time to me notification that you have so appealed. A form of notice of appeal and a form of notification may be obtained on application to me.

*(Signature of Clerk of Committee.)*

*(Address of Clerk of Committee.)*

*(Date.)*

## B.—FORM OF NOTICE TO PENSION OFFICER.

*The Old-Age Pensions Act, 1908.*

## NOTICE OF DECISION OF COMMITTEE ON QUESTION.

District Station

No. in Pension Officer's Register

Name of Pensioner

To the Pension Officer.

You are hereby informed that by their decision dated the  
 day of \_\_\_\_\_, the Local Pension Committee  
 have decided the question whether [*state the question*]  
 as follows:—

The consequence of this decision is that [*state whether  
 the position of the pensioner is or is not altered by the  
 decision, and if so, how*].

Should you desire to appeal to the Local Government  
 Board against this decision, you may do so by sending  
 notice of appeal to the Local Government Board not later  
 than seven days after the receipt of this notice, and sending  
 at the same time to me notification that you have so  
 appealed.

*(Signature of Clerk of Committee.)**(Address of Clerk of Committee.)**(Date.)*

## FORM 9.

*The Old-Age Pensions Act, 1908.*

## NOTICE OF APPEAL.

District Station

No. in Pension Officer's Register

Name of Claimant [*or Pensioner*]

To the Local Government Board.

I, the undersigned, being

*[state whether*

*pension officer or person aggrieved*] hereby appeal against the decision of the Local Pension Committee of the County [or Borough] [or Urban District] of \_\_\_\_\_ given the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, being a decision that [*state the decision*].

(*Signature of Appellant.*)

(*Address of Appellant.*)

(*Date.*)

NOTE.—*An appeal must be made within seven days of the date of receipt of notice of the decision to be appealed against, or if no notice is required to be given to the Appellant, within seven days of the date of the decision.*

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FORM 10.

*The Old-Age Pensions Act, 1908.*

NOTIFICATION TO COMMITTEE OF APPEAL HAVING BEEN MADE.

District \_\_\_\_\_ Station \_\_\_\_\_

No. in Pension Officer's Register \_\_\_\_\_

Name of Claimant [*or Pensioner*] \_\_\_\_\_

To the Local Pension Committee of the County [*or Borough*] [*or Urban District*] of \_\_\_\_\_

I hereby give you notice that I have appealed to the Local Government Board against your decision given the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, being a decision that [*state the decision*].

The decision was wrong for the following reasons [*state the reasons*].

(*Signature of Appellant.*)

(*Address of Appellant.*)

(*Date.*)

## FORM 11.

*The Old-Age Pensions Act, 1908.*NOTIFICATION TO CLAIMANT OR PENSIONER OF APPEAL  
HAVING BEEN BROUGHT.District Station

No. in Pension Officer's Register

Name of Claimant [*or Pensioner*]To the above-named Claimant [*or Pensioner*].

Take notice that an appeal has been brought against the decision of the Local Pension Committee that you are entitled to a pension at the weekly rate of s. The question will now have to be finally determined by the Local Government Board.

*(Signature of Clerk of Committee.)**(Address of Clerk of Committee.)**(Date.)*

## FORM 12.

*The Old-Age Pensions Act, 1908.*NOTICE OF THE DECISION OF THE LOCAL GOVERNMENT  
BOARD.District Station

No. in Pension Officer's Register

Name of Claimant [*or Pensioner*]To the Local Pension Committee of the County [*or*  
Borough] [*or Urban District*] of

You are hereby informed that the decision of the Local Government Board upon the claim of the above-mentioned claimant [*or the question raised in reference to the pension*

of the above-mentioned Pensioner] in respect of which an appeal was made to them by \_\_\_\_\_ against your decision thereon, given on the \_\_\_\_\_ day of \_\_\_\_\_, is as follows [*state the decision*].

You are forthwith to communicate this decision to the Claimant [*or Pensioner*] and to the Pension Officer of the District.

(*Signed*)

*Secretary [or an Assistant Secretary]  
of the Board.*

*Or a person appointed by the Board  
to act on their behalf.*

(*Date.*)

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FORM 13.

*The Old-Age Pensions Act, 1908.*

NOTIFICATION BY COMMITTEE OF DECISION OF LOCAL  
GOVERNMENT BOARD.

District

Station

No. in Pension Officer's Register

Name of Claimant [*or Pensioner*]

To the above-named Claimant [*or Pensioner*] [*or to the Pension Officer.*]

You are hereby informed that the decision of the Local Government Board upon the claim of the above-mentioned Claimant [*or the question raised in reference to your pension*] [*or the question raised in reference to the pension of the above-mentioned Pensioner*] in respect of which an appeal was made to the Board by \_\_\_\_\_ against the decision of the Local Pension Committee thereon, given on the \_\_\_\_\_ day of \_\_\_\_\_, is as follows [*state the decision*].

(*Signature of Clerk of Committee.*)

(*Address of Clerk of Committee.*)

(*Date.*)

## FORM 14.

*The Old-Age Pensions Act, 1908.*

NOTIFICATION OF APPOINTMENT OF CLERK OF COMMITTEE  
[SUB-COMMITTEE].

County [*or* Borough] [*or* Urban District] of

To the Local Government Board.

[The Sub-Committee of] the Local Pension Committee of the above-named County [*or* Borough] [*or* Urban District] have appointed me, the undersigned, to be Clerk of the Committee [Sub-Committee].

*(Signature of Clerk of Committee*  
*[Sub-Committee].)*

*(Address of Clerk of Committee [Sub-Committee].)*

*(Date.)*

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## FORM 15.

*The Old-Age Pensions Act, 1908.*

NOTICE OF APPOINTMENT OF SUB-COMMITTEE.

County [*or* Borough] [*or* Urban District] of

To the Local Government Board.

The Local Pension Committee have appointed Sub-Committees to act for the following areas, viz. :—

*[give particulars of the composition of the areas and the name by which each of the Sub-Committees will be described.]*

The following powers and duties of the Committee have been delegated to the Sub-Committees, viz. :—

*(Signature of Clerk of Committee.)*

*(Address of Clerk of Committee.)*

*(Date.)*

## FORM 16.

*The Old-Age Pensions Act, 1908.*STATEMENT BY PENSIONER ON ISSUE OF FRESH BOOK OF  
PENSION ORDERS.

District

Station

No. in Pension Officer's Register

Name of Pensioner

I, the above-named Pensioner, hereby state that to the best of my belief my means have not increased so as to disentitle me to receive a pension at the weekly rate of shillings, and that I am not disqualified for continuing to receive a pension.

*(Signature (or mark) of Pensioner.)**(Date.)*

NOTE.—*The Pension Officer is to see that the Pensioner fully understands the meaning of this statement before he signs it and is to draw his attention to section 9 (1) of the Act.*

## SECOND SCHEDULE.

INSTRUCTIONS TO PENSION OFFICER AS TO INVESTIGATION OF  
CLAIMS.

(1) For the purpose of determining the age of any person, regard may be had to any of the following documents, viz. :—

Certificate of birth;

Certificate of baptism;

Certificate of service in any of the forces of the Crown;

Certificate of membership of any friendly or provident society or trade union.

Certificate of marriage.

Any other evidence which appears sufficient for the purpose.

(2) Where it appears that any person was born in the British dominions and has not resided out of the British dominions during the preceding twenty years, he may, unless there is reason to suspect the contrary, be taken as being a British subject.

(3) If it appears that any person was not born in the British dominions, he may prove that he is a British subject either by producing a naturalisation certificate and showing that he is the person referred to in the certificate or by showing that his father was a British subject.

If a person who alleges that he was naturalised is unable to produce a naturalisation certificate, inquiry may be made of the Home Office as to whether the person is on the Register of Naturalised Aliens.

If any person alleges that though born out of the British dominions he was the child of a British father, he should be required, if possible, to show whether his father and his grandfather were born in the British dominions or not.

(4) For the purpose of determining whether a person has been resident in the United Kingdom, he must be required to give, if possible, a reference to two persons who have known him, and to state what his employment, if any, has been, during the last twenty years.

(5) In any case in which the Pension Officer thinks it desirable so to do, he may reduce to writing any question which he desires to put to any person and the answer given by that person to the question, and may require that person to sign the answer, or may require any person to fill up and sign any form.

(6) The Pension Officer shall in every case take all reasonable steps to obtain the best evidence and information which it is reasonably possible to obtain, and make all such inquiries as appear to him necessary having regard to the circumstances of the case.

**APPENDIX A.****CIRCULAR—COUNTY COUNCILS.**

OLD-AGE PENSIONS ACT, 1908.

Local Government Board, Whitehall, S.W.,

4th August, 1908.

Sir,

I am directed by the Local Government Board to call the attention of the County Council to the Old-Age Pensions Act, 1908, which has just received the Royal Assent.

The Board propose in a subsequent Circular to deal more fully with the procedure to be followed in pursuance of the Act and the Regulations which have to be made under it in connection with the determination of claims and questions, and as to the part which is assigned to local authorities. For the present they confine themselves to indicating the steps which require to be taken immediately by the County Council in order to provide the machinery necessary to carry the measure into effect.

The Act contemplates the setting up of local pension committees for the consideration and determination of claims for old-age pensions and questions arising in connection therewith. Subsections (1) and (2) of section 8 of

the Act deal with the appointment of local pension committees and sub-committees. They are as follows:—

“ 8. (1) The local pension committee shall be a committee appointed for every borough and urban district having a population, according to the last published census for the time being, of twenty thousand or over, and for every county (excluding the area of any such borough or district) by the council of the borough, district, or county.

“ The persons appointed to be members of a local pension committee need not be members of the council by which they are appointed.

“ (2) A local pension committee may appoint such and so many sub-committees, consisting either wholly or partly of the members of the committee as the committee think fit, and a local pension committee may delegate, either absolutely or under such conditions as they think fit, to any such sub-committee any powers and duties of the local pension committee under this Act.”

As a very large number of persons will become entitled to pensions at the beginning of January next, it is important that the local pension committees and sub-committees should be appointed at the earliest date practicable so that the longest possible time prior to the 1st January may be allowed for dealing with applications which will be made in anticipation of that date.

The Board are anxious therefore that the matter should be brought before the County Council as soon as this can be done.

The Regulations to be made under the Act will probably require a meeting of every council who have to

appoint a local pension committee to be held during the month of August, and there can be no doubt that the earlier in the month that the pension committee can be appointed the better. If a meeting will not in the ordinary course take place before the end of the month, it will be desirable that a special meeting should at once be called for the purpose.

It will be noticed that the area for which the committee will act will be that of the administrative county exclusive of any borough or urban district containing, according to the census of 1901, a population of 20,000 or over, and that the persons appointed to be members of the committee need not be members of the County Council. The number of the committee will be fixed by the Regulations to be issued under the Act at not less than seven nor more than the total number of members of the Council.

As soon as the local pension committee are appointed, the immediate questions for them to consider will be—

- (1) The appointment of sub-committees.
- (2) If sub-committees are to be appointed, in what areas they should act.
- (3) What powers and duties of the pension committee should be delegated to them.

The duties of the committee involve the consideration of all individual claims, and it is intended that claimants shall have an opportunity of appearing before them. It seems to the Board, therefore, that in the case of such an area as a county it will be necessary for the committee to delegate their powers and duties generally to local sub-committees acting in suitable sub-divisions of the area.

The course suggested does in effect involve the placing of the whole of the work of determining claims and ques-

tions in the hands of the sub-committees ; but it seems to the Board that whatever arrangement may be made hereafter, it will be necessary, in the first instance at any rate, owing to the large number of claims which will have to be determined in a short period of time, to sub-divide the work in such an area as a county, and their view is that if sub-committees are to be appointed it would lead to difficulties and delays, and would not conduce to efficient working, if some only of the powers and duties of the local pension committee were delegated to them.

When the local pension committee have decided to delegate their powers and duties to sub-committees, the next step to be taken will be to determine the areas in which the sub-committees are to act. These sub-divisions should not be more numerous than necessary, but at the same time should be of such a size as to allow personal interviews with applicants for pensions being when needed readily arranged. The pension officers who are to be appointed by the Treasury will be the local officers of Excise. They will have to report to the committees or sub-committees on each claim and will be in close touch with those bodies. It will probably be advantageous if the County Council or the local pension committee put themselves in communication with the local Supervisors of Inland Revenue with a view to ascertaining from them the areas which will be assigned to individual pension officers, so that the districts of the sub-committees may correspond, where practicable, with the boundaries of the districts allotted to the pension officers. It cannot, perhaps, be expected that the pension officers' areas and those of the sub-committees shall always coincide, but unnecessary overlapping may in this way be avoided.

Coming to the constitution of sub-committees, it will be seen from section 8 (2) of the Act that these bodies must consist either wholly or partly of members of the local pension committee. It will, therefore, be necessary that

at least one member of every sub-committee should be a member of the pension committee. The Regulations to be issued under the Act may be expected to provide that the number of members of the sub-committee shall be not less than five nor more than nine. The Council or the committee may be able to obtain, by communication with the local authorities, with local branches of trade unions, with friendly societies and similar bodies, and from other sources available to them, the names of suitable and representative persons whose services may be utilised on the sub-committees.

Even if the local pension committee cannot be at once appointed, it may be possible in the interval to obtain preliminary information which will be useful afterwards in connection with the delimitations of sub-committees' districts and the appointment of the members of those bodies.

It is hoped that forms in which persons desiring to obtain pensions may make their claims will be available at the post offices by the 1st October, and it is desirable that the committees or sub-committees who will be called upon to consider them should be able to set to work soon after that date. The Board recognise that the time is short for making all the needful arrangements, and they have taken the earliest opportunity of drawing the attention of the County Council to the matter. They have no doubt that the County Council will do all in their power to organise the necessary machinery for administering the Act.

I am, Sir,  
Your obedient Servant,

S. B. PROVIS,  
Secretary.

The Clerk to the County Council,

CIRCULAR.—COUNCILS OF BOROUGHES  
AND URBAN DISTRICTS WITH  
POPULATIONS OF 20,000 OR OVER.

OLD-AGE PENSIONS ACT, 1908.

Local Government Board, Whitehall, S.W.,  
4th August, 1908.

Sir,

I am directed by the Local Government Board to call the attention of the Council to the Old-Age Pensions Act, 1908, which has just received the Royal Assent.

The Board propose in a subsequent Circular to deal more fully with the procedure to be followed in pursuance of the Act and the Regulations which have to be made under it in connection with the determination of claims and questions, and as to the part which is assigned to local authorities. For the present they confine themselves to indicating the steps which require to be taken forthwith by the council in order to provide the machinery necessary to carry the measure into effect.

The Act contemplates the setting up of local pension committees for the consideration and determination of claims for old-age pensions and questions arising in connection therewith. Sub-sections (1) and (2) of section 8

of the Act deal with the appointment of local pension committees and sub-committees. They are as follows:—

“8. (1) The local pension committee shall be a committee appointed for every borough and urban district, having a population according to the last published census for the time being of twenty thousand or over, and for every county (excluding the area of any such borough or district) by the council of the borough, district, or county.

“The persons appointed to be members of a local pension committee need not be members of the council by which they are appointed.

“(2) A local pension committee may appoint such and so many sub-committees, consisting either wholly or partly of the members of the committee as the committee think fit, and a local pension committee may delegate, either absolutely or under such conditions as they think fit, to any such sub-committee any powers and duties of the local pension committee under this Act.”

As a very large number of persons will become entitled to pensions at the beginning of January next, it is important that the local pension committees and sub-committees should be appointed at the earliest date practicable, so that the longest possible time prior to the 1st January may be allowed for dealing with applications which will be made in anticipation of that date.

The Regulations to be made under the Act will probably require a meeting of every council who have to appoint a local pension committee to be held during the month of August. If a meeting will not in the ordinary course take place before the end of the month, a special meeting should be called for the purpose. The number of the committee

will be fixed by the Regulations at not less than seven nor more than the total number of members of the council.

As soon as the local pension committee are appointed, the immediate questions for them to consider will be—

- (1) Whether sub-committees should be appointed.
- (2) If sub-committees are to be appointed, in what areas they should act.
- (3) What powers and duties of the local pension committee should be delegated to them.

The duties of the committee involve the consideration of all individual claims and it is intended that claimants shall have an opportunity of appearing before them. It seems to the board, therefore, that where the area of the council is so populous that a single committee cannot conveniently deal with all the claims and questions that may be expected to come before them, it will be advisable for the committee to appoint sub-committees to act in suitable sub-divisions of the area, to whom the whole of the work of determining claims and questions may be delegated.

The areas in which the sub-committees are to act should not be more numerous than necessary, but at the same time should be of such a size as to allow personal interviews with applicants for pensions being when needed readily arranged. The pension officers, who are to be appointed by the Treasury, will be the local officers of excise. They will have to report to the committees or sub-committees on each claim and will be in close touch with those bodies. If the area is to be sub-divided, it will probably be advantageous that the council or the local pension committee should put themselves in communication with the local supervisors of Inland Revenue with a view to ascertaining from them the areas which will be assigned to individual pension officers, so that the districts of sub-committees may correspond where practicable with the boundaries of the

districts allotted to the pension officers. It cannot, perhaps, be expected that the pension officers' arrears and those of the sub-committees shall altogether coincide, but unnecessary overlapping may in this way be avoided.

It will be seen from Section 8 (2) of the Act that the sub-committees must consist wholly or partly of members of the local pension committee. The Regulations to be issued under the Act may be expected to provide that the number of members of a sub-committee shall not be less than five nor more than nine. The council will, no doubt, be able without difficulty to obtain from various sources, including local branches of trade unions or friendly or other societies, the names of suitable and representative persons whose services may be utilised if desired on the local pension committee or on the sub-committees.

It is hoped that forms in which persons desiring to obtain pensions may make their claims will be available at the post offices by the 1st October, and it is desirable that the committees or sub-committees who will be called upon to consider them should be able to set to work soon after that date. The Board recognise that the time is limited for making all the needful arrangements, and they have taken the earliest opportunity of drawing the attention of the council to the matter. They have no doubt that the council will do all in their power to organise the necessary machinery for administering the Act.

I am Sir, your obedient servant,

S. B. PROVIS,

Secretary.

The Town Clerk

*or*

The Clerk to the Urban District Council.

[The Local Government Boards of Scotland and Ireland sent Circulars similar in effect to their Local Authorities.]

CIRCULAR.—COUNCILS APPOINTING  
LOCAL PENSION COMMITTEES.

THE OLD-AGE PENSIONS ACT, 1908.

Local Government Board, Whitehall, S.W.,

21st August, 1908.

Sir,

1. I am directed by the Local Government Board to forward, for the information of the Council, advance copies of the Regulations under section 10 of the Old-Age Pensions Act, 1908 (8 Edw. VII. c. 40). The Board take this opportunity of drawing attention to certain points in connection with the Act and Regulations.

2. The general scheme of the measure is, as the council are aware, to provide old-age pensions for poor persons of 70 years of age and upwards.

3. Although in the Act and Regulations and in this Circular the pensioner is spoken of as masculine, it will be understood that according to the rules of legislative interpretation the scheme applies both to men and women. It also applies to them whether they are married or single.

4. The Act provides that every person in whose case certain conditions are fulfilled shall be entitled to receive a pension so long as those conditions continue to be fulfilled and he is not disqualified under the Act.

## Statutory Conditions and Disqualifications.

5. The statutory conditions which have to be fulfilled to entitle a person to a pension are the following :—

- (1) He must have attained the age of 70.
- (2) He must satisfy the pension authorities that for at least 20 years up to the date of the receipt of any sum on account of a pension he has been a British subject, and has had his residence, as defined by the Regulations, in the United Kingdom.
- (3) He must satisfy the pension authorities that his yearly means as calculated under the Act do not exceed £31 10s.

6. Besides fulfilling the statutory conditions, the claimant or pensioner must not be subject to any of the disqualifications prescribed by the Act. The following are the circumstances under which he will be disqualified for receiving or continuing to receive an old-age pension.

(1) While he is in receipt of any poor relief (other than relief of the kind mentioned in the next paragraph) and, until the 31st December, 1910, unless Parliament otherwise determines, if he has at any time since the 1st January, 1908, received, or hereafter receives, any such relief.

The classes of relief which are excepted and which will not be considered as poor relief for the purposes of old-age pensions are :—

- (a) Any medical or surgical assistance (including food or comforts) supplied by or on the recommendation of a medical officer ; or
- (b) any relief given to any person by means of the maintenance of any dependant of that person in any lunatic asylum, infirmary or hospital, or the payment of any expenses of the burial of a dependant ; or

(c) any relief (other than medical or surgical assistance, or relief herein-before specifically exempted) which by law is expressly declared not to be a disqualification for registration as a Parliamentary elector, or a reason for depriving any person of any franchise, right or privilege.

(2) If, before he becomes entitled to a pension, he has habitually failed to work according to his ability, opportunity, and need, for the maintenance or benefit of himself and those legally dependent upon him. A person will not, however, be disqualified under this paragraph if he has continuously for 10 years up to attaining the age of 60, by means of payments to friendly, provident or other societies, or trade unions, or other approved steps, made such provision against old age, sickness, infirmity, or want or loss of employment as is recognised as proper provision for the purpose by the Regulations. Moreover, any such provision, when made by the husband in the case of a married couple living together, will as respects any right of the wife to a pension, be treated as provision made by the wife as well as by the husband.

(3) While he is detained in any asylum within the meaning of the Lunacy Act, 1890, or while he is being maintained in any place as a pauper or criminal lunatic.

(4) During the continuance of any period of disqualification arising or imposed in pursuance of subsections (2) and (3) of section 3 of the Act in consequence of conviction for an offence.

The subsections referred to in the last paragraph are as follows:—

(2) “ Where a person has been before the passing of this Act, or is after the passing of this Act, convicted of any offence, and ordered to be imprisoned without the option of a fine or to

suffer any greater punishment, he shall be disqualified for receiving or continuing to receive an old-age pension under this Act while he is detained in prison in consequence of the order, and for a further period of 10 years after the date on which he is released from prison.”

- (3) “ Where a person of 60 years of age or upwards having been convicted before any court is liable to have a detention order made against him under the Inebriates Act, 1898, and is not necessarily, by virtue of the provisions of this Act, disqualified for receiving or continuing to receive an old-age pension under this Act, the court may, if they think fit, order that the person convicted be so disqualified for such period, not exceeding 10 years, as the court direct.”

### Amount of Pension.

7. The amount of the pension will depend upon the yearly means of the pensioner as calculated under the Act, and will be as shown in the following table:—

Means of Pensioner.	Rate of Pension Per Week.	
	s.	d.
Where the yearly means of the pensioner—		
Do not exceed £21 ... ..	5	0
Exceed £21, but do not exceed £23 12s. 6d. ...	4	0
Exceed £23 12s. 6d., but do not exceed £26 5s.	3	0
Exceed £26 5s., but do not exceed £28 17s 6d.	2	0
Exceed £28 17s. 6d., but do not exceed £31 10s.	1	0

A person whose means exceed £31 10s. will not be entitled to receive a pension.

## Constitution and Proceedings of Committees.

8. Before dealing with the procedure to be followed in the making and determination of claims for pensions, it may be convenient to refer briefly to provisions which are contained in the Regulations as to the constitution and proceedings of the local pension committees and sub-committees.

9. The Board in their circular of the 4th August have indicated generally the proceedings to be taken for constituting these committees, and in many cases preliminary steps will doubtless have already been taken in the matter. It will be observed from Regulation 36 that the meeting for the appointment of the local pension committee must be held before the end of the present month or at such later date as the Board may allow. The first meeting of the committee will be convened by the clerk of the council as soon as may be after the committee has been appointed. If the appointing council so direct, the first meeting of the committee may be held immediately after its appointment without any notice, but where there are persons who are members of the committee and are not members of the council, the meeting cannot be held unless these persons have been informed of their appointment and given an opportunity of attending. Attention is also drawn to the detailed provisions on the subject contained in section 8 of the Act and in Regulations 21 to 24, inclusive.

10. Each committee and sub-committee when appointed will have to appoint some fit person as their clerk and to make arrangements for the holding of their meetings. Immediately upon his appointment the clerk of every committee and sub-committee is to notify his appointment, together with his name and address, to the Board. In so doing he should follow the terms of Form 14 in the First Schedule to the Regulations. Under Regulation 23 the committee may assign to their clerk or to the clerk of a

sub-committee such remuneration as they think fit, not being in excess of the scale fixed for the purpose by the Treasury.

11. Regulation 22 entitles a committee or sub-committee to use free of charge (except such charge as may be approved by the Treasury for heating, lighting, or cleaning) at all reasonable times and after reasonable notice any offices of any local authority situate in the area for which the committee are appointed. If a question arises as to what is reasonable, it may be determined by the Board. They have little doubt that local authorities generally will be willing to facilitate the operations of the committees by permitting them to use such accommodation as they may have available. As soon as the committees are established, the question of arranging for the holding of their meetings will be one of the first matters claiming attention.

12. If in any case there are no offices of a local authority available for use by a committee, and the committee are unable to obtain the use of any room free of charge, they may hire a room for their meetings, but the cost of hiring must not exceed the scale fixed by the Treasury.

### Sub-Committees.

13. Except that the number of members of a sub-committee must not be less than five nor more than nine, and that the remuneration of the clerk will be assigned by the committee, and that in the case of a sub-committee Regulation 21 must be read with the substitution of the committee for the appointing council and of the sub-committee for the committee, Regulations 21 to 23 apply equally to sub-committees as to committees.

14. As soon as sub-committees are appointed notice should be given by the clerk of the local pension com-

mittee, in accordance with Form 15 in the First Schedule to the Regulations, to the Board and to each Supervisor of Inland Revenue in the area of the council by whom the committee are appointed. A name should be given to each sub-committee's district, and the notice should specify the area comprising each district (this should be either the names of the parishes or sanitary districts included in it), the name assigned to the district, and the powers and duties which have been delegated to the sub-committees.

### Forms for use by Committees.

15. It will be seen that the Regulations provide a number of forms for use by the committees and sub-committees in dealing with claims and questions. The Board are arranging for the printing of the Forms number 3, 4A, 4B, 5A, 5B, 6, 7, 8A, 8B, 9, 10, 11, and 13, and a supply of these forms will be sent for the use of committees and sub-committees as soon as they are ready. Further supplies can be procured when required free of charge on requisition to the Controller of His Majesty's Stationery Office, Prince's Street, Storey's Gate, S.W.

16. For the purpose of the ready identification of the forms used by each committee or sub-committee a space will be found in the top right hand corner of each form, and the Board suggest that each clerk should provide himself with a rubber stamp, which should not be more than  $1\frac{1}{2}$  inches high and  $2\frac{3}{4}$  inches wide, bearing the name of the committee or sub-committee, thus :—

READING

LOCAL PENSION COMMITTEE

*or*

EASTHAMPSTEAD SUB-COMMITTEE

OF THE

BERKSHIRE

LOCAL PENSION COMMITTEE

which may be used for stamping in the space provided.

The words " District " and " Station " with which the forms are generally headed are intended to signify the district of the Supervisor of Inland Revenue, and the station assigned to the local pension officer respectively.

### Procedure on Making and Determination of Claims for Pension.

17. The course of procedure to be taken for the purpose of obtaining a pension will be as follows.

18. The claimant will in the first instance have to fill up a form of claim. This form he will be able to procure without charge at any post office at the end of September, and the postmaster will at his request give him assistance in filling it up. The form is prescribed in the First Schedule to the Regulations (Form 1). It is designed to show primarily whether the claimant fulfils the statutory conditions mentioned above. It is intended that pensions should be payable at a particular post office to be designated by the claimant in his form of claim, and in most cases no doubt this will be the post office at which he will attend to receive the form.

19. Forms may also be obtained from the pension officers who will be referred to later. When filled up the claimant must sign the form of claim (or if he cannot write must affix his mark to it) in the presence of a witness who will also sign it, and the form must then be delivered to the postmaster of the post office at which the claimant desires that the pension if granted should be payable, or to the pension officer.

20. Section 9 (1) of the Act renders any person who knowingly makes a false statement or false representation in connection with a claim for a pension liable to six months' imprisonment with hard labour, and a copy of this section will be printed on the form of claim.

21. When the claim has been made and signed and delivered to the postmaster, the procedure for deciding and adjudicating upon the claim can begin. The three main points to be determined are :—

- (1) Whether the claimant satisfies the statutory conditions.
- (2) Whether he is subject to any of the disqualifications.
- (3) Assuming that his yearly means as calculated under the Act exceed £21 and are less than £31 10s., at what figure they are to be taken to stand.

22. The authorities engaged in the determination of the claims and questions arising in connection with them will be the pension officers and the local pension committees, or where the powers and duties of the committees in the determination of claims and questions have been delegated to sub-committees, those sub-committees. It will be understood that in the remainder of this Circular references to committees must be read as applying to sub-committees where those bodies are in existence and acting on behalf of the committees in this matter. The pension officers will be appointed by the Treasury, and it is intended to appoint for this purpose the local officers of Excise. Each of these will act in a defined area.

23. Claims when made have first to be investigated by the pension officer of the area in which the claimant resides. After investigation he will report upon them and will send the claims and his report to the committee for their decision.

24. Regulation 7 provides that every postmaster upon delivery to him of a claim to a pension shall, unless the committee appointed for the area in which the claimant resides direct that claims shall be sent to the committee, forthwith send the claim to the pension officer. The Board suggest that at present no such direction should be

given by the committee. It seems to them that it is desirable, in the first instance, when the number of claims to be made will be very large, that no time should be lost in the process of getting the claims into the hands of the pension officers so that the work of investigation may proceed at once.

25. The pension officer will make the necessary investigations into the claims and take such other steps as he may be directed or as may appear to him to be expedient to elucidate any points of doubt or obscurity in the case. Some instructions to him are included in the Second Schedule to the Regulations, and others will no doubt be given to him through the Board of Inland Revenue as circumstances require.

26. The pension officer will at intervals send to the committee acting for the area in which the claimants reside the claims he has received, together with his reports upon them, a statement of the inquiries he has made in reference to them and the results of those inquiries, and unless he is satisfied that the yearly means of a claimant do not exceed £21, in which case if the claimant is otherwise qualified he would be entitled to the maximum pension of 5s. a week, a summary of the income, property and other yearly means of the claimant, in order to guide the committee in determining the amount of the pension to which he may be entitled. All the documents appertaining to each claim should be filed in due order and kept together.

27. If any claims are received direct by the committee they must be sent at once to the pension officer within whose district the claimant resides. The committee should not proceed to consider or determine any claim until they have before them the report of the pension officer upon it.

28. On receiving from the pension officer the documents

mentioned above, the clerk of the committee must arrange for a meeting of the committee within seven days. Not less than three days before the meeting notice of the time and place of meeting giving the names of the claimants whose claims are to be considered at the meeting (see Form No. 3 in the First Schedule to the Regulations) must be sent to the pension officer. Notice of the meeting should also be given to each member of the committee. The pension officer is entitled to attend any meeting of the committee and to speak but not to vote thereat.

29. The committee will at the meeting consider the claims which are before them, together with the report of the pension officer and any other evidence or information which they may receive, and they may if they think necessary require the pension officer to procure any further information which it is in his power to obtain in reference to any matter to be considered by them.

30. Cases in which the pension officer considers that the claimant is entitled to receive a pension and the committee agree with him will present little or no difficulty. In all cases, however, in which the committee on the information before them think that the matter ought to be decided adversely to the claimant they are required by the regulations to give the claimant an opportunity of being heard. If the claimant, or someone on his behalf, is not in attendance at the meeting the consideration of the matter must be adjourned, and notice (Form 6) must be sent to the claimant acquainting him with the fact, and stating that he is entitled to attend and be heard, if he so desire, at the meeting at which the matter will again come up for consideration. The subsequent meeting must be held not more than one month after the original meeting.

31. If in any case the committee disagree as respects any matter with the report of the pension officer, the Regulations require that the committee shall not give their final decision on the claim without making such further

investigation as they think necessary. In such a case it will usually be desirable to give the pension officer an opportunity of making any further representations that he thinks fit upon the claim, and if necessary prosecuting supplemental investigations upon it.

32. When the committee have come to any decision upon a claim, they should annex to the file of papers relating to the claim a statement of their decision, and the Board will supply the committee with forms for the purpose adapted to show the name and address of the claimant, with the effect of the decision, *e.g.*, claim allowed or disallowed, as the case may be. Where a claim is allowed the weekly rate of the pension and the date from which it is to commence should be stated, and where a claim is disallowed the grounds upon which it has been disallowed should be given. The date of the decision should be inserted, and the statement should be authenticated by the signature of the chairman or the clerk of the committee.

33. Notice of the decision should forthwith be given by the clerk of the committee to the claimant and the pension officer in Forms 4A and 4B, or 5A and 5B, as the case may require, and the date on which these notices are sent should be indicated upon the paper containing the statement of the decision.

### **Appeals from Decisions of Committee.**

34. Section 7 (1) (c) of the Act provides for an appeal being made to the Board by the pension officer or any person aggrieved against a decision of the pension committee.

35. Form 4B notifying to the pension officer the decision of the committee allowing a claim, and Form 5A notifying to a claimant the decision of the committee disallowing his claim have a paragraph appended to them intimating that an appeal may be made and the mode of making it.

36. For the purpose of making an appeal Forms 9 and 10 must be used. A stock of these forms will be in the hands of each committee, and a copy of each form must be supplied by the clerk of the committee, free of charge, to any person who desires to appeal. Before parting with them, the clerk should stamp them in the space at the right hand top corner with the name of the committee, and mark them with the number assigned to the case in the committee's register, and, in the case of any appellant, other than the pension officer, who makes a personal application for the forms, he should explain generally the process by which an appeal may be made.

37. The notice of appeal (Form 9) must be filled up with particulars which will be obtainable from the notice of decision of the committee and must be signed by the appellant or, if he cannot write, he must affix his mark in the presence of a witness whose signature will be appended. The date on which it is sent to the Board must not be later than seven days after the day on which the notice of decision of the committee was received by the claimant, or, if the appellant is a person who has not received a notice (that is to say a person other than the claimant or the pension officer), within seven days of the date of the decision. Thus, if the claimant received the notice of decision on the 7th day of the month, the appeal must be sent off not later than the 14th. When the form has been duly filled up, signed and dated, it should be folded up and posted to the Local Government Board, whose address will be on the back of the form.

38. At the same time as he sends off Form 9 to the Board, the appellant must send or deliver Form 10 to the clerk of the committee. This form is a notification to the committee of the appeal having been made and it is necessary that it should also state the grounds upon which the appellant considers that the decision against which he appeals was wrong. If he has any documentary evidence

in support of his appeal, it should be annexed to Form 10. The clerk of the committee on receiving from the pension officer or any person other than the claimant notification of an appeal having been made against the allowance of a claim, must send to the claimant a notice in Form 11 informing him that an appeal has been brought.

39. The clerk will annex Form 10 and any document that may accompany it to the file of papers relating to the claim, and at once send to the Board the whole file including all documents concerning the claim which may be in the possession of the committee. He may append any further memorandum on the subject if he thinks fit, but he should not delay the dispatch of the papers on that account. If the Board find it necessary to communicate with the committee or the pension officer before deciding the appeal they will do so. In some cases they may find it expedient to direct local investigation to be made before deciding the appeal.

40. The decision of the Board will be communicated to the committee in a form corresponding to Form 12 in the First Schedule to the Regulations. On receiving this form the clerk of the committee should at once send Form 13 communicating the Board's decision to the pension officer and the claimant, and should the appellant be neither of these persons, a form should be sent to him also.

### **Proceedings on Decision becoming Final.**

41. When seven days have elapsed from the date of receipt by the pension officer or the claimant of the notice of decision of the committee, if no appeal has been made the decision of the committee will become final and conclusive. If any appeal is made the decision of the Board upon it will similarly be final and conclusive. When this stage has been reached the clerk of the committee, after

first entering a due record of the case in the register mentioned below, is required to send the claim and all documents relating thereto, which are in the possession of the committee, to the pension officer. The Board will themselves, after the decision on an appeal has been given, send to the pension officer the documents which they have received from the committee.

### Provisional Claims.

42. The Act permits claims to be allowed provisionally, that is to say, before the date at which the pension will become payable. As in accordance with section 12 no person will be entitled to receive a pension until the 1st January, 1909, all the claims allowed before that date will be provisionally allowed. The Regulations, moreover, provide for claims being made and provisionally allowed at any time not exceeding four months before the date on which the claimant will become entitled to receive his pension, and thus it is probable that provisional allowance will come to be the normal practice. It will obviously be convenient to the pension authorities that claims should be made in good time, so that opportunity may be given for their being properly investigated and determined before the date when the claimant would be entitled to a pension. And since, under section 5 (2) of the Act, the pension will not commence to accrue until the claim has been allowed, if the claimant defers making a claim until he has reached the age of 70, or has otherwise become entitled to receive a pension, he will have to wait until his claim has been investigated and finally allowed before he can begin to draw his pension, and so may lose some weeks' payments which he would otherwise have received.

### Provision as to Evidence.

43. In determining claims the committee will no doubt be largely guided by the investigations made by the pen-

sion officer. In some cases these may be supplemented by further information which they may themselves possess, but the committee will not be required to undertake independent investigations. They may, however, call upon the pension officer to procure further evidence if he can do so. Regard may be had not only to strictly legal evidence such as would be admissible in a Court of law, but to any such evidence as is in the opinion of the committee sufficient for the purpose, and is the best information which it is reasonably possible to obtain.

44. In connection with questions as to the fulfilment of the statutory condition as to residence or questions arising under the proviso to section 3 (1) (b) of the Act, the committee will take note of the special provisions on these subjects contained in Regulations 29 and 30.

### Determination of Questions.

45. Besides deciding upon original claims for pensions, the committee will also have to adjudicate upon questions of various kinds that may arise under the Act, such as questions whether a pensioner is or is not disqualified for continuing to receive a pension, whether a pensioner is entitled to receive a pension at a higher rate than that which he is at the time receiving, or whether the statutory conditions continue to be fulfilled.

46. Questions of this kind may be raised by the pensioner, or may originate with the pension officer, but howsoever arising they will in the first instance fall to be investigated by the pension officer, and the procedure for determining them will generally follow that laid down for the consideration of claims. The committee will receive from the pension officer a report on any such question, and will deal with it generally in the same manner as they deal with claims. Forms 7, 8A, and 8B, in the First Schedule to the Regulations are to be used in dealing with such questions. Appeals may be made

against decisions of the committee on questions in the same way as against decisions on claims.

### Register of Cases Dealt with by Committee.

47. Regulation 23 requires the clerk of every committee to keep a record, in such form and containing such particulars as the Board direct, of all claims and questions in respect of which a report is sent to the committee by the pension officer and of the decision of the committee thereon. The Board propose shortly to issue an Order prescribing the form of register in which this record shall be kept.

48. The functions of the committee do not extend to supervising the payment of the pensions, nor are they required to consider questions of the continuance of qualification for pension, unless such questions are brought before them by the pension officer for determination. No reference is, therefore, made in this Circular to these matters.

49. Various points in connection with the expenses of the committees are dealt with in the Financial Instructions for Pension Committees and Sub-Committees issued by the Treasury, a copy of which accompanies this letter. Correspondence on matters of finance should be addressed to the Treasury, Whitehall, S.W.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

To

The Clerk of the County Council

*or*

The Town Clerk

*or*

The Clerk to the Urban District Council.

## CIRCULAR TO BOARDS OF GUARDIANS.

### THE OLD-AGE PENSIONS ACT, 1908.

Local Government Board, Whitehall, S.W.,

10th October, 1908.

Sir,

I am directed by the Local Government Board to state, for the information of the board of guardians, that, under No. 35 of the Old-Age Pensions Regulations which have been made under the Old-Age Pensions Act, 1908, by the Treasury in conjunction with the Board and the Postmaster-General, it is provided that—

“ for the purpose of enabling a pension officer to ascertain whether any person is disqualified by reason of the receipt of poor relief for receiving or continuing to receive a pension, every officer or person acting in the administration of the relief of the poor shall, if so requested to do by the pension officer, supply to the pension officer such information as it is in his power to give as respects any person who is or has been in receipt of poor relief.”

The Board have been in communication with the Commissioners of Inland Revenue on the subject of this Regulation, and they understand that the ordinary procedure which the pension officers will adopt under it will be to send to the clerk to the guardians a list of the names and addresses of any claimants for pensions as to whom information is needed, with an inquiry whether any such

claimant or any member of his family is or has been in receipt of any poor relief within the meaning of section 3 (1) (a) of the Act. This procedure will of course not prevent the pension officer from obtaining information informally from relieving officers.

The Board have no doubt that the guardians and their officers will be willing to co-operate with the pension officers in the matter and afford them all such information as they may require. If, in the opinion of the guardians, the extra labour involved in so doing demands the payment of some small extra remuneration to any officer, it will be open to them to make a payment out of their funds for the purpose. It is understood that the pension officers have no funds out of which such payments can be made.

A copy of the Act and of the Regulations made under it is enclosed for the information of the guardians.

I am, Sir,

Your obedient Servant,

S. B. PROVIS,

Secretary.

To the Clerk to the Guardians.

**CIRCULAR TO COUNCILS APPOINTING  
LOCAL PENSION COMMITTEES, AND TO  
LOCAL PENSION COMMITTEES AND  
SUB-COMMITTEES.**

OLD-AGE PENSIONS ACT, 1908.

Local Government Board, Whitehall, S.W.,  
27th October, 1908.

Sir,

I am directed by the Local Government Board to forward copies of the Regulations which have now been made under section 10 of the Old-Age Pensions Act, 1908 (8 Edw. VII., c. 40). These Regulations supersede the Provisional Regulations which were issued in August last.

The Regulations now made are for the most part identical with the Provisional Regulations. Apart from a few alterations which are merely verbal, the following are the points on which the new Regulations differ from the Provisional Regulations :—

No. 19. Words have been added to paragraph (2) of this Regulation requiring that a committee on receiving notice of any decision of the Board on an appeal by a person aggrieved other than the claimant or pensioner, shall send information of such decision to that person as well as to the pension officer and to the claimant or pensioner.

No. 22. This Regulation has been slightly altered with the object of making it clear that the right of a sub-committee to the use of offices of a local authority extends to any such offices in the area of the council of the county, borough, or urban district by whom the local pension committee are appointed, and is not confined to offices within the area of the sub-committee.

A proviso has also been added to paragraph (3) of the Regulation directing that, except with the sanction of the Board, a committee or sub-committee shall not hold a meeting on any licensed premises,

nor shall any such premises be used without such sanction as an office of the committee or sub-committee, or for any purpose of or incidental to their business. The sanction of the Board in any such case is only to be given when no other suitable room is available, either free of charge or at a cost not exceeding the scale fixed by the Treasury. For the purpose of the Regulation, the expression "licensed premises" is defined by paragraph (4) of the Regulation to mean premises licensed for the sale of intoxicating liquor, and to include any club at which such liquor is supplied.

No. 24. A proviso has been added to paragraph (2) of this Regulation, to enable the Board, in special circumstances, to authorise a smaller or a greater number of members of a sub-committee than that specified in the Regulation.

No. 31. Some alteration has been made in paragraph (2) of the Regulation, with respect to the disposal of documents by the pension officers.

No. 36. Paragraph (1) of this Regulation has been altered to bring it up to date. It requires that every council by whom a local pension committee has not already been appointed shall forthwith hold a meeting for the purpose of appointing such committee.

No. 38. This Regulation is new. It provides that everything done in pursuance of the Provisional Regulations shall, notwithstanding anything contained in the present Regulations, be deemed to have been validly done, and have full effect accordingly.

I am, Sir, your obedient Servant,

S. B. PROVIS, Secretary.

The Clerk to the County Council *or*

Urban District Council,

*or*

The Town Clerk,

*or*

The Clerk to the Local Pension Committee *or*

Sub-Committee.

[SCOTLAND.]

Local Government Board, Edinburgh,

22nd August, 1908.

OLD-AGE PENSIONS ACT, 1908.

**General Provisions.**

Sir,

The Board have already in their Circular of 7th instant directed the attention of county and town councils to the provisions of the above Act, and, as indicated in that Circular, they now wish to refer to the Act in more detail, with special reference to the Regulations which have been made under section 10. Two copies of the Regulations are enclosed.

The general scheme is, as you are aware, to provide old-age pensions in accordance with the scale set forth in the Schedule to the Act for persons of 70 years of age and upwards. Such persons will not be entitled to a pension until the first day of January, 1909, and no pension will begin to accrue until that day. Although in the Act and Regulations and in this Circular the pensioner is spoken of as masculine, it will be understood that, in accordance with section 1 of the Interpretation Act, 1889, the scheme applies both to men and women. It also applies to them whether they are married or single.

Every person in whose case certain conditions are fulfilled will be entitled to receive a pension so long as these con-

ditions continue to be fulfilled and he is not disqualified under the Act. The receipt of an old-age pension is not to deprive the pensioner of any franchise right or privilege, or subject him to any disability.

### **Statutory Conditions and Disqualifications.**

The statutory conditions are laid down in section 2 of the Act as follows :—

- “ 1. The person must have attained the age of seventy.
- “ 2. The person must, for at least twenty years up to the date of the receipt of any sum on account of a pension, have been a British subject and have had his residence, as defined by Regulations under this Act, in the United Kingdom.
- “ 3. The means of the person, as calculated under this Act, must not exceed thirty-one pounds ten shillings.”

The term “residence” is defined by Regulation 29.

There are certain disqualifications attaching to persons otherwise qualified to receive pensions which are enumerated in section 3 of the Act.

### **Central Pension Authority and Pension Officers.**

The Central Pension Authority is the Local Government Board for Scotland, who may act through such committee, persons, or person appointed by them as they think fit.

Pension officers are to be appointed by the Treasury in such numbers and for such areas as the Treasury think desirable. The Board will in due course notify each committee and sub-committee of the name and address of the pension officer in charge of its area.

## Local Pension Committees and Sub-Committees.

The Board in their Circular of 7th instant alluded to the appointment of local pension committees and sub-committees. Regulation 21 deals with the constitution and with the proceedings of these committees. The local pension committee is to consist of such number of persons, not being less than seven nor more than the number of the council by whom the committee is appointed, as the council may determine, and the quorum is in no case to be less than three. The persons appointed to be members of a local pension committee need not, however, be members of the council by which they are appointed.

As indicated in their Circular of the 7th instant, one of the most important questions for the local pension committees to consider is whether sub-committees should be appointed, and, if so, for what areas. As already pointed out, a local pension committee may appoint sub-committees consisting either wholly or partly of members of committee as the committee think fit. In the large counties and burghs the Board think it will be absolutely necessary to appoint sub-committees. Each sub-committee must consist of such number of members, not being less than five nor more than nine, as the local pension committee may determine. The districts into which counties are divided for the purposes of the Local Government Act of 1889 may, in some counties, form suitable pension areas. Where these are too extensive the county council electoral divisions would naturally suggest themselves as pension areas. Two or more of such divisions might be combined, and county councillors representing these divisions might serve on the sub-committee. In large burghs the municipal wards, or combination of wards, might likewise serve as pension areas

It is, in the opinion of the Government, very desirable, to secure the direct representation of workmen's associations on the sub-committees, and the Board accordingly suggest that appointing councils, and the local pension committees who contemplate appointing sub-committees might, with advantage, communicate with local branches of trade unions, with friendly societies and similar bodies, and with other available sources, with a view to the nomination of suitable and representative persons to serve on such local pension committees and sub-committees. It should also be kept in view that women are eligible for service on these committees.

Immediately sub-committees are appointed, the clerk to the local pension committee must notify the Board and such pension officer as the Board direct, in accordance with form 15 in the first schedule to the Regulations. A name should be assigned to each sub-committee's district, and the notice should specify such names, the area comprising each district, and the powers and duties which have been delegated to the sub-committees.

### **First Meeting of Local Pension Committee.**

The first meeting of the committee is to be convened by the clerk of the appointing council as soon as may be after the committee has been appointed. This meeting may, subject to the proviso in Regulations 36 (3), be held without any notice immediately after the appointment of the committee.

### **Clerks to Committees.**

Every committee and sub-committee must appoint some fit person to be clerk of the committee, who will hold office during the pleasure of the committee. The remuneration

neration of the clerk is dealt with in the Financial Instructions hereafter referred to. It will be noted, however, that Regulation 23 (4) provides that in the case of a sub-committee the remuneration will be assigned by the local pension committee.

The clerk of every committee must, immediately on his appointment, notify to the Board the appointment, together with his name and address. In doing so he should follow the terms of form 14 in the First Schedule to the Regulations.

The Board propose shortly to issue an Order prescribing the form of register which, by Regulation 23, the clerk of every committee is required to keep.

### **Office Accommodation.**

Section 10 (1) (c) of the Act provides for Regulations being framed in regard to the use by the local pension committee, with or without payment, of any offices of a local authority. Regulation 22 provides that the local pension committee shall, for the purpose of any of the meetings of the committee, be entitled to use free of charge (except a charge for heating, lighting, or cleaning) at all reasonable times and after reasonable notice, any offices of any local authority situate in the area for which the committee or sub-committee is appointed.

The Board trust that any local authority, on application being made to them, will endeavour to assist the local pension committee or sub-committee by providing them with the necessary accommodation. Where accommodation in the chambers or offices of the appointing councils is not available, the Board would suggest the schools as the most convenient place for meetings, and there should be no

difficulty in arranging for the use of them. If such offices and schools are not available, provision is made for hiring such room as may be required for the purpose of any meeting of the committee. The cost of hiring is dealt with in the Financial Instructions hereafter mentioned.

If any question arises under Regulation 22 as to what is reasonable it may be determined by the Board.

### **Making of Claims.**

The method of making claims is explained in Regulations 6 and 7. Any person who desires to make a claim may do so by filling up a form (prescribed in Schedule I. of Regulations) and delivering the form, when filled up, either to the postmaster of the post office at which he desires that the pension should be payable or to the pension officer. Forms of claim may be obtained gratis from any postmaster, who will, if requested by the claimant, afford him assistance in filling up the form. When filled up, the form of claim must be signed by the claimant (or, if he cannot write, the form must have his mark affixed to it) in the presence of a witness, who will also sign it. If any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with hard labour.

Every postmaster, upon delivery to him of a claim to a pension, shall, unless he has received from the committee appointed for the area in which the claimant resides directions that claims shall be sent to the committee, forthwith send the claim to the pension officer. The Board suggest that at present no such direction should be given by the committee. It seems to them that it is desirable, in the first instance, when the number of claims to be made

will be very large, that no time should be lost in the process of getting the claims into the hands of the pension officer, so that the work of investigation may proceed at once.

### **Investigation and Determination of Claims by Pension Officers and Committees.**

The investigation and determination of claims by pension officers and committees is fully dealt with in Regulations 8 to 16 inclusive.

The pension officer is required to keep a register of all claims, and to enter in the register such particulars as the Treasury may direct of every decision of the committee or of the Local Government Board. The pension officer is to investigate the claim in such manner as he thinks best fitted for ascertaining the truth of the particulars stated in the claim, and, as soon as his investigations are complete, he is to report thereon to the committee or sub-committee as the case may be. Some instructions to the pension officer are included in the Second Schedule to the Regulations, and others will no doubt be given to him through the Board of Inland Revenue as circumstances require.

The committee or sub-committee, not later than seven days after the receipt of the report of the pension officer, are to consider the claim. The pension officer is entitled to attend any meeting held for considering any claim, and to speak but not to vote thereat. The committee or sub-committee may require the pension officer to procure any further information which it is in his power to procure in reference to any matter to be considered by the committee.

Regulation 12 prescribes the manner in which notices of meetings for considering claims shall be given. The pension officer must be informed of all meetings. In

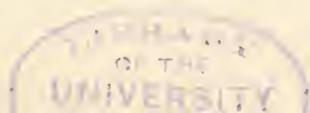
many cases the committee may find it expedient to ask the pension officer to attend. His presence would often enable the committee to obtain additional information where such was necessary, and might obviate the adjournment of the meeting which is contemplated and provided for in Regulation 14.

Where it is found necessary to adjourn a meeting for further consideration of a claim, such adjourned meeting must take place not more than one month after the date of the original meeting. The claimant is entitled to attend and to be heard at any such adjourned meeting.

Where a claim is disallowed, the notice to be sent to the claimant shall state that the claimant is entitled to appeal to the Central Pension Authority, and the grounds upon which the claim has been disallowed must also be stated.

### Provisional Claims.

Regulation 16 provides that a claim may be made and provisionally allowed at any time not exceeding four months before the date on which the claimant will become entitled to receive his pension. It is probable that such provisional allowance will come to be the normal practice. It will obviously be convenient to the pension authorities that claims should be made in good time, so that opportunity may be given for their being properly investigated and determined before the date when the claimant would be entitled to a pension. And since, under section 5 (2) of the Act, the pension will not commence to accrue until the claim has been allowed, if the claimant defers making a claim until he has reached the age of 70, or has otherwise become entitled to receive a pension, he will have to wait until his claim has been investigated and finally allowed



before he can begin to draw his pension, and so may lose some weeks' payments which he would otherwise have received.

### Raising and Determination of Questions.

It is provided by Regulation 17 that if any pensioner desires to raise any question as to the weekly rate of pension to which he is entitled he may send a statement of his case to the pension officer, who is to investigate and report on the question in the same manner *mutatis mutandis* as he is required to do so in the case of a claim. Likewise provision is made for the pension officer raising and bringing before the committee or sub-committee any question as to the continuance in the case of a pensioner of the fulfilment of the statutory conditions, or as to the disqualification of the pensioner, or any question as to the weekly rate of pension, and the committee or sub-committee are to consider and determine the question in the same manner as in the case of a claim.

### Appeals from Decisions of the Committee.

Section 7 (1) (c) of the Act provides for an appeal being made to the Board by the pension officer or any person aggrieved against a decision of the pension committee.

For the purpose of making an appeal, forms 9 and 10 must be used. A stock of these forms will be in the hands of each Committee, and a copy of each form must be supplied by the clerk of the committee, free of charge, to any person who desires to appeal. Before parting with them, the clerk should mark them in the space at the right hand top corner with the name of the committee, and, in the case of any appellant other than the pension officer who

makes a personal application for the forms, he should explain generally the process by which an appeal may be made.

The notice of appeal (form 9) will be filled up with particulars which will be obtainable from the notice of decision of the committee, and must be signed by the appellant, or, if he cannot write, he must affix his mark in the presence of a witness, whose signature will be appended. The date on which it is sent to the Board must not be later than seven days after the day on which the notice of decision of the committee was received by the claimant, or, if the appellant is a person who has not received a notice (that is to say, a person other than the claimant or the pension officer), within seven days of the date of the decision.

At the same time as he sends off form 9 to the Board the appellant must send or deliver form 10 to the clerk of the committee. This form is a notification to the committee of the appeal having been made, and it is necessary that it should also state the grounds upon which the appellant considers that the decision against which he appeals was wrong. If he has any documentary evidence in support of his appeal, it should be annexed to form 10. The clerk of the committee, on receiving from the pension officer or any person other than claimant, notification of an appeal having been made against the allowance of a claim, must send to the claimant a notice in form 11 informing him that an appeal has been brought.

The clerk will annex form 10, and any document that may accompany it, to the file of papers relating to the claim, and at once send to the Board the whole file, including all documents concerning the claim which may be in the possession of the committee. He may append any further memorandum on the subject if he think fit, but

he should not delay the dispatch of the papers on that account. If the Board find it necessary to communicate with the committee or the pension officer before deciding the appeal they will do so. In some cases they may find it expedient to direct local investigation to be made before deciding the appeal.

The decision of the Board will be communicated to the committee in a form corresponding to form 12 in the First Schedule to the Regulations. On receiving this form the clerk of the committee should at once send form 13, communicating the Board's decision to the pension officer and the claimant, and should the appellant be neither of these persons, a form should be sent to him also.

### **Proceedings on Decision becoming Final.**

When seven days have elapsed from the date of receipt by the pension officer or the claimant of the notice of the decision of the committee, if no appeal has been made the decision of the committee will become final and conclusive. If any appeal is made the decision of the Board upon it will similarly be final and conclusive. When this stage has been reached the clerk of the committee, after first entering a due record of the case in his register, is required to send the claim and all documents relating thereto, which are in the possession of the committee, to the pension officer. The Board will themselves, after the decision on an appeal has been given, send to the pension officer the documents which they have received from the committee.

### **Refusal or Neglect of Committees to Consider Claims or Questions.**

Regulation 20 provides for an application to the Board under paragraph (d) of sub-section 1 of section 7 of the

Act by a person aggrieved by the refusal or neglect of a committee to consider a claim, or determine any question, and applies to such applications the provisions of the Regulations relating to the procedure of the Board on appeals.

### **Payment of Pensions and Expenses of Committees.**

The functions of the committees do not extend to supervising the payment of the pensions, nor are they required to consider questions of the continuance of qualification for pension, unless such questions are brought before them by the pension officer for determination.

Various points in connection with the expenses of the committees are dealt with in the Financial Instructions for Pension Committees and Sub-Committees issued by the Treasury, copies of which accompany this circular. Correspondence on matters of finance should be addressed to the Treasury, Whitehall, S.W.

Regulation 25, as applied to Scotland by Regulation 3, provides for the immediate payment of the expenses of committees.

### **Forms.**

A supply of the necessary forms prescribed by the Regulations will be sent for the use of committees and sub-committees in due course. Further supplies can be procured, when required, free of charge, on requisition to the Clerk-in-charge, H.M. Stationery Office, 26, St. James's Square, Edinburgh.

It will be observed that, in order to enable all claims made during the year 1908 to be investigated and deter-

mined, whenever possible, before 1st January, 1909, Regulation 37 empowers the Board and the Treasury, if they see fit, to make orders declaring the appointment of any committee to be valid notwithstanding any defect in the appointment thereof, or dispensing with compliance with any of the Regulations, or to make any orders or give any directions otherwise necessary for the purpose of bringing the Act into effect.

I am, Sir,

Your obedient Servant,

G. FALCONAR-STEWART.

To the County Clerk,

*or*

The Town Clerk.

Local Government Board, Edinburgh,

14th October, 1908.

THE OLD-AGE PENSIONS ACT, 1908.

Sir,

I am directed by the Board to state, for the information of the parish council, that, under No. 35 of the Old-Age Pensions Regulations which have been made under the Old-Age Pensions Act, 1908, by the Treasury in conjunction with the Board and the Postmaster-General, it is provided that—

“ for the purpose of enabling a pension officer to ascertain whether any person is disqualified by reason of the receipt of poor relief for receiving or continuing to receive a pension, every officer or person acting in the administration of the relief of the poor shall, if so requested to do by the pension officer, supply to the pension officer such information as it is in his power to give as respects any person who is or has been in receipt of poor relief.”

The Board understand that the ordinary procedure which the pension officers will adopt under this Regulation will be to send to the inspector of poor a list of the names and addresses of any claimants for pensions as to whom information is needed, with an inquiry whether any such claimant or any member of his family is or has been in receipt of any poor relief within the meaning of section 3 (1) (a) of the Act. This procedure will of

course not prevent the pension officer from obtaining information informally from the inspectors of poor.

The Board have no doubt that the parish councils and their officers will be willing to co-operate with the pension officers in the matter and afford them all such information as they may require. If, in the opinion of the parish council, the extra labour involved in so doing demands the payment of some small extra remuneration to any officer, it will be open to them to make a payment out of their funds for the purpose. It is understood that the pension officers have no funds out of which such payments can be made.

A copy of the Act and of the Regulations made under it will be forwarded, if desired, on application.

I am, Sir,

Your obedient Servant,

G. FALCONAR-STEWART,

Secretary.

To the Inspector of Poor.

Local Government Board, Edinburgh,  
29th October, 1908.

OLD-AGE PENSIONS ACT, 1908.

Sir,

The Board direct me to enclose for your information two copies of the Old-Age Pensions Regulations, 1908, dated 15th October, 1908, which supersede the Provisional Regulations issued on 20th August last, and referred to in the Board's Circular, No. III., 1908.

Your attention is directed to the following alterations and additions, viz. :—

No. 19 (2).—In cases where the appellant is not the claimant or pensioner, provision is now made that notice of the Board's decision must be intimated by the committee to such appellant. The words added to the Regulation are—" and likewise (if the appellant is a person aggrieved other than the claimant or pensioner) to the appellant."

No. 22 (1).—The words " of the council by " have been substituted for the word " for " in the second last line of this Regulation. This will enable a sub-committee to go outwith its own area to secure offices for meetings if no convenient or suitable offices are available in its own area.

No. 22 (3).—An important provision has been added to this Regulation. A pension committee are not to hold meetings on, or to use as an office of the committee,

licensed premises unless with the sanction of the Board. The additional words are:—

“ And (b) except with the sanction of the Local Government Board (which sanction shall only be given when no other suitable room is available either free of charge or at a cost not exceeding such scale as aforesaid) a committee shall not hold a meeting on any licensed premises, nor shall any such premises be used, without such sanction, as an office of the committee or for any purpose of or incidental to the business of the committee.”

No. 22 (4).—The expression “ licensed premises ” is defined as follows:—

“ And the expression ‘ licensed premises ’ means premises licensed for the sale of intoxicating liquor, and includes any club at which such liquor is supplied.”

No. 24 (2).—A proviso is added, giving the Board power in special circumstances to authorise a smaller or a greater number of members of a sub-committee than that fixed by the Regulation. The proviso reads:—

“ Provided that the Local Government Board may in special circumstances authorise a smaller or a greater number.”

No. 31 (2).—The disposal of documents dealing with claims or questions is now regulated thus:—

“ Subject as hereinafter provided, the pension officer shall preserve all such documents for such period after the date of the decision on the claim or question, as the Treasury may determine, and on the expiration of that period they shall be destroyed or otherwise disposed of in such manner as the Treasury may direct.”

No. 36 (1).—This “ temporary provision ” has been amended so that “ every council by whom a local pension committee has not been appointed before the date of these Regulations shall forthwith hold a meeting for the purpose of appointing the committee, and the council shall have full power to appoint the committee at that meeting or any adjournment thereof, notwithstanding that any standing orders or regulations relating to the notices to be given of business to be transacted at meetings of the council have not been complied with.” It is satisfactory to note, however, that in Scotland all the local pension committees have now been appointed.

No. 38.—This is a new provision and reads as follows :—

“ These Regulations shall be deemed to have had effect as from the 28th day of August, 1908.

“ Provided that anything done in pursuance of the Provisional Regulations made under the Act on the 20th day of August, 1908, shall, notwithstanding anything in these Regulations, be deemed to have been validly done and have full effect accordingly.”

Additional copies of the Regulations may be had, on application, for the use of the members of your council or committee.

I am, Sir,

Your obedient Servant,

G. FALCONAR-STEWART,

Secretary.

To

The County Clerk,

*or*

The Town Clerk,

*or*

The Clerk to the Local Pension Committee  
or Sub-Committee.

[IRELAND.]

Local Government Board,

Dublin,

8th August, 1908.

Sir,

Adverting to their Circular Letter of the 4th instant, on the subject of the Old-Age Pensions Act, 1908, I am directed by the Local Government Board for Ireland to state that, in view of the limited time which will be available for the consideration of the claims for pensions accruing in January next, the Board deem it advisable, without waiting for the publication of the Regulations of the Treasury, to issue, herewith, copies of an explanatory memorandum as to the steps to be taken by each council and pension committee in Ireland in order to bring the provisions of the Act into operation.

As some councils are holding their ordinary meetings next week, the Board have prepared this memorandum without delay from an advanced proof of the Regulations, and they have no doubt that the instructions contained therein will be of immediate use in the event of any questions being raised in reference to the procedure at the meetings to be held for the purpose of appointing the pension committees.

The Act and the Regulations will be forwarded as soon as possible, and I am to request that in the meantime you will be good enough to forward a copy of the memorandum to each member of your council.

I am, Sir,  
 Your obedient Servant,  
 (Signed) H. COURTENAY,  
 Assistant Secretary

To the Secretary  
 of each County Council,  
 and  
 The Clerk of each Borough and  
 Urban District, having a  
 Population of over 10,000.

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LOCAL GOVERNMENT BOARD FOR IRELAND.

OLD-AGE PENSIONS ACT.

### INSTRUCTIONAL MEMORANDUM.

1. The county councils and urban district councils have had before them the Board's Circular Letter of the 4th instant relating to the meetings to be held during the present month in order to put into operation the provisions of the Old-Age Pensions Act, and this Memorandum refers to the further preliminary arrangements to be made for the establishment of the local pension committees, upon whom, in conjunction with the pension officers to be appointed by the Treasury, determination of claims for pensions will devolve.

## Appointment of Local Pension Committee by the Council.

2. The first step to be taken by the council at this meeting is the appointment of the local pension committee referred to in section 8 (1) of the Act. At this meeting, or at any adjournment thereof, the council may appoint the local pension committee, irrespective of any standing orders relating to notices to be given or business to be transacted.

3. The council will observe from the Act that the members of the pension committee need not necessarily be members of the council, and it will be for the council to determine the number of persons outside their own body (if any) who should be appointed on the committee. The total number of the committee must not exceed the number of the appointing council, and must not be less than seven.

4. In considering the selection of the person to act on the pension committee, the council should bear in mind that the local sub-committees, upon whom the consideration of claims for pensions will in most cases ultimately fall, will be appointed by the pension committee and not by the council. If, therefore, in the case of a county the council desire that all the councillors representing the county electoral divisions should take part in the selection of these important committees, they can effect this object by appointing every member of the council upon the pension committee in the first instance, thus leaving it to the council, in the capacity of pension committee, to determine the constitution of the sub-committees, the duties to be delegated to them, and the areas over which they will act. Where sub-committees are not considered necessary the council, in appointing the local pension committee will, doubtless, avail themselves of their right to select members from out-

side their own body. This, however, is a matter which the Act leaves entirely to the discretion of the appointing council.

The council must send notice to the Local Government Board of the appointment of the committee, immediately upon its formation.

5. Having appointed the committee, the council must then fix a date and place for the first meeting of the committee, and this date must be within fourteen days of the meeting at which the committee is appointed. It will be the duty of the clerk of the council to convene the meeting upon the date fixed.

### **Appointment of Sub-Committees by the Pension Committee,**

6. Each sub-committee must consist of not more than nine members and not less than five. It must be composed either wholly or partly of members of the local pension committee, and it will, therefore, be necessary that at least one member of every sub-committee should be a member of the pension committee.

7. In the urban districts with a population not much in excess of the 10,000 limit the pension committee may find themselves able to dispense with sub-committees: but in the larger cities and counties the Board believe that it would be quite impossible to do so. A single committee in a county or large city would scarcely find time to deal with all the applications which would come before them by the 1st January next, and it not likely that they would be in possession of sufficient knowledge of the people in every part of their district to facilitate them in the consideration of claims.

8. The Board therefore believe that at all events until the claims of all the persons at present eligible for pensions are disposed of, nearly every pension committee outside the urban districts above referred to will find it necessary to appoint sub-committees ; and where this is agreed upon, the pension committee will then have to determine the number of such sub-committees, the areas for which they are to be appointed, and whether they will delegate their powers and duties absolutely to the sub-committees or only in part.

The decision of the committee upon these points must be forthwith notified to the Local Government Board.

### **Selection of Areas and Delegation of Powers to Sub-Committees by the Pension Committee.**

9. The question of the number of sub-committees and the area to be assigned to each is a most important one, and it will probably be found advisable to select well-known and well-defined areas which are wholly within the county, rather than to form entirely new combinations. In sparsely populated districts the rural district might in many cases be suitable, while in populous areas and the congested districts of the west, dispensary districts or the petty sessions districts might probably be convenient units. In cities a combination of municipal wards might answer in some cases, but on these points each committee must be guided by considerations of the extent and population of its own area.

10. The question as to whether the duties of the pension committee should be delegated wholly or in part to the sub-committees, is one which the committee should not decide until they have studied the procedure laid down in the Regulations regarding the determination of claims for

pension. The Local Government Board's opinion, based upon a full consideration of these Regulations is, that, if such committees are appointed at all, it is better that the entire work of determining claims should be left to the sub-committees, and provided the local pension committee take care that they are adequately represented on each sub-committee their influence over the general administration of the Act would, no doubt, be fully maintained.

If the local pension committee were themselves to undertake the consideration of the pension officers' reports in the case of large counties, claimants for pension who may be called to appear before the pension committee, would be put to great hardship if they had to travel long distances to the committee, and even if the investigations and personal interviews were delegated to the sub-committees, and the pension committee retained in their own hands the final decision in each case, the correspondence and possible friction between the central committee and the sub-committees, and the labour and travelling imposed upon the pension officers would complicate and delay procedure and militate against the smooth and successful working of the Act.

### Appointment of Clerks to Committee.

11. If the duties of the pension committee are delegated absolutely to the sub-committees, a clerk for the pension committee may not be required permanently, but each sub-committee must appoint a permanent clerk who shall hold office during their pleasure, and whose remuneration must be within the scale fixed by the Treasury by whom all the expenses of the committee up to an amount approved by them will be reimbursed. Upon his appointment the clerk

must immediately notify his name and address to the Local Government Board.

12. The duties of the clerk will not, in the Board's opinion, be sufficient in the majority of cases to occupy his entire time after the first series of applications has been dealt with, but care should be taken to appoint some well qualified and experienced person to the post, who would be competent to conduct the correspondence of the committee, to keep their accounts, and to give them intelligent assistance in carrying out the regulations and the Act of Parliament.

### **Financial Arrangements.**

13. The funds of the committee for the payment of immediate expenses must be advanced in the first instance by the councils, but they will subsequently be repaid by the Treasury. Instructions relating to receipts and disbursements by the committee will no doubt be issued by the Treasury to the committees in due course.

### **Forms of Application for Pensions.**

14. The forms of application for pensions will be available at the post offices in October, and these forms when filled up by the applicants will be sent by the post office officials to the pension officers whose reports and recommendations thereon will be transmitted to the committee in due course.

### **Pension Officers.**

15. the pension officer, who will be under the control of the Commissioners of Inland Revenue, will shortly be appointed, and the Board understand they will be officers of Excise.

## Duties of Committees.

16. The duties of the pension committee, or sub-committee, in adjudicating upon the report and recommendations of the pension officer with respect to each claim for an old-age pension are very fully set out in clauses 8 to 19 of the Regulations. It is hoped that the Regulations will be issued before the first meeting of the pension committee is held.

It is essential to the proper administration of the Act that every member of the committee and sub-committee should carefully study this part of the Regulations, and for this reason the Local Government Board consider it inexpedient to attempt to put before them any abbreviated summary of the committee's obligations and responsibilities under these clauses. The Board have no doubt that the pension committees recognizing the important duties which have been entrusted to them by Parliament will spare no effort to ensure that the beneficent intentions of the Act are carried out in Ireland in a judicious and careful manner.

LOCAL GOVERNMENT BOARD (IRELAND),

DUBLIN,

7th August, 1908.

## CIRCULAR.

Local Government Board,  
Dublin,

22nd August, 1908.

Sir,

Adverting to their previous Circular Letters on the subject of the Old-Age Pensions Act, 1908, I am directed by the Local Government Board for Ireland to forward, herewith, copies of the Regulations which have been made under section 10 of the Act. The financial arrangements of committees, the remuneration of the clerks, and other similar matters, have been made the subject of a special instructional Circular by the Treasury, copies of which are also enclosed. Further copies will be forwarded as soon as an additional supply is received.

The Board have observed that in many districts local authorities acting upon the Instructional Memorandum which was issued in anticipation of the publication of the Regulations, have already appointed pension committees, and it is hoped that the members of committees will qualify themselves by a careful perusal of the Regulations for the proper fulfilment of the important duties devolving upon them. Copies of an alphabetical index to the Act, Regulations, and Financial Instructions are sent herewith, but if there is any point on which any committee desire to be advised, the Local Government will be very glad to afford them any assistance in their power.

The Local Government Board will supply for use by each committee, a stock of the forms prescribed by the First

Schedule to the Regulations, and any further supply which may be required may be obtained from His Majesty's Stationery Office, Custom House, Dublin. Copies of forms 14 and 15, which will be required immediately, are sent herewith.

The Board are in communication with the Commissioners of Inland Revenue as to the pension officers to be appointed for the various districts.

I am, Sir,

Your obedient Servant,

(Signed) H. COURTENAY,  
Assistant Secretary.

To the Secretary  
of each County Council,  
and  
The Clerk of each Borough and  
Urban District, having a  
Population of 10,000 and over.

## LOCAL GOVERNMENT BOARD FOR IRELAND.

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OLD-AGE PENSIONS ACT, 1908.

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**TREASURY REGULATIONS AND  
FINANCIAL INSTRUCTIONS.**

Local Government Board, Dublin,  
8th September, 1908.

Sir,

I am directed by the Local Government Board for Ireland to direct your special attention to the provisions contained in the above-named Act, Regulations, and Instructions with respect to the expenses of pension committees, sub-committees, and officers.

The provisions contained in the Act under this head are set forth generally in section 10, subsections (1) (c) and (4), but are dealt with more specifically in the Regulations and Instructions.

The clauses of the Regulations dealing with this subject which require your special attention are Nos. 22, 23, 25, and 28 (2).

The Financial Instructions as a whole deal with the subject of expenses and must be carefully studied.

It will be necessary in view of the quarterly recoupment of expenses of pension committees by the Treasury, that each local authority shall keep the details of expen-

diture and recoupments in connection with the work of the committees apart from the ordinary expenditure and receipts.

For this purpose special columns should be used in the financial statement books of receipts and expenditure (Forms 1 and 2, Public Bodies Order, 1904).

The total amount expended in each quarter should be posted from Form 2 to a special "Old-Age Pensions" account in the ledger; and any amounts recouped by the Treasury within the financial period should be carried from Form 1 to that account.

The balance of the account, being the amount not recouped within the financial period, should be carried, in suspense, to the balance-sheet as a special item of the treasurer's balance, pending recoupment or audit.

I am, Sir,

Your obedient Servant,

H. COURTENAY,

Assistant Secretary.

To

The Secretary of each County Council,

and

The Clerk of each Borough or Urban District

having a population of 10,000 or over.

[IRELAND.]

Local Government Board, Dublin,

8th October, 1908.

Sir,

I am directed by the Local Government Board for Ireland to state, for your information, that it has been represented to the Board that certain pension officers who are now investigating the claims of persons for old-age pensions under the Old-Age Pensions Act, 1908, are unable to finally decide these claims, as they have in some cases been unable to obtain particulars of persons in receipt of poor relief from some clerks of unions.

In this connection the Board desire to draw attention to Article 35 of the Old-Age Pension Regulations, 1908 (copy herewith), which provides that "for the purpose of enabling the pension officer to ascertain whether any person is disqualified by reason of the receipt of poor relief for receiving or continuing to receive a pension, every officer or person acting in the administration of the relief of the poor shall, if so requested to do by the pension officer, supply to the pension officer such information as it is in his power to give as respects any person who is or has been in receipt of poor relief."

I am accordingly to point out that the clerk of a union will incur serious responsibility if he fails to furnish par-

particulars as required by this Regulation. and thereby delays the granting of pensions to old people who may be entitled to them.

The Board feel sure that, their attention having been called to this matter, the clerks of unions throughout Ireland will do all in their power to facilitate the pension officers in the investigation of claims for pensions.

I am, Sir,

Your obedient Servant,

A. R. BARIAS.

Secretary.

The Clerk of the Union.



	s.	d.
(a) For each claim or question dealt with in each quarter by a committee or sub-committee, not exceeding 20 in all	5	0
(b) For each claim or question in excess of 20	2	6

For the purposes of this paragraph "claim" means a claim to a pension considered upon report after investigation by the pension officer (Regulation 9 (1)). No fee will be payable in respect of claims not investigated by that officer which may be the subject of a special report under the proviso to that Regulation. "Question" means a question with regard to an existing pension raised and determined upon the report of the pension officer under Regulation 17.

2. The fees for general incidental expenses (including office accommodation) to be paid to the clerk to the pension committee and to each of the clerks of such sub-committees as they may appoint, will be fixed by the committee at such amount in each case as they may think proper, provided that the total does not exceed the maximum for the area served by the committee calculated on the basis of the total population of that area in accordance with the scale laid down in paragraph 1 (1). No fee will be payable in respect of any period prior to 1st October, 1908.

The committee will transmit to the Treasury through the clerk of the appointing council complete schedules of the fees approved from time to time for each clerk, and the accounts will be dealt with in accordance with the schedule last submitted. Whenever any alteration or revision takes place, a new and complete schedule will be required.

3. The fees in respect of claims and questions will be calculated upon the work of each committee or sub-

committee separately, provided that not more than one fee will be payable in respect of each claim or question. In case of any claims or questions being dealt with in the first instance by a sub-committee and afterwards referred to the committee, or *vice versâ*, one-half of the total number of such claims will, for the purpose of applying the scale laid down in paragraph 1 (2), be counted as having been dealt with by the sub-committee, and one-half as having been dealt with by the committee.

4. The use of the offices of a local authority is to be obtained for meetings of sub-committees and committees free of charge (except a charge not exceeding 2s. 6d. per meeting for heating, lighting, or cleaning), whenever such offices are available (Regulation 22).

Where such offices are not available a charge for hire of a room not exceeding 10s. 6d. in respect of each meeting will be passed in the accounts, subject to the production of a proper voucher and upon a certificate by the clerk of the county, borough or urban district council by whom the committee is appointed, that he has satisfied himself that no offices of a local authority were available.

5. The greater part of the correspondence of clerks will be by means of forms, which will be supplied free of charge by the Stationery Office upon requisition. These will be entitled to free transmission through the post. The inclusive fees laid down in paragraph 1 are intended to cover the cost of stationery and postage for any other correspondence (including notices of meetings of the committees), the cost of conveying registers and other documents to and from the meeting, and incidental expenses generally.

6. Travelling or other expenses incurred by members of

committees or sub-committees or their clerks in connection with meetings of such committees or sub-committees or otherwise will not be admitted as a charge against public funds.

7. There being no power under the Act to repay expenses incurred by claimants to pensions, such payments can in no circumstances be admitted for reimbursement.

8. Clerks to pension committees and sub-committees will render their accounts for fees and expenses to the clerk of the appointing council at such time and in such manner as he may direct, to be dealt with by him as provided by Regulation 25. The clerk of the appointing council will within one month after the end of each quarter submit a claim for reimbursement to the Treasury showing in one account the details of all expenditure defrayed by the appointing council during the quarter in respect of the pension committee and all sub-committees in its area, with the relative vouchers, and the amount expended will be reimbursed to him by the Treasury subject to the claim, upon examination, being found to be in order.

9. In the case of small authorities, when the amounts necessary to meet the expenses in the first instance cannot conveniently be advanced out of local funds (*see* Regulation 25 (2)), the Treasury will be prepared to consider the question of making advances at the beginning of each quarter by way of imprest under Regulation 25 (3) upon receiving an application from the council explaining the circumstances which make such advances necessary.

Accounts of all expenditure out of such advances must be rendered quarterly to the Treasury in the same manner and subject to the same rules as to vouchers, &c., as claims for reimbursement under paragraph 8. Credit will be allowed

thereon for such expenditure as, upon examination, is found to be in order.

10. If any question arises necessitating a reference to the Treasury, or if Treasury sanction is required for any special or exceptional expenditure by a committee or sub-committee the clerk to the committee or sub-committee will refer the matter to the clerk of the appointing council, who will submit it to the Treasury with his recommendation thereon.

The Treasury cannot in any circumstances undertake to correspond with committees or sub-committees except through the clerk of the appointing council.

TREASURY CHAMBERS,  
WHITEHALL, S.W.

20th August, 1908.

**Note.**

The Treasury are not prepared to authorise the supply of letter files, boxes, or other office fittings or furniture, payment for use of which is covered by the allowance for general incidental expenses (including office accommodation).

## APPENDIX C.

**List of Local Authorities by whom Pension Committees will be appointed.**

### (1) ENGLAND AND WALES.

#### COUNTIES.

Bedfordshire	Monmouthshire
Berkshire	Norfolk
Buckinghamshire	Northamptonshire
Cambridgeshire	Northumberland
Cheshire	Nottinghamshire
Cornwall	Oxfordshire
Cumberland	Peterborough (Soke of)
Derbyshire	Rutlandshire
Devonshire	Salop
Dorsetshire	Scilly, Isles of
Durham	Somersetshire
Essex	Southampton
Gloucestershire	Staffordshire
Herefordshire	Suffolk (East)
Hertfordshire	Suffolk (West)
Hunts	Surrey
Isle of Wight	Sussex (East)
Isle of Ely	Sussex (West)
Kent	Warwickshire
Lancashire	Westmorland
Leicestershire	Wiltshire
Lincolnshire (Holland)	Worcestershire
Lincolnshire (Kesteven)	Yorkshire (East Riding)
Lincolnshire (Lindsey)	Yorkshire (North Riding)
London	Yorkshire (West Riding)
Middlesex	

## WALES.

Anglesey	Flintshire
Breconshire	Glamorganshire
Cardiganshire	Merionethshire
Carmarthenshire	Montgomeryshire
Carnarvonshire	Pembrokeshire
Denbighshire	Radnorshire

## BOROUGHES.

Accrington	Chester
Ashton-under-Lyne	Chesterfield
Aston Manor	Chorley
Bacup	Colchester
Barnsley	Colne
Barrow-in-Furness	Coventry
Bath	Crewe
Batley	Croydon
Bedford	Darlington
Birkenhead	Darwen
Birmingham	Derby
Blackburn	Devonport
Blackpool	Dewsbury
Bolton	Doncaster
Bootle	Dover
Bournemouth	Dudley
Bradford	Ealing
Brighouse	Eastbourne
Brighton	East Ham
Bristol	Eccles
Bromley	Edmonton
Burnley	Exeter
Burslem	Folkestone
Burton-upon-Trent	Gateshead
Bury	Gillingham
Cambridge	Glossop
Canterbury	Gloucester
Cardiff	Gravesend
Carlisle	Great Yarmouth
Chatham	Grimsby
Cheltenham	Guildford

Halifax	Newport (Mon)
Hanley	Northampton
Harrogate	Norwich
Hartlepool	Nottingham
Hastings	Nuneaton
Hereford	Oldham
Heywood	Oxford
Hornsey	Peterborough
Hove	Plymouth
Huddersfield	Poole
Hyde	Portsmouth
Ilkeston	Preston
Ipswich	Ramsgate
Jarrow	Rawtenstall
Keighley	Reading
Kidderminster	Reigate
King's Lynn	Richmond (Surrey)
Kingston-on-Hull	Rochdale
Kingston-on-Thames	Rochester
Lancaster	Rotherham
[Leamington] ( <i>See</i> Royal)	Royal Leamington Spa
Leeds	St. Helens
Leicester	Salford
Leigh	Salisbury (New Sarum)
Lincoln	Scarborough
Liverpool	Sheffield
Longton	Shrewsbury
Loughborough	Smethwick
Lowestoft	Southampton
Luton	Southend-on-Sea
Macclesfield	Southport
Maidstone	South Shields
Manchester	Stafford
Mansfield	Stalybridge
Margate	Stockport
Merthyr Tydfil	Stockton-on-Tees
Middlesbrough	Stoke-upon-Trent
Middleton	Sunderland
Morley	Swansea
Nelson	Swindon
Newcastle-upon-Tyne	Taunton

Todmorden	West Hartlepool
Torquay	Widnes
Tunbridge Wells	Wigan
Tynemouth	Wimbledon
Wakefield	Winchester
Wallsend	Wolverhampton
Walsall	Worcester
Warrington	Workington
Wednesbury	Worthing
West Bromwich	York
West Ham	

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### URBAN DISTRICTS.

Aberdare	Ilford
Abertillery	Ince-in-Makerfield
Acton	Kettering
Aldershot	King's Norton and Northfield
Barking Town	Leyton
Barry	Llanelly
Beckenham	Mountain Ash
Bilston	Oldbury
Blyth	Penge
Cannock	Pontypridd
Chadderton	Radcliffe
Chiswick	Rhondda
Coseley	Rowley Regis
Ebbw Vale	Shipley
Enfield	Stretford
Erith	Swinton and Pendlebury
Farnworth	Tipton
Felling	Tottenham
Fenton	Tunstall
Finchley	Twickenham
Gorton	Wallasey
Gosport and Alverstoke	Walthamstow
Handsworth	Waterloo-with-Seaforth
Hebburn	Watford
Hendon	Willesden
Heston and Isleworth	Wolstanton United
Hindley	Wood Green

**(2) SCOTLAND.**

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**COUNTIES.**

Aberdeen	Kinross
Argyll	Kirkcudbright
Ayr	Lanark
Banff	Linlithgow
Berwick	Nairn
Bute	Orkney
Caithness	Peebles
Clackmannan	Perth
Dumbarton	Renfrew
Dumfries	Ross and Cromarty
Edinburgh	Roxburgh
Elgin	Selkirk
Fife	Stirling
Forfar	Sutherland
Haddington	Wigtown
Inverness	Zetland
Kincardine	

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**BURGHES.**

Aberchirder	Arbroath
Aberdeen	Ardrossan
Aberfeldy	Armadale
Aberlour	Auchterarder
Abernethy	Auchtermuchty
Airdrie	Ayr
Alloa	Ballater
Alva	Banchory
Alyth	Banff
Annan	Barrhead
Anstruther-Easter	Bathgate
Anstruther-Wester	Biggar

Blairgowrie	Dunblane
Bo'ness	Dundee
Bonnyrigg	Dunfermline
Brechin	Dunoon
Bridge of Allan	Duns
Broughty Ferry	Dysart
Buckhaven, Methil, &c.	Earlsferry
Buckie	East Linton
Burghead	Edinburgh
Burntisland	Elgin
Callander	Elie
Campbeltown	Ellon
Carnoustie	Eyemouth
Castle-Douglas	Falkirk
Clydebank	Falkland
Coatbridge	Forfar
Cockenzie	Forres
Coldstream	Fortrose
Coupar-Angus	Fort-William
Cove and Kilcreggan	Fraserburgh
Cowdenbeath	Galashiels
Crail	Galston
Crieff	Gatehouse
Cromarty	Girvan
Cullen	Glasgow
Culross	Gourock
Cumnock and Holmhead	Govan
Cupar	Grangemouth
Dalbeattie	Grantown
Dalkeith	Greenock
Darvel	Haddington
Denny and Dunipace	Hamilton
Dingwall	Hawick
Dollar	Helensburgh
Dornoch	Huntly
Doune	Innerleithen
Dufftown	Inveraray
Dumbarton	Inverbervie
Dumfries	Invergordon
Dunbar	Inverkeithing

Inverness	Markinch
Inverurie	Maxwelltown
Irvine	Maybole
Jedburgh	Melrose
Johnstone	Millport
Keith	Milngavie
Kelso	Moffat
Kilmarnock	Monifieth
Kilrenny	Montrose
Kilsyth	Motherwell
Kilwinning	Musselburgh
Kinghorn	Nairn
Kingussie	Newburgh
Kinning Park	New Galloway
Kinross	Newmilns and Greenholm
Kintore	Newport
Kirkcaldy	Newton-Stewart
Kirkcudbright	North Berwick
Kirkintilloch	Oban
Kirkwall	Old Meldrum
Kirriemuir	Paisley
Ladybank	Partick
Lanark	Peebles
Langholm	Penicuik
Largs	Perth
Lasswade	Peterhead
Lauder	Pittenweem
Laurencekirk	Pollokshaws
Leith	Port-Glasgow
Lerwick	Portsoy
Leslie	Prestonpans
Leven	Prestwick
Linlithgow	Queensferry
Loanhead	Ratray
Lochgelly	Renfrew
Lochgilphead	Rosehearty
Lochmaben	Roths
Lockerbie	Rothsay
Lossiemouth	Rutherglen
Macduff	St. Andrews

Saltcoats  
Sanquhar  
Selkirk  
Stewarton  
Stirling  
Stonehaven  
Stornoway  
Stranraer  
Stromness  
Tain  
Tayport

Thurso  
Tillicoultry  
Tobermory  
Tranent  
Troon  
Turriff  
Whitburn  
Whithorn  
Wick  
Wigtown  
Wishaw

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**(3) IRELAND.**

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**COUNTIES.**

Antrim	Londonderry
Armagh	Longford
Carlow	Louth
Cavan	Mayo
Clare	Meath
Cork	Monaghan
Donegal	Queen's Co.
Down	Roscommon
Dublin	Sligo
Fermanagh	Tipperary, North Riding
Galway	Do. South Riding
Kerry	Tyrone
Kildare	Waterford
Kilkenny	Westmeath
King's Co.	Wexford
Leitrim	Wicklow
Limerick	

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**COUNTY BOROUGHS.**

Belfast	Limerick
Cork	Londonderry
Dublin	Waterford

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**URBAN DISTRICTS.**

Ballymena	Lurgan
Clonmel	Newry
Drogheda	Pembroke
Dundalk	Portadown
Galway	Rathmines and Rathgar
Kilkenny	Sligo
Kingstown	Wexford
Lisburn	

## APPENDIX D.

### THE NATURALIZATION ACT, 1870.

(33 Vict., c. 14.)

An Act to amend the Law relating to the legal condition of Aliens and British subjects.

*Short Title.*

1. This Act may be cited for all purposes as "The Naturalization Act, 1870."

#### STATUS OF ALIENS IN THE UNITED KINGDOM

*Capacity of an Alien as to Property.*

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject ; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject : Provided,—

- (1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise :

- (2) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him :
- (3) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

*Power of naturalized aliens to divest themselves of their status in certain cases.*

3. Where Her Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by order in council to declare that such convention has been entered into by Her Majesty ; and from and after the date of such order in council, any person being originally a subject or citizen of the state referred to in such order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the state to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows ; that is to say,—If the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in Her Majesty's dominions in the presence of any judge of any

court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

*How British-born subject may cease to be such.*

4. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign state a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

*Alien not entitled to jury de medietate linguæ.*

5. From and after the passing of this Act, an alien shall not be entitled to be tried by a jury de medietate linguæ, but shall be triable in the same manner as if he were a natural-born subject.

EXPATRIATION.

*Capacity of British subject to renounce allegiance to Her Majesty.*

6. Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign state and not under any disability voluntarily become

naturalized in such state, shall, from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject and be regarded as an alien : Provided,—

- (1.) That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign state and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject ; with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect :
- (2.) A declaration of British nationality may be made, and the oath of allegiance be taken as follows ; that is to say,—if the declarant be in the United Kingdom in the presence of a justice of the peace ; if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

NATURALIZATION AND RESUMPTION OF BRITISH  
NATIONALITY.

*Certificate of Naturalization.*

7. An alien who within such limited time before making the application herein-after mentioned as may be allowed by one of Her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of Her Majesty's Principal Secretaries of State for a certificate of naturalization.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be

a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

*Certificate of re-admission to British nationality.*

8. A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of Her Majesty's Principal Secretaries of State for a certificate, herein-after referred to as a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. The said Secretary of State shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like

manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of re-admission to British nationality has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject ; with this qualification, that within the limits of the foreign state of which he became a subject he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this Act conferred on the Secretary of State in the United Kingdom in respect of the grant of a certificate of re-admission to British nationality in the case of any statutory alien being in any British possession, may be exercised by the governor of such possession ; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

*Form of oath of allegiance.*

9. The oath in this Act referred to as the oath of allegiance shall be in the form following ; that is to say,

“ I do swear that I will be faithful  
 “ and bear true allegiance to Her Majesty Queen Victoria,  
 “ Her heirs and successors, according to law. So help me  
 “ GOD.”

4  
 NATIONAL STATUS OF MARRIED WOMEN AND INFANT  
 CHILDREN.

*National status of married women and infant children.*

10. The following enactment shall be made with respect to the national status of women and children :

- (1.) A married woman shall be deemed to be a subject of the state of which her husband is for the time being a subject :
- (2.) A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of re-admission to British nationality in manner provided by this Act :
- (3.) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject, of the state of which the father or mother has become a subject and not a British subject :
- (4.) Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents :
- (5.) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

## SUPPLEMENTAL PROVISIONS.

*Regulations as to registration.*

11. One of Her Majesty's Principal Secretaries of State may by regulation provide for the following matters :—

- (1.) The form and registration of declarations of British nationality :
- (2.) The form and registration of certificates of naturalization in the United Kingdom :
- (3.) The form and registration of certificates of re-admission to British nationality :
- (4.) The form and registration of declarations of alienage :
- (5.) The registration by officers in the diplomatic or consular service of Her Majesty of the births and deaths of British subjects who may be born or die out of Her Majesty's dominions, and of the marriages of persons married at any of Her Majesty's embassies or legations :
- (6.) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence, of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act :
- (7.) With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said Secretary of State in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not so far as respects the imposition of fees be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

*Regulations as to evidence.*

12. The following regulations shall be made with respect to evidence under this Act :—

- (1.) Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned :
- (2.) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person

authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate :

- (3.) A certificate of re-admission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate :
- (4.) Entries in any register authorized to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of Her Majesty's Principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorized to be inserted in the register :
- (5.) The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of State, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

#### MISCELLANEOUS.

##### *Saving of letters of denization.*

13. Nothing in this Act contained shall affect the grant of letters of denization by Her Majesty.

##### *Saving as to British ships.*

14. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

*Saving of allegiance prior to expatriation.*

15. Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

*Power of colonies to legislate with respect to naturalization.*

16. All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges, of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession.

*Definition of terms.*

17. In this Act, it not inconsistent with the context or subject-matter thereof,—

“Disability” shall mean the status of being an infant, lunatic, idiot, or married woman:

“British possession” shall mean any colony, plantation, island, territory, or settlement within Her Majesty’s dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act:

“The Governor of any British possession” shall include any person exercising the chief authority in such possession:

“Officer in the Diplomatic Service of Her Majesty” shall mean any Ambassador, Minister or Chargé d’Affaires,

or Secretary of Legation, or any person appointed by such Ambassador, Minister, Chargé d'Affaires, or Secretary of Legation to execute any duties imposed by this Act on an officer in the Diplomatic Service of Her Majesty :

“Officer in the Consular Service of Her Majesty” shall mean and include Consul-General, Consul, Vice-Consul, and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, and Consular Agent.

#### REPEAL OF ACTS MENTIONED IN SCHEDULE.

18. The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned.

(These schedules are omitted.)

## THE NATURALIZATION ACT, 1872.

(35 & 36 Vict., c. 39.)

An Act for amending the Law in certain cases  
in relation to Naturalization.

Whereas by a Convention between Her Majesty and the United States of America, supplementary to the Convention of the thirteenth day of May one thousand eight hundred and seventy, respecting naturalization, and signed at Washington on the twenty-third day of February one thousand eight hundred and seventy-one, and a copy of which is contained in the schedule to this Act, provision is made in relation to the renunciation by the citizens and subjects therein mentioned of naturalization or nationality in the presence of the officers therein mentioned :

And whereas doubts are entertained whether such provisions are altogether in accordance with the Naturalization Act, 1870 : And whereas other doubts have arisen with respect to the effect of " The Naturalization Act, 1870," on the rights of women married before the passing of that Act ; and it is expedient to remove such doubts :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited for all purposes as the Naturalization Act, 1872, and this Act and " The

Naturalization Act, 1870," may be cited together as "The Naturalization Acts, 1870 and 1872."

*Confirmation of renunciation of nationality under the Convention.*

2. Any renunciation of naturalization or of nationality made in manner provided by the said supplementary Convention by the persons and under the circumstances in the said Convention in that behalf mentioned shall be valid to all intents, and shall be deemed to be authorized by the said Naturalization Act, 1870. This section shall be deemed to take effect from the date at which the said supplementary Convention took effect.

*Saving clause as to property of married women.*

3. Nothing contained in "The Naturalization Act, 1870," shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the passing of that Act, or affect such estate or interest to her prejudice.

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SCHEDULE.

*Convention between Her Majesty and the United States of America, supplementary to the Convention of May 13, 1870, respecting Naturalization.*

Whereas by the second article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or

may emigrate from the dominions of the one to those of the other party, signed at London, on the 13th of May 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the governments of the respective countries; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America, for the purpose of effecting such agreement, have resolved to conclude a supplemental Convention, and have named as their plenipotentiaries, that is to say; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and the President of the United States of America, Hamilton Fish, Secretary of State, who have agreed as follows:

#### ARTICLE I.

Any person being originally a citizen of the United States who had, previously to May 13, 1870, been naturalized as a British subject, may at any time before August 10, 1872, and any British subject who, at the date first aforesaid, had been naturalized as a citizen within the United States, may at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as Annex A.

#### ANNEX A.

“ I, *A.B.*, of (*insert abode*), being originally a citizen of the United States of America (*or a British subject*), and having become naturalized within the

dominions of Her Britannic Majesty as a British subject (*or as a citizen within the United States of America*), do hereby renounce my naturalization as a British subject (*or citizen of the United States*); and declare that it is my desire to resume my nationality as a citizen of the United States (*or British subject*).''

Such renunciation by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court: if the declarant be beyond the territories of the United States, it shall be made in duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the department of State.

Such renunciation, if declared by an original British subject of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of Her Majesty.

## ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons

who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

### ARTICLE III.

The present Convention shall be ratified by Her Britannic Majesty, and by the President of the United States by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

## THE NATURALIZATION ACT, 1895.

(58 & 59 Vict., c. 43.)

An Act to amend the Naturalization Act, 1870, so far as respects Children of Naturalized British Subjects in the service of the Crown resident out of the United Kingdom.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The residence of a child of a naturalized British subject with his father while in the service of the Crown out of the United Kingdom, shall have, and be deemed always to have had, the same effect, for the purpose of subsection five of section ten of the Naturalization Act, 1870, as residence with such father in the United Kingdom.

(2) Subsection five of section ten of the Naturalization Act, 1870, shall have effect as if the words " or with such father while in the service of the Crown out of the United Kingdom " had been inserted therein after the words " part of the United Kingdom," and every copy of the Naturalization Act, 1870, hereafter printed may be printed accordingly.

2. This Act may be cited as the Naturalization Act, 1895.

## APPENDIX E.

### ORDER OF LOCAL GOVERNMENT BOARD PRESCRIBING FORM OF RECORD TO BE KEPT BY CLERKS TO LOCAL PENSION COMMITTEES AND SUB-COMMITTEES.

To all Local Pension Committees appointed under the Old-Age Pensions Act, 1908 ;—

To all Sub-Committees appointed by the said Local Pension Committees ;—

To the Clerks to the said Committees and Sub-Committees ;—

And to all others whom it may concern.

WHEREAS by Regulation 23 (3) of the Old-Age Pensions Regulations, 1908, it is provided that the clerk of every local pension committee appointed under the Old-Age Pensions Act, 1908 (herein-after called “ the Act ”), shall keep a record in such form and containing such particulars as the Local Government Board direct of all claims and questions in respect of which a report is sent to the committee by the pension officer and of the decision of the committee thereon ;

And whereas by Regulation 23 (5) of the said Regulations it is declared that in the said Regulation 23 (3) the expression “ committee ” includes a sub-committee appointed under subsection (2) of section 8 of the Act :

NOW THEREFORE, in the exercise of Our powers in that behalf, We, the Local Government Board, hereby direct as follows; that is to say,—

Article I.—The record to be kept by the clerk of any local pension committee or sub-committee appointed under the Act shall be in the form and shall contain the particulars shown in the Form of Register of Claims and Questions set forth in the Schedule to this Order.

Article II.—This Order may be cited as “The Local Pension Committees’ Register Order, 1908.”

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## SCHEDULE.

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*Name of Committee*

*or Sub-Committee* \_\_\_\_\_

### OLD AGE PENSIONS.

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### REGISTER OF CLAIMS AND QUESTIONS.

1. Consecutive Number.
2. Full Name of Claimant, or of Pensioner in regard to whom a question is raised.
3. Address of Claimant, or Pensioner.
4. Date on which claim received when made direct to Committee.

5. Date on which claim referred to Pension Officer.
6. Date on which claim or question and report received from Pension Officer.
7. District and Station of Pension Officer.
8. No. in Pension Officer's Register.
9. Date or dates on which claim or question considered by Committee.
10. Date (if any) on which Claimant, or Pensioner (or person appearing on his behalf) heard by Committee.
11. Decision of Committee and date. (If claim disallowed, give reason.)

Date of notification of decision to—

12. (a) Claimant or Pensioner.
13. (b) Pension Officer.

Appeal—

14. Date of receipt of notification of appeal.
15. Name and Address of Appellant. (If the Claimant, or Pensioner, or the Pension Officer is the Appellant, insert "Claimant," "Pensioner," or "Pension Officer," without Address.
16. Date on which documents relating to claim or question sent to Local Government Board.
17. Date of notification to Claimant, or Pensioner, of appeal having been made.
18. Decision of Local Government Board and date of receipt.

Date of notification of decision of Local Government Board to—

19. (a) Claimant, or Pensioner, or other Appellant.
20. (b) Pension Officer.

21. Amount of Pension and date on which Pension becomes payable.
  22. Date on which documents relating to claim or question sent to Pension Officer.
  23. Remarks, *e.g.*: note of disqualification or death of Pensioner, or reference to any later entry relating to the same person.
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Given under the Seal of Office of the Local Government Board, this Twenty-eighth day of August, in the year One thousand nine hundred and eight.

(L.S.)

JOHN BURNS,  
President.

S. B. PROVIS,  
Secretary.

**Note.**

The Local Government Boards of Scotland and Ireland have issued Orders prescribing a similar Form of Register.

## APPENDIX F.

### THE OLD-AGE PENSIONS ACT, 1908.

## MEMORANDUM

For the Information of Persons desiring to make Claims  
for Pensions.

1. Under this Act old-age pensions may be claimed both by men and women, whether married or single, and this Memorandum must be read as applying to women as well as men. To be eligible for a pension a person must comply with the following conditions :—

### Conditions.

(1) He must have attained the age of 70. He should be in a position to produce evidence of his age when called upon. The best evidence would probably be a certificate of birth. If that is not available a certificate of baptism, a certificate of marriage if the age is shown on it, or any other certificate or formal document, duly dated, which will afford independent testimony of the claimant's age, should be procured if possible.

(2) The claimant will have to satisfy the pension authorities that for at least 20 years previously he has been a British subject, and has resided in England, Scotland, or Ireland.

Temporary absences during these 20 years will not disqualify in the following cases :—

- (a) If before the absence the claimant was living in one of these countries, and throughout his absence was employed in the service of the Crown as a soldier, sailor, or otherwise, or was in the service of anyone so employed.
- (b) If before the absence he was living in England, Scotland or Ireland and throughout the absence was serving on board a vessel registered in one of these countries ; or
- (c) if throughout the absence his home was in England, Scotland or Ireland. In this last case, the total amount of absence during the preceding 20 years must not exceed 8 years.

The claimant should be ready to give as closely as possible the actual dates of any absences during these 20 years.

(3) The claimant must satisfy the pension authorities that his yearly means as calculated under the Act do not exceed £31 10s.

In calculating the means of the claimant regard must be had not only to actual income in cash, but to the yearly value of advantages derived from the use or enjoyment of property, and the yearly value of any benefit or privilege enjoyed by the claimant. Similarly the yearly value of money hoarded or property not profitably used is to be considered.

The means of one of a married couple living together in the same house are not to be taken to be less than half the total means of the couple.

## Disqualifications.

2. Besides satisfying the conditions mentioned above, a claimant for a pension must not be subject to any of the disqualifications laid down by the Act. The following classes of persons are disqualified :—

(1) Persons who are in receipt of poor relief or who have received poor relief at any time since the 1st of January, 1908. Poor relief for this purpose means any relief received through the Poor Law authorities other than the following :—

- (a) Medical or surgical assistance (including food or comforts) supplied by or on the recommendation of the medical officer ;
- (b) Relief given by means of the maintenance of any dependant of the applicant in a lunatic asylum, infirmary, or hospital, or the payment towards the burial expenses of a dependant ;
- (c) Any relief which by law is expressly declared not to be a disqualification for registration as a parliamentary elector or a reason for depriving any person of any franchise, right, or privilege.

(2) Persons who have habitually failed to work according to their ability, opportunity, and need, for the maintenance or benefit of themselves, and those legally dependent upon them.

(3) Persons who are detained in lunatic asylums, or are maintained in any place as pauper or criminal lunatics.

(4) Persons who have within the preceding 10 years been convicted of an offence and ordered to be imprisoned without the option of a fine or to suffer any greater punishment. The period of 10 years dates from the time when the person was released from prison.

(5) Persons over 60 who have been ordered to be detained under the Inebriates Act, 1898, and who are disqualified by the court which makes the detention order.

3. In order to save trouble and disappointment intending claimants for pensions should make quite sure, first, that they satisfy the conditions mentioned above, and next that they are not subject to any of the disqualifications.

### Procedure for Making Claims.

4. The first pensions will be payable at the beginning of January, 1909, but claims may be made before that time, and it is desirable that they should be made early, so as to allow as much time as possible for their being considered and determined. Claims for pension can only be made by filling up prescribed forms, which it is expected will be ready by the end of September, and can then be obtained at any post office. They cannot be made by writing to the pension committee or the pension officer or the Local Government Board, or in any other way. Any person who will be over 70 on the 1st of January next, and who is otherwise eligible, will be entitled to make a claim if he wishes to do so. Persons who will become 70 at later dates, and who are otherwise eligible, may make their claims within four months before reaching the age of 70.

5. Each pensioner's pension will be payable only at one particular post office to be selected at the time the claim is made. The claimant should, therefore, settle at which post office he wishes his pension to be paid, assuming that it is granted. On application at the post office, after the end of September, he will be able to procure a form of claim without payment, and if he wishes it, assistance will be given at the post office to enable him to fill it up properly. The form will require the claimant to state

full name and postal address, occupation, sex, whether single or married, widower or widow, age, date of birth and place where born, whether the claimant is a British subject and has lived for 20 years in the United Kingdom, and certain particulars as to his means. He will have to sign the form, or, if he cannot write, make his mark, and his signature or mark will have to be witnessed by some other person who will also sign his name. When the form is filled up it should be handed in at the post office at which the claimant wishes the pension to be paid.

6. In due course the claimant will be visited by the pension officer attached to the district in which he resides. The pension officer will ask various questions for the purpose of ascertaining accurately whether all the conditions for a pension are fulfilled, and whether the claimant is or is not subject to any disqualification. In particular, he will have to obtain detailed information as to the yearly means of the claimant.

It is necessary that the yearly means, if between £21 and £31 10s., should be accurately ascertained, since the amount of the pension in cases where the claimant is otherwise eligible, will depend on the amount of yearly means.

7. If the yearly means do not exceed £21, the pension will be at the rate of 5s. a week.

If the yearly means exceed £21, but do not exceed £23 12s. 6d., the pension will be at the rate of 4s. a week.

If the yearly means exceed £23 12s. 6d., but do not exceed £26 5s., the pension will be at the rate of 3s. a week.

If the yearly means exceed £26 5s., but do not exceed £28 17s. 6d., the pension will be at the rate of 2s. a week.

If the yearly means exceed £28 17s. 6d., but do not exceed £31 10s., the pension will be at the rate of 1s. a week.

No pension will be payable if the yearly means exceed £31 10s.

8. It will not be necessary to append a birth certificate or other evidence of age to the form of claim itself, but these should be shown to the pension officer when he visits the claimant. Both in filling up the form and in supplying information to the pension officer the claimant must be careful to give complete and true answers. Any false statement or false representation knowingly made will render the claimant liable to six months imprisonment with hard labour.

9. When the pension officer has obtained all such information as he can about any claim, he will make a report upon it to the local pension committee or sub-committee. In the rest of this Memorandum, this body, whether a committee or sub-committee, is referred to as the committee.

10. The committee on receiving the report from the pension officer will consider the claim, together with the report of the pension officer, and a notice will in due course be sent to the claimant by the clerk of the committee informing him of the decision of the committee upon the claim. Before the committee decide adversely to any claimant, they are required to give him an opportunity of being heard.

### Appeals against Decisions of Committee.

11. When the committee have allowed a claim for a pension, it is open to the pension officer, if he considers that the claimant is not eligible for a pension or that the

decision is otherwise wrong, to appeal to the Local Government Board within seven days. In that case the claim will have to be finally determined by the Board. A notice will be sent to the claimant if an appeal is made, and he will be informed of the final decision on the claim.

12. If the committee disallow a claim it is open to the claimant to appeal from their decision to the Local Government Board, but there will be no advantage in his doing so unless he can produce evidence to show that the decision of the committee was wrong. It must be understood that there is no power in the committee or in the Local Government Board to dispense with any of the requirements of the Act of Parliament, or to exempt anyone from disqualification, or to remove any of the conditions which Parliament has imposed. If therefore a claim has been disallowed on the ground that the claimant does not fulfil one of the statutory conditions or is disqualified—for example through having received poor relief since the 1st of January, 1908—there is no use in his making an appeal unless he is in a position to show that the condition is fulfilled or that he is not disqualified.

13. If the claimant can show that the decision of the committee is wrong, he can appeal in the following way. He must obtain from the clerk of the committee two special forms (one blue and the other yellow) which will have to be filled up, folded and posted, the blue one to the Local Government Board and the yellow one to the committee. They need not be stamped. The committee on receiving the form will send all the documents relating to the claim to the Local Government Board, who will have to decide on the appeal. It is important to notice that an appeal must be made within seven days after the claimant receives notice from the committee that his claim has been disallowed.

## Issue of Pension Order.

14. When a claim has been finally allowed, the pension officer will supply the claimant with a book of pension orders which will be payable week by week at the post office named in the claim.

## Infirm and Invalid Claimants.

15. Claimants who are too infirm or ill to attend at the post office for the purpose of obtaining a form of claim or to attend when summoned before the committee, may send someone else to get the form or to represent them. The form of claim must, however, be signed by the claimant, or if he cannot write he must mark it with a cross. The contents should be explained to him in all cases in which he is unable to fill up or supply the answers himself.

Local Government Board,  
September, 1908.

### Note.

The Local Government Boards of Scotland and Ireland have issued similar Memoranda. In the case of that for Scotland the following has been added to clause 1 (1):—

“Arrangements have been made with a view of saving claimants for old-age pensions from the expense of obtaining certificates of their birth or baptism for the purpose of proving their ages. Under these arrangements in the case of any claimant born in Scotland whose birth or baptism may have been recorded in the old parochial registers now in the custody of the Registrar-General, if the precise date and place (parish or town) are entered on the form of claim accompanied by a note of the parentage, the pension officer, or other duly authorised officer of the Inland Revenue, will be given access to such registers with the object of verifying these particulars, if possible, without expense to the claimant.

If the claimant happens to possess a copy of his birth certificate or other evidence of age he will, of course, produce it to the pension officer.”

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The References in this Index are as follows :—A. means Act of 1908 ; R. means Old-Age Pensions Regulations ; F.I. means Financial Instructions in Treasury Minute.

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