1962 No. 25

FAMILY ALLOWANCES

The Family Allowances (Qualifications) Amendment Regulations, 1962

Made - - - -	8*th January*, 1962
Laid before Parliament	12*th January*, 1962
Coming into Operation	3*rd April*, 1962

The Minister of Pensions and National Insurance, in exercise of the powers conferred on him by section 23 of the Family Allowances Act, 1945(a), as amended by section 8 of the Family Allowances and National Insurance Act, 1961(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Family Allowances (Qualifications) Amendment Regulations, 1962, shall be read as one with the Family Allowances (Qualifications) Regulations, 1946(c), as amended(d) (hereinafter referred to as " the principal regulations ") and shall come into operation on the 3rd April, 1962.

Addition to the principal regulations

2. In Part VI of the principal regulations and after regulation 18 of those regulations there shall be added the following regulation:—

" *Computation of earnings*

19.—(1) For the purposes of the definition of " apprentice " in section 23 of the Act as amended by section 8 of the Family Allowances and National Insurance Act, 1961 (which provisions define an apprentice as a person undergoing full-time training and not in receipt of earnings exceeding forty shillings a week), the amount of a person's earnings shall be calculated or estimated at a weekly figure in the manner and on the basis set out in the following provisions of this regulation.

(2) In relation to any person undergoing full-time training, the earnings to be taken into account shall be limited to the net remuneration or profit of that person derived by him from that full-time training ascertained in accordance with the following provisions of this regulation.

(3) For the purposes of the foregoing paragraph, the following expenses shall be deducted from a person's remuneration or profit:—

(*a*) any contribution payable and duly paid in respect of the full-time training by the person concerned as an employed or self-employed person under the National Insurance Act, 1946(e), as amended, or as a person employed in insurable employment under the National Insurance (Industrial Injuries) Act, 1946(f), as amended;

(a) 8 & 9 Geo. 6. c. 41. (b) 10 & 11 Eliz. 2. c. 6.
(c) S.R. & O. 1946/138 (Rev. VII, p. 607 : 1946 I, p. 502).
(d) S.I. 1952/1457, 1999, 1953/1059, 1959/1169 (1952 I, pp. 996, 1001; 1953 I, p. 746; 1959 I, p. 1276).
(e) 9 & 10 Geo. 6. c. 67. (f) 9 & 10 Geo. 6. c. 62.

(*b*) the expenses, if any, reasonably incurred by the person concerned in connection with and for the purposes of undergoing the said full-time training including, in particular—

(i) the cost to him of books, instruments, tools and equipment required by him for the purpose of that full-time training and of any fees for instruction needed and provided for that purpose;

(ii) the cost to him of protective clothing obtained and required by him for the purpose of that full-time training and of laundering and cleaning such clothing and the cost to him of excessive wear and tear of his clothing attributable to the conditions and circumstances of that full-time training;

(iii) customary subscriptions paid by him to any association of employed persons or other association or body in connection with that full-time training;

(iv) expenses reasonably incurred by him in respect of travel between his place of residence and his place of work and to and from any place of instruction which he attends in connection with and for the purpose of that full-time training;

(*c*) if the circumstances of the full-time training make it necessary or desirable for him to be accommodated in a place other than his normal home, which would otherwise be available for him, the expenses reasonably incurred by him in respect of board and lodging in that place so far as such expenses exceed one pound a week, and in respect of travel or visits made by him to his normal home.

(4) The provisions of this paragraph shall apply to any case in which there is a variation in the amount of a person's weekly earnings:—

(*a*) where by reason of such variation the person's weekly earnings exceed or (as the case may be) do not exceed 40s. for occasional weeks only, the earnings of that person for any such week shall not be treated as exceeding or (as the case may be) as not exceeding 40s. a week by reason only of that variation;

(*b*) in any other case the weekly earnings shall be estimated at such figure, having regard to the normal or anticipated incidence of payments and expenses or to any other material consideration, as may be reasonable and appropriate in all the circumstances of the case."

Dated this eighth day of January, 1962.

John Boyd-Carpenter,
Minister of Pensions and
National Insurance.

EXPLANATORY NOTE

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

These Regulations, which are made in consequence of the passing of the Family Allowances and National Insurance Act, 1961, prescribe the manner and basis for calculating or estimating the earnings of a person undergoing full-time training for the purposes of the definition of an apprentice under the Family Allowances Acts, 1945 to 1961.