STATUTORY INSTRUMENTS

1971 No. 1219

SOCIAL SECURITY

The National Insurance (Age Addition) Regulations 1971

Made - - -	*26th July* 1971
Laid before Parliament	*5th August* 1971
Coming into Operation	*20th September* 1971

The Secretary of State for Social Services in exercise of his powers under section 52 of the National Insurance Act 1965(**a**) and section 5(2) and (3) of the National Insurance Act 1971(**b**), and of all other powers enabling him in that behalf, and in conjunction with the Treasury so far as relates to matters with regard to which they have so directed, hereby makes the following regulations which contain no provisions other than such as are made in consequence of the said Act of 1971 and which accordingly by virtue of section 16(3) and paragraph 2(1)(*a*) of Schedule 6 to that Act are exempt from the requirements of section 108 of the said Act of 1965 (reference to the National Insurance Advisory Committee) :—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Age Addition) Regulations 1971 and shall come into operation on 20th September 1971.

(2) In these regulations, unless the context otherwise requires—
"the principal Act" means the National Insurance Act 1965,
and other expressions have the same meaning as in the principal Act.

(3) References in these regulations to any enactment or regulation shall, except in so far as the context otherwise requires, be construed as references to that enactment or regulation as amended or extended by or under any other enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**c**) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Conditions for entitlement to age addition

2. The conditions for entitlement to age addition, where the person concerned is not entitled to a retirement pension, shall be—

(*a*) that he is in receipt of a payment by reference to which the amount of a retirement pension, if it were otherwise payable to him, would, by virtue of the National Insurance (Overlapping Benefits) Regulations 1948(**d**), as amended (**e**), be extinguished ; and

(**a**) 1965 c. 51. (**b**) 1971 c. 50. (**c**) 1889 c. 63.
(**d**) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(**e**) S.I. 1952/526, 1957/1889, 2077, 1961/557, 1962/12, 1966/970 (1952 II, p. 2196; 1957 I, pp. 1603, 1556; 1961 I, p. 1228; 1962 I, p. 10; 1966 II, p. 2340).

(*b*) either—

(i) that the contribution conditions for a retirement pension under section 30 or 32 of, or regulations made under paragraph 17 of Schedule 11 to, the principal Act are satisfied in his case ; or

(ii) that had he made a claim for it he would have been entitled to a retirement pension by virtue of section 1(1) of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970(**a**) or any regulations made thereunder ; or

(iii) that had he made a claim for it he would have been entitled to a retirement pension by virtue of section 5(1) of the National Insurance Act 1971(**b**).

Claims for age addition

3. In all cases age addition may be paid without a claim being made for it.

Amendment of the National Insurance (Claims and Payments) Regulations 1971

4. In the National Insurance (Claims and Payments) Regulations 1971(**c**), after regulation 10 the following regulation shall be inserted—

"*Time and manner of payment of age addition*

10A.—(1) Subject to the provisions of these regulations, age addition shall be paid weekly in advance.

(2) Where the person to whom an age addition is payable is a pensioner it shall be payable on the day of the week on which the pension payable to him for that week is payable and in the same manner as that pension.

(3) Where the person to whom an age addition is payable is not a pensioner, it shall be payable on such day of the week and in such manner as the Secretary of State may in any particular case or class of cases determine.

(4) The provisions of paragraphs (5), (6), (8), (9) and (10) of regulation 10 of these regulations shall apply in relation to age addition as they apply in relation to a pension and as if the expression 'pension order' wherever it appears in those paragraphs included an order for the payment of age addition and as if the reference to a pensioner were a reference to a person entitled to age addition".

Signed by authority of the Secretary of State for Social Services.

Paul Dean,
Parliamentary Under Secretary of State,
Department of Health and Social Security.

26th July 1971.

Walter Clegg,
Bernard Weatherill,
Two of the Lords Commissioners
of Her Majesty's Treasury.

26th July 1971.

(**a**) 1970 c. 51. (**b**) 1971 c. 50.
(**c**) S.I. 1971/707 (1971 I, p. 1908).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations set out the conditions which a person who is not entitled to a retirement pension must satisfy in order to be entitled to age addition (which was introduced by the National Insurance Act 1971 and is payable to persons who have attained the age of 80). Provision is also made relating to claims for and payment of age addition.