be reduced to 30s. 0d. a night after the first seven nights at one place, and any case in which a member is likely to spend, or does spend, more than 28 nights in one place shall be reported to the Secretary of State who shall fix a special rate in accordance with the circumstances."

(*b*) for paragraph 3 there shall be substituted the following paragraph:—

"3. A day allowance in respect of duties not involving a night's absence shall be payable at the rate of 4s. 0d. when a member is necessarily absent from his home or place of business for more than five hours but not more than eight hours and at the rate of 9s. 6d. when his absence exceeds eight hours:

Provided that where the member orders and pays for lunch or dinner on a train or boat, the above rates shall be respectively increased to 6s. 6d. and 12s.; or where lunch and dinner are both so ordered and paid for during an absence exceeding eight hours, the rate of 9s. 6d. shall be increased to 13s."

Dated this 29th day of October, 1952.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These regulations alter the existing regulations by increasing the allowances to be made to the members of certain bodies constituted under the National Health Service (Scotland) Act, 1947, for the use of their motor vehicles on official business, and in respect of subsistence expenses.

NATIONAL INSURANCE

1952 No. 1559

The National Insurance (Children's Allowances and Orphans' Pensions) (Transitional) Regulations, 1952

Made - - - -	21*st August*, 1952
Laid before Parliament	22*nd August*, 1952
Coming into Operation	26*th August*, 1952

The Minister of National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 65 of the National Insurance Act,

1946(a), and section 7 of the Family Allowances and National Insurance Act, 1952(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Children's Allowances and Orphans' Pensions) (Transitional) Regulations, 1952, and shall come into operation on the 26th August, 1952.

(2) In these regulations, unless the context otherwise requires—

"the principal Act" means the National Insurance Act, 1946;

"the Family Allowances Act" means the Family Allowances Act, 1945(c);

"the Act of 1952" means the Family Allowances and National Insurance Act, 1952;

"the Existing Beneficiaries Regulations" means the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948(d), as amended(e);

"the Existing Contributors Regulations" means the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948(f), as amended(g);

"the General Transitional Regulations" means the National Insurance (General Transitional) Regulations, 1948(h), as amended(i);

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations, 1948(j), as amended(k);

"the Minister" means the Minister of National Insurance;

and other expressions have the same meanings as in the principal Act as amended by the National Insurance Act, 1951(l), and the Act of 1952.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889(m), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Children's allowances

2.—(1) Notwithstanding the provisions of paragraph (2) of regulation 3 of the Existing Beneficiaries Regulations (which relates to descriptions of additional benefits under the principal Act), a child's allowance shall not, as from the 2nd September, 1952, be treated as a guardian's allowance for the purpose of subsection (4) of section 30 of that Act (which section relates to overlapping benefits).

(a) 9 & 10 Geo. 6. c. 67.
(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 29.
(c) 8 & 9 Geo. 6. c. 41.
(d) S.I. 1948/55; Rev. XVI, p. 36; 1948 I, p. 2822.
(e) *See* S.I. 1949/1151; 1951/1232; 1952/1251: 1949 I, p. 2744; 1951 I, 1457.
(f) S.I. 1948/612; Rev. XVI, p. 18; 1948 I, p. 2834.
(g) *See* S.I. 1949/1150, 1412; 1951/538, 1232; 1952/1251: 1949 I, pp. 2746, 2748; 1951 I, pp. 1498, 1457.
(h) S.I. 1948/1503; Rev. XVI, p. 2; 1948 I, p. 2880.
(i) *See* S.I. 1951/1232; 1951 I, p. 1457.
(j) S.I. 1948/2711; Rev. XVI, p. 196; 1948 I, p. 2657.
(k) *See* S.I. 1951/1232; 1952/422, 526, 1251: 1951 I, p. 1457; 1952, pp. 2194, 2196.
(l) 14 & 15 Geo. 6. c. 34.
(m) 52 & 53 Vict. c. 63.

(2) As from the 2nd September, 1952, a child's allowance which would otherwise be payable in respect of a child shall not be payable in respect of any week if at the beginning of that week an award of an allowance under the Family Allowances Act in respect of the child has been made:

Provided that that child's allowance shall become payable in respect of any such week as aforesaid if and when it has been found by revision of the award, or by an express decision under section 5 of the Family Allowances Act, that the allowance under that Act awarded in respect of the child did not accrue during any part of that week and, in the case of an award or of a decision of the Minister, the time for making an application to have the matter referred under that section has expired or the matter has been referred thereunder and the Minister's award or decision has been affirmed.

(3) As from the 2nd September, 1952, paragraph (2) of regulation 21 of the General Transitional Regulations (which regulation contains special provisions relating to the Family Allowances Act) shall cease to have effect.

Orphans' pensions

3.—(1) As from the 2nd September, 1952, but subject to the provisions of subsection (1) of section 28 of the principal Act (which makes it a condition of any person's right to benefit that he makes a claim therefor in the prescribed manner), the weekly rate of an orphan's pension shall, notwithstanding the provisions of regulation 14 of the Existing Beneficiaries Regulations (which contains special provisions in respect of certain children), be increased to eight shillings for any period during which—

(*a*) the child in respect of whom the orphan's pension is payable is included in the family of the beneficiary; and

(*b*) an allowance under the Family Allowances Act would be payable in respect of any child of the beneficiary's family, if that orphan's pension were not payable:

Provided that, where the family of the beneficiary includes two or more children in respect of all of whom orphans' pensions are payable, the foregoing increase of orphan's pension shall as from the said date, but subject as aforesaid, be payable in the case of any such child, other than the elder or eldest, if an allowance under the Family Allowances Act would be payable in respect of him if the orphans' pensions in respect of him and the elder or eldest child were not payable.

(2) Subsection (1) of section 9 of the Act of 1952 (which relates to existing awards) shall not apply to an award of orphan's pension which is in force on the 2nd September, 1952.

(3) An orphan's pension at the weekly rate of eight shillings by virtue of paragraph (1) of this regulation shall not, for the purposes of regulation 5, as amended(a), of the Overlapping Benefits Regulations, be treated as dependency benefit.

Children treated as included in a family

4.—(1) In determining for the purpose of any regulation specified in paragraph (2) of this regulation whether a child is or would be included in a person's family on or after the 2nd September, 1952, a child shall not be treated as not so included by reason of the fact that the rate of contribution by that person (or, if the case so requires, by that person and that

(a) *See* reg. 5, S.I. 1952/526, p. 2196 below.

person's wife or husband taken together) towards the cost of providing for the child is less than eight shillings a week, provided that that rate of contribution is not less than the weekly rate of the child's allowance or orphan's pension in respect of that child.

(2) The regulations referred to in the preceding paragraph are:—

(*a*) Regulation 15 of the Existing Beneficiaries Regulations (which relates to diversion of child's allowance and orphan's pension);

(*b*) Regulation 18 of the General Transitional Regulations (which relates to children's allowances for certain children outside Great Britain); and

(*c*) Paragraph (4) of regulation 6 of the Existing Contributors Regulations(a) (which paragraph relates to children's allowances for certain children outside Great Britain).

(3) Any question relating to the said rate of contribution shall be determined in like manner as a question is to be determined under subsection (2) of section 43 of the principal Act (which section relates to the determination of Claims and Questions), but any decision of any such question shall have effect only for the purposes of this regulation.

Dated this 19th day of August, 1952.

Osbert Peake,
Minister of National Insurance.

Dated this 21st day of August, 1952.

T. G. D. Galbraith,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations provide that the payment of a child's allowance, which, in certain cases, has hitherto precluded the payment of a family allowance, shall no longer have this effect, and that, generally, where a family allowance is payable in respect of a child for any week, any child's allowance in respect of that child shall not be payable for that week.

The weekly rate of an orphan's pension has also been increased to eight shillings in cases where that pension precludes the payment of a family allowance.

The remaining provisions are of a minor or consequential character.

(a) *See* reg. 2, S.I. 1951/538; 1951 I, p. 1498.