STATUTORY INSTRUMENTS

1962 No. 12

NATIONAL INSURANCE

The National Insurance (Consequential Provisions) Regulations, 1962

Made - - - -	*3rd January*, 1962
Laid before Parliament	*10th January*, 1962
Coming into Operation	*15th January*, 1962

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 5 (1) (*a*) (iii) and 8 (1) (*b*) of the National Insurance Act, 1946(**a**), section 1 (2) of the National Insurance Act, 1957(**b**) (as extended by section 14 (3) of, and paragraph 14 (1) (*b*) of the Third Schedule to, the Family Allowances and National Insurance Act, 1961(**c**)) and section 5 (5) of the said Act of 1961, and the National Insurance Joint Authority, in exercise of powers conferred by sections 21 (3) and 30 (1) of the said Act of 1946, in each case in consequence of the said Act of 1961 and in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Consequential Provisions) Regulations, 1962, shall come into operation on the 15th January 1962.

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

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

"the Act of 1961" means the Family Allowances and National Insurance Act, 1961;

"the Contributions Regulations" means the National Insurance (Contributions) Regulations, 1948(**d**);

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations, 1948(**e**);

"the Widow's Benefit and Retirement Pensions Regulations" means the National Insurance (Widow's Benefit and Retirement Pensions) Regulations, 1948(**f**);

and other expressions have the same meanings as in the 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.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 5 & 6 Eliz. 2. c. 26. (**c**) 10 & 11 Eliz. 2. c. 6.
(**d**) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(**e**) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(**f**) S.I. 1948/1261 (Rev. XVI, p. 207: 1948 I, p. 2704).

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

PART II

PROVISIONS MADE IN CONSEQUENCE OF SECTION 5 OF THE ACT OF 1961

Amendment of the Widow's Benefit and Retirement Pensions Regulations

2.—(1) Regulation 4 of the Widow's Benefit and Retirement Pensions Regulations (which, as amended(b), prescribes special conditions which, in the case of a woman marrying after pensionable age, apply in relation to a retirement pension by virtue of her husband's insurance) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the First Schedule to these regulations.

(2) At the beginning of paragraph (2) of the said regulation 4, before the words "In the application", there shall be added the words "Subject to the provisions of the next following paragraph,".

(3) In the said paragraph (2)—

(*a*) after the words "section 20 of the Act", there shall be inserted the words "or subsection (1) of section 5 of the Family Allowances and National Insurance Act, 1961"; and

(*b*) for the words "subsection relates", there shall be substituted the words "subsections relate".

(4) At the end of the said paragraph (2), after the words "shall not be taken into account," there shall be added the words "except for the purposes of paragraph (*b*) of the said subsection (1).".

(5) After the said paragraph (2), there shall be added the following paragraphs:—

"(3) Where contributions paid by a husband for a period beginning on or after the coming into force of the said section 5 would, but for the provisions of the last foregoing paragraph, be taken into account for the purpose of the application of the said subsection (4) to a retirement pension payable to his widow by virtue of his insurance, those contributions shall, notwithstanding those provisions, be taken into account for that purpose (together with any contributions to be taken into account in accordance with the next following paragraph) but not so as to increase the weekly rate of that retirement pension by an amount exceeding the amount by which it would have been increased under paragraph (*b*) of the said subsection (1) if that paragraph had applied in respect of those contributions.

(4) Any contributions paid by a husband for a period beginning on or after the coming into force of the said section 5 and after the termination of the contribution weeks referred to in paragraph (2) of this regulation shall, if their number is not twelve or a multiple of twelve, be taken into account under the last foregoing paragraph to the following extent,—

(*a*) if their number is less than twelve, all those contributions, or

(*b*) in any other case, so many of them as exceed twelve or a multiple of twelve.".

(a) 52 & 53 Vict. c. 63. (b) *See* S.I. 1956/1199, 1961/557 (1956 I, p. 1625; 1961 I, p. 1228).

3. After regulation 4 of the Widow's Benefit and Retirement Pensions Regulations, there shall be inserted the following regulation:—

"*Special provisions applying to women who re-marry when over pensionable age*

4A. Where a man dies leaving a widow who re-marries after attaining pensionable age, the following provisions shall apply:—

(1) Subsection (1) of section 5 of the Family Allowances and National Insurance Act, 1961, shall apply in relation to her as if she had remained his widow throughout any period after her re-marriage for which she is entitled to a retirement pension by virtue of his insurance.

(2) Subject to the provisions of the next following paragraph, paragraph (*b*) of the said subsection (1) shall apply in relation to her as if, throughout any period during the subsistence of that re-marriage for which she is entitled to a retirement pension by virtue of her insurance, she had remained the widow of the man whose widow she would have remained but for that re-marriage.

(3) If, having re-married after attaining pensionable age, she becomes a widow for a second or subsequent time, the said paragraph (*b*) shall, if she so elects, apply in relation to her as if, throughout any period during which she is a widow and is entitled to a retirement pension by virtue of her insurance, she were not the widow of her last husband but had remained the widow of any man whose widow she would have remained but for any re-marriage after she had attained pensionable age; and, if she has so elected, the said paragraph (*b*) shall continue to apply in relation to her as if she had remained the widow of that man throughout any period, occuring during the subsistence of any re-marriage next following the period of her last widowhood, for which she is so entitled to a retirement pension.".

4.—(1) Paragraph (1) of regulation 10 of the Widow's Benefit and Retirement Pensions Regulations (a) (which paragraph makes provision as to the contributions to be taken into account for the purpose of increasing a retirement pension by reference to contributions paid by a person who has made an election under regulation 8 of those regulations) shall be amended in accordance with the provisions of the next following paragraph and shall accordingly have effect as set out in the Second Schedule to these regulations.

(2) In the said paragraph (1),—

(*a*) after the words "section 20 of the Act", there shall be inserted the words "or subsection (1) of section 5 of the Family Allowances and National Insurance Act, 1961";

(*b*) for the word "relates", there shall be substituted the words "subsections relate"; and

(*c*) for the word "to" where it occurs immediately before the words "a person who has made an election", there shall be substituted the words "in relation to contributions paid by".

5.—(1) Paragraph (1) of regulation 12 of the Widow's Benefit and Retirement Pensions Regulations (a) (which paragraph provides for the disregard ing of certain contributions for the purpose of increasing, under subsection

(a) Regs. 8 to 12 were added by S.I. 1957/1309 (1957 I, p. 1615).

(4) of section 20 of the Act, a retirement pension by reference to contributions paid by a person for a period after he has attained pensionable age) shall be amended in accordance with the provisions of the next following paragraph and shall accordingly have effect as set out in the Third Schedule to these regulations.

(2) In the said paragraph (1), after the words "section 20 of the Act", there shall be inserted the words "and subsection (2) of section 5 of the Family Allowances and National Insurance Act, 1961".

Amendment of the Contributions Regulations

6.—(1) Regulation 25 of the Contributions Regulations (a) (which provides for the treatment of late paid contributions for the purpose of increasing, under subsection (4) of section 20 of the Act, a retirement pension by reference to contributions paid by a person for a period after he has attained pensionable age) shall be amended in accordance with the provisions of the next following paragraph and shall accordingly have effect as set out in the Fourth Schedule to these regulations.

(2) In the said regulation 25, after the words "of pensionable age)", there shall be inserted the words "and for the purpose of section 5 of the Family Allowances and National Insurance Act, 1961 (which section relates to women's retirement pensions)".

Amendment of the Overlapping Benefits Regulations

7.—(1) Paragraph (6) of Column 1 of the Schedule to the Overlapping Benefits Regulations (which paragraph, as amended(b), shows benefit under the Act which, if it is payable to a woman otherwise than in respect of another person who is a child or an adult dependant, is not required to be adjusted by reference to any benefit which is shown in the corresponding paragraph of Column 2 of the said Schedule and is so payable) shall be amended in accordance with the following provisions of this regulation and accordingly that paragraph and the corresponding paragraph of Column 2 of the said Schedule shall have effect as set out in the Fifth Schedule to these regulations.

(2) In paragraph (6) of the said Column 1, for all the words after the words "retirement pension", there shall be substituted the following words:—

"(*a*) in so far as it consists of graduated retirement benefit; or

(*b*) in so far as it does not consist of graduated retirement benefit or of an increase under section 5 of the Family Allowances and National Insurance Act, 1961, if the pension, or that part of it which does not so consist, is not payable wholly or in part by virtue of a husband's contributions or insurance.".

PART III

PROVISIONS MADE IN CONSEQUENCE OF SECTION 7 (3) OF THE ACT OF 1961

Amendment of the Contributions Regulations

8. In regulations 13, 14 and 14A of the Contributions Regulations(c) (which, as amended(d), make provision for the grant of certificates of

(a) Regs. 21 to 26 were added by S.I. 1950/330 (1950 II, p. 15).
(b) *See* S.I. 1961/557 (1961 I, p. 1228).
(c) Reg. 14A was added by S.I. 1955/1602 (1955 I, p. 1629).
(d) *See* S.I. 1954/189, 1955/1602, 1957/1835, 1959/1803 (1954 I, p. 1387; 1955 I, p. 1629; 1957 I, p. 1523; 1959 II, p. 1891).

exception to insured persons whose income does not exceed one hundred and fifty-six pounds a year), for the words "one hundred and fifty-six pounds" wherever they occur, there shall be substituted the words "two hundred and eight pounds".

Given under the Official Seal of the Minister of Pensions and National Insurance this second day of January, 1962.

(L.S.)

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

Given under the Official Seal of the National Insurance Joint Authority this second day of January, 1962.

(L.S.)

D. J. Carter,
Secretary,
National Insurance Joint Authority.

Dated this third day of January, 1962.

Michael Hughes-Young,
John Peel,
Two of the Lords Commissioners of Her Majesty's Treasury.

Regulation 2

FIRST SCHEDULE

REGULATION 4 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS, AS AMENDED BY THESE REGULATIONS*

Special conditions in relation to retirement pensions by virtue of the husband's insurance in the case of women marrying after pensionable age

4.—(1) For the purposes of paragraph (iii) of subsection (1) of section 21 of the Act (which paragraph relates to the prescribing of further conditions for entitlement to a retirement pension by virtue of the insurance of the husband in a case where a woman married the husband after attaining pensionable age), one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say:—

(*a*)—(i) that she and her husband have been married for not less than three years; or

(ii) that, if the husband dies before the expiration of three years from the date of the marriage, she satisfies the requirements of paragraph (*b*) of subsection (1) of section 17 of the Act, as amended by section 2 of and the Schedule to the Family Allowances and National Insurance Act, 1956 (which paragraph, as so amended, specifies the conditions of entitlement to widowed mother's allowance); or

(*b*) that, immediately before the date of the marriage, she was or, but for any disqualification, or had subsection (2) of section 2 of the Family Allowances and National Insurance Act, 1956 (which contains provisions as to national insurance benefits for widows) then been in force, would have been entitled to widow's benefit; or

* The words added or substituted by these regulations are shown in italics.

(*c*) that, immediately before the said date, she was entitled to a retirement pension, or would have been so entitled but for any disqualification, or but for her failure to satisfy the condition that she had retired from regular employment, or had subsection (3) of section 2 of the Family Allowances and National Insurance Act, 1956, then been in force; or

(*d*) that, immediately before the said date, she was entitled, otherwise than under the Act, to any pension or allowance payable out of public funds and ceased to be so entitled by reason only of her marriage or re-marriage:

Provided that the reference in sub-paragraph (*c*) of this paragraph to a retirement pension shall not include graduated retirement benefit which is payable by virtue of subsection (7) of section 4 of the National Insurance Act, 1959 (which subsection confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension).

(2) *Subject to the provisions of the next following paragraph,* in the application of subsection (4) of section 20 of the Act *or subsection* (1) *of section 5 of the Family Allowances and National Insurance Act,* 1961 (which *subsections relate* to increase of rate of retirement pension for contributions paid after pensionable age) to a retirement pension payable to a woman to whom the provisions of the preceding paragraph of this regulation apply, contributions paid by the husband for any contribution weeks terminating before the earliest date on which the woman would have become entitled to a retirement pension by virtue of those provisions, if they had then both retired from regular employment, shall not be taken into account *except for the purposes of paragraph* (*b*) *of the said subsection* (1).

(3) *Where contributions paid by a husband for a period beginning on or after the coming into force of the said section 5 would, but for the provisions of the last foregoing paragraph, be taken into account for the purpose of the application of the said subsection* (4) *to a retirement pension payable to his widow by virtue of his insurance, those contributions shall, notwithstanding those provisions, be taken into account for that purpose (together with any contributions to be taken into account in accordance with the next following paragraph) but not so as to increase the weekly rate of that retirement pension by an amount exceeding the amount by which it would have been increased under paragraph* (*b*) *of the said subsection* (1) *if that paragraph had applied in respect of those contributions.*

(4) *Any contributions paid by a husband for a period beginning on or after the coming into force of the said section 5 and after the termination of the contribution weeks referred to in paragraph* (2) *of this regulation shall, if their number is not twelve or a multiple of twelve, be taken into account under the last foregoing paragraph to the following extent,—*

(a) if their number is less than twelve, all those contributions, or

(b) in any other case, so many of them as exceed twelve or a multiple of twelve.

SECOND SCHEDULE

Regulation 4

PARAGRAPH (1) OF REGULATION 10 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS, AS AMENDED BY THESE REGULATIONS*

(1) In the application of subsection (4) of section 20 of the Act *or subsection* (1) *of section 5 of the Family Allowances and National Insurance Act,* 1961 (which *subsections relate* to increases in retirement pensions based on contributions paid as an employed or self-employed person after attaining pensionable age) *in relation to contributions paid by* a person who has made an election under regulation 8, contributions as an employed or self-employed person paid in respect of any period occurring after pensionable age and before as well as after his first retirement shall be taken into account.

* The words added or substituted by these regulations are shown in italics.

Regulation 5

THIRD SCHEDULE

PARAGRAPH (1) OF REGULATION 12 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS, AS AMENDED BY THESE REGULATIONS*

(1) Subject to the provisions of the next succeeding paragraph of this regulation a contribution paid by a woman over pensionable age in respect of any contribution week for the whole of which—

(*a*) she is entitled to and obtains payment of widow's benefit or a retirement pension by virtue of her husband's insurance (excepting widowed mother's allowance, so far as it is, or is deemed to consist of, dependency benefit within the meaning of paragraph (4) of regulation 1 of the National Insurance (Overlapping Benefits) Regulations, 1948, as amended); or

(*b*) her husband is entitled in respect of her to, and obtains payment of, an increase of the weekly rate of a retirement pension;

shall be disregarded for the purposes of subsection (4) of section 20 of the Act *and subsection* (2) *of section 5 of the Family Allowances and National Insurance Act,* 1961:

Provided that this regulation shall not apply to a woman who became entitled to a retirement pension by virtue of her husband's insurance before the date of coming into operation of this regulation.

Regulation 6

FOURTH SCHEDULE

REGULATION 25 OF THE CONTRIBUTIONS REGULATIONS, AS AMENDED BY THESE REGULATIONS*

Treatment for the purpose of increase of rate of retirement pension of late paid contributions

25. For the purpose of subsection (4) of section 20 of the Act (which subsection provides for the increase of the weekly rate of retirement pension where contributions are paid in respect of the period after the attainment of pensionable age) *and for the purpose of section 5 of the Family Allowances and National Insurance Act,* 1961 (*which section relates to women's retirement pensions*), a contribution under the Act paid after the due date shall be treated—

(*a*) if paid before the end of the period of one year beginning immediately after the end of the contribution year which includes the contribution week in respect of which it is payable—as paid on the due date;

(*b*) if not paid before the end of the said period—as not paid.

* The words added by these regulations are shown in italics.

FIFTH SCHEDULE

Regulation 7

PARAGRAPH (6) OF COLUMNS 1 AND 2 OF THE SCHEDULE TO THE OVERLAPPING BENEFITS REGULATIONS, AS AMENDED BY THESE REGULATIONS*

Column 1	Column 2
(6) Unemployment benefit, sickness benefit or maternity benefit, or retirement pension— (a) *in so far as it consists of graduated retirement benefit; or* (b) *in so far as it does not consist of graduated retirement benefit or of an increase under section 5 of the Family Allowances and National Insurance Act, 1961, if the pension, or that part of it which does not so consist, is not payable wholly or in part by virtue of a husband's contributions or insurance.*	(6) Death benefit by way of pension or allowance payable to a woman as the widow of the deceased under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.

EXPLANATORY NOTE

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

These Regulations are made in consequence of sections 5 and 7 (3) of the Family Allowances and National Insurance Act, 1961.

Section 5 contains a new code for increasing the retirement pension of a woman in a case where contributions are paid by her husband for a period when he is over 65. In such a case, this code improves the position during widowhood and after retirement of a woman who is under pensionable age during all or part of the period for which her husband paid such contributions. The existing code, contained in the National Insurance Act, 1946, continues to apply where both husband and wife were over pensionable age on 25th December, 1961, the day appointed for the operation of the section. These regulations amend provisions of Regulations relating to women's retirement pensions for the purpose of applying some of these provisions to increases under the new code, and for the purpose of modifying the new code, and further modifying the existing code, in their application to women who marry when over 60.

Section 7 (3) amends the power to provide for excepting insured persons from liability to pay contributions when their income does not exceed £156 a year by substituting £208 for that amount. These Regulations make corresponding amendments in provisions made under that power.

* The words substituted by these regulations are shown in italics.