The National Insurance (Contributions) Amendment (No. 2) Regulations, 1950

1950 No. 1947

Made - - - -	*5th December*, 1950
Laid before Parliament	*5th December*, 1950
Coming into Operation	*11th December*, 1950

M.N.I. 196.

The Minister of National Insurance, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of powers conferred by sections 2 (5) and 60 of the National Insurance Act, 1946(**a**), and of all other powers enabling her in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Contributions) Amendment (No. 2) Regulations, 1950, shall be read as one with the National Insurance (Contributions) Regulations, 1948(**b**), as amended(**c**) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 11th December, 1950.

Amendment of the principal regulations

2. Paragraph (1) of regulation 5 and regulation 7 of the principal regulations shall be amended in accordance with the following provisions of these regulations, and shall accordingly have effect as set out in the Schedule hereto.

Amendment of regulation 5 (1) *of the principal regulations*

3.—(1) At the end of sub-paragraph (*b*) of paragraph (1) of regulation 5 of the principal regulations, there shall be added the following words:—

"and any such payment may be made—

(i) in the case of a person to whom sub-paragraph (*a*) of this paragraph has been applicable for a consecutive period falling in three or more contribution years, at any time before the end of the fourth contribution year following the contribution year in which that period terminated; and

(ii) in the case of a person to whom the said sub-paragraph (*a*) has been applicable for a consecutive period falling only in one or two contribution years, at any time before the end of the benefit year beginning next after the end of the contribution year in which that period terminated: provided that the Minister, if he is satisfied that there is good cause for delay in making payment, may extend the time under this provision but not later than the end of the third contribution year following the contribution year in which that period terminated."

(2) The references to penal servitude contained in the said paragraph (1) of regulation 5 shall be omitted.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) S.I. 1948 (No. 1417) I, p. 2767.
(**c**) S.I. 1949 (No. 1171) I, p. 2707 and 1950 No. 330, p. 15 above.

Amendment of regulation 7 of the principal regulations

4. In paragraph (3) of regulation 7 of the principal regulations, after the words " if he so desires, and " there shall be inserted the following words:—

" any such payment may be made at any time before the end of the fourth contribution year following the contribution year in which the resumed education or apprenticeship terminated; ".

Provisions to be added to the principal regulations

5. The following provisions shall be added after regulation 26 of the principal regulations:—

" PART V

PROVISIONS RELATING TO CONTRIBUTIONS WHICH PERSONS ARE ENTITLED, BUT NOT LIABLE, TO PAY

Treatment for the purpose of any benefit of contributions which persons are entitled, but not liable, to pay

27.—(1) Subject to the following provisions of this regulation, the provisions of regulations 22 to 26 shall apply to contributions which persons are entitled, but not liable, to pay as if each such contribution were due to be paid on the last day in the contribution week in respect of which it is paid.

(2) For the purpose of any right to widow's benefit(**d**) or to a retirement pension or to a death grant, a contribution which a person is entitled, but not liable, to pay in accordance with the provisions of sub-paragraph (*b*) of paragraph (1) of regulation 5, or sub-paragraph (*c*) (i) of paragraph (2) or paragraph (3) of regulation 7, of these regulations, or of regulation 6 of the National Insurance (Residence and Persons Abroad) Regulations, 1948(**e**), as amended(**f**), (which regulation contains special provisions for payment of contributions in respect of periods abroad by persons returning to Great Britain), shall, if it is paid before the relevant time and within the period within which it may be paid under any of the said provisions, be treated as paid on the due date.

(3) In the preceding paragraph of this regulation, the expression " the relevant time " has the same meaning as in paragraph 4 or paragraph 5, as the case may require, of the Third Schedule to the Act.

Payments after death

28. If a person dies, any contributions which, immediately before his death, he was entitled, but not liable, to pay, if he so desired, may be paid notwithstanding his death, subject, however, to the same provisions with respect to the time for payment as were applicable to that person."

Dated this 5th day of December, 1950.

Edith Summerskill,
Minister of National Insurance.

Dated this 4th day of December, 1950.

R. J. Taylor,
Wm. Hannan,
Two of the Lords Commissioners of His Majesty's Treasury.

(**d**) *See* s. 10 (1) (d), National Insurance Act, 1946. (**e**) S.I. 1948 (No. 1275) I, p. 2864.
(**f**) S.I. 1950 Nos. 1264 and 1946, pp. 24 and 27 below.

SCHEDULE

PARAGRAPH (1) OF REGULATION 5 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Imprisonment or detention in legal custody

5.—(1) (*a*) An insured person shall be excepted from liability to pay a contribution under the Act for any week during the whole of which he is undergoing imprisonment or detention in legal custody, but contributions under these regulations shall not be credited in respect of any such week except in respect of any week for which on release sickness benefit or industrial injury benefit is payable in accordance with regulations made under the Act or the Industrial Injuries Act, as the case may be, and then only in accordance with and subject to the provisions of regulations 3 and 4.

(*b*) If any person to whom sub-paragraph (*a*) of this paragraph is applicable so desires, he may for any such week pay a contribution as a non-employed person, and if immediately before the commencement of any such imprisonment or detention in legal custody he was a self-employed person, he may instead for any such week pay a contribution as a self-employed person (in either case not being a week for which a contribution is credited under the provisions of the said sub-paragraph (*a*)), *and any such payment may be made—*

(i) *in the case of a person to whom sub-paragraph (a) of this paragraph has been applicable for a consecutive period falling in three or more contribution years, at any time before the end of the fourth contribution year following the contribution year in which that period terminated; and*

(ii) *in the case of a person to whom the said sub-paragraph (a) has been applicable for a consecutive period falling only in one or two contribution years, at any time before the end of the benefit year beginning next after the end of the contribution year in which that period terminated: provided that the Minister, if he is satisfied that there is good cause for delay in making payment, may extend the time under this provision but not later than the end of the third contribution year following the contribution year in which that period terminated.*

REGULATION 7 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Full time education or unpaid apprenticeship and training periods

7.—(1) A person (not being a person to whom paragraph (3) of this regulation applies) shall be excepted from liability to pay a contribution under the Act for any week in respect of—

(*a*) full time education or full time unpaid apprenticeship (not being a gainful occupation);

(*b*) full time training at a course approved by the Minister;

and for the purpose of determining whether such education or apprenticeship has terminated, any of the following periods beginning after the commencement of such education or apprenticeship shall be disregarded:—

(i) any period of national service;

(ii) any period of employment during vacations relating to such education or apprenticeship;

(iii) any period of employment as a teacher during any term of such education or apprenticeship not exceeding six hours a week.

(2) For the purpose of the foregoing paragraph, the following provisions shall apply in relation to the payment and crediting of contributions:—

(*a*) In the case of a person to whom sub-paragraph (*a*) of the preceding paragraph applies who has not attained the age of eighteen years, a contribution

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

shall be credited to him for that week as follows, provided a contribution as an employed person or self-employed person is not payable for that week:—

(i) if Condition I or Condition II of the Schedule to these regulations has been satisfied, a contribution as an employed person;

(ii) if Condition III or Condition IV of the said Schedule has been satisfied (but not Condition I or Condition II thereof), a contribution as a self-employed person;

(iii) if none of the Conditions of the said Schedule has been satisfied, a contribution as a non-employed person.

(*b*) In the case of a person to whom sub-paragraph (*b*) of the preceding paragraph applies who in the three years immediately preceding the commencement of the course had paid or had credited to him not less than one hundred and four contributions (including any contributions as an employed person or self-employed person under the Act) since his last entry into insurance under the National Health Insurance Act, 1936(a) or the Widows', Orphans' and Old Age Contributory Pensions Act, 1936(b), or, if he was not insured under either of those Acts, since his entry into insurance under the Act, a contribution shall be credited to him for any such week of training on the same basis and to the same extent as that mentioned in sub-paragraph (*a*) of this paragraph, subject to the qualification that, notwithstanding the provisions of that sub-paragraph, any contributions so credited up to the beginning of that person's first normal benefit year shall be contributions as an employed person:

Provided that the contribution condition contained in this sub-paragraph may be dispensed with by the Minister if he is satisfied, in the circumstances of any particular case, that this should be done.

(*c*)—(i) Any person to whom sub-paragraph (*a*) of the preceding paragraph applies who has attained the age of eighteen years may, if he so desires, for any such week of education or apprenticeship, pay a contribution as a non-employed person, and any such payment may be made at any time before the end of the fourth contribution year following the contribution year in which the education or apprenticeship terminated.

(ii) Any person to whom sub-paragraph (*b*) of the preceding paragraph applies who does not satisfy the contribution condition specified in sub-paragraph (*b*) of this paragraph, and in respect of whom that condition is not dispensed with by the Minister, may, if he so desires, for any such week of training, pay a contribution as a non-employed person.

(3) Where a person who, after having attained the age of eighteen years, again commences (subject to the provision of paragraph (1) of this regulation) full time education or full time unpaid apprenticeship (not being a gainful occupation), and satisfies the contribution condition specified in sub-paragraph (*b*) of the preceding paragraph, he shall be excepted from liability to pay a contribution under the Act for any week in respect of such education or apprenticeship, and he may for any such week pay a contribution as a non-employed person, if he so desires, and *any such payment may be made at any time before the end of the fourth contribution year following the contribution year in which the resumed education or apprenticeship terminated;* any contributions so paid as a non-employed person shall be treated as equivalent to contributions of the appropriate class in relation to unemployment benefit and sickness benefit.

(a) 26 Geo. 5. & 1 Edw. 8. c. 32. (b) 26 Geo. 5. & 1 Edw. 8. c. 33.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Contributions) Regulations, 1948 (hereinafter referred to as " the Contributions Regulations "). They provide periods within which persons who have been in prison or detained in legal custody, or have resumed full-time education or full-time unpaid apprenticeship, may pay contributions under the Contributions Regulations. The Regulations also apply to contributions which a person is, under the Contributions Regulations or the National Insurance (Residence and Persons Abroad) Regulations, 1948, entitled, but not liable to pay, the provisions of the Contributions Regulations concerning the circumstances in which and the times at which contributions which are paid after the date on which they became due are treated as paid for the purpose of any right to benefit under the National Insurance Act, 1946. Those provisions are, however, relaxed in relation to contributions for which an extended period is allowed for payment under either of those regulations. The remaining provisions are of a minor or consequential character.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 20th October, 1950, is contained in House of Commons Paper No. 25 published by His Majesty's Stationery Office.

RESIDENCE AND PERSONS ABROAD

The National Insurance (Residence and Persons Abroad) Amendment Regulations, 1950

1950 No. 1264

Made - - - -	28*th July*, 1950
Laid before Parliament	28*th July*, 1950
Coming into Operation	3*rd August*, 1950

M.N.I.191.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of the powers conferred by section 1 of the National Insurance Act, 1946(**a**), and of all other powers enabling her in that behalf, hereby makes the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Residence and Persons Abroad) Amendment Regulations, 1950, shall be read as one with the National Insurance (Residence and Persons Abroad) Regulations, 1948(**b**) (hereinafter referred to as " the principal regulations ") and shall come into operation on the 3rd August, 1950.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) S.I. 1948 (No. 1275) I, p. 2864.