1957 No. 2176

The National Insurance (Contributions) Amendment (No. 2) Regulations, 1957

Made - - - -	*16th December*, 1957
Laid before Parliament	*20th December*, 1957
Coming into Operation	*6th January*, 1958

The Minister of Pensions and National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 5 (1) of the National Insurance Act, 1946(a), 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 National Insurance (Contributions) Amendment (No. 2) Regulations, 1957, 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 6th January, 1958.

Amendment of regulation 1 of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation) the words "or regulation 6A" shall be inserted immediately after the words "in relation to regulation 6" in the definition of "certificate of exception" and the following definitions shall be inserted immediately after the definition of "due date":—

> "'personal benefit', 'Personal Injuries Scheme', 'Service Pensions Instrument' and '1914–1918 War Injuries Scheme' have the same meanings as in the National Insurance (Overlapping Benefits) Regulations, 1948(d)."

Amendment of regulation 4 of the principal regulations

3.—(1) Regulation 4 of the principal regulations (which regulation provides for determining days of unemployment or incapacity for work for the purpose of exception from liability to pay contributions) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Part I of the Schedule hereto.

(2) The words "and subject to the provisions of this regulation" shall be inserted in paragraph (1) of the said regulation 4 immediately after the words "(which relates to unemployment)" and in paragraph (3) of the said regulation 4 immediately after the words "for the purposes of regulation 2 and regulation 3".

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(c) S.I. 1950/330, 1947, 1952/1393, 1953/495, 1544, 1955/1602, 1956/2020, 1957/1299 (1950 II, pp. 15, 20; 1952 II, p. 2140; 1953 I, pp. 1371, 1372; 1955 I, p. 1629; 1956 I, p. 1639; 1957 I, p. 1635) *and see* reg. 20 of, and First Schedule to, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations, 1954 (S.I. 1954/189 (1954 I, p. 1387)).
(d) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).

(3) Immediately after paragraph (3) of the said regulation 4 the following paragraph shall be inserted—

"(3A) For the purposes of the application of regulation 2 of these regulations to any person in respect of a week in which he is occupied in employment on any day, such occupation in employment shall be disregarded and that day shall not by reason only of that occupation be treated as not being a day of unemployment if—

(*a*) the employment is one in which that person, being available for full time employment in some employed contributor's employment, is occupied on any day or days in that week for not more than eight hours in the aggregate (including any occupation in an employment which by virtue of Part III of the First Schedule to the National Insurance (Classification) Regulations, 1948(a), as amended(b), or, being employment in Her Majesty's Forces, by virtue of regulation 3 of the National Insurance (Members of the Forces) Regulations, 1949(c), is to be disregarded) and that occupation is consistent with and different in nature from the full time employment for which he is so available; or

(*b*) the employment (not being employment which falls within sub-paragraph (*a*) of this paragraph) is one in respect of which, by virtue of paragraph 10 of Part II of the First Schedule to the said National Insurance (Classification) Regulations, 1948, (which paragraph relates to employment by one employer in a week in which a person renders part time services in that employment) he is treated as a self-employed person or would be so treated but for Part III of the said First Schedule and in which he is occupied on one day only in that week:

Provided that, where in the same week a person is occupied in employment which falls within sub-paragraph (*a*) and in employment which falls within sub-paragraph (*b*) of this paragraph, the provisions of this paragraph shall not apply to that person's case in that week if he is occupied in such employments for more than eight hours in the aggregate in that week."

(4) The following proviso shall be added at the end of paragraph (4) of the said regulation 4—

"Provided that for the purposes only of this paragraph a person shall not in respect of any week be treated as being unemployed on any day or days by virtue of paragraph (3A) of this regulation unless—

(i) Condition I or Condition II of the Schedule to these regulations has been satisfied, and

(ii) in respect of any day to which sub-paragraph (*b*) of the said paragraph (3A) applies, he is unemployed on at least one other day in that week."

Addition to the principal regulations

4. After regulation 6 of the principal regulations there shall be added the following regulation:—

"*Persons in receipt of widow's pension under the Industrial Injuries Act or a Personal Injuries Scheme, a Service Pensions Instrument or a* 1914–1918 *War Injuries Scheme*

6A.—(1) A woman shall be excepted from liability to pay a contribution under the Act in respect of any week for which personal benefit by way

(a) S.I. 1948/1425 (Rev. XVI, p. 95: 1948 I, p. 2738).

(b) The relevant amending regulations are S.I. 1950/765, 830, 1951/993, 1952/494, 1024, 1454, 1954/585, 1957/2175 (1950 II, pp. 10, 12; 1951 I, p. 1454; 1952 II, pp. 2136–9; 1954 I, p. 1407; 1957 I, p. 1623).

(c) S.I. 1949/875 (1949 I, p. 2731).

of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914–1918 War Injuries Scheme is payable to her at a weekly rate which is equal to or exceeds the weekly rate of widow's pension under the Act which is specified in the second column of Part I of the Second Schedule thereto if she has made application to the Minister for a certificate of exception from such liability under this regulation and such a certificate has been issued and is in operation for the whole of that week:

Provided that—

(i) she may give notice to the Minister at any time during the operation of the certificate that she desires the certificate to be cancelled and, if such notice is given, the certificate shall cease to be in operation from such date as the Minister may determine;

(ii) she shall produce forthwith to her employer any such certificate of exception issued to her and that, if she exercises the foregoing right to cancel such a certificate, she shall surrender her certificate at the time of the cancellation and forthwith notify her employer of the cancellation;

(iii) if immediately before the death of her husband occurring on or after the date of coming into operation of this regulation she was an employed person who had elected not to be liable to pay or was a self-employed person or non-employed person who had not elected to be liable to pay, contributions as an employed person, self-employed person or non-employed person as the case may be, such application shall be deemed to have been made and granted unless she notifies the Minister to the contrary.

(2) A contribution as a non-employed person shall be credited to a woman, if and when she remarries, for every week in respect of which she was excepted from liability in accordance with the foregoing paragraph of this regulation."

Amendment of regulation 7 of the principal regulations

5.—(1) Paragraph (2) of regulation 7 of the principal regulations (which regulation provides for exception from liability to pay a contribution under the Act during periods of education, apprenticeship or training) shall be amended in accordance with the next following paragraph and accordingly shall have effect as set out in Part II of the Schedule hereto.

(2) Immediately after sub-paragraph (*a*) of paragraph (2) of the said regulation 7, there shall be inserted the following sub-paragraph—

"(*aa*) in respect only of a week of education or training, shall be excepted from liability to pay a contribution as a self-employed person in respect of any employment in which he is gainfully occupied in the course and for the purpose only of such education or training, and".

Amendment of regulation 16 of the principal regulations

6.—(1) As from the 17th February, 1958, regulation 16 of the principal regulations (which regulation provides that contributions of one class which are treated as contributions of another class for the purpose of certain benefits, are to be treated as contributions of that other class for the purposes of the provisions of the Schedule to the principal regulations) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Part III of the Schedule hereto.

(2) In paragraph (1) of the said regulation 16, the words "under the provisions of regulation 2 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, or" shall be omitted.

(3) The following paragraph shall be added after paragraph (2) of the said regulation 16:—

"(3) Any contribution as a non-employed or a self-employed person which under the provisions of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(a), as amended(b), is treated as equivalent to a contribution of another class for the purposes of unemployment benefit or sickness benefit shall be treated as a contribution of that other class for the purposes of the application of the Schedule hereto to the provisions of regulation 2 or regulation 3 of these regulations:

Provided that—

(*a*) Any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of unemployment benefit shall be treated as a contribution of that other class for the purposes only of the application of the Schedule to regulation 2 of these regulations; and

(*b*) any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of sickness benefit shall be treated as a contribution of that other class for the purposes only of the application of the Schedule to regulation 3 of these regulations."

Dated this Thirteenth day of December, 1957.

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

Dated this Sixteenth day of December, 1957.

Harwood Harrison,
Anthony Barber,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I — Regulation 3

CONTAINING REGULATION 4 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Provisions determining days of unemployment or incapacity for work.

4.—(1) For the purposes of regulation 2 (which relates to unemployment) *and subject to the provisions of this regulation,* a day shall not be a day of unemployment unless on that day the person concerned is capable of work, and is, or is deemed in accordance with any regulations made under sub-paragraph (i) of paragraph (*a*) of subsection (2) of section 11 of the Act (which sub-paragraph relates to days which may be treated as days of unemployment) to be, available for employment in an employed contributor's employment.

(a) S.I. 1948/1277 (Rev. XVI, p. 212: 1948 I, p. 2676).
(b) The relevant amending regulations are S.I. 1957/1870 (p. 1611 above).

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

(2) For the purposes of regulation 3 (which relates to incapacity for work) the following provisions shall apply:—

(*a*) A day shall not be a day of incapacity for work unless on that day the person concerned is, or is deemed in accordance with any regulations made under sub-paragraph (ii) of the said paragraph (*a*) (which sub-paragraph relates to days which may be treated as days of incapacity for work) to be, incapable of work by reason of some specific disease or bodily or mental disablement.

(*b*) Any period in respect of which a person is, under subsection (1) of section 32 of the Industrial Injuries Act, disqualified for receiving industrial injury benefit, or in respect of which a forfeiture of such benefit is operative by reason of regulations made under subsection (2) of the said section (other than a forfeiture for failure to make a claim for benefit within the prescribed time), shall not be a period of incapacity for work.

(3) For the purposes of regulation 2 and regulation 3 *and subject to the provisions of this regulation,* the following provisions shall apply:—

(*a*) A day which is, in accordance with any regulations made under subsection (3) of the said section 11 (which subsection relates to days which are or are not to be treated for the purposes of unemployment benefit and sickness benefit as days of unemployment or incapacity for work) treated for the purposes of unemployment benefit and sickness benefit as a day of unemployment or incapacity for work shall be a day of unemployment or incapacity for work, as the case may require, for the purposes of this regulation, but any day which under any such regulations is treated as not being such a day shall not be a day of unemployment or incapacity for work for those purposes:

Provided that any day which is treated under any such regulations as not being a day of unemployment by reason only of its being a day on which a person is on holiday shall be a day of unemployment for the purposes of this regulation if it is a day of recognised or customary holiday in connection with that person's employment in a week which contains not more than three days of such holiday, and is a day in a period during which that employment is suspended.

(*aa*) Any period which would in respect of any person be a period of unemployment or incapacity for work by virtue of the provisions of this regulation but for the provisions of section 28 of the Act (which relates to claims and notices) and regulations made thereunder, shall be treated as a period of unemployment or incapacity for work, as the case may be.

(*b*) Any period in respect of which a person—

(i) is disqualified for receiving either unemployment benefit or sickness benefit by reason of the provisions of subsections (1), (2) and (3) of section 13 of the Act or any regulations made thereunder; or

(ii) is unable to satisfy any additional conditions with respect to the receipt of unemployment benefit or sickness benefit imposed in his case by regulations made under subsection (4) of the said section 13, other than the National Insurance (Married Women) Regulations, 1948:

shall not be a period of unemployment or incapacity for work, as the case may be.

(*c*) Any period in respect of which a person is disqualified for receiving unemployment benefit or sickness benefit by reason of the provisions of paragraph (*a*) of subsection (1) of section 29 of the Act (which paragraph relates to disqualification for benefit by reason of being absent from Great Britain) shall not be a period of unemployment or incapacity for work, as the case may be.

(3A) *For the purposes of the application of regulation 2 of these regulations to any person in respect of a week in which he is occupied in employment on any day, such occupation in employment shall be disregarded and that day shall*

not by reason only of that occupation be treated as not being a day of unemployment if—

(a) *the employment is one in which that person, being available for full time employment in some employed contributor's employment, is occupied on any day or days in that week for not more than eight hours in the aggregate (including any occupation in an employment which by virtue of Part III of the First Schedule to the National Insurance (Classification) Regulations,* 1948, *as amended or, being employment in Her Majesty's Forces, by virtue of regulation* 3 *of the National Insurance (Members of the Forces) Regulations,* 1949, *is to be disregarded) and that occupation is consistent with and different in nature from the full time employment for which he is so available; or*

(b) *the employment (not being employment which falls within sub-paragraph (a) of this paragraph) is one in respect of which, by virtue of paragraph* 10 *of Part II of the First Schedule to the said National Insurance (Classification) Regulations,* 1948 *(which paragraph relates to employment by one employer in a week in which a person renders part-time services in that employment) he is treated as a self-employed person or would be so treated but for Part III of the said First Schedule and in which he is occupied on one day only in that week:*

Provided that, where in the same week a person is occupied in employment which falls within sub-paragraph (a) and in employment which falls within sub-paragraph (b) of this paragraph, the provisions of this paragraph shall not apply to that person's case in that week if he is occupied in such employments for more than eight hours in the aggregate in that week.

(4) For the purposes of regulation 2 and regulation 3, where in any week a person is for part of that week unemployed and for the remainder of that week incapable of work, he shall be treated as if unemployed for the whole of that week, if Condition I or Condition II of the Schedule to these regulations has been satisfied, and, if neither of those Conditions has been satisfied but Condition III or Condition IV of that Schedule has been satisfied, he shall be treated as if incapable of work for the whole of that week, and the said regulation shall be construed accordingly:

Provided that for the purposes only of this paragraph a person shall not in respect of any week be treated as being unemployed on any day or days by virtue of paragraph (3A) of this regulation unless—

(i) *Condition I or Condition II of the Schedule to these regulations has been satisfied, and*

(ii) *in respect of any day to which sub-paragraph (b) of the said paragraph (3A) applies, he is unemployed on at least one other day in that week.*

PART II Regulation 5

CONTAINING REGULATION 7 (2) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

(2) For any week of education, apprenticeship or training, a person—

(a) shall be excepted from liability to pay a contribution as a non-employed person, and

(aa) in respect only of a week of education or training, shall be excepted from liability to pay a contribution as a self-employed person in respect of any employment in which he is gainfully occupied in the course and for the purpose only of such education or training; and

(b) may, if he so desires and is not entitled to be credited with a contribution for that week under paragraph (4) of this regulation, pay a contribution as a non-employed person, and payment thereof may be made at any time before the end of the sixth contribution year following the contribution year in which the education, apprenticeship or training terminated.

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

PART III Regulation 6

CONTAINING REGULATION 16 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Provisions relating to Schedule

16.—(1) Any contributions which under paragraph (3) of regulation 7 of these regulations or under any regulations which provide for treating contributions as a non-employed person as equivalent to contributions of the appropriate class for the purpose of a maternity allowance, are treated as equivalent to contributions of another class shall for the purpose of the Schedule to these regulations be treated as contributions of that other class.

(2) In determining whether a person shall be excepted from liability for, and credited with, contributions under regulation 2 of these regulations and for no other purpose, the provisions of the foregoing paragraph shall apply to any contributions which under the provisions of regulation 2 of the National Insurance (Seasonal Workers) (No. 2) Regulations, 1950, are treated as equivalent to contributions of another class.

(3) *Any contribution as a non-employed or a self-employed person which under the provisions of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, as amended is treated as equivalent to a contribution of another class for the purposes of unemployment benefit or sickness benefit shall be treated as a contribution of that other class for the purposes of the application of the Schedule hereto to the provisions of regulation 2 or regulation 3 of these regulations:*

Provided that—

(a) Any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of unemployment benefit shall be treated as a contribution of that other class for the purposes only of the application of the Schedule to regulation 2 of these regulations; and

(b) any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of sickness benefit shall be treated as a contribution of that other class for the purposes only of the application of the Schedule to regulation 3 of these regulations.

EXPLANATORY NOTE

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

These Regulations contain miscellaneous amendments to the National Insurance (Contributions) Regulations, 1948. They specify the circumstances in which a person will be excepted from liability for and credited with a contribution in any week on the ground of unemployment notwithstanding that he may be engaged in part-time employment in that week and in which a woman may be so excepted and credited whilst in receipt of widow's pension under the National Insurance (Industrial Injuries) Act, 1946 or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme. The Regulations also provide for exception from liability to pay contributions as a self-employed person in respect of employment undertaken in the course and for the purposes of full-time education or training; and for contributions of one class which are treated as equivalent to contributions of another class for the purposes of benefit to be treated as contributions of that other class for the purpose of satisfying the qualifying conditions for entitlement to be excepted from liability for, and to be credited with, contributions. The remaining provisions are of a minor or consequential character.

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

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 5th December, 1957, is contained in the House of Commons Paper No. 36 (Session 1957-58) published by Her Majesty's Stationery Office.

RECIPROCAL AGREEMENTS

1957 No. 855

The National Insurance (Cyprus) Order, 1957

Made - - - - 17th May, 1957

At the Court at Buckingham Palace, the 17th day of May, 1957

Present,

The Queen's Most Excellent Majesty in Council

Whereas an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Cyprus on social security (which Agreement is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 28 of the said Agreement it was provided that the Agreement should enter into force on the seventh day of January, 1957:

And Whereas by section 64 of the National Insurance Act, 1946(a), it is provided that Her Majesty may by Order in Council make provision for modifying or adapting that Act in its application to cases affected by agreements with other governments providing for reciprocity in the matters specified in that section:

Now, therefore, Her Majesty, in pursuance of the said section 64 of the National Insurance Act, 1946, and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Insurance (Cyprus) Order, 1957, and shall come into operation on the eighteenth day of May, 1957.

(2) The Interpretation Act, 1889(b), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Modification of Acts

2. The provisions contained in the Agreement set out in the Schedule to this Order shall have full force and effect, so far as the same relate to England, Wales and Scotland, and the National Insurance Acts, 1946 to 1956, shall have effect subject to such modifications as may be required therein for the purpose of giving effect to the said provisions.

W. G. Agnew.

(a) 9 & 10 Geo. 6. c. 67. (b) 52 & 53 Vict. c. 63.