1960 No. 1285

The National Insurance (Contributions) Amendment (No. 2) Regulations, 1960

Made - - - -	*25th July*, 1960
Laid before Parliament	*29th July*, 1960
Coming into Operation	*19th September*, 1960

The Minister of Pensions and National Insurance, in conjunction with the Treasury, in exercise of powers conferred by sections 2 (5) and 5 (1) of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby makes the following regulations:—

PART I

GENERAL

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Contributions) Amendment (No. 2) Regulations, 1960, 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 19th September, 1960.

PART II

AMENDMENT OF THE PRINCIPAL REGULATIONS

Amendment of regulation 5 of the principal regulations

2. For paragraph (1) of regulation 5 of the principal regulations there shall be substituted the following paragraph:—

"*Imprisonment or detention in legal custody*

5.—(1) (*a*) For any week during the whole of which he is undergoing imprisonment or detention in legal custody an insured person—

(i) shall be excepted from liability to pay a contribution as a self-employed or non-employed person, if by reason of his imprisonment or detention he is, or if he had otherwise had a right thereto would have been, disqualified(d) for receiving sickness benefit for that week, or if he would for the said reason have been so disqualified but for the provisions of paragraph (3) of regulation 6 of the National Insurance (General Benefit) Regulations, 1948(e); but

(ii) shall not, save as provided in sub-paragraph (*c*) of this paragraph, have any contribution credited to him under these regulations, if by reason of his imprisonment or detention he is, or if

(a) 9 & 10 Geo. 6. c. 67.
(b) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(c) The relevant amending regulations in force are S.I. 1950/1947, 1953/495, 1544, 1954/189, 1956/2020, 1957/1299, 2176, 1959/847 (1950 II, p. 20; 1953 I, pp. 1371, 1372; 1954 I, p. 1387; 1956 I, p. 1639; 1957 I, pp. 1635, 1642; 1959 II, p. 1882).
(d) *See* National Insurance Act, 1946, s. 29(1); S.I. 1960/1282, (Pt. II, p. 2154, of this vol.), reg. 2. (e) *See* S.I. 1960/1282, (Pt. II, p. 2154, of this vol.), reg. 2.

he had otherwise had a right to sickness benefit would have been, so disqualified.

(*b*) A person who under the provisions of the last foregoing sub-paragraph is excepted from liability to pay a contribution as a self-employed or non-employed person, and who is not liable to pay a contribution as an employed person, for any week of imprisonment or detention in legal custody, may if he so desires pay therefor, at any time before the end of the sixth contribution year following the contribution year in which the period of imprisonment or detention in legal custody terminated, a contribution as a non-employed person or alternatively, if immediately before the commencement of that period he was a self-employed person, a contribution as a self-employed person.

(*c*) Notwithstanding that a person is undergoing imprisonment or detention in legal custody and by reason thereof is, or if he had otherwise had a right thereto would have been, disqualified for receiving sickness benefit for any week—

(i) the provisions of regulation 7, if he is detained in a remand home or an approved school or if he is liable to be detained in a hospital or similar institution to which he has been transferred from a remand home or from an approved school; and

(ii) the provisions of regulation 12;

shall have effect in all respects as if sub-paragraph (*a*) of this paragraph did not apply to him."

PART III

TRANSITIONAL PROVISIONS

Interpretation and application of this Part

3.—(1) In this Part of these regulations—

"the current Contributions Regulations" means the provisions of the principal regulations in force on the operative day;

"the former Contributions Regulations" means, in relation to any week before the operative day, the provisions of the principal regulations in force in that week;

"the current disqualification provisions" means the provisions as to disqualification for benefit, contained in section 29 of the Act and in regulation 6(**a**) of the National Insurance (General Benefit) Regulations, 1948, in force on the operative day;

"the operative day" means the day on which these regulations come into operation;

"hospital" means any place in Great Britain (not being a prison, detention centre, Borstal institution, remand home, remand centre or approved school and not being at or in any such place) in which persons suffering from mental disorder are or may be received for care or treatment;

"mental disorder" includes any mental disorder within the meaning of the Mental Health Act, 1959(**b**), or of any corresponding enactment having effect in Scotland; and

"detention" means penal servitude, imprisonment or detention in legal custody.

(2) This Part of these regulations shall apply to any insured person—

(*a*) who was, under the provisions of paragraph (1) of regulation 5 of the former Contributions Regulations, excepted from liability to pay a contribution for any week as a person undergoing penal servitude, imprisonment or detention in legal custody; and

(**a**) *See* S.I. 1960/1282 (Pt. II, p. 2154, of this vol.), reg. 2. (**b**) 7 & 8 Eliz. 2. c. 72.

(*b*) in whose case a question has arisen on or after the operative day as to his contribution for any such week;

and in the following provisions of this Part of these regulations, references to a person shall be construed accordingly and "week of exception" shall mean a week in respect of which sub-paragraph (*a*) of this paragraph applies.

(3) The provisions of this Part of these regulations shall have effect for the purposes of the right to any benefit only in respect of the right to benefit for any period commencing on or after the operative day and in respect of the right to any maternity grant or death grant where the confinement or, as the case may be, the death occurred on or after that day.

(4) Subject to the last foregoing paragraph, any contribution credited in accordance with this Part of these regulations for any week of exception shall be treated—

(*a*) in the case of a contribution credited under paragraph (1) of the next following regulation, as a contribution credited, in the week in which it would have been credited, under the relevant provision of the former Contributions Regulations;

(*b*) in the case of a contribution credited under paragraph (3) of the next following regulation, as a contribution credited on remarriage under regulation 6A of the current Contributions Regulations.

Contributions to be credited

4.—(1) Subject to the following provisions of this regulation there shall be credited to a person for any week of exception any contribution which would have been credited to him for that week under the provisions of the former Contributions Regulations if, instead of the provisions of paragraph (1) of regulation 5 thereof, the provisions of paragraph (1) of regulation 5 of the current Contributions Regulations had been in force and if the current disqualification provisions had also been in force.

(2) In their application for the purposes of the last foregoing paragraph, the provisions of the former Contributions Regulations shall have effect in respect of any person subject to the following modifications:—

(*a*) For the purposes of regulation 3 of those regulations—

(i) a week of exception throughout which that person was liable to be detained in a hospital as a person suffering from mental disorder shall be deemed to have been a week of incapacity for work;

(ii) in the provisos to heads (i) and (ii) respectively of sub-paragraph (*a*) of paragraph (1) of that regulation, the words "and that he will normally rely" and the words following, to the end of the provisos, shall be omitted and there shall be substituted the words "and that such employment ended after the 4th July, 1948."

(*b*) For the purposes of regulation 6 or regulation 6A, as the case may be, of those regulations—

(i) any pension, benefit or specified benefit referred to in either regulation shall be deemed to have been payable to that person for any week of exception for which it would have been payable but for her detention or but for such detention and her failure, by reason of such detention, to make a claim therefor;

(ii) a certificate of exception under regulation 6A shall be deemed to have been duly applied for and issued before, and to have been in operation throughout, any week of exception for the whole of which such a certificate would have been in operation if she had applied therefor.

(*c*) For the purposes of regulation 11 of those regulations, the requirements of that regulation concerning the furnishing of notice in writing shall, in relation to any week of exception, be deemed to have been satisfied.

(3) There shall be credited to a person for any week of exception any contribution which would be credited to her under the provisions of regulation 6A of the current Contributions Regulations if that regulation had effect subject to the modifications specified in sub-paragraph (*b*) of the last foregoing paragraph.

Dated this Twenty-fifth day of July, 1960.

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

Dated this Twenty-fifth day of July, 1960.

Michael Hughes-Young,
R. Chichester-Clark,
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.*)

Part II of these Regulations amends the National Insurance (Contributions) Regulations, 1948, in relation to persons imprisoned or detained in legal custody. Such persons, if sent to hospital because of mental disorder, will not be subject to the special provisions, under which persons imprisoned or detained in legal custody are not normally liable to pay or entitled to be credited with contributions; in the case of a person transferred to hospital while serving a sentence this will apply for any period after his sentence would have expired had he not been so transferred. The Regulations also make other persons imprisoned or detained in legal custody eligible to have contributions credited to them in some cases (for example, while continuing education in an approved school or a remand home) and end their exception from liability to pay contributions while working as employed persons.

Part III of these Regulations contains transitional provisions enabling contributions to be credited to such persons, for the purpose of the right to future benefit, in cases where they were not previously credited because of a restriction on credits which has now ceased to apply.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated the 18th July, 1960, is contained in the House of Commons Paper No. 275 (Session 1959–60) published by Her Majesty's Stationery Office.