Revocation of provisional regulations

5. The National Insurance (Classification) Amendment Provisional Regulations, 1950(a), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Dated this 24th day of May, 1950.

Edith Summerskill,
Minister of National Insurance.

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

EXPLANATORY NOTE

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

These Regulations, which revoke and replace the National Insurance (Classification) Amendment Provisional Regulations, 1950, contain miscellaneous amendments to the National Insurance (Classification) Regulations, 1948. Regulation 2 secures that the provisions of the principal regulations by virtue of which certain gainful occupations are disregarded shall not have effect for the purpose of determining whether an adult dependant, in respect of whom an increase of benefit is claimed under section 24 of the National Insurance Act, 1946, is or is not engaged in a gainful occupation. Regulation 3 contains amendments adding to, and clarifying certain provisions of the principal regulations relating to employments in respect of which persons are treated as self-employed persons. Regulation 4 adds certain employments to those in respect of which persons are treated as non-employed persons.

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 19th April, 1950, is contained in House of Commons Paper No. 71 published by His Majesty's Stationery Office.

CONTRIBUTIONS

The National Insurance (Contributions) Amendment Regulations, 1950

1950 No. 330

Made - - - -	10*th March*, 1950
Laid before Parliament	10*th March*, 1950
Coming into Operation	16*th March*, 1950

M.N.I. 186.

The Minister of National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 8 (1) (*b*) of the National Insurance

(a) S.I. 1950 No. 155.

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 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 16th March, 1950.

Amendment of Regulation 1 of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations the following definition shall be added immediately after the definition of "an employed contributor's employment":—

"'due date' in Part IV of these regulations means, in relation to any contribution under the Act, the date on which that contribution was due to be paid;".

Provisions to be added to the principal regulations

3. The following provisions shall be added after regulation 20 of the principal regulations:—

"PART IV

PROVISIONS RELATING TO CONTRIBUTIONS WHICH ARE NOT PAID OR WHICH ARE PAID AFTER THE DUE DATE

Treatment for the purpose of any benefit of late paid or unpaid contributions, without consent, connivance or negligence of the employed person

21.—(1) Where a contribution under the Act payable by an employer on behalf of an insured person is paid after the due date or is not paid, and the delay or failure in making payment thereof is shown to the satisfaction of the Minister not to have been with the consent or connivance of, or attributable to any negligence on the part of the insured person, the contribution shall, for the purpose of any right to benefit, be treated as paid on the due date.

(2) The following provisions of these regulations shall, in their application to a contribution under the Act payable by an employer on behalf of an insured person, have effect subject to the provisions of the last foregoing paragraph.

Treatment for the purpose of unemployment or sickness benefit of late paid contributions

22.—(1) For the purpose of any right to unemployment or sickness benefit, a contribution under the Act paid after the due date shall, in determining whether the relevant contribution conditions are satisfied as respects the number of contributions paid in respect of the period between entry into insurance and the day for which the benefit is claimed, be treated—

(*a*) for the purpose of the right to any such benefit in respect of any day before the date on which payment of the contribution is made —as not paid; and

(*b*) for the purpose of the right to any such benefit in respect of any other day—as paid on the date on which payment of the contribution is made.

(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.

(2) For the purpose aforesaid, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the number of contributions paid or credited in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which unemployment or sickness benefit is claimed, a contribution under the Act paid after the due date shall be treated—

(*a*) if paid before the beginning of the said benefit year—as paid on the due date;

(*b*) if paid during the said benefit year—as not paid in relation to the right to either of the said benefits in respect of any day before the expiry of a period of 42 days (including Sundays) from the date on which payment of that contribution is made and as paid at the expiry of that period in relation to the right to either of the said benefits in respect of any other day;

(*c*) if paid after the end of the said benefit year—as not paid.

Treatment for the purpose of maternity benefit of late paid contributions

23.—(1) For the purpose of any right to a maternity allowance, a contribution under the Act paid after the due date shall be treated as paid on the due date.

(2) For the purpose of any right to a maternity grant or attendance allowance, a contribution under the Act paid after the due date shall be treated—

(*a*) if paid before the expiry of the period of three months after the date of confinement—as paid on the due date;

(*b*) if paid after the expiry of the said period of three months—as not paid.

Treatment for the purpose of widow's benefit or retirement pension of late paid contributions

24.—(1) For the purpose of any right to widow's benefit or to a retirement pension, a contribution under the Act paid after the due date and before the relevant time shall be treated—

(*a*) if paid before the end of the benefit year beginning next 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 paid after the end of the said benefit year—as not paid:

Provided that such a contribution, if it is paid within three years of the end of the said contribution year and the Minister is satisfied that there is good cause for the delay in making payment, shall be treated as paid on the due date.

(2) For the purpose aforesaid, a contribution under the Act paid after the due date and after the relevant time shall, if it is a contribution—

(*a*) payable in respect of a week

(i) commencing before the relevant time in the contribution year which includes that time; or

(ii) in the contribution year immediately preceding that year; and

(*b*) paid before the end of the period of one year from the relevant time;

be treated as paid on the due date and any other contribution paid after the due date and after the relevant time shall be treated as not paid.

(3) In this regulation the expression "relevant time" has the same meaning as in paragraph 4 of the Third Schedule to the Act.

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), 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.

Treatment for the purpose of death grant of late paid contributions

26.—(1) For the purpose of any right to a death grant, a contribution under the Act paid after the due date shall, subject to the provisions of the next following paragraph, be treated as not paid if—

(*a*) the grant is claimed in respect of the death of the relevant person and the contribution is paid after the date of that death;

(*b*) the grant is claimed in respect of the death of a person dying during the life time of the relevant person and the contribution is paid after the date of such death;

(*c*) the relevant person has predeceased the person in respect of whose death the grant is claimed and the contribution (not being a contribution which by virtue of paragraph (2) of regulation 24 has been treated as paid on the due date for the purpose of a claim for widow's benefit or for retirement pension) is paid after the date of the death of the relevant person;

and in any other case shall, subject as aforesaid, be treated as paid on the due date.

(2) For the purpose aforesaid and notwithstanding the provisions of the last foregoing paragraph, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the yearly average of contributions paid or credited to any person,—

(*a*) a contribution under the Act paid after the due date and before the relevant time shall be treated—

(i) if paid before the end of the benefit year beginning next 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;

(ii) if paid after the end of the said benefit year—as not paid:

Provided that such a contribution, if it is paid within three years of the end of the said contribution year and the Minister is satisfied that there is good cause for the delay in making payment, shall be treated as paid on the due date.

(*b*) a contribution under the Act paid after the due date and after the relevant time, being a contribution payable in respect of any week in the contribution year immediately preceding the contribution year which includes the relevant time, shall be treated as paid on the due date.

(3) In this regulation the expressions "relevant person" and "relevant time" have the same meanings as in paragraph 5 of the Third Schedule to the Act."

Revocation of provisional regulations

4. The National Insurance (Contributions) Amendment (No. 2) Provisional Regulations, 1949(**a**), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Dated this 10th day of March, 1950.

Edith Summerskill,
Minister of National Insurance.

Wm. Hannan,
Richard Adams,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

These Regulations revoke and replace the National Insurance (Contributions) Amendment (No. 2) Provisional Regulations, 1949. They amend the National Insurance (Contributions) Regulations, 1948, so as to provide for the circumstances in which, and the times at which contributions which are either paid after the dates on which they became due or are not paid are to be treated as paid for the purpose of any right to benefit under the National Insurance Act, 1946.

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 22nd December, 1949, is contained in House of Commons Paper No. 27 published by His Majesty's Stationery Office.

(a) S.I. 1949 No. 1411.