INSURED PERSONS AND CONTRIBUTIONS

1955 No. 1602

The National Insurance (Contributions) Amendment Regulations, 1955

Made - - - -	18*th October*, 1955
Laid before Parliament	25*th October*, 1955
Coming into Operation	26*th October*, 1955

The Minister of Pensions and National Insurance acting in conjunction with the Treasury, in exercise of powers conferred by section 5(**a**) of the National Insurance Act, 1946(**b**), and the National Insurance Joint Authority in exercise of powers conferred by section 78 (5) of the said Act, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Contributions) Amendment Regulations, 1955, shall be read as one with the National Insurance (Contributions) Regulations, 1948(**c**), as amended(**d**) (hereinafter referred to as "the principal regulations") and shall come into operation on the 26th October, 1955.

Amendment of regulation 13 *of the principal regulations*

2.—(1) Regulation 13 of the principal regulations (which relates to the granting of certificates of exception) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part 1 of the Schedule hereto.

(2) In the said regulation 13, after the words "regulation 14" there shall be inserted the words "or 14A" and, for the words "one hundred and four pounds", there shall be substituted the words "one hundred and fifty-six pounds".

(3) In sub-paragraph (*a*) of paragraph (2) of the said regulation 13, after the words "specified in the certificate", there shall be inserted the words "being a period commencing not earlier than the date on which application for exception was made"; after the words "attached to the grant", there shall be inserted the words "or continuation in force"; after the words "ceases to be", there shall be inserted the words "or is not"; after the words "date of such cessation", there shall be inserted the words "or non-fulfilment", and at the end of the said sub-paragraph there shall be added the following proviso:—

> "Provided that the period specified in the certificate may, at the discretion of the Minister, commence at such date not earlier than thirteen weeks before the date on which application for exception is made as the Minister may consider appropriate to the circumstances of the case."

(**a**) *See* s. 1, National Insurance Act, 1955 (3 & 4 Eliz. 2. c. 29).
(**b**) 9 & 10 Geo. 6. c. 67.
(**c**) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).
(**d**) S.I. 1950/330, 1947, 1952/1393, 1953/495, 1544 (1950 II, pp. 15, 20; 1952 II, p. 2140; 1953 I, pp. 1371, 1372); *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)).

Amendment of regulation 14 of the principal regulations

3.—(1) Regulation 14 of the principal regulations (which relates to items of income which are wholly or partially disregarded in determining whether a person is in receipt of an income of less than one hundred and four pounds a year) shall be amended in accordance with the next following paragraph and shall accordingly have effect as set out in Part II of the Schedule hereto.

(2) (*a*) In the said regulation 14, for the words "one hundred and four pounds" wherever they appear, there shall be substituted the words "one hundred and fifty-six pounds".

(*b*) After paragraph (2) there shall be inserted the following paragraphs:—

"(2A) any sum received on account of the death of any person by way of a pension or allowance payable to or in respect of a child (within the meaning of the instrument authorising the payment) or by way of a rent allowance payable to a widow or other dependant, being in either case a sum which—

(*a*) is payable by the Minister under the War Orphans Act, 1942(**a**), or under any Royal Warrant, Order in Council, Order by Her Majesty or Scheme administered by him in exercise of functions transferred to him by the Transfer of Functions (Ministry of Pensions) Order, 1953(**b**); or

(*b*) is payable under any enactment, Scheme, ordinance, regulation or other instrument whatsoever promulgated or made in any place outside the United Kingdom or under the law of any such place, and in the opinion of the Minister is analagous to any payment falling within sub-paragraph (*a*) of this paragraph; or

(*c*) is payable under a 1914-1918 War Injuries Scheme as defined in the National Insurance (Overlapping Benefits) Regulations, 1948(**c**);

(2B) any sum received on account of an allowance under the Family Allowances Act, 1945(**d**);

(2C) any sum received by way of guardian's allowance, child's allowance or orphan's pension(**e**) under the Act;

(2D) any sum received by way of death benefit in respect of a child under the Industrial Injuries Act."

Additions to the principal regulations

4. After regulation 14 of the principal regulations there shall be added the following regulation—

"14A. Where an applicant for a certificate of exception is in receipt of an income which, after the deduction therefrom of such, if any, of the items specified in the last preceding regulation as are included therein, exceeds one hundred and fifty-six pounds a year by an amount not greater than the amount of the contributions which he would be liable to pay in a year if he were not excepted, he shall be deemed for the purposes of sub-paragraph (iii) of paragraph (*a*) of subsection (1) of section 5 of the Act, not to be in receipt of an income exceeding one hundred and fifty-six pounds a year."

(**a**) 5 & 6 Geo. 6. c. 8. (**b**) S.I. 1953/1198 (1953 I, p. 1228).
(**c**) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657). (**d**) 8 & 9 Geo. 6. c. 41.
(**e**) *See* reg. 3, National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948 (S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822)).

5. After regulation 20 of the principal regulations there shall be added the following regulation—

"*Calculation of weekly rate of remuneration*

20A. Where a person is employed for less than forty hours a week, the rate of his remuneration for the purpose of Part I and Part II of the First Schedule to the Act shall be deemed to be that sum a week which bears the same proportion to his actual remuneration as forty hours bears to the number of hours for which he is employed."

Revocation of provisional regulations

6. The National Insurance (Contributions) Amendment Provisional Regulations, 1955(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.

Given under the Official Seal of the Minister of Pensions and National Insurance this 18th day of October, nineteen hundred and fifty-five.

(L.S.) *Osbert Peake,*
Minister of Pensions and National Insurance.

Given under the Official Seal of the National Insurance Joint Authority this 18th day of October, nineteen hundred and fifty-five.

(L.S.) *T. C. Stephens,*
Secretary,
National Insurance Joint Authority.

Dated this 18th day of October, nineteen hundred and fifty-five.

Edward Heath,
R. H. M. Thompson,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I — Regulation 2

CONTAINING REGULATION 13 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Special provision relating to the grant of certificates of exception

13. The following provisions shall apply in relation to persons who desire to be excepted from liability to pay contributions by virtue of the provisions of sub-paragraph (iii) of paragraph (*a*) of subsection (1) of section 5 of the Act (which sub-paragraph relates to the exception of persons from such liability when they are not in receipt, or are deemed in accordance with regulation 14 *or 14A* not to be in receipt, of an income exceeding *one hundred and fifty-six pounds* a year):—

(1)—(*a*) A person desiring to be so excepted shall make application to the Minister for that purpose, and, if the application is granted, a certificate of exception shall be issued to him by the Minister.

(*b*) Any such application and certificate of exception shall be in such form as may for the time being be approved by the Minister.

(a) S.I. 1955/781.

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

(*c*) A person making such an application shall furnish to the Minister such information and evidence relating to his income as the Minister may require, and a person in respect of whom a certificate of exception has been issued shall so furnish any such information and evidence as the Minister may require from time to time.

(2)—(*a*) Any such certificate of exception shall be in force for such period as may be specified in the certificate, *being a period commencing not earlier than the date on which application for exception was made,* subject to the qualification that if any condition attached to the grant, *or continuation in force,* of the certificate ceases to be, *or is not,* fulfilled while the certificate is in force, the certificate shall cease to be in force as from the date of such cessation *or non-fulfilment,* and the holder shall forthwith notify the Minister to that effect:

Provided that the period specified in the certificate may, at the discretion of the Minister, commence at such date not earlier than thirteen weeks before the date on which application for exception is made as the Minister may consider appropriate to the circumstances of the case.

(*b*) A person to whom a certificate of exception is issued may give notice to the Minister at any time while it is in force that he desires the certificate to be cancelled, and, if such notice is so given, the certificate shall cease to be in force from such date as the Minister may determine.

(*c*) The holder of a certificate of exception shall, when called upon to do so by an officer of the Ministry of Pensions and National Insurance, produce such certificate for his inspection.

(3)—(*a*) Nothing in these regulations shall preclude a person from receiving benefit, while a certificate of exception is in force, by virtue of contributions paid by or credited to him in respect of any period before the day on which the certificate commenced to be in force.

(*b*) Any contribution credited to a person by virtue of these regulations in respect of the period during which a certificate of exception is in force shall be taken into account only for the purposes of unemployment benefit or sickness benefit in respect of periods occurring after the certificate has ceased to be in force.

PART II Regulation 3

CONTAINING REGULATION 14 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

14. Where an applicant for a certificate of exception is in receipt of an income exceeding *one hundred and fifty-six pounds* a year by reason only of the inclusion therein of any one or more of the following items, he shall be deemed for the purposes of sub-paragraph (iii) of paragraph (*a*) of subsection (1) of section 5 of the Act not to be in receipt of an income of *one hundred and fifty-six pounds* a year:—

(1) any sum received by way of assistance under the National Assistance Act, 1948;

(2) any sum received by way of old age pension as a blind person under the Old Age Pensions Act, 1936;

(2A) *any sum received on account of the death of any person by way of a pension or allowance payable to or in respect of a child (within the meaning of the instrument authorising the payment) or by way of a rent allowance payable to a widow or other dependant, being in either case a sum which—*

(a) is payable by the Minister under the War Orphans Act, 1942, or under any Royal Warrant, Order in Council, Order by Her Majesty or Scheme administered by him in exercise of functions transferred to him by the Transfer of Functions (Ministry of Pensions) Order, 1953; or

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

(*b*) *is payable under any enactment, Scheme, ordinance, regulation or other instrument whatsoever promulgated or made in any place outside the United Kingdom or under the law of any such place, and in the opinion of the Minister is analogous to any payment falling within sub-paragraph* (*a*) *of this paragraph ; or*

(*c*) *is payable under a 1914-1918 War Injuries Scheme as defined in the National Insurance (Overlapping Benefits) Regulations, 1948 ;*

(2B) *any sum received on account of an allowance under the Family Allowances Act, 1945 ;*

(2C) *any sum received by way of guardian's allowance, child's allowance or orphan's pension under the Act ;*

(2D) *any sum received by way of death benefit in respect of a child under the Industrial Injuries Act ;*

(3) any one of the following payments or parts of payments up to the amount of one pound a week or, if the applicant is in receipt of more than one such payment, up to the said amount in the aggregate:—

(*a*) the first ten shillings and sixpence a week of any payment of sick pay received from a friendly society or trade union ;

(*b*) the first ten shillings and sixpence a week of any superannuation payment or superannuation payments in respect of previous service or employment from which the applicant has retired or resigned (whether payable by a former employer or not) ;

(*c*) any payment by way of maternity allowance under section 15 of the Act ;

(*d*) any of the following payments, that is to say:—

(i) any payment in respect of retired pay or pension to which section 16 of the Finance Act, 1919, applies, including any such payment in respect of a dependants' allowance attached to such a pension ;

(ii) any payment in respect of a disablement pension awarded under the Personal Injuries (Emergency Provisions) Act, 1939, including an increase in such a pension in respect of dependants ;

(iii) any weekly payment by way of compensation under any enactment relating to workmen's compensation ;

(iv) any payment by way of disablement benefit under section 12 of the Industrial Injuries Act.

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, principally those made in consequence of the National Insurance Act, 1955. Regulations 2, 3 and 4 amend the provisions relating to the grant of certificates of exception from liability to pay contributions. They amend those provisions so as to take account of the increase to £156 a year of the limit of income under which such certificates may be granted ; provide that certificates may be made retrospective for a period not exceeding 13 weeks and amend the provisions under which they cease to be in force. They also allow certain additional items of income to be disregarded in determining whether a person is in receipt of an income of less than £156 a year. Regulation 5 provides the manner in

which the weekly rate of remuneration is to be calculated in certain cases for the purpose of Parts I and II of the First Schedule to 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 27th July, 1955, is contained in the House of Commons Paper No. 96 (Session 1955-6) published by Her Majesty's Stationery Office.

PENSION SCHEMES AND ENACTMENTS

1955 No. 1472

The National Insurance (Modification of Trustee Savings Banks Pensions) Regulations, 1955

Made - - - -	*22nd September,* 1955
Laid before Parliament	*26th September,* 1955
Coming into Operation	*1st October,* 1955

The Lords Commissioners of Her Majesty's Treasury, having determined under subsection (4) of section 69 of the National Insurance Act, 1946(a), that they are the appropriate Government department in relation to the scheme for the provision of pensions established by sections 64 to 69 of the Trustee Savings Banks Act, 1954(b), and under the Trustee Savings Banks (Pensions) Act, 1955(c), and in exercise of the powers conferred upon them by subsection (4) of section 69 of the National Insurance Act, 1946, and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—(1) These Regulations shall apply to any person who, after the coming into operation of these Regulations, becomes employed as an officer of a trustee savings bank or of the Inspection Committee.

(2) Any superannuation allowance payable to a person to whom these Regulations apply shall, after that person has attained the age of 65 in the case of a man, or 60 in the case of a woman, be reduced by the sum of £1 14s. 0d. per annum in respect of each year of service which has been reckoned in the computation of the superannuation allowance: Provided that no superannuation allowance shall be reduced by more than the sum of £67 15s. 0d. per annum.

2.—(1) In these Regulations the expression "superannuation allowance" means any annual superannuation allowance payable under sections 64 to 69 of the Trustee Savings Banks Act, 1954, and the Trustee Savings Banks (Pensions) Order, 1955(d).

(a) 9 & 10 Geo. 6. c. 67. (b) 2 & 3 Eliz. 2. c. 63. (c) 3 & 4 Eliz. 2. c. 12.
(d) S.I. 1955/842 (1955 II, p. 2388).