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. 35 (Session 1957–58) published by Her Majesty's Stationery Office.

1957 No. 1299

The National Insurance (Contributions) Amendment Regulations, 1957

Made - - - -	*23rd July*, 1957
Laid before Parliament	*30th July*, 1957
Coming into Operation	*5th August*, 1957

The Minister of Pensions and 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), 5 (1) and 61 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 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 5th August, 1957.

Addition to the principal regulations

2. After regulation 3 of the principal regulations there shall be added the following regulation:—

"*Payment of contributions as a non-employed person by persons excepted from liability to pay contributions on account of unemployment or incapacity for work*

3A. Where an insured person is excepted from liability to pay a contribution for any week under the provisions of regulation 2 or of regulation 3 he may, for any such week, pay a contribution as a non-employed person."

Amendment of regulation 4 (3) of the principal regulations

3.—(1) Paragraph (3) of 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 next following paragraph and shall accordingly have effect as set out in Part I of the Schedule hereto.

(2) After sub-paragraph (*a*) of paragraph (3) of the said regulation 4 there shall be inserted the following sub-paragraph:—

"(*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."

(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 (1950 II, pp. 15, 20; 1952 II, p. 2140; 1953 I, pp. 1371, 1372; 1955 I, p. 1629; 1956 I, p. 1639); *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)).

Addition to the principal regulations

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

"*Persons over pensionable age*

4A. A person who is over pensionable age shall be excepted from liability to pay a contribution under the Act for any week of unemployment or incapacity to which regulation 2 or regulation 3 of these regulations applies, notwithstanding that the conditions for exception from such liability under either of those regulations are not satisfied in his case."

Amendment of regulation 5 (2) of the principal regulations

5.—(1) Paragraph (2) of regulation 5 of the principal regulations (which relates to unemployability supplement) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part II of the Schedule hereto.

(2) In sub-paragraph (*b*) of paragraph (2) of the said regulation 5, for the words "National Insurance (Overlapping Benefits) Provisional Regulations, 1948" there shall be substituted the words "National Insurance (Overlapping Benefits) Regulations, 1948(**a**)", and at the end of the said sub-paragraph (*b*) there shall be added the words:—

"or an increase of allowance on account of unemployability payable under the provisions of either Article 6 of the Pneumoconiosis and Byssinosis Benefit Scheme, 1952(**b**), or Article 7 of the Industrial Diseases (Miscellaneous) Benefit Scheme, 1954(**c**)."

Amendment of regulation 7 (1) of the principal regulations

6.—(1) Paragraph (1) of regulation 7 of the principal regulations (which regulation relates to exception from liability to pay contributions for periods of full time education, unpaid apprenticeship and training) shall be amended in accordance with paragraph (2) of this regulation and shall accordingly have effect as set out in Part III of the Schedule hereto.

(2) At the end of paragraph (1) of the said regulation 7 there shall be added the following words:—

"and the provisions of this regulation shall have effect in relation to any person who has not attained the age of eighteen as if any week in a period not exceeding thirteen weeks from and including the week in which the termination of education, apprenticeship or training occurs and ending immediately before the first week thereafter in respect of which a contribution is payable by him as an employed or self-employed person or the week in which he attains the age of eighteen, whichever first occurs, were a week of education, apprenticeship or training, as the case may be."

Amendment of regulation 11 of the principal regulations

7. For regulation 11 of the principal regulations (which relates to evidence for the purpose of credits) there shall be substituted the following regulation:—

"*Evidence for the purpose of credits*

11. It shall be a condition of any person's right to be credited with a contribution for any week under any of the provisions of regulations 2, 3 and 8 of these regulations that he shall furnish to the Minister notice

(**a**) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(**b**) S.I. 1952/373 (1952 III, p. 3966).
(**c**) S.I. 1954/1443 (1954 II, p. 2949).

in writing of the grounds on which a contribution should be so credited before the end of the benefit year immediately following the contribution year in which the week in question falls, or within such longer period as the Minister may in a particular case allow:

Provided that where in respect of any such week a person has claimed unemployment or sickness benefit such claim shall be sufficient notice in respect of that week for the purposes of regulation 2 or regulation 3 of these regulations, as the case may be, and where a person has claimed maternity benefit such claim shall be sufficient notice for the purposes of regulation 8 of these regulations."

Amendment of regulation 12 of the principal regulations

8.—(1) Paragraph (1) of regulation 12 of the principal regulations (which relates to pre-entry and other credits) shall be amended in accordance with paragraph (2) of this regulation and shall accordingly have effect as set out in Part IV of the Schedule hereto.

(2) At the end of sub-paragraph (*a*) of paragraph (1) of the said regulation 12 there shall be added the following proviso:—

"Provided that, in the case of a person who by reason of having at some time been outside Great Britain did not enter insurance until after he had attained the age of sixteen, the number of contributions so credited shall not, for the purpose of calculating the yearly average of the contributions paid by or credited to him, exceed the number of contributions (of whatever class) which would have been credited to him under the provisions of paragraph (2) of this regulation in respect of the period between the beginning of the contribution year in which he attained the age of sixteen and his attainment of that age if throughout that period he had been an insured person who would have been liable to pay a contribution as a non-employed person but for the provisions of paragraph (*a*) of section 61 of the Act (which paragraph provides that a person shall not be liable to pay a contribution as a non-employed person before attaining the age of sixteen) and of regulations made under section 60 of the Act (which section provides for the modification of the Act in relation to insured persons outside Great Britain)."

(3) For paragraph (2) of the said regulation 12 there shall be substituted the following paragraph:—

"(2) A contribution shall be credited to a person who on his entry into insurance is under the age of sixteen for the week in which he enters insurance and for any subsequent week ending before he attains the age of sixteen, being, in either case, a week for which he would have been liable to pay a contribution as a non-employed person but for the provisions of paragraph (*a*) of section 61 of the Act or, in the case of a period of absence from Great Britain, but for the provisions of that paragraph and of regulations made under section 60 of the Act, and the contribution so credited for any such week shall be—

(*a*) in the case of a person who but for the said provisions would for that week have been excepted from liability for a contribution under the Act and entitled to have a contribution credited to him as an employed or self-employed person by virtue of any of these regulations, a contribution as an employed person or a self-employed person as if that regulation applied to his case; and

(*b*) in any other case, a contribution as a non-employed person."

Amendment of regulation 15 *of the principal regulations*

9. For regulation 15 of the principal regulations (which relates to contributions to be taken into account) there shall be substituted the following regulation :—

"*Contributions to be taken into account*

15. Where by virtue of these regulations more than one contribution is credited to any person for any week or a contribution is credited to him for a week in respect of which a contribution is paid in respect of him, not more than one such contribution shall be taken into account for any purpose."

Amendment of regulation 16 *of the principal regulations*

10.—(1) Regulation 16 of the principal regulations (which contains provisions relating to the Schedule to those regulations) shall be amended in accordance with the next following paragraph and shall accordingly have effect as set out in Part V of the Schedule hereto.

(2) At the end of the said regulation 16, which shall be numbered paragraph (1), there shall be inserted the following paragraph:—

"(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(a), are treated as equivalent to contributions of another class."

Dated this 22nd day of July, 1957.

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

Dated this 23rd day of July, 1957.

Martin Redmayne,
Peter Legh,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

PART I Regulation 3

CONTAINING REGULATION 4 (3) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

(3) For the purposes of regulation 2 and regulation 3, 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:

(a) S.I. 1950/1915 (1950 II, p. 32).

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

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.

PART II Regulation 5

CONTAINING REGULATION 5 (2) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Unemployability supplement

(2) (*a*) An insured person shall be excepted from liability to pay a contribution under the Act as a non-employed person for any week in respect of which he is receiving an unemployability supplement, but contributions shall not be credited in respect of any such week under this provision, although, if he so desires, the insured person may for any such week pay a contribution as a non-employed person.

(*b*) The expression "unemployability supplement" means, for the purposes of this regulation, a payment by way of unemployability supplement under the provisions of section 13 or section 82 of the Industrial Injuries Act or a supplement on account of unemployability payable by virtue of any Service Pensions Instrument as defined in paragraph (2) of regulation 1 of the *National Insurance (Overlapping Benefits) Regulations*, 1948, *or an increase of allowance on account of unemployability payable under the provisions of either Article 6 of the Pneumoconiosis and Byssinosis Benefit Scheme*, 1952, *or Article 7 of the Industrial Diseases (Miscellaneous) Benefit Scheme*, 1954.

PART III Regulation 6

CONTAINING REGULATION 7 (1) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Full time education, unpaid apprenticeship and training

7.—(1) In this regulation "education" means full time education, "apprenticeship" means full time unpaid apprenticeship, "training" means full time training at a course approved by the Minister, and "national service" means whole time

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

service within the meaning of Part I of the National Service Act, 1948, *and the provisions of this regulation shall have effect in relation to any person who has not attained the age of eighteen as if any week in a period not exceeding thirteen weeks from and including the week in which the termination of education, apprenticeship or training occurs and ending immediately before the first week thereafter in respect of which a contribution is payable by him as an employed or self-employed person or the week in which he attains the age of eighteen, whichever first occurs, were a week of education, apprenticeship or training, as the case may be.*

PART IV Regulation 8

CONTAINING REGULATION 12 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Pre-entry credits, etc.

12.—(1) (*a*) Subject to the provisions of paragraph (2) of this regulation, contributions as an employed person shall be credited to a person for the period between the beginning of the contribution year last preceding that in which he became an insured person and his entry into insurance under the Act:

Provided that, in the case of a person who by reason of having at some time been outside Great Britain did not enter insurance until after he had attained the age of sixteen, the number of contributions so credited shall not, for the purpose of calculating the yearly average of the contributions paid by or credited to him, exceed the number of contributions (of whatever class) which would have been credited to him under the provisions of paragraph (2) of this regulation in respect of the period between the beginning of the contribution year in which he attained the age of sixteen and his attainment of that age if throughout that period he had been an insured person who would have been liable to pay a contribution as a non-employed person but for the provisions of paragraph (a) of section 61 of the Act (which paragraph provides that a person shall not be liable to pay a contribution as a non-employed person before attaining the age of sixteen) and of regulations made under section 60 of the Act (which section provides for the modification of the Act in relation to insured persons outside Great Britain).

(*b*) Contributions credited in respect of a person in accordance with sub-paragraph (*a*) of this paragraph shall not be taken into account for the purpose of the Conditions mentioned in the Schedule to these regulations, unless, in the case of Condition I or Condition II, twenty-six contributions as an employed person have been paid by or in respect of him since his entry into insurance, or, in the case of Condition III or Condition IV, twenty-six contributions, whether as an employed person or self-employed person, have been so paid since such entry, and shall not be taken into account for the purposes of maternity allowance.

(2) *A contribution shall be credited to a person who on his entry into insurance is under the age of sixteen for the week in which he enters insurance and for any subsequent week ending before he attains the age of sixteen, being, in either case, a week for which he would have been liable to pay a contribution as a non-employed person but for the provisions of paragraph (a) of section 61 of the Act or, in the case of a period of absence from Great Britain, but for the provisions of that paragraph and of regulations made under section 60 of the Act, and the contribution so credited for any such week shall be—*

(*a*) *in the case of a person who but for the said provisions would for that week have been excepted from liability for a contribution under the Act and entitled to have a contribution credited to him as an employed or self-employed person by virtue of any of these regulations, a contribution as an employed person or a self-employed person as if that regulation applied to his case; and*

(*b*) *in any other case, a contribution as a non-employed person.*

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

PART V Regulation 10

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

Provisions relating to Schedule

16.—(1) Any contributions which under the provisions of regulation 2 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, or 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 purposes 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.*

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. Regulation 2 permits a person who is excepted from liability to pay, and is credited with, a contribution to pay contributions as a non-employed person. Regulation 3 provides that a person may be credited with a contribution if otherwise entitled notwithstanding that he is disqualified for receiving benefit through failure to satisfy the provisions regarding the making of claims. Regulation 4 excepts persons over pensionable age from liability to pay a contribution while unemployed or incapable of work. Regulation 5 extends the exception from liability to pay contributions as a non-employed person to those in receipt of an allowance on account of unemployability under either the Pneumoconiosis and Byssinosis Benefit Scheme, 1952, or the Industrial Diseases (Miscellaneous) Benefit Scheme, 1954. Regulation 6 extends the definition of full time education, unpaid apprenticeship and training. Regulation 7 modifies the existing provisions concerning the production of evidence for the purpose of being credited with contributions. Regulation 8 amends the provisions concerning pre-entry credits for persons who having been absent from Great Britain first enter insurance after the age of sixteen, and those concerning credits for persons under sixteen. Regulation 9 modifies the existing provisions concerning the contribution to be taken into account where more than one contribution has been paid or credited in any week. Regulation 10 provides that contributions treated as contributions of another class under regulation 2 of the National Insurance (Seasonal Workers) (No. 2) Regulations, 1950 may be so treated for the purpose of satisfying the conditions in the Schedule for unemployment credits.

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 28th June, 1957, is contained in the House of Commons Paper No. 237 (Session 1956-57) published by Her Majesty's Stationery Office.

---

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