STATUTORY INSTRUMENTS

1963 No. 501

NATIONAL INSURANCE

The National Insurance (Contributions) Amendment Regulations 1963

Made - - - -	14*th March* 1963
Laid before Parliament	21*st March* 1963
Coming into Operation	1*st April* 1963

The Minister of Pensions and National Insurance, in conjunction with the Treasury, in exercise of powers conferred by sections 5 (1) and 8 (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:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Contributions) Amendment Regulations 1963, 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 1st April 1963.

Addition to the principal regulations

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

" 4B.—(1) Subject to the provisions of paragraph (3) of this regulation, any person who on attaining pensionable age does not satisfy the contribution conditions for a retirement pension specified in paragraph 4 of the Third Schedule to the Act shall be excepted from liability to pay a contribution under the Act as an insured person for any week after attaining that age:

Provided that for the purposes of this paragraph a person who satisfies the condition as to contributions specified in regulation 7 (1) of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations 1948(**d**) (under which a person may be entitled to a retirement pension if the yearly average of contributions paid or credited is not less than thirteen) shall be deemed to satisfy the condition specified in paragraph 4 (1) (*b*) of the said Schedule (which provision requires that the said yearly average shall not be less than fifty).

(2) Subject to the provisions of paragraph (3) of this regulation, a woman who on attaining pensionable age is married and is not by virtue of paragraph (1) of this regulation excepted from liability to pay a contribution as an insured person for any week thereafter shall nevertheless be excepted from the said liability if she fails to satisfy the further

(**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 are S.I. 1950/330, 1957/1299, 1835, 1962/300 (1950 II, p. 15; 1957 I, pp. 1635, 1523; 1962 I, p. 289). (**d**) S.I. 1948/1261 (Rev. XVI, p. 207: 1948 I, p. 2704).

condition for a retirement pension specified in section 21 (5) of the Act (which requires that contributions have been paid or credited to her for not less than one-half of the number of contribution weeks since the date of her marriage).

(3) Any person who but for the provisions of paragraphs (1) and (2) of this regulation would be liable to pay a contribution as an insured person for any week after attaining pensionable age may elect to be liable to pay such a contribution.

(4) Any election under paragraph (3) of this regulation—

(*a*) shall be made by giving notice in writing to the Minister and shall be operative from the beginning of the week in which the notice was given, or from such earlier date as the Minister may allow; and

(*b*) may be cancelled by giving notice in writing to the Minister to that effect, and such cancellation shall be operative from the beginning of the week in which the notice was given, or from such earlier date as the Minister may allow:

Provided that the employer of an employed person who makes such an election shall not be liable to pay a contribution on behalf of that person for any week unless before the expiry of the time prescribed(a) for payment he is informed of the said person's election to be liable to pay such a contribution."

Amendment of regulation 6 of the principal regulations

3. In regulation 6 (3) of the principal regulations, after the words "as the widow of her husband" there shall be added the words "or as a woman to whom regulation 8C (2) of the National Insurance (Married Women) Regulations 1948(b) applies".

Amendment of regulation 24 of the principal regulations

4. The following proviso shall be added at the end of regulation 24 (2) of the principal regulations (which relates to the treatment for the purposes of widow's benefit, child's special allowance or retirement pension of late paid contributions):—

"Provided that a contribution payable in respect of a week commencing after the relevant time shall for the said purpose be treated as paid on the date on which payment of the contribution is made."

Niall Macpherson,

Minister of Pensions and National Insurance.

12th March 1963.

John Hill,

M. A. Hamilton,

Two of the Lords Commissioners of Her Majesty's Treasury.

14th March 1963.

(a) S.I. 1948/1274, reg. 6 (Rev. XVI, p. 148: 1948 I, p. 3037).

(b) S.I. 1948/1470 (Rev. XVI, p. 123: 1948 I, p. 2795); *see* S.I. 1957/1322, 1392 (1957 I, pp. 1681, 1522).

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Contributions) Regulations 1948.

Regulation 2 provides that, unless they elect otherwise, persons who on attaining pensionable age do not satisfy the contribution conditions for a retirement pension under the National Insurance Act 1946, shall thereafter be excepted from liability to pay contributions. A woman who, on attaining pensionable age, is married and fails to satisfy the further condition specified in section 21 (5) of the Act, which relates to the number of contributions paid or credited since the date of her marriage, is similarly excepted.

Regulation 3 assimilates to that of widows the liability after pensionable age of certain women whose marriages have been terminated by divorce or have been annulled. It provides that, if such a woman is entitled to a retirement pension by virtue of her husband's insurance, she may elect to be excepted from liability to pay contributions as an employed or self-employed person.

Regulation 4 ensures that any contributions which are not paid until after their due date and which relate to weeks after a person has attained pensionable age shall be taken into account for certain purposes as from the date of payment.

Liability to pay graduated contributions under the National Insurance Act 1959, is not affected by these Regulations.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Contributions) Amendment (No. 3) Regulations 1962) dated the 18th February 1963, is contained in House of Commons Paper No. 165 (Session 1962–63) published by Her Majesty's Stationery Office.