EXPLANATORY NOTE

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

These Regulations prescribe for the purposes of section 5 (2) (*c*) of the National Insurance Act, 1957, five shillings as the lowest weekly sum a former husband must have been contributing before his death to the support of a child, so as to enable a woman, whose marriage has been terminated by divorce, to be entitled to child's special allowance.

Provision is also made to apply certain existing regulations to child's special allowance.

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 17th July, 1957, is contained in the House of Commons Paper No. 290 (Session 1956-57) published by Her Majesty's Stationery Office.

1957 No. 2179

The National Insurance (Death Grant) (Consequential Provisions) Regulations, 1957

Made - - - -	16*th December*, 1957
Laid before Parliament	20*th December*, 1957
Coming into Operation	1*st January*, 1958

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 22 (2) and (4), 29, 43 and 46 of the National Insurance Act, 1946(a), as amended in the case of the said section 22 by section 7 of the National Insurance Act, 1957(b), and the National Insurance Joint Authority, in exercise of powers conferred by sections 22 (5), 25 and 30 of the National Insurance Act, 1946, as so amended, in each case in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1.—(1) These regulations may be cited as the National Insurance (Death Grant) (Consequential Provisions) Regulations, 1957, and shall come into operation on the 1st January, 1958.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance Act, 1946;

" the Death Grant Regulations " means the National Insurance (Death Grant) Regulations, 1949(c), as amended(d);

" the Minister " means the Minister of Pensions and National Insurance; and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulation shall include references to such enactment or regulation as amended by any subsequent enactment, regulation or order.

(4) The Interpretation Act, 1889(e), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo 6. c. 67. (b) 5 & 6 Eliz. 2. c. 26. (c) S.I. 1949/1204 (1949 I, p. 2708).
(d) S.I. 1949/1696 (1949 I, p. 2717). (e) 52 & 53 Vict. c. 63.

Claims and payments

2.—(1) The provisions of regulation 18 of the National Insurance (Claims and Payments) Regulations, 1948(**a**), as amended (**b**), (which relates to payments on death) shall apply to death grant as if it were a benefit due to the deceased at his death, and accordingly that regulation shall be amended in accordance with the following provisions of this regulation and shall have effect as set out in Part I of the Schedule to these regulations.

(2) In paragraph (1) of the said regulation 18, after the words " entitled to benefit ", there shall be inserted the words " or in respect of whose death a death grant is alleged to be payable ", and at the end of the paragraph there shall be inserted the words " Provided that in the case of a death grant a claim may be made by any person specified in the next following paragraph of this regulation."

(3) In the proviso to paragraph (3) of the said regulation 18, for the words "the next following paragraph " there shall be substituted the words " paragraph (4) ".

(4) After paragraph (3) of the said regulation 18, there shall be inserted the following:—

" (3A) In relation to a death grant, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the National Insurance Fund any death grant so paid to him.

(3B) Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him."

Children

3. The following provisions shall be added after regulation 4 of the Death Grant Regulations:—

" *Children*

4A. Where the deceased was at death a child but the requirements of subsection (1) of section 22 of the Act (which subsection specifies the persons by whom the contribution conditions for death grant may be satisfied) are not satisfied, a death grant shall, subject to the provisions of the Act, be payable in respect of the death of the deceased if the relevant contribution conditions are satisfied by either—

(*a*) a parent (including a person who has adopted a child within the meaning of the Adoption Act, 1950(**c**)) of the deceased, notwithstanding that the deceased was not at death a child of the family of that parent; or

(*b*) a person who, immediately before the deceased's death, was entitled to an increase of benefit in respect of the deceased under section 23 of the Act (which relates to increases of benefit for children) or would have been so entitled had he then been entitled to any benefit of which that section provides an increase:

(**a**) S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).
(**b**) The relevant amending regulations are S.I. 1952/1207 (1952 II, p. 2122).
(**c**) 14 Geo. 6. c. 26.

Provided that—

(i) (subject to the next following paragraph of this proviso) the amount of a death grant payable by virtue of this regulation shall not exceed the amount of the deceased's funeral expenses;

(ii) the foregoing paragraph of this proviso shall not apply if the deceased would have been a child of the family of a parent satisfying the relevant contribution conditions but for the provisions of subsection (3) of section 24 of the Family Allowances Act, 1945(a) (which subsection makes it a condition of a child's being included in a family that the child is in Great Britain)."

Deaths occurring outside Great Britain

4.—(1) Regulation 5 of the Death Grant Regulations (which relates to deaths occurring outside Great Britain) 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 to these regulations.

(2) In the said regulation 5, before the words " Subject " and " paragraphs ", there shall be inserted respectively the expressions " (1) " and " sub-".

(3) In paragraph (*b*) of the said regulation 5, the words " and in any such case the death occurred in any part of His Majesty's dominions " shall be omitted;

(4) For paragraph (*c*) of the said regulation 5, there shall be substituted the following:—

" (*c*) that the deceased was a widow who was, immediately before her death, entitled to any personal death benefit by way of pension or allowance in respect of the death of her husband under any Personal Injuries Scheme, any Service Pensions Instrument or any 1914–1918 War Injuries Scheme; or ".

(5) In paragraph (*e*) of the said regulation 5, for the words " the last complete contribution year before his death ", there shall be substituted the words " a contribution year, being either the last complete contribution year before his death or the contribution year immediately preceding that year ".

(6) In paragraph (*g*) of the said regulation 5, the words " widow's benefit, a retirement pension or industrial death benefit " and the words " or of the National Insurance (Industrial Injuries) (Mariners) Regulations, 1948, or the National Insurance (Industrial Injuries) (Airmen) Regulations, 1948 " shall be omitted.

(7) In paragraph (*h*) of the said regulation 5, the words " of paragraph (*b*) " shall be omitted, and for the words " paragraph (*b*) ", where they occur for the second time, there shall be substituted the words " subsection (1) ".

(8) For paragraph (*j*) of the said regulation 5, there shall be substituted the following:—

" (*j*) that the deceased was a woman who immediately before death was residing in Great Britain with her husband, and he was then an insured person satisfying the relevant contribution conditions; or

(*jj*) that the deceased was a child (including a person treated as a child under subsection (3) of section 22 of the Act (which subsection has effect by virtue of section 7 of the National Insurance Act, 1957(b))) who immediately before death was residing in Great Britain with an insured person by virtue of whose satisfaction of the relevant contribution conditions a death grant is payable in respect of the deceased's death; or ".

(9) The proviso to the said regulation 5 shall be omitted.

(a) 8 & 9 Geo. 6. c. 41. (b) 5 & 6 Eliz. 2. c. 26.

(10) At the end of the said regulation 5, there shall be inserted the following—

"(2) In this regulation, the expressions "personal death benefit", "Personal Injuries Scheme", "Service Pensions Instrument" and "1914-1918 War Injuries Scheme" have the same meanings as in the National Insurance (Overlapping Benefits) Regulations, 1948(a), as amended(b)."

Absence from Great Britain

5. In regulation 6 of the Death Grant Regulations (which relates to absence from Great Britain) all words after the words "Great Britain", where they first appear, shall be omitted.

Partial satisfaction of contribution conditions, and reduced amount of death grant

6.—(1) Regulation 10 of the Death Grant Regulations (which relates to the partial satisfaction of contribution conditions, and reduced amount of death grant) shall be amended in accordance with the following provisions of this regulation and accordingly shall have effect as set out in Part III of the Schedule to these regulations.

(2) In paragraph (1) of the said regulation 10 the words "a person would be entitled to" shall be omitted and after the words "death grant" there shall be inserted the words "would be payable"; and the words "that person shall nevertheless be entitled to" shall be omitted and after the words "the grant" there shall be inserted the words "shall nevertheless be payable".

Revocations

7. Regulation 11 of the Death Grant Regulations (which relates to adjustment of death grant) and sub-paragraphs (*d*) and (*e*) of paragraph (1) of regulation 2 of the National Insurance (Determination of Claims and Questions) Regulations, 1948(c) (which sub-paragraphs have effect by virtue of regulation 13 of, and the Third Schedule to, the Death Grant Regulations and relate to the determination of certain questions by the Minister) are hereby revoked, but without prejudice to anything duly done or approved, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Transitional provisions

8. Nothing in these regulations shall have effect in relation to a death occurring before the date of their coming into operation, but in relation to any such death the provisions of any regulations amended by these regulations shall have effect as if these regulations had not been made.

Given under the Official Seal of the Minister of Pensions and National Insurance this Thirteenth day of December, nineteen hundred and fifty-seven.

(L.S.) *John Boyd-Carpenter,*
Minister of Pensions and National Insurance.

Given under the Official Seal of the National Insurance Joint Authority this Thirteenth day of December, nineteen hundred and fifty-seven.

(L.S.) *Ian G. Gilbert,*
Secretary,
National Insurance Joint Authority.

Dated this Sixteenth day of December, 1957.

Harwood Harrison,
Anthony Barber,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(a) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(b) No amendment affecting the subject matter of these regulations has been made.
(c) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).

SCHEDULE

CONTAINING REGULATIONS WHICH ARE AMENDED BY THESE REGULATIONS

PART I Regulation 2

REGULATION 18 OF THE NATIONAL INSURANCE (CLAIMS AND PAYMENTS) REGULATIONS, 1948, AS AMENDED*

Payments on death

18.—(1) On the death of a person who has made a claim for benefit or who is alleged to have been entitled to benefit, *or in respect of whose death a death grant is alleged to be payable*, the Minister may appoint such person as he may think fit to proceed with or to make a claim for the benefit, and the provisions of these regulations shall apply subject to the necessary modifications to any such claim:

Provided that in the case of a death grant a claim may be made by any person specified in the next following paragraph of this regulation.

(2) Subject to the provisions of paragraph (4) of this regulation, any sum payable by way of benefit which is payable under an award on a claim proceeded with or made under the foregoing paragraph may be paid or distributed by the Minister to or amongst persons claiming as personal representatives, legatees, next of kin, or creditors, of the deceased (or, where the deceased was illegitimate, to or amongst other persons), and the provisions of regulation 12 shall apply to any such payment or distribution:

Provided that—

(*a*) the receipt of any such person who has attained the age of sixteen shall be a good discharge to the Minister and the National Insurance Fund for any sum so paid; and

(*b*) where the Minister is satisfied that any such sum or part thereof is needed for the benefit of any person under the age of sixteen, he may obtain a good discharge therefor by paying the sum or part thereof to a person over that age (who need not be a person specified in this paragraph) who satisfies the Minister that he will apply the sum so paid for the benefit of the person under the age of sixteen.

(3) Subject as aforesaid any sum payable by way of benefit to the deceased payment of which he had not obtained at the date of his death, may, unless the right thereto was already extinguished at that date, be paid or distributed to or amongst such persons as are mentioned in the last foregoing paragraph, and the provisions of regulation 12 and of the proviso to the said paragraph shall apply to any such payment or distribution:

Provided that, for the purpose of paragraph (1) of the said regulation 12, the period of six months shall be calculated from the date on which the sum was receivable by any such person, and not from the date on which it was receivable by the deceased, and for this purpose the reference in sub-paragraph (*d*) of paragraph (2) of regulation 12 to the date on which the sum became payable, shall be construed as a reference to the date of the application to the Minister made in accordance with *paragraph (4)* of this regulation.

(3A) *In relation to a death grant, the reference in paragraph (2) of this regulation to creditors shall include a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses, so, however, that any payment of death grant to a person by virtue of this paragraph shall be subject to the condition that if the person fails to carry out any such undertaking he shall repay to the National Insurance Fund any death grant so paid to him.*

(3B) *Where any person has received an amount by way of death grant by virtue of the provisions of this regulation and is entitled to reimbursement of the deceased's funeral expenses out of the deceased's estate, his right to such reimbursement shall be reduced by the amount of the death grant received by him.*

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

(4) Paragraphs (2) and (3) of this regulation shall not apply in any case unless written application for the payment of any such sum is made to the Minister within six months from the date of the deceased's death or within such longer period as the Minister may allow in any particular case.

(5) The Minister may dispense with strict proof of the title of any person claiming in accordance with the provisions of this regulation.

PART II Regulation 4

REGULATION 5 OF THE DEATH GRANT REGULATIONS, AS AMENDED*

Deaths occurring outside Great Britain

5.—(*1*) Subject to the provisions of the Act and these regulations, a death grant shall be payable in respect of a death occurring outside Great Britain if the conditions contained in any one of the following *sub*-paragraphs are satisfied, namely:—

(*a*) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to sickness benefit or to industrial injury benefit under the Industrial Injuries Act; or

(*b*) that the deceased immediately before death was, or but for any failure to make a claim would have been, entitled to widow's benefit or a retirement pension, or to industrial death benefit under the Industrial Injuries Act, or would have been entitled to a retirement pension had he then retired from regular employment and made the necessary claim, or was a child in respect of whom a child's special allowance or a guardian's allowance was payable; or

(*c*) *that the deceased was a widow who was, immediately before her death, entitled to any personal death benefit by way of pension or allowance in respect of the death of her husband under any Personal Injuries Scheme, any Service Pensions Instrument or any 1914–1918 War Injuries Scheme; or*

(*d*) that the deceased immediately before death was entitled to industrial disablement benefit under the Industrial Injuries Act; or

(*e*) that the deceased immediately before death was liable or entitled, as the case may be, to pay contributions either under the provisions of paragraph (2) of regulation 3 or paragraph (2) of regulation 5 of the Residence and Persons Abroad Regulations, or under paragraph (3) of regulation 3 of the General Transitional Regulations (which provisions specify the circumstances in which contributions are payable by or in respect of persons for periods when they are outside Great Britain), and not less than forty-five contributions were paid by or credited to him in respect of *a contribution year, being either the last complete contribution year before his death or the contribution year immediately preceding that year;* or

(*f*) that the deceased immediately before death was a serving member of the forces within the meaning of paragraph (2) of regulation 1 of the National Insurance (Members of the Forces) Regulations, 1949; or

(*g*) that the deceased immediately before death was either (i) employed as a mariner within the meaning of paragraph (2) of regulation 1 of the National Insurance (Mariners) Regulations, 1948 (other than a mariner excepted from insurance by paragraph (2) of regulation 2 of those regulations) or as an airman within the meaning of paragraph (2) of regulation 1 of the National Insurance (Airmen) Regulations, 1948 (other than an airman excepted from insurance by paragraph (2) of regulation 2 of those regulations), or (ii) a person who (then being otherwise entitled to unemployment benefit, or then being so entitled but for any failure to make a claim) by virtue of the relevant provisions of either of the said regulations was not disqualified for receiving any such benefit by reason of his absence from Great Britain; or

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

(*h*) that the deceased immediately before death was either the wife or husband or child (to whom the provisions of subsection (1) of section 22 of the Act are applicable) of a person who, had he then died, would have satisfied the conditions contained in any one of the foregoing paragraphs, and such wife or husband or child, as the case may be, was then resident with that person, and for this purpose the expression " child of the family " contained in the said *subsection (1)* shall be deemed to include a child who would be included in that expression but for the provisions of subsection (3) of section 24 of the Family Allowances Act, 1945 (which subsection makes it a condition of a child's being included in a family that the child is in Great Britain); or

(*i*) that the deceased immediately before death was ordinarily resident in Great Britain, and the death occurred within a period of thirteen weeks, or, in the case of a death occurring in the Channel Islands, within a period of six months, from the date when he last left Great Britain; or

(j) that the deceased was a woman who immediately before death was residing in Great Britain with her husband, and he was then an insured person satisfying the relevant contribution conditions; or

(jj) that the deceased was a child (including a person treated as a child under subsection (3) of section 22 of the Act (which subsection has effect by virtue of section 7 of the National Insurance Act, 1957)) who immediately before death was residing in Great Britain with an insured person by virtue of whose satisfaction of the relevant contribution conditions a death grant is payable in respect of the deceased's death; or

(*k*) that the deceased died during or as the result of a confinement in respect of which she was not, or but for any failure to make a claim would not have been, disqualified for receiving maternity benefit (to which she was otherwise entitled) by reason of her absence from Great Britain.

(2) In this regulation, the expressions " personal death benefit ", " Personal Injuries Scheme ", " Service Pensions Instrument " and " 1914–1918 War Injuries Scheme " have the same meanings as in the National Insurance (Overlapping Benefits) Regulations, 1948, as amended.

PART III Regulation 6

REGULATION 10 OF THE DEATH GRANT REGULATIONS, AS AMENDED*

Partial satisfaction of contribution conditions, and reduced amount of death grant

10.—(1) Where a death grant *would be payable* but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid or credited, the grant *shall nevertheless be payable* in accordance with the next succeeding paragraph, if the yearly average of contributions paid or credited is not less than thirteen.

(2) Where the full amount of the death grant under Part II of the Second Schedule to the Act, as modified by subsection (2) of section 72 of the Act (which subsection provides for the reduction in certain cases of the amount of the death grant specified in that Schedule) is one of the amounts first set out in columns (2), (3), (4), (5) and (6) of the First Schedule to these regulations, then the grant shall be reduced to the amount specified in the appropriate column of the First Schedule which corresponds with the yearly average of contributions paid or credited as shown in column (1) of that Schedule.

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

EXPLANATORY NOTE

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

These Regulations, which are made in consequence of the provisions concerning death grant in the National Insurance Act, 1957, apply certain provisions of the National Insurance (Claims and Payments) Regulations, 1948, to claims for, and payments of, death grant as if it were a benefit due to the deceased at his death. They amend the National Insurance (Death Grant) Regulations, 1949, with respect to deaths abroad and add new provisions to those regulations with respect to the persons on whose insurance death grant may be paid in the case of a child.

The remaining provisions are of a minor or consequential character.

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 29th November, 1957, is contained in House of Commons Paper No. 37 (Session 1957-58) published by Her Majesty's Stationery Office.

1957 No. 1888

The National Insurance (General Benefit) Amendment Regulations, 1957

Made - - - -	*31st October,* 1957
Laid before Parliament	*7th November,* 1957
Coming into Operation	*18th November,* 1957

The National Insurance Joint Authority(a), in exercise of powers conferred by sections 24 (2) (*c*) and 78 (5) of the National Insurance Act, 1946(b), and the Minister of Pensions and National Insurance, in exercise of powers conferred by sections 24 (2) (*c*), as extended by section 24 (2A) (which has effect by virtue of section 3 (2) of the National Insurance Act, 1957(c)), 34 (as amended by sections 3 (4) and 6 (6) of the said Act of 1957), 47 and 78 (3) (as amended by section 2 of, and paragraph 7 of the Schedule to, the Family Allowances and National Insurance Act, 1956(d)), of the said Act of 1946, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in each case 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 (General Benefit) Amendment Regulations, 1957, shall be read as one with the National Insurance (General Benefit) Regulations, 1948(e), as amended(f) (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th November, 1957.

(a) *See* s. 63 (2), National Insurance Act, 1946, and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p. 367: 1948 I, p. 2905)).
(b) 9 & 10 Geo. 6. c. 67.
(c) 5 & 6 Eliz. 2. c. 26.
(d) 4 & 5 Eliz. 2. c. 50.
(e) S.I. 1948/1278 (Rev. XVI, p. 179: 1948 I, p. 2626).
(f) S.I. 1949/1204, 1984, 2318 (1949 I, pp. 2708, 2691, 2692).