appointed under the National Insurance Act, 1946; for this purpose certain provisions of the National Insurance (Determination of Claims and Questions) Regulations, 1948, are applied with modifications. This regulation reserves to the Minister of Pensions and National Insurance certain questions as to which of two or more persons is to be treated as maintaining a child or in which of two families a child is to be treated as included. Provision is made by regulations 3 and 4 for the review of decisions, by regulations 5 and 6 for the adjustment and recovery of sums paid on account of allowances and by regulation 7 for payment pending appeals. Regulation 8 contains provisions to facilitate the transition from the system of adjudication provided by section 5 of the Family Allowances Act, 1945, (which, subject to such provisions, is repealed by the Family Allowances and National Insurance Act, 1959) under which questions as to the right to allowances were determined by the Minister with appeal to referees appointed for the purpose.

1959 No. 848

The National Insurance (Determination of Claims and Questions) Amendment Regulations, 1959

Made - - - -	11*th May*, 1959
Laid before Parliament	14*th May*, 1959
Coming into Operation	25*th May*, 1959

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 43 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 (Determination of Claims and Questions) Amendment Regulations, 1959, shall be read as one with the National Insurance (Determination of Claims and Questions) Regulations, 1948(b), as amended(c), (hereinafter referred to as "the principal regulation") and shall come into operation on the 25th May, 1959.

Amendment of regulation 1 *of the principal regulations*

2.—(1) In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation) the definition of "claimant" shall be amended in accordance with the following paragraph of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) Immediately after the words "who has claimed benefit under the Act" in the said definition of "claimant" there shall be inserted the words "or whose right to be excepted from liability to pay or credited with a contribution is in question".

Amendment of regulation 2 *of the principal regulations*

3. At the end of paragraph (1) of regulation 2 of the principal regulations there shall be added the following proviso:—

"Provided that any question whether a person would by reason of the provisions of subsections (2) or (3) of section 13 of the Act or of any

(a) 9 & 10 Geo. 6. c. 67.
(b) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).
(c) There is no amendment which relates to the subject matter of these regulations.

regulations(a) made thereunder have been disqualified for receiving either unemployment benefit or sickness benefit if he had otherwise had a right thereto shall not be determined by the Minister but shall be determined as a question as to the right to benefit under the provisions of paragraph (2) of this regulation."

Dated this 11th day of May, 1959.

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

SCHEDULE Regulation 2

CONTAINING THE DEFINITION OF "CLAIMANT" IN REGULATION 1 (2) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

"claimant" means, for the purposes of Part IV of these regulations, a person who has claimed benefit under the Act *or whose right to be excepted from liability to pay or credited with a contribution is in question*;

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Determination of Claims and Questions) Regulations, 1948, in order to give effect to Regulation 5 (3) of the National Insurance (Contributions) Amendment Regulations, 1959, under which certain disqualifications applicable to claims to benefit are to apply also to the right to be excepted from liability to pay and credited with contributions because of unemployment or sickness. This latter Regulation implements a recommendation made by the National Insurance Advisory Committee in their Report on the Question of Contribution Conditions and Credits Provisions (Cmd. 9854).

Regulation 3 provides that questions whether a person would, if otherwise entitled thereto, have been disqualified for receiving unemployment or sickness benefit by virtue of subsection (2) or (3) of section 13 of the National Insurance Act, 1946, or of regulations made thereunder, shall not be decided by the Minister; instead they are to be decided by insurance officers, local tribunals or the Commissioner in the same way as other questions as to the right to benefit. Regulation 2 makes a minor and consequential amendment.

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 3rd April, 1959, is contained in the House of Commons Paper No. 192 (Session 1958-59) published by Her Majesty's Stationery Office.

(a) *See* S.I. 1948/1277 (Rev XVI, p. 212: 1948 I, p. 2676), reg. 10.
* The words added by these regulations are shown in italics.