BENEFITS

1959 No. 549

The National Insurance (Earnings) Regulations, 1959

Laid before Parliament in draft
Made - - - - *24th March,* 1959
Coming into Operation *20th April,* 1959

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Minister of Pensions and National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 2 of the National Insurance Act, 1956(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Earnings) Regulations, 1959, and shall come into operation on the 20th day of April, 1959.

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

"the principal Act" means the National Insurance Act, 1946(b);

"the Act of 1951" means the National Insurance Act, 1951(c);

"the Act of 1956" means the National Insurance Act, 1956;

and other expressions have the same meanings as in the principal Act.

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

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

Relaxation of earnings rule in relation to widowed mother's allowance and widow's pension

2.—(1) Subsection (3) of section 17 of the principal Act (which, as amended by subsection (3) of section 2 of the Act of 1951, subsection (2) of section 1 of the Act of 1956, paragraph 3 of the Schedule to the Family Allowances and National Insurance Act, 1956(e), and the Fifth Schedule to the National Insurance (No. 2) Act, 1957(f), requires the weekly rate of benefit to be reduced on account of any earnings of the beneficiary in the previous calendar week in excess of, in the case of a widowed mother's allowance, sixty shillings or, in the case of a widow's pension, fifty shillings by sixpence for each complete shilling of the excess and a further sixpence for each complete

(a) 4 & 5 Eliz. 2. c. 47. (b) 9 & 10 Geo. 6. c. 67. (c) 14 & 15 Geo. 6. c. 34.
(d) 52 & 53 Vict. c. 63. (e) 4 & 5 Eliz. 2. c. 50. (f) 6 & 7 Eliz. 2. c. 1.

shilling by which the earnings exceed, in the case of a widowed mother's allowance, eighty shillings or, in the case of a widow's pension, seventy shillings) shall, as respects any week commencing on or after the coming into operation of these regulations, be amended in accordance with the provisions of the next following paragraph and shall accordingly, as respects any such week, have effect as set out in the First Schedule to these regulations.

(2) In the said subsection (3), for the words "sixty shillings", "fifty shillings", "eighty shillings" and "seventy shillings", there shall be substituted respectively the words "eighty shillings", "sixty shillings", "one hundred shillings" and "eighty shillings".

Relaxation of earnings rule in relation to retirement pension

3.—(1) Subsection (5) of section 20 of the principal Act (which, as amended by subsection (6) of section 4 of the Act of 1951 and subsection (1) of section 1 of the Act of 1956, requires the weekly rate of retirement pension to be reduced on account of any earnings of the beneficiary in the previous calendar week in excess of fifty shillings by sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceed seventy shillings) shall, as respects any week commencing on or after the coming into operation of these regulations, be amended in accordance with the provisions of the next following paragraph and shall accordingly, as respects any such week, have effect as set out in the Second Schedule to these regulations.

(2) In the said subsection (5), for the words "fifty shillings" and "seventy shillings", there shall be substituted respectively the words "sixty shillings" and "eighty shillings".

Dated this twenty-fourth day of March, 1959.

John Boyd-Carpenter,

Minister of Pensions and National Insurance.

Dated this twenty-fourth day of March, 1959.

Graeme Finlay,
Martin Redmayne,

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

FIRST SCHEDULE

Regulation 2

SUBSECTION (3) OF SECTION 17 OF THE PRINCIPAL ACT AS AMENDED BY THESE REGULATIONS*

(3) Where the earnings of the widow have exceeded—

(*a*) *eighty shillings* for the calendar week ending last before any week for which she is entitled to a widowed mother's allowance, or

(*b*) *sixty shillings* for the calendar week ending last before any week for which she is entitled to a widow's pension,

the weekly rate of the allowance or pension shall for the week for which she is so entitled be reduced by sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceeded, in the case of a widowed mother's allowance, *one hundred shillings*, or, in the case of a widow's pension, *eighty shillings :*

Provided that a widowed mother's allowance payable by virtue of the widow's having a family shall not be reduced under this subsection for any week to less than twenty shillings plus any increase in respect of any child of the family other than the elder or eldest.

SECOND SCHEDULE

Regulation 3

SUBSECTION (5) OF SECTION 20 OF THE PRINCIPAL ACT AS AMENDED BY THESE REGULATIONS*

(5) Where the earnings of a beneficiary who is less than five years over pensionable age have exceeded *sixty shillings* for the calendar week ending last before any week for which he is entitled to a retirement pension, the weekly rate of his pension shall for the last mentioned week be reduced by sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceeded *eighty shillings :*

Provided that this subsection shall not affect the rate of the pension for the first week after the date of the beneficiary's retirement.

EXPLANATORY NOTE

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

These Regulations provide that the amount of earnings which is disregarded for the purposes of reducing the weekly rate of a retirement or widow's pension or a widowed mother's allowance on account of the beneficiary's earnings shall be increased in the case of a retirement or widow's pension from fifty shillings to sixty shillings and in the case of a widowed mother's allowance from sixty shillings to eighty shillings. The reduction of benefit for earnings in excess of this amount continues to be sixpence for each shilling of the first twenty shillings of the excess and one shilling for each shilling thereafter.

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 26th February, 1959, is contained in House of Commons Paper No. 99 (Session 1958-59) published by Her Majesty's Stationery Office.

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