1960 No. 278

The National Insurance (Earnings) Regulations, 1960

Laid before Parliament in draft

Made - - - - 17*th February*, 1960

Coming into Operation 21*st March*, 1960

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, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Earnings) Regulations, 1960, and shall come into operation on the 21st March, 1960.

(2) In these regulations, unless the context otherwise requires, "the principal Act" means the National Insurance Act, 1946(**b**), 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(**c**), 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(**d**), requires the weekly rate of benefit to be reduced on account of any earnings of the beneficiary for the previous calendar week in excess of, in the case of a widowed mother's allowance, eighty shillings, or, in the case of a widow's pension, sixty shillings 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) shall, as respects any week commencing on or after the coming into operation 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.

(**a**) 4 & 5 Eliz. 2. c. 47. (**b**) 9 & 10 Geo. 6. c. 67. (**c**) 52 & 53 Vict. c. 63.

(**d**) National Insurance Act, 1951 (14 & 15 Geo. 6. c. 34), s. 2(3); National Insurance Act, 1956, s. 1(2); Family Allowances and National Insurance Act, 1956 (4 & 5 Eliz. 2. c. 50), Schedule, para. 3; National Insurance (No. 2) Act, 1957 (6 & 7 Eliz. 2. c. 1), 5th Schedule; National Insurance (Earnings) Regulations, 1959 (S.I. 1959/549 (1959 II, p. 1860)), reg. 2.

(2) In the said subsection (3), for the words " eighty shillings " (where they first occur), " sixty shillings ", " one hundred shillings ", and " eighty shillings " (where they occur for the second time), there shall be substituted respectively the words " one hundred shillings ", " seventy shillings ", " one hundred and twenty shillings " and " ninety shillings ".

Relaxation of earnings rule in relation to retirement pension

3.—(1) Subsection (5) of section 20 of the principal Act (which, as amended(**a**), requires the weekly rate of a retirement pension to be reduced on account of any earnings of the beneficiary for the previous calendar week in excess of sixty shillings by sixpence for each complete shilling of the excess and a further sixpence for each complete shilling by which the earnings exceeded eighty 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 " sixty shillings " and " eighty shillings ", there shall be substituted respectively the words " seventy shillings " and " ninety shillings ".

Revocation of regulations

4. The National Insurance (Earnings) Regulations, 1959(**b**), are hereby revoked but this revocation shall not affect the operation thereof as respects benefit for any period before the coming into operation of these regulations, or anything duly done or suffered, or any right, privilege, obligation or liability acquired, accrued or incurred, under those regulations.

Dated this seventeenth day of February, 1960.

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

Dated this seventeenth day of February, 1960.

Michael Hughes-Young,
J. D. Gibson-Watt,
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) *one hundred shillings* for the calendar week ending last before any week for which she is entitled to a widowed mother's allowance, or

(**a**) National Insurance Act, 1951, s. 4(6); National Insurance Act, 1956, s. 1(1); National Insurance (Earnings) Regulations, 1959, reg. 3.
(**b**) S.I. 1959/549 (1959 II, p. 1860).

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

(b) *seventy 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 and twenty shillings*, or, in the case of a widow's pension, *ninety 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 *seventy 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 *ninety 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 a 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 sixty shillings to seventy shillings and in the case of a widowed mother's allowance from eighty shillings to one hundred 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 Regulations revoke, with appropriate savings, the National Insurance (Earnings) Regulations, 1959, by which these amounts were last increased.

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 (Earnings) (No. 2) Regulations, 1959) dated 15th January, 1960, is contained in the House of Commons Paper No. 59 (Session 1959-60) published by Her Majesty's Stationery Office.

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