STATUTORY INSTRUMENTS

1963 No. 946

NATIONAL INSURANCE

The National Insurance (Earnings) Regulations 1963

Laid before Parliament in draft

Made - - - - 15*th May* 1963

Coming into Operation 27*th May* 1963

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 1963, and shall come into operation on 27th May 1963.

(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 rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

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

2.—(1) Section 17(3) of the principal Act, as amended(d) (which relates to the reduction of widowed mother's allowance and widow's pension on account of earnings) shall, as respects any week commencing on or after the coming into operation of these regulations, be further 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.

(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, s. 2(3) (14 & 15 Geo. 6. c. 34); National Insurance Act 1956, s. 1(2); Family Allowances and National Insurance Act 1956, Schedule, para. 3 (4 & 5 Eliz. 2. c. 50); National Insurance (Earnings) Regulations 1960, reg. 2 (S.I. 1960/278 (1960 II, p. 2160)); National Insurance Act 1963, s. 8 (4) (1963 c. 7).

(2) In the said subsection (3), for the words "one hundred shillings", "seventy shillings", "one hundred and twenty shillings", and "ninety shillings", there shall be substituted respectively the words "one hundred and twenty shillings", "eighty-five shillings", "one hundred and forty shillings" and "one hundred and five shillings".

Relaxation of earnings rule in relation to retirement pension

3.—(1) Section 20(5) of the principal Act, as amended(**a**) (which relates to the reduction of retirement pension on account of earnings) shall, as respects any week commencing on or after the coming into operation of these regulations, be further 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 "seventy shillings" and "ninety shillings", there shall be substituted respectively the words "eighty-five shillings" and "one hundred and five shillings".

Revocation of regulations

4. The National Insurance (Earnings) Regulations 1960(**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.

Niall Macpherson,
Minister of Pensions and National Insurance.

14th May 1963.

Francis F. Pearson
M. A. Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

15th May 1963.

Regulation 2

FIRST SCHEDULE

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

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

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

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

(a) National Insurance Act 1956, s. 1(1); National Insurance (Earnings) Regulations 1960, reg. 3.
(b) S.I. 1960/278 (1960 II, p. 2160).
*The words substituted by these regulations are shown in italics.

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 forty shillings*, or, in the case of a widow's pension, *one hundred and five shillings*.

SECOND SCHEDULE

Regulation 3

SECTION 20(5) 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 *eighty-five 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 *one hundred and five 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 seventy shillings to eighty-five shillings and in the case of a widowed mother's allowance from one hundred shillings to one hundred and twenty 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 1960, 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) Regulations 1962) dated 13 March 1963, is contained in House of Commons Paper No. 163 (Session 1962-63) published by Her Majesty's Stationery Office.

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