STATUTORY INSTRUMENTS

1972 No. 909

SOCIAL SECURITY

The National Insurance (Earnings-related Benefit) Amendment Regulations 1972

Made - - -	20*th June* 1972
Laid before Parliament	28*th June* 1972
Coming into Operation	1*st January* 1973

The National Insurance Joint Authority, in exercise of powers conferred by section 114(5) of the National Insurance Act 1965(**a**), and the Secretary of State for Social Services, in exercise of powers under sections 2(8) and 4(2) of the National Insurance Act 1966(**b**), and in each case in exercise of all other powers enabling them in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them in accordance with section 108 of the said Act of 1965, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Earnings-related Benefit) Amendment Regulations 1972, shall be read as one with the National Insurance (Earnings-related Benefit) Regulations 1966(**c**), as amended (**d**), (hereinafter referred to as "the principal regulations"), and shall come into operation on 1st January 1973.

Amendment of the principal regulations

2.—(1) The principal regulations shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 3(1) (calculation of reckonable earnings) there shall be added the following sub-paragraphs:—

"(*c*) to the extent that it has fallen to be excluded, under the provisions of regulation 10(4) of the National Insurance (Assessment of Graduated Contributions) Regulations 1967(**e**), as amended (**f**), (remuneration to be disregarded), from the computation of that person's remuneration; or

(*d*) in so far as it is a payment in respect of employment as a self-employed person, notwithstanding that income tax is deductible from it under Schedule E; or

(**a**) 1965 c. 51. (**b**) 1966 c. 6.
(**c**) S.I. 1966/959 (1966 II, p. 2306).
(**d**) The relevant amending instrument is S.I. 1971/1497 (1971 III, p. 4190).
(**e**) S.I. 1967/844 (1967 II, p. 2513).
(**f**) The relevant amending instrument is S.I. 1972/235 (1972 I, p. 835).

(*e*) to the extent that his total remuneration (which but for this sub-paragraph would be reckonable earnings) from any one employment in the income tax year 1971-72 or a subsequent year is not a complete pound or a multiple of a complete pound."

(3) After regulation 4 there shall be added the following regulation:—

"Earnings-related benefit year

4A. The earnings-related benefit year shall, instead of being the period specified in section 2(5)(*d*) of the Act of 1966, be a period beginning with the first Monday in January in any year and ending with the Sunday immediately preceding the first Monday in January in the next following year."

(4) In regulation 5 (calculation of earnings-related benefit)—

(*a*) in paragraph (1)—

(i) after the word "Where" there shall be inserted the words "in relation to earnings-related supplement for any day forming part of a period of interruption of employment commencing before 7th January 1974",

(ii) for the words "of the Schedule" there shall be substituted the words "of Schedule 1";

(*b*) after paragraph (2), there shall be inserted the following paragraph:—

"(2A) Where, in relation to earnings-related supplement for any day forming part of a period of interruption of employment commencing on or after 7th January 1974, a sum calculated under section 2(4) of the Act of 1966 is not a multiple of one penny, the amount by which it exceeds such a multiple shall, if it is one half penny or more, be treated as one penny, and, if it is less, be disregarded.";

(*c*) in paragraph (3), for the words from and including "to the relevant" to the end of the paragraph there shall be substituted the words "set out in column 1 of Schedule 2 to these regulations of the references set out opposite thereto in column 2 of that Schedule".

(5) In regulation 7 (appropriate income tax year for widow's supplementary allowance in certain cases) for the words "Where, on the day of his death, the husband" in each place where they occur there shall be substituted the words "Where the husband died before 7th January 1974 and on the day of his death he".

(6) The Schedule shall be numbered Schedule 1 and the provisions of the Schedule to these regulations shall be added at the end thereof as Schedule 2.

Transitory provision

3. The provisions of regulation 3(1)(*d*) and (*e*) of the principal regulations, as inserted by regulation 2(2) of these regulations, shall not apply in any case where the reckonable earnings are being ascertained—

(*a*) in relation to earnings-related supplement for any day forming part of a period of interruption of employment commencing before these regulations come into operation;

(*b*) in relation to widow's supplementary allowance and either—

(i) the husband died before the date of the coming into operation of these regulations, or

(ii) in a case to which regulation 7 of those regulations applies, he died after that date and the relevant period of interruption of employment commenced before that date (or, in a case to which paragraph (2)(*d*) of that regulation applies, it would have so commenced but for the delay or failure to make a claim).

Given under the official seal of the National Insurance Joint Auhority.

(L.S.)

N. Hanson,
Secretary,
National Insurance Joint Authority.

19th June 1972.

Keith Joseph,
Secretary of State for Social Services.

20th June 1972.

Regulation 2(6) SCHEDULE

Provision to be inserted after Schedule 1 *of the principal regulations*

Regulation 5 SCHEDULE 2

Calculation of Widow's Supplementary Allowance

1 References in regulation 5	2 References to be substituted in the application of regulation 5 to widow's supplementary allowance
1. Earnings-related supplement for any day forming part of a period of interruption of employment commencing before 7th January 1974.	1. Widow's supplementary allowance in any case in which the husband died before 7th January 1974.
2. Relevant income tax year.	2. Appropriate income tax year.
3. Section 2(4)(*a*).	3. Section 4(1).
4. The claimant.	4. The husband.
5. Earnings-related supplement for any day forming part of a period of interruption of employment commencing on or after 7th January 1974.	5. Widow's supplementary allowance in any case in which the husband died on or after 7th January 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (Earnings-related Benefit) Regulations 1966.

They add to the sums which are to be disregarded in the calculation of a person's reckonable earnings certain earnings in respect of which no graduated contributions have been paid (including earnings as a self-employed person); also pennies will be disregarded, only complete pounds being taken into account (regulation 2(2)).

As from 1st January 1973 the earnings-related benefit year will begin on the first Monday in January of each year (regulation 2(3)); hitherto it has begun on the first Monday in May.

As from 7th January 1974 the weekly rate of earnings-related supplement and widow's supplementary allowance will be calculated to the nearest penny (regulation 2(4)); hitherto it has been calculated in accordance with a prescribed table.

Existing special provisions relating to the appropriate income tax year in certain cases of widow's supplementary allowance will not apply to cases where the husband dies on or after 7th January 1974 (regulation 2(5)).

The regulations also contain transitory provisions.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations dated 5th May 1972 is contained in House of Commons Paper No. 322 (Session 1971-72) published by Her Majesty's Stationery Office.

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