STATUTORY INSTRUMENTS

1971 No. 1018

SOCIAL SECURITY

The National Insurance (General Benefit) Amendment Regulations 1971

Made - - - -	18*th June* 1971
Laid before Parliament	29*th June* 1971
Coming into Operation	1*st July* 1971

The National Insurance Joint Authority, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of powers conferred upon them by sections 43(2)(*c*) and 49(1)(*b*) of the National Insurance Act 1965(**a**), and 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 that Act, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (General Benefit) Amendment Regulations 1971, shall be read as one with the National Insurance (General Benefit) Regulations 1970(**b**), as amended(**c**) (hereinafter referred to as "the principal regulations"), and shall come into operation on 1st July 1971.

Amendment of regulation 5 *of the principal regulations*

2. In regulation 5 of the principal regulations (increase of benefit for female person having care of child), for the words in sub-paragraph (*b*) of paragraph (1) "from which her weekly earnings (calculated or estimated in such manner and on such basis as is contained in the National Insurance (Computation of Earnings) Regulations 1967" there shall be substituted the words "in respect of which the weekly expenses incurred by the beneficiary", and the said paragraph (1) shall accordingly have effect as set out in the Schedule to these regulations.

Amendment of regulation 11 *of the principal regulations*

3.—(1) Regulation 11 of the principal regulations (exceptions from disqualification for imprisonment, etc.) shall be amended in accordance with the following paragraphs of this regulation.

(**a**) 1965 c. 51. (**b**) S.I. 1970/1981 (1970 III, p. 6461).
(**c**) There is no amendment which relates expressly to the subject matter of these regulations.

(2) In regulation 11(4), the words "a remand home or an approved school" shall be deleted.

(3) In regulation 11(5)(*a*), for the words "a borstal institution, a young offenders institution, a remand home or an approved school" there shall be substituted the words "a borstal institution or a young offenders institution".

(4) In regulation 11(6)(*a*), for the words "(not being a prison, a detention centre, a borstal institution, a young offenders institution, a remand home, a remand centre or an approved school and not being at or in any such place)" there shall be substituted the words "(not being a prison, a detention centre, a borstal institution, a young offenders institution or a remand centre and not being at or in any such place)".

(5) In regulation 11(6)(*d*), for the words "that Act" there shall be substituted the words "those Acts", and after the words "for the purposes of" there shall be inserted the words "either of".

(6) Regulation 11(7)(*b*) shall cease to have effect.

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

(L.S.)

D. G. Kelly,
Secretary,
National Insurance Joint Authority.

18th June 1971.

P. L. Hawkins,
Bernard Weatherill,
Two of the Lords Commissioners of
Her Majesty's Treasury.

18th June 1971.

Regulation 2

SCHEDULE

Containing Regulation 5(1) of the Principal Regulations as amended by these Regulations*

(1) A beneficiary shall not be entitled to an increase of benefit under the said subsection (2)(*c*) or subsection (4) in respect of any such female person unless—

(*a*) she is residing with the beneficiary; or

(*b*) she is employed by the beneficiary in an employment *in respect of which the weekly expenses incurred by the beneficiary* are not less than the amount set out in column 6 of Schedule 3 to the Act, and was so employed by him before he became unemployed or incapable of work or retired from regular employment, as the case may be, subject to the qualification that the condition of employment before that event shall not apply in a case where the necessity for her employment first arose thereafter; or

(*c*) the beneficiary is contributing to her maintenance at a weekly rate not less than the amount set out in column 6 of Schedule 3 to the Act.

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (General Benefit) Regulations 1970, which were Consolidating Regulations.

Regulation 1 is formal.

Regulation 2 amends regulation 5(1)(*b*) of the Consolidating Regulations so that in determining whether a beneficiary is entitled to an increase of benefit for an employed female person who has care of a child or children of the beneficiary's family regard is to be had to the weekly expenses incurred by the beneficiary in respect of her employment and not, as hitherto, to her earnings (less permissible deductions) from her employment with the beneficiary.

Regulation 3 amends regulation 11 of the Consolidating Regulations so as to take account of amendments in the law relating to the care of children and juveniles affected by the Social Work (Scotland) Act 1968 (c. 49) and the Children and Young Persons Act 1969 (c. 54), under which "care" orders replace orders committing such persons to approved schools and to detention in remand homes, and effects a drafting amendment to regulation 11(6)(*d*).

The report of the National Insurance Advisory Committee dated 4th June 1971 on the preliminary draft of these Regulations is contained in House of Commons Paper No. 452 (Session 1970-71) published by Her Majesty's Stationery Office.