STATUTORY INSTRUMENTS

1972 No. 394

SOCIAL SECURITY

The National Insurance (General Benefit and Miscellaneous Amendments) Regulations 1972

Made - - - -	13*th March* 1972
Laid before Parliament	22*nd March* 1972
Coming into Operation	14*th April* 1972

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 under sections 50(1) and 55(1) 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 the said Act of 1965, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (General Benefit and Miscellaneous Amendments) Regulations 1972, shall come into operation on 14th April 1972.

(2) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

Amendment of the National Insurance (General Benefit) Regulations 1970

2. After regulation 9 of the National Insurance (General Benefit) Regulations 1970**(b)**, as amended **(c)**, there shall be inserted the following regulation:—

"*Deeming benefit under the Act abated under section* 16(1A) *of the Ministry of Social Security Act* 1966 *to be a contribution for the maintenance of children or adult dependants*

9A. Where for any period a person (in this regulation referred to as A) is entitled to, or to an increase in the amount of, any such benefit, allowance or pension as is mentioned in section 16(1)(*a*) of the Ministry of Social Security Act 1966**(d)** (benefits, allowances and pensions under the National Insurance Acts 1965 to 1971) in respect of another person (in this regulation referred to as B) and the amount of, or of the increase in, any such benefit, allowance or pension is abated under the provisions of section 16(1A) of the said Act

(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.
(d) 1966 c. 20.

of 1966 (further provision for preventing duplication of supplementary and other benefits), then in determining for the purposes of Part II of the Act whether A is wholly or mainly maintaining, or is contributing at any weekly rate to the maintenance of, or is or has been contributing at any weekly rate to the cost of providing for, B, the amount by which such benefit, allowance or pension for any week has been so abated shall be deemed to be a contribution of that amount for that week made by A for the maintenance of B."

Amendment of the National Insurance (Overlapping Benefits) Regulations 1948

3.—(1) The National Insurance (Overlapping Benefits) Regulations 1948**(a)**, as amended **(b)**, shall be further amended in accordance with the following provisions of this regulation.

(2) At the end of the definition of "dependency benefit" in regulation 1(2) there shall be added the words "and includes child's special allowance".

(3) In regulation 2 (adjustment of personal benefit under the Act where other personal benefit (whether under the Act or otherwise) is payable), in paragraph (4)(*b*), for the words "and being over seventy years of age" there shall be substituted the words "and being over sixty-five years of age".

Amendment of the National Insurance (Hospital In-Patients) Regulations 1949

4. In the National Insurance (Hospital In-Patients) Regulations 1949**(c)**, as amended (*b*), at the end of the definition of "dependency benefit" in regulation 1(2) there shall be added the words "and includes child's special allowance".

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

(L.S.)

N. Hanson,
Secretary,
National Insurance Joint Authority.

8th March 1972.

P. L. Hawkins,
Tim Fortescue,
Two of the Lords Commissioners
of Her Majesty's Treasury.

13th March 1972.

(a) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(b) There is no amendment which relates expressly to the subject matter of these regulations.
(c) S.I. 1949/1461 (1949 I, p. 2718).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the National Insurance (General Benefit) Regulations 1970, the National Insurance (Overlapping Benefits) Regulations 1948 and the National Insurance (Hospital In-Patients) Regulations 1949.

Regulation 1 is formal.

Regulation 2, which is made in consequence of section 3 of the Social Security Act 1971 (c.73) (extension of the provisions of section 16 of the Ministry of Social Security Act 1966 preventing duplication of social security payments) and which amends the General Benefit Regulations, provides that where benefit under the National Insurance Acts 1965 to 1971 in respect of a child or adult dependant is abated pursuant to the provisions of section 3 of the Social Security Act 1971, then the amount by which it is abated is to be deemed to be a contribution of that amount towards the maintenance of the child or adult dependant in question for the purposes of the said Acts of 1965 to 1971.

Regulation 3 amends the Overlapping Benefits Regulations, for the removal of doubt adding an express reference to child's special allowance to the definition of "dependency benefit" in regulation 1(2) and amending regulation 2(4)(*b*) so that certain grants payable to persons over age 65 (previously over age 70) are disregarded for adjustment purposes.

Regulation 4 makes an amendment to the definition of "dependency benefit" in regulation 1(2) of the Hospital In-Patients Regulations corresponding to the amendment made to the definition of "dependency benefit" in the Overlapping Benefits Regulations.

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 (General Benefit and Miscellaneous Amendments) Regulations 1971) dated 27 January 1972 is contained in House of Commons Paper No. 185 (Session 1971-72) published by Her Majesty's Stationery Office.

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