## 21. TRANSITIONAL PROVISIONS

# The National Insurance (General Transitional) Regulations, 1948

## 1948 No. 1503

| | |
|---|---|
| *Made* - - - - | 1st *July*, 1948 |
| *Laid before Parliament* | 1st *July*, 1948 |
| *Coming into Operation* | 5th *July*, 1948 |

M.N.I.141.

The Minister of National Insurance and the National Insurance Joint Authority, in conjunction with the Treasury, in exercise of powers conferred by sections 65 and 69 of the National Insurance Act, 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:—

9 & 10 Geo. 6. c. 67.

### PART I.—GENERAL

Citation, commencement and interpretation.

**1.**—(1) These regulations may be cited as the National Insurance (General Transitional) Regulations, 1948, and shall come into operation on the 5th July, 1948.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance Act, 1946;

" the Unemployment Insurance Acts " means the Unemployment Insurance Acts, 1935 to 1944;

" the Health Insurance Acts " means the National Health Insurance Acts, 1936 to 1941;

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941;

26 Geo. 5. & 1 Edw. 8. c. 32.

" the Health Insurance Act of 1936 " means the National Health Insurance Act, 1936;

26 Geo. 5. & 1 Edw. 8. c. 33.

" the Contributory Pensions Act of 1936 " means the Widows', Orphans' and Old Age Contributory Pensions Act, 1936;

1 Edw. 8. & 1 Geo. 6. c. 39.

" the Contributory Pensions Act of 1937 " means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937;

2 & 3 Geo. 6. c. 84.

" the Health and Pensions Act of 1939 " means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939;

8 & 9 Geo. 6. c. 41.

" the Family Allowances Act " means the Family Allowances Act, 1945;

" the repealed enactments " means the Unemployment Insurance Acts, the Health Insurance Acts and the Contributory Pensions Acts (other than those provisions thereof not repealed by the Act);

" the Residence and Persons Abroad Regulations " means the National Insurance (Residence and Persons Abroad) Regulations, 1948(a);

" the Contributions Regulations " means the National Insurance (Contributions) Regulations, 1948(b);

" the Married Women Regulations " means the National Insurance (Married Women) Regulations, 1948(c);

" the Pensions Existing Beneficiaries Regulations " means the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948(d);

" the Pensions Existing Contributors Regulations " means the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948(e);

" the Employment Outside the United Kingdom Regulations " means the Unemployment Insurance (Employment Outside the United Kingdom) Regulations, 1936(f);

" the Arrears Regulations " means the National Health Insurance (Arrears) Regulations, 1937(g);

" the Claims and Payments Regulations " means the National Insurance (Claims and Payments) Regulations, 1948(h);

" the Overlapping Benefits Regulations " means the National Insurance (Overlapping Benefits) Provisional Regulations, 1948(i);

" the Increase Regulations " means the National Insurance (Increase of Contributory Pensions) Regulations, 1946(j);

" the Sickness Benefit Transitional Regulations " means the National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1948(k);

" the Minister " means the Minister of National Insurance;

" existing old age pensioner " means an existing beneficiary who immediately before the appointed day(l) was entitled to an old age pension under or by virtue of the Contributory Pensions Acts;

" existing widow pensioner " means an existing beneficiary, being a woman, who immediately before the appointed day was, or but for any disqualification would have been, entitled to a widow's pension under the Contributory Pensions Acts;

---

(a) S.I. 1948 No. 1275, p. 2864 above.
(b) S.I. 1948 No. 1417, p. 2767 above.
(c) S.I. 1948 No. 1470, p. 2795 above.
(d) S.I. 1948 No. 55, p. 2822 above.
(e) S.I. 1948 No. 612, p. 2834 above.
(f) S.R. & O. 1936 (No. 340) II, p. 3510.
(g) S.R. & O. 1937 (No. 1023) p. 1761; 1939 (No. 1849) II, p. 2136; 1940 (Nos. 839 and 1976) I, pp. 608–12; 1942 (Nos. 499 and 1996) I, pp. 603–5; 1943 (No. 1786) I, p. 655; 1944 (No. 1466) I, p. 489; 1945 (Nos. 316 and 1307) I, pp. 834 and 805; 1946 (Nos. 1677 and 2220) I, pp. 1035 and 1029; and 1947 (No. 1958) I, p. 1317.
(h) S.I. 1948 No. 1041, p. 2709 above.
(i) S.I. 1948 No. 1244, p. 2652 above.
(j) S.R. & O. 1946 (No. 1508) I, p. 1066; and 1947 (Nos. 154 and 542) I, pp. 1494–5.
(k) S.I. 1948 No. 1276, p. 2639 above.
(l) 5th July, 1948. *See* S.I. 1948 No. 54, p. 2615 above.

" existing pensions contributor " means an existing contributor who immediately before the appointed day was insured under the Contributory Pensions Acts;

" first normal contribution year " means the contribution year applicable to a person under regulation 2 of the National Insurance (General Benefit) Regulations, 1948(a), commencing, as the case may be, on the 7th March, 1949, the 6th June, 1949, the 5th September, 1949, or the 5th December, 1949;

" first normal benefit year " means the benefit year applicable to a person under the said regulation 2 commencing, as the case may be, on the 1st August, 1949, the 7th November, 1949, the 6th February, 1950, or the 1st May, 1950;

" health insurance contribution year " means a contribution year as defined in section 226 of the Health Insurance Act of 1936;

" special voluntary contributor " means a voluntary contributor within the meaning of subsection (5) of section 1 of the Contributory Pensions Act of 1937;

" pensions voluntary contributor " means a voluntary contributor by virtue of the said Act other than a special voluntary contributor;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

52 & 53 Vict. c. 63.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

## PART II—INSURANCE AND CONTRIBUTIONS

Certain existing contributors to be insured under the Act.

**2.**—(1) As from the appointed day—

(*a*) every existing contributor(**b**) under the Unemployment Insurance Acts who on that day is in employment outside Great Britain to which the Employment Outside the United Kingdom Regulations applied immediately before that day; and

(*b*) every existing contributor under the Health Insurance Acts or the Contributory Pensions Acts who on that day is outside Great Britain;

shall, if he is then under pensionable age, become insured under the Act and thereafter continue throughout his life to be so insured.

(2) Every existing contributor under the Contributory Pensions Acts, who attains pensionable age on the appointed day and who has been continuously insured under those Acts for the purpose of old age pensions for the period of five years immediately preceding that day, shall become insured under the Act on that day and thereafter continue throughout his life to be so insured.

Contributions in respect of the employment of certain existing contributors outside Great Britain.

**3.**—(1) As from the appointed day, where—

(*a*) an existing contributor under the Unemployment Insurance Acts is employed outside Great Britain in an employment which immediately before that day was an employment to which the Employment Outside the United Kingdom Regulations applied; or

(*b*) an existing contributor under the Health Insurance Acts is employed outside Great Britain in an employment which immediately before that day was a prescribed employment for the

(**a**) S.I. 1948 No. 1278, p. 2626 above.

(**b**) *See* s. 65 (2) (*a*), National Insurance Act, 1946.

purposes of section 1 of the Health and Pensions Act of 1939 (which section relates to certain war occupations outside the United Kingdom being treated as employment within the meaning of the Health Insurance Acts);

that employment shall be treated as an employed contributor's employment(a) for the period for which contributions are payable in respect of it under paragraph (2) of this regulation.

(2) Weekly contributions at the appropriate rates specified in Part I and Part II of the First Schedule to the Act (which Parts respectively specify the contributions payable by employed persons and the employers of such persons) shall be payable in respect of such employment during the period of twelve months from the commencement thereof:

Provided that, where a person left Great Britain for the purpose of taking up such employment more than twelve months before the appointed day, the provisions of this paragraph shall not apply to him, but paragraph (3) of this regulation shall apply to him as from that day as if he had immediately before that day completed a period in respect of which contributions were payable under this paragraph.

(3) After the completion of the period for which contributions are payable under the preceding paragraph, the insured person shall, for any week during the whole of which he is outside Great Britain, be entitled to pay contributions as a non-employed person(b), provided he exercises his option to pay such contributions within twenty-six weeks from the date on which he ceases to be liable to pay contributions, or within such longer period as the Minister may allow.

(4) Where a person to whom the preceding paragraph is applicable has while outside Great Britain paid contributions as a non-employed person in accordance with the provisions of that paragraph, and returns to Great Britain, any contribution so paid shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment, provided that, in respect of each contribution year commencing after the appointed day during the whole of which he was outside Great Britain, not less than forty-five contributions of any class have been paid by or credited to him as an insured person.

(5) The provisions of regulation 4 of the Residence and Persons Abroad Regulations shall apply to any person to whom sub-paragraph (*b*) of paragraph (1) of regulation 2 of these regulations is of application and to whom this regulation does not apply.

**4.**—(1) In the application of regulation 5 of the Residence and Persons Abroad Regulations (which regulation relates to contributions as a self-employed or a non-employed person in respect of periods outside Great Britain) to an existing contributor under the Health Insurance Acts or the Contributory Pensions Acts who becomes insured under the Act on the appointed day by virtue of these regulations, that person shall be deemed to have satisfied the condition contained in sub-paragraph (*b*) (i) of paragraph (2) thereof.

(2) Notwithstanding the repeal of the Contributory Pensions Acts, any person who on the appointed day would, but for the Act, have been entitled to pay contributions in accordance with paragraph (*c*) of subsection (1) of section 2 or by virtue of section 4 of the Health and

(a) *See* s. 1 (2), National Insurance Act, 1946.
(b) *See* s. 1 (2) (*c*), National Insurance Act, 1946.

Pensions Act of 1939 (which sections relate to the extension of insurance of persons engaged in certain war occupations) in respect of any employment before that day prescribed for the purposes of the said section 2, shall be entitled to pay any such contributions within the period of six months from the termination of the employment or within twelve months from the appointed day, whichever ends first, and the provisions of these regulations relating to existing contributors shall apply accordingly.

**Exceptions and credits for certain existing contributors, etc.**

**5.**—(1) For the purposes of regulation 2 of the Contributions Regulations (which regulation relates to exceptions and credits for unemployment), Condition I of the Schedule to those regulations shall be deemed to be satisfied—

(*a*) in the case of an existing contributor under the Health Insurance Acts and the Contributory Pensions Acts (other than a voluntary contributor under those Acts), in respect of any week in the period before the 4th October, 1948; and

(*b*) in the case of an existing contributor entitled to unemployment benefit, in respect of any week in the period before the commencement of his first normal benefit year.

(2) For the purposes of regulation 3 of the said regulations (which regulation relates to exceptions and credits for incapacity), the said Condition I shall be deemed to be satisfied in the case of an existing contributor under the Health Insurance Acts by or in respect of whom not less than twenty-six contributions under those Acts have been paid or deemed to have been paid or are treated as paid or are left out of account for the purpose of calculating arrears in the relevant health insurance contribution year, in respect of any week in the period from the appointed day to the commencement of his first normal benefit year.

(3) For the purposes of the said regulation 3, Condition III of the said Schedule shall be deemed to be satisfied—

(*a*) in the case of an existing contributor under the Health Insurance Acts or the Contributory Pensions Acts (other than a person to whom the following sub-paragraph applies) who fails to satisfy Condition I or II of the said Schedule, but in respect of whom no account is taken of arrears of contributions accruing by reason of incapacity occurring immediately before the appointed day, in respect of any week in the period during which he continues to be incapable of work; and

(*b*) in the case of a person who is an existing contributor under the Contributory Pensions Acts only (being a pensions voluntary contributor or a special voluntary contributor) who is normally engaged in some gainful occupation and by whom not less than one hundred and four contributions have been paid under those Acts and who was immediately before the appointed day incapable of work and continued to be so incapable for not less than thirteen weeks, in respect of any week in the period from the end of the thirteenth week of incapacity during which he continues to be incapable of work:

Provided that, in the case of an existing contributor under the Contributory Pensions Acts only, contributions shall be credited to him as a non-employed person and not as a self-employed person(a).

(a) *See* s. 1 (2) (*b*), National Insurance Act, 1946.

(4) In the application of regulation 8 or 9 of the said regulations (which regulations relate respectively to attendance allowance and maternity allowance) to an existing contributor under the Health Insurance Acts, paragraph (*a*) of the said regulation 8 shall be deemed to be satisfied—

(*a*) in respect of any week in the period for which she is in receipt of an attendance allowance which was awarded in respect of a confinement occurring before the commencement of her first normal contribution year, if not less than twenty-six contributions have been paid or deemed to have been paid or are treated as paid in respect of her or are left out of account for the purpose of calculating her arrears in the relevant health insurance contribution year; and

(*b*) in respect of any week in the period for which she is in receipt of a maternity allowance which began to be payable before the commencement of her first normal contribution year.

(5) For the purpose of this regulation, " the relevant health insurance contribution year " means—

(*a*) where the week of incapacity or the week of confinement occurs between the appointed day and the 2nd January, 1949, the contribution year from the 8th July, 1946, to the 6th July, 1947; and

(*b*) where any such week occurs after the 2nd January, 1949, the year from the 7th July, 1947, to the 4th July, 1948.

Credits for periods of training.

**6.**—(1) An existing contributor under the Health Insurance Acts or the Contributory Pensions Acts shall be excepted from liability to pay contributions for any week throughout which he is attending at a course of training under an approved scheme within the meaning of the National Health Insurance (Approved Training Emergency Provisions) Regulations, 1946(a), if his attendance thereat commenced before the appointed day, and a contribution as an employed person shall be credited to him for that week.

(2) In the application of regulation 7 of the Contributions Regulations to an existing contributor under the Health Insurance Acts or the Contributory Pensions Acts who commences attendance at a course of training, to which that regulation applies, before the beginning of his first normal benefit year, the contribution condition contained in sub-paragraph (*b*) of paragraph (2) thereof shall be deemed to be satisfied.

Forces on release leave.

**7.** Where an existing contributor under the Health Insurance Acts and Contributory Pensions Acts, being a man of the forces within the meaning of those Acts or the regulations made thereunder, commenced any such period of leave as is specified in regulation 2 of the National Health Insurance and Contributory Pensions (Navy, Army and Air Force Emergency Provisions) Regulations, 1945(b), before the appointed day, he shall be excepted from liability to pay a contribution in respect of any week in the period from the appointed day to the expiration of ten weeks from the commencement of the said period of leave, and shall be treated for all or any of the purposes of the Act and the orders and regulations made thereunder as if he had paid a contribution as an employed person for that week.

---

(a) S.R. & O. 1946 (No. 2220) I, p. 1029.
(b) S.R. & O. 1945 (No. 777) I, p. 811.

Pre-entry credits to be disregarded in certain cases.

**8.** The provisions of regulation 12 of the Contributions Regulations (which regulation relates to pre-entry credits) shall not apply to an existing contributor under any of the repealed enactments in relation to any benefit for the purpose of which his insurance under any of those enactments is treated as insurance under the Act:

Provided that the said regulation 12 shall apply, for the purposes of widow's benefit or retirement pension, to an existing contributor under the Contributory Pensions Acts whose last entry into insurance within the meaning of regulation 3 of the Pensions Existing Contributors Regulations was on or after the 7th July, 1947, in respect of the period before such entry.

Arrears and late paid contributions under the repealed enactments.

**9.** The provisions contained in the Schedule to these regulations shall have effect in relation to arrears of contributions under the repealed enactments and the payment of contributions thereunder after the appointed day.

## PART III—BENEFITS

Requalification for sickness benefit in the case of war occupations.

**10.** In the application of regulation 8 of the Sickness Benefit Transitional Regulations (which regulation relates to requalification for sickness benefit in certain cases) to an existing contributor under the Health Insurance Acts who was immediately before the appointed day insured in an extended insurance period within the meaning of those Acts, any contributions for the purposes of those Acts paid by such an existing contributor in accordance with paragraph (*c*) of subsection (1) of section 2 of the Health and Pensions Act of 1939 in respect of weeks during which he was engaged in any war occupation prescribed for the purposes of that section shall be reckoned towards the thirteen qualifying contributions required by that regulation, so however that contributions so paid—

(*a*) shall be reckoned as if every six such contributions were one qualifying contribution; and

(*b*) may be so reckoned notwithstanding that they were paid in respect of weeks before the 7th July, 1947.

Modification of contribution conditions for benefit in respect of certain mariners.

**11.** In the application of regulation 11 of the National Insurance (Mariners) Regulations, 1948(**a**) (which regulation relates to the modification of contribution conditions for benefit in respect of mariners on board foreign-going ships) to an existing contributor under the Health Insurance Acts, the reference to contributions which are to be paid by reference to a schedule and voyage card shall, in the circumstances of any case which so requires, include a reference to contributions which are to be so paid under the Health Insurance Acts having regard to the provisions of regulations 5 and 6 of the National Health Insurance and Contributory Pensions (Mercantile Marine) (Collection of Contributions) Regulations, 1938(**b**).

Special provisions relating to notice of retirement in the case of certain women.

**12.**—(1) Where an existing widow pensioner to whom the provisions of regulation 5 of the Pensions Existing Beneficiaries Regulations apply (which regulation relates to the conversion of widows' pensions into retirement pensions) is over pensionable age on the appointed day, and would be treated as having retired from regular employment at the date of the death of her husband but for the provisions of paragraph (2)

(**a**) S.I. 1948 No. 1467, p. 2785 above.
(**b**) S.R. & O. 1938 (No. 1172) II, p. 2359; and 1940 (No. 1246) I, p. 619.

of regulation 10 of the Increase Regulations (which paragraph relates to notice of retirement), she shall, if she gives notice to the Minister in writing of her retirement not later than three months after that date, be deemed to have retired on that date.

(2) Where a married woman who, immediately before the appointed day, was entitled to an old age pension under the Contributory Pensions Acts by virtue of her husband's insurance could, at the date on which her husband is treated as having retired from regular employment, also be treated as having so retired but for the provisions of the said paragraph (2), or, as the case may be, of paragraph (*b*) of subsection (2) of section 20 of the Act (which paragraph also relates to notice of retirement), she shall, if she gives notice to the Minister in writing of her retirement not later than four weeks after that date (or within such further time as the Minister may allow), be deemed to have retired on that date.

Modification of section 23 of the Act.

**13.** In the application of subsection (2) of section 23 of the Act (which subsection relates to the children of a man's family for the purpose of increases) to an existing old age pensioner who becomes entitled to a retirement pension on the appointed day by virtue of the Pensions Existing Beneficiaries Regulations, for the reference in paragraph (*b*) thereof to the day for which benefit is claimed there shall be substituted a reference to the appointed day.

Special credits in certain cases.

**14.** In calculating the yearly average of the contributions paid by or credited to an existing pensions contributor to whom the provisions of regulation 11 of the Pensions Existing Contributors Regulations apply (which regulation relates to retirement pensions for certain widows over the age of fifty) who has not attained the age of fifty-five at the appointed day and who last entered into insurance under the Contributory Pensions Acts on or after the 30th September, 1946, a contribution shall be credited to her for each week in the period from the beginning of the contribution year in which the appointed day occurs until that day.

Time limit for existing widow pensioners to claim certain widows' pensions.

**15.** It shall be a condition of any person's right to a widow's pension by virtue of the provisions of paragraph (2) of regulation 4 of the Pensions Existing Beneficiaries Regulations (which paragraph relates to widows' pensions for existing widow pensioners incapable of self-support) that the widow makes a claim therefor within the period of six months from the appointed day.

Payment of benefit to existing contributors and beneficiaries abroad.

**16.**—(1) A person who is in an employment to which sub-paragraph (*b*) of paragraph (1) of regulation 2 of the Contributory Pensions (Emergency Provisions) Regulations, 1942(a), applied immediately before the appointed day (which paragraph relates to occupations outside Great Britain in connection with war) shall not be disqualified for receiving widow's benefit, guardian's allowance or retirement pension by reason of being absent from His Majesty's dominions for any period for which he is employed in that employment, and for a period of one month from the termination of any such employment, subject to the qualification that payment of the benefit shall be suspended until that person returns to Great Britain unless he has nominated a person in Great Britain (who is approved by the Minister) to receive payment of the benefit on his behalf.

(a) S.R. & O. 1942 (No. 624) I, p. 79.

(2) Notwithstanding anything contained in the Act or any orders or regulations made thereunder, where an existing beneficiary under the Contributory Pensions Acts who is absent from His Majesty's dominions on the appointed day returns thereto before the 5th October, 1948, he shall be entitled to receive any benefit to which he would have been entitled but for the provisions of paragraph (*a*) of subsection (1) of section 21 of the Contributory Pensions Act of 1936, or, as the case may be, paragraph (*a*) of subsection (1) of section 29 of the Act (which provisions relate to disqualification for absence abroad), in respect of the period of three months immediately preceding the date of his return.

**Modifications of the Pensions Existing Contributors Regulations.**

**17.**—(1) The provisions of paragraph (2) of regulation 9 of the Pensions Existing Contributors Regulations (which regulation relates to credits in respect of weeks before the appointed day) shall apply to any person who immediately before the appointed day was an elderly contributor within the meaning of the Arrears Regulations.

(2) (*a*) The provisions of regulation 11 of the Pensions Existing Contributors Regulations (which regulation contains special provisions for widows over the age of fifty) shall not apply to a widow who has remarried before attaining pensionable age.

(*b*) In ascertaining the rate of a retirement pension payable to a widow for the purposes of paragraph (4) of the said regulation 11, no account shall be taken of any increase thereof.

**Child's allowance for certain children outside Great Britain.**

**18.** Where a widowed mother's allowance to which a widow is entitled by virtue of the Pensions Existing Beneficiaries Regulations or the Pensions Existing Contributors Regulations ceases to be payable to any widow because the child by reason of whose inclusion in her family that allowance is payable ceases to be in Great Britain, then if—

(*a*) the child is in any part of His Majesty's dominions outside Great Britain, and would be included in her family but for the provisions of subsection (3) of section 24 of the Family Allowances Act (which subsection makes residence in Great Britain a condition of a child's being included in a family); and

(*b*) the widow becomes entitled to a widow's basic pension;

a child's allowance shall be payable to the widow for any period during which the child would, but for the said subsection (3), be included in her family, at such a rate as will increase the rate of that pension to the rate below which the widowed mother's allowance may not be reduced under paragraph (1) of regulation 11 of the Pensions Existing Beneficiaries Regulations, or, as the case may be, regulation 12 of the Pensions Existing Contributors Regulations, on account of the earnings of the widow.

**Modification of provisions relating to overlapping benefits.**

**19.**—(1) Where the conditions for the receipt of personal benefit under the Act by way of sickness benefit, widow's allowance, widowed mother's allowance, widow's pension, retirement pension, widow's basic pension or contributory old age pension (hereafter in this regulation referred to as " the relevant benefit under the Act ") are satisfied in relation to any person who has received continuously, for a period which began before the appointed day and is current on that day, in-patient treatment in a hospital or similar institution, then, subject to the following provisions of this regulation, the provisions of regulation 9 of the Overlapping Benefits Regulations (which regulation relates to adjustment of benefit of in-patients in hospitals) shall apply in relation to that person in like

manner as they apply in relation to a person who has received continuously free in-patient treatment within the meaning of that regulation; and, for that purpose and for the purposes of the following provisions of this regulation, the expression " free in-patient treatment ", in relation to any period before the appointed day, means in-patient treatment in a hospital or similar institution and, in relation to any other period, has the same meaning as in the said regulation 9.

(2) In the application of the provisions of the said regulation 9 to any person who has received (or is regarded under that regulation as having received) free in-patient treatment continuously for a period which began before the appointed day, any free in-patient treatment received by that person for a distinct period which ended before that day shall be disregarded, and any distinct period so ended during which that person resided as an inmate in an institution (not being a hospital or similar institution) administered by or under a local authority shall be disregarded unless a period of free in-patient treatment received by that person has followed immediately thereafter.

(3) The provisions of paragraphs (4) and (5) of this regulation shall apply in any case where, for any period (hereafter in this regulation referred to as " the relevant period "), the weekly rate of the relevant benefit under the Act falls to be reduced under the provisions of the said regulation 9 (as modified by paragraphs (1) and (2) of this regulation) by reason of the beneficiary's having received free in-patient treatment for a continuous period which began before the appointed day and is or was current on that day.

(4) If the relevant period falls within the period of fifty-six days beginning at the appointed day and if either—

(*a*) the relevant benefit under the Act is sickness benefit and the beneficiary was, immediately before the appointed day, entitled to sickness benefit or disablement benefit under the Health Insurance Act of 1936; or

(*b*) the relevant benefit under the Act is retirement pension and the beneficiary was, immediately before the appointed day, entitled to a widow's pension under, or to an old age pension under or by virtue of, the Contributory Pensions Act of 1936;

and, in either case, if—

(i) immediately before the appointed day, that other benefit was being paid to or administered on behalf of a dependent relative of the beneficiary or a child; and

(ii) a reduction of benefit at a rate determined in accordance with the provisions of the said regulation 9 (as modified by paragraphs (1) and (2) of this regulation) would reduce the relevant benefit under the Act, together with any increase thereof payable to the beneficiary, to a rate less than the rate at which, immediately before that day, the beneficiary was so entitled to that other benefit;

then, for the relevant period which falls within the period of fifty-six days beginning at the appointed day, the reduction of benefit under the said regulation 9 (as so modified) shall be such only as may be necessary to reduce the relevant benefit under the Act together with any such increase thereof to the rate at which that other benefit was so payable immediately before the appointed day.

(5) In any other case, the provisions of the said regulation 9 shall apply subject only to the modifications specified in paragraphs (1) and (2) of this regulation.

(6) For the purposes of this regulation, the expressions " hospital or similar institution ", " personal benefit ", " beneficiary ", " widow's basic pension " and " contributory old age pension " have the same meanings as in the said regulation 9.

**20.**—(1) Where the provisions of regulation 11 of the Pensions Existing Beneficiaries Regulations or regulation 12 of the Pensions Existing Contributors Regulations apply in relation to any benefit by way of widowed mother's allowance, then such of the provisions of the Overlapping Benefits Regulations as relate to benefit by way of widowed mother's allowance shall have effect subject to the provisions of the following paragraph.

(2) If, in accordance with the provisions of the said regulation 11 or 12, the weekly rate of benefit by way of widowed mother's allowance is reduced to fifteen shillings, ten shillings of that amount shall be deemed to be personal benefit, and five shillings of that amount shall be deemed to be dependency benefit, and, if such weekly rate is so reduced to less than fifteen shillings, two-thirds of the amount to which it is reduced (or, if that fractional sum is not a multiple of sixpence, the sum nearest thereto which is a multiple of sixpence) shall be deemed to be personal benefit, and the balance of that amount shall be deemed to be dependency benefit.

(3) In this regulation, the expressions " personal benefit " and " dependency benefit " have the same meanings as in the Overlapping Benefits Regulations.

## PART IV.—MISCELLANEOUS PROVISIONS

Special provisions relating to the Family Allowances Act.

**21.**—(1) Notwithstanding the repeal of subsection (2) of section 13 of the Family Allowances Act, where an increase in the weekly rate of benefit or an additional allowance to which that subsection was of application was paid in respect of any period before the appointed day and an award of an allowance under that Act is made on or after that day, the provisions of that subsection shall continue to apply in relation to that allowance in the same manner as if that subsection had not been repealed.

(2) Notwithstanding anything contained in paragraph (2) of regulation 3 of the Pensions Existing Beneficiaries Regulations (which paragraph relates to the treating of a child's allowance as a guardian's allowance), where immediately before the appointed day there is included in any family a child in respect of whom an additional allowance is payable under the Contributory Pensions Acts or would have been so payable but for the provisions of subsection (1) of section 13 of the Family Allowances Act (which subsection relates to allowances under that Act where additional allowances are payable) and a child's allowance becomes payable in respect of the child on or after that day, the allowances under the Family Allowances Act for that family shall be such as would be payable if that child were not a child to whom subsection (4) of section 30 of the Act is of application (which subsection relates to allowances under the Family Allowances Act where guardian's allowances are payable).

(3) The proviso to paragraph (1) of regulation 12 of the said regulations (which proviso relates to the rate of a child's allowance) shall also apply in the case of a person to whom an additional allowance would have been payable under the Contributory Pensions Acts immediately before the appointed day but for the provisions of subsection (1) of the said section 13.

Repayment of sickness benefit in workmen's compensation cases.

**22.** In the case of an existing contributor under the Health Insurance Acts, where on review or appeal an award of sickness benefit is revised or is reversed or varied so as, in respect of any period, to make that benefit not payable or to reduce that benefit, and the person concerned is also entitled to any compensation to which regulation 10 of the Overlapping Benefits Regulations applies (which regulation relates to the adjustment of sickness benefit in workmen's compensation cases), the provisions of paragraph (2) of regulation 21 of the National Insurance (Determination of Claims and Questions) Regulations, 1948(a) (which paragraph relates to repayment of benefit where benefit under the Industrial Injuries Act is payable) shall apply as if the compensation were benefit under the Industrial Injuries Act.

Pending matters under the repealed enactments, etc.

**23.**—(1) The powers and duties of inspectors appointed under any of the repealed enactments in relation to any matters in connection with those enactments pending on or arising after the appointed day shall be exercised or performed by inspectors appointed under the Act.

(2) A claim for benefit under any of the repealed enactments may be made at any time after the appointed day notwithstanding the repeal of those enactments, and the provisions of the Claims and Payments Regulations, in so far as they relate to claims, shall apply to any such claim as they apply to a claim for the corresponding benefit under the Act:

Provided that, for the purposes of this regulation, the submission of evidence of incapacity in respect of any period before the appointed day shall be treated as if it were a claim for sickness benefit or, as the case may be, for disablement benefit under the Health Insurance Acts.

(3) As from the appointed day the provisions of the said regulations, in so far as they relate to payment of benefit, shall apply to any benefit under the repealed enactments:

Provided that—

(*a*) no payment on account of any benefit under the Contributory Pensions Acts shall be paid in respect of any period more than three months before the date on which the claim is made; and

(*b*) no sum on account of any such benefit shall be paid more than three months after the date on which it became payable; and

(*c*) weekly sums on account of retirement pensions payable to widows by virtue of the Pensions Existing Beneficiaries Regulations or the Pensions Existing Contributors Regulations shall be payable either on Tuesdays or on Thursdays as the Minister shall determine in the circumstances of any particular case or class of cases.

(a) S.I. 1948 No. 1144, p. 2720 above.

(4) Any document referring to any enactment repealed by the Act shall, in so far as it continues in force from the appointed day, be construed as referring to the corresponding enactment of the Act.

(5) Subject to the provisions of the National Insurance (Determination of Claims and Questions) (Transitional) Regulations, 1948(a), any powers and duties of the Minister, an approved society or branch of an approved society or any officer or member of the committee of management of an approved society or branch of an approved society in relation to any matters in connection with the Health Insurance Acts pending on or arising after the appointed day shall be exercised or performed by the Minister.

Savings from the effect of repeal 25 & 26 Geo. 5. c. 8.

**24.** Notwithstanding the repeal of section 21 of the Unemployment Insurance Act, 1935, and subsection (1) of section 12 of the Health Insurance Act of 1936 (which provisions relate to contributions out of moneys provided by Parliament), those provisions shall continue to have effect in relation to contributions, benefits and expenses of administration paid before the 1st January, 1949, but not thereafter.

Modifications of the Act.

**25.** The Act and the orders and regulations for the time being in force thereunder shall have full force and effect subject to the provisions of these regulations.

Given under the official seal of the Minister of National Insurance this first day of July, nineteen hundred and forty-eight.

(L.S.)

*James Griffiths,*

Minister of National Insurance.

Given under the official seal of the National Insurance Joint Authority this first day of July, nineteen hundred and forty-eight.

(L.S.)

*C. D. Curtis,*

Secretary,
National Insurance Joint Authority.

We consent.

*R. J. Taylor,*

*J. W. Snow,*

Two of the Lords Commissioners of His Majesty's Treasury.

---

(a) S.I. 1948 No. 1311, p. 2732 above.

## SCHEDULE

Regulation 9.

### ARREARS AND PAYMENT OF CONTRIBUTIONS UNDER THE REPEALED ENACTMENTS

1. The provisions of the Arrears Regulations in so far as they relate to the calculation of arrears and to payments made and to be made by way of cancelling arrears, and the provisions of regulation 13 of those regulations other than sub-paragraph (ii) of paragraph (1) thereof, shall apply with respect to arrears of contributions under the Health Insurance Acts and of combined contributions under those Acts and the Contributory Pensions Acts, in respect of the health insurance contribution year ending immediately before the appointed day, subject to the following modifications:—

(1) Anything which is authorised or required under or by virtue of those regulations to be done by or to an approved society or any officer of an approved society may be done by or to the Minister or any person nominated by the Minister for the purpose.

(2) Any reference to a card issued under the National Health Insurance and Contributory Pensions (Collection of Contributions) Regulations, 1938(a), shall be construed as a reference to a card issued by the Minister.

(3) The Minister may extend any period referred to in the Arrears Regulations as he may deem fit.

(4) References in the said regulations to a benefit year shall be construed as references, as the case may require, to one of the periods specified in paragraph (1) of regulation 4 of the Sickness Benefit Transitional Regulations.

(5) The reference to benefits in sub-paragraph (i) of paragraph (*c*) of regulation 13 of the said regulations shall be construed as a reference to sickness benefit under the Act.

(6) For the reference in paragraph (*b*) of regulation 3 of the National Health Insurance (Arrears) Amendment Regulations, 1947(b) (which regulation relates to payments to cancel arrears) to the 6th July, 1947, there shall be substituted a reference to the 4th July, 1948.

2. The following provisions shall apply as from the appointed day with respect to the payment of contributions by existing contributors under the Contributory Pensions Acts (other than a person to whom the preceding paragraph applies) in respect of the health insurance contribution year ending immediately before that day:—

(1) Any such person may pay a contribution in respect of each week in the said contribution year in which he is in arrear within the period of grace as defined in regulation 10 of the Arrears Regulations, subject to the qualification that the provisions of regulation 8 of those regulations shall apply to any contribution so paid.

(2) In calculating the arrears for the purpose of the preceding sub-paragraph—

(*a*) in the case of a person who immediately before the appointed day was insured as a pensions voluntary contributor or a special voluntary contributor, the provisions of subsection (7) of section 5 of the Contributory Pensions Act of 1937 (which subsection relates to the deeming of contributions in respect of special voluntary contributors) and of that subsection as applied to pensions voluntary contributors by subsection (2) of section 10 thereof, or the provisions of regulation 10 of the Contributory Pensions (Voluntary Contributors) Regulations, 1938(c), shall apply in respect of the said contribution year; and

---

(a) S.R. & O. 1938 (No. 773) II, p. 2266.
(b) S.R. & O. 1947 (No. 1958) I, p. 1317.
(c) S.R. & O. 1938 (No. 1108) I, p. 611.

(*b*) in the case of any other person, no account shall be taken of any week for which a contribution is credited under sub-paragraph (*a*) of paragraph (3) of regulation 9 of the Pensions Existing Contributors Regulations.

(3) The rate of any contribution which may be paid under this paragraph shall be—

(*a*) in the case of an exempt person within the meaning of the Contributory Pensions Acts, being a man, one shilling and one penny;

(*b*) in the case of a pensions voluntary contributor or a special voluntary contributor, the rate which was last applicable to him before the appointed day; and

(*c*) in any other case, the appropriate rate as specified in Part I or Part IV of the First Schedule to the Contributory Pensions Act of 1936(a).

3.—(1) Contributions paid after the appointed day in respect of weeks before that day under any of the repealed enactments, in the case of persons employed as masters, seamen or apprentices to the sea service and the sea fishing service, who neither are domiciled nor have a place of residence in the United Kingdom, shall, after allowing for the expenses of collection thereof, be applied for the purposes of the Seamen's Special Fund (incorporated by Royal Charter under the name of the Royal Seamen's Pension Fund).

(2) Such contributions, in the case of such persons who are domiciled or have a place of residence in the United Kingdom and are serving on board foreign-going ships to which section 137 of the Health Insurance Act of 1936 (which section relates to the disposal of contributions of such persons) would, but for this regulation, apply, shall be paid into the National Insurance Fund

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations contain modifications of the National Insurance Act, 1946, in its application to existing contributors and beneficiaries under the enactments repealed by that Act, and certain savings from the effect of such repeal.

Part II makes provision as to the insurance and contributions of certain existing contributors who are outside Great Britain on the appointed day (5th July, 1948) or who attain pensionable age on that day, and as to the calculation and payment of arrears of contributions of existing contributors. Part III contains miscellaneous provisions modifying the National Insurance Act, 1946, as respects the right to benefit of existing contributors and beneficiaries. Part IV provides principally for dealing with matters under the repealed enactments which are pending on, or arise after, the appointed day.

(a) *See* S.R. & O. 1946 (No. 1508) I, p. 1066.