limited in Regulation 37 any amount of graduated contributions which he is liable under this Part of these Regulations to pay to the Collector, that is to say—

(*a*) The production of the return made by the employer under Regulation 38 shall be sufficient evidence that the amount of graduated contributions shown in that return as deductible by the employer is one half of the amount which the employer is liable to pay to the Collector; and

(*b*) If the amount of graduated contributions shown as deductible in the said return differs from the amount which the employer was entitled to deduct from the payments specified therein under this Part of these Regulations, a certificate of the Collector as to the amount properly deductible shall be sufficient evidence that that amount, and not the amount shown in the said return, is one half of the amount which the employer is liable to pay to the Collector; and any document purporting to be such a certificate as aforesaid shall be deemed to be such a certificate until the contrary is proved.

(4) Regulation 29 shall not apply in the case of seamen.".

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 28th day of March, nineteen hundred and sixty-one.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of March, nineteen hundred and sixty-one.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

The Commissioners of Inland Revenue hereby concur.

By Order of the Commissioners of Inland Revenue this 30th day of March, nineteen hundred and sixty-one.

E. R. Brookes,
Secretary.

EXPLANATORY NOTE

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

These Regulations extend the principal regulations so as to include graduated contributions payable in respect of seamen within the Pay-As-You-Earn Scheme for the purposes of payment, accounting and recovery.

1961. No. 86 **[C]**

NATIONAL INSURANCE

Graduated Retirement Benefit and Consequential Provisions

REGULATIONS, DATED 29TH MARCH, 1961, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1960.

The National Insurance Joint Authority, in exercise of powers conferred by sections 20 and 29 of the National Insurance Act (Northern Ireland), 1946(**a**), and the Ministry of Labour and National Insurance, in exercise of powers conferred by sections 40, 43, 45 and 68 of that Act, and sections 4 and 5 of the National Insurance Act (Northern Ireland), 1959(**b**), in each case in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, and of all other powers enabling them in that behalf, hereby make the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations (Northern Ireland), 1961, shall come into operation on the 3rd April, 1961.

(2) In these regulations—

"the Act" means the National Insurance Act (Northern Ireland), 1946;

"the Act of 1959" means the National Insurance Act (Northern Ireland), 1959;

"the Claims and Payments Regulations" means the National Insurance (Claims and Payments) Regulations (Northern Ireland), 1948(**c**);

"the Determination of Claims and Questions Regulations" means the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(**d**);

"the New Entrants Transitional Regulations" means the National Insurance (New Entrants Transitional) Regulations (Northern Ireland), 1948(**e**);

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(**f**);

(**a**) 1946. c. 23. (**b**) 1959. c. 21.

(**c**) S.R. & O. (N.I.) 1948, No. 196 as amended by S.R. & O. (N.I.) 1949, No. 142; 1951, No. 154; 1952, No. 46; 1952, No. 141; 1953, No. 123; 1954, No. 45; 1957, No. 72 and 1957, No. 179.

(**d**) S.R. & O. (N.I.) 1948, No. 185 as amended by reg. 13 of, and Third Schedule to, National Insurance (Death Grant) Regulations (Northern Ireland), 1949 (S.R. & O. (N.I.) 1949, No. 142); S.R. & O. (N.I.) 1951, No. 157; reg. 21 of, and Second Schedule to, National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1953 (S.R. & O. (N.I.) 1953, No. 123); S.R. & O. (N.I.) 1956, No. 8; 1957, No. 169; 1957, No. 225; 1958, No. 159; 1959, No. 108; 1959, No. 138 and 1961, No. 78.

(**e**) S.R. & O. (N.I.) 1948, No. 221 as amended by S.R. & O. (N.I.) 1951, No. 154; 1952, No. 137; 1955, No. 7; 1957, No. 44; 1957, No. 182; 1957, No. 269; 1958, No. 108; 1958, No. 133; 1958, No. 206; 1960, No. 194 and 1961, No. 3.

(**f**) S.R. & O. (N.I.) 1949, No. 154 as amended by S.R. & O. (N.I.) 1951, No. 154; 1951, No. 181; 1952, No. 65; 1952, No. 137; 1953, No. 80; 1953, No. 123; 1955, No. 7; 1956, No. 138; 1957, No. 225; 1957, No. 240; 1957, No. 269; 1959, No. 94 and 1961, No. 3.

"the Widow's Benefit and Retirement Pensions Regulations" means the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland), 1948(a).

Single payment in satisfaction of right to graduated retirement benefit

2.—(1) Subject to the following provisions of this regulation, where at the appropriate date a person is entitled to graduated retirement benefit at less than three shillings a week by virtue of sub-section (7) of section 4 of the Act of 1959 (which sub-section confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension), his right for life to such benefit shall, as from that date, be satisfied altogether by the making of a single payment ascertained in accordance with the provisions of paragraph (2).

(2) Where at the appropriate date the person, being a man, is of any age specified in the first column of the First Schedule, or, being a woman, is of any age specified in the third column of that Schedule, the single payment referred to in paragraph (1) shall be a payment equal to the amount specified opposite to that age, in the case of a man, in the second column of that Schedule and, in the case of a woman, in the fourth column of that Schedule for each sixpence of the weekly rate of the person's graduated retirement benefit.

(3) The provisions of this regulation shall not apply to a person unless he does not satisfy or partially satisfy the contribution conditions for a retirement pension and also, in the case of a woman, she is unmarried or her husband is over pensionable age and does not satisfy or partially satisfy those conditions.

(4) For the purposes of this regulation—

(*a*) the weekly rate of a person's graduated retirement benefit shall be calculated without reference to any reduction therein on account of his earnings;

(*b*) subject to sub-paragraph (*c*) a person who does not satisfy the contribution conditions for a retirement pension shall be deemed partially to satisfy those conditions if, but only if, he is a person to whom regulations under section 24 of the Act (which section relates to the partial satisfaction of contribution conditions) apply in relation to his entitlement to retirement pension;

(*c*) a woman who is married on attaining pensionable age and is not entitled to a retirement pension by reason of the application to her of sub-section (5) of section 20 of the Act (which sub-section relates to the calculation of a married woman's contributions for the purposes of entitlement to a retirement pension by virtue of her own insurance) shall be treated as if she did not satisfy or partially satisfy the contribution conditions for a retirement pension;

(*d*) the "appropriate date" means, in relation to any right of a person to graduated retirement benefit, the date as from which weekly payments in respect of that right would, apart from this regulation and any reduction on account of the person's earnings, have commenced to be payable:

Provided that—

(i) where at the date which, apart from this proviso, would be the appropriate date that person is a married woman and her husband

(a) S.R. & O. (N.I.) 1948, No. 246 as amended by S.R. & O. (N.I.) 1951, No. 154; 1952, No. 137; 1953, No. 108; 1955, No. 7; 1956, No. 138; 1957, No. 160; 1957, No. 241; 1957, No. 269; 1960, No. 194 and 1961, No. 3.

has not retired from regular employment, the appropriate date shall be deferred until the date of her husband's retirement or the termination of the marriage, whichever shall first occur; and

(ii) the provisions of this paragraph shall have effect subject to the provisions of paragraph (4) of regulation 19A of the Determination of Claims and Questions Regulations; and

(*e*) in determining whether a person's right to graduated retirement benefit is at less than three shillings a week, all rights he may have to such benefit (other than rights already satisfied by the making of a payment under this regulation or rights in relation to which the appropriate date has not occurred) shall be aggregated.

Provisions affecting a woman who marries after attaining pensionable age

3.—(1) Any conditions prescribed(**a**) for the purposes of paragraph (iii) of sub-section (1) of section 20 of the Act (which paragraph relates to the prescribing of further conditions for entitlement to a retirement pension by virtue of the insurance of the husband in a case where a woman marries the husband after attaining pensionable age) shall be prescribed conditions also for the purposes of sub-section (4) of section 5 of the Act of 1959 (which sub-section relates to the prescribing of additional conditions for a woman's right to graduated retirement benefit by virtue of that section in respect of a husband whom she has married after attaining that age).

(2) A woman more than once married who is entitled in respect of any period to graduated retirement benefit by virtue of the said section 5 in respect of a second or subsequent husband shall not be precluded from being entitled in respect of that period to graduated retirement benefit by virtue of that section in respect of a former husband, but shall be so entitled to the extent only that it is payable to her by virtue of the application to her of sub-section (5) of section 4 of the Act of 1959 (which provides for additional graduated retirement benefit where a person does not retire from regular employment on attaining pensionable age) in respect of any period before the death of the first-mentioned husband.

Graduated retirement benefit as increase of widowed mother's allowance

4.—(1) Where for any week a woman is entitled to graduated retirement benefit and to a widowed mother's allowance, the graduated retirement benefit shall for that week be an increase in the weekly rate of that allowance if the amount payable to her as personal benefit by way of widowed mother's allowance would then equal or exceed the amount which would have been payable to her as personal benefit by way of retirement pension had the graduated retirement benefit been an increase in the weekly rate of that pension.

(2) For the purposes of paragraph (1)—

(*a*) "personal benefit" has the same meaning as in the Overlapping Benefits Regulations; and

(*b*) the amounts payable as personal benefit shall be calculated after any adjustment required to be made under those regulations other than any adjustment between widowed mother's allowance and retirement pension.

(**a**) See reg. 4(1) of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland), 1948 (S.R. & O. (N.I.) 1948, No. 246), as amended (S.R. & O. (N.I.) 1956, No. 138).

Amendment of regulations

5. The provisions contained in the Second Schedule shall have effect for the purpose of amending the regulations therein referred to in consequence of the introduction by the Act of 1959 of the scheme of graduated retirement benefit, and accordingly such provisions of those regulations as are set out in the Third Schedule shall have effect as therein set out.

Given under the Official Seal of the National Insurance Joint Authority this 29th day of March, nineteen hundred and sixty-one.

(L.S.) *D. J. Carter,*
Secretary.

Given under the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 29th day of March, nineteen hundred and sixty-one.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of March, nineteen hundred and sixty-one.

(L.S.) *W. W. Arthur,*
Assistant Secretary.

FIRST SCHEDULE Regulation 2

Amounts of Single Payments payable in satisfaction of Rights to Graduated Retirement Benefit of Sixpence a Week

MEN		WOMEN	
Age at appropriate date	Amount	Age at appropriate date	Amount
	£ s.		£ s.
65 and under 66	12 0	60 and under 61	17 0
66 „ „ 67	11 10	61 „ „ 62	16 10
67 „ „ 68	11 0	62 „ „ 63	16 0
68 „ „ 69	10 10	63 „ „ 64	15 10
69 „ „ 70	10 0	64 „ „ 65	15 0
70 „ „ 71	9 10	65 „ „ 66	14 10
71 „ „ 76	8 10	66 „ „ 71	13 0
76 „ „ 81	6 10	71 „ „ 76	10 0
81 or above	4 10	76 „ „ 81	7 10
		81 or above	5 0

SECOND SCHEDULE Regulation 5

Amendment of Regulations under the Act in consequence of the Act of 1959

PART I

AMENDMENT OF REGULATION 12 OF THE CLAIMS AND PAYMENTS REGULATIONS

1. Paragraph (1)(**a**) of regulation 12 of the Claims and Payments Regulations (which paragraph provides for the extinguishment of the right to sums payable by way of benefit other than a sum payable by way of death grant where payment is not obtained within the prescribed period) shall be amended in accordance with the provisions of paragraph 2 and shall accordingly have effect as set out in Part I of the Third Schedule.

2. In the said paragraph (1) after the words "death grant" there shall be inserted the words "or by way of a single payment under regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations (Northern Ireland), 1961(**b**) (which provides for the satisfaction, in certain cases, by a single payment of a person's right to graduated retirement benefit)".

PART II

AMENDMENT OF THE DETERMINATION OF CLAIMS AND QUESTIONS REGULATIONS

1. At the commencement of paragraph (1)(**c**) of regulation 18 of the Determination of Claims and Questions Regulations (which paragraph deals with reviews of decisions of insurance officers, local tribunals and the Commissioner) there shall be inserted the words "Subject to the provisions of regulation 19A".

2. Regulation 19(**d**) of the said regulations (which prescribes the conditions in which decisions given on review involving the payment or increase of benefit are to have effect) shall be amended in accordance with paragraphs 3, 4 and 5 of this Part and shall accordingly have effect as set out in Part II of the Third Schedule.

3. At the commencement of paragraph (1) of the said regulation 19, there shall be inserted the words "Subject to the provisions of regulation 19A".

4. In paragraph (2) of the said regulation 19, at the commencement of sub-paragraph (*a*) there shall be inserted the following words—

> "Except where it is certified by the decision on review that the original decision was revised by reason only of a matter specified in sub-paragraph (*a*) of paragraph (1) of regulation 2, in so far as that sub-paragraph relates to graduated contributions,"

and in the said sub-paragraph, after the words "shall apply" the words "in any case" shall be omitted.

5. In paragraph (3) of the said regulation 19, after the words "For the purpose of this" there shall be added the words "and the next following".

6. After regulation 19 of the said regulations there shall be added the following regulation:

"*Single payments in satisfaction of rights to graduated retirement benefit*

19A.—(1) The following provisions of this regulation shall apply, in relation to payments (hereafter in this regulation referred to as 'single payments') under regulation 2 of the National Insurance (Graduated Retirement Benefit and

(**a**) S.R. & O. (N.I.) 1952, No. 141; S.R. & O. (N.I.) 1957, No. 72.
(**b**) S.R. & O. (N.I.) 1961, No. 86.
(**c**) S.R. & O. (N.I.) 1951, No. 157; S.R. & O. (N.I.) 1959, No. 138.
(**d**) S.R. & O. (N.I.) 1953, No. 123; S.R. & O. (N.I.) 1957, No. 225.

Consequential Provisions) Regulations (Northern Ireland), 1961, (which provides for the satisfaction, in certain cases, by a single payment of a person's right to graduated retirement benefit by virtue of sub-section (7) of section 4 of the National Insurance Act (Northern Ireland), 1959, which sub-section confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension).

(2) For the purposes of regulation 18, in the case of a decision awarding a single payment, it shall be deemed not to be a material fact or relevant change of circumstances, as the case may be, that, since the date which was the appropriate date for the purposes of the said regulation 2, graduated retirement benefit would, apart from that regulation, have ceased to be payable, but it shall be deemed to be such a fact or change that, since that date, his right to graduated retirement benefit has ceased to be by virtue of the said sub-section (7).

(3) Where on review or appeal a decision awarding a single payment falls, or would but for this paragraph fall, to be revised so as to make payable either—

(*a*) a single payment in satisfaction of a right to graduated retirement benefit at a weekly rate higher than the weekly rate (hereinafter called 'the original weekly rate') of the graduated retirement benefit in satisfaction of the right to which the original single payment was awarded; or

(*b*) weekly payments of graduated retirement benefit; then—

(i) the decision on the review or appeal shall direct that the single payment originally awarded shall be treated as duly made in satisfaction for life of any right of the beneficiary (whether by virtue of the said sub-section (7) or not) to graduated retirement benefit so far as it does not exceed the original weekly rate; and

(ii) the beneficiary's right to graduated retirement benefit, so far as it exceeds the original weekly rate, shall be treated as a separate right.

(4) Where on review or appeal a decision awarding weekly payments of graduated retirement benefit falls to be revised so as to make a single payment payable, the appropriate date for the purposes of the said regulation 2 shall be deferred until the date of the application for the review or of the notice of appeal, as the case may be, and the decision on review or appeal shall direct that any sums paid on account of the weekly payments originally awarded in respect of any period thereafter shall be treated as having been paid on account of the single payment."

PART III

AMENDMENT OF REGULATIONS 4A AND 4B OF THE NEW ENTRANTS TRANSITIONAL REGULATIONS

1. Regulation 4A(**a**) of the New Entrants Transitional Regulations (which modifies the Act in relation to new entrants who enter insurance less than one hundred and fifty-six weeks before reaching pensionable age) shall be amended in accordance with the provisions of paragraphs 2 and 3 and shall accordingly have effect as set out in Part III of the Third Schedule.

2. At the end of sub-paragraph (i) of paragraph (1) of the said regulation 4A there shall be inserted the following words:

"and no graduated contribution under the National Insurance Act (Northern Ireland), 1959, shall be payable in respect of any such person's employment by reason of any payment of remuneration made after his attaining that age;".

3. After sub-paragraph (ii) of paragraph (1) of the said regulation 4A there shall be added the following sub-paragraph:

"(iii) for the purposes of any right to graduated retirement benefit every such person shall be deemed to retire from regular employment immediately after attaining the age of sixty-five (or, in the case of a woman, sixty)."

(**a**) S.R. & O. (N.I.) 1958, No. 133.

4. In paragraph (1) of regulation 4B(**a**) of the said regulations (which modifies the Act in relation to new entrants who enter insurance too late to be able to satisfy the condition as to yearly average of contributions for widow's benefit or retirement pension) there shall be substituted for the words "sub-paragraphs (i) and (ii)" the words "sub-paragraphs (i), (ii) and (iii)".

PART IV

AMENDMENT OF THE OVERLAPPING BENEFITS REGULATIONS

Paragraph 6 of Column 1 of the Schedule to the Overlapping Benefits Regulations (which paragraph shows benefit under the Act which, if it is payable to a person otherwise than in respect of another person who is a child or an adult dependant, is not required to be adjusted by reference to any benefit which is shown in the corresponding paragraph of Column 2 of the said Schedule and is so payable) shall be amended by the insertion therein, after the word "pension", of the words "in so far as it consists of graduated retirement benefit or" and after the word "contributions", of the words "(not being graduated contributions under the National Insurance Act (Northern Ireland), 1959)".

PART V

AMENDMENT OF REGULATION 4 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS

1. Paragraph (1)(**b**) of regulation 4 of the Widow's Benefit and Retirement Pensions Regulations (which paragraph prescribes special conditions in relation to retirement pensions by virtue of the husband's insurance in the case of a woman marrying after pensionable age) shall be amended in accordance with paragraph 2 and shall accordingly have effect as set out in Part IV of the Third Schedule.

2. At the end of the said paragraph (1) of regulation 4 there shall be added the following proviso:

"Provided that the reference in sub-paragraph (*c*) to a retirement pension shall not include graduated retirement benefit which is payable by virtue of sub-section (7) of section 4 of the National Insurance Act (Northern Ireland), 1959 (which sub-section confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension)."

THIRD SCHEDULE Regulation 5

Provisions of Regulations under the Act as amended by these Regulations*

PART I Second Schedule Part I

PARAGRAPH (1) OF REGULATION 12 OF THE CLAIMS AND PAYMENTS REGULATIONS, AS AMENDED

(1) The right to any sum payable by way of benefit, other than a sum payable by way of death grant *or by way of a single payment under regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations (Northern Ireland), 1961 (which provides for the satisfaction, in certain cases, by a single payment of a person's right to graduated retirement benefit)* shall be extinguished where payment thereof is not obtained within the period of six months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

(**a**) S.R. & O. (N.I.) 1958, No. 206. (**b**) S.R. & O. (N.I.) 1956, No. 138.

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

Provided that in calculating the said period of six months no account shall be taken of—

(*a*) any period during which a serial order or draft containing the sum is in the possession of the Ministry or any paying office, other than a period after written notice has been given that the serial order or draft is available for collection;

(*b*) any period during which the Ministry has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen;

(*c*) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year; or

(*d*) any period during which the determination of any question as to such extinguishment is pending.

PART II Second Schedule Part II

REGULATION 19 OF THE DETERMINATION OF CLAIMS AND QUESTIONS REGULATIONS, AS AMENDED

Review of decisions involving payment or increase of benefit

19.—(1) *Subject to the provisions of regulation* 19A, where on review a decision is revised so as to make benefit payable, or to increase the rate of benefit, the decision given on the review shall have effect as follows:

(*a*) in the case of unemployment benefit and maternity allowance, as from the date of the application for the review;

(*b*) in the case of sickness benefit, as from the date ten days before the date of the application for the review; or

(*c*) in the case of widow's benefit, child's special allowance, a guardian's allowance and a retirement pension, as from the date three months before the date of the application for the review:

Provided that, subject to the provisions of the next succeeding paragraph, if in any case the claimant proves—

(i) that on a date earlier than the date on which the application for the review was made, he was (apart from satisfying the condition of making a claim therefor) entitled to benefit; and

(ii) that throughout the period between the earlier date and the date on which the application for review was made, there was good cause for delay in making the application;

he shall not be disqualified by virtue of the foregoing provisions of this paragraph for receiving any benefit to which he would have been entitled in respect of the said period.

(2) Notwithstanding anything contained in this regulation, the following provisions shall have effect:

(*a*) *Except where it is certified by the decision on review that the original decision was revised by reason only of a matter specified in sub-paragraph* (*a*) *of paragraph* (1) *of regulation* 2, *in so far as that sub-paragraph relates to graduated contributions,* the proviso to the foregoing paragraph shall apply subject to the condition that no sum on account of benefit shall be paid to any person in respect of any part of the period referred to in that proviso earlier than six months before the date on which the application for the review was made.

(*b*) The decision on review shall not in any event have effect for any period before the date on which the original decision took effect or would have taken effect if an award had been made.

(*c*) If the said decision on review was based on a material change of circumstances subsequent to the date from which the original decision took effect, it shall not have effect for any period before the date declared by the insurance officer, the local tribunal or the Commissioner, as the case may be, to be the date on which such material change of circumstances took place.

(3) For the purpose of this *and the next following* regulation, where a decision is reviewed at the instance of an insurance officer under paragraph (1) of regulation 18, the date on which it was first decided by the insurance officer that the decision should be reviewed shall be deemed to be the date of the application for the review.

PART III Second Schedule Part III

REGULATION 4A OF THE NEW ENTRANTS TRANSITIONAL REGULATIONS, AS AMENDED

Modifications of the Act in relation to new entrants who enter insurance less than one hundred and fifty-six weeks before attaining the age of sixty-five (men) or sixty (women)

4A.—(1) Subject to the following paragraph, as respects any insured person who—

(*a*) on the appointed day was over school leaving age and under pensionable age; but

(*b*) was not immediately before that day an existing contributor within the meaning of regulation 2 of the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948,

and who, having attained the age of sixty-five (or, in the case of a woman, sixty), did not enter insurance before the beginning of a period of one hundred and fifty-five contribution weeks ending immediately before the week in which that age was attained if that age was attained on the first day of that week, or in any other case before the beginning of a period of one hundred and fifty-four contribution weeks ending immediately before the week in which that age was attained, the following provisions shall apply:

(i) no such person shall be liable to pay a contribution as an employed or self-employed person for any period after attaining the age of sixty-five (or, in the case of a woman, sixty) *and no graduated contribution under the National Insurance Act (Northern Ireland), 1959, shall be payable in respect of any such person's employment by reason of any payment of remuneration made after his attaining that age*;

(ii) every such person shall, in respect of each contribution paid by that person as an employed, self-employed or non-employed person, be entitled to a refund of that portion of the contribution which is attributable to widow's benefit and retirement pension, and for that purpose shall be entitled to a refund of the amount set out at the head of Column (2), (3), (4), (6), (7) or (8) of the Second Schedule to these regulations whichever is appropriate together with such interest thereon as will bring the total of the amount to be refunded up to the amount appropriate to the circumstances of the case as set out in the appropriate column;

(iii) *for the purposes of any right to graduated retirement benefit every such person shall be deemed to retire from regular employment immediately after attaining the age of sixty-five (or, in the case of a woman, sixty).*

(2) The provisions of paragraph (1) of this regulation shall not apply to any person to whom regulation 4 of these regulations applies or who under the provisions of the Act or any regulations or orders made thereunder is deemed to have satisfied, or would, if he had retired from regular employment and made a claim for a retirement pension, have been treated as satisfying the condition specified in sub-paragraph (1)(*a*) of paragraph 4 of the Third Schedule to the Act

(which sub-paragraph makes the payment of not less than one hundred and fifty-six contributions of the appropriate class a condition for widow's benefit or retirement pension).

PART IV Second Schedule Part V

PARAGRAPH (1) OF REGULATION 4 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS, AS AMENDED

(1) For the purposes of paragraph (iii) of sub-section (1) of section 20 of the Act (which paragraph relates to the prescribing of further conditions for entitlement to a retirement pension by virtue of the insurance of the husband in a case where a woman married the husband after attaining pensionable age), one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say:

(*a*)—(i) that she and her husband have been married for not less than three years; or

(ii) that, if the husband dies before the expiration of three years from the date of the marriage, she satisfies the requirements of paragraph (*b*) of sub-section (1) of section 16 of the Act, as amended by section 2 of and the schedule to the Family Allowances and National Insurance Act (Northern Ireland), 1956 (which paragraph specifies the conditions of entitlement to widowed mother's allowance); or

(*b*) that, immediately before the date of the marriage, she was or, but for any disqualification, or had sub-section (2) of section 2 of the Family Allowances and National Insurance Act (Northern Ireland), 1956 (which contains provisions as to national insurance benefits for widows) then been in force, would have been entitled to widow's benefit; or

(*c*) that, immediately before the said date, she was entitled to a retirement pension, or would have been so entitled but for any disqualification, or but for her failure to satisfy the condition that she had retired from regular employment, or had sub-section (3) of section 2 of the Family Allowances and National Insurance Act (Northern Ireland), 1956, then been in force; or

(*d*) that, immediately before the said date, she was entitled, otherwise than under the Act, to any pension or allowance payable out of public funds and ceased to be so entitled by reason only of her marriage or remarriage:

Provided that the reference in sub-paragraph (c) to a retirement pension shall not include graduated retirement benefit which is payable by virtue of sub-section (7) of section 4 of the National Insurance Act (Northern Ireland), 1959 (which sub-section confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension).

EXPLANATORY NOTE

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

These Regulations provide that the right to graduated retirement benefit under the National Insurance Act (Northern Ireland), 1959, at less than a prescribed weekly rate, of a person who is not entitled to a retirement pension under the National Insurance Act (Northern Ireland), 1946, may be satisfied by a single payment, and prescribe the circumstances in which the provision is to apply and the amount of the single payment in relation to the age of the person.

The Regulations also prescribe that the conditions for a widow's entitlement to graduated retirement benefit in respect of a husband she married after attaining pensionable age shall be the same as those she is required to satisfy for entitlement to a retirement pension by virtue of his insurance, and enable a