EXPLANATORY NOTE

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

These Regulations revoke and replace the National Insurance (General Benefit) Amendment Provisional Regulations, 1957. They provide for the disregarding of disqualifications for benefit for the purposes of certain provisions of the National Insurance Act, 1957.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 14th November, 1957 is contained in House of Commons Paper No. 26 (Session 1957–58) published by Her Majesty's Stationery Office.

1957 No. 1830

The National Insurance (Guardian's Allowances) Amendment Regulations, 1957

Made - - - -	*24th October,* 1957
Laid before Parliament	*31st October,* 1957
Coming into Operation	*18th November,* 1957

The National Insurance Joint Authority, in exercise of the powers conferred by section 19 of the National Insurance Act, 1946(a), and the Minister of Pensions and National Insurance, in exercise of powers conferred by section 9 of the National Insurance Act, 1957(b), and in exercise of all other powers enabling them in that behalf, hereby make the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Guardian's Allowances) Amendment Regulations, 1957, shall be read as one with the National Insurance (Guardian's Allowances) Regulations, 1948(c), (hereinafter referred to as "the principal regulations"), and shall come into operation on the 18th November, 1957.

Amendment of the principal regulations

2. The principal regulations shall be amended in accordance with the following provisions of these regulations and shall accordingly have effect as set out in the Schedule to these regulations.

Amendment of regulation 2 of the principal regulations

3.—(1) In regulation 2 of the principal regulations (which relates to adopted children), for the reference to the Adoption of Children Act, 1926(d), and the Adoption of Children (Scotland) Act, 1930(e), there shall be substituted a reference to the Adoption Act, 1950(f), and the words "(including any step-parent)" shall be omitted.

(a) 9 & 10 Geo. 6. c. 67.
(b) 5 & 6 Eliz. 2. c. 26.
(c) S.I. 1948/2687 (Rev. XVI, p. 189: 1948 I, p. 2781).
(d) 16 & 17 Geo. 5. c. 29.
(e) 20 & 21 Geo. 5. c. 37.
(f) 14 Geo. 6. c. 26.

(2) In paragraph (*a*) of the said regulation 2, the words "and that, if that person married after the date of the adoption order, the spouse whom that person so married is also dead" shall be omitted.

(3) In paragraph (*b*) of the said regulation 2, the words "or by one of two spouses with the consent of the other" and the words "and that, if either of them remarried, the person whom either of such spouses remarried is also dead" shall be omitted.

(4) In paragraph (*c*) of the said regulation 2, there shall be inserted after the word "spouses" the words "with or" and the words "and that, if at the death of that spouse the spouse who did not consent to the adoption has in fact assumed joint responsibility for the child, such other spouse is also dead; and further that, if the spouse who adopted the child remarried, the person to whom that spouse was remarried is also dead" shall be omitted.

Amendment of regulation 3 of the principal regulations

4.—(1) In paragraph (1) of regulation 3 of the principal regulations (which relates to illegitimate children), the words "(including any step-parent)" and the words "or conditions" shall be omitted.

(2) In sub-paragraph (*a*) of the said paragraph (1) the words "and, where applicable, the further condition specified in paragraph (2) of this regulation" shall be omitted.

(3) In sub-paragraph (*b*) of the said paragraph (1) the words "and, where applicable, the further condition specified in the said paragraph (2)" shall be omitted.

(4) Paragraph (2) of the said regulation 3 shall be omitted.

Children of divorced persons, etc.

5.—(1) In paragraph (1) of regulation 4 of the principal regulations (which relates to children of divorced persons) the words after the word "divorce" shall be omitted and there shall be substituted the following words "and where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, there shall be substituted for the said condition that the parents of the child are dead the condition that one parent is dead."

(2) In paragraph (2) of the said regulation 4 the words "and persons who marry any such persons, and the expression 'step-parent' shall be construed accordingly" shall be omitted.

(3) After the said paragraph (2), as so amended, there shall be inserted the following paragraph:—

"(3) For the purposes of this regulation, a voidable marriage which has been annulled, whether before or after the date when this paragraph comes into force, shall be treated as if it had been a valid marriage which was terminated by divorce at the date of the annulment."

Amendment of regulation 5 of the principal regulations

6. In paragraph (1) of regulation 5 of the principal regulations (which relates to children whose parents cannot be traced), for the words "at the date of the death of one of the parents of a child the other parent cannot be traced", there shall be substituted the words "one of the child's parents is dead and the person claiming the guardian's allowance shows that he was at the date of the death unaware of, and has failed after all reasonable

efforts to discover, the whereabouts of the other parent," and the words " (including any step-parent) " shall be omitted.

Amendment of regulation 6 of the principal regulations

7. In regulation 6 of the principal regulations (which relates to the insurance condition), after the words " Except in relation to " there shall be inserted the words " regulation 4 or ".

Amendment of regulation 7 of the principal regulations

8. In regulation 7 of the principal regulations (which provides a special saving), the words " or the step-parent " shall be omitted.

Revocation of regulation 8 of the principal regulations

9. Regulation 8 of the principal regulations (which relates to revocation of provisional regulations) is hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued, or incurred, thereunder.

Transitional provisions

10. Where before the coming into operation of these regulations, a guardian's allowance has been paid in respect of a child by virtue of a person's insurance, nothing in these regulations shall prevent the payment, in respect of any subsequent period, of such an allowance in respect of that child by virtue of the insurance of that person.

Given under the Official Seal of the National Insurance Joint Authority this 24th day of October, nineteen hundred and fifty-seven.

(L.S.) *Ian G. Gilbert,*
Secretary,
National Insurance Joint Authority.

Given under the Official Seal of the Minister of Pensions and National Insurance this 24th day of October, nineteen hundred and fifty-seven.

(L.S.) *John Boyd-Carpenter,*
Minister of Pensions and National Insurance.

SCHEDULE

Regulation 2

CONTAINING THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Guardian's Allowances) Regulations, 1948, and shall come into operation on the 17th December, 1948.

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

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

" insurance officer ", " local tribunal " and " the Commissioner " have the same meanings as in the National Insurance (Determination of Claims and Questions) Regulations, 1948 ;

" the determining authority " means, as the case may require, an insurance officer, a local tribunal or the Commissioner ;

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.

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

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

Adopted children

2. Subject to the provisions of regulation 7, where a child has been adopted within the meaning of the *Adoption Act, 1950,* there shall be substituted for the condition contained in paragraph (*a*) of subsection (1) of section 19 of the Act that the parents of the child are dead, that condition set out below which is appropriate to the circumstances of the case namely,—

(*a*) if the child was adopted by a person who was not married at the date of the adoption order, the condition that that person is dead; or

(*b*) if the child was adopted by two spouses jointly, the condition that both of those spouses are dead;

(*c*) if the child was adopted by one of two spouses *with or* without the consent of the other, the condition that the spouse who adopted the child is dead.

Illegitimate children

3. Subject as aforesaid, where a child (other than a child to whom the preceding regulation applies) is illegitimate, there shall be substituted for the said condition that the parents of the child are dead the condition set out below appropriate to the circumstances of the case, namely,—

(*a*) if any person has been found by a court of competent jurisdiction to be the father of the child, or if there is no such finding but in the opinion of the determining authority the paternity of the child has been admitted or established, the condition that the father and the mother of the child are dead; or

(*b*) in any other case, the condition that the mother is dead.

Children of divorced persons, etc.

4.—(1) Subject as aforesaid, where the marriage of a child's parents was terminated by divorce *and where, at the death of one of the parents, the child was not in the custody of, or being maintained by, the other parent and there was no order of a court imposing any liability for custody or maintenance of the child on the other parent, there shall be substituted for the said condition that the parents of the child are dead the condition that one parent is dead.*

(2) In the application of this regulation, the expression "parents" shall include persons who adopt children in the circumstances specified in regulation 2.

(3) *For the purposes of this regulation, a voidable marriage which has been annulled, whether before or after the date when this paragraph comes into force, shall be treated as if it had been a valid marriage which was terminated by divorce at the date of the annulment.*

Children whose parents' whereabouts are unknown

5.—(1) Subject as aforesaid, where *one of a child's parents is dead and the person claiming the guardian's allowance shows that he was at the date of the death unaware of, and has failed after all reasonable efforts to discover, the whereabouts of the other parent,* there shall be substituted for the condition that the parents of the child are dead the condition that one of the parents is dead.

(2) For the purposes of this regulation, the provisions of paragraph (2) of regulation 4 shall apply.

Insurance condition

6. Except in relation to *regulation 4 or* regulation 5, there shall be substituted for the condition contained in paragraph (*b*) of subsection (1) of the said section 19 that one at least of the parents of the child was an insured person, the condition that the person or, as the case may be, one at least of the persons to whom the appropriate substituted condition contained in these regulations is applicable, was an insured person.

Special saving

7. Notwithstanding anything contained in these regulations, the parent of a child shall not be entitled to a guardian's allowance in respect of that child.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Guardian's Allowances) Regulations, 1948, by providing that guardian's allowance shall be payable on the death of one parent, when the whereabouts of the other parent is not known.

Provision is also made for the allowance to be payable: in the case of adopted children, on the death of the adoptive parent or if the child was adopted by two spouses jointly when both of them are dead; in the case of illegitimate children, on the death of the mother provided she is not survived by the father of the child when it will be payable when both of them are dead; and, in the case of children of divorced parents or parents whose voidable marriages have been annulled, on the death of one parent provided that that parent is not survived by the other who, at the date of death has custody of the child, or is maintaining the child, or against whom there has been issued a court order for custody or maintenance, in which case the allowance will be payable when both parents are dead.

In the case of a child who has been adopted or whose divorced parent remarries and in the case of an illegitimate child whose mother marries, amendments have been made consequential on the repeal, by section 6 (1) (*b*) of the National Insurance Act, 1957, of the provision of the National Insurance Act, 1946, which made it a condition for the payment of a guardian's allowance that any step-parent of the child should be dead.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with Section 77 of the National Insurance Act, 1946, and their report thereon dated the 28th June, 1957, is contained in the House of Commons Paper No. 291 (Session 1956–57) published by Her Majesty's Stationery Office.

1957 No. 1849

The National Insurance (Hospital In-Patients) Amendment Regulations, 1957

Made - - - -	*28th October*, 1957
Laid before Parliament	*5th November*, 1957
Coming into Operation	*18th November*, 1957

The National Insurance Joint Authority(**a**), in conjunction with the Treasury, in exercise of powers conferred by section 30 of the National Insurance Act, 1946(**b**), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Hospital In-Patients) Amendment Regulations, 1957, shall be read as one

(**a**) *See* S. 63(2), National Insurance Act, 1946, and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p. 367: 1948 I, p. 2905)).

(**b**) 9 & 10 Geo. 6. c. 67.