1965 No. 35

NATIONAL INSURANCE

The National Insurance (Increase of Widow's Basic Pension and Miscellaneous Provisions) Regulations 1965

Made - - - -	13*th January* 1965
Laid before Parliament	22*nd January* 1965
Coming into Operation	23*rd January* 1965

The Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of powers conferred by section 65 of the National Insurance Act 1946(a), and of all other powers enabling her in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the National Insurance (Increase of Widow's Basic Pension and Miscellaneous Provisions) Regulations 1965, shall be read as one with the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations 1948(b) and the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations 1948(c), in so far as they relate to matters respectively dealt with by those regulations, and shall come into operation on 23rd January 1965.

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

" the Act " means the National Insurance Act 1946;

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

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

Higher rates of widow's basic pensions and contributory old age pensions payable to widows by virtue of husband's insurance

2. The following provisions of these regulations shall have effect for the purpose of increasing as from 29th March 1965 the rate of a widow's basic pension or a contributory old age pension by virtue of her husband's insurance payable to a widow by virtue of the Existing Beneficiaries Regulations or of the Existing Contributors Regulations and the said regulations shall accordingly be amended as from that date as provided in the two next following regulations.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822).
(c) S.I. 1948/612 (Rev. XVI, p. 18: 1948 I, p. 2834).

Amendment of Existing Beneficiaries Regulations

3.—(1) In regulation 3 of the Existing Beneficiaries Regulations (description of additional benefits to be included in benefit under the Act) there shall be added the following paragraph:—

" (3) A widow's basic pension and a contributory old age pension payable to a widow by virtue of her husband's insurance shall, for the purposes of the National Insurance (Hospital In-Patients) Regulations 1949(a), as amended(b), be treated as widow's pension."

(2) For regulation 9(1) of the said regulations (rate of widow's basic pension or contributory old age pension) there shall be substituted the paragraph set out in Schedule A Part I of these regulations and there shall be inserted after the said regulation 9(1) the paragraph set out in Part II of that Schedule.

(3) Schedule 1 of the Existing Beneficiaries Regulations (as substituted by the National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations 1964(c)) shall be amended by substituting for column (1) the column set out in Schedule B column (1) of these regulations and by inserting therein as column (3) the column set out as column (2) of the said Schedule B.

(4) In regulation 9(2) of the Existing Beneficiaries Regulations (rate of widow's basic pension payable under regulation 7(2)) for " 10 shillings " there shall be substituted " 30 shillings ".

(5) In regulation 23 (preservation of rights of lapsed contributors) there shall be inserted at the beginning thereof the words " Except as provided under regulation 9(1A) of these regulations ".

Amendment of Existing Contributors Regulations

4.—(1) In regulation 6(2) of the Existing Contributors Regulations (rate of pension for certain widows of existing contributors) for " 10 shillings " there shall be substituted " 30 shillings ".

(2) For Schedule 2 of the Existing Contributors Regulations there shall be substituted the Schedule set out in Schedule C of these regulations.

Persons not resident in Great Britain

5.—(1) Notwithstanding the provisions of these or any other regulations, a woman who, immediately before 29th March 1965, is a widow and is not resident in Great Britain shall be disqualified for receiving additional benefit by virtue of these regulations by way of widow's basic pension or contributory old age pension unless and until she becomes resident in Great Britain:

Provided that the disqualification for the receipt of such benefit at the higher rate shall not apply to a widow for any period during which she is in Great Britain.

(2) As from 29th March 1965, regulation 18 of the National Insurance (General Transitional) Regulations 1948(d) and regulation 6(4) of the Existing Contributors Regulations(e) (both of which provisions relate to child's allowance for certain children outside Great Britain) shall cease to have effect.

(a) S.I. 1949/1461 (1949 I, p. 2718). (b) The relevant amending instruments are S.I. 1952/2179, 1957/1849, 2077, 1960/1283, 1963/394 (1952 II, p. 2147; 1957 I, pp. 1546, 1556; 1960 II, p: 2163; 1963 I, p. 424). (c) S.I. 1964/297 (1964 I, p. 508). (d) S.I. 1948/1503 (Rev. XVI, p. 2. 1948 I, p. 2880). (e) *Inserted by* S.I. 1951/538 (1951 I, p. 1498).

Transitional provisions as to awards and claims

6.—(1) Where an award of benefit of any description to which these regulations apply has been made before 29th March 1965, then subject to the following provisions of this regulation the benefit shall without any claim being made therefor become payable (except as respects any period falling before that date) at the higher weekly rate prescribed by these regulations and the award shall have effect accordingly.

(2) Where such an award as is mentioned in the foregoing paragraph has been made, then if the period to which the award relates has not ended before 29th March 1965 and a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of these regulations; or

(*b*) whether the conditions for the receipt of the benefit at the higher weekly rate are satisfied;

the benefit shall be or continue to be payable at the weekly rate specified in the award until the said question shall be determined in accordance with the provisions of the Act.

(3) Where any such award is made after the date on which these regulations come into operation but before 29th March 1965, the award may provide for the benefit to be paid as from 29th March 1965 at the higher weekly rate.

(4) Notwithstanding the provisions of regulation 12, as amended(a), of the National Insurance (Claims and Payments) Regulations 1948(b) (extinguishment of the right to sums payable by way of benefit) the right to any sum which by virtue of paragraph (1) of this regulation becomes payable under the award by way of additional benefit shall, as respects any period beginning with 29th March 1965 and ending with the date of expiration of the book of serial orders (as defined in regulation 1(2), as amended(c), of the said regulations) issued to the beneficiary for the payment of benefit to which the award relates, be extinguished if payment thereof is not obtained within the period of 18 months (or such longer time as the Minister may determine in the circumstances of any particular case) from 29th March 1965.

(5) Subject to the foregoing provisions of this regulation, regulation 19 of the Existing Beneficiaries Regulations (accrual of benefit without claim) shall not operate to make the higher rate of benefit prescribed by these regulations begin to accrue without a claim having been made therefor.

Day for payment of pension where Industrial Injuries pension payable

7. In the case of a widow who is entitled to a widow's basic pension or a contributory old age pension at a rate higher than the rate at which she is entitled to widow's pension under section 19 of the National Insurance (Industrial Injuries) Act 1946(d) weekly sums on account of the widow's basic pension or the contributory old age pension shall, notwithstanding the provisions of regulation 10(4) of the National Insurance (Claims and Payments) Regulations 1948, as amended(e), be payable on Wednesdays and in her case regula-

(a) The relevant amending instruments are S.I. 1952/1207, 1957/578, 1961/557 (1952 II, p. 2122; 1957 I, p. 1516; 1961 I, p. 1228).
(b) S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).
(c) The only relevant amendment was made by S.I. 1952/1207 (1952 II, p. 2122).
(d) 9 & 10 Geo. 6. c. 62.
(e) The relevant amending instrument is S.I. 1957/1357 (1957 I, p. 1518).

tion 10(7) of those regulations shall apply to the contributory old age pension as it applies to widow's benefit.

Margaret Herbison,
Minister of Pensions and National Insurance.

5th January 1965.

G. H. R. Rogers,
J. McCann,
Two of the Lords Commissioners of Her Majesty's Treasury.

13th January 1965.

SCHEDULE A Regulation 3(2)

AMENDMENT OF REGULATION 9 OF THE EXISTING BENEFICIARIES REGULATIONS

PART I

9.—(1) A contributory old age pension (other than a contributory old age pension payable to a widow by virtue of her husband's insurance) to which any person becomes entitled on or after the appointed day by virtue of any of the foregoing provisions of these regulations shall be at the same rate as the pension to which that person was or, but for any disqualification, would have been entitled immediately before that day.

PART II

(1A) A widow's basic pension or a contributory old age pension payable by virtue of her husband's insurance to which a widow becomes entitled under any of the foregoing provisions of these regulations shall, where the rate of pension to which she was or, but for any disqualification, would have been entitled immediately before the appointed day (excluding in the case of a widow's pension any additional allowances) was—

(*a*) 10 shillings, be increased to 30 shillings; and

(*b*) at one of the amounts specified in Schedule 1 column (1) of these regulations, be increased to the corresponding amount specified in column (3) of that Schedule;

and, where a widow becomes entitled to any such pension by virtue of regulation 23 of these regulations, that pension shall be increased as if it were a pension within sub-paragraph (b) of this paragraph.

Regulation 3(3) SCHEDULE B

COLUMNS TO BE SUBSTITUTED AND INSERTED IN SCHEDULE 1 OF THE EXISTING BENEFICIARIES REGULATIONS

(1) Rate of widow's basic pension or contributory old age pension by virtue of husband's insurance and rate (apart from additional allowance or increase) of widow's pension immediately before the appointed day	(2) Corresponding increased rate of widow's basic pension and contributory old age pension by virtue of husband's insurance
s. d.	s. d.
9 0	27 0
8 0	24 0
7 0	21 0
6 0	18 0
5 0	15 0
4 0	12 0
3 0	9 0
2 0	6 0

Regulation 4(2) SCHEDULE C

SCHEDULE SUBSTITUTED FOR SCHEDULE 2 OF THE EXISTING CONTRIBUTORS REGULATIONS

Regulation 6(3) SCHEDULE 2

showing reduced rates of widow's basic pension and contributory old age pension

Yearly average of contributions paid or credited (1)	Reduced rate at which pension is payable (2) s. d.
48 and under 50	28 6
46 and under 48	27 0
43 and under 46	25 6
40 and under 43	24 0
37 and under 40	22 6
34 and under 37	19 6
30 and under 34	18 0
26 and under 30	15 0
22 and under 26	12 0
18 and under 22	10 6
13 and under 18	7 6

EXPLANATORY NOTE

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

These Regulations, by amending the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations 1948 and the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations 1948, increase the rates of widow's basic pension and contributory old age pension payable to certain widows under the National Insurance Act 1946 and make consequential provisions of a minor character.