NATIONAL INSURANCE

BENEFITS

1954 No. 163

The National Insurance (Married Women) Amendment Regulations, 1954

Laid before Parliament in draft
Made - - - - 15*th February*, 1954
Coming into Operation 1*st March*, 1954

Whereas a draft of the following regulations was laid before Parliament and approved by resolution of each House of Parliament:

Now, therefore, the Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of the powers conferred by sections 13 (4) and 59 of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the said regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Married Women) Amendment Regulations, 1954, shall be read as one with the National Insurance (Married Women) Regulations, 1948(b), as amended(c) (hereinafter referred to as "the principal regulations") and shall come into operation on the fourteenth day after the date of this instrument.

Amendment of regulation 3 *of the principal regulations*

2.—(1) Regulation 3 of the principal regulations (which relates to the insurance of married women who are self-employed persons) shall be amended in accordance with the following provisions of this regulation.

(2) For paragraph (1) of the said regulation 3, there shall be substituted the following paragraph:—

"(1) (*a*) A woman shall be excepted from liability to pay contributions in respect of any period during which she is married and is a self-employed person unless, during that period, she elects otherwise in accordance with the following provisions of this regulation.

(*b*) Every such election by a married woman shall be either an election to be liable to pay contributions as a self-employed person or an election to be liable to pay contributions as if she were a non-employed person notwithstanding that she is a self-employed person, and a woman who makes any such election shall, during the operation of the election but subject to the provisions of the Act and of regulations 5 and 6, be liable to pay the contributions which she has elected to be liable to pay:

Provided that, in relation to a married woman who has attained pensionable age but has not attained the age of sixty-five, any such election made by her to be liable to pay contributions as if she were a non-employed person shall be treated as if it were an election to be liable to pay contributions as if she were a non-employed person under pensionable age.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948/1470 (Rev. XVI, p. 123: 1948 I, p. 2795).
(c) S. 9 and para. 15 of First Schedule, National Insurance Act, 1953 (1 & 2 Eliz. 2, c. 29),

(*c*) Where a married woman has elected under the foregoing provisions of this regulation to be liable to pay contributions as if she were a non-employed person, every such contribution paid by her in respect of a week commencing on or after the date of the coming into operation of this sub-paragraph and occurring during the operation of any such election shall be treated as if it were a contribution as a self-employed person for the purposes of paragraph (1) of regulation 4 and Condition II of the Schedule to these regulations and, if it is paid in respect of a week commencing on or after the date on which she attained pensionable age, for the purposes of subsection (4) of section 20 of the Act (which provides for increasing the weekly rate of a retirement pension where contributions as an employed or self-employed person have been paid by the beneficiary in respect of the period after his attaining pensionable age)."

(3) For sub-paragraph (*a*) of paragraph (2) of the said regulation 3, there shall be substituted the following sub-paragraph:—

"(*a*) Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Minister, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Minister, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a self-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given."

Amendment of regulation 4 *of the principal regulations*

3.—(1) Regulation 4 of the principal regulations (which relates to the insurance of married women who are non-employed persons) shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) of the said regulation 4, paragraph (*a*) of the proviso, and the words " of this paragraph ", shall be omitted.

(3) For sub-paragraph (*a*) of paragraph (2) of the said regulation 4, there shall be substituted the following sub-paragraph:—

"(*a*) Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Minister, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Minister, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a non-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given."

Revocation of paragraph (1) *of regulation* 6 *of the principal regulations, and consequential amendments*

4.—(1) In regulation 6 of the principal regulations, paragraph (1) (which limits the contributions to be taken into account for the purpose of determining the right of a married woman to unemployment benefit or sickness benefit where less than forty-five contributions under the Act have been paid by or credited to her in respect of a contribution year which began after the appointed day and during the whole of which she was a married woman) shall cease to have effect and shall be omitted from the principal regulations.

(2) In consequence of the foregoing provisions of this regulation,—

(*a*) in paragraph (2) of the said regulation 6, for the words "the said first-mentioned", there shall be substituted the word "that"; and

(*b*) sub-paragraph (*c*) of paragraph (1) of regulation 8 of the principal regulations (which sub-paragraph relates to the operation of the said paragraph (1) of regulation 6) shall cease to have effect, and accordingly that sub-paragraph and the words "(but subject to the provisions of sub-paragraph (*c*) of this paragraph)" where they occur in sub-paragraph (*a*) of the said paragraph (1) of regulation 8 shall be omitted from the principal regulations.

Provision added to the principal regulations

5. After regulation 6 of the principal regulations, there shall be added the following regulation:—

"*Limitation of the operation of regulations* 5 *and* 6

6A. The provisions of regulations 5 and 6 shall not operate to prevent the payment by a married woman of any contribution in respect of any week commencing on or after the date of the coming into operation of this regulation except in the case of a married woman who, immediately before that date, by virtue of the operation of those provisions, either—

(*a*) was not entitled to pay contributions as, or as if she were, a non-employed person notwithstanding that she had elected to be liable to pay such contributions; or

(*b*) would not have been so entitled if she had been able to elect, and had elected, so to be liable,

unless and until Condition II of the Schedule to these regulations should have been satisfied in respect of appropriate weeks determined in accordance with those provisions; and, in the case of any such married woman, those provisions shall cease to apply if and when, on or after that date, that Condition is satisfied in respect of those weeks or she ceases to be a married woman."

Amendment of regulation 12 *of the principal regulations*

6. In regulation 12 of the principal regulations (which relates to the duty of a woman to furnish evidence and give notice of her marriage) for the words "eight weeks", there shall be substituted the words "thirteen weeks".

Form of amended regulations

7. In accordance with the foregoing provisions of these regulations, regulations 3, 4, 6 and 12 of the principal regulations shall have effect as set out in the Schedule to these regulations.

Dated this 11th day of February, nineteen hundred and fifty-four.

Osbert Peake,
Minister of Pensions and National Insurance.

Dated this 15th day of February, nineteen hundred and fifty-four.

T. G. D. Galbraith,
Hendrie D. Oakshott,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE Regulation 7

CONTAINING PROVISIONS WHICH ARE AMENDED BY THESE REGULATIONS*

REGULATION 3 OF THE PRINCIPAL REGULATIONS, AS AMENDED

Married women who are self-employed persons

3.—(1) (*a*) *A woman shall be excepted from liability to pay contributions in respect of any period during which she is married and is a self-employed person unless, during that period, she elects otherwise in accordance with the following provisions of this regulation.*

(*b*) *Every such election by a married woman shall be either an election to be liable to pay contributions as a self-employed person or an election to be liable to pay contributions as if she were a non-employed person notwithstanding that she is a self-employed person, and a woman who makes any such election shall, during the operation of the election but subject to the provisions of the Act and of regulations 5 and 6, be liable to pay the contributions which she has elected to be liable to pay:*

Provided that, in relation to a married woman who has attained pensionable age but has not attained the age of sixty-five, any such election made by her to be liable to pay contributions as if she were a non-employed person shall be treated as if it were an election to be liable to pay contributions as if she were a non-employed person under pensionable age.

(*c*) *Where a married woman has elected under the foregoing provisions of this regulation to be liable to pay contributions as if she were a non-employed person, every such contribution paid by her in respect of a week commencing on or after the date of the coming into operation of this sub-paragraph and occurring during the operation of any such election shall be treated as if it were a contribution as a self-employed person for the purposes of paragraph* (1) *of regulation* 4 *and Condition II of the Schedule to these regulations and, if it is paid in respect of a week commencing on or after the date on which she attained pensionable age, for the purposes of subsection* (4) *of section* 20 *of the Act (which provides for increasing the weekly rate of a retirement pension where contributions as an employed or self-employed person have been paid by the beneficiary in respect of the period after his attaining pensionable age).*

(2) (*a*) *Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Minister, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Minister, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a self-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given.*

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Minister to that effect, and such notice shall be operative from the beginning of the week in which the notice was given.

(3) Where a married woman did not elect to pay contributions as a self-employed person under the Act, or elected to pay contributions as if she were a non-employed person, and subsequently elects to pay contributions as a self-employed person, any contributions paid by or credited to her as a self-employed person (or, if she becomes employed, as an employed person) on or after the date on which such latter election became operative shall not be taken into account for the purpose of determining her right to sickness benefit under the Act unless, before the day for which benefit is claimed, Condition II of the Schedule to these regulations has been satisfied, and unless the contributions so paid or credited are in respect of weeks commencing on or after the operative date of such election.

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

REGULATION 4 OF THE PRINCIPAL REGULATIONS, AS AMENDED

Married women who are non-employed persons

4.—(1) A woman shall be excepted from insurance under the Act during any period during which she is married and is a non-employed person unless she elects (in accordance with paragraph (2) of this regulation, but subject to the provisions of regulations 5 and 6) either to be liable to pay contributions as a non-employed person or to remain in insurance under the Act without paying contributions:

Provided that no such person shall be entitled to elect to remain in insurance without paying contributions unless immediately before the date on which the election would otherwise be effective she satisfies one of the following conditions, namely:—

(i) that not less than one hundred and fifty-six contributions, whether as an employed person or self-employed person, have been paid in respect of her since her entry into insurance under the Act; or

(ii) in the case of a person who became insured under the Insurance Act or the Contributory Pensions Act before the 30th September, 1946, and who continued to be insured or treated as insured under either of those Acts up to immediately before the appointed day, that not less than one hundred and four contributions have been paid in respect of her before that day under those Acts since her last entry into insurance under either of those Acts; or

(iii) in the case of a person who became so insured on or after the said 30th September, or, having become so insured before that day, had had less that one hundred and four such contributions so paid in respect of her before the appointed day, and who in either case continued to be insured or treated as insured under either the Insurance Act or the Contributory Pensions Act up to immediately before that day, that not less than one hundred and fifty-six contributions, whether under those Acts or the Act, have been paid in respect of her since her last entry into insurance under the Insurance Act or the Contributory Pensions Act;

and, for the purpose of this proviso, if more than one contribution has been paid under the said Acts for any one week, any such contributions shall be treated as if they were one contribution.

(2) (*a*) *Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Minister, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Minister, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a non-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given.*

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Minister to that effect, and such notice shall be operative from the beginning of the week in which the notice was given.

(3) Where a married woman, being a person who as a non-employed person did not elect to pay contributions under the Act or elected to be insured only, subsequently pays, or has accredited to her, contributions either as an employed person or self-employed person, any such contributions shall not be taken into account for the purpose of determining her right to unemployment or sickness benefit, unless before the day for which benefit is claimed, in the case of unemployment benefit, Condition I of the Schedule to these regulations has been satisfied, and, in the case of sickness benefit, Condition II of that Schedule has been satisfied, in either case in respect of weeks to which the said subsequent payment or crediting of contributions relates.

(4) Where a married woman by reason of any provision of this regulation ceases to be an insured person under the Act, but thereafter becomes insured thereunder, the date of her entry into insurance shall (subject to any regulations

made under the transitional provisions of section 65 of the Act) be the date on which she first became an insured person under the Act, notwithstanding that she may have ceased to be an insured person on more than one occasion.

REGULATION 6 OF THE PRINCIPAL REGULATIONS, AS AMENDED

Contribution test for married women

6. Where, in respect of a contribution year beginning after the appointed day during the whole of which a person is a married woman, less than forty-five contributions of any class under the Act have been paid by or credited to her, the following provisions shall apply:—

. . . . . .

(2) She shall not be entitled in respect of any period after the end of *that* contribution year to pay contributions as, or if she were, a non-employed person unless and until Condition II of the Schedule to these regulations has been satisfied in respect of weeks commencing after the end of that contribution year.

REGULATION 12 OF THE PRINCIPAL REGULATIONS, AS AMENDED

Notice of marriage

12. It shall be the duty of every woman who, being an insured person, marries, to furnish any evidence of her marriage as may be required by the Minister and to give notice to the Minister in writing of her marriage not later than *thirteen weeks* thereafter, or, if she claims benefit before the expiration of that period, at the time of making such a claim.

EXPLANATORY NOTE

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

These Regulations revoke one of the provisions of the National Insurance (Married Women) Regulations, 1948, which limit the contributions under the National Insurance Act, 1946, to be taken into account for the purpose of determining the right of a married woman to unemployment or sickness benefit. They also, in certain circumstances and for certain purposes (including the increase of the weekly rate of a retirement pension), enable the payment, by a married woman who is a self-employed person, of contributions as if she were a non-employed person to have effect as if they were contributions as a self-employed person; they simplify the provisions governing the making of certain elections under those Regulations; and they limit the effect of provisions of those Regulations which restrict the right of a married woman to pay contributions as, or as if she were, a non-employed person in certain cases. The remaining provisions of these Regulations are of a minor or consequential character.

The preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Married Women) Amendment Regulations, 1953) 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 11th November, 1953, is contained in the House of Commons Paper No. 49 (Session 1953-54) published by Her Majesty's Stationery Office.