STATUTORY INSTRUMENTS

1971 No. 906

SOCIAL SECURITY

The National Insurance (Married Women) Amendment Regulations 1971

Laid before Parliament in draft

Made - - - 27*th May* 1971

Coming into Operation 14*th June* 1971

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

Now, therefore, the Secretary of State for Social Services, in conjunction with the Treasury, in exercise of powers conferred by section 102 of the National Insurance Act 1965(**a**) and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Married Women) Amendment Regulations 1971 and shall come into operation on 14th June 1971.

(2) In these regulations, unless the context otherwise requires, "the principal regulations" means the National Insurance (Married Women) Regulations 1948(**b**), as amended (**c**), and other expressions have the same meaning as in those regulations.

(3) References in these regulations to any enactment or regulation shall, unless the context otherwise requires, include a reference to such enactment or regulation as amended by any subsequent enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**d**) shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

(**a**) 1965 c. 51. (**b**) S.I. 1948/1470 (Rev. XVI, p. 123: 1948 I, p. 2795).
(**c**) The relevant amending instruments are S.I. 1957/1322, 1967/1265 (1957 I, p. 1681; 1967 II, p. 3673). (**d**) 1889 c. 63.

Regulation substituted for regulation 8C of the principal regulations

2. For regulation 8C of the principal regulations (which relates to retirement pensions for women whose marriages have been dissolved) there shall be substituted the following regulation :—

"*Retirement pensions for women whose marriages have been dissolved*

8C.—(1) Where a woman's marriage (being, in the case of a woman who has been married more than once, her last marriage before attaining pensionable age) has been terminated otherwise than by the death of her husband and she was under pensionable age on the date of that termination, then, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall from time to time be treated as so paid or credited either—

(*a*) for each contribution year falling wholly or partly before the date of that termination ; or

(*b*) for each contribution year falling wholly or partly during the period of that marriage,

a number of contributions either—

(i) equal to the yearly average (ascertained as at the date of the termination of that marriage or the date on which her husband by that marriage attained pensionable age, whichever is the earlier) of the contributions paid by or credited to that husband, or

(ii) equal to the number of contributions actually paid by or credited to her for that year,

whichever will for the time being enable her to receive the greatest amount by way of pension.

(2) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was not under pensionable age on the date of that termination, she shall, subject to the provisions of the Act, be entitled to a retirement pension by virtue of his insurance as if he had died on the date of that termination.

(3) A woman whose last or only marriage has been terminated otherwise than by death shall, for the purpose of her right to a retirement pension by virtue of her own insurance, be deemed to have satisfied the conditions for a retirement pension as respects the number of contributions required to have been actually paid since entry into insurance, if, at the date of that termination, her husband by that marriage would, had he then died, have satisfied those conditions in that respect."

Transitory provisions

3. In their application to a woman whose marriage was terminated before the date of the coming into operation of these regulations the provisions of the regulation which, by regulation 2 of these regulations, is substituted for

regulation 8C of the principal regulations shall not, in respect of any period before that date, have effect so as to increase the amount of benefit which would have been payable but for their coming into operation.

Keith Joseph,
Secretary of State for Social Services.

26th May 1971.

Walter Clegg,

P. L. Hawkins,
Two of the Lords Commissioners of Her Majesty's Treasury.

27th May 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations extend the provisions of the National Insurance (Married Women) Regulations 1948 whereby a woman whose marriage has been dissolved may have her husband's yearly contribution average taken into account for the purpose of a retirement pension. Those provisions are brought into line with those which apply to widows.

The report of the National Insurance Advisory Committee on the preliminary draft of these regulations dated 9th March 1971 is contained in the House of Commons Paper No. 337 (Session 1970-71) published by Her Majesty's Stationery Office.

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