1971. No. 168 [C]

NATIONAL INSURANCE

Married Women

REGULATIONS, DATED 8TH JUNE 1971, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The Ministry of Health and Social Services, in conjunction with the Ministry of Finance, in exercise of powers conferred by section 96(1) of the National Insurance Act (Northern Ireland) 1966(a), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 101(3) of that Act:

Citation and commencement

1. These regulations, which may be cited as the National Insurance (Married Women) Amendment Regulations (Northern Ireland) 1971, shall be read as one with the National Insurance (Married Women) Regulations (Northern Ireland) 1962(b) (hereinafter referred to as "the principal regulations") and shall come into operation on 14th June 1971.

Amendment of the principal regulations

2. For regulation 12 of the principal regulations (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

12.—(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.

(a) 1966. c. 6 (N.I.).
(b) S.R. & O. (N.I.) 1962, No. 64 as amended by S.R. & O. (N.I.) 1967, No. 234.

(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 National Insurance Act (Northern Ireland) 1966, 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 12 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.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 8th day of June 1971.

(L.S.) *S. H. O'Fee,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 8th day of June 1971.

(L.S.) *C. F. Darling,*
Assistant Secretary.

EXPLANATORY NOTE

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

These regulations extend the provisions of the National Insurance (Married Women) Regulations (Northern Ireland) 1962 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. These provisions are brought into line with those which apply to widows.