the Act is extinguished (regulation 12); and (*g*) special provisions have been inserted affecting unemployment and sickness benefit for mariners employed as masters or members of crews (regulations 13 and 14). The remaining provisions are of an incidental or consequential character.

12. MARRIED WOMEN

The National Insurance (Married Women) Regulations, 1948

1948 No. 1470

Made - - - - 29*th June*, 1948
Coming into Operation 5*th July*, 1948

M.N.I. 110.

The Minister of 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, and of all other powers enabling him in that behalf, hereby makes the following regulations in the terms of a draft duly approved by resolution of each House of Parliament*:— 9 & 10 Geo. 6. c. 67.

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Married Women) Regulations, 1948, and shall come into operation on the 5th July, 1948.

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

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

" the Insurance Act " means the National Health Insurance Act, 1936; 26 Geo. 5. & 1 Edw. 8. c. 32.

" the Contributory Pensions Act " means the Widows', Orphans' and Old Age Contributory Pensions Act, 1936; 26 Geo. 5. & 1 Edw. 8. c. 33.

" the Minister " means the Minister of National Insurance;

" contribution year " and " benefit year " have the same meanings as in the National Insurance (General Benefit) Regulations, 1948(a);

" week " means a contribution week(b);

" marriage " includes any remarriage, and the word " married ", wherever it occurs, shall be construed accordingly;

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.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

Married women who are employed persons.

2.—(1) (*a*) A woman may elect not to be, and thereafter (subject to the provisions of paragraph (2) of this regulation) shall not be, liable to pay contributions under the Act in respect of any employment as an employed person(c) for any period during which she is married.

(a) S.I. 1948 No. 1278, p. 2626 above.
(b) *See* s. 78 (1), National Insurance Act, 1946.
(c) *See* s. 1 (2) (a), National Insurance Act, 1946.

* The necessary Resolutions were passed by the House of Lords on the 28th June, 1948, and by the House of Commons on the 23rd June, 1948.

(*b*) Nothing in this regulation shall relieve an employer of any liability imposed on him by the Act in relation to employer's contributions.

(2)—(*a*) Any such election by a married woman not to pay contributions as an employed person may be made by her at any time by giving notice in writing to the Minister to that effect, and the election shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Minister may allow.

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice to the Minister to that effect, and such cancellation shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Minister may allow:

Provided that such cancellation shall be without prejudice to the right of the person concerned again to make any such election from time to time.

(3)—(*a*) A married woman who has elected not to pay contributions in accordance with the provisions of this regulation, and who is at the time of the election in an employed contributor's employment(**a**) or thereafter enters such employment, shall, at that time or at the commencement of the subsequent employment, as the case may be, make application to the Minister for a certificate of such election, which shall be issued to her by the Minister on any such application, and the married woman shall produce such certificate to her employer forthwith.

(*b*) If a married woman cancels any such election in accordance with the provisions of this regulation, she shall surrender the certificate to the Minister at the time of the cancellation, and forthwith notify her employer of the cancellation.

(4) Where a married woman has cancelled her election not to pay contributions as an employed person, any contributions paid by or credited to her as an employed person (or, if she becomes self-employed, as a self-employed person) on or after the date on which the cancellation became operative shall not be taken into account for the purpose of determining her right to unemployment benefit or sickness benefit under the Act 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, and unless in either case the contributions so paid or credited are in respect of weeks commencing on or after the operative date of the said cancellation.

Married women who are self-employed persons.

3.—(1) (*a*) A woman shall be excepted from liability to pay contributions in respect of any employment as a self-employed person for any period during which she is married unless she elects (in accordance with paragraph (2) of this regulation) to be liable to pay those contributions.

(*b*) Where a married woman has not elected under the foregoing provision of this paragraph to pay contributions as a self-employed person, she may elect (subject to the provisions of regulations 5 and 6) to pay contributions as if she were a non-employed person, notwithstanding that she is a self-employed person.

(**a**) *See* s. 1(2), National Insurance Act, 1946.

(2)—(*a*) (i) Any such election by a married woman to pay contributions, either as a self-employed person or as if she were a non-employed person, in respect of self-employment existing at the date of her marriage (or at the appointed day(**a**) if the marriage took place before the appointed day) shall be made by her by giving notice in writing to the Minister not later than thirteen weeks after the date of the marriage or the appointed day, as the case may require, or within such longer period as the Minister may, having regard to all the circumstances of the case, allow, and, if so made, such election shall (subject to the provisions of regulations 5 and 6) be operative from the date of the marriage or the appointed day, as the case may be; but, if not so made within the foregoing appropriate period, any such election shall (subject as aforesaid) be operative from the beginning of the week in which the said notice was given.

(ii) Any such election by a married woman to pay contributions either as a self-employed person or as if she were a non-employed person in respect of self-employment commencing after the date of the marriage or after the appointed day, as the case may be, shall be made by her by giving notice in writing to the Minister not later than eight weeks after the commencement of the employment, or within such longer period as the Minister may, having regard to all the circumstances of the case, allow, and, if so made, such election shall (subject to the provisions of regulations 5 and 6) be operative from the commencement of the employment; but, if not so made within the foregoing appropriate period, any such election shall (subject as aforesaid) 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.

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:

(**a**) 5th July, 1948. *See* S.I. 1948 No. 54, p. 2615 above.

Provided that no such person—

(*a*) shall be entitled to make either of the foregoing elections if immediately before the appointed day she was a married woman and not insured or treated as insured within the meaning of the Insurance Act or the Contributory Pensions Act unless and until Condition II of the Schedule to these regulations has been satisfied in respect of weeks commencing on or after the appointed day;

(*b*) 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 than 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 paragraph 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*) (i) Any such election by a married woman to pay contributions as a non-employed person or to be insured only, in respect of any non-employment existing at the date of the marriage (or at the appointed day if the marriage took place before the appointed day) shall be made by her by giving notice in writing to the Minister not later than thirteen weeks after the date of the marriage or the appointed day, as the case may require, or within such longer period as the Minister may, having regard to all the circumstances of the case, allow, and, if so made, such election shall (subject to the provisions of regulations 5 and 6) be operative from the date of the marriage or the appointed day, as the case may be; but, if not so made within the appropriate period, any such election shall be void.

(ii) Any such election by a married woman to pay contributions as a non-employed person or to be insured only, in respect of any non-employment commencing after the date of the marriage or after the appointed day, as the case may be, shall be made by her by giving notice in writing to the Minister not later than eight weeks after the commencement of the non-employment, or within such longer period as the Minister may, having regard to all the circumstances of the case, allow, and, if so made, shall (subject to the provisions of regulations 5 and 6) be operative from the commencement of the non-employment; but, if not so made within the foregoing appropriate period, any such election shall be void.

(*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 credited 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.

Special condition relating to payment of contributions by married women as non-employed persons in certain cases.

5. A married woman who—

(*a*) being an employed person, has, in respect of any period, elected not to be liable to pay contributions; or

(*b*) being a self-employed person, has, in respect of any period, not elected to be liable to pay contributions as a self-employed person, or has cancelled any election as a self-employed person to be liable to pay contributions as if she were a non-employed person (not being for the purpose of paying contributions as a self-employed person); or

(*c*) being a non-employed person, has, in respect of any period, not elected to be liable to pay contributions;

shall, after any such election, failure to elect or cancellation of an election, not be entitled to pay contributions as, or as if she were, a non-employed person unless and until (after making any necessary election or cancellation of an election in accordance with these regulations) she has in respect of weeks commencing after the election, failure or cancellation, as the case may be, satisfied Condition II of the Schedule to these regulations.

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:—

(1) Any contributions paid by or credited to her as an employed person or as a self-employed person in respect of any period occurring after the end of that contribution year shall not be taken into account for the purpose of determining her right to unemployment benefit or sickness benefit under the Act 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 commencing after the end of that contribution year:

Provided that if a married woman fails to satisfy the foregoing contribution test in respect of a contribution year, that test shall not apply to any subsequent contribution year or years commencing before the satisfaction of the appropriate Condition of the said Schedule in accordance with this paragraph in relation to the first-mentioned contribution year.

(2) She shall not be entitled in respect of any period after the end of the said first-mentioned contribution year to pay contributions as, or as 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.

Waiving of Conditions in Schedule on cessation of marriage.

7. Where for the purpose of any provision of these regulations a married woman is during any period in process of satisfying either Condition I or Condition II of the Schedule to these regulations, and at that time ceases to be a married woman either by reason of the death of her husband or otherwise, the Condition then applicable shall be treated as waived, and any contributions paid by her in respect of the period during which she was subject to that Condition shall be taken into account as if she had been a single woman, subject to the qualification that the waiving of the Condition shall not entitle her to payment of any benefit for any period before the cessation of the marriage which would not have been payable if the Condition had not been waived.

Credits for the purpose of determining rate of unemployment and sickness benefit where marriage has been terminated.

8.—(1) (*a*) Where a woman's marriage has been terminated by the death of her husband or otherwise, and during her marriage she was affected by these regulations, the provisions set out in the next succeeding sub-paragraph shall apply if, after the said termination (but subject to the provisions of sub-paragraph (*c*) of this paragraph) she has paid twenty-six contributions as an employed person or a self-employed person, as the case may be, and at that termination she—

(i) was not an insured person; or

(ii) was an insured person of any class who was not then liable to pay contributions under the Act; or

(iii) was an insured person who was liable to pay contributions as, or as if she were, a non-employed person.

(*b*)—(i) For the purpose of determining the rate of unemployment benefit in the case of a woman to whom the preceding sub-paragraph applies, a contribution shall be credited in respect of every week in the period beginning with the commencement of the last complete contribution year before the benefit year which includes the week in

which the twenty-sixth contribution as an employed person was paid, and terminating with that week.

(ii) For the purpose of determining the rate of sickness benefit in the case of such a woman, a contribution shall be credited in respect of every week in the period beginning with the commencement of the last complete contribution year before the benefit year which includes the week in which the twenty-sixth contribution either as an employed person or a self-employed person was paid, and terminating with that week.

(iii) Notwithstanding anything contained in this sub-paragraph, no contribution shall be credited for any week earlier than the week following the week in which the marriage in question took place.

(*c*) Where a woman had at the date of the termination of her marriage paid contributions which at that date could not be taken into account for the purposes of unemployment or sickness benefit by reason of the operation of paragraph (1) of regulation 6, they shall nevertheless be taken into account for the purposes of this paragraph, so however that the said condition with regard to the payment of twenty-six contributions contained in sub-paragraph (*a*) of this paragraph shall not be deemed to have been satisfied at any date earlier than the date of the said termination.

(2) Where by virtue of this regulation a contribution is credited for any week, any contribution under the Act otherwise paid or credited for that week shall be disregarded for the purposes of this regulation, but for all other purposes shall be taken into account to the exclusion of any contribution credited by virtue of this regulation.

Credits in respect of maternity allowance.

9.—(1) For the purpose of her right to maternity allowance, there shall be credited to a married woman contributions as an employed person or self-employed person for any periods in respect of which she would have been liable to pay such contributions but for the provisions of subsection (2) of section 59 of the Act (which subsection relates to the exception of married women from insurance and the payment of contributions) and of these regulations.

(2) For the purposes of sub-paragraph (*a*) of paragraph 3 of the Third Schedule to the Act (which sub-paragraph relates to the contribution conditions for a maternity allowance) but for those purposes only, a contribution shall be credited to a married woman for any week of unemployment or incapacity for work, ascertained in accordance with the provisions of paragraph (*a*) of subsection (2) of section 11 of the Act (which paragraph relates to days which are, or are deemed to be, days of unemployment or incapacity for work) and any regulations made under that paragraph, in so far as she is not otherwise entitled to be credited with a contribution for that week; and if in respect of any such week she is not an insured person she shall be deemed to be such a person for the foregoing purposes.

Special provision relating to disqualification of married women for unemployment benefit.

10. The question whether a married woman is subject to any of the disqualifications for unemployment benefit contained in subsection (2) of section 13 of the Act shall be determined on the same basis as that applicable to a single woman, but not so as to exclude such consideration of the responsibilities arising from her marriage as is reasonable in the circumstances of the case.

Additional condition for receipt by a married woman of an increase of benefit for a child.

11. Where a married woman is residing with her husband and claims an increase of benefit for a child of their family, it shall be an additional condition with respect to the receipt of that increase that her husband is incapable of self-support(**a**).

(**a**) *See* s. 78 (1), National Insurance Act, 1946.

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 eight weeks thereafter, or, if she claims benefit before the expiration of that period, at the time of making such a claim.

Notice by post.

13. Any notice required by these regulations may be sent by post, and, if so sent, shall be deemed to have been given on the date on which it was posted.

Modifications of the Act.

14. The provisions of the Act shall have effect subject to the modifications contained in these regulations.

Dated this 29th day of June, 1948.

James Griffiths,
Minister of National Insurance.

Wm. Hannan,
R. J. Taylor,
Two of the Lords Commissioners
of His Majesty's Treasury.

SCHEDULE

Condition I

(relating to unemployment benefit)

That not less than fifty-two contributions as an employed person, whether or not in respect of continuous weeks, have been paid by or credited to a married woman, of which at least twenty-six were paid contributions.

Condition II

(relating to sickness benefit and the payment of contributions as a non-employed person)

That not less than fifty-two contributions, whether as an employed person or a self-employed person and whether or not in respect of continuous weeks, have been paid by or credited to a married woman, of which at least twenty-six were paid contributions.

EXPLANATORY NOTE

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

These Regulations modify the National Insurance Act, 1946, in its application to persons who are or have been married women. The main provisions relate to elections by married women for the purpose of remaining in or being excepted from insurance (regulations 2 to 4); the circumstances in which a married woman who does not or cannot pay contributions shall be entitled thereafter to pay contributions as a non-employed person (regulations 5 and 6); the crediting of contributions for the purposes of unemployment benefit, sickness benefit or maternity allowance (regulations 8 and 9); the determining of the basis on which the disqualifications for unemployment benefit contained in section 13 (2) of the above-mentioned Act shall be applied to married women (regulation 10); an additional condition for the receipt by a married woman of an increase of benefit for a child (regulation 11); and the circumstances in which, where a married woman commences

again to pay contributions under that Act, those contributions shall be taken into account for the purposes of benefit (regulations 2 (4), 3 (3), 4 (3) and 6 (1)). The remaining provisions of the regulations are of a consequential character.

13. MEDICAL CERTIFICATION

The National Insurance (Medical Certification) Regulations, 1948

1948 No. 1175

Made - - - -	*3rd June*, 1948
Laid before Parliament	*3rd June*, 1948
Coming into Operation	*9th June*, 1948

M.N.I. 113.

The Minister of National Insurance, in exercise of the powers conferred by section 43 (5) of the National Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:— 9 & 10 Geo. 6. c. 67.

1.—(1) These regulations may be cited as the National Insurance (Medical Certification) Regulations, 1948, and shall come into operation on the 9th June, 1948. Citation, commencement and interpretation.

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

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

" the Minister " means the Minister of National Insurance;

" the determining authority " means, as the case may require, an insurance officer, a local tribunal, the National Insurance Commissioner, a deputy Commissioner or a tribunal presided over by the National Insurance Commissioner or a deputy Commissioner appointed or constituted in accordance with the National Insurance (Determination of Claims and Questions) Regulations, 1948(**a**);

" incapacity " means incapacity by reason of which a person is rendered incapable of work(**b**);

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include a reference to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(5) For the purpose of any provision of these regulations providing that any certificate shall be in a form as set out in the Schedule to these regulations, any reference to such form shall include a reference to any such other form substantially to the like effect as the Minister may from time to time approve.

2.—(1) Every person claiming sickness benefit shall furnish evidence of incapacity, in respect of the days for which the claim is made, by means of a certificate given by a registered medical practitioner in accordance with the rules for medical certification set out in Part I of the Schedule to these regulations in the form appropriate to the circumstances of the case, as set out in that Part, or by such other means as the determining authority may accept as sufficient in the circumstances of any particular case or class of cases. Certificates of incapacity and confinement.

(**a**) S.I. 1948 No. 1144, p. 2720 above.

(**b**) *See* s. 78(1), National Insurance Act, 1946.