STATUTORY INSTRUMENTS

1961 No. 2352

NATIONAL INSURANCE

The National Insurance (Members of the Forces) Amendment Regulations, 1961

Made - - - -	*7th December*, 1961
Laid before Parliament	*15th December*, 1961
Coming into Operation	*18th December*, 1961

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 9 (1) of the National Insurance Act, 1946(a), and sections 2 (4) and (5) and 7 (4) of the National Insurance Act, 1959(b), and the National Insurance Joint Authority(c), in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of powers conferred by sections 57 and 63 (5) of the first mentioned Act, and in exercise of all other powers enabling them in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby make the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Members of the Forces) Amendment Regulations, 1961, shall be read as one with the National Insurance (Members of the Forces) Regulations, 1949(d), as amended(e) (hereinafter referred to as "the principal regulations"), and shall come into operation on the 18th December, 1961.

Amendment of regulation 1 of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations (which paragraph relates to interpretation), after the definition of "discharge" there shall be inserted the following :—

"'contribution' does not, save where expressly provided, include a graduated contribution ;

'the Assessment of Graduated Contributions Regulations' means the National Insurance (Assessment of Graduated Contributions) Regulations, 1960 ; "(f).

Amendment of regulation 5 of and Third Schedule to the principal regulations

3.—(1) Regulation 5 of the principal regulations (which relates to contributions and Exchequer supplement) shall be amended in accordance with the two next following paragraphs of this regulation, and accordingly shall have effect as set out in Part I of the Schedule to these regulations.

(2) In paragraph (1) of the said regulation 5 the words "and the weekly rate of the appropriate Exchequer supplement to each of those contributions" shall be omitted, and for the words "third, fourth and fifth" there shall be substituted the words "and third".

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47.
(c) *See* S. 63 (2), National Insurance Act, 1946 and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p. 367: 1948 I, p. 2905)). (d) S.I. 1949/875 (1949 I, p. 2731).
(e) The relevant amending regulations are S.I. 1952/649, 1960/2422 (1952 II, p. 2188; 1960 II, p. 2169). (f) S.I. 1960/921 (1960 II, p. 2210).

(3) In paragraph (2) of the said regulation 5, after the word " regulation ", there shall be inserted the words " and every graduated contribution by or in respect of an employed person as a serving member of the forces ", and at the end of the said paragraph, there shall be added the words " and every payment in lieu of contributions falling to be made in respect of a person as a serving member of the forces shall be deemed to have been made on such date ".

(4) Accordingly, in the Third Schedule to the principal regulations (which also relates to contributions and Exchequer supplement), the fourth and fifth columns shall be omitted.

New regulations added to the principal regulations

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

" *Special provisions concerning graduated contributions*

5A.—(1) For the purpose of graduated contributions, there shall be excluded from the computation of a person's remuneration as a serving member of the forces any payment in so far as it is—

(*a*) a payment of or in respect of a National Service Grant ; or

(*b*) a payment for the whole or any part of a period of training or instruction of a person as a member of any territorial or reserve force mentioned in the First Schedule to these regulations, unless at the time of that payment the period is expected to exceed, or has already exceeded, thirty consecutive days.

(2) In the case of a person who is a serving member of the forces by virtue of service in the regular naval forces of the Crown or any other force or organisation under the control of the Admiralty the graduated contribution period for the purposes of the Assessment of Graduated Contributions Regulations shall be whatever is the accounting period from time to time applying in his case under Naval Regulations :

Provided that, where his employment as such a serving member of the forces begins or ends, or becomes or ceases to be a non-participating employment, in the course of an accounting period, the graduated contribution period shall be the totality of the relevant pay periods falling in that accounting period ; and for this purpose " pay period " means any period which would have been a graduated contribution period under the Assessment of Graduated Contributions Regulations had an income tax year begun on the first day of the accounting period, and a pay period shall be relevant unless it is one no part of which is included in the period of the employment or throughout which the employment was a non-participating employment.

Employment by two or more employers

5B.—(1) Employment as a serving member of the forces shall not, by virtue of paragraph (3A) of regulation 8 of the National Insurance and Industrial Injuries (Collection of Contributions) Regulations, 1948(**a**) (which paragraph was added to those regulations by regulation 6 of the National Insurance (Graduated Contributions and Non-participating Employments—Miscellaneous Provisions) Regulations, 1960(**b**) and provides in certain circumstances, where there is employment both in a non-participating employment and in a participating employment, for disregarding the participating employment in determining which of the employers is to be treated as a person's employer for contribution purposes), be disregarded for the purpose of the said regulation 8.

(**a**) S.I. 1948/1274 (Rev. XVI, p. 148: 1948 I, p. 3037). (**b**) S.I. 1960/1210 (1960 II, p. 2234).

(2) In any case in which the foregoing paragraph applies to a person for any contribution week, any contribution under the Act payable by or in respect of him for that week shall be payable at the rate appropriate to his employment as a serving member of the forces."

Amendment of regulation 10 *of the principal regulations*

5. In regulation 10 of the principal regulations (which relates to the manner and dates of payment of amounts payable on account of contributions by the Admiralty, Army Council and Air Council), after the words " direct, and " there shall be inserted the words " those amounts and the amounts so payable on account of graduated contributions "

Amendment of regulation 12 *of the principal regulations*

6.—(1) Regulation 12 of the principal regulations (which contains provisions relating to persons to be treated as belonging to Northern Ireland) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Part II of the Schedule to these regulations.

(2) In paragraph (2) of the said regulation 12, after the words " employers' contributions ", there shall be inserted the words " (including, in each case, graduated contributions) ".

(3) In paragraph (3) of the said regulation 12, for the words " subsection (3) of section 2 of the National Insurance Act (Northern Ireland), 1946 ", there shall be substituted the words " subsection (4) of section 1 of the National Insurance Act (Northern Ireland), 1959 "(a), and, for all words after the words " shall be deemed to be an employed person under " there shall be substituted the words " the National Insurance Act (Northern Ireland), 1946 "(b).

Given under the Official Seal of the Minister of Pensions and National Insurance this sixth day of December, 1961.

(L.S.)

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

Given under the Official Seal of the National Insurance Joint Authority this sixth day of December, 1961.

(L.S.)

D. J. Carter,
Secretary,
National Insurance Joint Authority.

Dated this seventh day of December, 1961.

Michael Hughes-Young,
W. S. I. Whitelaw,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) 1959, c. 21 (N.I.).

(b) 1946, c. 23 (N.I.).

SCHEDULE

CONTAINING PROVISIONS OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Regulation 3

PART I

REGULATION 5 OF THE PRINCIPAL REGULATIONS AS AMENDED

Contributions

5.—(1) The weekly rate of the contributions which, but for this paragraph, would be payable by and in respect of an employed person (being a serving member of the forces) of any description set out in the first column of the Third Schedule to these regulations shall be reduced by the respective amounts set opposite to that description in the second *and* third columns of that Schedule:

Provided that the foregoing provisions of this regulation shall not apply, in relation to any member of any territorial or reserve force mentioned in the First Schedule to these regulations, for any contribution week during any part of which he is a serving member of the forces by virtue only of his undergoing training or instruction as a member of that territorial or reserve force.

(2) Every contribution of which the weekly rate is reduced in accordance with the foregoing provisions of this regulation *and every graduated contribution by or in respect of an employed person as a serving member of the forces* shall be deemed to have been paid on the due date *and every payment in lieu of contributions falling to be made in respect of a person as a serving member of the forces shall be deemed to have been made on such date.*

(3) The provisions of subsection (3) of section 4 of the Act (which subsection relates to the disregarding, for certain purposes, of an employed contributor's employment in certain circumstances) shall not apply to the employment of a serving member of the forces.

Regulation 6

PART II

REGULATION 12 OF THE PRINCIPAL REGULATIONS AS AMENDED

Provisions relating to persons to be treated as belonging to Northern Ireland

12.—(1) A serving member of the forces who, immediately before he became a serving member of the forces, was ordinarily resident in Northern Ireland shall be treated as belonging to Northern Ireland.

(2) The sums paid for any period on account of contributions as employed persons and of employers' contributions (*including, in each case, graduated contributions*) by and in respect of persons treated under paragraph (1) of this regulation as belonging to Northern Ireland shall be determined at such times and in such manner as the National Insurance Joint Authority may decide.

(3) For the purposes of paragraph (a) of *subsection (4) of section 1 of the National Insurance Act (Northern Ireland), 1959* (which paragraph relates to the Exchequer supplement for Northern Ireland), but for no other purpose, a serving member of the forces who, in accordance with the foregoing provisions of this regulation is treated as belonging to Northern Ireland shall be deemed to be an employed person under *the National Insurance Act (Northern Ireland), 1946.*

EXPLANATORY NOTE

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

These Regulations are made in consequence of the National Insurance Act. 1959, and amend the National Insurance (Members of the Forces) Regulations, 1949, to take account of the system of graduated contributions introduced by that Act. They indicate how far the provisions of those Regulations referring to contributions are to apply to graduated contributions,

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

provide for disregarding National Service Grants and pay for short periods of territorial or reserve training in fixing liability for graduated contributions, make special arrangements for assessing such contributions on naval pay and for cases where (as on release leave) members of the forces are concurrently engaged in a civilian non-participating employment, and excise or bring up to date certain obsolete provisions of those Regulations regarding Exchequer supplement and arrangements with Northern Ireland.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated 2nd November, 1961, is contained in the House of Commons Paper No. 33 (Session 1961–62) published by Her Majesty's Stationery Office.