14. MEMBERS OF THE FORCES

The National Insurance (Members of the Forces) Provisional Regulations, 1948*

1948 No. 1468

Made - - - -	*29th June*, 1948
Laid before Parliament	*30th June*, 1948
Coming into Operation	*5th July*, 1948

M.N.I. 128.

The National Insurance Joint Authority, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, hereby certify under subsection (4) of section 77 of the National Insurance Act, 1946, that on account of urgency the following regulations should come into operation without delay, and, in exercise of the powers conferred by sections 57 and 63 (5) of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations as provisional regulations:— 9 & 10 Geo. 6. c. 67.

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Members of the Forces) Provisional 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 Minister " means the Minister of National Insurance;

" serving member of the forces " means a person (not being either a person mentioned in Part I of the Second Schedule to these regulations other than an existing contributor within the meaning of any regulations made under section 65 of the Act or a person mentioned in Part II of that Schedule) who, on or after the appointed day(a), being over school leaving age and under pensionable age, is serving as a member of any of the regular naval, military or air forces of the Crown, or as a member of any force mentioned in the First Schedule to these regulations, or is serving, under the control of the Admiralty, Army Council or Air Council, in any organisation mentioned in that Schedule, but does not include any such person while absent on desertion;

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

* *Under section 77 (4) of the National Insurance Act, 1946, these Provisional Regulations will not continue in force for longer than three months after the receipt by the authorities making them of the Report of the National Insurance Advisory Committee on the preliminary draft thereof submitted to them in accordance with the said section 77.*

" discharge " includes transfer to the reserve in the case of a serving member of the forces who on the completion of any term of service is transferred to any reserve, and the expression " discharged " 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.

52 & 53 Vict. c. 63.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Forces and organisations to which s. 57(1) of the Act is applied.

2.—(1) Subject to the provisions of regulation 3, subsection (1) of section 57 of the Act (which subsection relates to the insurance of persons serving as members of the regular naval, military and air forces of the Crown) shall apply in relation to those of His Majesty's forces mentioned in the First Schedule to these regulations in like manner as it applies in relation to the regular naval, military and air forces of the Crown.

(2) Subject as aforesaid, for the purposes of subsections (2) and (3) of the said section 57 (which subsections provide for modifying the provisions of the Act in their application to persons who are or have been members of any of His Majesty's forces), any organisation mentioned in the said Schedule shall be deemed to form part of His Majesty's forces, and the said subsection (1) shall apply in relation to any such organisation; and, in the following provisions of these regulations, references to His Majesty's forces shall include references to every such organisation.

Persons excepted from the application of s. 57(1) of the Act.

3. Subsection (1) of the said section 57 (as extended in its application by regulation 2) shall not apply in relation to any person mentioned in Part I of the Second Schedule to these regulations who is not an existing contributor within the meaning of any regulations made under section 65 of the Act or to any person mentioned in Part II of that Schedule, and, for the purposes of the Act, the employment of any such person in His Majesty's forces shall be disregarded.

Persons on release leave, etc.

4.—(1) Where, at the appointed day, but for this regulation, the provisions of subsection (1) of the said section 57 would apply directly to any person, or would apply to him by virtue of the foregoing provisions of these regulations, and, in respect of a definite period immediately preceding his discharge from the force or organisation in which he is serving or the end or termination of his service or employment therein, and also by reason of such discharge, end or termination, he has been granted leave with pay which is current on that day, then the said subsection and the provisions of these regulations shall not apply to him, but, subject thereto, the Act and the regulations and orders made thereunder shall apply to him as they apply to a person not in His Majesty's forces.

(2) The provisions of the preceding paragraph of this regulation shall apply to any person appointed to the Special List (ex-Indian Army) British Army, or transferred to the Special List (ex-Royal Indian

Navy) Royal Navy, until he is transferred from that List or retires or relinquishes his commission (whichever event first occurs) in like manner as they apply to a member of His Majesty's forces who has been granted leave with pay in the circumstances mentioned in that paragraph.

Contributions and Exchequer supplement.

5.—(1) The weekly rate of the contributions which, but for this regulation, 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 and the weekly rate of the appropriate Exchequer supplement to each of those contributions shall be reduced by the respective amounts set opposite to that description in the second, third, fourth and fifth 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 payable by or in respect of a serving member of the forces shall be deemed to have been paid on the due date.

Crediting of contributions, etc.

6.—(1) The provisions of any regulations made under section 5 of the Act (which relates to exceptions from liability for, and crediting of, contributions) shall not apply to a serving member of the forces.

(2) A married woman who, in accordance with the provisions of the National Insurance (Married Women) Regulations, 1948(**a**), elects not to pay contributions shall not, whilst she is a serving member of the forces, be under any duty to apply to the Minister for a certificate of such election.

Unemployment and sickness benefit.

7. A person shall not be entitled to unemployment or sickness benefit in respect of any day on which he is a serving member of the forces.

Unemployment benefit.

8.—(1) Any person who, whilst a serving member of the forces, is discharged, cashiered or otherwise dismissed in consequence of having been convicted on any proceedings under the Naval Discipline Act, the Army Act or the Air Force Act, or by any civil court, shall be disqualified for receiving unemployment benefit for the period of six weeks next after such discharge, cashiering or dismissal.

(2) A person who, whilst a serving member of the forces, is discharged at his own request shall not by reason thereof be disqualified for receiving unemployment benefit on the ground that he has voluntarily left his employment in an employed contributor's employment(**b**) without just cause.

(3) For the purposes of any claim for unemployment benefit, a certificate purporting to be signed by a person authorised in that behalf by the Admiralty, Army Council or Air Council, as the case may be, as to the fact of any person having been discharged, cashiered or otherwise dismissed as mentioned in either of the foregoing paragraphs of

(**a**) S.I. 1948 No. 1470, p. 2795 above.
(**b**) *See* s. 1 (2), National Insurance Act, 1946.

this regulation and as to the date of the discharge, cashiering or dismissal shall be conclusive evidence thereof, unless it is proved that the certificate was not signed by a person so authorised as aforesaid.

Maternity benefit.

9.—(1) A woman shall not be disentitled to a maternity grant or attendance allowance by reason of the confinement occurring outside Great Britain if at the date of the confinement or within the period of thirteen weeks ending on that date she is or was a serving member of the forces or her husband on that date is such a member, and any such woman shall, in addition, not be disqualified for receiving any such benefit by reason of her being absent from Great Britain.

(2) A woman shall not be disqualified for receiving maternity allowance by reason of her being absent from Great Britain if she is a serving member of the forces or, when so absent, for any period within twenty-six weeks next after she has ceased to be such a member.

Financial provisions.

10. The amounts payable by the Admiralty, Army Council and Air Council respectively on account of contributions as employed persons and employers' contributions by and in respect of serving members of the forces shall be calculated in such manner as the Treasury may direct, and shall be paid in such manner and at such dates as may be agreed upon between the National Insurance Joint Authority on the one hand, and the Admiralty, Army Council and Air Council respectively on the other hand.

Application of the Act and regulations.

11. The provisions of the Act and of the regulations made thereunder shall, so far as they are not inconsistent with the provisions of these regulations, apply in relation to persons who are serving members of the forces with this modification that, where any such person is, on account of his being at sea or outside the United Kingdom by reason of his employment as a serving member of the forces, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied therewith if he performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.

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 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.

10 Geo. 6. c. 23.

(3) For the purposes of paragraph (*a*) of subsection (3) of section 2 of the National Insurance Act (Northern Ireland), 1946 (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 that Act, and the provisions of that paragraph and Part V of the First Schedule to that Act (which Part also relates to the Exchequer supplement for Northern Ireland) shall, in their application to any contribution paid by or in respect of a person so deemed, be modified on the same basis and to the same extent as is provided in paragraph (1) of regulation 5 in relation to the Exchequer supplement under the Act.

Given under the official seal of the National Insurance Joint Authority this 29th day of June, nineteen hundred and forty-eight.

(L.S.)

C. D. Curtis,
Secretary,
National Insurance Joint Authority.

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

FIRST SCHEDULE

Regulation 2

Forces and organisations in relation to which section 57 (1) of the Act is applied

1. Royal Naval Volunteer Reserve.
2. Royal Marine Forces Volunteer Reserve.
3. Royal Naval Reserve.
4. Royal Fleet Reserve.
5. Royal Naval Special Reserve.
6. Women's Royal Naval Service.
7. Queen Alexandra's Royal Naval Nursing Service and its Reserve.
8. Any Voluntary Aid Detachment.
9. Naval Auxiliary Forces serving under the Admiralty agreement contained in Form T.124 X or in any other form substantially to the like effect issued by that Department.
10. Royal Naval Shore Signal Service.
11. Royal Naval Shore Wireless Service.
12. Royal Marine Police and its Reserves.
13. Army Reserve (including the Regular Army Reserve of Officers and the Supplementary Reserve).
14. Territorial Army and its Reserves (including the Territorial Army Reserve of Officers).
15. Auxiliary Territorial Service.
16. Queen Alexandra's Imperial Military Nursing Service and its Reserve.
17. Territorial Army Nursing Service and its Reserves.
18. Royal Air Force Reserve (including the Reserve of Air Force Officers and the Royal Air Force Volunteer Reserve).
19. Royal Auxiliary Air Force and its Reserves.
20. Women's Auxiliary Air Force.
21. Women's Auxiliary Air Force (Reserve List).
22. Women's Auxiliary Air Force (Volunteer Reserve List).
23. Princess Mary's Royal Air Force Nursing Service and its Reserve.

SECOND SCHEDULE

Regulation 3

Persons excepted from the application of section 57 (1) of the Act

PART I

1. Any person who is serving as a member of any naval force of His Majesty's forces and who (not being an insured person) entered that force, or was recruited for that force, outside the United Kingdom.

2. Any person who is serving as a member of any military force of His Majesty's forces and who entered that force, or was recruited for that force, outside the United Kingdom, and the depot of whose unit is situated outside the United Kingdom.

3. Any person who is serving as a member of any air force of His Majesty's forces and who entered that force, or was recruited for that force, outside the United Kingdom, and is liable under the terms of his engagement to serve only in a specified part of the world outside the United Kingdom.

PART II

Any person who, as a member of any territorial or reserve force mentioned in the First Schedule to these regulations, is undergoing training or instruction for a period not exceeding seventy-two consecutive hours.

THIRD SCHEDULE Regulation 5

Reduction of weekly rates of contributions and Exchequer supplement

Description of employed persons who are serving members of the forces	Reduction of weekly rate of contribution		Reduction of weekly rate of Exchequer supplement	
	Employed person	Employer	For contribution as employed person	For employer's contribution
	s. d.	s. d.	s. d.	s. d.
Men over the age of 18	1 0	1 0	6	5
Women over the age of 18	10	11	5	4
Boys under the age of 18	8	7	2	3
Girls under the age of 18	7	6	3	2

EXPLANATORY NOTE

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

These Provisional Regulations modify the provisions of the National Insurance Act, 1946, in their application to certain persons who are or have been members of any of His Majesty's forces (regulations 2 (1) and 3), and, for this purpose, some organisations in which persons serve under the control of the Admiralty, Army Council or Air Council are deemed to form part of those forces (regulation 2 (2)). Provision is made for a reduction of the weekly contributions and Exchequer supplement otherwise payable (regulation 5 (1)) and for other matters relating to contributions (regulation 6), benefits (regulations 7, 8 and 9) and finance (regulation 10). The Regulations also contain provisions relating to persons who, for the purposes of the above-mentioned Act, are to be treated as belonging to Northern Ireland (regulation 12). The remaining provisions are of a minor or consequential character.