STATUTORY INSTRUMENTS

1971 No. 1633

SOCIAL SECURITY

The National Insurance (Miscellaneous Amendments) (No. 2) Regulations 1971

Made - - -	*7th October* 1971
Laid before Parliament	*12th October* 1971
Coming into Operation	*13th October* 1971

The National Insurance Joint Authority, in exercise of powers conferred by sections 43(2)(*c*), 45, 50 and 55 of the National Insurance Act 1965(**a**) and of all other powers enabling them in that behalf, and in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, hereby make the following regulations, which contain no provisions other than such as are made in consequence of the National Insurance Act 1971(**b**) and which accordingly, by virtue of section 16(3) of and paragraph 2(1)(*a*) of Schedule 6 to that Act, are exempt from the requirements of section 108 of the National Insurance Act 1965 (reference to the National Insurance Advisory Committee):—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Miscellaneous Amendments) (No. 2) Regulations 1971, and shall come into operation on 13th October 1971.

(2) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

Amendment of the National Insurance (Overlapping Benefits) Regulations 1948

2. In the Schedule to the National Insurance (Overlapping Benefits) Regulations 1948(**c**) (benefits not to be adjusted by reference to other named benefits), as amended (**d**), for the words in paragraph (14) of column 1 and paragraph (15) of column 2 there shall in each case be substituted the words "Invalidity pension to which section 3(4) of the National Insurance Act 1971 does not apply".

(**a**) 1965 c. 51. (**b**) 1971 c. 50.
(**c**) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(**d**) The relevant amending instrument is S.I. 1971/1419 (1971 II, p. 3964).

Amendment of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967

3. For regulation 14 of the National Insurance (Unemployment and Sickness Benefit) Regulations 1967(**a**), as amended (**b**), there shall be substituted the following regulation—

"*Increase of unemployment and sickness benefit and invalidity pension for persons over pensionable age*

14. Where, by virtue of the provisions of section 19(3) to (5) of the Act (unemployment and sickness benefit for persons over pensionable age) or of the provisions of section 3(4) of the National Insurance Act 1971(**c**) (invalidity pension for persons over pensionable age), a person who is over pensionable age is entitled to unemployment or sickness benefit or invalidity pension in respect of any day for which he would have been entitled to a retirement pension only by virtue of section 45 of the Act (partial satisfaction of contribution conditions) and he is entitled to an increase in that unemployment or sickness benefit or invalidity pension, as the case may be,—

(*a*) under section 40 of the Act (increase of benefit for children), the weekly rate of the increase shall be the appropriate amount specified in relation to the benefit in question in column 2, 3 or 4 of Part II of Schedule 3 to the Act ;

(*b*) under section 43(1) or (2)(*c*) or 43A(1) or (4) of the Act (increase of benefit for adult dependants), the weekly rate of the increase shall be that at which it would have been payable if the benefit to be increased had been the retirement pension to which that person would have been so entitled."

Amendment of the National Insurance (General Benefit) Regulations 1970

4.—(1) The National Insurance (General Benefit) Regulations 1970(**d**), as amended (**b**), shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 5 (increase of unemployment or sickness benefit for female person having care of child)—

(i) in paragraph (1)(*b*) and (*c*) after the words "amount set out" in each place where they occur, and

(ii) in paragraph (2)(*b*) after the words "increase specified",

there shall be inserted the words "in relation to the benefit in question".

(3) In regulation 5A (increase of invalidity or retirement pension for female person having care of child) for the words "specified in the said column 5" there shall be substituted the words "so specified".

(4) In regulation 7 (contributions to maintenance of adult dependants)—

(i) after the words "regulation 5(1)(*c*)", in each place where they occur, there shall be inserted the words "or 5A(1)(*b*)(ii)", and

(ii) after the words "amount set out" there shall be inserted the words "in relation to the benefit in question".

(**a**) S.I. 1967/330 (1967 I, p. 1131).
(**b**) The relevant amending instrument is S.I. 1971/1419 (1971 II, p. 3964).
(**c**) 1971 c. 50.
(**d**) S.I. 1970/1981 (1970 III, p. 6461).

Given under the official seal of the National Insurance Joint Authority.

(L.S.)

F. B. Hindmarsh,
A person authorised by the National Insurance Joint Authority to act on behalf of the Secretary,
National Insurance Joint Authority.

5th October 1971.

V. H. Goodhew,
Bernard Weatherill,
Two of the Lords Commissioners of Her Majesty's Treasury.

7th October 1971.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made in consequence of the National Insurance Act 1971 and accordingly, by virtue of paragraph 2(1) of Schedule 6 to that Act, are exempt from reference to the National Insurance Advisory Committee and no such reference has been made.

The Regulations remove exemption from adjustment under the National Insurance (Overlapping Benefits) Regulations 1948 in all cases where invalidity pension payable to a person over pensionable age who has not retired is calculated at his retirement pension rate and invalidity allowance is also payable ; but for these regulations, some of these cases would be exempt from adjustment.

The Regulations also amend the National Insurance (Unemployment and Sickness Benefit) Regulations 1967 in relation to increases in unemployment, sickness and invalidity benefit in respect of children of persons over pensionable age who have not retired and whose benefit is calculated by reference to a reduced retirement pension rate. They will receive the rate of increase appropriate to the benefit they are receiving ; but for these regulations, they would have received the increase appropriate to retirement pension.

The National Insurance (General Benefit) Regulations 1970 are amended, to apply to a female person having the care of a retirement or invalidity pensioner's child rules which now apply to his wife in determining whether he is contributing to her maintenance ; there are also amendments of a drafting nature to these regulations.

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