STATUTORY INSTRUMENTS

1966 No. 1010

SOCIAL SECURITY

The National Insurance (Miscellaneous Consequential Amendments and Transitional Provisions) Regulations 1966

Made - - - -	10*th August* 1966
Laid before Parliament	22*nd August* 1966
Coming into Operation	5*th October* 1966

The Minister of Social Security, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and jointly with the Postmaster General so far as relates to payment of benefit through the Post Office, in exercise of powers conferred by sections 10(1), 36(5), 49(3), 52(1) and 81(3) of the National Insurance Act 1965(a) and section 14(5) of the National Insurance Act 1966(b) and of all other powers enabling her in that behalf and in consequence of the said Act of 1966, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Miscellaneous Consequential Amendments and Transitional Provisions) Regulations 1966, and shall come into operation on 5th October 1966.

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

"the Act of 1965" means the National Insurance Act 1965;

"the Act of 1966" means the National Insurance Act 1966;

"the Claims and Payments Regulations" means the National Insurance (Claims and Payments) Regulations 1948(c);

"the General Benefit Regulations" means the National Insurance (General Benefit) Regulations 1948(d);

and other expressions have the same meanings as in the Act of 1965.

(3) References in these regulations to any enactment or regulation shall, except in so far as the context otherwise requires, be construed as references to that enactment or regulation as amended or extended by or under any other enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(e) shall apply in relation to this instrument and in relation to the revocations effected by it as if this instrument and the regulations revoked by it were Acts of Parliament and as if each revocation were a repeal.

Amendments to the Claims and Payments Regulations

2.—(1) The Claims and Payments Regulations shall be amended in accordance with the following paragraphs of this regulation with effect from 6th October 1966.

(a) 1965 c. 51. (b) 1966 c. 6.
(c) S.I. 1948/1041 (1948 Rev. XVI, p. 313: 1948 I, p. 2709).
(d) S.I. 1948/1278 (1948 Rev. XVI, p. 179: 1948 I, p. 2626).
(e) 1889 c. 63.

(2) In regulation 9 of the Claims and Payments Regulations, as amended (a), (time and manner of payment of benefit), paragraph (c) thereof shall become paragraph (b) and for the existing paragraphs (a) and (b) there shall be substituted the following paragraph:—

"(*a*) in the case of unemployment benefit, sickness benefit and maternity benefit, by means of orders for payment thereof payable through the Post Office or in cash at any employment exchange or local office of the Ministry of Social Security, or by other means including cash payment in the home, if the circumstances of any particular case appear to the Minister to render this appropriate;".

(3) For regulation 10 (4) (a) of the Claims and Payments Regulations, as amended (b) (time of payment of widow's benefit) there shall be substituted the following paragraph:—

"(*a*) in the case of widow's benefit, child's special allowance and guardian's allowance—on Tuesdays:

Provided that where, in the case of a widow entitled to widow's supplementary allowance by virtue of section 4(1) of the National Insurance Act 1966, a payment by way of widow's benefit under the National Insurance Act 1965 does not, but a payment of widow's pension under section 19 of the National Insurance (Industrial Injuries) Act 1965 does, fall to be made to that widow, the days shall be Wednesdays; and".

(4) Subject to paragraph (6) of this regulation, in paragraph 2(a) of column (1) of Part I of the Second Schedule to the Claims and Payments Regulations, as amended (c), (prescribed time for claiming sickness benefit) after the words "under the Act" where they first occur there shall be inserted the words "or a claim for injury benefit under the Industrial Injuries Act".

(5) In paragraph 6 of Part II of the Second Schedule to the Claims and Payments Regulations, as amended (d), (claims in advance) sub-paragraphs (1) and (2) are hereby revoked and in sub-paragraph (3) for the words "where for the said purposes it has been certified by a qualified practitioner", there shall be substituted the words "where for the purposes of the provisions of the National Insurance (Medical Certification) Regulations 1948, as amended, it has been certified".

(6) Paragraph 2(a) of column (1) of Part I of the Second Schedule to the Claims and Payments Regulations as amended by paragraph (4) of this regulation shall apply in relation to any claim made on or after the date on which this regulation comes into operation, but in relation to any claim made before that date the said paragraph 2(a) shall apply as if the amendment made to it by the said paragraph (4) had not been made.

Amendments to the General Benefit Regulations

3.—(1) Regulation 8 of the General Benefit Regulations, as amended (e), (interim payments, arrears and repayments) shall be further amended in accordance with the following paragraphs of this regulation with effect from 6th October 1966.

(2) After paragraph (5) of the said regulation 8 there shall be inserted the following paragraphs:—

"(5A) The provisions of paragraph (4) of this regulation shall apply to earnings-related supplement payable by way of an increase of unemployment

(a) The relevant amending instrument is S.I. 1949/1204 (1949 I, p. 2708).
(b) The relevant amending instrument is S.I. 1957/1835 (1957 I, p. 1523).
(c) The relevant amending instruments are S.I. 1952/1207, 1964/1110 (1952 II, p. 2122; 1964 II, p. 2472).
(d) The relevant amending instrument is S.I. 1952/1207 (1952 II, p. 2122).
(e) The relevant amending instrument is S.I. 1949/2318 (1949 I, p. 2692).

benefit or sickness benefit under section 2 of the National Insurance Act 1966 with the following modifications:—

(*a*) earnings-related supplement of unemployment benefit may be treated as paid on account of sickness benefit and earnings-related supplement of sickness benefit may be treated as paid on account of unemployment benefit; and

(*b*) where two or more claims are made for benefit by an insured person in respect of different periods in (or in what, but for section 21 (3) (b) of the National Insurance Act 1965, would have been) the same period of interruption of employment, and (at the date when a claim in respect of any such first mentioned period is determined, or the decision in respect thereof is revised, in favour of that person by the determining authority) an increase of benefit by way of earnings-related supplement under the said section 2 has been received by him in respect of any days in the said period of interruption of employment subsequent to the days to which that determination or the said revised decision relates, then, if it is shown that by reason of section 2(3) of the said Act of 1966 (limitation of earnings-related supplement to 156 days in the same period of interruption of employment) benefit would be overpaid if the increase of such benefit payable under the said determination or the said revised decision were paid, the provisions of head (a) of the said paragraph (4) shall apply to such benefit.

(5B) Where a sum on account of earnings-related supplement is shown to have been paid to any person for days for which he was not entitled thereto, then, in determining for the purposes of section 2(3) of the said Act of 1966 whether that person has been entitled to the supplement in respect of an aggregate of 156 days, any days for which any such sum has been so paid shall be treated as if they were days for which that person was entitled to the supplement, except that if that sum or any part thereof is recovered there shall be excluded a number of days (to the nearest whole number) equal to the number to be obtained by dividing the amount recovered by the daily rate at which the supplement was paid."

(3) Paragraph (8A) of the said regulation 8 is hereby revoked.

Amendment to the National Insurance (Contributions) Regulations

4. In regulation 6 (1) (a) of the National Insurance (Contributions) Regulations 1948(**a**), as amended (**b**), (widow's exception from liability to pay a contribution for the week in which the death of her husband occurs and each of the thirteen succeeding weeks), except in its application to a case where the husband died on or before 5th July 1966, for the words "thirteen weeks" there shall be substituted the words "twenty-six weeks".

Amendment to the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations

5.—(1) Regulation 2A of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations 1961(**c**), as amended (**d**), shall be amended in accordance with the following paragraphs of this regulation.

(2) For the words "section 4(5) of the Act of 1959" in the said regulation 2A, there shall be substituted the words "section 36(4) of the National Insurance Act 1965".

(**a**) S.I. 1948/1417 (Rev. XVI, p. 164: 1948 I, p. 2767).

(**b**) The relevant amending instrument is S.I. 1962/300 (1962 I, p. 289).

(**c**) S.I. 1961/557 (1961 I, p. 1228). (**d**) S.I. 1965/40 (1965 I, p. 47).

(3) In paragraph (a) of the proviso to the said regulation, immediately after the words "a graduated contribution", there shall be inserted the words "as for employment which is not a non-participating employment".

(4) In the said paragraph (a), immediately after the words "section 1 (1) (b) (iii) of the Act of 1959", there shall be inserted the words "or, as the case may be, under the said section as amended by section 3(1) of the National Insurance Act 1963, or under paragraph (c) of section 4(1) of the National Insurance Act 1965, or under the said paragraph (c) as amended by section 1(2) of the National Insurance Act 1966", and the words contained in brackets in the said paragraph (a) shall be omitted.

Amendment to the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations

6. Regulation 6 of the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations 1954(a), as amended (b), (set-off of unemployment or sickness benefit against grants) shall cease to have effect except as respects confinements which occur before 6th October 1966.

Transitory provision relating to exhaustion of right to unemployment benefit

7.—(1) Section 21(1) of the Act of 1965 (exhaustion of right to unemployment benefit) shall apply in relation to a day of unemployment occurring on or after 6th October 1966 in accordance with the following paragraphs of this regulation.

(2) If under the rules appertaining under the said section 21(1) before it was amended by section 3(2) of the Act of 1966 (hereinafter in this regulation referred to as "the old rules"), a person's right to unemployment benefit in a period of interruption of employment which commenced before 6th October 1966 is not exhausted before that date but would be exhausted before or when he had been entitled to unemployment benefit for three hundred and twelve days in that period of interuption of employment, the rules appertaining under the said section 21(1), as amended by the said section 3(2), (hereinafter in this regulation referred to as "the new rules") shall apply.

(3) If under the old rules a person's right to unemployment benefit in a period of interruption of employment which commenced before 6th October 1966 is not exhausted before that date or before he has been entitled to unemployment benefit for more than three hundred and twelve days in that period of interruption of employment, the old rules shall continue to apply until his right to unemployment benefit is exhausted under those rules or until 4th October 1967, whichever first occurs, when the new rules shall apply subject to his requalifying for unemployment benefit if his right thereto under the old rules had become exhausted on or before 4th October 1967 or, if not, if he has been entitled to unemployment benefit for three hundred and twelve days or more in that period of interruption of employment.

(4) If under the old rules a person's right to unemployment benefit is exhausted before 6th October 1966, the new rules shall apply to him on his requalifying for unemployment benefit.

(a) S.I. 1954/189 (1954 I, p. 1387).

(b) There is no amendment which relates expressly to the subject matter of this regulation.

(5) The new rules shall apply in relation to any period of interruption of employment commencing on or after 6th October 1966.

Margaret Herbison,
Minister of Social Security.

8th August 1966.

Edward Short,
Postmaster General.

10th August 1966.

W. Howie,
E. Alan Fitch,
Two of the Lords Commissioners of Her Majesty's Treasury.

9th August 1966.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made in consequence of the National Insurance Act 1966 and accordingly, by virtue of section 14(6) of that Act, no reference of them has been made to the National Insurance Advisory Committee.

They make minor consequential amendments to the National Insurance (Claims and Payments) Regulations 1948, the National Insurance (General Benefit) Regulations 1948, the National Insurance (Contributions) Regulations 1948, the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations 1961, and the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations 1954. They also contain a transitional provision relating to exhaustion of right to unemployment benefit.