1957 No. 2147

The National Insurance (New Entrants Transitional) Amendment (No. 2) Regulations, 1957

Made - - - -	10*th December*, 1957
Laid before Parliament	17*th December*, 1957
Coming into Operation	18*th December*, 1957

The Minister of Pensions and National Insurance, in conjunction with the Treasury, and in exercise of powers conferred by section 71 of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These Regulations which may be cited as the National Insurance (New Entrants Transitional) Amendment (No. 2) Regulations, 1957, shall be read as one with the National Insurance (New Entrants Transitional) Regulations, 1949(b), as amended(c), (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th December, 1957.

Amendment of regulation 4 of the principal regulations

2.—(1) Regulation 4 of the principal regulations shall be amended in accordance with the provisions of the next following paragraphs of this regulation and shall accordingly have effect as set out in the Schedule hereto.

(2) In sub-paragraph (*a*) of paragraph (1) of regulation 4 of the principal regulations immediately after the words "his insurance" there shall be inserted the words "or a retirement pension for his widow to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act, 1957, (which paragraph provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid by or credited to her for the purpose of her right to a retirement pension by virtue of her own insurance),".

(3) In sub-paragraph (*a*) of paragraph (2) of regulation 4 of the principal regulations immediately after the words "her husband's insurance" there shall be inserted the words "or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act, 1957".

(4) In sub-paragraph (*b*) of paragraph (2) of regulation 4 of the principal regulations immediately before the words "or to whom immediately before that day either of the following provisions was applicable:—" there shall be inserted the words "(other than any person who being such a beneficiary as aforesaid and having remarried as aforesaid has become, or but for any disqualification, would have become, entitled to widow's pension immediately before attaining pensionable age)".

(a) 9 & 10 Geo. 6. c. 67.
(b) S.I. 1949/352 (1949 I, p. 2737).
(c) The relevant amending regulations are S.I. 1952/2144, 1955/493, 1957/269 (1952 II, p. 2154; 1955 I, p. 1586; 1957 I, p. 1692).

Revocation of provisional regulations

3. The National Insurance (New Entrants Transitional) Amendment (No. 2) Provisional Regulations, 1957(a), are hereby revoked but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability, acquired, accrued or incurred, thereunder.

Dated this Fifth day of December, 1957.

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

Dated this Tenth day of December, 1957.

Martin Redmayne,
Anthony Barber,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE Regulation 2

CONTAINING REGULATION 4 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Modifications of the Act in relation to retirement pensions for new entrants who were immediately before the appointed day over fifty-five (men) and fifty (women) and under pensionable age.

4.—(1) As respects any person who was, immediately before the appointed day, over the age of fifty-five, in the case of a man, or fifty, in the case of a woman, and under pensionable age, and was not then an existing contributor or beneficiary under the Contributory Pensions Acts, the following provisions shall apply:—

(*a*) For the purposes only of any retirement pension or widow's benefit payable by virtue of his insurance, *or a retirement pension for his widow to which she becomes entitled by virtue of paragraph* (*b*) *of subsection* (1) *of section* 2 *of the National Insurance Act,* 1957, (*which paragraph provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid by or credited to her for the purpose of her right to a retirement pension by virtue of her own insurance*), any such person shall be deemed to attain pensionable age on the expiration of ten years from the appointed day, if then alive, and to retire from regular employment immediately thereafter, and shall be deemed not to attain that age or to retire from regular employment before that time, so, however, that this regulation shall not extend the operation of the provisions of the Act reducing the rate of a retirement pension in respect of the beneficiary's earnings.

(*b*) No such person shall be liable to pay a contribution as an employed or self-employed person for any period after attaining the age of sixty-five (or, in the case of a woman, sixty), but, subject to sub-paragraph (*c*) of this paragraph—

(i) any employer's contribution paid in respect of any such person for any such period shall be treated for the purposes aforesaid as a contribution as an insured person paid by him or her; and

(ii) any such person shall be entitled to pay a contribution as a non-employed person, at the same rate as a person under the age of sixty-five (or, in the case of a woman, sixty), for any such period for which no employer's contribution is paid in respect of him or her.

(a) S.I. 1957/1346.

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

(*c*) Any such person shall be entitled to elect in accordance with the provisions of sub-paragraph (*d*) of this paragraph not to be qualified for a retirement pension, and if such election is made by any person—

(i) no retirement pension shall be payable by virtue of that person's insurance either to that person or, during his life, to his wife;

(ii) that person shall, in respect of each contribution paid by that person as an employed, self-employed or non-employed person, be entitled to a refund, after attaining the said age, of that portion of the contribution which is attributable to retirement pensions, and for that purpose shall be entitled to a refund of the amount set out at the head of column (2), (3), (4), (6), (7) or (8) in Part I, Part II or Part III (whichever is appropriate) of the Schedule to these regulations, together with such interest thereon as will bring the total of the amount to be refunded up to the amount appropriate to the circumstances of the case as set out in the appropriate column;

(iii) the provisions of sub-paragraph (*b*) of this paragraph shall not apply to that person except in so far as they confer exemption from liability to pay contributions.

(*d*) An election by any such person for the purpose of sub-paragraph (*c*) of this paragraph shall be made by notice in writing addressed to the Minister, in the form approved by the Minister for that purpose, within the period of thirteen weeks from the date on which that person attains the age of sixty-five (or, in the case of a woman, sixty), or within such longer period as the Minister may in any particular case allow.

(*e*) A claim for any retirement pension payable by virtue of any such person's insurance may be made at any time not more than sixteen months before the date on which the claimant will, subject to the fulfilment of the necessary conditions, become entitled to such a pension.

(*f*) A notice of retirement for the purpose of paragraph (*b*) of subsection (2) of section 20 of the Act (which section relates to retirement pensions) shall be given by the wife of any such man claiming by virtue of her husband's insurance to the Minister in writing not more than sixteen months before the date of retirement.

(*g*) Where any such woman or the wife of any such man is or may be entitled to a retirement pension by virtue of her own insurance as well as to a retirement pension by virtue of her husband's insurance and makes a claim for retirement pension or gives notice of retirement in accordance with the provisions of this regulation, such claim or notice shall be a valid claim or notice for the purposes of both retirement pensions.

(*h*) For the purpose of facilitating the determination of a subsequent claim for retirement pension payable by virtue of any such man's insurance, the wife of any such man may at any time not more than sixteen months before the date on which she will attain pensionable age, and notwithstanding that she does not intend to retire from regular employment at that date, submit particulars in writing to the Minister in a form approved by him for that purpose with a view to the determination (in advance of a claim) of any questions under the Act relating to that wife's title to a retirement pension other than the question of retirement, and, subject to the necessary modifications, the provisions of Part II of the National Insurance (Claims and Payments) Regulations, 1948, shall apply to any such particulars.

(2) The provisions of the foregoing paragraph of this regulation shall also apply—

(*a*) in relation to a retirement pension (other than such a pension for a widow by virtue of her husband's insurance *or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph* (b) *of subsection* (1) *of section* 2 *of the National Insurance Act*, 1957), as respects any person who was immediately before the appointed day over

the age of fifty-five and under pensionable age, and was then an existing contributor under the Contributory Pensions Acts for the purposes of widows' pensions and orphans' pensions only; and

(*b*) (subject to paragraph (2) of regulation 5) in relation to a retirement pension by virtue of a person's own insurance, as respects any person who was immediately before the appointed day a widow over the age of fifty and under pensionable age, being then an existing beneficiary under the Contributory Pensions Acts who has remarried on or after that day and before attaining pensionable age (*other than any person who being such a beneficiary as aforesaid and having remarried as aforesaid has become, or but for any disqualification, would have become, entitled to widow's benefit immediately before attaining pensionable age*) or to whom immediately before that day either of the following provisions was applicable:—

(i) subsection (2) of section 14 of the Contributory Pensions Act of 1939 (which subsection provided that certain pensions should not be payable if a dependants war pension was payable);

(ii) section 24 of the Widows', Orphans' and Old Age Contributory Pensions Act, 1936 (which section related to disqualification for cohabitation).

EXPLANATORY NOTE

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

These Regulations revoke and replace the National Insurance (New Entrants Transitional) Amendment (No. 2) Provisional Regulations, 1957. They amend the National Insurance (New Entrants Transitional) Regulations, 1949, by providing that the purposes for which men over the age of 55 on the 5th July, 1948, who are new entrants into insurance are not deemed to attain pensionable age until the 5th July, 1958, shall include retirement pensions for their widows by virtue of their own insurance where the husband's contributions are taken into account. In regard to widows who were existing beneficiaries on the 5th July, 1948, who between the said 5th July, 1948, and reaching their sixtieth birthday on or after the 5th August, 1957, have remarried and again become widows, and who immediately before attaining the age of sixty were entitled to widows' benefit, it is provided that the special conditions in relation to retirement pensions to which such women would otherwise be liable shall not apply.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 14th November, 1957 is contained in the House of Commons Paper No. 25 (Session 1957–58) published by Her Majesty's Stationery Office.