Article 8

This Agreement shall enter into force on the 21st April, 1958, and shall be read and construed as one with the Principal Agreement.

Done in duplicate at Valletta, this 21st day of March, 1958.

In witness whereof the undersigned have signed this Agreement.

For the Government of the United Kingdom :

Victor Vella,
Acting Lieutenant-Governor

For the Maltese Government:

E. C. Tabone,
Minister of Emigration
Labour and Social Welfare

EXPLANATORY NOTE

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

This Order gives effect in England, Wales and Scotland to the Agreement (set out in the Schedule) made between the Governments of the United Kingdom and of Malta, and modifies the National Insurance Acts, 1946 to 1957, and the National Insurance (Industrial Injuries) Acts, 1946 to 1957, in their application to persons affected by that Agreement.

TRANSITIONAL PROVISIONS

1958 No. 1239

The National Insurance (New Entrants Transitional) Amendment Regulations, 1958

Made - - - -	28*th July*, 1958
Laid before Parliament	1*st August*, 1958
Coming into Operation	2*nd August*, 1958

The Minister of Pensions and National Insurance, 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 Regulations, 1958, 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 2nd day of August, 1958.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1949/352 (1949 I, p. 2737).
(c) S.I. 1949/1204, 1952/2144, 1955/493, 1957/2077, 2147 (1949 I, p. 2708; 1952 II, p. 2154; 1955 I, p. 1586; 1957 I, pp. 1556, 1694); *and see* reg. 2 S.I. 1957/269 (1957 I, p. 1692).

Amendment of regulation 2 of the principal regulations

2.—(1) Regulation 2 of the principal regulations (which relates to modification of the Act in relation to the period over which the yearly average of contributions is to be calculated in the case of new entrants and certain other persons) shall be amended in accordance with the provisions of the next following paragraphs and shall accordingly have effect as set out in the First Schedule hereto.

(2) In paragraph (1) of regulation 2 of the principal regulations for the words "subject to paragraph (2)" there shall be substituted the words "subject to paragraphs (1A) and (2)".

(3) After paragraph (1) of regulation 2 of the principal regulations there shall be inserted the following paragraph:—

"(1A) Any provision of the Act and of any regulation made thereunder whereby, for the purposes of the right to retirement pension of a woman by virtue of her own insurance, the yearly average of the contributions paid by or credited to her husband falls to be ascertained as at a specified date shall have effect in relation to a man to whom paragraph (1) of this regulation would otherwise have been applicable, and in whose case such date occurred in the contribution year which included the appointed day, as if the said yearly average were the number of contributions (not exceeding fifty-two) which bears the same proportion to the number of contribution weeks in the said contribution year as the number of contributions paid by or credited to him bears to the number of contribution weeks in the period from the beginning of that contribution year up to and including the contribution week preceding that in which the said date occurred.".

Addition to the principal regulations

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

"*Modifications of the Act in relation to new entrants who enter insurance less than one hundred and fifty-six weeks before attaining the age of sixty-five (men) or sixty (women).*

4A.—(1) Subject to the following paragraph, as respects any insured person who—

(*a*) on the appointed day was over school leaving age and under pensionable age; but

(*b*) was not immediately before that day an existing contributor within the meaning of regulation 2 of the Pensions, Existing Contributors Regulations,

and who, having attained the age of sixty-five (or, in the case of a woman, sixty), did not enter insurance before the beginning of a period of one hundred and fifty-five contribution weeks ending immediately before the week in which that age was attained if that age was attained on the first day of that week, or in any other case before the beginning of a period of one hundred and fifty-four contribution weeks ending immediately before the week in which that age was attained, the following provisions shall apply:—

(i) 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);

(ii) every such 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 of that portion of the contribution which is attributable to widow's benefit and retirement pension, 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) of the Second Schedule to these regulations whichever is appropriate 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.

(2) The provisions of paragraph (1) of this regulation shall not apply to any person to whom regulation 4 of these regulations applies or who under the provisions of the Act or any regulations or orders made thereunder is deemed to have satisfied, or would, if he had retired from regular employment and made a claim to a retirement pension, have been treated as satisfying, the condition specified in sub-paragraph (1) (*a*) of paragraph 4 of the Third Schedule to the Act (which sub-paragraph makes the payment of not less than one hundred and fifty-six contributions of the appropriate class a condition for widow's benefit or retirement pension).".

Additional Schedule to the principal regulations

4. The Schedule set out in the Second Schedule to these regulations shall be added to the principal regulations as the Second Schedule thereto.

Revocation of provisional regulations

5. The National Insurance (New Entrants Transitional) Amendment Provisional Regulations, 1958(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 twenty-sixth day of July, 1958.

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

Dated this twenty-eighth day of July, 1958.

Edward Wakefield,
R. Brooman-White,
Two of the Lords Commissioners of Her Majesty's Treasury.

FIRST SCHEDULE Regulation 2

CONTAINING REGULATION 2 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Modification of the Act in relation to period over which yearly average of contributions is to be calculated in the case of new entrants, etc.

2.—(1) Subject to *paragraphs* (1*A*) *and* (2) of this regulation, the yearly average of contributions paid by or credited to any person becoming insured under the Act who—

(*a*) immediately before the appointed day was under pensionable age and on that day was over the age of sixteen ; but

(a) S.I. 1958/1018.

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

(*b*) was not immediately before that day an existing contributor within the meaning of regulation 2 of the Pensions, Existing Contributors Regulations;

shall be calculated only over the period—

(i) beginning with the beginning of the contribution year in which the appointed day occurred; and

(ii) ending with the end of the last complete contribution year before the date as at which that average is to be ascertained.

(1*A*) *Any provision of the Act and of any regulation made thereunder whereby, for the purposes of the right to retirement pension of a woman by virtue of her own insurance, the yearly average of the contributions paid by or credited to her husband falls to be ascertained as at a specified date shall have effect in relation to a man to whom paragraph* (1) *of this regulation would otherwise have been applicable, and in whose case such date occurred in the contribution year which included the appointed day, as if the said yearly average were the number of contributions* (*not exceeding fifty-two*) *which bears the same proportion to the number of contribution weeks in the said contribution year as the number of contributions paid by or credited to him bears to the number of contribution weeks in the period from the beginning of that contribution year up to and including the contribution week preceding that in which the said date occurred.*

(2) In the case of any person (to whom the provisions of paragraph (1) of this regulation would otherwise be applicable) being a widow to whom paragraph (1) of regulation 5 applies, and who was immediately before the appointed day over the age of fifty-five, the said yearly average shall be calculated only over the period—

(*a*) beginning with the beginning of the contribution year in which she attained the age of fifty-five; and

(*b*) ending with the end of the last complete contribution year before the date on which she attains the age of sixty.

(3) For the purposes of calculating the said yearly average—

(*a*) in the case of any person to whom paragraph (1) of this regulation applies (including any woman who is or has been married and re-enters insurance); and

(*b*) in the case of any person to whom paragraph (2) of this regulation applies;

any contributions credited to that person in respect of any period under regulation 12 of the Contributions Regulations (which regulation relates to pre-entry credits) shall be disregarded, and a contribution shall be credited to that person for any contribution week in the period over which the said yearly average is to be calculated and ending before the appointed day.

(4) The provisions of paragraphs (1) and (3) of this regulation shall also apply for the purpose of the contribution conditions for retirement pension (not being such a pension for a widow by virtue of her husband's insurance) in the case of any person referred to in sub-paragraph (*a*) of the said paragraph (1) who immediately before the appointed day was an existing contributor under the Contributory Pensions Acts for the purposes of widows' pensions and orphans' pensions only.

SECOND SCHEDULE Regulation 4

(*Note.*—The following provisions are by regulation 4 of these regulations incorporated in the principal regulations as the Second Schedule thereto.)

" SECOND SCHEDULE Regulation 4A

REFUNDS OF CONTRIBUTIONS TO PERSONS ENTERING INSURANCE LESS THAN 156 WEEKS BEFORE PENSIONABLE AGE

1. Applicable to contributions in respect of contribution weeks terminating before 3rd February, 1958.

Men				Women			
Age of man at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-Employed	Non-Employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-Employed	Non-Employed
	Portion of contribution to be refunded				Portion of contribution to be refunded		
(1)	pence 41·7 (2)	pence 66·6 (3)	pence 64·2 (4)	(5)	pence 32·3 (6)	pence 52·1 (7)	pence 48·7 (8)
	Total number of pence to be refunded (including interest) in respect of each contribution				Total number of pence to be refunded (including interest) in respect of each contribution		
65 and over	42	67	65	60 and over	33	53	49
64	43	68	66	59	33	53	50
63	44	70	67	58	34	55	51
62	45	72	69	57	35	56	52

2. Applicable to contributions in respect of contribution weeks commencing on or after 3rd February, 1958.

Men				Women			
Age of man at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-Employed	Non-Employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid	Employed	Self-Employed	Non-Employed
	Portion of contribution to be refunded				Portion of contribution to be refunded		
(1)	pence 56·7 (2)	pence 88·3 (3)	pence 84·7 (4)	(5)	pence 45·1 (6)	pence 68·0 (7)	pence 64·7 (8)
	Total number of pence to be refunded (including interest) in respect of each contribution				Total number of pence to be refunded (including interest) in respect of each contribution		
65 and over	57	89	85	60 and over	46	68	65
64	58	91	87	59	46	70	66
63	60	93	89	58	47	71	68
62	61	95	91	57	49	73	70"

EXPLANATORY NOTE

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

These Regulations provide, for the purposes of the right to retirement pension of a woman by virtue of her own insurance, a method of calculating the yearly average of contributions of a husband who entered insurance on 5th July, 1948, but who attained the age of sixty-five or whose marriage terminated by death or otherwise before the expiration of his first contribution year. They also provide that new entrants who (being over school-leaving age on 5th July, 1948) attain the age of sixty-five in the case of a man or sixty in the case of a woman within three years of entry into insurance and so cannot satisfy the contribution conditions for widow's benefit or retirement pension, shall not, on attaining that age, be liable to pay contributions as employed or self-employed persons and shall be entitled in respect of each contribution paid to a refund of that portion of the contribution which is attributable to widow's benefit and retirement pension.

The National Insurance (New Entrants Transitional) Amendment Provisional Regulations, 1958, are revoked and replaced by these Regulations.

Preliminary drafts of these Regulations were submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their reports thereon, dated the 14th July, 1958, are contained in House of Commons Paper No. 258 (Session 1957-58) published by Her Majesty's Stationery Office.

1958 No. 2124

The National Insurance (New Entrants Transitional) Amendment (No. 2) Regulations, 1958

Made - - - -	15*th December*, 1958
Laid before Parliament	18*th December*, 1958
Coming into Operation	19*th December*, 1958

The Minister of Pensions and National Insurance, in conjunction with the Treasury, 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, 1958, 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 19th December, 1958.

(**a**) 9 & 10 Geo. 6. c. 67.
(**b**) S.I. 1949/352 (1949 I, p. 2737).
(**c**) S.I. 1949/1204, 1952/2144, 1955/493, 1957/2077, 2147, 1958/1239 (1949 I, p. 2708; 1952 II, p. 2154; 1955 I, p. 1586; 1957 I, pp. 1556, 1694; 1958 II, p. 1661); *and see* reg. 2 S.I. 1957/269 (1957 I, p. 1692).