New Entrants

1948. No. 221

See p 899

Overlapping Benefits

1948. No. 209

See p 907

1948. No. 340

See p 920

Pensions, Existing Beneficiaries and Other Persons (Transitional) Regulations

REGULATIONS, DATED 22ND JANUARY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended SR&O 1949 (N.I.) 124 1948 No. 39

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 62 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 23rd January, 1948.

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

" the Act " means the National Insurance Act (Northern Ireland), 1946 ;

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946 ;

" the Contributory Pensions Act of 1936 " means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936 ;

Maternity Benefit

1948. No. 238

See p. 720.

Medical Certification

1948. No. 256

See p. 724.

New Entrants Transitional Regulations

REGULATIONS, DATED 2ND JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 221

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 68 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (New Entrants Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 1948.

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

" the Act " means the National Insurance Act (Northern Ireland), 1946;

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946;

" the Contributory Pensions Act of 1939 " means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939;

" the Contributions Regulations " means the National Insurance (Contributions) Regulations (Northern Ireland), 1948;

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland;

" existing widow pensioner " means a widow who immediately before the appointed day is entitled to a widow's pension under the Contributory Pensions Acts;

" prospective widow pensioner " means a widow who has a prospective right to such a pension under the Fourth Schedule to the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936;

" first normal contribution year " means the contribution year applicable to a person under regulation 2 of the National Insurance (General Benefit) Regulations (Northern Ireland), 1948, commencing, as the case may be, on the 7th March, 1949, the 6th June, 1949, the 5th September, 1949, or the 5th December, 1949;

" first normal benefit year " means the benefit year applicable to a person under the said regulation 2 commencing, as the case may be, on the 1st August, 1949, the 7th November, 1949, the 6th February, 1950, or the 1st May, 1950;

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.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

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 paragraph (2) of this regulation, the yearly average of contributions paid by or credited to any person becoming insured under the Act on or after the appointed day who—

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

(*b*) is not an existing contributor within the meaning of regulation 2 of the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948;

shall be calculated only over the period—

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

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

(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 is 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 purpose of calculating the said yearly average—

(*a*) in the case of any person to whom paragraph (1) of this regulation applies who enters (or, in the case of a woman who is or has been married, re-enters) insurance after the appointed day; 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 is an existing contributor under the Contributory Pensions Acts for the purposes of widows' pensions and orphans' pensions only.

Modification, in the case of certain new entrants who are married women, of contribution conditions for a retirement pension by virtue of own insurance.

3. In the case of any person referred to in paragraph (1) of regulation 2, being a woman who on attaining pensionable age is the wife of a man to whom she was married before the appointed day, the provisions of subsection (5) of section 20 of the Act (which subsection relates to the calculation of a married woman's contributions for the purpose of entitlement to a retirement pension by virtue of her own insurance) shall apply only in respect of the period between her first entry into insurance and her attaining that age.

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

4.—(1) As respects any person who is, 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 is not 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, 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.

(*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) (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 Ministry in the form approved by the Ministry 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 Ministry may in any particular case allow.

(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), as respects

any person who is immediately before the appointed day over the age of fifty-five and under pensionable age, and is 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 is immediately before the appointed day a widow over the age of fifty and under pensionable age, being an existing beneficiary under the Contributory Pensions Acts who has remarried on or after that day and before attaining pensionable age or to whom immediately before that day either of the following provisions is applicable:—

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

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

Modification of provisions of the Act relating to retirement pensions in the case of certain widows.

5.—(1) In the case of any person referred to in paragraph (1) of regulation 2 who is immediately before the appointed day an existing widow pensioner or prospective widow pensioner and over the age of fifty, the provisions of section 19 of the Act (which section relates to retirement pensions) shall, unless she remarries on or after that day and before attaining pensionable age, apply subject to the modification that the contribution 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 a retirement pension) shall be deemed to be satisfied.

(2) (*a*) Any widow to whom sub-paragraph (*b*) (i) of paragraph (2) of regulation 4 is applicable, and who on attaining pensionable age is in receipt of a dependants war pension of the kind specified in that sub-paragraph at a rate of less than twenty-six shillings a week, may elect that that regulation shall not apply to her, and in that event the provisions of paragraph (1) of this regulation shall apply in her case, subject to the qualification that if the total amount of the weekly rates of the retirement pension (apart from any increase) and of the dependants war pension exceeds twenty-six shillings, the weekly rate of the retirement pension shall be reduced by the sum by which that total amount exceeds twenty-six shillings.

(*b*) The provisions of paragraph (1) of this regulation shall also apply to any widow to whom sub-paragraph (*b*) (ii) of the said

paragraph (2) is applicable, if, when she attains the age of sixty, she is not cohabiting with a man as his wife.

(3) In the case of any person—

(*a*) specified in paragraph (1) of this regulation who is in receipt of a dependants war pension within the meaning of subsection (3) of section 14 of the Contributory Pensions Act of 1939; or

(*b*) specified in sub-paragraph (*a*) of paragraph (2) of this regulation who elects that regulation 4 shall not apply to her;

and who attains pensionable age within five years from the appointed day, the weekly rate of the retirement pension shall (without prejudice to the application thereto of the provisions of the said sub-paragraph (*a*)) be ascertained in accordance with regulation 14 of the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948, and the Fifth Schedule thereto (which regulation and Schedule relate to reduced rates of pensions for certain existing contributors) as if she were a person included within the class of persons specified in paragraph (4) of Part I of that Schedule.

Certain new entrants to be treated in the same manner as existing contributors under the Contributory Pensions Acts.

6. Where a person to whom the provisions of paragraph (1) of regulation 2 would otherwise apply has, with the concurrence of the Ministry of Finance, been treated as insured under the Contributory Pensions Acts up to the appointed day, he shall be treated for the purposes of the Act as if he were an existing contributor and subject to the provisions of the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948, and any payments by way of contributions under the Contributory Pensions Acts and any period for which that person has been so treated as insured shall be taken into account accordingly.

Modification of contribution conditions for unemployment, sickness and maternity benefit in the case of new entrants, etc., and special provision relating to the crediting of contributions in the case of new entrants.

7.—(1) If any person specified in paragraph (4) of this regulation is not an existing contributor within the meaning of regulation 2 of the National Insurance (Unemployment Benefit) (Transitional) Regulations (Northern Ireland), 1948, the condition contained in sub-paragraph (*b*) of paragraph 1 of the Third Schedule to the Act (which paragraph contains the contribution conditions for unemployment and sickness benefit) shall be deemed to be satisfied for the purposes (but not otherwise) of unemployment benefit throughout the period up to the commencement of that person's first normal benefit year.

(2) If any person so specified is not an existing contributor within the meaning of regulation 2 of the National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations (Northern Ireland), 1948—

(*a*) the condition contained in the said sub-paragraph (*b*) shall be deemed to be satisfied for the purposes (but not otherwise) of sickness benefit in respect of the period before the commencement of that person's first normal benefit year; and

(*b*) the condition contained in sub-paragraph (1) (*b*) of paragraph 2 of the said Third Schedule (which paragraph contains the contribution conditions for maternity grant and attendance allowance) shall be deemed to be satisfied for the purposes (but not otherwise) of maternity grant or attendance allowance in respect of the period before the commencement of the relevant person's first normal contribution year.

(3) In the application of regulation 3 of the Contributions Regulations (which regulation relates to exceptions and credits for incapacity for work) to any person so specified, Condition 1 of the schedule to those regulations shall be deemed to be satisfied in relation to any week throughout which the insured person was employed in an employment which is an employed contributor's employment for the purposes of section 1 of the Act:

Provided that this paragraph shall cease to apply to any person as from the commencement of that person's first normal benefit year.

(4) This regulation shall, subject to the provisions of the relevant paragraph thereof, apply to any person becoming insured under the Act on or after the appointed day who immediately before that day is over school leaving age and under pensionable age.

8. The provisions of the Act and the regulations and orders for the time being in force thereunder shall have full force and effect subject to the provisions of these regulations.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of July, 1948, in the presence of

L.S.

William Allen,
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 2nd day of July, 1948, in the presence of

L.S.

John I. Cook,
Assistant Secretary to the Ministry of Finance for Northern Ireland.

KKA

SCHEDULE

Regulation 4.

Table showing :—

(1) at the head of columns (2), (3), (4), (6), (7) and (8), the portion of each contribution paid by a person as an employed, self-employed or non-employed person, to be refunded to that person if that person elects not to be qualified for a retirement pension ; and

(2) in columns (1) and (5), the age of any such person at the date of the expiration of the period of currency of the contribution card on which any such contribution was paid ; and

(3) in the said columns (2), (3), (4), (6), (7) and (8), the total amount, including interest, to be refunded.

Men				Women			
Age of man at expiration of period of currency of contribution card on which contribution was paid (1)	Employed	Self-employed	Non-employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid (5)	Employed	Self-employed	Non-employed
	Portion of contribution to be refunded				Portion of contribution to be refunded		
	pence 19·6 (2)	pence 36·3 (3)	pence 35·4 (4)		pence 17·5 (6)	pence 33·2 (7)	pence 32·0 (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 or over	20	37	36	60 or over	18	34	33
64	20	37	36	59	18	34	33
63	21	38	37	58	18	35	34
62	21	39	38	57	19	36	34
61	22	40	39	56	19	37	35
60	22	41	40	55	20	38	36
59	23	42	41	54	20	39	37
58	23	43	42	53	21	39	38
57	24	44	43	52	21	40	39
56	24	45	44	51	22	41	40
55	25	46	45	50	22	42	41