1960 No. 1104

The National Insurance (Non-participation—Benefits and Schemes) Amendment Regulations, 1960

Made - - - -	27*th June*, 1960
Laid before Parliament	4*th July*, 1960
Coming into Operation	5*th July*, 1960

The Minister of Pensions and National Insurance in exercise of powers conferred by section 8 of the National Insurance Act, 1959(**a**), and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby makes the following regulations :—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Non-participation—Benefits and Schemes) Amendment Regulations, 1960, shall be read as one with the National Insurance (Non-participation—Benefits and Schemes) Regulations, 1959(**b**), (hereinafter referred to as " the principal regulations "), and shall come into operation on the 5th July, 1960.

Amendment of regulation 1 *of the principal regulations*

2.—(1) Paragraph (2) of regulation 1 of the principal regulations (which contains definitions) shall be amended by the insertion after the definition of " the Act of 1959 " of the following definition :—

" ' the Superannuation Acts ' means the Superannuation Acts, 1834 to 1950, and any Act amending those Acts ; ".

Amendment of regulation 2 *of the principal regulations*

3.—(1) Regulation 2 of the principal regulations (which relates to equivalent pension benefits) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule to these regulations.

(2) At the end of paragraph (*b*) of the said regulation 2, there shall be inserted the words " or of any other provision for the suspension of the pension during employment, being a provision contained in or made under any of the enactments specified in the Second Schedule to the Act of 1959 or in subsection (7) of section 12 of that Act (which relate to certain statutory superannuation schemes) or a provision of the Superannuation Acts as applied by any enactment or other instrument having the force of law or by any instrument to which paragraph (3) of regulation 3 of these regulations applies."

(3) At the end of the said regulation 2 there shall be added the following paragraph :—

" (*d*) the operation of section 2 of the Forfeiture Act, 1870(**c**), (which provides, in certain cases of persons convicted of treason or felony, for the termination of a pension or superannuation allowance payable by the public or out of any public fund)."

(**a**) 7 & 8 Eliz. 2. c. 47. (**b**) S.I. 1959/1861 (1959 II, p. 1865). (**c**) 33 & 34 Vict. c. 23.

Amendment of regulation 3 *of the principal regulations*

4. At the end of paragraph (3) of regulation 3 of the principal regulations (which relates to recognised superannuation schemes) there shall be added the following proviso:—

"Provided that any such instrument made with the authority of the House of Lords or of the Commissioners for regulating the Offices of the House of Commons shall be a prescribed means of securing those benefits in the case of members of the staff of the House of Lords or of the staff of the House of Commons respectively."

Dated this twenty-seventh day of June, 1960.

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

SCHEDULE Regulation 3

REGULATION 2 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Equivalent pension benefits

2. For the purposes of paragraph (*c*) of subsection (1) of section 8 of the Act of 1959 (which paragraph makes it a condition for treating retirement benefits by way of pension as equivalent pension benefits for the purposes of Part II of that Act, that the pension or a specified part of it is payable for life, and is not capable of being terminated or suspended except for such causes, if any, as may be prescribed) the following shall be prescribed causes:—

(*a*) the operation of any provision for the termination or suspension of the pension—

(i) upon assignment, charge or other alienation (whether by operation of law or otherwise), or any attempt thereat; or

(ii) in case of mental disorder or inability to act:

Provided that sub-paragraph (ii) of this paragraph shall not apply unless there is provision enabling the pension to be paid or applied at discretion for the maintenance or support of the pensioner's spouse or of other persons dependent on him;

(*b*) the operation of any provision for the suspension of the pension during imprisonment or detention in legal custody or upon resumption of employment with the employer, *or of any other provision for the suspension of the pension during employment, being a provision contained in or made under any of the enactments specified in the Second Schedule to the Act of* 1959 *or in subsection* (7) *of section* 12 *of that Act (which relate to certain statutory superannuation schemes) or a provision of the Superannuation Acts as applied by any enactment or other instrument having the force of law or by any instrument to which paragraph* (3) *of regulation* 3 *of these regulations applies;*

(*c*) the operation of any provision for the suspension of the pension upon failure to obtain payment of any sum due by way of pension within a period of not less than six months from the due date of payment:

Provided that this paragraph shall apply only where the suspension is limited to the period for which the sum in question was due;

(*d*) *the operation of section* 2 *of the Forfeiture Act,* 1870 *(which provides, in certain cases of persons convicted of treason or felony, for the termination of a pension or superannuation allowance payable by the public or out of any public fund).*

* The amendments made by these regulations are shown in italics.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Non-participation—Benefits and Schemes) Regulations, 1959, by allowing the recognition of certain pension schemes or arrangements for the purposes of the National Insurance Act, 1959, notwithstanding that their benefits may be terminated under the Forfeiture Act, 1870, or suspended during employment in public or local government service. Provision is also made for recognising the pension arrangements of the staff of the Houses of Parliament.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated the 10th June, 1960, is contained in the House of Commons Paper No. 237 (Session 1959-60) published by Her Majesty's Stationery Office.