STATUTORY INSTRUMENTS

1961 No. 137

NATIONAL INSURANCE

The National Insurance (Non-participation—Benefits and Schemes) Amendment Regulations, 1961

Made - - - -	24*th January*, 1961
Laid before Parliament	27*th January*, 1961
Coming into Operation	30*th January*, 1961

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, 1961, shall be read as one with the National Insurance (Non-participation—Benefits and Schemes) Regulations, 1959(**b**), as amended(**c**), (hereinafter referred to as "the principal regulations"), and shall come into operation on the 30th January, 1961.

Amendment of regulation 3 *of the principal regulations*

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

(2) In paragraph (3) of the said regulation 3 immediately before the words "any regulation" there shall be inserted the letter "(*a*)", and after the proviso to the said paragraph there shall be added the following:—

"and

(*b*) where any scheme or arrangement having for its object or one of its objects to make provision, in respect of persons serving in particular employments, for providing them with retirement benefits by way of pension is established by an enactment or other instrument having the force of law in any part of the Commonwealth outside the United Kingdom, that enactment or other instrument shall be a prescribed means of securing the benefits provided under the said scheme or arrangement."

Dated this twenty-fourth day of January, 1961.

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

(**a**) 7 & 8 Eliz. 2. c. 47. (**b**) S.I. 1959/1861 (1959 II, p. 1865). (**c**) S.I. 1960/1104 (1960 II, p. 2258).

Regulation 2

SCHEDULE

REGULATION 3 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Recognised superannuation schemes

3.—(1) Subject to the provisions of this regulation, for the purposes of paragraph (*b*) of subsection (4) of section 8 of the Act of 1959 (which subsection makes it a condition for treating schemes or arrangements as recognised superannuation schemes for the purposes of Part II of that Act that certain benefits thereunder are secured by irrevocable trust, contract of assurance or annuity contract satisfying such conditions as may be prescribed, or in such other manner as may be prescribed) the prescribed conditions are that the trust or contract, as the case may be, is established or entered into in connection with some trade or undertaking carried on wholly or partly in Great Britain by a person having a place of business therein, and

(*a*) in the case of an irrevocable trust, that it is subject to the laws of any part of Great Britain;

(*b*) in the case of a contract of assurance or an annuity contract, that it is made with either—

(i) an insurance company to which the Insurance Companies Act, 1958 applies; or

(ii) a registered friendly society; or

(iii) an industrial and provident society registered under the Industrial and Provident Societies Act, 1893(a); or

(iv) (in the case only of an annuity contract) the National Debt Commissioners.

(2) If in any case the Registrar is satisfied that benefits under the pension scheme are wholly or mainly provided for the benefit of persons not resident in Great Britain, he may, if he thinks fit, and subject to such conditions, if any, as he thinks proper, waive the requirements contained in sub-paragraphs (*a*) and (*b*) of the foregoing paragraph.

(3) For the purposes of the said paragraph (*b*):—

(*a*) any regulation or other instrument (not being a regulation or instrument having the force of law) made with the authority of a Minister of the Crown or with the consent of the Treasury for the purpose of authorising the payment to persons not employed in the Civil Service of the State of such pensions, gratuities or other like benefits as might have been granted to persons so employed, shall be a prescribed means of securing benefits thereby authorised to be paid:

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; *and*

(*b*) *where any scheme or arrangement having for its object or one of its objects to make provision, in respect of persons serving in particular employments, for providing them with retirement benefits by way of pension is established by an enactment or other instrument having the force of law in any part of the Commonwealth outside the United Kingdom, that enactment or other instrument shall be a prescribed means of securing the benefits provided under the said scheme or arrangement.*

(a) 56 & 57 Vict. c. 39.

* The words added 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 providing for the recognition for the purposes of the National Insurance Act, 1959, of pension schemes or arrangements established by enactment or other instrument having the force of law in any part of the Commonwealth outside the United Kingdom.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Non-participation—Benefits and Schemes) Amendment (No. 2) Regulations, 1960), dated the 5th January, 1961, is contained in the House of Commons Paper No. 44 (Session 1960-61) published by Her Majesty's Stationery Office.