1959 No. 1861

The National Insurance (Non-participation—Benefits and Schemes) Regulations, 1959

Made - - - -	*4th November*, 1959
Laid before Parliament	*12th November*, 1959
Coming into Operation	*13th November*, 1959

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, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Non-participation—Benefits and Schemes) Regulations, 1959, and shall come into operation on the 13th November, 1959.

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

"the Act" means the National Insurance Act, 1946(b);

"the Act of 1959" means the National Insurance Act, 1959;

"the Registrar" means an officer appointed by the Minister for the purposes of Part II of the Act of 1959, and includes a deputy Registrar so appointed;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

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

(a) 7 & 8 Eliz. 2. c. 47. (b) 9 & 10 Geo. 6. c. 67. (c) 52 & 53 Vict. c. 63.

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;

(*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.

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(**a**), applies, or

(ii) a registered friendly society; or

(iii) an industrial and provident society registered under the Industrial and Provident Societies Act, 1893(**b**); 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*), 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 the benefits thereby authorised to be paid.

Dated this Fourth day of November, 1959.

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

(**a**) 6 & 7 Eliz. 2. c. 72. (**b**) 56 & 57 Vict. c. 39.

EXPLANATORY NOTE

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

These Regulations contain conditions for treating occupational pension benefits as equivalent to State graduated benefits under Part II of the National Insurance Act, 1959, and for the recognition of pension schemes or arrangements for the purposes of that Act.

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 27th October, 1959, is contained in the House of Commons Paper No. 19 (Session 1959–60) published by Her Majesty's Stationery Office.

1959 No. 1860

The National Insurance (Non-participation—Certificates) Regulations, 1959

Made - - - -	*4th November,* 1959
Laid before Parliament	*12th November,* 1959
Coming into Operation	*13th November,* 1959

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 43 and 52 of the National Insurance Act, 1946(a), and sections 7 and 13 of the National Insurance Act, 1959(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation, interpretation and commencement

1.—(1) These regulations, which may be cited as the National Insurance (Non-participation—Certificates) Regulations, 1959, shall come into operation on the 13th November, 1959.

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

"the Act" means the National Insurance Act, 1946;

"the Minister" means the Minister of Pensions and National Insurance;

"the Adjudicator" means the adjudicator appointed in accordance with sub-section (3) of section 13 of the National Insurance Act, 1959, for the purposes of Part II thereof;

"certificate" means a certificate that any employment is to be treated for the purposes of the said Act of 1959, either generally or in relation to any description of persons specified in the certificate, as a non-participating employment;

"election" means an election made by an employer with a view to the issue or variation of a certificate;

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.

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47.