1957 No. 1889

The National Insurance (Overlapping Benefits) Amendment Regulations, 1957

Made - - - -	31*st October*, 1957
Laid before Parliament	7*th November*, 1957
Coming into Operation	18*th November*, 1957

The National Insurance Joint Authority(a), in conjunction with the Treasury, in exercise of the powers conferred by section 30 of the National Insurance Act, 1946(b), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Overlapping Benefits) Amendment Regulations, 1957, shall be read as one with the National Insurance (Overlapping Benefits) Regulations, 1948(c), as amended(d) (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th November, 1957.

Amendment of regulation 5 of the principal regulations

2. At the end of regulation 5 of the principal regulations (which relates to the adjustment of dependency benefit under the Act by reference to one or more of the dependency benefits, whether under the Act or otherwise, specified in paragraph (2) thereof), there shall be added the following paragraph:—

"(4) The foregoing provisions of this regulation shall not operate to require the making of any adjustment as between two dependency benefits of which one is dependency benefit by way of an increase of benefit under paragraph (*c*) of subsection (2) of section 24 of the Act, or under subsection (2A) of that section, which is or, but for those provisions, would be payable to a person (hereafter in this paragraph referred to as "the beneficiary") in respect of another person who is employed by, but is not residing with, the beneficiary, and the other is any dependency benefit which is specified in paragraph (2) of this regulation and is or, but for those provisions, would be payable in respect of that other person to some person other than the beneficiary.".

Amendment of regulation 6 of the principal regulations

3.—(1) Regulation 6 of the principal regulations (which relates to the adjustment of dependency benefit under the Act where personal benefit is payable) 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) In paragraph (1) of the said regulation, before the words "Where, for any period", there shall be inserted the words "Subject to the provisions of paragraphs (3), (4) and (5) of this regulation,".

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

"(3) The provisions of this regulation shall not apply in relation to any dependency benefit by way of an increase of benefit under paragraph

(a) See S.63(2), National Insurance Act, 1946 and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p.367: 1948 I, p. 2905)).
(b) 9 & 10 Geo 6. c. 67. (c) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(d) The relevant amending regulations are S.I. 1952/422, 526, 2144, 1954/189, 1955/493 (1952 II, pp. 2194, 2196, 2154; 1954 I, p. 1387; 1955 I, p. 1586).

(*c*) of subsection (2) of section 24 of the Act, or under subsection (2A) of that section, in respect of a person who is employed by, but is not residing with, the beneficiary.

(4) Where any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to a married woman for any period throughout which she is over pensionable age, the amount of any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her by way of an increase of a retirement pension for that period shall be reduced or extinguished by the deduction therefrom of the amount or aggregate amount so payable in respect of that personal benefit or those personal benefits for that period.

(5) In any case (not being a case falling within the last foregoing paragraph) where personal benefit under the Act by way of sickness benefit is payable to a married woman for any period throughout which she is receiving free in-patient treatment (as defined for the purposes of the National Insurance (Hospital In-Patients) Regulations, 1949(a)), the following provisions shall apply in relation to any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her for that period:—

(*a*) If an adjustment of that dependency benefit made in accordance with the foregoing provisions of this regulation would reduce the weekly rate thereof by an amount greater than the amount of the weekly rate at which that personal benefit is payable for that period, that dependency benefit shall not be so adjusted but the weekly rate thereof shall be reduced by the last-mentioned amount.

(*b*) If that personal benefit by way of sickness benefit is payable for that period at a reduced weekly rate by reason of the partial satisfaction of the contribution conditions for that benefit and an adjustment of the said dependency benefit made in accordance with the foregoing provisions of this regulation would reduce the weekly rate thereof by an amount less than the amount of the weekly rate at which that personal benefit is payable for that period, that dependency benefit shall not be so adjusted but the weekly rate thereof shall be reduced by the last-mentioned amount.".

Given under the official seal of the National Insurance Joint Authority this 28th day of October, nineteen hundred and fifty-seven.

(L.S.)

Ian G. Gilbert,
Secretary,
National Insurance Joint Authority.

Dated this 31st day of October, nineteen hundred and fifty-seven.

Harwood Harrison,
Anthony Barber,
Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1949/1461 (1949 I, p. 2718).

SCHEDULE Regulation 3

REGULATION 6 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Adjustment of dependency benefit under the Act where personal benefit is payable

6.—(1) *Subject to the provisions of paragraphs (3), (4) and (5) of this regulation,* where, for any period, any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to any person—

(*a*) if either—

(i) the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period is equal to or exceeds twenty-six shillings a week; or

(ii) the personal benefit or one of the personal benefits payable to that person for that period is personal benefit under the Act by way of unemployment benefit or sickness benefit which is not payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions,

there shall not be paid in respect of that person for that period any dependency benefit under the Act; and

(*b*) in any other case, there shall not be paid in respect of that person for that period any dependency benefit under the Act at a weekly rate exceeding the difference between the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period and the rate of twenty-six shillings a week:

Provided that, where the personal benefit or one of the personal benefits payable to that person for that period is personal benefit under the Act by way of unemployment benefit or sickness benefit which is payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions, dependency benefit under the Act shall not be paid in respect of that person for that period at a weekly rate which exceeds the weekly rate by which that personal benefit is so reduced for that period.

(2) The personal benefits referred to in the preceding paragraph of this regulation are any personal benefit specified in paragraph (4) of regulation 2 and any personal benefit under the Act.

(3) The provisions of this regulation shall not apply in relation to any dependency benefit by way of an increase of benefit under paragraph (c) of subsection (2) of section 24 of the Act, or under subsection (2A) of that section, in respect of a person who is employed by, but is not residing with, the beneficiary.

(4) Where any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to a married woman for any period throughout which she is over pensionable age, the amount of any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her by way of an increase of a retirement pension for that period shall be reduced or extinguished by the deduction therefrom of the amount or aggregate amount so payable in respect of that personal benefit or those personal benefits for that period.

(5) In any case (not being a case falling within the last foregoing paragraph) where personal benefit under the Act by way of sickness benefit is payable to a

* The words added by these regulations are shewn in italics.

married woman for any period throughout which she is receiving free in-patient treatment (as defined for the purposes of the National Insurance (Hospital In-Patients) Regulations, 1949), the following provisions shall apply in relation to any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her for that period:—

(a) If an adjustment of that dependency benefit made in accordance with the foregoing provisions of this regulation would reduce the weekly rate thereof by an amount greater than the amount of the weekly rate at which that personal benefit is payable for that period, that dependency benefit shall not be so adjusted but the weekly rate thereof shall be reduced by the last-mentioned amount.

(b) If that personal benefit by way of sickness benefit is payable for that period at a reduced weekly rate by reason of the partial satisfaction of the contribution conditions for that benefit and an adjustment of the said dependency benefit made in accordance with the foregoing provisions of this regulation would reduce the weekly rate thereof by an amount less than the amount of the weekly rate at which that personal benefit is payable for that period, that dependency benefit shall not be so adjusted but the weekly rate thereof shall be reduced by the last-mentioned amount.

EXPLANATORY NOTE

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

These Regulations make further amendments to the provisions of the National Insurance (Overlapping Benefits) Regulations, 1948, as previously amended. From the cases in which those provisions require an adjustment of benefit to be made, these Regulations provide for excepting certain cases in which an increase of benefit is payable in respect of a woman having the care of a child or children. They also make special provision, in certain cases, for the adjustment of an increase of a retirement pension if it is an increase payable to a married man in respect of his wife who is over pensionable age, and for the adjustment of any increase of benefit under the National Insurance Act, 1946, payable to a married man in respect of his wife who is receiving free in-patient treatment (as defined in the National Insurance (Hospital In-Patients) Regulations, 1949) and to whom sickness benefit is payable.

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 15th August, 1957, is contained in House of Commons Paper No. 5 (Session 1957-58) published by Her Majesty's Stationery Office.