(*f*) the provisions of subsection (4) of section 20 of the principal Act (which relates to the disentitlement of a woman to more than one retirement pension for the same period).

(6) *For the purposes of any disqualification contained in the said regulation 24, the said regulation 13 or this regulation for the receipt of additional retirement pension by virtue of her husband's insurance, a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (b) of subsection (1) of section 2 of the National Insurance Act (Northern Ireland), 1957, (which paragraph provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid by or credited to her for the purpose of her right to a retirement pension by virtue of her own insurance) shall be treated as if it were a retirement pension by virtue of her husband's insurance.*

EXPLANATORY NOTE

(*This note is not part of the regulations, but is intended to indicate their general purport.*)

These regulations amend the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1955. Under section 2(1) of the National Insurance Act (Northern Ireland), 1957, a widow who immediately before attaining pensionable age is entitled to widow's benefit no longer becomes entitled to a retirement pension by virtue of her husband's insurance, but is allowed for certain periods to elect to have account taken of her husband's contributions in calculating her yearly average for the purpose of her right to a retirement pension by virtue of her own insurance. A widow resident abroad when benefit rates were increased in 1951, 1952 or 1955 is under the existing regulations precluded from obtaining by virtue of her husband's insurance the increased rate of retirement pension then enacted unless she subsequently becomes resident in Northern Ireland. The present regulations apply this provision to a retirement pension payable under section 2(1) by virtue of taking account of her husband's contributions.

Overlapping Benefits Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 15TH NOVEMBER, 1957, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 240 [C]

The National Insurance Joint Authority, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 29 of the National Insurance Act (Northern Ireland),

1946(a), 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 (Northern Ireland), 1957, shall be read as one with the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(b), (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 23 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.

(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 (*c*) of subsection (2) of section 23 of

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(a) 1946. c.23.

(b) S.R. & O. (N.I.) 1949. No. 154 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1951. No. 181; S.R. & O. (N.I.) 1952. No. 65; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 80; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1956. No. 138; S.R. & O. (N.I.) 1957. No. 8.

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 (Northern Ireland), 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 15th day of November, nineteen hundred and fifty-seven.

(L.S.) *Ian G. Gilbert,*
Secretary, National Insurance Joint Authority.

(a) S.R. & O. (N.I.) 1949. No. 161 as amended by S.R. & O. (N.I.) 1949. No. 162; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1952. No. 147; S.R. & O. (N.I.) 1953. No. 22; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1956. No. 138.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 15th day of November, nineteen hundred and fifty-seven.

(L.S.) *W. W. Arthur,*
Assistant Secretary to the Ministry of Finance for Northern Ireland

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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.

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

(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 23 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 (Northern Ireland), 1949), the following provision 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 (Northern Ireland), 1949. 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 (Northern Ireland), 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 (Northern Ireland), 1949) and to whom sickness benefit is payable.

Children's Allowances and Orphans' Pensions (Transitional) Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 6TH DECEMBER, 1957, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND), 1946 TO 1957.

1957. No. 257 **[C]**

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 62 of the National Insurance Act (Northern Ireland), 1946(a), section 4(1) of the National Insurance Act (Northern Ireland), 1955(b), and section 9(2) of the Family Allowances and National Insurance Act (Northern Ireland), 1956(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Children's Allowances and Orphans' Pensions) (Transitional) Amendment Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Children's Allowances and Orphans' Pensions) (Transitional) Regulations (Northern Ireland), 1952(d) (hereinafter referred to as "the principal regulations") and shall come into operation on 7th December, 1957.

Regulation substituted for regulation 3 of the principal regulations

2.—(1) For regulation 3 of the principal regulations (which provides for an increase in the rate of orphans' pensions in certain cases) there shall be substituted the following regulation:—

"*Orphans' pensions*

3.—(1) Subject to the provisions of subsection (1) of section 27 of the principal Act (which makes it a condition of any person's right to benefit that he makes a claim therefor in the prescribed manner), the weekly rate of an orphan's pension, notwithstanding the provisions of regulation 14 of the Existing Beneficiaries Regulations (which contains special provisions in respect of certain children), shall, for any period during which—

(*a*) the child in respect of whom the orphan's pension is payable is included in the family of the beneficiary; and

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(a) 1946. c. 23. (b) 1955. c. 1. (c) 1956. c. 8.
(d) S.R. & O. (N.I.) 1952. 176.