**1973. No. 358** **[C]**

# NATIONAL INSURANCE

## Overlapping Benefits and Miscellaneous Amendments

REGULATIONS, DATED 21ST SEPTEMBER 1973, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966.

The National Insurance Joint Authority, in conjunction with the Ministry of Finance on behalf of the Secretary of State, in exercise of powers conferred by section 49(1) of the National Insurance Act (Northern Ireland) 1966(a) and the Ministry of Health and Social Services on behalf of the Secretary of State, in exercise of powers conferred by section 54(3) of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations being regulations subject to negative resolution in accordance with section 101(3) of the said Act:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the National Insurance (Overlapping Benefits and Miscellaneous Amendments) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

(2) In these regulations, "the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1973(b).

*Amendment of the Overlapping Benefits Regulations*

**2.**—(1) The Overlapping Benefits Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (definitions) for the definition of "Service Pensions Instrument" there shall be substituted the following definition:

> " 'Service Pensions Instrument' means those provisions and only those provisions of any Royal Warrant, Order in Council or other instrument (not being a 1914-1918 War Injuries Scheme) under which a death or a disablement pension (not including a pension calculated by reference to length of service) and allowances for dependants payable with either such pension may be paid out of public funds in respect of any death or disablement, wound, injury or disease due to service in the naval, military or air forces of the Crown or in any nursing service or other auxiliary service of any of the said forces or in the Home Guard or in any other organisation established under the control of the Defence Council or formerly established under the control of the Admiralty, the Army Council or the Air Council;".

(3) In regulation 9 (benefits which are not to be construed as requiring adjustment under Part II of those regulations) after paragraph (*c*) there shall be inserted the words:

---

(a) 1966. c. 6 (N.I.). (b) S.R. & O. (N.I.) 1973, No. 10.

"or

(*d*) that any benefit under the Act shall be adjusted by reference to an allowance for a dependant payable as part of a disablement pension under any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme unless it is an allowance for a dependant payable only to a person who is entitled to a supplement on account of unemployability under any such Scheme or Instrument; or

(*e*) that any benefit under the Act shall be adjusted by reference to a benefit not under the Act where the latter benefit has itself been adjusted by reference to the benefit under the Act.".

(4) In Schedule 1 (benefits not to be adjusted by reference to other named benefits) for the words "the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970" in paragraph (4)(*c*) of column 1, there shall be substituted the words "the National Insurance Act (Northern Ireland) 1970".

*Revocation of provisions of the Overlapping Benefits Regulations and amendments consequential thereon*

**3.**—(1) In the Overlapping Benefits Regulations, in regulation 2 (adjustment of personal benefit under the Act where other personal benefit (whether under the Act or otherwise) is payable) paragraph (4) is hereby revoked; and in regulation 6 (adjustment of dependency benefit where personal benefit is payable) the proviso to paragraph (1), and paragraph (4) are hereby revoked.

(2) In the said regulation 2, there shall be substituted in paragraph (1)(*a*) for the words "paragraphs (2) and (4)" the words "paragraph (2)" and in paragraph (1)(*b*) for the words "paragraphs (3) and (4)" the words "paragraph (3)"; in the said regulation 6, there shall be substituted in paragraph (1) for the words "paragraphs (3), (4) and (5)" the words "paragraphs (3) and (5)" and in paragraph (5) the words "(not being a case falling within paragraph (4))" shall be omitted.

*Amendment of the National Insurance (General Benefit) Regulations*

**4.** In regulation 10(1) of the National Insurance (General Benefit) Regulations (Northern Ireland) 1971(**c**) (allocation of contributions for wife or children) for the words "and 42(1)(*a*)(ii)" there shall be substituted the words "42(1)(*a*)(ii) and 42A(1)(*b*)".

*Transitional provision*

**5.** Where the date as from which the weekly rate of a benefit under the Act is increased under an order made under paragraph 1 of Schedule 6 to the National Insurance and Supplementary Benefit Act 1973(**d**) is a later date than that on which these regulations come into operation, regulation 9(*d*) of the Overlapping Benefits Regulations (added to those regulations by regulation 2(3) of these regulations) shall apply as respects that benefit only as from the date on which its weekly rate is so increased.

(c) S.R. & O. (N.I.) 1971, No. 190. (d) 1973. c. 42.

Given under the Official Seal of the National Insurance Joint Authority this 21st day of September 1973.

(L.S.) *D. S. Beaumont,*
Secretary.

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 20th day of September 1973.

(L.S.) *C. G. Oakes,*
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 21st day of September 1973.

(L.S.) *C. F. Darling,*
Assistant Secretary.

---

## EXPLANATORY NOTE

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

These regulations amend the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1973, by substituting a new definition of "Service Pensions Instrument" and providing that benefits under the National Insurance legislation shall no longer be adjusted by reference to certain dependency increases of war pensions.

They also provide that once a benefit which is not paid under the Act has been adjusted by reference to a national insurance benefit, it cannot in turn give rise to an adjustment of the national insurance benefit under those regulations.

Minor amendments are made to the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1973 and the National Insurance (General Benefit) Regulations (Northern Ireland) 1971. They also contain a transitional provision.