(regulation 20); (*n*) sickness or disablement benefit of persons in hospital before the appointed day (regulation 21); (*o*) recovery of over-payments of benefit under the National Health Insurance Acts occurring before the appointed day, by deduction from any benefit under the Act, or otherwise (regulation 22); and (*p*) persons who are empowered to recover from employers any sickness or maternity benefit lost by reason of an employer's failure or neglect to pay contributions in respect of a period before the appointed day (regulation 23). The remaining provisions are of an incidental or consequential character.

(3) OVERLAPPING BENEFITS

The National Insurance (Overlapping Benefits) Provisional Regulations, 1948*

1948 No. 1244

Made - - - -	10*th June*, 1948
Laid before Parliament	15*th June*, 1948
Coming into Operation	21*st June*, 1948

M.N.I. 123.

The National Insurance Joint Authority, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, hereby certify under subsection (4) of section 77 of the National Insurance Act, 1946, that on account of urgency the following regulations should come into operation without delay, and, in exercise of the powers conferred by section 30 of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations as provisional regulations:—

9 & 10 Geo. 6. c. 67.

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Overlapping Benefits) Provisional Regulations, 1948, and shall come into operation on the 21st June, 1948.

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

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

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act, 1946;

9 & 10 Geo. 6 c. 62.

" the Minister " means the Minister of National Insurance;

" beneficiary " means the person to whom any benefit, pension or allowance is payable;

" personal benefit " means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

" dependency benefit " means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

* Under section 77 (4) of the National Insurance Act, 1946, these Provisional Regulations will not continue in force for longer than three months after the receipt by the authorities making them of the Report of the National Insurance Advisory Committee on the preliminary draft thereof submitted to them in accordance with the said section 77.

" death benefit " means any benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable in respect of the death of any person;

" personal death benefit " means any personal benefit by way of death benefit;

" the deceased " means, in relation to any death benefit, the person in respect of whose death that benefit, apart from these regulations, is payable;

" appropriate weekly rate " means, in relation to any benefit under the Act which the provisions of these regulations render liable to adjustment by reference to any other benefit, pension or allowance (whether under the Act or otherwise), the weekly rate at which that benefit under the Act would be payable but for any adjustment to be made in accordance with the provisions of these regulations by reference to that other benefit, pension or allowance;

" disablement pension " includes a disablement payment on a pension basis and retired pay or a pension in respect of any disablement, wound, injury or disease;

" widow's basic pension " and " contributory old age pension " have the same meanings as in the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948(a);

" Personal Injuries Scheme " means any scheme made under the Personal Injuries (Emergency Provisions) Act, 1939, or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939; 2 & 3 Geo. 6. c. 82.

" Service Pensions Instrument " means any Royal Warrant, Order in Council or other instrument (not being a 1914-1918 War Injuries Scheme) under which a disablement pension may be paid out of public funds in respect of any disablement, wound, injury or disease attributable to or aggravated by 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 Admiralty, the Army Council or the Air Council or under which any pension or allowance may be paid out of public funds to any person after the death of some other person in continuation of any payments made during the lifetime of that person in respect of his service in any of the said forces, services and organisations; 2 & 3 Geo. 6. c. 83.

" 1914-1918 War Injuries Scheme " means any scheme made under the Injuries in War (Compensation) Act, 1914, or under the Injuries in War Compensation Act, 1914 (Session 2), or under the Injuries in War (Compensation) Act, 1915, or any Government scheme for compensation in respect of persons injured in any merchant ship or fishing vessel as the result of hostilities during the 1914-1918 War; 4 & 5 Geo. 5. c. 30. 5 & 6 Geo. 5. c. 18.

" treatment allowance " means an allowance payable to a person undergoing a course of medical, surgical or rehabilitative treatment in consequence of a disablement in respect of which a pension under a Personal Injuries Scheme or Service Pensions Instrument may be or 5 & 6 Geo. 5. c. 24.

(a) S.I. 1948 No. 55, p. 2822 below.

has been paid, or an allowance payable to any such person pending the determination of the question whether he is entitled to receive such a pension;

" training allowance " means an allowance (whether by way of periodical grants or otherwise) payable, out of public funds, by a Government department to a person for his maintenance, or in respect of any dependant of his, for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to him;

" training scheme " means a scheme or arrangement under which a training allowance may be paid;

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

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

(4) For the purposes of these regulations, where any benefit by way of widowed mother's allowance is or may be payable to a widow by reason of her having a family which includes a child or children, that benefit shall be deemed to consist of—

(*a*) dependency benefit by way of widowed mother's allowance payable to the widow in respect of that child or the elder or eldest of those children at the weekly rate of seven shillings and sixpence; and

(*b*) personal benefit by way of widowed mother's allowance payable to the widow otherwise than in respect of any child at the weekly rate at which the first mentioned benefit is or may be payable reduced by seven shillings and sixpence a week.

(5) Where under section 24 of the Industrial Injuries Act (which section provides for the payment in certain cases of an allowance to a woman having the care of a child or children of the family of a person who dies as the result of an industrial accident) there is payable any death benefit, that death benefit shall, for the purposes of these regulations and notwithstanding the provisions of paragraph (*c*) of subsection (1) of section 30 of that Act (which paragraph refers to death benefit under the said section 24 as being payable in respect of a child), be treated as personal benefit.

(6) For the purposes of these regulations, where, for any period for which a disablement pension is payable, there is payable with that disablement pension, otherwise than by way of an increase thereof, an allowance for constant attendance or a supplement on account of unemployability or an allowance for special hardship, the amount of the disablement pension payable for that period shall, subject to the provisions of regulation 3, be treated as increased by the amount of the allowance or supplement payable for that period.

52 & 53 Vict. c. 63.

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

PART II

Adjustment of benefit where a pension or an allowance is payable out of public funds

[For new Part II substituted by S.I. 1948 No. 2711 *see* p. 2660 below.]

PART III

Adjustment of benefit of in-patients in hospitals, etc.

9.—(1) Where the conditions for the receipt of personal benefit under the Act by way of sickness benefit, widow's allowance, widowed mother's allowance, widow's pension, retirement pension, widow's basic pension or contributory old age pension are satisfied in relation to any person who receives or has received continuously, for a period exceeding fifty-six days, free in-patient treatment, the weekly rate of that personal benefit which, but for the provisions of this regulation, would be payable for any period after the first fifty-six days of that treatment shall be reduced subject to and in accordance with the following provisions of this regulation.

(2) In relation to any of the said personal benefits except a widow's basic pension and a contributory old age pension, the reduction of benefit referred to in the last preceding paragraph shall be,—

(*a*) after the first fifty-six days of the free in-patient treatment, for the period of that treatment during the three hundred and sixy-four days next thereafter, at the rate of ten shillings a week; and

(*b*) after the first four hundred and twenty days of the free in-patient treatment, during the next succeeding period of that treatment,—

(i) for any part of that period for which no dependency benefit under the Act is payable to the beneficiary and no retirement pension is payable to a wife of the beneficiary by virtue of his insurance, at the rate of twenty-one shillings a week; or

(ii) for any other part of that period, at the rate of ten shillings a week:

Provided that, in any case where a reduction of benefit at a rate determined in accordance with the foregoing provisions of this paragraph would reduce that benefit to an amount less than five shillings a week, the reduction of benefit under this regulation shall be such (if any) as may be necessary to reduce that benefit to five shillings a week.

(3) In relation to benefit by way of widow's basic pension or contributory old age pension, there shall be no reduction of benefit unless free in-patient treatment is or has been received continuously for a period exceeding four hundred and twenty days, and in that event the reduction shall be such (if any) as may be necessary to reduce that benefit to five shillings a week for the period of that treatment after the first four hundred and twenty days thereof during which no dependency benefit under the Act is payable to the beneficiary.

(4) For the purpose of calculating the said periods of fifty-six days, three hundred and sixty-four days and four hundred and twenty days (but for no other purpose), the following provisions of this paragraph shall apply:—

(*a*) Where a person has entered a hospital or similar institution for the purpose of receiving there medical or other treatment as an in-patient after having ceased to reside as an inmate in an institution (not being a hospital or similar institution) administered by or under the Minister of Health or the Secretary of State for Scotland or a local authority, he shall be regarded as having received free in-patient treatment throughout the period during which he so resided.

(*b*) Where a person has received (or is regarded under this regulation as having received) free in-patient treatment for two or more distinct periods separated by a temporary interval or temporary intervals,

he shall be regarded as having received such treatment continuously for a period, equal in duration to the total of such distinct periods, ending on the last day of the last of such periods; and for this purpose the expression " temporary interval " means a period not exceeding twenty-eight days.

(5) For the purposes of this regulation, any person who is or has been maintained in an institution (not being a hospital or similar institution) administered by or under the Minister of Health or the Secretary of State for Scotland or a local authority and in relation to whom it has been decided by the appropriate authority that he shall be maintained there otherwise than temporarily, shall be regarded as a person who has been maintained there for a period of four hundred and twenty days.

(6) In this regulation,—

(*a*) the expression " free in-patient treatment " means, in relation to any person, medical or other treatment as an in-patient in a hospital or similar institution in which, during the period of that treatment, that person is or has been maintained free of charge; and

(*b*) the expression " hospital or similar institution " means a hospital or similar institution maintained or administered by a public or local authority or by or on behalf of the Minister of Pensions or under the National Health Service Act, 1946, or under the National Health Service (Scotland) Act, 1947, or a hospital or similar institution not so maintained or administered in which, pursuant to arrangements made by the Minister of Pensions or by a regional hospital board constituted under either of those Acts, accommodation and medical, nursing or other services are provided.

9 & 10 Geo. 6. c. 81.

10 & 11 Geo. 6. c. 27.

(7) A person who, for the purpose of receiving medical treatment as an in-patient, avails himself of the hospital services provided under Part II of the National Health Service Act, 1946, or of the National Health Service (Scotland) Act, 1947, shall only be regarded as not being maintained free of charge if he is paying or has paid, in respect of his maintenance, charges which are designed to cover the whole cost of the accommodation and services (other than services by way of treatment) provided for that person as part of the said hospital services.

PART IV

Adjustment of sickness benefit in workmen's compensation cases

[For new Parts IV and V (miscellaneous provisions) substituted by S.I. 1948, No. 2711 *see* pp. 2663–4 below.]

Given under the official seal of the National Insurance Joint Authority this tenth day of June, nineteen hundred and forty-eight.

(L.S.)

C. D. Curtis,
Secretary,
National Insurance Joint Authority.

R. J. Taylor,
J. W. Snow,
Two of the Lords Commissioners of His Majesty's Treasury.

SCHEDULE

Showing in Column 1, by paragraphs, personal benefits which, if payable under any enactment, scheme or instrument mentioned in the corresponding paragraph of Column 2, do not preclude the payment in full of any personal benefit under the Act mentioned in the corresponding paragraph of Column 3.

[For new Schedule substituted by S.I. 1948 No. 2711, *see* p. 2665 below.]

EXPLANATORY NOTE

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

These Provisional Regulations provide for adjusting benefits payable under the National Insurance Act, 1946, for periods in respect of which certain benefits, pensions and allowances are payable out of public funds (Part II and the Schedule). They also provide for adjusting some of the benefits payable under the Act when the beneficiary has been maintained free of charge for specified periods in a hospital maintained or administered by a public or local authority or under the National Health Service Acts (Part III). Part IV provides for adjusting sickness benefit in certain circumstances where weekly payments are being made to a beneficiary under the Workmen's Compensation Acts. Part V provides for certain miscellaneous matters relating to increases of benefit.

The National Insurance (Overlapping Benefits) Regulations, 1948

1948 No. 2711

Made - - - -	*16th December,* 1948
Laid before Parliament	*16th December,* 1948
Coming into Operation	*23rd December,* 1948

M.N.I. 155.

The National Insurance Joint Authority, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of the powers conferred by section 30 of the National Insurance Act, 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:— 9 & 10 Geo. 6. c. 67.

PART I

General

1.—(1) These regulations may be cited as the National Insurance (Overlapping Benefits) Regulations, 1948, and shall come into operation on the 23rd December, 1948. Citation, commencement and interpretation.

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

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

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act, 1946; 9 & 10 Geo. 6. c. 62.

"the Minister" means the Minister of National Insurance;

"beneficiary" means the person to whom any benefit, pension or allowance is payable;