STATUTORY INSTRUMENTS

1972 No. 604

SOCIAL SECURITY

The National Insurance (Overlapping Benefits) Regulations 1972

Made - - -	14*th April* 1972
Laid before Parliament	25*th April* 1972
Coming into Operation	15*th May* 1972

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 powers conferred by sections 50 and 51 of the National Insurance Act 1965(**a**) and of all other powers enabling them in that behalf, and for the purpose only of consolidating the regulations hereby revoked, hereby make the following regulations:—

PART I

General

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Overlapping Benefits) Regulations 1972 and shall come into operation on 15th May 1972.

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

"the Act" means the National Insurance Act 1965;

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act 1965(**b**);

"the Act of 1966" means the National Insurance Act 1966(**c**);

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

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

"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;

"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, and includes child's special allowance;

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

"personal benefit" means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable

(**a**) 1965 c. 51. (**b**) 1965 c. 52. (**c**) 1966 c. 6.

to a person otherwise than in respect of another person who is a child or an adult dependant;

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

"Personal Injuries Scheme" means any scheme made under the Personal Injuries (Emergency Provisions) Act 1939(**a**) or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939(**b**);

"Pneumoconiosis and Byssinosis Benefit Scheme" means any scheme made under section 5 of the Industrial Injuries and Diseases (Old Cases) Act 1967(**c**);

"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 Defence 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;

"supplement on account of unemployability" includes an increase, on account of unemployability, of an allowance under any Pneumoconiosis and Byssinosis Benefit Scheme;

"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, not being a scheme or arrangement under which a training allowance is paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education or is training as a teacher;

"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(**d**), as amended(**e**);

"1914-1918 War Injuries Scheme" means any scheme made under the Injuries in War (Compensation) Act 1914(**f**) or under the Injuries in War Compensation Act 1914 (Session 2)(**g**) or under the Injuries in War (Compensation) Act 1915(**h**) 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;

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

(**a**) 1939 c. 82. (**b**) 1939 c. 83. (**c**) 1967 c. 34.
(**d**) S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822).
(**e**) The relevant amending instruments are S.I. 1949/1151, 1957/1333 (1949 I, p. 2744; 1957 I, p. 1698).
(**f**) 1914 c. 30. (**g**) 1914 (5 & 6 Geo. 5) c. 18.
(**h**) 1915 c. 24.

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

(4) 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 a result of an industrial accident) there is payable any death benefit, that death benefit shall, for the purpose of these regulations and notwithstanding the provisions of section 30(*c*) of that Act (which refers to death benefit under the said section 24 as being payable in respect of a child), be treated as personal benefit.

(5) Where under any Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme there is payable to a child any personal benefit by way of a pension, that personal benefit shall, for the purposes of these regulations, be treated as dependency benefit payable to another person in respect of that child.

(6) For the purposes of these regulations, a supplement on account of unemployability shall, notwithstanding that it is payable by way of an increase of a disablement pension or disablement allowance, be treated as a separate benefit, pension or allowance.

(7) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply in relation to this instrument (including any instrument read as one therewith) and in relation to any revocation effected by it as if this instrument, the regulation revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

PART II

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

Adjustment of personal benefit under the Act where other personal benefit (whether under the Act or otherwise) is payable

2.—(1) Where, for any period, any personal benefit under the Act and one or more of the personal benefits specified in paragraph (5) of this regulation (hereafter in this regulation and in regulation 3 of these regulations referred to as "the specified benefits") or where more than one personal benefit (whether of the same or a different description) under the Act are, or but for this regulation would be, payable to any person, then for that period—

(*a*) every personal benefit under the Act which is or would be so payable shall, subject to the provisions of regulation 3(1) and to the provisions of regulation 4 of these regulations, be adjusted by reference to each of the specified benefits (if any) payable for that period in accordance with the provisions of paragraphs (2) and (4) of this regulation; and

(*b*) where (after such adjustment, if any) more than one personal benefit under the Act would be payable for that period, an adjustment between those personal benefits shall, subject to the provisions of regulation 3(2) and (3) of these regulations, be made in accordance with the provisions of paragraphs (3) and (4) of this regulation.

(**a**) 1889 c. 63.

(2) Where in accordance with paragraph (1) of this regulation any personal benefit under the Act is required to be adjusted for any period by reference to any specified benefit or benefits, then the amount which, but for this regulation, would be payable for that period in respect of that personal benefit under the Act shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that specified benefit or those specified benefits and, subject to any further adjustment to be made in accordance with paragraph (3) of this regulation, only the balance (if any) shall be payable for that period in respect of that personal benefit under the Act.

(3) Where in accordance with paragraph (1) of this regulation an adjustment between any personal benefits under the Act is required to be made for any period, then the amount payable for that period in respect of those personal benefits shall be the amount which, but for this provision, would be payable for that period in respect of one of those personal benefits (if they would be so payable at equal rates) or that one of them which would be so payable for that period at the higher or highest rate.

(4) Where an adjustment falls to be made in accordance with the provisions of paragraph (2) or paragraph (3) of this regulation and either—

(*a*) one of the benefits in question is widow's basic pension payable to a widow by virtue of the insurance of her husband who died before 5th July 1951 and the other is unemployment benefit, sickness benefit, invalidity benefit or maternity benefit or a specified benefit other than a personal death benefit, or

(*b*) one of the benefits in question is a widow's basic pension or a contributory old age pension and the other is a supplement on account of unemployability payable under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme, or any Pneumoconiosis and Byssinosis Benefit Scheme,

any such adjustment shall not reduce the aggregate amount payable in respect of the benefits in question to less than the aggregate amount of any invalidity allowance to which the beneficiary may be entitled and the sums which would have been payable in respect of the other benefits had they been calculated at the respective rates appropriate to the period immediately before 20th September 1971 (or, in the case of invalidity pension, had it been calculated at the rate appropriate to sickness benefit for that period) and had no adjustment fallen to be made under this regulation.

(5) The personal benefits referred to in this regulation and in regulation 3 as "the specified benefits" are—

(*a*) any personal benefit by way of injury benefit or a supplement on account of unemployability, or any personal death benefit, under the Industrial Injuries Act;

(*b*) any personal benefit by way of a supplement on account of unemployability under any Pneumoconiosis and Byssinosis Benefit Scheme;

(*c*) any personal benefit by way of a supplement on account of unemployability, or any personal death benefit by way of pension or allowance (not being a grant payable by reason of the beneficiary being in receipt of a pension and being over 65 years of age or a pension or allowance calculated by reference to the necessities of the beneficiary), under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme;

(*d*) any personal benefit under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme, being an additional allowance payable only to a beneficiary who is entitled to a supplement on account of unemployability; and

(*e*) any personal benefit by way of training allowance under any training scheme.

Exceptions to regulation 2

3.—(1) Any personal benefit under the Act which is specified in any paragraph of the first column of Schedule 1 to these regulations shall not be adjusted by reference to any specified benefit in the corresponding paragraph of the second column of the said Schedule.

(2) An adjustment shall not be made between any two personal benefits under the Act of which one is specified in any paragraph of the first column of the said Schedule and the other is specified in the corresponding paragraph of the second column of the said Schedule.

(3) Where, for any period, personal benefits under the Act are, or but for these regulations would be, payable to a widow by way of widow's allowance and retirement pension by virtue of the widow's own insurance, and the widow's allowance, apart from any increase thereof by way of widow's supplementary allowance under section 4(1) of the Act of 1966 is, or but for these regulations would be, payable at a lower weekly rate than the retirement pension, apart from any addition thereto under section 34(1) or section 37(1) of the Act, then the widow's allowance, in so far as it consists of widow's supplementary allowance under the said section 4(1), and the retirement pension, except in so far as it includes any addition under the said section 34(1) or section 37(1), shall not be adjusted by reference to each other.

Further exception to regulation 2

4.—(1) Where, for any period, any personal benefit under the Act by way of retirement pension is, or but for these regulations would be, payable by virtue of her deceased husband's insurance to a widow aged 70 or over who, on 5th July 1948, either—

(*a*) had attained the age of 70 and, immediately before that day, was entitled to an old age pension under the Old Age Pensions Act 1936(**a**), payable by virtue of the Widows', Orphans' and Old Age Contributory Pensions Act 1936(**b**), to her by virtue of her deceased husband's insurance, or

(*b*) attained or had attained the age of 60 and, on her attaining the age of 70, would, but for the repeal of the said Contributory Pensions Act 1936, have been entitled to such an old age pension,

and to whom personal benefit by way of dependants war pension (as defined in paragraph (4) of this regulation) is payable in respect of the death of her deceased husband and was so payable immediately before 5th July 1948, then the amount payable to her for that period in respect of that personal benefit by way of retirement pension shall not, as the result of any adjustment thereof made in accordance with the provisions of regulation 2 of these regulations, be reduced by reference only to that personal benefit by way of dependants war pension below the amount which, but for the said repeal, would have been payable to her for that period in respect of that old age pension.

(**a**) 1936 c. 31. (**b**) 1936 c. 33.

(2) The foregoing provisions of this regulation shall not apply in relation to any personal benefit under the Act by way of retirement pension payable to a widow in respect of any period before she attained the age of 70.

(3) Where, for any period, the foregoing provisions of this regulation apply in relation to any personal benefit under the Act by way of retirement pension which, in accordance with the provisions of regulation 2 of these regulations, is required to be adjusted by reference to one or more of the personal benefits specified in paragraph (5) of that regulation other than the personal benefit by way of dependants war pension, then that personal benefit by way of retirement pension shall be adjusted for that period first by reference only to the personal benefit by way of dependants war pension and then by reference only to the other personal benefit or personal benefits so specified.

(4) In this regulation the expression "dependants war pension" means any pension or allowance payable out of moneys provided by Parliament at weekly or other periodical intervals to any person—

(*a*) in respect of the death of some other person attributable to or connected with the service of that other person in the naval, military or air forces of the Crown, or

(*b*) 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, or

(*c*) in respect of the death of some other person attributable to or connected with the service of that other person during the 1914-1918 War, or

(*d*) in respect of the death of some other person, under a scheme made by virtue of the Injuries in War (Compensation) Act 1914(**a**), the Injuries in War Compensation Act 1914 (Session 2)(**b**) or under a Personal Injuries Scheme.

Adjustment of dependency benefit under the Act where other dependency benefit (whether under the Act or otherwise) is payable

5.—(1) Subject to the provisions of this regulation, where, for any period, any dependency benefit under the Act is, or but for this regulation would be, payable to any person in respect of a child or an adult dependant, that dependency benefit shall be adjusted—

(*a*) in the case of dependency benefit in respect of a child, by reference to any other dependency benefit specified in paragraph (2) of this regulation which is payable for that period in respect of that child, or

(*b*) in the case of dependency benefit in respect of an adult dependant, by reference to any other dependency benefit so specified which is payable for that period to that person in respect of that or any other adult dependant or to any person in respect of that adult dependant,

so that the amount which, but for this regulation, would be payable in respect of that dependency benefit under the Act shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that other dependency benefit or those other dependency benefits by reference to which the dependency benefit under the Act is required by this regulation to be adjusted and only the balance (if any) shall be payable for that period in respect of that dependency benefit under the Act.

(2) The dependency benefits referred to in paragraph (1)(*a*) of this regula-

(**a**) 1914 c. 30. (**b**) 1914 (5 & 6 Geo. 5) c. 18.

tion are any dependency benefit under the Act or the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme or any Pneumoconiosis and Byssinosis Benefit Scheme or any training scheme except any dependency benefit by way of an allowance in respect of a child payable for the purpose of his education.

(3) Notwithstanding the foregoing provisions of this regulation (hereafter in this paragraph referred to as "the said provisions"), in any case where—

(*a*) two or more dependency benefits are, or but for the said provisions would be, payable for any period in respect of a child included in the family of any person (being a family which includes more than one child); and

(*b*) one of those dependency benefits is a child's allowance; and

(*c*) an adjustment of dependency benefits made in accordance with the said provisions would be such that the amount payable for that period in respect of the following benefits, namely—

(i) dependency benefits in respect of the children included in that family, and

(ii) any allowance or allowances for that family under the Family Allowances Act 1965(**a**),

would be less than the total amount which, after the application of the said provisions, would have been payable for that period in respect of the said benefits if there had not been payable for that period any child's allowance in respect of any child so included, and if the said benefits included every allowance under the said Act which, but for the payment of a child's allowance, would have been payable if it had been claimed,

the said provisions shall not, for that period, be applied in relation to any child's allowance so payable, but the amount which, but for the said provisions, would be payable for that period, by way of a child's allowance in respect of the child, or (if more than one child) the elder or eldest child, so included in respect of whom a child's allowance would be so payable, shall be reduced or extinguished by the deduction therefrom of the amount (if any) by which the said total amount is less than the total amount which, but for the said provisions, would be payable for that period in respect of the said benefits.

(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 section 43(2)(*c*) or section 43A(4) of the Act, 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.

Adjustment of dependency benefit 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**) 1965 c. 53.

(*a*) if 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 (hereafter in this regulation called "the weekly rate of personal benefit") is equal to or exceeds the weekly rate of any dependency benefit under the Act which, apart from this regulation, would be payable for that period (hereafter in this regulation called "the weekly rate of dependency benefit") 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 of personal benefit and the weekly rate of dependency benefit:

Provided that nothing in this paragraph of this regulation shall require that any dependency benefit shall be adjusted by reason of any one or more personal benefits, in a case where the weekly rate of personal benefit is less than £1·30 a week, below a weekly rate equal to the difference between the weekly rate of personal benefit and £1·30.

(2) The personal benefits referred to in the preceding paragraph of this regulation are any personal benefit specified in regulation 2(5) of these regulations 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 section 43(2)(*c*) or section 43A(4) of the Act 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 at a reduced rate by virtue of the National Insurance (Hospital In-Patients) Regulations 1972(**a**), any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her for that period shall not be adjusted in accordance with the foregoing provisions of this regulation but shall be reduced or extinguished by the deduction therefrom of the amount of that personal benefit.

Dependency benefit under the Act not to be paid to a person to whom a training allowance is payable

7. Where, for any period, any personal benefit by way of training allowance is payable to any person under any training scheme, there shall not be paid to that person for that period any dependency benefit under the Act.

Attendance allowance

8.—(1) Notwithstanding the foregoing provisions of these regulations, no

(**a**) S.I. 1972/603 (1972 I, p. 1979).

adjustment shall be made under those provisions between attendance allowance and any other personal or dependency benefit under the Act, no such benefit shall be adjusted by reference to attendance allowance and attendance allowance shall be adjusted only in accordance with the following provision of this regulation.

(2) Where attendance allowance is payable in respect of any person for any period and any other benefit based on his need for attendance is payable for that period under the Industrial Injuries Act or any Pneumoconiosis and Byssinosis Benefit Scheme, Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme, the attendance allowance shall be adjusted by deducting from it the amount of that other benefit and only the balance (if any) shall be payable for that period in respect of the attendance allowance.

Construction of Part II

9. Nothing in this Part of these regulations shall be construed as requiring either—

(*a*) that any personal benefit under the Act by way of maternity grant or death grant shall be adjusted, or

(*b*) that any personal benefit by way of age addition shall be adjusted except by reference to another age addition, or

(*c*) that any personal benefit or dependency benefit shall be adjusted by reason of personal benefit under the Act by way of maternity grant or death grant, or by reason of any other sum which is payable otherwise than in respect of a period, being payable to any person.

PART III

Miscellaneous provisions

Priority of title to increases of benefit

10. Where, but for any of the foregoing provisions of these regulations, two persons would both be entitled to an increase of benefit under the Act in respect of a third person, the person entitled thereto shall, as between such persons, be determined in accordance with the following order of priority:—

(*a*) such one of the two persons as may be designated in a written notice to the Secretary of State, signed by the other;

(*b*) such one of the two persons as the Secretary of State may in his discretion determine, having regard to the circumstances of the case.

Two increases of the same benefit to be treated as separate benefits

11. For the purposes of these regulations, in any case where dependency benefit by way of increases of benefit in respect of more than one person (being a child or an adult dependant) is payable, each of such increases of benefit shall be treated as a separate dependency benefit.

Provisions for adjusting benefit, etc., for part of a week

12.—(1) Where, in accordance with the provisions of these regulations, any benefit under the Act is required to be adjusted for a part only of a week, then, for the purposes of making that adjustment and of determining the amount of that benefit which is payable for the part (if any) of that week for which it is not so required to be adjusted, the amount of the appropriate

weekly rate of that benefit and of every benefit by reference to which it is so required to be adjusted (including for this purpose, but for no other purpose, any allowance under the Family Allowances Act 1965 required to be taken into account for the purposes of regulation 5(3) of these regulations) shall, if it is not payable for that week at a daily rate equal to one-sixth of the appropriate weekly rate, for each day of the week excluding Sunday, be deemed to be so payable:

Provided that, if the benefit or one of the benefits so required to be adjusted is unemployment benefit, sickness benefit or invalidity benefit which is, or but for the provisions of these regulations would be, payable to a person in whose case the day to be disregarded in accordance with regulations made under section 20(1)(*e*) of the Act (Sunday or some other prescribed day to be disregarded for the purpose of unemployment, sickness and invalidity benefit) is a day other than Sunday, the first reference in this paragraph to Sunday shall be construed as a reference to that other day.

(2) In the last preceding paragraph, the expression "appropriate weekly rate" means, in relation to any benefit, the weekly rate at which it would be payable but for the provisions of these regulations.

(3) In this regulation, the expression "benefit" (except in the expressions "unemployment benefit", "sickness benefit" and "invalidity benefit") includes any pension or allowance (whether under the Act or otherwise).

Persons to be treated as entitled to benefit for certain purposes

13. Any person who would be entitled to any benefit under the Act but for these regulations shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Act and the regulations made thereunder (whether of himself or some other person) which depend on his being so entitled, other than for the purposes of the right to payment of that benefit.

Widow's allowance to be treated as payable for the purposes of widow's supplementary allowance

14. A widow to whom widow's allowance under section 26 of the Act would be payable but for these regulations shall be treated for the purposes of any right to widow's supplementary allowance under section 4(1) of the Act of 1966, but for those purposes only, as if the allowance under the said section 26 was payable.

Revocations and transitional provisions

15.—(1) The regulations specified in column 1 of Schedule 2 to these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) Nothing in paragraphs (1)-(3) of this regulation shall be taken as affecting the general application by regulation 1(7) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeal) with regard to the effect of revocations.

Given under the official seal of the National Insurance Joint Authority.

(L.S.)

F. B. Hindmarsh,
A person authorised by the National Insurance Joint Authority to act on behalf of the Secretary, National Insurance Joint Authority.

11th April 1972.

V. H. Goodhew,
Tim Fortescue,
Two of the Lords Commissioners of Her Majesty's Treasury.

14th April 1972.

Regulation 3

SCHEDULE 1

Showing in Column 1, by paragraphs, personal benefits under the Act which are not required to be adjusted by reference to any personal benefit shown in the corresponding paragraph of Column 2.

Column 1	Column 2
(1) Widow's basic pension payable to a widow by virtue of the insurance of her deceased husband who died before 5th July 1951.	(1) Invalidity allowance or any increase of unemployability supplement payable by virtue of section 13A of the Industrial Injuries Act.
(2) Invalidity allowance.	(2) Widow's basic pension payable under the Act to a widow by virtue of the insurance of her deceased husband who died before 5th July 1951.
(3) Maternity benefit.	(3) A supplement on account of unemployability payable under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme, or any Pneumoconiosis and Byssinosis Benefit Scheme.
(4) Unemployment benefit, sickness benefit, invalidity benefit, maternity benefit, or retirement pension— (*a*) in so far as it consists of graduated retirement benefit, or (*b*) in so far as it does not consist of graduated retirement benefit or of an increase under section 34 of the Act if the pension, or that part of it which does not so consist, is not payable wholly or in part by virtue of a husband's contributions or insurance, or (*c*) in so far as it does not consist of a retirement pension payable by virtue of section 1(1) of the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970**(a)** or of section 5(1) of the National Insurance Act 1971**(b)**.	(4) Death benefit by way of pension or allowance payable to a woman as the widow of the deceased under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.

(a) 1970 c. 51.

(b) 1971 c. 50.

Column 1	Column 2
(5) Any personal benefit.	(5) Death benefit by way of pension or allowance payable to a person otherwise than as the widow of the deceased under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.
(6) Widow's allowance.	(6) Training allowance payable under any training scheme.
(7) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the Act of 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the said Act of 1966) and widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of that Act.	(7) Injury benefit payable under the Industrial Injuries Act or a supplement on account of unemployability payable under that Act, any Personal Injuries Scheme, any Service Pensions Instrument, any 1914-1918 War Injuries Scheme, or any Pneumoconiosis and Byssinosis Benefit Scheme.
(8) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the Act of 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the said Act of 1966).	(8) Widow's benefit payable under the Act.
(9) Widow's benefit payable under the Act.	(9) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the Act of 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the said Act of 1966).
(10) Widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of the Act of 1966.	(10) Unemployment benefit, sickness benefit, invalidity benefit or maternity allowance payable under the Act, and death benefit by way of pension or allowance payable to a woman as the widow of the deceased under the Industrial Injuries Act.
(11) Unemployment benefit, sickness benefit, invalidity benefit or maternity allowance payable under the Act.	(11) Widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of the Act of 1966.
(12) Invalidity pension to which section 3(4) of the National Insurance Act 1971 does not apply.	(12) Invalidity allowance.
(13) Invalidity allowance.	(13) Invalidity pension to which section 3(4) of the National Insurance Act 1971 does not apply.
(14) Any personal benefit under the Act other than invalidity allowance.	(14) Any allowance to which regulation 2(5)(*d*) of these regulations refers.

Regulation 15

SCHEDULE 2

REGULATIONS REVOKED

Citation (1)	Statutory Instrument (2)	Extent of Revocation (3)
The National Insurance (Overlapping Benefits) Regulations 1948	S.I. 1948/2711 (Rev. XVI, p. 196; 1948 I, p. 2657)	The whole Regulations
The National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations 1951	S.I. 1951/1232 (1951 I, p. 1457)	Regulation 21
The National Insurance (Overlapping Benefits) Amendment Regulations 1952	S.I. 1952/422 (1952 II, p. 2194)	The whole Regulations
The National Insurance (Overlapping Benefits) Amendment (No. 2) Regulations 1952	S.I. 1952/526 (1952 II, p. 2196)	The whole Regulations
The National Insurance (Overlapping Benefits) Amendment Regulations 1953	S.I. 1953/756 (1953 I, p. 1367)	The whole Regulations
The National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations 1954	S.I. 1954/189 (1954 I, p. 1387)	The provision in the second Schedule relating to the National Insurance (Overlapping Benefits) Regulations 1948
The National Insurance (Child's Special Allowance) Regulations 1957	S.I. 1957/1835 (1957 I, p. 1523)	The provision in the Schedule relating to the National Insurance (Overlapping Benefits) Regulations 1948
The National Insurance (Overlapping Benefits) Amendment Regulations 1957	S.I. 1957/1889 (1957 I, p. 1603)	The whole Regulations
The National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations 1957	S.I. 1957/2077 (1957 I, p. 1556)	Regulation 24
The National Insurance (Overlapping Benefits) Amendment Regulations 1959	S.I. 1959/1290 (1959 II, p. 1875)	The whole Regulations
The National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations 1961	S.I. 1961/557 (1961 I, p. 1228)	Part IV of the Second Schedule
The National Insurance (Consequential Provisions) Regulations 1962	S.I. 1962/12 (1962 I, p. 10)	Regulation 7 and Fifth Schedule
The National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations 1964	S.I. 1964/297 (1964 I, p. 508)	The provision in Schedule D relating to the National Insurance (Overlapping Benefits) Regulations 1948

Citation (1)	Statutory Instrument (2)	Extent of Revocation (3)
The National Insurance (Overlapping Benefits and Hospital In-Patients) Amendment Regulations 1966	S.I. 1966/970 (1966 II, p. 2340)	The whole Regulations except Regulation 3
The National Insurance (Overlapping Benefits) Amendment Regulations 1967	S.I. 1967/562 (1967 I, p. 1776)	The whole Regulations
The Family Allowances, National Insurance, Industrial Injuries and Miscellaneous Provisions (Decimalisation of the Currency) Regulations 1970	S.I. 1970/46 (1970 I, p. 243)	Regulation 9
The National Insurance (Widows' Pensions and Miscellaneous Provisions) Regulations 1970	S.I. 1970/1580 (1970 III, p. 5325)	Regulation 11
The National Insurance (Attendance Allowance) Regulations 1971	S.I. 1971/621 (1971 I, p. 1623)	Regulation 22
The National Insurance (Miscellaneous Amendments) Regulations 1971	S.I. 1971/1419 (1971 II, p. 3964)	Regulation 7
The National Insurance (Miscellaneous Amendments) (No. 2) Regulations 1971	S.I. 1971/1633 (1971 III, p.4496)	Regulation 2
The National Insurance (General Benefit and Miscellaneous Amendments) Regulations 1972	S.I. 1972/394 (1972 I, p. 1483)	Regulation 3

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the National Insurance (Overlapping Benefits) Regulations 1948 and subsequent amending Regulations. They are made for the purpose only of consolidating Regulations hereby revoked and accordingly, by virtue of section 108(9)(*c*) of the National Insurance Act 1965, have not been referred to the National Insurance Advisory Committee.

Part I of the Regulations contains various definitions; Part II of, and Schedule 1 to, the Regulations contain provisions relating to the adjustment of benefit payable under the National Insurance Act 1965 for periods in respect of which certain pensions or allowances (including any other benefit under the 1965 Act) are payable out of public funds; and Part III of, and Schedule 2 to, the Regulations contain miscellaneous provisions including the revocation and transitional provisions.

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