EXPLANATORY NOTE

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

These Regulations contain various modifications of the National Insurance Act, 1946, for the purposes of retirement pensions and widow's benefit, principally in relation to persons who on the appointed day (5th July, 1948) are over the age of sixteen and under pensionable age and who do not come within the scope of the existing Contributory Pensions Acts. The main modifications relate (*a*) to the yearly average of contributions for the purposes of retirement pensions (regulation 2); (*b*) to the substitution of the date of first entry into insurance for the date of marriage as the commencement of the period of calculation of contributions under section 21 (5) of the National Insurance Act, 1946, in the case of women who were married before that day (regulation 3); (*c*) (in certain cases) to the postponement of pensionable age (ten years after the appointed day) for the purposes of retirement pensions and widow's benefit, the payment of contributions, and the right of electing not to be qualified for a retirement pension and a consequential refund of moneys in respect of paid contributions (regulation 4); (*d*) to the removal of the contribution condition relating to retirement pensions contained in paragraph 4 (1) (*a*) of the Third Schedule to that Act in the case of certain widows over fifty and under pensionable age on the appointed day (regulation 5); and (*e*) to the modification of the contribution conditions for unemployment, sickness and maternity benefit in the case of persons who are over school leaving age and under pensionable age at the appointed day (regulation 7). The remaining provisions are of a minor or consequential character.

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16. PENSIONS, ETC.

(1) *Pensions, Existing Beneficiaries and Other Persons.*
(2) *Pensions, Existing Contributors,* p. 2834.
(3) *Modification of Teachers Pensions,* p. 2851.
(4) *Modification of Local Government Superannuation Schemes,* p. 2861.

(1) PENSIONS, EXISTING BENEFICIARIES AND OTHER PERSONS

The National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948

1948 No. 55

Made - - - -	*13th January,* 1948
Laid before Parliament	*20th January,* 1948
Coming into Operation	*23rd January,* 1948

109.

The Minister of National Insurance, acting in conjunction with the Treasury, in exercise of the powers conferred by section 65 of the National

Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:— 9 & 10 Geo. 6. c. 67.

PART I

General

1.—(1) These regulations may be cited as the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948, and shall come into operation on the 23rd January, 1948. Citation, commencement and interpretation.

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

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

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941;

" the Contributory Pensions Act of 1936 " means the Widows', Orphans' and Old Age Contributory Pensions Act, 1936; 26 Geo. 5. & 1 Edw. 8. c. 33.

" the Contributory Pensions Act of 1937 " means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937; 1 Edw. 8. & 1 Geo. 6. c. 39.

" the Contributory Pensions Act of 1939 " means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939; 2 & 3 Geo. 6. c. 84.

" the Family Allowances Act " means the Family Allowances Act, 1945; 8 & 9 Geo. 6. c. 41.

" the Increase of Pensions Regulations " means the National Insurance (Increase of Contributory Pensions) Regulations, 1946(a), or the National Insurance (Increase of Old Age Pensions) Regulations, 1946(b), as the case may require;

" the Minister " means the Minister of National Insurance;

" existing widow pensioner " means an existing beneficiary, being a woman, who immediately before the appointed day(c) was, or but for any disqualification would have been, entitled to a widow's pension under the Contributory Pensions Acts;

" existing old age pensioner " means an existing beneficiary who immediately before the appointed day was entitled to an old age pension under or by virtue of the Contributory Pensions Acts;

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

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

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

2. In relation to existing beneficiaries who immediately before the appointed day are, or but for any disqualification or forfeiture would be, entitled to a pension or allowance under or by virtue of the Contributory Pensions Acts, or then have, otherwise than as existing contributors or in respect of the insurance of existing contributors, any prospective right to or expectation of a pension or allowance under or by virtue of those Acts and in relation to the existing contributors mentioned in Part III of these regulations, the provisions of the Act and the orders and regulations for the time being in force thereunder shall have full force and effect subject to the modifications contained in these regulations. Modification of the Act in its application to existing beneficiaries and certain existing contributors.

(a) S.R. & O. 1946 (No. 1508) I, p. 1066.
(b) S.R. & O. 1946 (No. 1604) I, p. 1081.
(c) 5th July, 1948. *See* S.I. 1948 No. 54, p. 2615 above.

Descriptions of additional benefits to be included in benefit under the Act.

3.—(1) Subject to the provisions of these regulations, there shall be included in the descriptions of benefit under the Act benefit of the following descriptions:—

(*a*) widow's basic pension;

(*b*) child's allowance;

(*c*) orphan's pension;

(*d*) contributory old age pension.

(2) Subject as aforesaid, for the purposes of the provisions of the Act and the orders and regulations for the time being in force thereunder, a widow's basic pension shall be treated as widow's benefit, a child's allowance or an orphan's pension shall be treated as guardian's allowance, and a contributory old age pension shall be treated as retirement pension:

Provided that—

(*a*) a widow's basic pension shall not be so treated for the purposes of the provisions of subsection (3) of section 18 of the Act (which subsection relates to widows' pensions for widows who would otherwise cease to be entitled to widow's benefit), paragraph (*b*) of subsection (1) and subsection (6) of section 21 thereof (which paragraph and subsection respectively relate to retirement pensions for widows in receipt of widow's benefit immediately before attaining pensionable age and for widows not so in receipt of widow's benefit), and subsection (3) of section 28 thereof (which subsection also relates to retirement pensions for widows in receipt of widow's benefit);

(*b*) a contributory old age pension shall not be so treated for the purposes of the provisions of subsection (5) of section 20 and subsection (3) of section 21 of the Act (which provisions relate to the reduction of retirement pension in respect of earnings), and of sections 23 and 24 of the Act (which sections relate to increases of benefit in respect of children and adult dependants respectively);

(*c*) a child's allowance and an orphan's pension shall not be so treated for the purpose of subsection (2) of section 19 of the Act (which subsection relates to the person to receive a guardian's allowance) in any case unless the Minister so determines.

PART II

Provisions relating to existing beneficiaries

Certain existing widow pensioners under the Contributory Pensions Acts to be entitled to widowed mothers' allowances, widows' pensions, etc.

4.—(1) Subject to the provisions of the Act and of these regulations, an existing widow pensioner shall as from the appointed day be entitled to a widowed mother's allowance for any period for which she has a family which includes a child in respect of whom immediately before that day an additional allowance under the Contributory Pensions Acts was payable by virtue of her husband's insurance, or a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs.

(2) Subject as aforesaid, an existing widow pensioner, who on the appointed day has not attained pensionable age and is by reason of any infirmity incapable of self-support(a), shall as from that day be

(a) *See* s. 78(1), National Insurance Act, 1946, and s. 35(5) (*a*), National Insurance (Industrial Injuries) Act, 1946 (9 & 10 Geo. 6. c. 62).

entitled to a widow's pension for any period before she attains pensionable age during which she is incapable of self-support by reason of that infirmity and is not entitled to a widowed mother's allowance.

(3) For the purposes of section 18 of the Act (which section relates to widows' pensions in special cases) a widow's pension which is payable by virtue of the foregoing paragraph of this regulation shall be treated as if it were a pension payable by virtue of subsection (3) of that section, and the provisions of that section and of section 21 of the Act (which section relates to retirement pensions for women by virtue of their husbands' insurance) shall, subject to the provisions of these regulations, apply to a widow to whom a widowed mother's allowance or a widow's pension is payable by virtue of this regulation as if her husband had satisfied the relevant contribution conditions:

Provided that—

(*a*) for the purpose of applying the provisions of subsections (1) to (3) of the said section 18 to any such widow, she shall be treated as if she were a widow in relation to whom the conditions of paragraph (*c*) of subsection (1) of section 17 of the Act (which paragraph relates to the conditions for widow's pension) were not satisfied;

(*b*) for the purpose of applying the provisions of subsection (1) of the said section 21 to an existing widow pensioner who has attained pensionable age on the appointed day, and who ceases to be entitled to a widowed mother's allowance payable to her by virtue of this regulation, she shall be treated as if she were a widow who was immediately before attaining pensionable age entitled to widow's benefit in respect of the death of her husband.

Conversion of widow's pension under the Contributory Pensions Acts into widow's basic pension, contributory old age pension or retirement pension in certain cases.

5.—(1) Subject to the provisions of the Act and of these regulations, an existing widow pensioner who is not entitled on the appointed day to a widowed mother's allowance or to a widow's pension in accordance with the provisions of the foregoing regulation shall be entitled as from that day,—

(*a*) if on that day she has not attained pensionable age, to a widow's basic pension; or

(*b*) if on that day she has attained pensionable age, to a contributory old age pension or to a retirement pension as if she were an existing old age pensioner to whom the provisions of paragraph (1) of the next succeeding regulation apply.

(2) Subject as aforesaid, where an existing widow pensioner who on the appointed day or at any time thereafter is entitled in accordance with the provisions of the foregoing regulation—

(*a*) to a widowed mother's allowance, ceases to be so entitled and does not then become entitled to a widow's pension or a retirement pension; or

(*b*) to a widow's pension, ceases to be so entitled and does not then become entitled to a widowed mother's allowance or a retirement pension;

she shall be entitled, if she has not attained pensionable age, to a widow's basic pension or, if she has attained that age, to a contributory old age pension.

(3) A widow's basic pension shall be payable in respect of the period up to the date on which the widow attains pensionable age and shall thereupon be converted into a contributory old age pension at the same rate as the widow's basic pension:

Provided that no pension shall be payable to a widow by virtue of this regulation for any period during which she is entitled to a widowed mother's allowance or a widow's pension.

Conversion of old age pension under or by virtue of the Contributory Pensions Acts into retirement pension or contributory old age pension.

6.—(1) Subject to the provisions of the Act and of these regulations, an existing old age pensioner (being entitled to a pension by virtue of his or her own insurance) shall as from the appointed day be entitled—

(*a*) if that pensioner, being a man, has not attained the age of seventy, or, being a woman, has not attained the age of sixty-five, and in either case has not retired from regular employment—to a contributory old age pension; or

(*b*) if that pensioner, being a man, has attained the age of seventy, or, being a woman, has attained the age of sixty-five, or in either case has retired from regular employment—to a retirement pension.

(2) Subject as aforesaid, an existing old age pensioner, being a woman entitled to an old age pension by virtue of her husband's insurance (other than a woman to whom the foregoing paragraph applies), shall as from the appointed day be entitled—

(*a*) if she has not attained the age of sixty-five and has not retired from regular employment—to a contributory old age pension; or

(*b*) if she has attained that age or retired from regular employment—

(i) to a contributory old age pension if her husband has not attained the age of seventy and has not so retired; or

(ii) to a retirement pension if her husband has attained the age of seventy or has so retired.

(3) Section 21 of the Act shall, subject to the provisions of these regulations, apply to the wife of an existing old age pensioner (not being a woman to whom the foregoing paragraph applies), as if her husband had satisfied the relevant contribution conditions.

(4) The provisions of sub-paragraph (*b*) of paragraph (1) and of sub-paragraph (*b*) of paragraph (2) of this regulation shall not apply—

(*a*) to a person who on the 29th September, 1946, was entitled to an old age pension under or by virtue of the Contributory Pensions Acts and was resident outside Great Britain, and who has remained so resident, unless and until that person becomes resident in Great Britain; or

(*b*) to a person who is entitled to a pension as a lapsed contributor to whom the definition in paragraph 1 of the Fourth Schedule to the Contributory Pensions Act of 1937 applies, or as the wife or widow of such a contributor;

but where, but for the provisions of this paragraph, either of the said sub-paragraphs would have applied to any such person, that person shall be treated as if he were a person to whom the provisions of sub-paragraph (*a*) of the said paragraph (1) or, as the case may be, of sub-paragraph (*a*) of the said paragraph (2) apply.

Application of regulations 4 and 5 to certain widows after the appointed day.

7.—(1) Where a widow was immediately before the appointed day disqualified for receiving payment of a widow's pension by reason of the provisions of section 24 of the Contributory Pensions Act of 1936 (which provisions relate to disqualification on the grounds of cohabitation), no pension or allowance shall become payable to her by virtue of the provisions of regulations 4 and 5 of these regulations unless and until she ceases to cohabit with a man as his wife.

(2) Where on the appointed day or on any date thereafter a widow who had a prospective right to a widow's pension under the Fourth Schedule to the Contributory Pensions Act of 1936 (which schedule confers a right to a widow's pension in the case of certain widows on attaining the age of fifty-five) attains the age of fifty-five, if she would but for the Act, have become entitled to a widow's pension under that schedule, the provisions of the said regulations (other than paragraph (2) of regulation 4) shall apply to her, subject to the necessary modifications, as from that date.

Widowed mother's allowance and widow's pension at reduced rates.

8. Where the widow's pension to which a woman was, or but for any disqualification would have been, entitled immediately before the appointed day was (apart from any additional allowance or increase whether under the Increase of Pensions Regulations or under subsection (4) of section 25 of the Contributory Pensions Act of 1936, as amended(a) (which subsection relates to the payment of widows' pensions at an increased rate)) at a weekly rate less than ten shillings, that is to say at one of the rates specified in the first column of the First Schedule to these regulations, any widowed mother's allowance, widow's pension or retirement pension to which she is entitled by virtue of regulation 4 of these regulations shall be at the weekly rate appropriate to the circumstances of the case set out in the second or fourth column of that schedule.

Rates of converted pensions.

9.—(1) A widow's basic pension or a contributory old age pension to which any person becomes entitled on or after the appointed day by virtue of any of the foregoing provisions of these regulations shall be at the same rate as the pension to which that person was or, but for any disqualification, would have been entitled immediately before that day (excluding in the case of a widow's pension any additional allowances).

(2) A widow's basic pension to which a woman becomes entitled on or after the appointed day by virtue of paragraph (2) of regulation 7 of these regulations shall be at the rate of ten shillings a week.

(3) A retirement pension to which an existing old age pensioner, or an existing widow pensioner who had attained pensionable age on the appointed day, becomes entitled by virtue of these regulations shall be at the rate of the pension to which that person would, but for the repeal of the Contributory Pensions Acts (and apart from any disqualification), have been entitled under or by virtue of those Acts and the Increase of Pensions Regulations, or in the case of a woman in receipt of an old age pension by virtue of her insurance as a special voluntary contributor as defined in subsection (5) of section 1 of the Contributory Pensions Act of 1937, at the rate of the pension to which she would have been so entitled if the said regulations had applied in her case.

Rates of increases in respect of wives, and of retirement pensions for certain wives of existing beneficiaries.

10.—(1) Where the rate of retirement pension to which an existing old age pensioner, being a man (other than one to whom the next succeeding paragraph applies), is entitled by virtue of these regulations is at a rate less than twenty-six shillings a week, that is to say at one of the rates set out in the first column of the Second Schedule to these regulations,—

(*a*) any increase in respect of his wife; and

(*b*) any retirement pension for his wife by virtue of his insurance,

if she had not attained pensionable age at the appointed day;

shall be at the appropriate rate set opposite to that rate in the second column of that schedule.

(a) s. 13 and Fifth Schedule, Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937 (1 Edw. 8 & 1 Geo. 6. c. 39).

(2) In the case of an existing old age pensioner to whom the provisions of subsection (3) of section 14 of the Pensions Act of 1939 applied (which subsection provides for modified old age pensions where certain dependants war pensions are payable) any increase in respect of his wife and any retirement pension for his wife by virtue of his insurance, if she had not attained pensionable age at the appointed day, shall be at the same rate as that at which an old age pension would, but for the repeal of the Contributory Pensions Acts, have been payable to her under those Acts, and the Increase of Pensions Regulations.

Modification of provisions of the Act relating to reductions in rate of benefit on account of earnings.

11.—(1) In the application of the provisions of subsection (3) of section 17 or subsection (3) of section 21 of the Act to any widowed mother's allowance, widow's pension or retirement pension for a widow by virtue of her husband's insurance, to which a person is entitled by virtue of any of the foregoing provisions of these regulations, the weekly rate thereof shall not be reduced—

(*a*) in the case of a widowed mother's allowance at the rate of thirty-three shillings and sixpence, to less than fifteen shillings; or

(*b*) in the case of a widowed mother's allowance at one of the rates specified in the second column of the First Schedule to these regulations, to less than the rate set opposite thereto in the third column; or

(*c*) in the case of a widow's pension or such a retirement pension at the rate of twenty-six shillings, to less than ten shillings; or

(*d*) in the case of a widow's pension or such a retirement pension at one of the rates specified in the fourth column of the said schedule, to less than the rate set opposite thereto in the fifth column.

(2) In the application of the provisions of subsection (5) of section 20 of the Act (which subsection relates to reduction of retirement pension on account of earnings) to a retirement pension to which a person is entitled by virtue of any provision of these regulations, other than paragraph (3) of regulation 6, such a pension shall not be reduced to less than the rate at which that person's pension would, but for the repeal of the Contributory Pensions Acts, have been payable apart from any increase under the Increase of Pensions Regulations.

Conversion of additional allowance under the Contributory Pensions Acts into child's allowance in certain cases.

12.—(1) Where immediately before the appointed day an additional allowance under the Contributory Pensions Acts was payable to any person in respect of a child, and no widowed mother's allowance becomes payable as from that day by reason of that child being included in the family of a widow, such person shall be entitled to a child's allowance in respect of that child at the rate at which the additional allowance was payable:

Provided that where a child, in respect of whom a person is entitled to a child's allowance at a rate corresponding to the rate under the Contributory Pensions Acts appropriate to a younger child, becomes a child in respect of whom an additional allowance at the rate appropriate to an eldest or only child would, but for the Act, have been payable under the said Acts, the child's allowance payable by virtue of these regulations shall thereafter be at that rate.

(2) Subject to the following provisions of these regulations, a child's allowance shall be payable for any period during which the child would be treated as a child for the purposes of the Family Allowances Act.

(3) A child's allowance in respect of any child shall not be payable for any period after a widowed mother's allowance becomes payable by reason of the child being included in the family of a widow.

Orphan's pension under the Contributory Pensions Acts to become guardian's allowance in certain cases.

13.—(1) Where at any time on or after the appointed day any person has in his family a child in respect of whom an orphan's pension under the Contributory Pensions Acts (other than a pension to which paragraph (2) of the next succeeding regulation applies) was payable immediately before that day, that person shall be entitled to a guardian's allowance in respect of that child.

(2) The provisions of the foregoing paragraph shall also apply in the case of any child in respect of whom a child's allowance is payable who becomes an orphan (being a child both of whose parents are dead) and is included in any family.

Special provisions in respect of certain children.

14.—(1) Where a person was immediately before the appointed day entitled to an orphan's pension in respect of a child and that child is not included in any family on that day, such person shall be entitled to an orphan's pension under the Act in respect of that child at the rate at which the orphan's pension under the Contributory Pensions Acts was payable.

(2) The provisions of the foregoing paragraph shall also apply in the case of any person who immediately before the appointed day was entitled to an orphan's pension in respect of a child (other than a child both of whose parents are dead) under the provisions of subsection (2) of section 4 of the Contributory Pensions Act of 1936, or of a child under the provisions of subsection (1) or subsection (2) of section 7 of that Act (which provisions all relate to orphans' pensions in respect of children other than orphans).

(3) An orphan's pension under the Act shall be payable for any period during which the child would be treated as a child for the purposes of the Family Allowances Act unless or until a guardian's allowance becomes payable in respect of the child.

Diversion of child's allowance and orphan's pension.

15. Where at any time after the appointed day a child who on that day was—

(*a*) included in the family of a person to whom a child's allowance or orphan's pension becomes payable in respect of that child, ceases to be included in that family; or

(*b*) not included in any such family, leaves the custody of the person who had charge of that child on that day;

any child's allowance or orphan's pension shall become payable to any person in whose family that child is subsequently included, and not otherwise.

Disqualification, overlapping benefits, etc.

16. Nothing in this Part of these regulations shall be construed as making—

(*a*) a pension or allowance payable to any person for any period when he is by reason of any provision of the Act or of the regulations for the time being in force thereunder disqualified for the receipt thereof, or as affecting the operation of the provisions of the regulations for the time being in force under subsection (1) of section 30 of the Act (which subsection empowers the Minister to make regulations providing for adjusting or suspending benefit, or treating benefit as reduced, in the case of overlapping benefits, etc.);

(*b*) a pension payable to a widow for any period during which it would not be payable by reason of the provisions of the proviso

to subsection (2) of section 17 of the Act (which relates to the cessation of widow's benefit for any period after her death or remarriage or during which she is cohabiting with a man as his wife), or of the proviso to subsection (2) of section 21 thereof (which relates to the cessation on the remarriage of a widow of a retirement pension payable to her by virtue of her late husband's insurance).

PART III

Provisions relating to certain existing contributors being women insured as special voluntary contributors

Women special voluntary contributors between the ages of sixty and sixty-five to be entitled to retirement pensions on the appointed day.

17. An existing contributor, being a woman between the ages of sixty and sixty-five on the appointed day who immediately before that day was insured under the Contributory Pensions Acts as a special voluntary contributor, as defined in subsection (5) of section 1 of the Contributory Pensions Act of 1937, shall as from that day be entitled to a retirement pension in accordance with the provisions of section 20 of the Act subject to the modifications thereof contained in the following regulation.

Modification of conditions for retirement pensions for such women.

18. In the application of paragraph (*b*) of subsection (1) of the said section 20 (which paragraph relates to the contribution conditions) the reference to the relevant contribution conditions shall be construed as a reference to the following conditions:—

(*a*) that one hundred and four contributions under the Contributory Pensions Acts have been paid by or in respect of her since the date of her last entry into insurance; and

(*b*) that the yearly average of such contributions paid, or deemed in accordance with those Acts and the regulations for the time being in force thereunder to have been paid, by her in respect of the period from the 5th July, 1937, or, if she entered into insurance on or after the 4th July, 1938, from that date, up to the 4th July, 1948, is not less than fifty:

Provided that where the said yearly average is less than fifty any such average shall, for the purposes of the regulations for the time being in force under section 25 of the Act (which section relates to the partial satisfaction of contribution conditions), be deemed to be the yearly average of the contributions paid or credited to her.

PART IV

Miscellaneous provisions

Claims by existing beneficiaries and existing contributors mentioned in Part III.

19.—(1) Where by virtue of these regulations—

(*a*) an existing beneficiary becomes entitled on the appointed day to a pension or allowance which is payable at the same rate as the pension or allowance which was payable to that person under or by virtue of the Contributory Pensions Acts immediately before that day; or

(*b*) a person in receipt of a pension or allowance by virtue of these regulations becomes entitled at any time after the appointed day to a pension or allowance of a different description;

any such pension or allowance shall begin to accrue, without a claim having been made therefor, as from the appropriate day determined for the payment of that pension or allowance in accordance with regulations for the time being in force under subsection (1) of section 46 of the Act (which subsection relates to the administration of benefit) next following the appointed day or, as the case may be, the day on which he becomes so entitled:

Provided that this paragraph shall not apply in the case of a widow who becomes entitled at any time after the appointed day to a widowed mother's allowance.

(2) Claims by existing beneficiaries and the existing contributors referred to in Part III of these regulations shall be made in such manner and subject to the production of such particulars, evidence and information as the Minister may require.

Over-payments.

20. If it is found on, or at any time after, the appointed day that any person, having been in receipt of a pension under or by virtue of the Contributory Pensions Acts during any period during which he was not entitled to payment thereof, or of such a pension at a higher rate than that appropriate to the case, would, but for the Act, have been liable in accordance with subsection (2) of section 37 of the Contributory Pensions Act of 1936 (which subsection relates to overpayments) to repay to the Minister any sums paid to him in respect of that pension during the period aforesaid, any such sums shall be recoverable by deduction from benefit under the Act or otherwise from that person in like manner as if they were sums paid to that person on account of benefit under the Act which it is subsequently decided was not payable, and any amount so recovered shall be paid to the National Insurance Fund.

Special provisions relating to persons abroad, etc.

21.—(1) An existing widow pensioner who is resident outside Great Britain immediately before the appointed day shall not become entitled to a widowed mother's allowance or a widow's pension by virtue of these regulations unless and until she becomes resident in Great Britain.

(2) The provisions of paragraph (1) of regulation 13 of these regulations shall not apply to a person to whom an orphan's pension under the Contributory Pensions Acts is payable who is resident outside Great Britain immediately before the appointed day, unless and until that person becomes resident in Great Britain.

(3) An existing widow pensioner who was immediately before the appointed day entitled to a pension by virtue of the insurance of a lapsed contributor to whom the definition in paragraph 1 of the Fourth Schedule to the Contributory Pensions Act of 1937 applied at the date of his death, shall not be entitled to a widowed mother's allowance or a widow's pension by virtue of these regulations.

Special provisions as to children to be included in a family.

22. For the purposes of these regulations, where by order of any court any child has before the appointed day been removed from the custody of a widow, that child shall not, if and so long as the order is in force, be treated as being in that widow's family.

Preservation of rights of lapsed contributors.

23. A person who immediately before the appointed day has a prospective right to a pension as a lapsed contributor, or as the wife or widow of a lapsed contributor, to whom the definition in paragraph I of the Fourth Schedule to the Contributory Pensions Act of 1937 applied, shall be entitled to a contributory old age pension or, as the case may be, to a widow's basic pension as from the date and at the rate at which any such pension would, but for the Act, have been payable under the Contributory Pensions Acts.

Dated this 13th day of January, 1948.

James Griffiths,
Minister of National Insurance.

C. James Simmons,
J. W. Snow,
Two of the Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE

Regulations 8 and 11(1).

Table showing :—

(1) in the first column, the rate at which a widow's pension was or would, but for any disqualification, have been payable (apart from any additional allowance or increase) immediately before the appointed day ; and

(2) in the second and fourth columns, respectively, the corresponding rates of widowed mother's allowance, and widow's pension or retirement pension for a widow by virtue of her husband's insurance ; and

(3) in the third and fifth columns, the rates below which a widowed mother's allowance, and a widow's pension or such a retirement pension, respectively, shall not be reduced on account of earnings.

Rate (apart from additional allowance or increase) of widow's pension immediately before the appointed day	Corresponding rate of widowed mother's allowance	Rate below which widowed mother's allowance shall not be reduced on account of earnings	Corresponding rate of widow's pension or retirement pension for a widow by virtue of husband's insurance	Rate below which widow's pension or retirement pension for a widow by virtue of husband's insurance shall not be reduced on account of earnings
(1)	(2)	(3)	(4)	(5)
s. d.	s. d.	s. d.	s. d.	s. d.
9 0	31 6	13 6	24 0	9 0
8 0	28 6	12 0	21 0	8 0
7 0	25 6	10 6	18 0	7 0
6 0	22 6	9 0	15 0	6 0
5 0	20 6	7 6	13 0	5 0

Regulation 10(1).

SECOND SCHEDULE

Table showing :—

(1) in the first column, the rates of retirement pension payable to existing old age pensioners *other than* those to whom the provisions of subsection (3) of section 14 of the Contributory Pensions Act of 1939 applied ; and

(2) in the second column, the corresponding rates of an increase of retirement pension in respect of a wife of such a pensioner, or of a retirement pension payable to a wife of such a pensioner by virtue of her husband's insurance, if she had not attained pensionable age at the appointed day.

Rate of retirement pension (1)	*Corresponding rate of increase or retirement pension for a wife* (2)
s. d.	s. d.
23 0	14 0
21 0	13 0
20 0	12 0
18 6	11 0
18 0	11 0
16 6	10 0
15 0	9 6
14 6	9 0
14 0	8 6
13 0	8 0
11 6	7 0
11 0	6 6
10 0	6 0
9 6	6 0
9 0	5 6
8 6	5 0
8 0	5 0
7 0	4 6
6 6	4 0
6 0	3 6
5 0	3 0
4 6	3 0
4 0	2 6
3 6	2 0
3 0	2 0
2 0	1 6
1 6	1 0

EXPLANATORY NOTE

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

These Regulations modify the National Insurance Act, 1946, in its application to persons who immediately before the appointed day (5th July, 1948) are entitled to or have a prospective right to pensions under or by virtue of the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, and to women between the ages of sixty and sixty-five who are then insured for pensions as special voluntary contributors.

Part I provides for the addition to the descriptions of benefit under that Act of pensions and allowances for which it provides no comparable benefit.

Part II converts the pensions of persons entitled under or by virtue of those Acts into corresponding pensions under the National Insurance Act, 1946, except in the cases of widows with children, who are to receive widowed mother's allowances; widows under the age of sixty and incapable of self-support by reason of infirmity on the appointed day, who are to receive widows' pensions at an increased rate; and orphans included in any family, for whom guardian's allowances are to be payable. Provision is also made in that Part for the preservation of the prospective right of certain widows to pensions on attaining the age of fifty-five.

Part III confers a right to retirement pensions subject to modified conditions on women special voluntary contributors between the ages of sixty and sixty-five on the appointed day.

Part IV deals with ancillary matters relating to claims and overpayments, and contains special provisions relating to persons resident abroad, etc.

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(2) PENSIONS, EXISTING CONTRIBUTORS

The National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948

1948 No. 612

Made - - - -	*22nd March*, 1948
Laid before Parliament	*24th March*, 1948
Coming into Operation	*1st April*, 1948

119.

The Minister of National Insurance, acting in conjunction with the Treasury, in exercise of the powers conferred by section 65 of the National Insurance Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

9 & 10 Geo. 6. c. 67.

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948, and shall come into operation on the 1st April, 1948.

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

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

26 Geo. 5. & 1 Edw. 8. c. 32.

" the Insurance Act " means the National Health Insurance Act, 1936;

26 Geo. 5. & 1 Edw. 8. c. 33.

" the Contributory Pensions Act of 1936 " means the Widows', Orphans' and Old Age Contributory Pensions Act, 1936;

1 Edw. 8. & 1 Geo. 6. c. 39.

" the Contributory Pensions Act of 1937 " means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act, 1937;

2 & 3 Geo. 6. c. 84.

" the Contributory Pensions Act of 1939 " means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939;

" the Contributory Pensions Acts " means the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941;