Provided that:

(*a*) as from the 25th April, 1955, the method of calculation of any retirement pension by reference to the said subsection (3) shall continue subject to the application thereto of the provisions of paragraph (*c*) of the proviso to paragraph (3) of regulation 9; *and*

(*b*) *in the case of an increase in respect of an adult dependant other than his wife, the rate shall be the same as that at which an old age pension would have been so payable to that dependant had she been his wife.*

EXPLANATORY NOTE

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

These Regulations, which are made in consequence of those provisions of the National Insurance Act, 1957, which provide for the payment of increases of retirement pensions in respect of certain female persons who have the care of a child or children of the beneficiary's family or of a child or children treated as such, extend certain provisions of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948, applying to increases of such pensions in respect of wives so as to apply to such female persons.

1957 No. 1332

The National Insurance (Pensions, Existing Contributors) (Transitional) Amendment Regulations, 1957

Made - - - -	*29th July,* 1957
Laid before Parliament	*2nd August,* 1957
Coming into Operation	*5th August,* 1957

The Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of powers conferred by section 65 of the National Insurance Act, 1946(**a**), as amended by section 4 (1) of the National Insurance Act, 1954(**b**), and section 10 (2) of the National Insurance Act, 1957(**c**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Pensions, Existing Contributors) (Transitional) Amendment Regulations, 1957, shall be read as one with the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948(**d**), as amended(**e**), (hereinafter

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 3 & 4 Eliz. 2. c. 1. (**c**) 5 & 6 Eliz. 2. c. 26.
(**d**) S.I. 1948/612 (Rev. XVI, p. 18: 1948 I, p. 2834).
(**e**) S.I. 1949/1150, 1412, 1951/538, 1232, 1952/1252, 2144, 1953/979, 1955/47, 1956/1199 (1949 I, pp. 2746, 2784; 1951 I, pp. 1498, 1457; 1952 II, pp. 2165, 2154; 1953 I, p. 1368; 1955 I, p. 1605; 1956 I, p. 1625).

referred to as "the principal regulations") and shall come into operation on the 5th day of August, 1957.

Amendment of regulation 6 of the principal regulations

2.—(1) Regulation 6 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation, and shall accordingly have effect as set out in Part I of the Schedule hereto.

(2) In paragraph (1) of regulation 6 of the principal regulations, immediately after the words "widow's pension" the word "or" shall be omitted; and immediately after the words "husband's insurance" there shall be inserted the words "or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act, 1957, (which paragraph provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid by, or credited to her for the purpose of her right to a retirement pension by virtue of her own insurance)".

Amendment of regulation 7 of the principal regulations

3.—(1) Regulation 7 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation, and shall accordingly have effect as set out in Part II of the Schedule hereto.

(2) In the proviso to paragraph (2) of regulation 7 of the principal regulations, immediately after the words "widow's benefit" the word "and" shall be omitted; and immediately after the words "husband's insurance" there shall be inserted the words "and a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act, 1957,".

Amendment of regulation 10 of the principal regulations

4.—(1) Regulation 10 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation and shall accordingly have effect as set out in Part III of the Schedule hereto.

(2) In sub-paragraph (*a*) of paragraph (1) of regulation 10 of the principal regulations, immediately after the words "his insurance" there shall be inserted the words "or a retirement pension for his widow to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act, 1957,".

(3) In paragraph (2) of regulation 10 of the principal regulations, immediately after the words "widow's benefit" the word "or" shall be omitted; and immediately after the words "husband's insurance" there shall be inserted the words "or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act, 1957,".

Amendment of regulation 11 of the principal regulations

5.—(1) Regulation 11 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation, and shall accordingly have effect as set out in Part IV of the Schedule hereto.

(2) Immediately after paragraph 4 of regulation 11 of the principal regulations there shall be added the following paragraph :—

"(5) A woman who attains pensionable age on or after the 5th August, 1957, who immediately before attaining that age is or but for any disqualification would be, entitled to widow's benefit, other than a widow's basic pension, and to whom, but for this regulation, the condition imposed by sub-paragraph (*b*) of paragraph (1) of regulation 5 would apply, shall not be subject to that condition, nor shall regulation 10 of these regulations apply to her:

Provided that the preceding paragraphs of this regulation shall apply to such a woman as if she were a person to whom sub-paragraph (*b*) of paragraph (1) of regulation 5 applied and who failed to satisfy the condition in that sub-paragraph."

Provisions to be added to the principal regulations

6. The following provisions shall be added after regulation 12 of the principal regulations:—

"*Further modifications in the case of certain widows*

12A. Where subsection (1) of section 2 of the National Insurance Act, 1957, (which subsection amends the Act in relation to widow's benefit and retirement pensions for widows) applies to a widow to whom widow's benefit is, or but for any disqualification would be, payable by virtue of any of the foregoing provisions of these regulations, then 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 she becomes entitled by virtue of her own insurance, such a pension shall not be reduced to less than a rate equal to the rate below which the retirement pension, which would have been payable to her by virtue of her husband's insurance but for the said subsection (1) could not have been reduced by reason of the provisions of paragraphs (*c*) and (*d*) of the last preceding regulation:

Provided that this regulation shall not apply to any period after the widow has remarried.".

Amendment of paragraph 3 of the First Schedule to the principal regulations

7.—(1) Paragraph 3 of the First Schedule to the principal regulations shall be amended in accordance with the next following paragraph of this regulation, and shall accordingly have effect as set out in Part V of the Schedule hereto.

(2) In paragraph 3 of the First Schedule to the principal regulations immediately after the words "widow's benefit" the word "and" shall be omitted; and immediately after the words "husband's insurance" there shall

be inserted the following words "or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act, 1957,".

Dated this 29th day of July, 1957.

John Boyd-Carpenter,
Minister of Pensions and National Insurance.

Dated this 29th day of July, 1957.

Harwood Harrison,
Anthony Barber,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

Containing Provisions of the Principal Regulations as Amended by these Regulations*

PART I — Regulation 2

Regulation 6 of the Principal Regulations as Amended by these Regulations

Widow's basic pension, etc., for certain widows not entitled to widow's benefit

6.—(1) Subject to the provisions of these regulations, the widow of an existing pensions contributor, if she was married to him before the appointed day, shall for any period when she is not entitled to a widow's allowance, a widowed mother's allowance, a widow's pension, a retirement pension by virtue of her husband's insurance *or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (b) of subsection* (1) *of section* 2 *of the National Insurance Act,* 1957, *(which paragraph provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid by, or credited to her for the purpose of her right to a retirement pension by virtue of her own insurance*), be entitled—

(*a*) where she has not attained pensionable age, to a widow's basic pension within the meaning of regulation 3 of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948; and

(*b*) where she has attained that age, to a contributory old age pension within the meaning of the said regulation 3;

if the husband satisfies the contribution conditions contained in paragraph 4 of the Third Schedule to the Act, as modified by the First Schedule to these regulations; and the provisions of the said regulation 3, in so far as they relate to widows' basic pensions and contributory old age pensions, shall apply to any such pension payable by virtue of this regulation.

(2) A pension to which a widow becomes entitled by virtue of this regulation shall, subject to the provisions of the next succeeding paragraph, be at the rate of ten shillings a week.

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

(3) Where a widow would be entitled to a pension by virtue of this regulation but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid by or credited to her husband, she shall nevertheless be entitled to such a pension, if the yearly average of contributions so paid or credited is not less than thirteen, at the reduced rate specified in the second column of the Second Schedule to these regulations which corresponds with the yearly average of contributions paid or credited as shown in the first column of that Schedule.

(4) Where a widow has not become entitled to a widowed mother's allowance to which she would otherwise be entitled by virtue of these regulations because the child by reason of whose inclusion in her family that allowance would be payable is not in Great Britain, then if—

(*a*) the child is in any part of His Majesty's dominions outside Great Britain or in the Republic of Ireland or the Republic of India, and would be included in her family but for the provisions of subsection (3) of section 24 of the Family Allowances Act, 1945 (which subsection makes residence in Great Britain a condition of a child's being included in a family); and

(*b*) the widow becomes or has become entitled to a widow's basic pension;

a child's allowance shall be payable to the widow for any period during which the child would, but for the said subsection (3), be included in her family, at such a rate as will increase the rate of that pension to the rate below which the widowed mother's allowance, if it were payable, might not be reduced under regulation 12, on account of the earnings of the widow.

PART II Regulation 3

REGULATION 7 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS

Period over which yearly average to be calculated in the case of existing pensions contributors

7.—(1) Subject to the provisions of paragraph (2) of this regulation and of regulation 11, the yearly average of the contributions paid by or credited to any existing pensions contributor shall be calculated over the period—

(*a*) beginning with the relevant contribution week in the health insurance contribution year ended on the 5th July, 1936, or in the health insurance contribution year next preceding that in which his last entry into insurance occurred, whichever is the later; and

(*b*) ending with the end of the last complete contribution year before the date as at which the average is to be ascertained.

(2) Subject to the provisions of regulation 11, in any case where the relevant time for the purposes of paragraph 4 of the Third Schedule to the Act is before the 4th July, 1949, such average shall be calculated over the period—

(*a*) beginning with the 6th July, 1936, or the beginning of the health insurance contribution year in which the last entry into insurance occurred, whichever is the later; and

(*b*) ending with the end of the health insurance contribution year immediately before the appointed day:

Provided that for the purposes of widow's benefit, a retirement pension by virtue of her husband's insurance *and a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (b) of subsection* (1) *of section* 2 *of the National Insurance Act*, 1957, in the case of a widow of a pensions voluntary contributor or a special voluntary contributor, the said period shall end on the 6th July, 1947, if the effect of including therein the health insurance contribution year ending immediately before the appointed day would be to reduce the said average.

PART III Regulation 4

REGULATION 10 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS

Postponement of pensionable age for certain existing pensions contributors

10.—(1) Subject to the provisions of paragraph (2) and of regulation 11, as respects an existing pensions contributor for the purpose of old age pensions who fails to satisfy the conditions of sub-paragraph (*a*) or, as the case may be, sub-paragraph (*b*) of paragraph (1) of regulation 5 of these regulations, the following provisions shall apply:—

(*a*) For the purposes only of any retirement pension or widow's benefit payable by virtue of his insurance *or a retirement pension for his widow to which she becomes entitled by virtue of paragraph* (*b*) *of subsection* (1) *of section* 2 *of the National Insurance Act,* 1957, any such person shall be deemed to attain pensionable age in the case of a person to whom the said sub-paragraph (*a*) applies on the expiration of five years, and in the case of a person to whom the said sub-paragraph (*b*) applies on the expiration of ten years, from the date of his last entry into insurance, if then alive, and to retire from the regular employment immediately thereafter, and shall be deemed not to attain that age or to retire from regular employment before that time, so, however, that this regulation shall not extend the operation of the provisions of the Act reducing the rate of a retirement pension in respect of the beneficiary's earnings.

(*b*) No such person shall be liable to pay a contribution as an employed or self-employed person for any period after attaining the age of sixty-five (or, in the case of a woman, sixty) but, subject to sub-paragraph (*c*) of this paragraph,—

(i) any employer's contribution paid in respect of any such person for any such period (whether before or after the appointed day) shall be treated for the purposes aforesaid as a contribution as an insured person paid by him or her ; and

(ii) any such person (including a person who in fact attained pensionable age before the appointed day) shall be entitled to pay a contribution as a non-employed person at the same rate as a person under the age of sixty-five (or, in the case of a woman, sixty), for any such period after that day for which no employer's contribution is paid in respect of him or her.

(*c*) Any such person shall, if he attains the age of sixty-five (or, in the case of a woman, sixty) after the appointed day, be entitled to elect in accordance with the provisions of sub-paragraph (*d*) of this paragraph not to be qualified for a retirement pension, and if such an election is made by any person—

(i) no retirement pension shall be payable by virtue of that person's insurance, either to that person, or, during his life, to his wife ;

(ii) that person shall in respect of each contribution paid by that person in respect of any week after the appointed day as an employed, self-employed or non-employed person be entitled to a refund after attaining the said age of that portion of the contribution which is attributable to retirement pensions and for that purpose shall be entitled to a refund of the amount set out at the head of column (2), (3), (4), (6), (7) or (8) in Part I, Part II or Part III (whichever is appropriate) of the Third Schedule to these regulations, together with such interest thereon as will bring the total of the amount to be refunded up to the amount, appropriate to the circumstances of the case as set out in the appropriate column ; and

(iii) the provisions of sub-paragraph (*b*) of this paragraph shall not apply to that person, except in so far as they confer exemption from liability to pay contributions.

(*d*) An election by any such person for the purpose of sub-paragraph (*c*) of this paragraph shall be made by notice in writing addressed to the Minister, in the form approved by the Minister for that purpose, within the period of thirteen weeks from the date on which that person attains the age of sixty-five (or, in the case of a woman, sixty), or within such longer period as the Minister may in any particular case allow.

(2) The provisions of the foregoing paragraph of this regulation shall not apply in relation to widow's benefit, a retirement pension for a widow by virtue of her husband's insurance *or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph* (*b*) *of subsection* (1) *of section 2 of the National Insurance Act,* 1957, in any case where the husband was insured under the Contributory Pensions Acts for the purpose of widows' pensions immediately before his last entry into insurance under those Acts for the purpose of old age pensions.

(3) Nothing in this regulation shall entitle any person to whom it applies to an increase of retirement pension in respect of his wife or the wife of any such person to a retirement pension by virtue of his insurance during his life unless that person has attained the age of seventy or (apart from fulfilling the condition of giving notice of retirement) could be treated as having retired from regular employment.

PART IV Regulation 5

REGULATION 11 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS

Special provisions for certain widows over the age of fifty

11.—(1) In the case of an existing pensions contributor for the purpose of old age pensions who immediately before the appointed day is an existing widow pensioner or prospective widow pensioner over the age of fifty and under pensionable age to whom sub-paragraph (*a*) of paragraph (1) of regulation 5 applies, or, in the case of a person to whom sub-paragraph (*b*) of that paragraph applies, who fails to satisfy the condition contained in that sub-paragraph, the provisions of section 20 of the Act shall apply subject to the modification that the contribution condition specified in sub-paragraph (1) (*a*) of paragraph 4 of the Third Schedule to the Act shall be deemed to have been satisfied.

(2) Subject to the provisions of paragraph (3) of this regulation, the yearly average of the contributions paid by or credited to any such person shall be calculated only over the period—

(*a*) beginning with the beginning of the contribution year in which the appointed day occurs ; and

(*b*) ending with the end of the last complete contribution year before the date on which she attains the age of sixty.

(3) In the case of any such person who immediately before the appointed day is over the age of fifty-five, and to whom the provisions of paragraph (2) of this regulation would otherwise be applicable, the following provisions shall apply in substitution for those contained in the said paragraph for the purpose of determining her right to a retirement pension by virtue of her own insurance:—

(*a*) The said yearly average shall be calculated only over the period—

(i) beginning with the beginning of the contribution year in which she attained the age of fifty-five ; and

(ii) ending with the end of the last complete contribution year before the date on which she attains the age of sixty.

(*b*) A contribution shall be deemed to have been paid by or in respect of her for every contribution week in the period over which the said yearly average is to be calculated and ending before the appointed day.

(4)—(*a*) A widow to whom the provisions of subsection (2) of section 14 of the Contributory Pensions Act of 1939 (which subsection provides that certain pensions shall not be payable if a dependants war pension is payable) applied immediately before the appointed day, and who on attaining pensionable age is in receipt of a dependants war pension at a rate of less than forty shillings a week may, where she fails to satisfy the conditions of sub-paragraph (*a*) or (*b*) of paragraph (1) of regulation 5, elect that the provisions of regulation 10 shall not apply to her, and in that event the provisions of this regulation shall apply in her case, subject to the qualification that if the total amount of the weekly rates of the retirement pension and the dependants war pension exceeds forty shillings, the weekly rate of the retirement pension shall be reduced by the sum by which the total amount exceeds forty shillings; and

(*b*) the provisions of this regulation shall also apply to any widow who would, but for the provisions of section 24 of the Contributory Pensions Act of 1936 (which section relates to disqualification for cohabitation), have been entitled immediately before the appointed day to a widow's pension under that Act, and who fails to satisfy the conditions of the said sub-paragraph (*a*) or (*b*), if when she attains the age of sixty she is not cohabiting with a man as his wife.

(*5*) *A woman who attains pensionable age on or after the 5th August, 1957, who immediately before attaining that age is, or but for any disqualification would be, entitled to widow's benefit, other than a widow's basic pension, and to whom, but for this regulation, the condition imposed by sub-paragraph* (*b*) *of paragraph* (1) *of regulation* 5 *would apply, shall not be subject to that condition, nor shall regulation* 10 *of these regulations apply to her*:

Provided that the preceding paragraphs of this regulation shall apply to such a woman as if she were a person to whom sub-paragraph (*b*) *of paragraph* 1 *of regulation* 5 *applied and who failed to satisfy the condition in that sub-paragraph.*

PART V Regulation 7

PARAGRAPH 3 OF THE FIRST SCHEDULE TO THE PRINCIPAL REGULATIONS

3. For the purpose of widow's benefit, a retirement pension for a widow by virtue of her husband's insurance *or a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph* (*b*) *of subsection* (1) *of section* 2 *of the National Insurance Act,* 1957, in any case where the marriage to the husband took place before the appointed day and the husband dies or attains pensionable age before the 4th July, 1949, the yearly average of contributions paid by or credited to the husband shall be deemed to be fifty—

(*a*) where the husband would, if the Contributory Pensions Act of 1936 had been in force at the date of his death, have had to satisfy the condition specified in paragraph (*b*) of subsection (1) of section 5 of that Act (which section relates to contribution conditions)—if that condition is satisfied; or

(*b*) where the husband would not have had to satisfy the condition specified in the said paragraph (*b*), if the said Act had been in force at the date of his death, by reason only of his satisfying one of the further conditions specified in provisos (i) to (iv) to the said subsection (1)—if any of those further conditions is or would, but for the Act, have been satisfied.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948, by providing that certain references to retirement pensions for widows by virtue of their husbands' insurance shall include certain retirement pensions by virtue of their own insurance. In regard to widows of existing pensions contributors who reach their sixtieth birthday on or after the 5th August, 1957, and who immediately before attaining that age were entitled to widow's benefit, it is provided that the condition of the lapse of ten years since last entry into insurance to which certain such widows were subject, the provision in certain cases postponing pensionable age for ten years, and the right of electing not to be qualified for a retirement pension and the consequential refund in respect of paid contributions should not apply. In regard to such widows as aforesaid provision is also made to preserve a part of certain benefit from reduction on account of earnings. The remaining provisions are of a minor or consequential character.

1957 No. 1951

The National Insurance (Pensions, Existing Contributors) (Transitional) Amendment (No. 2) Regulations, 1957

Made - - - -	11*th November*, 1957
Laid before Parliament	15*th November*, 1957
Coming into Operation	18*th November*, 1957

The Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of powers conferred by section 65 of the National Insurance Act, 1946(**a**), as amended by section 4 (1) of the National Insurance Act, 1954(**b**), and section 10 (2) of the National Insurance Act, 1957(**c**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Pensions, Existing Contributors) (Transitional) Amendment (No. 2) Regulations, 1957, shall be read as one with the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948(**d**), as amended(**e**), (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th November, 1957.

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 3 & 4 Eliz. 2. c. 1. (**c**) 5 & 6 Eliz. 2. c. 26.
(**d**) S.I. 1948/612 (Rev. XVI, p. 18 : 1948 I, p. 2834).
(**e**) The relevant amending regulations are S.I. 1952/1252, 2144, 1955/47, 493, 1957/1332 (1952 II, p. 2165, 2154; 1955 I, pp. 1605, 1586; 1957 I, p. 1706).