1966 No. 610

NATIONAL INSURANCE

The National Insurance (Pensions, Existing Contributors) (Transitional) Amendment Regulations 1966

Made - - -	*23rd May* 1966
Laid before Parliament	*27th May* 1966
Coming into Operation	*30th May* 1966

The Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of powers conferred by Schedule 11 paragraph 17 of the National Insurance Act 1965(a), as extended by section 11(2) of the National Insurance Act 1966(b), and of all other powers enabling her 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 1966, shall be read as one with the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations 1948(c) (hereinafter referred to as " the principal regulations ") and shall come into operation on 30th May 1966.

Amendment of regulation 8 of the principal regulations

2.—(1) Regulation 8 of the principal regulations, as amended(d), (contributions under the Contributory Pensions Acts to be taken into account for the purposes of the Act) shall be further amended in accordance with the following provisions of this regulation.

(2) The provisions of regulation 8 shall be numbered paragraph (1), and at the end of the proviso to that paragraph there shall be added the words " and, for the purposes of any benefit for a woman by virtue of her husband's insurance, any such contribution paid after the date of the death of her husband shall be taken into account as if it had been paid before that date."

(3) The following paragraph shall be inserted after regulation 8(1):—

" (2) The taking into account under the provisions of the proviso to the foregoing paragraph of any contribution for the purposes of any benefit for a woman by virtue of her husband's insurance, in any case where the husband has died on or after 30th May 1966, shall not affect the right to benefit or the rate of benefit payable for any period before the date on which the contribution is paid except that, if the contribution is paid within 6 months after the date of the death of the husband, the contribution shall be taken into account for the purposes of the right to benefit from the date of his death."

(a) 1965 c. 51. (b) 1966 c. 6.
(c) S.I. 1948/612 (Rev. XVI, p. 18: 1948 I, p. 2834).
(d) S.I. 1949/1412, 1960/1226 (1949 I, p. 2748; 1960 II, p. 2360).

Amendment of regulation 8A of the principal regulations

3. For regulation 8A(a) of the principal regulations (election as to retirement pension by widow of existing pensions contributor), there shall be substituted the following regulation:—

" *Yearly average in the case of certain widows of existing pensions contributors*

8A.—(1) Where, in accordance with an election made by a widow under section 33(3) of the National Insurance Act 1965 (which provides that where a woman, immediately before attaining pensionable age, is a widow, account may be taken of her husband's contributions for the purpose of her right to a retirement pension by virtue of her own insurance) a number of contributions equal to the yearly average (ascertained as at the date of her husband's attaining pensionable age or dying under that age) of the contributions paid by or credited to her husband is to be treated as having been paid by or credited to her for any period, that yearly average shall, if he was an existing pensions contributor, be—

(a) the yearly average (so ascertained) of the contributions which were required, or would have been required, to be taken into account for the purpose of his right to a retirement pension; or

(b) the yearly average (so ascertained) of the contributions which were required, or would have been required, to be taken into account for the purpose of her right to widow's benefit, if that yearly average is the higher.

(2) In the case of a retirement pension for a widow by virtue of the insurance of her husband where he has died after she has attained pensionable age, the yearly average of the contributions paid by or credited to her husband shall, if he was an existing pensions contributor who was insured under the Contributory Pensions Acts for the purposes of widow's pensions, but not for the purposes of old age pensions, be—

(a) the yearly average ascertained as at the relevant time by reference to the contributions which were required, or would have been required, to be taken into account for the purpose of his right to a retirement pension; or

(b) the yearly average ascertained as at the relevant time by reference to the contributions which are required to be taken into account for the purpose of her right to a retirement pension by virtue of his insurance, if that yearly average is the higher."

Transitional provisions

4.—(1) These regulations shall apply to cases in which the husband died before, as well as to cases in which the husband died on or after, the date on which these regulations come into operation, but shall not operate to make benefit payable, or to increase the rate of benefit payable, for any period before that date.

(2) The taking into account of any contribution for the purposes of any benefit for a woman by virtue of her husband's insurance, in any case where the husband has died before 30th May 1966, shall not affect the right to benefit or the rate of benefit payable for any period before the date on which

(a) *Inserted by* S.I. 1961/2382 (1961 III, p. 4388).

the contribution is paid, except that, if the contribution is paid within 6 months after 30th May 1966, the contribution shall be taken into account for the purposes of the right to benefit from that date.

Margaret Herbison,
Minister of Pensions and National Insurance.

20th May 1966.

Joseph Harper,

George Lawson,
Two of the Lords Commissioners of Her Majesty's Treasury.

23rd May 1966.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make certain changes in the contribution conditions for benefit for widows whose husbands were insured under the Widows', Orphans' and Old Age Contributory Pensions Acts 1936 to 1941. They provide that contributions under those Acts may be taken into account for the purpose of benefit under the National Insurance Act 1965 where they are paid after the death of the husband. They also authorise, in the case of retirement pension for widows, the calculation of the rate of pension in certain cases on the basis of the late husband's record as it stood for the purpose of his right to a retirement pension instead of his record for the purpose of his widow's right to benefit, if that calculation results in a higher rate of pension.