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;

" the Voluntary Contributors Regulations " means the Contributory Pensions (Voluntary Contributors) Regulations, 1938(a);

" the Modification Regulations " means the Contributory Pensions (Modification of Old Age Pensions) Regulations, 1939(b);

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

" the Minister " means the Minister of National Insurance;

" health insurance contribution year " means a contribution year as defined in section 226 of the Insurance Act;

" relevant contribution week " means in relation to any person the first complete contribution week(e) in the month of March, June, September or December as may be determined by the Minister to be applicable in his case for the purpose of contribution years;

" existing widow pensioner " means a widow who immediately before the appointed day(f) is entitled to a widow's pension under the Contributory Pensions Acts;

" prospective widow pensioner " means a widow who has a prospective right to such a pension under the Fourth Schedule to the Contributory Pensions Act of 1936;

" special voluntary contributor " means a voluntary contributor within the meaning of subsection (5) of section 1 of the Contributory Pensions Act of 1937;

" pensions voluntary contributor " means a voluntary contributor by virtue of the Contributory Pensions Act of 1937 other than a special voluntary contributor;

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

(3) The expression " dependants war pension " means for the purposes of regulation 11 a dependants war pension within the meaning of subsection (2) of section 14 of the Contributory Pensions Act of 1939, and for the purposes of the Fifth Schedule a dependants war pension within the meaning of subsection (3) of that section.

(4) 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.

(5) 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 contributors who immediately before the appointed day are insured under the Contributory Pensions Acts (hereafter in these regulations referred to as " existing pensions contributors "), the provisions of the Act and the orders and regulations for the time being in force thereunder (other than any such provision relating to death grant) shall have full force and effect subject to the modifications contained in these regulations. Application of the Act to existing contributors under the Contributory Pensions Acts.

(a) S.R. & O. 1938 (No. 1108) I, p. 611.
(b) S.R. & O. 1939 (No. 1714) I, p. 453.
(c) S.R. & O. 1946 (No. 1508) I, p. 1066.
(d) S.R. & O. 1946 (No. 1604) I, p. 1081.
(e) *See* s. 78 (1), National Insurance Act, 1946.
(f) 5th July, 1948. *See* S.I. 1948 No. 54, p. 2615 above.

Insurance under the Contributory Pensions Acts to be treated as insurance under the Act.

3.—(1) The insurance under the Contributory Pensions Acts of an existing pensions contributor shall be treated as insurance under the Act to the following extent:—

(*a*) insurance under the said Acts for the purpose of widows' pensions shall be so treated for the purposes of widow's benefit and a retirement pension for a widow by virtue of her husband's insurance;

(*b*) insurance under the said Acts for the purpose of old age pensions shall be so treated for the purposes of retirement pensions (other than a pension to which the foregoing sub-paragraph applies);

and in these regulations the expression "last entry into insurance" shall be construed accordingly.

(2) For the purposes of guardian's allowance an existing pensions contributor who attains pensionable age on or before the appointed day shall be treated as if he were an insured person.

Modification of conditions for widow's benefit for widows of existing pensions contributors.

4. Subject to the provisions of these regulations, in the case of the widow of an existing pensions contributor the provisions of sections 17 and 18 of the Act (which relate to widow's benefit) shall apply subject to the modifications specified in the First Schedule to these regulations of the contribution conditions contained in paragraph 4 of the Third Schedule to the Act.

Modifications of conditions for retirement pensions for existing pensions contributors and their wives and widows.

5.—(1) Subject to the provisions of these regulations, in the case of an existing pensions contributor for the purpose of old age pensions, and the wife of such a contributor, the provisions of sections 20 and 21 of the Act (which sections relate to retirement pensions) shall apply, subject to the condition—

(*a*) in the case of an existing pensions contributor the date of whose last entry into insurance was before the 30th September, 1946, that not less than five years have elapsed between such date and the date on which he attains pensionable age; or

(*b*) in the case of an existing pensions contributor the date of whose last entry into insurance was on or after the said 30th September, that not less than ten years have elapsed between such date and the date on which he attains pensionable age;

and to the modifications specified in the First Schedule to these regulations of the contribution conditions contained in paragraph 4 of the Third Schedule to the Act:

Provided that in the application of the regulations for the time being in force under section 25 of the Act (which section relates to the partial satisfaction of the contribution conditions) to any retirement pension to which any such person, who immediately before the appointed day is an existing widow pensioner over the age of fifty-five, is entitled by virtue of the provisions of this regulation, the weekly rate thereof shall not be reduced to less than the rate of the retirement pension to which she would have become entitled by virtue of the provisions of regulation 11, if that regulation had applied in her case.

(2) Subject as aforesaid, the provisions of the said section 21 shall apply to the widow of an existing pensions contributor, subject to the modifications of the said contribution conditions specified in the said First Schedule.

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 or a retirement pension by virtue of her husband's 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(**a**); 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.

(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.

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(**b**) 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(**c**) 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:

(**a**) S.I. 1948 No. 55, p. 2822 above.
(**b**) *See* s. 78 (1), National Insurance Act, 1946.
(**c**) *See* para. 4 (2) (b), Third Sch., National Insurance Act, 1946.

Provided that for the purposes of widow's benefit and a retirement pension by virtue of her husband's insurance 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.

Contributions under the Contributory Pensions Acts to be taken into account for the purposes of the Act.

8. In determining whether the contribution conditions contained in paragraph 4 of the Third Schedule to the Act have been satisfied by an existing pensions contributor, the contributions paid by or in respect of him under the Contributory Pensions Acts and the contributions treated as so paid for the purposes of all the relevant contribution conditions under those Acts shall be taken into account to the following extent:—

(*a*) contributions for the purpose of widows' pensions shall be taken into account for the purposes of widow's benefit or a retirement pension for a widow by virtue of her husband's insurance; and

(*b*) contributions for the purpose of old age pensions shall be taken into account for the purposes of retirement pensions (other than a pension to which the foregoing paragraph applies):

Provided that any such contributions which are paid on or after the appointed day shall be taken into account only to the same extent and subject to the same conditions as those contributions would, but for the Act, have been taken into account under the Contributory Pensions Acts and any regulations made thereunder.

Contributions credited in respect of weeks before the appointed day.

9.—(1) For the purpose of calculating in relation to any benefit the yearly average of the contributions paid by or credited to an existing pensions contributor, a contribution of the appropriate class shall be credited to him for every contribution week during the period beginning with the beginning of the period over which the average is to be calculated for the purpose of that benefit and ending—

(*a*) in the case of a person who on the 6th July, 1947, was insured under the Contributory Pensions Acts otherwise than as a pensions voluntary contributor or a special voluntary contributor, with that date; and

(*b*) in the case of a person who on the said 6th July was insured as a pensions voluntary contributor or as a special voluntary contributor, with the end of the health insurance contribution year immediately preceding that in which he became such a contributor:

Provided that the provisions of sub-paragraph (*a*) shall, and the provisions of sub-paragraph (*b*) of this paragraph shall not, apply in the case of a person who on the said 6th July was in a transitional period within the meaning of regulation 10 of the Voluntary Contributors Regulations (which regulation relates to voluntary contributors in employment entailing the payment of pensions contributions).

(2) In the case of a person insured on the said 6th July as a voluntary contributor to whom the proviso to subsection (1) of section 20 of the Insurance Act (which section relates to title to pay contributions as a voluntary contributor) would but for the National Insurance (Voluntary Contributors) Regulations, 1947(**a**), have applied in respect of the

(**a**) S.R. & O. 1947 (No. 1401) I, p. 1490.

health insurance contribution year ending immediately before the appointed day, and by whom not less than twenty-six contributions were paid or deemed to have been paid in that year, a contribution of the appropriate class shall for the purpose aforesaid be credited to him for each contribution week in that year.

(3) For the purpose aforesaid, there shall be credited to an existing pensions contributor—

(*a*) in the case of a person who immediately before the appointed day is insured under the Contributory Pensions Acts otherwise than as a pensions voluntary contributor or a special voluntary contributor, a contribution for every contribution week in the health insurance contribution year ending immediately before the appointed day in respect of which a contribution has been deemed to have been paid by or in respect of him under the Contributory Pensions (Calculation of Contributions) Regulations, 1937(a), or would have been so deemed if those regulations had applied to that year in his case; and

(*b*) in the case of a person who immediately before the appointed day is insured as a pensions voluntary contributor or a special voluntary contributor, a contribution for every contribution week in the period over which the average is to be calculated (being a week for which a contribution is not credited under paragraph (1) of this regulation) in respect of which a contribution has been deemed to have been paid under subsection (6) or (7) of section 5 of the Contributory Pensions Act of 1937 (which subsections relate to the deeming of contributions in respect of special voluntary contributors), or under those subsections as applied to pensions voluntary contributors by subsection (2) of section 10 thereof, or under regulation 10 of the Voluntary Contributors Regulations.

(4) For the purpose aforesaid any contributions which have been paid by any person in respect of any contribution week for which a contribution is credited under paragraph (1) or paragraph (2) of this regulation shall be disregarded.

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 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 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

(a) S.R. & O. 1937 (No. 1136) p. 453.

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) (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 or a retirement pension for a widow by virtue of her husband's insurance 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(a).

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 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, 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 twenty-six shillings a week may, where she fails to satisfy the conditions of sub-paragraph (*a*) or (*b*) of paragraph (1)

(a) *See* s. 20 (2), National Insurance Act, 1946.

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 twenty-six shillings, the weekly rate of the retirement pension shall be reduced by the sum by which the total amount exceeds twenty-six 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.

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

12. 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 if the marriage in respect of which the benefit is payable took place before the appointed day—

(*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 first column of the Fourth Schedule to these regulations, to less than the rate set opposite thereto in the second 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 third column of the said Schedule, to less than the rate set opposite thereto in the fourth column.

Modification in the case of a married woman existing pensions contributor of contribution conditions for retirement pension by virtue of her own insurance.

13. In the application of subsection (5) of section 21 of the Act (which subsection relates to the calculation of a married woman's contributions for the purpose of entitlement to a retirement pension by virtue of her own insurance) to an existing pensions contributor, being a woman who on attaining pensionable age is the wife of a man to whom she was married before the appointed day—

(*a*) if she attains pensionable age before the 4th July, 1949, the provisions of that subsection shall be deemed to be satisfied;

(*b*) in any other case the said provisions shall apply only in respect of the period between the date of her last entry into insurance (or, if the marriage took place after that date, between the date of the marriage) and her attaining pensionable age; and for this purpose a contribution shall be credited to her in respect of every contribution week in the said period ending before the appointed day, and the contributions in that period paid by her, or credited to her otherwise than under this regulation, shall be disregarded.

14. The provisions set out in the Fifth Schedule to these regulations shall have effect for the purpose of determining the rate of a retirement pension, or an increase of such a pension in respect of a wife, to which any person of one of the special classes therein mentioned, or the wife of any such person, may become entitled by virtue of these regulations if that person attains pensionable age at any time within five years from the appointed day.

Reduced rates of retirement pensions for certain existing pensions contributors who attain pensionable age within five years from the appointed day.

Dated this 22nd day of March, 1948.

James Griffiths,
Minister of National Insurance.

R. J. Taylor,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

FIRST SCHEDULE. Regulations 4, 5 and 6.

Modifications of contribution conditions contained in paragraph 4 of the Third Schedule to the Act in relation to benefit for existing pensions contributors and their wives and widows.

1. For the reference in sub-paragraph (1) (*a*) of paragraph 4 of the Third Schedule to the Act to " entry into insurance " there shall be substituted a reference to " last entry into insurance ".

2. For the reference in the said sub-paragraph (1) (*a*) to one hundred and fifty-six contributions there shall be substituted a reference to one hundred and four contributions—

(*a*) for the purpose of widow's benefit or a retirement pension for a widow by virtue of her husband's insurance (other than a pension referred to in sub-paragraph (*c*) of this paragraph), in any case where the marriage to the husband took place before the appointed day and the husband last entered into insurance before the 30th September, 1946, or dies or attains pensionable age before the 1st January, 1950;

(*b*) for the purpose of a retirement pension (other than a pension referred to in sub-paragraph (*a*) or (*c*) of this paragraph), in any case where the existing pensions contributor last entered into insurance before the 30th September, 1946; and

(*c*) for the purpose of a widow's basic pension and a contributory old age pension, in any case.

3. For the purpose of widow's benefit and a retirement pension for a widow by virtue of her husband's insurance 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.

4. For the purpose of retirement pension (other than a pension to which the foregoing paragraph applies) the said yearly average shall be deemed to be fifty in the case of a person who attains pensionable age before the 4th July, 1949, and who—

(*a*) would, if the Contributory Pensions Act of 1936 had been in force at that date, have had to satisfy the condition specified in paragraph (*c*) of subsection (1) of section 9 of that Act—if that condition is satisfied; or

(*b*) would not have had to satisfy the said condition, if the said Act had been in force at that date, by reason only of his satisfying the further condition specified in the second proviso to the said subsection (1)—if that further condition is, or would but for the Act have been, satisfied.

5. Notwithstanding anything contained in the foregoing paragraphs of this Schedule, in the case of a widow, whose husband attained the age of 65 before the appointed day and who would but for the repeal of the Contributory Pensions Acts have been entitled to a widow's pension under those Acts, the contribution conditions contained in the said paragraph 4 shall be deemed to be satisfied, except as regards the yearly average of the contributions paid or credited in the case of a widow whose husband was insured as a pensions voluntary contributor or as a special voluntary contributor, and whose pension under the said Acts would (apart from any additional allowance or increase under the Increase of Pensions Regulations) have been at a weekly rate of less than ten shillings; and in any such case for the purposes of paragraph 3 of regulation 6 of these regulations or, as the case may be, of the regulations for the time being in force under section 25 of the Act the average for the purposes of the Contributory Pensions Acts of the contributions paid or deemed to have been paid by or in respect of the husband under those Acts shall be deemed to be the yearly average of the contributions paid by or credited to him.

SECOND SCHEDULE. Regulation 6 (3).

showing reduced rates of widow's basic pension and contributory old age pension.

Yearly average of contributions paid or credited (1)	*Reduced rate at which pension is payable* (2) s. d.
48 and under 50	9 6
46 and under 48	9 0
43 and under 46	8 6
40 and under 43	8 0
37 and under 40	7 6
34 and under 37	6 6
30 and under 34	6 0
26 and under 30	5 0
22 and under 26	4 0
18 and under 22	3 6
13 and under 18	2 6

THIRD SCHEDULE

Regulation 10 (1) (c) (ii)

Table showing :—

(1) at the head of columns (2), (3), (4), (6), (7) and (8), the portion of each contribution paid by a person in respect of any week after the appointed day as an employed, self-employed or non-employed person, to be refunded to that person if that person elects not to be qualified for a retirement pension ; and

(2) in columns (1) and (5), the age of any such person at the date of the expiration of the period of currency of the contribution card on which any such contribution was paid ; and

(3) in the said columns (2), (3), (4), (6), (7) and (8), the total amount, including interest, to be refunded.

MEN				WOMEN			
Age of man at expiration of period of currency of contribution card on which contribution was paid (1)	Employed	Self-employed	Non-employed	Age of woman at expiration of period of currency of contribution card on which contribution was paid (5)	Employed	Self-employed	Non-employed
	Portion of contribution to be refunded				Portion of contribution to be refunded		
	pence 19·6 (2)	pence 36·3 (3)	pence 35·4 (4)		pence 17·5 (6)	pence 33·2 (7)	pence 32·0 (8)
	Total number of pence to be refunded (including interest) in respect of each contribution				Total number of pence to be refunded (including interest) in respect of each contribution		
65 or over ...	20	37	36	60 or over	18	34	33
64 ...	20	37	36	59 ...	18	34	33
63 ...	21	38	37	58 ...	18	35	34
62 ...	21	39	38	57 ...	19	36	34
61 ...	22	40	39	56 ...	19	37	35
60 ...	22	41	40	55 ...	20	38	36
59 ...	23	42	41	54 ...	20	39	37
58 ...	23	43	42	53 ...	21	39	38
57 ...	24	44	43	52 ...	21	40	39
56 ...	24	45	44	51 ...	22	41	40
55 ...	25	46	45	50 ...	22	42	41

Regulation 12.

FOURTH SCHEDULE

Table showing:—

(1) in the first and third columns respectively, the rates of widowed mother's allowance and widow's pension or retirement pension for a widow by virtue of her husband's insurance where the marriage took place before the appointed day; and

(2) in the second and fourth columns, the rates below which a widowed mother's allowance and a widow's pension or such a retirement pension, as the case may be, shall not be reduced on account of earnings.

Rate of widowed mother's allowance	*Minimum reduced rate*	*Rate of widow's pension or retirement pension for a widow by virtue of husband's insurance*	*Minimum reduced rate*
(1)	(2)	(3)	(4)
s. d.	s. d.	s. d.	s. d.
32 6	14 6	25 0	9 6
31 6	13 6	24 0	9 0
30 6	13 0	23 0	8 6
28 6	12 0	21 0	8 0
26 6	11 0	19 0	7 6
24 6	10 0	17 0	6 6
22 6	9 0	15 0	6 0
20 6	7 6	13 0	5 0
18 6	6 6	11 0	4 0
16 6	5 0	9 0	3 6
14 6	4 0	7 0	2 6

Regulation 14.

FIFTH SCHEDULE

Reduction of rates of retirement pensions of certain existing pensions contributors who attain pensionable age within five years from the appointed day and the wives of such contributors

PART I

Classes of existing pensions contributors affected

The provisions contained in Part II of this Schedule shall have effect in relation to the following classes of existing pensions contributors:—

(1) Persons other than special voluntary contributors to whom the provisions of subsection (3) or (4) of section 16 of the Contributory Pensions Act of 1936, and regulation 3 of the Modification Regulations (which provisions relate to exempt persons) were of application immediately before the appointed day so that any old age pension to which any such person could, but for the repeal of the Contributory Pensions Acts, have become entitled under those Acts, together with any increase under the Increase of Pensions Regulations, would have been at a weekly rate of less than twenty-six shillings, that is to say at any of the rates specified in the first column of the first table of rates set out in Part III of this Schedule;

(2) Persons other than special voluntary contributors who before the appointed day had been granted a superannuation allowance on retirement from excepted employment and to whom the provisions of paragraph (*b*) of subsection (5) of section 17 of the Contributory Pensions Act of 1936, and regulation 4 of the Modification Regulations (which provisions relate to persons formerly in excepted employment) were of application immediately before the appointed

day so that any old age pension to which any such person could, but for the repeal of the Contributory Pensions Acts, have become entitled under those Acts, together with any increase under the Increase of Pensions Regulations, would have been at such a weekly rate as aforesaid;

(3) Persons other than special voluntary contributors—

(*a*) who immediately before the appointed day were employed in excepted employment by virtue of which contributions were payable in respect of them at the rates mentioned in Part IV of the First Schedule to the Contributory Pensions Act of 1936, or would have been so payable, if their rate of remuneration had not exceeded four hundred and twenty pounds a year, and who after that day are granted superannuation allowance on retirement from employment which would but for the Act have been such employment; and

(*b*) in respect of whom the said paragraph (*b*) and the said regulation 4 would, if the Contributory Pensions Acts had continued in force, have so applied that any old age pension to which any such person could have become entitled under those Acts, together with any increase under the Increase of Pensions Regulations, would have been at such a weekly rate as aforesaid;

(4) Persons to or in respect of whom a dependants war pension is at the appointed day or thereafter becomes payable and to whom the provisions of subsection (3) of section 14 of the Contributory Pensions Act of 1939 (which subsection provides for modified old age pensions where certain dependants war pensions are payable) applied or would, but for the repeal of the Contributory Pensions Acts, have applied so that any old age pension to which any such person could have become entitled under those Acts, together with any increase under the Increase of Pensions Regulations, would have been at such a weekly rate as aforesaid:

Provided that, in calculating for the purpose of this Part the rate at which a pension would have been payable under the said Acts, the application of the provisions of subsection (2) of section 5 of the Contributory Pensions Act of 1937 (which subsection relates to reductions for low averages of contributions) shall be disregarded.

Part II

Provisions applying the reduced rates

(1) Where an existing pensions contributor of one of the classes specified in Part I of this Schedule attains pensionable age at any time not more than five years after the appointed day, any retirement pension to which he may become entitled shall be at the rate appropriate to the circumstances of the case set out in columns (2) to (6) of the first table of rates contained in Part III of this Schedule:

Provided that—

(*a*) where the yearly average of the contributions paid by or credited to any such person is less than fifty, the pension shall not be payable at the appropriate rate in the said first table, but at the rate appropriate to the circumstances of the case set out in the second table of rates contained in the said Part III; and

(*b*) in the case of a person of the class specified in paragraph (4) of the said Part I, the pension shall be either—

(i) at the appropriate rate specified in the first or the second table, as the case may be, contained in the said Part III; or

(ii) at such higher rate, if any, as may be necessary to ensure that the aggregate of the weekly rate of the dependants war pension and the retirement pension shall be not less than the rate of retirement pension which would have been payable but for the dependants war pension.

(2) Where any such person becomes entitled to an increase in respect of his wife, or the wife of any such person becomes entitled to a retirement pension by virtue of his insurance during his life, the rate of such increase or wife's retirement pension shall be the rate in the second or fourth columns of the third table of rates contained in Part III of this Schedule set opposite to the rate of that person's retirement pension in the first or third column of that table; and for the purpose of this provision, where the husband's pension is payable under paragraph (ii) of proviso (*b*) to the foregoing paragraph, it shall be treated as if it were payable under paragraph (i) of the said proviso, and the said paragraph (ii) shall apply in the case of the wife of a person of the class specified in paragraph (4) of the said Part I in the same manner as it does to any such person.

(3) In the case of a person of the class specified in paragraph (1) of Part I of this Schedule or the wife of any such person, the provisions of this Part shall cease to apply as from the date on which that person attains the age of seventy.

PART III

First Table showing:—

(1) in the first column, the rates at which old age pensions would (subject to the satisfaction of the contribution conditions) have been payable under the Contributory Pensions Acts and the National Insurance (Increase of Contributory Pensions) Regulations, 1946, but for the repeal of those Acts and apart from the application of the provisions of sub-paragraph (*a*) (ii) of paragraph (3) of regulation 6 (which sub-paragraph provides alternative rates of old age pensions for persons to whom certain dependants war pensions are payable), and paragraph (1) of regulation 16 of those regulations (which paragraph excludes pensions for women special voluntary contributors from increase);

(2) in the remaining columns, the corresponding rates of retirement pensions where pensionable age is attained at a date within the periods specified in the headings to those columns.

Rate at which an old age pension would, but for the repeal of the Contributory Pensions Acts, have been payable (1)	Corresponding rate of retirement pension where pensionable age attained during period :—				
	From 5th July, 1948, to 4th July, 1949 (2)	From 5th July, 1949, to 4th July, 1950 (3)	From 5th July, 1950, to 4th July, 1951 (4)	From 5th July, 1951, to 4th July, 1952 (5)	From 5th July, 1952, to 4th July, 1953 (6)
s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
– –	3 0	8 0	13 0	18 0	23 0
3 0	5 0	10 0	15 0	19 0	24 0
5 0	7 0	11 0	16 0	20 0	24 0
8 0	10 0	13 0	17 0	21 0	24 0
10 0	12 0	15 0	18 0	21 0	24 0
13 0	14 0	17 0	20 0	22 0	25 0
15 0	16 0	18 0	21 0	23 0	25 0
18 0	19 0	20 0	22 0	24 0	25 0
20 0	21 0	22 0	23 0	24 0	25 0
23 0	24 0	24 0	25 0	25 0	25 0

Second Table showing :—

(1) In the first column, the yearly average of contributions paid by or credited to persons mentioned in Part I ; and

(2) In the remaining columns, the corresponding rates of retirement pensions for such persons on attaining pensionable age within five years from the appointed day.

Rates at which retirement pensions would have been payable in accordance with the First Table if the yearly average had been fifty :—

Yearly average of contributions paid or credited	s. d. 3 0	s. d. 5 0	s. d 7 0	s. d. 8 0	s. d. 10 0	s. d. 11 0	s. d. 12 0	s. d. 13 0	s. d. 14 0	s. d. 15 0	s. d. 16 0	s. d. 17 0	s. d. 18 0	s. d. 19 0	s. d. 20 0	s. d. 21 0	s. d. 22 0	s. d. 23 0	s. d. 24 0	s. d. 25 0
(1)	Corresponding rates of retirement pensions :— (2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
48 and under 50 ...	2 6	4 6	6 6	7 6	9 6	10 6	11 6	12 6	13 6	14 6	15 6	16 6	17 6	18 6	19 6	20 0	21 0	22 0	23 0	24 0
46 and under 48 ...	2 6	4 6	6 6	7 6	9 0	10 0	11 0	12 0	13 0	14 0	15 0	16 0	17 0	18 0	19 0	19 6	20 6	21 0	22 0	23 0
43 and under 46 ...	2 6	4 6	6 0	7 0	8 6	9 6	10 6	11 6	12 6	13 6	14 0	15 0	16 0	17 0	18 0	18 6	19 6	20 0	21 0	22 0
40 and under 43 ...	2 6	4 0	5 6	6 6	8 0	9 0	10 0	10 6	11 6	12 6	13 0	13 6	14 6	15 6	16 6	17 0	18 0	18 6	19 0	20 0
37 and under 40 ...	2 0	3 6	5 0	6 0	7 6	8 0	9 0	9 6	10 6	11 6	12 0	12 6	13 0	14 0	15 0	15 6	16 6	17 0	17 6	18 6
34 and under 37 ...	2 0	3 6	4 6	5 0	6 6	7 0	8 0	8 6	9 6	10 6	11 0	11 6	12 0	12 6	13 6	14 0	14 6	15 0	15 6	16 6
30 and under 34 ...	1 6	3 0	4 0	4 6	6 0	6 6	7 0	7 6	8 0	9 0	9 6	10 0	10 6	11 0	12 0	12 6	13 0	13 6	14 0	14 6
26 and under 30 ...	1 6	2 6	3 6	4 0	5 0	5 6	6 0	6 6	7 0	7 6	8 0	8 6	9 0	9 6	10 0	10 6	11 0	11 6	12 0	12 6
22 and under 26 ...	1 6	2 0	3 0	3 6	4 0	4 6	5 0	5 6	6 0	6 0	6 6	7 0	7 6	8 0	8 6	9 0	9 6	9 6	10 0	10 6
18 and under 22 ...	1 0	1 6	2 6	3 0	3 6	4 0	4 0	4 6	5 0	5 0	5 6	6 0	6 0	6 6	7 0	7 6	8 0	8 0	8 6	8 6
13 and under 18 ...	1 0	1 6	2 0	2 0	2 6	3 0	3 0	3 6	4 0	4 0	4 6	5 0	5 0	5 0	5 6	5 6	6 0	6 0	6 6	6 6

Third table showing:—

(1) in the first and third columns, the rates of retirement pension (apart from any increase) payable to existing pensions contributors by virtue of regulation 14; and

(2) in the second and fourth columns, the corresponding rates of an increase of retirement pension in respect of a wife, or of a retirement pension payable to a wife by virtue of her husband's insurance.

Rate of retirement pension (1)	*Corresponding rate of increase or retirement pension for a wife* (2)	*Rate of retirement pension* (3)	*Corresponding rate of increase or retirement pension for a wife* (4)
s. d.	s. d.	s. d.	s. d.
25 0	15 6	12 0	7 6
24 0	15 0	11 6	7 0
23 0	14 0	11 0	6 6
22 0	13 6	10 6	6 6
21 0	13 0	10 0	6 0
20 6	12 6	9 6	6 0
20 0	12 0	9 0	5 6
19 6	12 0	8 6	5 0
19 0	12 0	8 0	5 0
18 6	11 0	7 6	4 6
18 0	11 0	7 0	4 6
17 6	11 0	6 6	4 0
17 0	11 0	6 0	3 6
16 6	10 0	5 6	3 6
16 0	10 0	5 0	3 0
15 6	9 6	4 6	3 0
15 0	9 6	4 0	2 6
14 6	9 0	3 6	2 0
14 0	8 6	3 0	2 0
13 6	8 6	2 6	1 6
13 0	8 0	2 0	1 6
12 6	7 6	1 6	1 0
		1 0	0 6

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 existing contributors under the existing Contributory Pensions Acts.

The main modifications relate (*a*) to treating insurance and contributions paid under those Acts as insurance and contributions paid under the National Insurance Act, 1946 (regulations 3 and 8); (*b*) to relaxations of the contribution conditions for widow's benefit and retirement pensions (regulations 4 and 5); (*c*) to the provision, subject to the satisfaction of contribution conditions, of widows' basic pensions and contributory old age pensions for widows not entitled to widow's benefit or retirement pensions (regulation 6); (*d*) to variations of the period over which the average of the contributions paid or credited is to be calculated, depending on the date of entry into insurance under the existing Acts (regulation 7); (*e*) to crediting for the purpose of such average contributions in respect of periods before the appointed day (regulation 9); (*f*) (in certain cases) to the postponement of pensionable age (ten years after

the date of last entry into insurance in some cases, five years in others) for the purposes of retirement pension and widow's benefit, the payment of contributions, the right of electing not to be qualified for a retirement pension and a consequential refund of money in respect of paid contributions (regulation 10); (*g*) to special provisions for existing pensions contributors who are also widow pensioners (regulation 11); (*h*) to the partial relaxation of the rule reducing the rate of widow's benefit or a retirement pension on account of the earnings of the beneficiary (regulation 12); (*i*) to the relaxation of the special contribution conditions for retirement pensions applicable to married women under section 21 (5) of the National Insurance Act, 1946, in the case of women who were married before the appointed day (regulation 13); and (*j*) to reduced rates of retirement pensions for certain persons attaining pensionable age within five years from the appointed day and for their wives (regulation 14).

(3) MODIFICATION OF TEACHERS PENSIONS

[*See* also Education, S., p. 812 above.]

The National Insurance (Modification of Teachers Pensions) Regulations, 1948

1948 No. 889

Made - - - -	*28th April*, 1948
Laid before Parliament	*28th April*, 1948
Coming into Operation	*29th April*, 1948

Whereas the Treasury have determined under subsection (4) of Section 69 of the National Insurance Act, 1946(**a**), that the Minister of Education is the appropriate Minister to make regulations under that subsection for modifying the provisions of the Teachers (Superannuation) Acts, 1918 to 1946 and other instruments relating to the superannuation of teachers:

Now therefore the Minister of Education, in exercise of the powers conferred on him by the said subsection, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I—INTRODUCTORY

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Modification of Teachers Pensions) Regulations, 1948, and shall come into operation on the 29th day of April, 1948.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

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

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

"the Act of 1922" means the School Teachers (Superannuation) Act, 1922; 12 & 13 Geo. 5. c. 42.

"the Act of 1925" means the Teachers (Superannuation) Act, 1925; 15 & 16 Geo. 5. c. 59.

"the Act of 1945" means the Teachers (Superannuation) Act, 1945; 8 & 9 Geo. 6. c. 14.

"the Teachers Acts" means the Teachers (Superannuation) Acts, 1918 to 1946;

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 52 & 53 Vict. c. 63.