EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Mariners) Regulations, 1948, by extending the provisions of those regulations, which make exceptions from disqualification for receipt of unemployment and sickness benefit by reason of absence from Great Britain, and by applying those provisions to certain persons who travel to commence employment as mariners abroad. They provide that the provisions of those regulations which suspend payment of benefit to mariners while absent from Great Britain shall cease to have effect. The remaining alterations are of a minor and consequential character.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 14th July, 1958, is contained in House of Commons Paper No. 257 (Session 1957-58) published by Her Majesty's Stationery Office.

1958 No. 1084

The National Insurance (Residence and Persons Abroad) Amendment Regulations, 1958

Made - - - -	30*th June*, 1958
Laid before Parliament	4*th July*, 1958
Coming into Operation	7*th July*, 1958

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 29 and 60 of the National Insurance Act, 1946(a), 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 (Residence and Persons Abroad) Amendment Regulations, 1958, shall be read as one with the National Insurance (Residence and Persons Abroad) Regulations, 1948(b), as amended(c), (hereinafter referred to as " the principal regulations ") and shall come into operation on the 7th day of July, 1958.

Amendment of regulation 3 *of the principal regulations*

2.—(1) Regulation 3 of the principal regulations (which relates to contributions in respect of employment outside Great Britain in continuance of employed contributor's employment) shall be amended in accordance with the following provisions of this regulation, and shall accordingly have effect as set out in Part I of the Schedule to these regulations.

(a) 9 & 10 Geo. 6. c. 67. (b) S.I. 1948/1275 (Rev. XVI, p. 88: 1948 I, p. 2864).
(c) The relevant amending regulations are S.I. 1950/1946, 1955/983, 1957/1835 (1950 II, p. 27; 1955 I, p. 1624; 1957 I, p. 1523).

(2) In sub-paragraph (*b*) of paragraph (2) of the said regulation, for the words " be entitled to pay contributions as a non-employed person ", there shall be substituted the words—

" (i) if in that week he is under the age of sixty-five (or, in the case of a woman, sixty), be entitled to pay a contribution as a non-employed person ; or

(ii) if in that week he is over the age of sixty-five (or, in the case of a woman, sixty), has not retired from regular employment and continues to be employed in such an employment as is mentioned in paragraph (1) of this regulation, be entitled to pay a contribution as a non-employed person at the same rate as a non-employed person under that age.".

(3) In paragraph (3) of the said regulation,

(*a*) after the words " returns to Great Britain ", there shall be inserted the words " retires from regular employment or dies " ;

(*b*) for the words " by him (whether before or after his return to Great Britain) ", there shall be substituted the words " (whether before or after any such event) ".

Amendment of regulation 7 of the principal regulations

3.—(1) Regulation 7 of the principal regulations (which regulation modifies the Act in relation to payment of benefit abroad) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in Part II of the Schedule to these regulations.

(2) In sub-paragraph (*b*) of paragraph (1) of the said regulation 7, all the words after the phrase " the particular circumstances of the case " shall be omitted.

(3) For paragraph (3) of the said regulation 7 there shall be substituted the following paragraph :—

" (3) A husband or wife shall not be disqualified for receiving any increase (where payable) of benefit in respect of his or her spouse by reason of the spouse being absent from Great Britain, provided the spouse is residing with the husband or wife, as the case may be.".

Regulation 9 of the principal regulations ceasing to have effect

4. Regulation 9 of the principal regulations (which contains provisions for the suspension of payment of benefit) shall cease to have effect.

Dated this twenty-sixth day of June, 1958.

John Boyd-Carpenter,

Minister of Pensions and National Insurance.

Dated this thirtieth day of June, 1958.

Martin Redmayne,

R. Brooman-White,

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 3 OF THE PRINCIPAL REGULATIONS AS AMENDED

Payment of contributions in respect of periods abroad

3.—(1) Where a person employed in an employed contributor's employment ceases to be so employed in Great Britain but is employed (whether by the same or a different employer) outside Great Britain in continuation of an employed contributor's employment, that employment outside Great Britain shall be treated as an employed contributor's employment for the period for which contributions are payable in respect of it under sub-paragraph (*a*) of paragraph (2) of this regulation, provided the employer has a place of business in Great Britain, and the person concerned is ordinarily resident therein.

(2) Where under the preceding paragraph employment outside Great Britain is treated as an employed contributor's employment, the following provisions shall apply with respect to the payment of contributions under the Act:—

(*a*) Weekly contributions at the appropriate rates specified in Part I and Part II of the First Schedule to the Act (which Parts respectively specify the contributions payable by employed persons and the employers of such persons) shall be payable in respect of such employment during the period of twelve months from the commencement thereof.

(*b*) After the completion of the period for which contributions are payable under the preceding sub-paragraph, the insured person shall, for any week thereafter during the whole of which he is outside Great Britain,

(i) *if in that week he is under the age of sixty-five (or, in the case of a woman, sixty), be entitled to pay a contribution as a non-employed person; or*

(ii) *if in that week he is over the age of sixty-five (or, in the case of a woman, sixty), has not retired from regular employment and continues to be employed in such an employment as is mentioned in paragraph* (1) *of this regulation, be entitled to pay a contribution as a non-employed person at the same rate as a non-employed person under that age.*

(3) Where a person to whom sub-paragraph (*b*) of the preceding paragraph is applicable returns to Great Britain *retires from regular employment or dies,* any contribution as a non-employed person paid (*whether before or after any such event*) in accordance with the provisions of that sub-paragraph shall be treated as if it were a contribution paid by him in respect of an employed contributor's employment, provided that in respect of each contribution year commencing after the appointed day during the whole of which he was outside Great Britain not less than forty-five contributions of any class have been paid by or credited to him as an insured person.

PART II Regulation 3

REGULATION 7 OF THE PRINCIPAL REGULATIONS AS AMENDED

Modifications of the Act in relation to payment of benefit abroad

7. The following provisions shall apply in relation to the payment of benefit to or in respect of persons absent from Great Britain:—

(1) A person shall not be disqualified for receiving sickness benefit or maternity allowance—

(*a*) by reason of being temporarily absent from Great Britain (being in the Isle of Man or the Channel Islands) during the period of six months from the date on which such absence commences; or

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

(*b*) by reason of being temporarily absent from Great Britain (not being in the Isle of Man or the Channel Islands) for the specific purpose of being treated for incapacity which commenced before he left Great Britain, during such period as the Minister may allow, having regard to the particular circumstances of the case.

(2) A person shall not be disqualified for receiving widow's benefit, child's special allowance, a guardian's allowance or a retirement pension by reason of being absent from Great Britain.

(3) *A husband or wife shall not be disqualified for receiving any increase (where payable) of benefit in respect of his or her spouse by reason of the spouse being absent from Great Britain, provided the spouse is residing with the husband or wife, as the case may be.*

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Residence and Persons Abroad) Regulations, 1948, by extending the right to pay contributions as a non-employed person in respect of an employed contributor's employment abroad and to have such contributions treated as contributions as an employed person. They provide that the provisions of those regulations which postpone payment of a person's benefit, including arrears of benefit due to him before he goes abroad, until he returns to Great Britain shall cease to have effect. They also provide that in certain cases an increase of benefit may be paid in respect of a spouse who is abroad.

The preliminary draft of these Regulations was submitted to the National Insurance Advisory Committee in accordance with section 77 of the National Insurance Act, 1946, and their report thereon, dated the 25th April, 1958, is contained in House of Commons Paper No. 230 (Session 1957-58) published by Her Majesty's Stationery Office.

RECIPROCAL AGREEMENTS

1958 No. 422

The Family Allowances and National Insurance (Australia) Order, 1958

Made - - - - 14*th March*, 1958

At the Court at Buckingham Palace, the 14th day of March, 1958

Present,

The Queen's Most Excellent Majesty in Council

Whereas at Canberra on the twenty-ninth day of January, nineteen hundred and fifty-eight, an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia on social security (which Agreement is set out in the Schedule hereto) was signed on behalf of those Governments:

And Whereas by Article 35 of the Agreement it was provided that the Agreement should enter into force on the 1st April, 1958: