The National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1948

1948 No. 1276

Made - - - -	16*th June*, 1948
Laid before Parliament	17*th June*, 1948
Coming into Operation	23*rd June*, 1948

M.N.I. 124.

The National Insurance Joint Authority and the Minister of National Insurance, in conjunction with the Treasury, in exercise of powers conferred by sections 65 and 69 of the National Insurance Act, 1946, and of all other powers enabling them in that behalf, hereby make the following regulations:— 9 & 10 Geo. 6. c. 67.

PART I

General

1.—(1) These regulations may be cited as the National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1948, and shall come into operation on the 23rd June, 1948. Citation, commencement and interpretation.

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

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

" the Health Insurance Act " means the National Health Insurance Act, 1936; 26 Geo. 5. & 1 Edw. 8. c. 32.

" the Health Insurance Acts " means the National Health Insurance Acts, 1936 to 1941;

" the Arrears Regulations " means the National Health Insurance (Arrears) Regulations, 1937(a);

" the Minister " means the Minister of National Insurance;

" contributions under the Health Insurance Acts " excludes contributions under those Acts in respect of an exempt person or a juvenile contributor;

" existing contributor " has the meaning assigned to it by regulation 2;

" first normal contribution year " means the contribution year applicable to an existing contributor under regulation 2 of the National Insurance (General Benefit) Regulations, 1948(b), commencing, as the case may be, on the 7th March, 1949, the 6th June, 1949, the 5th September, 1949, or the 5th December, 1949;

(a) S.R. & O. 1937 (No. 1023) p. 1761; and *see* 1939 (No. 1849) II, p. 2136; 1940 (Nos. 839 and 1976) I, pp. 608–612; 1942 (Nos. 499 and 1996) I, pp. 603–5; 1943 (No. 1786) I, p. 655; 1944 (No. 1466) I, p. 489; 1945 (Nos. 316 and 1307) I, pp. 823 and 805; 1946 (Nos. 1677 and 2220) I, pp. 1035 and 1029; and 1947 (No. 1958) I, p. 1317.

(b) S.I. 1948 No. 1278, p. 2626 above.

" first normal benefit year " means the benefit year applicable to an existing contributor under regulation 2 of the National Insurance (General Benefit) Regulations, 1948, commencing as the case may be on the 1st August, 1949, the 7th November, 1949, the 6th February, 1950, or the 1st May, 1950;

and other expressions have the same meanings as in the Act, or, in relation to any period before the appointed day(a), the Health Insurance Acts.

(3) References in these regulations to entry into insurance, and to contributions, under the Health Insurance Acts refer to last entry into insurance under those Acts, and to contributions subsequent to such entry.

(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.

52 & 53 Vict. c. 63.

(5) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(6) These regulations do not apply to Northern Ireland.

PART II

Sickness Benefit and Maternity Benefit

Existing contributors.

2. In these regulations, references to an existing contributor shall be construed as meaning any person who immediately before the appointed day was, or was treated as, an insured person under the Health Insurance Act.

Insurance and contributions under the Health Insurance Act to be taken into account for the purposes of the Act.

3.—(1) In determining whether the conditions for the receipt of sickness benefit, a maternity grant, an attendance allowance or a maternity allowance under the Act have been satisfied, the insurance under the Health Insurance Acts of an existing contributor, the contributions under those Acts paid, and the contributions under those Acts deemed to be or treated as paid by or in respect of him, shall be treated as if they were respectively insurance, contributions of the appropriate class paid, and contributions of that class credited under the Act subject to the following provisions:—

(*a*) For the purposes of sickness benefit, maternity grant and attendance allowance—

(i) only contributions paid, and contributions which, under paragraph (2) of regulation 2 of the National Health Insurance and Contributory Pensions (Navy, Army and Air Force Emergency Provisions) Regulations, 1945(b), are treated as paid, shall be taken into account as contributions paid for the purposes of the contribution conditions contained in sub-paragraph (*a*) of paragraph 1 and in sub-paragraph (1) (*a*) of paragraph 2 of the Third Schedule to the Act (which conditions relate to contributions paid since entry into insurance) and for the purpose of satisfying the provisions of subsection (2) of section 12 of the Act (which subsection relates to exhaustion of sickness benefit);

(ii) only contributions which are for the purposes of the Arrears Regulations paid or deemed to be or treated as paid shall be taken into account as contributions paid or credited for the

(a) 5th July, 1948. *See* S.I. 1948 No. 54, p. 2615 above.
(b) S.R. & O. 1945 (No. 777) I, p. 811.

purposes of the contribution conditions contained in sub-paragraph (*b*) of paragraph 1 and in sub-paragraph (1) (*b*) of paragraph 2 of the said Third Schedule (which conditions relate to the contributions paid or credited in the relevant contribution year);

(iii) a person who became an insured person under the Health Insurance Acts after the commencement of the contribution year under those Acts ending on the 4th July, 1948, shall be treated as if, under paragraph (1) of regulation 5 of the Arrears Regulations (which paragraph relates to the deeming of contributions in respect of a period before entry into insurance), contributions had been deemed to have been paid for the period between the commencement of the preceding contribution year and the end of the contribution week immediately preceding his entry into insurance under those Acts.

(*b*) For the purposes of maternity allowances—

(i) no account shall be taken of contributions deemed to have been paid under paragraph (1) of regulation 5 of the Arrears Regulations;

(ii) only contributions which were paid in respect of weeks during which the claimant was employed within the meaning of the Health Insurance Acts, or was treated as if so employed, and contributions which under paragraph (2) of regulation 2 of the National Health Insurance and Contributory Pensions (Navy, Army, and Air Force Emergency Provisions) Regulations, 1945, are treated as paid, shall, in respect of weeks before the appointed day, be counted towards the twenty-six contributions required by sub-paragraph (*b*) of paragraph 3 of the said Third Schedule (which paragraph relates to the contributions paid or credited in the relevant period of fifty-two weeks);

(iii) only contributions which are counted for the purpose of the immediately preceding sub-paragraph, and contributions which for the purposes of the Arrears Regulations are deemed to have been paid for weeks during which the claimant was incapable of work by reason of some specific disease or bodily or mental disablement or was available for but unable to obtain employment, shall be taken into account as contributions respectively paid by and credited to the claimant for the purpose of the contribution condition contained in sub-paragraph (*a*) of paragraph 3 of the said Third Schedule.

(2) For the purposes of this regulation—

(*a*) a contribution paid (including a contribution surrendered) on or after the appointed day in respect of any period before that day shall for the corresponding purposes of the Act be taken into account to the same extent and subject to the same conditions as that contribution would, but for the Act, have been taken into account under the Health Insurance Act; and

(*b*) where at the appointed day a contribution has not been paid or deemed to have been paid by or in respect of an existing contributor under the Health Insurance Act for any week before that day, a contribution shall for the corresponding purposes of the Act be

deemed to have been paid by or in respect of him for that week if a contribution would, but for the Act, have been deemed to have been so paid under the Health Insurance Act;

(*c*) (i) the Arrears Regulations shall be construed as if the provisions of the National Health Insurance (Arrears) Amendment Regulations, 1940(**a**), had effect with respect to arrears of contributions accruing in respect of the contribution year under the Health Insurance Act terminating on the 4th July, 1948; and

(ii) in a case where there are less than fifty contributions paid or deemed to be or treated as paid in a contribution year under the Health Insurance Act which is relevant to a claim for sickness benefit under the Act, the rate (if any) of that benefit shall, in a case to which regulation 5 applies, be determined in accordance with that regulation, and, in any other case, be determined in accordance with regulation 13 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948(**b**) (which regulation deal with the reduction of unemployment and sickness benefit under the Act where there is only partial satisfaction of the contribution conditions);

(*d*) in any week for which arrears are left out of account in accordance with sub-paragraph (*a*) of paragraph (3) of regulation 2 of the National Health Insurance and Contributory Pensions (Navy, Army and Air Force Emergency Provisions) Regulations, 1945, and for which a person is not, under paragraph (2) of the said regulation, treated as if a contribution had been paid in respect of him, the person shall be treated as if under the Arrears Regulations a contribution were deemed to be paid for that week.

Modification of contribution and benefit years.

4.—(1) In the application to a claim by (or in respect of the insurance of) an existing contributor for sickness benefit, maternity grant or an attendance allowance of the appropriate condition(**c**) required to be satisfied in the last complete contribution year before (in the case of sickness benefit) the beginning of the benefit year which includes the day for which the claim is made, or (in the case of a maternity grant or an attendance allowance) before the relevant time(**c**), such contribution year shall be—

(*a*) where the relevant time, not being the date of the confinement, occurs before the appointed day, the last complete contribution year under the Health Insurance Act preceding the relevant time;

(*b*) where the day for which the claim is made, or the relevant time, occurs during the period commencing on the appointed day and ending on the 2nd January, 1949, the contribution year under Health Insurance Act ending on the 6th July, 1947;

(*c*) where the day for which a claim for sickness benefit is made occurs during the period commencing on the 3rd January, 1949, and ending immediately before the commencement of the first normal benefit year of the existing contributor, or where the relevant time in relation to a claim for a maternity grant or an attendance allowance occurs during the period commencing on the 3rd

(**a**) S.R. & O. 1940 (No. 839) I, p. 608. (**b**) S.I. 1948 No. 1277, p. 2676 below.
(**c**) *See* Third Schedule, National Insurance Act, 1946.

January, 1949, and ending immediately before the commencement of the first normal contribution year of the existing contributor, the contribution year under the Health Insurance Act ending on the 4th July, 1948;

(*d*) where the day for which a claim for sickness benefit is made occurs during the benefit year commencing on the 1st August, 1949 (being a benefit year under the Act applicable to the existing contributor), or where the revelant time in relation to a claim for a maternity grant or an attendance allowance occurs during the contribution year commencing on the 7th March, 1949 (being a contribution year under the Act applicable to the existing contributor), the period commencing on the appointed day and ending on the 6th March, 1949;

(*e*) where the day for which a claim for sickness benefit is made occurs during the benefit year commencing on the 7th November, 1949 (being a benefit year under the Act applicable to the existing contributor), or where the relevant time in relation to a claim for a maternity grant or an attendance allowance occurs during the contribution year commencing on the 6th June, 1949 (being a contribution year under the Act applicable to the existing contributor), the period commencing on the appointed day and ending on the 5th June, 1949.

(2) For the purpose only of this regulation, in the case of an existing contributor to whom sub-paragraph (*d*) or sub-paragraph (*e*) of the preceding paragraph applies, there shall be credited, as the case may be, seventeen, or four, contributions of the appropriate class to be added to the total of the contributions of that class paid by or credited to him in the period commencing on the appointed day and ending on the 6th March, 1949, or the 5th June, 1949, as the case may be.

PART III

Sickness Benefit

Special contribution conditions for sickness benefit in respect of days not later than 2nd January, 1949.

5. In the case of a claim to sickness benefit by an existing contributor for any day in the period commencing on the appointed day and ending on the 2nd January, 1949—

(*a*) where immediately before the end of the contribution year ending on the 6th July, 1947, the claimant was, or was treated as, an employed contributor under the Health Insurance Act, and for that contribution year more than thirty-five but less than fifty contributions were paid or deemed to be or treated as paid by or in respect of him for the purposes of the Arrears Regulations, he shall, if he would be entitled to sickness benefit at the appropriate rate specified in the Second Schedule to the Act but for the fact that the relevant contribution condition contained in sub-paragraph (*b*) of paragraph 1 of the Third Schedule to the Act is not satisfied as respects the number of contributions paid or credited in the relevant contribution year, nevertheless be so entitled, and regulation 13 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948, shall not apply;

(*b*) where immediately before the end of the contribution year ending on the 6th July, 1947, the claimant was, or was treated as, a voluntary contributor under the Health Insurance Act, and for that

contribution year more than thirty-five but less than fifty contributions were paid or deemed to be or treated as paid by or in respect of him for the purposes of the Arrears Regulations, the said regulation 13 shall, subject to the necessary modifications, apply with the substitution of the Schedule to these regulations for the Second Schedule to the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948;

(*c*) where for the contribution year ending on the 6th July, 1947, less than thirty-six contributions were paid or deemed to be or treated as paid by or in respect of him for the purposes of the Arrears Regulations sickness benefit shall not be payable under the Act, and the said regulation 13 shall not apply.

Avoidance of exhaustion of sickness benefit in certain cases.

6. Where, in the case of an existing contributor, since his entry into insurance under the Health Insurance Acts one hundred and four weeks have elapsed and one hundred and four weekly contributions have been paid by or in respect of him under those Acts, or have under paragraph (2) of regulation 2 of the National Health Insurance and Contributory Pensions (Navy, Army and Air Force Emergency Provisions) Regulations, 1945, been treated as paid, subsection (2) of section 12 of the Act (which subsection relates to exhaustion of the right to sickness benefit) shall not apply to any claim by him for sickness benefit under the Act.

Exhaustion of right to sickness benefit.

7. Where in the case of an existing contributor the first day of interruption of employment in a period of interruption of employment occurred not more than thirteen weeks after the last day, before the appointed day, in respect of which sickness benefit under the Health Insurance Act was, or would for the purpose of subsection (1) of section 48 of that Act (which relates to recurring sickness or disablement) have been treated as, payable in respect of a disease or disablement, he shall, in determining for the purpose of subsection (2) of section 12 of the Act the number of days for which he has been entitled to sickness benefit under the Act in respect of that period of interruption of employment, be treated as if he had been so entitled for one day in that period in respect of each day for which sickness benefit under the Health Insurance Acts was, or would have been so treated as, payable in respect of the said disease or disablement or of any previous disease or disablement of which that disease or disablement was deemed to be a continuation(a).

Requalification for sickness benefit in certain cases.

8.—(1) Where immediately before the appointed day an existing contributor was not (or, if he had then been rendered incapable of work by some specific disease or bodily or mental disablement of which notice had been given, would not have been) entitled to sickness or disablement benefit for the reason that—

(*a*) as regards sickness benefit he had received or had been treated under the Health Insurance Act as having received that benefit for a period of twenty-six weeks, and as regards disablement benefit that less than one hundred and four weeks had elapsed since his entry into insurance under the Health Insurance Act or less than one hundred and four contributions had been paid by or in respect of him under that Act; or

(a) *See* s. 48, National Health Insurance Act, 1936.

(*b*) he was insured in an extended insurance period;

he shall not be entitled to sickness benefit under the Act in respect of any day of incapacity for work occurring on or after the appointed day unless, in addition to satisfying the relevant contribution conditions as modified by these regulations, he has paid thirteen qualifying contributions in respect of weeks begun or ended since the last day in respect of which he was entitled to sickness benefit under the Health Insurance Act, or since the commencement of the extended insurance period, as the case may be, and, in either case, since the 7th July, 1947, and before the day of incapacity for work for which sickness benefit is claimed.

(2) In the foregoing paragraph, the expression "qualifying contributions" means, in relation to weeks before the appointed day, contributions under the Health Insurance Act paid in respect of employment within the meaning of that Act, and, in relation to subsequent weeks, contributions of the appropriate class.

Overlapping benefits.

9. An existing contributor to whom the provisions of regulation 3 of the National Insurance (Overlapping Benefits) Provisional Regulations, 1948(**a**), apply shall, for the purpose of the proviso to paragraph (1) of that regulation (which regulation relates to the payment of unemployment benefit and sickness benefit to persons to whom certain other personal benefits are payable), so far as it relates to the payment of sickness benefit, be deemed to have paid thirteen contributions of the appropriate class if, since the appropriate date (as defined in that regulation) he has been engaged in a gainful occupation for not less than twenty-six weeks and not less than twenty-six contributions, being either wholly contributions under the Health Insurance Acts or partly contributions under those Acts and partly contributions of the appropriate class, have been paid by or in respect of him.

Waiting days.

10.—(1) Where, in the case of an existing contributor, the last day, before the appointed day, in respect of which sickness benefit or disablement benefit under the Health Insurance Act was, or would for the purpose of subsection (1) of section 48 of that Act have been treated as, payable occurred not more than thirteen weeks before the first day of interruption of employment on or after the appointed day forming part of a period of interruption of employment, then the proviso to subsection (1) of section 11 of the Act (which relates to waiting days) shall not in that period of interruption of employment disentitle him to sickness benefit for any day of incapacity for work occurring on or after the said first day of interruption of employment.

(2) Where an existing contributor would have been entitled to sickness benefit under the Health Insurance Act in respect of any day of incapacity occurring within the four days preceding the appointed day, but for the provisions of paragraph (*b*) of subsection (1) of section 32 of the Health Insurance Act (which paragraph provides that payment of sickness benefit shall commence on the fourth day of incapacity), then, for the purposes of the proviso to subsection (1) of section 11 of the Act (which proviso relates to waiting days), any day of incapacity in respect of which an existing contributor would have been so entitled to sickness benefit under the Health Insurance Act as aforesaid shall be treated as a day of interruption of employment forming part of a period of interruption of employment under the Act.

(**a**) S.I. 1948 No. 1244, p. 2652 below.

Ascertainment of period of interruption of employment.

11. In ascertaining for any purpose of these regulations the first period of interruption of employment of an existing contributor, if a day of incapacity for work occurring before the appointed day and a day of interruption of employment occurring on or after that day occur within a period of six consecutive days, the day of interruption of employment shall be treated as being one of two days of interruption of employment occurring within such a period of six consecutive days, and sickness benefit under the Act, in the case of such a day of interruption of employment, shall, subject to the provisions of the Act, be payable accordingly.

Existing suspensions of benefit.

12. Where, immediately before the appointed day, payment of sickness benefit or disablement benefit under the Health Insurance Act was, for a reason corresponding to any of those specified in paragraphs (*a*) and (*d*) of regulation 10 of the National Insurance (Unemployment and Sickness Benefit) Regulations, 1948 (which regulation relates to disqualification for sickness benefit under the Act), suspended, in the case of an existing contributor, for any period extending over the appointed day, that existing contributor shall be disqualified for receiving sickness benefit under the Act for any day of incapacity for work occurring on or after the appointed day and within that period of suspension:

Provided that this regulation shall not apply after the expiration of a period of six weeks from the commencement of the period of suspension.

Sickness benefit for certain married women who were formerly voluntary contributors.

13. A married woman who, having been on the 1st July, 1918, a special voluntary contributor, was on that date in receipt of sickness or disablement benefit and who by reason of the continuance of the incapacity was in receipt of disablement benefit immediately before the appointed day and continues thereafter to be incapable of work, shall, if she does not satisfy the contribution conditions for sickness benefit under the Act, nevertheless be treated so long as the incapacity continues as if those conditions were satisfied, but in that case the sickness benefit in respect of that incapacity shall be at the rate at which disablement benefit was so payable to her immediately before the appointed day:

Provided that sickness benefit shall not be payable by virtue of this regulation after she attains the age of sixty.

Notice of incapacity.

14. Where, on or after the appointed day, an existing contributor has a day of incapacity for work by reason of some specific disease or bodily or mental disablement of which notice has been given for the purposes of the Health Insurance Act, he shall, unless he has in the meantime recovered from that disease or disablement, be treated as if the notice so given were the prescribed notice for the purposes of the Act.

Sickness benefit not to be payable in certain cases where the person was not regarded as an insured person at the appointed day.

15. A person who was treated as having ceased to be insured under the Health Insurance Act before the appointed day and is treated as an existing contributor by reason of evidence submitted to the Minister after the appointed day shall, for the purpose of entitlement to sickness benefit under the Act, be treated as having entered insurance for the first time on the appointed day if immediately before the evidence was submitted a period exceeding six years had elapsed since the last date on which he was treated as insured under the Health Insurance Act:

Provided that this regulation shall not apply to an existing contributor who, in respect of any day of incapacity occurring before the appointed day, would not have been entitled to sickness or disablement benefit under the Health Insurance Acts at the full rate by reason

of the provisions of section 54 or 132 of the Health Insurance Act or of section 6 or 7 of the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939(a). 2 & 3 Geo. 6. c. 84.

Sickness benefit for existing pensions contributors over pensionable age.

16.—(1) For the purpose of entitlement to sickness benefit by virtue of section 26 of the Act (which section relates to unemployment or sickness benefit for persons over pensionable age) but for no other purpose, an existing pensions contributor who, having attained pensionable age(b) on or after the appointed day, has not retired from regular employment, shall, in respect of any day of incapacity for work after he attains pensionable age and before the 1st August, 1949, or the date of his retirement, whichever is the earlier, be treated as if on that day he satisfied the contribution conditions for a retirement pension at a weekly rate of twenty-six shillings, and if his wife is on any such day over pensionable age, he shall be treated as if on that day he satisfied the contribution conditions for a retirement pension for her by virtue of his insurance at a weekly rate of sixteen shillings:

Provided that the foregoing provisions of this paragraph shall not apply unless immediately before the day on which he attains pensionable age—

(*a*) he has been continuously insured for a period of not less than five years; and

(*b*) one hundred and four appropriate contributions have been paid by or in respect of him since the date of his entry into insurance under the Contributory Pensions Acts.

(2) Section 26 of the Act shall not apply to the payment of sickness benefit to an existing pensions contributor who attains pensionable age before the appointed day.

(3) In this regulation—

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

(*b*) " existing pensions contributor " means a person who, immediately before the appointed day, was an insured person under the Contributory Pensions Acts for the purposes of those Acts relating to old age pensions;

(*c*) " continuously insured " means insured under the Contributory Pensions Acts for a period ending immediately before the appointed day for the purposes of those Acts relating to old age pensions and insured under the Act from the appointed day up to the day for which sickness benefit is claimed; and

(*d*) " appropriate contributions " means contributions for the purposes of old age pensions under the Contributory Pensions Acts, and contributions as an insured person under the Act.

PART IV

Maternity Benefit

Special provision for maternity grant for woman insured before marriage.

17. A woman who was married before the appointed day and confined on or after that day, and in respect of whose confinement paragraph (*b*) of the proviso to regulation 2 of the National Health Insur-

(a) *See* S.R. & O. 1944 (No. 905) I, p. 497.
(b) *See* s. 78 (1), National Insurance Act, 1946.

ance and Contributory Pensions (Married Women Emergency Provisions) Regulations, 1942(a) (which provided for a single maternity benefit under the Health Insurance Act irrespective of arrears in certain cases of first confinement after marriage) would have applied but for the repeal of the Health Insurance Act shall, if neither she nor her husband satisfies the relevant contribution conditions for a maternity grant under the Act, nevertheless be treated as if those conditions were satisfied, but in that case only a single grant shall be payable, which shall be of the amount of two pounds, and attendance allowance shall not be payable.

Special provision affecting claims to maternity allowance in respect of confinements expected or occurring not later than 22nd August, 1948.

18.—(1) Where in the case of a claim for a maternity allowance by an existing contributor the expected week of confinement ends, or in the case of a claim made after confinement the confinement occurs, not later than the 22nd August, 1948, the period of fifty-two weeks ended on the 4th July, 1948, shall, for the purpose of determining whether the contribution conditions in paragraph 3 of the Third Schedule to the Act are satisfied, in all cases be treated as the period of fifty-two weeks immediately preceding the period for which the allowance is payable.

(2) Where the period for which a maternity allowance to which this regulation applies is payable, as ascertained in accordance with subsection (2) of section 15 of the Act or with regulation 3 of the National Insurance (Maternity Benefit) Regulations, 1948(b) (which subsection and regulation relate to the periods for which maternity allowances are payable), would begin before the appointed day, maternity allowance shall not be payable for any day before that day, but the period for which the allowance is payable shall nevertheless terminate as if the allowance had been payable from the commencement of the period as so ascertained.

Special conditions affecting receipt of sickness benefit after confinement.

19. A married woman, or a widow confined of a posthumous child, who was entitled to receive, in respect of a confinement which has occurred before the appointed day, the second maternity benefit under section 58 of the Health Insurance Act shall not be entitled to sickness benefit in respect of any day of incapacity for work occurring after the appointed day and within the period of four weeks after her confinement.

PART V

Miscellaneous provisions

Extension of insurance or entitlement to medical benefit under the Health Insurance Act.
1 & 2 Geo. 6. c. 3.

20.—(1) Where a free or extended insurance period to which any person is entitled by virtue of section 6 or section 7 of the Health Insurance Act (whether as originally enacted or as applied by regulations made under any provision of the Health Insurance Acts) ends on the 30th June, 1948, the free or extended insurance period shall be extended so as to expire immediately before the appointed day.

(2) Notwithstanding anything in paragraph (*a*) of subsection (1) of section 1 of the National Health Insurance (Juvenile Contributors and Young Persons) Act, 1937 (which section relates to the entitlement to medical benefit of employed boys and girls), a juvenile contributor who attains the age of sixteen years and six months during the half-year

(a) S.R. & O. 1942 (No. 2388) I, p. 595.
(b) S.I. 1948 No. 1166, p. 2635 above.

ending on the 30th June, 1948, and before the end of that half-year does not become an insured person under the Health Insurance Act, shall remain entitled to medical benefit under the last mentioned Act until immediately before the appointed day.

(3) Notwithstanding anything in paragraph (1) of regulation 11 of the National Health Insurance (Exempt Persons) Regulations, 1937(a) (which regulation relates to the entitlement to medical benefit of an exempt person), an exempt person who, but for this regulation, would have ceased to be entitled to medical benefit under the Health Insurance Act immediately after the 30th June, 1948, shall remain entitled to such benefit until immediately before the appointed day.

Sickness benefit of persons in hospital, etc.

21. Any sum which, but for the provisions of section 55 of the Health Insurance Act (which section relates to persons who are inmates of hospitals and other institutions), would have been payable to any person on account of sickness or disablement benefit before the appointed day in respect of a period when that person was an inmate of any workhouse, hospital (including mental hospital), asylum, convalescent home or infirmary supported by any public authority, or out of any public funds, or by a charity or voluntary subscriptions, shall, if and so far as it was not paid or applied during such a period in accordance with the provisions of the Health Insurance Act, be paid in cash to that person, after he has left the institution, in weekly instalments, each instalment being of an amount not less than ten shillings nor more than two pounds as the Minister may determine, unless, in view of the special circumstances of the case, the Minister thinks proper to make a lump sum payment:

Provided that—

(*a*) if the sum does not exceed five pounds, the Minister may at his discretion pay the sum before the person leaves the institution;

(*b*) if the sum exceeds five pounds, the Minister may at his discretion apply the whole or any part towards defraying any expenses for which the person may be or become liable before he leaves the institution;

(*c*) if the person dies in the institution, the sum so payable shall be deemed to form part of his estate, and, if he dies after leaving the institution but before the whole of the instalments have been paid, the balance remaining unpaid shall be deemed to form part of his estate, and the amounts so deemed to form part of his estate shall be paid in a lump sum and not by instalments;

(*d*) the amounts so payable to any person, or deemed to form part of his estate, shall in no case exceed the sum which would have been payable under the Health Insurance Act if he had been discharged or died immediately before the appointed day, and the balance shall be paid to the National Insurance Fund.

Recovery of benefits improperly paid under the Health Insurance Act.

22. If it is found at any time on or after the appointed day that any person, having been in receipt of any benefit or any payment under the Health Insurance Act without being lawfully entitled thereto, would, but for the Act, have been liable, in accordance with subsection (1) of section 71 of the Health Insurance Act (which subsection relates to the repayment of benefits improperly paid), to repay to the Minister the

(a) S.R. & O. 1937 (No. 886) p. 1730; and *see* 1942 (No. 2659) I, p. 628.

amount of that benefit or payment, any such amount shall be recoverable by deduction from benefit under the Act or otherwise from that person in like manner as if it were a sum paid to that person on account of benefit under the Act which it is subsequently decided was not payable, and any amount so recovered shall be paid to the National Insurance Fund.

Proceedings for benefit lost by employer's default.

23.—(1) Where an employer has failed or neglected—

(*a*) to pay any contributions under the Health Insurance Act which he was liable to pay before the appointed day in respect of any person then in his employment who is an existing contributor; or

(*b*) to comply, in relation to any such existing contributor, with the requirements of any regulations under the Health Insurance Acts relating to the payment and collection of contributions;

and by reason thereof that existing contributor (or a person claiming by virtue of his insurance) has lost, in whole or in part, any sickness or maternity benefit to which he (or that person) would have been entitled under the Act, that existing contributor (or that person) shall be entitled to recover summarily from the employer as a civil debt a sum equal to the amount of benefit so lost.

(2) Proceedings may be taken under this regulation notwithstanding that proceedings have been taken under any provision of the Health Insurance Act other than under section 174 thereof in respect of the same failure or neglect.

(3) Proceedings under this regulation may, notwithstanding anything to the contrary, be brought at any time within one year after the date on which the existing contributor (or that person), but for the failure or neglect of the employer, would have been entitled to receive the sickness or maternity benefit lost.

(4) In the application of this regulation to Scotland, paragraph (1) shall have effect as if the word "summarily" were omitted, and paragraph (3) shall not apply.

Modification of the provisions of the Act, etc.

24.—(1) The provisions of the Act and the orders and regulations for the time being in force thereunder shall have full force and effect in relation to any person subject to the modifications contained in these regulations.

(2) Nothing in these regulations shall entitle a person to any benefit under the Act for any period before the appointed day or in respect of a confinement occurring or expected before that day.

Given under the official seal of the National Insurance Joint Authority this 16th day of June, nineteen hundred and forty-eight.

(L.S.)

C. D. Curtis,
Secretary, National Insurance Joint Authority.

Given under the official seal of the Minister of National Insurance this 16th day of June, nineteen hundred and forty-eight.

(L.S.)

James Griffiths,
Minister of National Insurance.

C. James Simmons,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

SCHEDULE Regulation 5 (*b*)

Special reduced rates of sickness benefit and of increase of benefit in respect of adult dependants applicable, in the period from the appointed day to the 2nd January, 1949, to existing contributors who were voluntary contributors under the Health Insurance Act immediately before the end of the contribution year ending on the 6th July, 1947.

(1) Number of contributions paid or credited in the relevant contribution year	(2) Full weekly rate of benefit applicable under Part I of the Second Schedule to the Act	(3)
	s. d. 26 0	s. d. 16 0
	Reduced rate at which benefit is payable	
	s. d.	s. d.
48–49	23 0	14 0
46–47	21 0	13 0
44–45	18 0	11 0
42–43	16 0	10 0
39–41	13 0	8 0
36–38	10 0	6 0

EXPLANATORY NOTE

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

These Regulations modify the National Insurance Act, 1946 (hereafter in this Note referred to as " the Act ") in its application to persons who, immediately before the appointed day (5th July, 1948) were insured under the National Health Insurance Acts (hereafter in this Note referred to as " existing contributors ") (regulation 2). The principal provisions of the Regulations relate to:—(*a*) contribution conditions for the receipt of sickness benefit and maternity benefit under the Act (regulations 3, 4 and 5); (*b*) exhaustion of and requalification for sickness benefit (regulations 6, 7 and 8); (*c*) overlapping benefits (regulation 9); (*d*) waiting days (regulation 10); (*e*) periods of interruption of employment (regulation 11); (*f*) certain disqualifications for receipt of sickness benefit in respect of any period outstanding on the appointed day (regulation 12); (*g*) notice of incapacity (regulation 14); (*h*) late evidence of being an existing contributor (regulation 15); (*i*) existing contributors who attain pensionable age after the appointed day and who have not retired from regular employment (regulation 16); (*j*) maternity grant for a woman insured before marriage (regulation 17); (*k*) maternity allowance in respect of confinement occurring not later than 22nd August, 1948 (regulation 18); (*l*) sickness benefit after confinement occurring before the appointed day (regulation 19); (*m*) extension of entitlement to medical benefit until the appointed day

(regulation 20); (*n*) sickness or disablement benefit of persons in hospital before the appointed day (regulation 21); (*o*) recovery of over-payments of benefit under the National Health Insurance Acts occurring before the appointed day, by deduction from any benefit under the Act, or otherwise (regulation 22); and (*p*) persons who are empowered to recover from employers any sickness or maternity benefit lost by reason of an employer's failure or neglect to pay contributions in respect of a period before the appointed day (regulation 23). The remaining provisions are of an incidental or consequential character.

(3) OVERLAPPING BENEFITS

The National Insurance (Overlapping Benefits) Provisional Regulations, 1948*

1948 No. 1244

Made - - - -	10*th June*, 1948
Laid before Parliament	15*th June*, 1948
Coming into Operation	21*st June*, 1948

M.N.I. 123.

The National Insurance Joint Authority, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, hereby certify under subsection (4) of section 77 of the National Insurance Act, 1946, that on account of urgency the following regulations should come into operation without delay, and, in exercise of the powers conferred by section 30 of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations as provisional regulations:—

9 & 10 Geo. 6. c. 67.

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Overlapping Benefits) Provisional Regulations, 1948, and shall come into operation on the 21st June, 1948.

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

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

" the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act, 1946;

9 & 10 Geo. 6 c. 62.

" the Minister " means the Minister of National Insurance;

" beneficiary " means the person to whom any benefit, pension or allowance is payable;

" personal benefit " means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant;

" dependency benefit " means that benefit, pension or allowance (whether under the Act or otherwise) which, apart from these regulations, is payable to a person in respect of another person who is a child or an adult dependant;

* Under section 77 (4) of the National Insurance Act, 1946, these Provisional Regulations will not continue in force for longer than three months after the receipt by the authorities making them of the Report of the National Insurance Advisory Committee on the preliminary draft thereof submitted to them in accordance with the said section 77.