The preliminary draft of these Regulations (described on its publication as the preliminary draft of the National Insurance (Unemployment and Sickness Benefit) Amendment (No. 2) Regulations, 1955) 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 January, 1956, is contained in the House of Commons Paper No. 202 (Session 1955-56) published by Her Majesty's Stationery Office.

1956 No. 1199

The National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations, 1956

Made - - - -	31*st July*, 1956
Laid before Parliament	9*th August*, 1956
Coming into Operation	10*th August*, 1956

The Minister of Pensions and National Insurance, in exercise of powers conferred by sections 6 and 9 of the Family Allowances and National Insurance Act, 1956(**a**), and sections 17(**b**), 29 and 65 of the National Insurance Act, 1946(**c**), and the National Insurance Joint Authority in exercise of powers conferred by sections 18, 25, 30 and 31 of the last mentioned Act, in each case in consequence of the first mentioned Act and in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

General

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations, 1956, and shall come into operation on the 10th August, 1956.

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

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

"the Act of 1952" means the Family Allowances and National Insurance Act, 1952(**d**);

"the Act of 1956" means the Family Allowances and National Insurance Act, 1956;

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

"the Existing Beneficiaries Regulations" means the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948(**e**), as amended(**f**);

"the Existing Contributors Regulations" means the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948(**g**), as amended(**h**);

(**a**) 4 & 5 Eliz. 2. c. 50.
(**b**) *See* s. 2 (1) of the Family Allowances and National Insurance Act, 1956.
(**c**) 9 & 10 Geo. 6. c. 67.
(**d**) 15 & 16 Geo. 6. & 1 Eliz. 2. c. 29.
(**e**) S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822).
(**f**) S.I. 1949/1151, 1951/1232, 1952/1252, 1953/979, 1955/47 (1949 I, p. 2744; 1951 I, p. 1457; 1952 II, p. 2165; 1953 I, p. 1368; 1955 I, p. 1605).
(**g**) S.I. 1948/612 (Rev. XVI, p. 18: 1948 I, p. 2834).
(**h**) S.I. 1949/1150, 1412, 1951/538, 1232, 1952/1252, 2144, 1953/979, 1955/47 (1949 I, pp. 2746, 2748; 1951 I, pp. 1498, 1457; 1952 II, pp. 2165, 2154; 1953 I, p. 1368; 1955 I, p. 1605).

"the General Transitional Regulations" means the National Insurance (General Transitional) Regulations, 1948(a), as amended(b);

"the Hospital In-Patients Regulations" means the National Insurance (Hospital In-Patients) Regulations, 1949(c), as amended(d);

"the Overlapping Benefits Regulations," means the National Insurance (Overlapping Benefits) Regulations, 1948(e), as amended(f), and, in relation to any period before the coming into operation of those regulations, the National Insurance (Overlapping Benefits) Provisional Regulations, 1948(g);

"the Widow's Benefit and Retirement Pensions Regulations" means the National Insurance (Widow's Benefit and Retirement Pensions) Regulations, 1948(h), as amended(i);

and other expressions have the same meanings as in the principal Act, as amended by any other enactments, including the Act of 1956.

(3) 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.

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

PART II

WIDOW'S BENEFIT

Relaxation of condition as to duration of marriage

2. As from the 21st August, 1956, paragraph (1) of regulation 3 of the Widow's Benefit and Retirement Pensions Regulations (which relates to the condition as to duration of marriage in relation to widows' pensions in the case of widows who have been married more than once) shall be amended by the substitution for the words "ten years" of the words "three years".

Extension of entitlement of certain existing widow pensioners to widowed mothers' allowances

3.—(1) Subject to the provisions of the next following paragraph, as from the 21st August, 1956, for paragraph (1) of regulation 4 of the Existing Beneficiaries Regulations (which provides that certain existing widow pensioners under the Contributory Pensions Acts may be entitled to widowed mothers' allowances) there shall be substituted the following paragraph—

"(1) Subject to the provisions of the Act and of these regulations, an existing widow pensioner shall be entitled to a widowed mother's allowance for any period for which—

(*a*) she has a family which includes a child—

(i) in respect of whom immediately before the appointed day an additional allowance under the Contributory Pensions Acts was payable by virtue of her husband's insurance, or,

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(a) S.I. 1948/1503 (Rev. XVI, p. 2: 1948 I, p. 2880).
(b) S.I. 1951/1232, 1952/1559 (1951 I, p. 1457; 1952 II, p. 2118).
(c) S.I. 1949/1461 (1949 I, p. 2718).
(d) S.I. 1951/1232, 1952/2144, 2179, 1955/493 (1951 I, p. 1457; 1952 II, pp. 2154, 2147; 1955 I, p. 1586).
(e) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).
(f) S.I. 1951/1232, 1952/422, 526, 2144, 1953/756, 1954/189, 1955/493 (1951 I, p. 1457; 1952 II, pp. 2194, 2196, 2154; 1953 I, p. 1367; 1954 I, p. 1387; 1955 I, p. 1586).
(g) S.I. 1948/1244 (1948 I, p. 2652).
(h) S.I. 1948/1261 (Rev. XVI, p. 207: 1948 I, p. 2704).
(i) S.I. 1951/1232, 1952/2144, 1953/979, 1955/493 (1951 I, p. 1457; 1952 II, p. 2154; 1953 I, p. 1368; 1955 I, p. 1586).
(j) 52 & 53 Vict. c. 63.

(ii) who—

(*aa*) at the husband's death was, or could have been treated under paragraph 3 of the Schedule to the Family Allowances Act, 1945, as, a child of his family; or

(*bb*) is a son or daughter of theirs; or

(*cc*) having at the death of a previous husband of hers by a marriage which ended with that husband's death been a child of that husband's family, was at the death of the last husband a child of her family,

and who, if for the time being included in her family only by virtue of her contributing to the cost of providing for him, is so included by virtue of her so contributing at the rate of sixteen shillings and sixpence a week or more; or

(*b*) subject to the exception and condition prescribed in regulation 8 of the National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations, 1956, while not having such a family as aforesaid, she has residing with her a person who is under the age of eighteen years and is, has been, or would, but for the fact that at the husband's death that person was not in Great Britain, be or have been, a child falling within paragraph (i) or within sub-paragraph (*aa*), (*bb*) or (*cc*) of paragraph (ii) of sub-paragraph (*a*) of this paragraph."

(2) That part of sub-paragraph (*a*) of the paragraph (1) substituted by the foregoing paragraph of this regulation which follows immediately after sub-paragraph (*cc*) of paragraph (ii) of the said sub-paragraph (*a*) shall not have effect as respects any period before the 2nd October, 1956.

Increase in rates of widowed mother's allowance for existing beneficiaries

4.—(1) Subject to the provisions of the next following paragraph, as from the 21st August, 1956, for the purposes of increasing the rates of widowed mothers' allowances payable, by virtue of the widow's having a family, under regulation 8, as amended(**a**), of the Existing Beneficiaries Regulations (which relates to widowed mothers' allowances, widows' pensions and retirement pensions at reduced rates), of providing for the payment of widowed mothers' allowances under that regulation otherwise than by virtue of the widow's having a family, and of giving effect to regulation 6 of these regulations (which amends the provisions of paragraph (1) of regulation 11 of the Existing Beneficiaries Regulations relating to reduction of benefits on account of earnings), the revised Schedule set out in Schedule B to these regulations (being the Schedule there referred to as the "First Schedule", and showing in column (2) in italics and in column (4) respectively the increased rates of widowed mothers' allowances payable by virtue of the widow's having a family and the rates of widowed mothers' allowances payable otherwise than by virtue of the widow's having a family, widows' pensions and certain retirement pensions for existing beneficiaries who are widows, and in column (3) in italics and in column (5) the rates below which such allowances and pensions shall not be reduced on account of earnings) shall be substituted for the First Schedule, as amended(**b**), to the Existing Beneficiaries Regulations (which is referred to in the said regulation 8 of those regulations).

(2) Nothing in this regulation shall affect the rate of a widowed mother's allowance payable by virtue of the widow's having a family or the rate below

(**a**) *See* reg. 5, S.I. 1955/47 (1955 I, p. 1605).
(**b**) *See* Schedule D, S.I. 1955/47 (1955 I, p. 1605).

which such an allowance shall not be reduced on account of earnings as respects any period before the 2nd October, 1956.

Increase in certain rates of widowed mother's allowance payable at reduced rate owing to partial satisfaction of contribution conditions

5. As from the 2nd October, 1956, the revised Schedule set out in Schedule C to these regulations (showing in italics in column (3) the increased rate of widowed mother's allowance where it is payable by virtue of the widow's having a family and is payable at reduced rate by reason of partial satisfaction of contribution conditions) shall be substituted for the Schedule(**a**) to the Widow's Benefit and Retirement Pensions Regulations.

PART III

PROVISIONS RELATING TO EARNINGS

Relaxation of earnings rule for existing beneficiaries who are widows

6.—(1) Subject to the provisions of paragraph (3) of this regulation, as from the 21st August, 1956, paragraph (1) of regulation 11 as amended(**b**) of the Existing Beneficiaries Regulations (which relates to reductions in the rate of benefit on account of earnings) shall be amended in accordance with the provisions of the next following paragraph, and shall accordingly have effect as set out in Part I of Schedule A to these regulations.

(2) In the said paragraph (1)—

(*a*) for sub-paragraph (*a*) there shall be substituted the following paragraph—

"(*a*) in the case of a widowed mother's allowance payable by virtue of the widow's having a family at the rate of fifty-six shillings and sixpence, to less than twenty-six shillings and sixpence (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or"

(*b*) in sub-paragraph (*b*) after the word "allowance" there shall be inserted the words "payable by virtue of the widow's having a family"; and

(*c*) in sub-paragraph (*c*) and in sub-paragraph (*d*) after the words "in the case of" there shall in each case be inserted the words "a widowed mother's allowance payable otherwise than by virtue of the widow's having a family".

(3) Nothing in this regulation shall affect the rate below which a widowed mother's allowance payable by virtue of the widow's having a family shall not be reduced on account of earnings as respects any period before the 2nd October, 1956.

Relaxation of earnings rule for widows of existing contributors

7.—(1) Subject to the provisions of paragraph (4) of this regulation, as from the 21st August, 1956, regulation 12, as amended(**c**), of the Existing Contributors Regulations (which relates to reductions in the rate of benefit on account of earnings) shall be amended in accordance with the provisions of the next following paragraph and shall accordingly have effect as set out in Part II of Schedule A to these regulations.

(**a**) *See* Schedule D, S.I. 1955/493 (1955 I, p. 1586).
(**b**) *See* reg. 9 and Part V of Schedule A, S.I. 1955/47 (1955 I, p. 1605).
(**c**) *See* reg. 10 and Part VI of Schedule A, S.I. 1955/47 (1955 I, p. 1605).

(2) In the said regulation 12—

(*a*) for paragraph (*a*) there shall be substituted the following paragraph—

"(*a*) in the case of a widowed mother's allowance payable by virtue of the widow's having a family at the rate of fifty-six shillings and sixpence, to less than twenty-six shillings and sixpence (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or"

(*b*) in paragraph (*b*) after the word "allowance" there shall be inserted the words "payable by virtue of the widow's having a family"; and

(*c*) in paragraph (*c*) and in paragraph (*d*) after the words "in the case of" there shall in each case be inserted the words "a widowed mother's allowance payable otherwise than by virtue of the widow's having a family".

(3) Subject as aforesaid, the revised Schedule set out in Schedule D to these regulations (being the Schedule there referred to as the "Fourth Schedule" and showing in column (2) in italics and in column (4) the rates in the case of widowed mothers' allowances and of widows' pensions and certain retirement pensions for widows of existing contributors below which such allowances and pensions shall not be reduced on account of earnings) shall be substituted for the Fourth Schedule as amended(**a**) to the Existing Contributors Regulations (which is referred to in the said regulation 12 of those regulations).

(4) Nothing in this regulation shall affect the rate below which a widowed mother's allowance payable by virtue of the widow's having a family shall not be reduced on account of earnings as respects any period before the 2nd October, 1956.

PART IV

MISCELLANEOUS PROVISIONS

Condition of entitlement to widowed mother's allowance otherwise than by virtue of the widow's having a family

8. As from the 21st August, 1956, sub-paragraph (ii) of paragraph (*b*) of subsection (1) of section 17 of the principal Act, as amended by section 2 of and the Schedule to the Act of 1956, (which sub-paragraph specifies certain conditions of entitlement to widowed mother's allowance otherwise than by virtue of the widow's having a family) and sub-paragraph (*b*) of paragraph (1) of regulation 4 of the Existing Beneficiaries Regulations, as amended by regulation 3 of these regulations, (which sub-paragraph specifies corresponding conditions applying in certain transitional cases) shall have effect subject—

(*a*) to the exception that a widow shall not be entitled thereunder to a widowed mother's allowance in respect of a child, unless either that child cannot, by reason of the provisions of subsection (3) of section 24 of the Family Allowances Act, 1945(**b**) (which subsection makes it a condition of a child's being treated as a member of any family that the child is in Great Britain), be treated as a member of any family or that child is not a son or daughter of hers and the husband's and could not, by reason of the provisions of the said subsection (3) be treated at the date of the husband's death, as a member of any family; and

(**a**) *See* Schedule F, S.I. 1955/47 (1955, I, p. 1605). (**b**) 8 & 9 Geo. 6. c. 41.

(*b*) to the condition that no payment of benefit shall be made thereunder in respect of a child who immediately before the passing of the Act of 1956 could not be treated as a member of any family by reason of the provisions of the said subsection (3), unless a claim for such benefit has been made after the passing of the Act of 1956 in accordance with the requirements of the principal Act.

Amendment of special conditions in relation to retirement pensions by virtue of the husband's insurance in the case of women marrying after pensionable age

9.—(1) As from the 21st August, 1956, paragraph (1) of regulation 4 of the Widow's Benefit and Retirement Pensions Regulations (which relates to special conditions in relation to retirement pensions by virtue of the husband's insurance in the case of women marrying after pensionable age) shall be amended in accordance with the provisions of the following paragraph of this regulation, and shall accordingly have effect as set out in Part III of Schedule A to these regulations.

(2) In paragraph (ii) of sub-paragraph (*a*) of the said paragraph (1) there shall be substituted for the words "has a family which includes a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs" the words "satisfies the requirements of paragraph (*b*) of subsection (1) of section 17 of the Act, as amended by section 2 of and the Schedule to the Family Allowances and National Insurance Act, 1956 (which paragraph as so amended specifies the conditions of entitlement to widowed mother's allowance)".

(3) In sub-paragraph (*b*) of the said paragraph (1) there shall be inserted after the word "disqualification" the words "or had subsection (2) of section 2 of the Family Allowances and National Insurance Act, 1956 (which contains provisions as to national insurance benefits for widows) then been in force".

(4) In sub-paragraph (*c*) of the said paragraph (1) there shall be inserted after the word "employment" the words "or had subsection (3) of section 2 of the Family Allowances and National Insurance Act, 1956, then been in force".

Provisions as to claims

10.—(1) For the purpose of paragraph (*b*) of subsection (5) of section 6 of the Act of 1956 (which section relates to the appointed day and transitional provisions) a person who would, subject to that subsection, be entitled to a payment of benefit under the principal Act but for any disqualification shall be treated as if so entitled thereto.

(2) Any case in which, under the provisions of subsection (5) of the said section 6 or of paragraph (*b*) of regulation 8 of these regulations no payment can be made of benefit under the principal Act unless a claim therefor has been made after the passing of the Act of 1956, shall be excepted from the operation of subsection (1) of section 9 of the Act of 1952 (which relates to the effect of certain awards under the principal Act) by virtue of subsection (6) of the said section 6.

Division of widowed mother's allowance into dependency benefit and personal benefit

11.—(1) As from the 2nd October, 1956, paragraph (4) as amended(**a**), of regulation 1 of the Overlapping Benefits Regulations and regulation 7, as

(**a**) *See* reg. 13 and Part VI of Schedule A, S.I. 1955/493 (1955 I, p. 1586).

amended(a), of the Hospital In-Patients Regulations (which provisions relate to the division of widowed mother's allowance into dependency benefit and personal benefit) shall be amended in accordance with the provisions of the next following paragraph and shall have effect as set out in Parts IV and V respectively of Schedule A to these regulations.

(2) In the said paragraph (4) and in the said regulation 7, for the words "eleven shillings and sixpence", wherever they occur, there shall be substituted the words "sixteen shillings and sixpence".

Persons not resident in Great Britain

12.—(1) Notwithstanding the provisions of these or any other regulations, but subject to the provisions of this regulation, if a person is not resident in Great Britain immediately before the 5th July, 1956 (being the date of the passing of the Act of 1956), then unless and until that person becomes resident in Great Britain the following provisions shall apply:—

(*a*) if that person's husband died before the said 5th July, that person shall be disqualified for receiving any additional widow's benefit or additional retirement pension by virtue of that husband's insurance;

(*b*) if immediately before the said 5th July that person is entitled to a retirement pension or a contributory old age pension, he shall be disqualified for receiving any additional retirement pension:

Provided that, where a woman and her husband are then both not resident in Great Britain and she is not, but her husband is, then so entitled, she shall, unless and until she becomes so resident, be disqualified for receiving any additional widow's benefit or additional retirement pension by virtue of her husband's insurance.

(2) For the purposes of the provisions of this regulation, references to additional benefit of any description are to be construed as referring to any benefit of that description by virtue (either directly or indirectly) of any of the provisions of subsection (1), subsection (2) or subsection (3) of section 2, or section 3, of the Act of 1956 (which provisions relate respectively to benefits for widows and to the validation of certain marriages) or of these regulations to the extent that that benefit is at a rate in excess of the rate at which, or is not in respect of a period for which, it would have been payable but for that provision:

Provided that a widowed mother's allowance payable for any period otherwise than by virtue of a widow's having a family, and any widow's pension or retirement pension payable for any period by virtue of the husband's insurance to a widow after she has ceased to be entitled to such a widowed mother's allowance, shall be deemed to be additional benefit only if, and to the extent that, it exceeds the appropriate rate calculated in accordance with the provisions of the next following paragraph.

(3) The appropriate rate for the purpose of the proviso to the last preceding paragraph shall be the rate, ascertained in accordance with the provisions (other than any provision reducing the rate of a widowed mother's allowance in respect of a beneficiary's earnings) of the principal Act as it applied at the date of the husband's death or at the date when the widow was last resident in Great Britain (whichever is the later) to persons residing in Great Britain, of that part of a widowed mother's allowance which would then have been treated as personal benefit under the provisions of the Overlapping Benefits Regulations:

(a) *See* reg. 13 and Part VII of Schedule A, S.I. 1955/493 (1955 I, p. 1586).

Provided that—

(*a*) if the widow then was (or would, had she then had a family entitling her to a widowed mother's allowance, have been) affected by any provision for the payment of widowed mother's allowance at less than the full standard rate, the rate shall be reduced accordingly ; and

(*b*) there shall be deducted from the rate so ascertained an amount equal to the amount (if any) by which the rate of the widowed mother's allowance, widow's pension or retirement pension, as the case may be, is to be reduced in respect of the beneficiary's earnings in accordance with the provisions of the principal Act as it applies in the period for which the allowance or pension is payable.

(4) The disqualifications for the receipt of additional benefit contained in this regulation shall not apply—

(*a*) to a person for any period during which he is in Great Britain ; or

(*b*) to a woman who, immediately before the said 5th July, is entitled to a retirement pension by virtue of her own insurance or to a retirement pension by virtue of her husband's insurance, in relation to a retirement pension by virtue of her husband's insurance, or to a retirement pension by virtue of her own insurance, as the case may be, to which she thereafter becomes entitled.

(5) For the purposes of this regulation, a person shall be treated as entitled to any benefit immediately before the said 5th July if he would then have been so entitled but for any one or more of the following causes, namely : —

(*a*) any delay or failure to make a claim ;

(*b*) any disqualification for the receipt of benefit ;

(*c*) any provision of either the principal Act, or any regulations made thereunder, relating to earnings ;

(*d*) the provisions of subsection (4) of section 21 of the principal Act (which relates to the disentitlement of a woman to more than one retirement pension for the same period) ; or

(*e*) the fact that the date as from which any provision of the Act of 1956 or of these regulations takes effect was not before the said 5th July.

Child's allowance for existing beneficiaries

13.—(1) As from the 21st August, 1956, paragraph (3) of regulation 12 of the Existing Beneficiaries Regulations (which relates to the conversion of additional allowance under the Contributory Pensions Acts into child's allowance in certain cases) shall be amended in accordance with the provisions of the next following paragraph, and shall accordingly have effect as set out in Part VI of Schedule A to these regulations.

(2) At the end of the said paragraph (3) there shall be added the words " or after the widow of the husband by virtue of whose insurance the additional allowance under the Contributory Pensions Acts was payable becomes entitled under regulation 4 (1) (*b*) to a widowed mother's allowance by virtue of that insurance and the child's allowance would, but for this provision, be payable to her."

Child's allowance for certain children outside Great Britain

14. The amount of a child's allowance which is or becomes payable under regulation 18 of the General Transitional Regulations or under paragraph (4) (**a**) of regulation 6 of the Existing Contributors Regulations (which

(**a**) *See* S.I. 1951/538 (1951 I, p. 1498).

provisions relate to child's allowance for certain children outside Great Britain) shall not be affected by section 2 of the Act of 1956 or any provision contained in Part II or Part III of these regulations.

Appointed day and transitional provisions

15. The provisions of subsections (3) and (5) of section 6 of the Act of 1956 shall apply in relation to any payment by virtue of regulation 3 or regulation 4 of these regulations as if any reference therein to the appointed day were a reference to the date as from which those regulations have effect and as if those regulations were included in the provisions referred to in paragraph (*a*) of the said subsection (5).

Given under the Official Seal of the Minister of Pensions and National Insurance this 31st day of July, nineteen hundred and fifty-six.

(L.S.)

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

Given under the Official Seal of the National Insurance Joint Authority this 31st day of July, nineteen hundred and fifty-six.

(L.S.)

T. C. Stephens,
Secretary,
National Insurance Joint Authority.

Dated this 31st day of July, nineteen hundred and fifty-six.

Martin Redmayne,
Gerald Wills,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE A

Containing Provisions of Regulations under the Principal Act which are amended in consequence of the Act of 1956.*

PART I — Regulation 6

PARAGRAPH (1) OF REGULATION 11 OF THE EXISTING BENEFICIARIES REGULATIONS, AS AMENDED BY THESE REGULATIONS

(1) 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—

(*a*) in the case of a widowed mother's allowance *payable by virtue of the widow's having a family* at the rate of *fifty-six shillings and sixpence*, to less than *twenty-six shillings and sixpence* (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or

(*b*) in the case of a widowed mother's allowance *payable by virtue of the widow's having a family* at one of the rates specified in the second column

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

of the First Schedule to these regulations, to less than the rate set opposite thereto in the third column (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or

(*c*) in the case of *a widowed mother's allowance payable otherwise than by virtue of the widow's having a family*, a widow's pension or such a retirement pension at the rate of forty shillings, to less than ten shillings; or

(*d*) in the case of *a widowed mother's allowance payable otherwise than by virtue of the widow's having a family*, a widow's pension or such a retirement pension at one of the rates specified in the fourth column of the said Schedule, to less than the rate set opposite thereto in the fifth column.

PART II Regulation 7

REGULATION 12 OF THE EXISTING CONTRIBUTORS REGULATIONS, AS AMENDED BY THESE REGULATIONS

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 *payable by virtue of the widow's having a family* at the rate of *fifty-six shillings and sixpence*, to less than *twenty-six shillings and sixpence* (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or

(*b*) in the case of a widowed mother's allowance *payable by virtue of the widow's having a family* 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 (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or

(*c*) in the case of *a widowed mother's allowance payable otherwise than by virtue of the widow's having a family*, a widow's pension or such a retirement pension at the rate of forty shillings, to less than ten shillings; or

(*d*) in the case of *a widowed mother's allowance payable otherwise than by virtue of a widow's having a family*, 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.

PART III Regulation 9

PARAGRAPH (1) OF REGULATION 4 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS, AS AMENDED BY THESE REGULATIONS

(1) For the purposes of paragraph (iii) of subsection (1) of section 21 of the Act (which paragraph relates to the prescribing of further conditions for entitlement to a retirement pension by virtue of the insurance of the husband in a case where a woman married the husband after attaining pensionable age), one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say:—

(*a*)-(i) that she and her husband have been married for not less than three years; or

(ii) that, if the husband dies before the expiration of three years from the date of the marriage, she *satisfies the requirements of paragraph* (*b*) *of subsection* (1) *of section* 17 *of the Act, as amended by section* 2 *of and the*

Schedule to the Family Allowances and National Insurance Act, 1956 (*which paragraph, as so amended, specifies the conditions of entitlement to widowed mother's allowance*); or

(*b*) that, immediately before the date of the marriage, she was or, but for any disqualification, *or had subsection* (2) *of section* 2 *of the Family Allowances and National Insurance Act,* 1956 (*which contains provisions as to national insurance benefits for widows*) *then been in force,* would have been entitled to widow's benefit; or

(*c*) that, immediately before the said date, she was entitled to a retirement pension, or would have been so entitled but for any disqualification, or but for her failure to satisfy the condition that she had retired from regular employment, *or had subsection* (3) *of section* 2 *of the Family Allowances and National Insurance Act,* 1956 *then been in force;* or

(*d*) that, immediately before the said date, she was entitled, otherwise than under the Act, to any pension or allowance payable out of public funds and ceased to be so entitled by reason only of her marriage or re-marriage.

PART IV — Regulation 11

PARAGRAPH (4) OF REGULATION 1 OF THE OVERLAPPING BENEFITS REGULATIONS, AS AMENDED BY THESE REGULATIONS

(4) For the purpose of these regulations, where any benefit by way of widowed mother's allowance is or may be payable to a widow by reason of her having a family which includes a child or children, that benefit (apart from any increase in respect of any child other than the elder or eldest) shall be deemed to consist of—

(*a*) dependency benefit by way of widowed mother's allowance payable to the widow in respect of that child or the elder or eldest of those children at the weekly rate of *sixteen shillings and sixpence;* and

(*b*) personal benefit by way of widowed mother's allowance payable to the widow otherwise than in respect of any child at the weekly rate at which the first mentioned benefit is or may be payable reduced by *sixteen shillings and sixpence* a week.

PART V — Regulation 11

REGULATION 7 OF THE HOSPITAL IN-PATIENTS REGULATIONS, AS AMENDED BY THESE REGULATIONS

Division of widowed mother's allowance into dependency benefit and personal benefit

7. For the purposes of these regulations, where any benefit by way of widowed mother's allowance is or may be payable to a widow by reason of her having a family which includes a child or children, that benefit (apart from any increase in respect of any child other than the elder or eldest) shall be deemed to consist of—

(*a*) dependency benefit by way of widowed mother's allowance payable to the widow in respect of that child or the elder or eldest of those children at the weekly rate of *sixteen shillings and sixpence;* and

(*b*) personal benefit by way of widowed mother's allowance payable to the widow otherwise than in respect of any child at the weekly rate at which the benefit by way of widowed mother's allowance is or may be payable reduced by *sixteen shillings and sixpence* a week.

PART VI Regulation 13

PARAGRAPH (3) OF REGULATION 12 OF THE EXISTING BENEFICIARIES REGULATIONS, AS AMENDED BY THESE REGULATIONS

(3) A child's allowance in respect of any child shall not be payable for any period after a widowed mother's allowance becomes payable by reason of the child being included in the family of a widow *or after the widow of the husband by virtue of whose insurance the additional allowance under the Contributory Pensions Acts was payable becomes entitled under regulation* 4 (1) (*b*) *to a widowed mother's allowance by virtue of that insurance and the child's allowance would, but for this provision, be payable to her.*

SCHEDULE B Regulation 4

SHOWING (IN COLUMNS (2) AND (4) RESPECTIVELY) INCREASED RATES OF WIDOWED MOTHERS' ALLOWANCES PAYABLE BY VIRTUE OF THE WIDOW'S HAVING A FAMILY AND THE RATES OF WIDOWED MOTHERS' ALLOWANCES PAYABLE OTHERWISE THAN BY VIRTUE OF THE WIDOW'S HAVING A FAMILY, OF WIDOWS' PENSIONS AND OF CERTAIN RETIREMENT PENSIONS FOR EXISTING BENEFICIARIES WHO ARE WIDOWS AND (IN COLUMNS (3) AND (5)) RATES BELOW WHICH SUCH ALLOWANCES AND PENSIONS SHALL NOT BE REDUCED ON ACCOUNT OF EARNINGS

(*Note* :—The following provisions are by regulation 4 incorporated in the Existing Beneficiaries Regulations as the First Schedule thereto in substitution for the existing First Schedule.)

" FIRST SCHEDULE Regulations 8 and 11 (1)

Table showing* :—

(1) in the first column, the rate at which a widow's pension was or would, but for any disqualification, have been payable (apart from any additional allowance or increase) immediately before the appointed day ; and

(2) in the second and fourth columns, respectively, the corresponding rates of widowed mother's allowance *payable by virtue of the widow's having a family,* and *widowed mother's allowance payable otherwise than by virtue of the widow's having a family,* widow's pension or retirement pension for a widow by virtue of her husband's insurance ; and

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

Rate (apart from additional allowance or increase) of widow's pension immediately before the appointed day	Corresponding rate of widowed mother's allowance *payable by virtue of the widow's having a family*	Rate below which widowed mother's allowance *payable by virtue of the widow's having a family* shall not be reduced on account of earnings	Corresponding rate of *widowed mother's allowance payable otherwise than by virtue of the widow's having a family,* widow's pension or retirement pension for a widow by virtue of husband's insurance	Rate below which *widowed mother's allowance payable otherwise than by virtue of the widow's having a family,* widow's pension or retirement pension for a widow by virtue of husband's insurance shall not be reduced on account of earnings
(1)	(2)	(3)	(4)	(5)
s. d.	s. d.	s. d.	s. d.	s. d.
9 0	*52 6*	*25 6*	36 0	9 0
8 0	*48 6*	*24 6*	32 0	8 0
7 0	*44 6*	*23 6*	28 0	7 0
6 0	*40 6*	*22 6*	24 0	6 0
5 0	*36 6*	*21 6*	20 0	5 0 "

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

SCHEDULE C

Regulation 5

SHOWING IN COLUMN (3) INCREASED RATES OF WIDOWED MOTHER'S ALLOWANCE WHERE IT IS PAYABLE BY VIRTUE OF THE WIDOW'S HAVING A FAMILY AND IS PAYABLE AT REDUCED RATES BY REASON OF PARTIAL SATISFACTION OF CONTRIBUTION CONDITIONS

(*Note*:—The following provisions are by regulation 5 incorporated in the Widow's Benefit and Retirement Pensions Regulations as the Schedule thereto in substitution for the existing Schedule.)

"SCHEDULE

Regulation 7 (2)

SHOWING REDUCED RATES OF WIDOW'S BENEFIT AND RETIREMENT PENSION AND OF INCREASE OF RETIREMENT PENSION IN RESPECT OF A WIFE*

(1) Yearly average of contributions paid or credited	(2)	(3)	(4)	(5)
	Full weekly rate of benefit applicable under Part I of the Second Schedule to the Act			
	s. d. 55 0	s. d. *56 6*	s. d. 40 0	s. d. 25 0
	Reduced rate at which benefit is payable			
	s. d.	s. d.	s. d.	s. d.
48–49	52 6	*55 0*	38 6	24 0
46–47	50 6	*53 6*	37 0	23 6
43–45	48 0	*52 0*	35 6	22 0
40–42	44 6	*49 0*	32 6	20 6
37–39	40 6	*45 6*	29 0	19 0
34–36	36 0	*42 6*	26 0	17 0
30–33	32 0	*39 6*	23 0	15 0
26–29	27 6	*36 6*	20 0	12 6
22–25	23 0	*33 6*	17 0	10 0
18–21	19 0	*30 6*	14 0	8 6
13–17	14 6	*27 6*	11 0	7 0"

SCHEDULE D

Regulation 7

SHOWING (IN COLUMNS (2) AND (4)) RATES BELOW WHICH WIDOWED MOTHERS' ALLOWANCES, WIDOWS' PENSIONS, AND CERTAIN RETIREMENT PENSIONS FOR WIDOWS OF EXISTING CONTRIBUTORS SHALL NOT BE REDUCED ON ACCOUNT OF EARNINGS

(*Note*:—The following provisions are by regulation 7 incorporated in the Existing Contributors Regulations as the Fourth Schedule thereto in substitution for the existing Fourth Schedule.)

* The figures substituted by these regulations are shown in italics.

"FOURTH SCHEDULE Regulation 12

Table showing*:—

(1) in the first and third columns, the rates of widowed mother's allowance *payable by virtue of the widow's having a family and widowed mother's allowance payable otherwise than by virtue of the widow's having a family*, 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, 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 *payable by virtue of the widow's having a family* (1)	Minimum reduced rate (2)	Rate of *widowed mother's allowance payable otherwise than by virtue of the widow's having a family*, widow's pension or retirement pension for a widow by virtue of husband's insurance (3)	Minimum reduced rate (4)
s. d.	s. d.	s. d.	s. d.
55 0	*26 0*	38 6	9 6
53 6	*25 6*	37 0	9 0
52 0	*25 0*	35 6	8 6
49 0	*24 6*	32 6	8 0
45 6	*24 0*	29 0	7 6
42 6	*23 0*	26 0	6 6
39 6	*22 6*	23 0	6 0
36 6	*21 6*	20 0	5 0
33 6	*20 6*	17 0	4 0
30 6	*20 0*	14 0	3 6
27 6	*19 0*	11 0	2 6"

EXPLANATORY NOTE

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

These Regulations, which are made in consequence of the Family Allowances and National Insurance Act, 1956, relax the condition as to duration of marriage in relation to widows' pensions, in the case of widows who have been married more than once, from ten years to three years and extend entitlement of certain existing widow pensioners to widowed mothers' allowances. Rates of widowed mother's allowance for existing beneficiaries and certain rates of widowed mother's allowance payable at reduced rate owing to partial satisfaction of contribution conditions are increased.

The Regulations also relax the earnings rule for existing beneficiaries who are widows and for widows of existing contributors, and contain provisions applying in relation to widowed mothers' allowances payable to widows who have no qualifying children in their families. Special provision is made in relation to the payment of additional benefit in the case of persons not residing in Great Britain.

The remaining provisions are of a minor or consequential character.

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