EXPLANATORY NOTE

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

These Regulations revoke those provisions of the National Insurance (Overlapping Benefits) Regulations, 1948, which provide for adjusting sickness benefit payable to certain persons who are or have been entitled to workmen's compensation.

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 16th April, 1953, is contained in House of Commons Paper No. 164 (Session 1952-53) published by Her Majesty's Stationery Office.

1953 No. 979

The National Insurance (Widow's Benefit and Retirement Pensions) Amendment Regulations, 1953

Made - - - -	18*th June*, 1953
Laid before Parliament	22*nd June*, 1953
Coming into Operation	24*th June*, 1953

The National Insurance Joint Authority, in exercise of powers conferred by section 18 of the National Insurance Act, 1946(**a**), and the Minister of National Insurance in conjunction with the Treasury, in exercise of powers conferred by section 65 of that Act, and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Widow's Benefit and Retirement Pensions) Amendment Regulations, 1953, shall be read as one with the National Insurance (Widow's Benefit and Retirement Pensions) Regulations, 1948(**b**), as amended(**c**), (hereinafter referred to as " the principal regulations ") and shall come into operation on the 24th June, 1953.

Amendment of the principal regulations

2.—(1) Paragraph (1) of regulation 3 of the principal regulations (which relates to widows who have been married more than once) shall be amended in accordance with the following provisions of this regulation, and the said regulation 3 shall accordingly have effect as set out in the Schedule hereto.

(2) In the said paragraph (1), for the words " or entitled to widow's benefit other than a widow's basic pension ", there shall be substituted the following words :—

" or entitled either to widow's benefit other than a widow's basic pension(**d**) or to a widow's pension under the Widows', Orphans' and Old

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(**a**) 9 & 10 Geo. 6. c. 67.
(**b**) S.I. 1948/1261; Rev. XVI, p. 207; 1948 I, p. 2704.
(**c**) S.I. 1951/1232; 1952/2144: 1951 I, p. 1457; 1952 II, p. 2154.
(**d**) *See* reg. 3, National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948 (S.I. 1948/55; Rev. XVI, p. 36; 1948 I, p. 2822).

Age Contributory Pensions Acts, 1936 to 1941 (hereafter in this regulation referred to as the " Contributory Pensions Acts ") in so far as that pension included an additional allowance in respect of a child or children ".

(3) In the proviso to the said paragraph (1), for the words " nor entitled to such widow's benefit ", there shall be substituted the following words:—

" nor entitled either to such widow's benefit or to such a widow's pension under the Contributory Pensions Acts ".

(4) In the said proviso, after the words " such benefit ", there shall be inserted the words " or such pension ".

Revocations

3. Regulation 24 of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations, 1948(**a**), and paragraph (2) of regulation 4 of the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948(**b**), are hereby revoked, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

Given under the official seal of the National Insurance Joint Authority this 12th day of June, nineteen hundred and fifty-three.

(L.S.)

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

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

(L.S.)

Osbert Peake,
Minister of National Insurance.

Dated this 18th day of June, nineteen hundred and fifty-three.

T. G. D. Galbraith,
Dennis Vosper,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE Regulation 2

REGULATION 3 OF THE PRINCIPAL REGULATIONS, AS AMENDED*

Condition as to duration of marriage in relation to widows' pensions in the case of widows who have been married more than once

3.—(1) Where a widow has been married more than once, then for the purpose of her right to a widow's pension in respect of her last marriage, the condition as to the duration of that marriage contained in paragraph (*c*) of subsection (1) of section 17 of the Act (or, in a case to which, instead of that condition, the alternative condition contained in paragraph (*b*) of subsection (1) or in subsection (4) of

(a) S.I. 1948/55; Rev. XVI, p. 36; 1948 I, p. 2822; and S.I. 1949/1151; 1949 I, p. 2744.
(b) S.I. 1948/612; Rev. XVI, p. 18; 1948 I, p. 2834; and S.I. 1949/1150; 1949 I, p. 2746.

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

section 18 of the Act applies, the said alternative condition) shall be deemed to be satisfied if the sum total of any periods before the relevant time (as defined in the next succeeding paragraph) during which she was either a married woman, *or entitled either to widow's benefit other than a widow's basic pension or to a widow's pension under the Widows', Orphans' and Old Age Contributory Pensions Acts,* 1936 *to* 1941 *(hereafter in this regulation referred to as the "Contributory Pensions Acts") in so far as that pension included an additional allowance in respect of a child or children,* or only not so entitled by reason of disqualification, amounts to not less than ten years:

Provided that if throughout the three years immediately preceding the date of any marriage of the widow, she was neither a married woman *nor entitled either to such widow's benefit or to such a widow's pension under the Contributory Pensions Acts* (apart from any disqualification therefor), any period during which she was married, or was so entitled to such benefit *or such pension* before the date of that marriage, shall not be taken into account for the purpose of this regulation.

(2) In the preceding paragraph, the expression "the relevant time" means for the purposes of the said paragraph (*c*) the date of the husband's death, for the purposes of the said paragraph (*b*) the date on which the widow ceases to be entitled to a widowed mother's allowance, and for the purposes of the said subsection (4) the date on which she ceases to be entitled to a widow's pension.

EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Widow's Benefit and Retirement Pensions) Regulations, 1948, by further relaxing for the purposes of widow's pensions the condition as to the duration of marriage in the case of widows married more than once. They provide that, in certain circumstances, such a widow may, in computing the duration of her last marriage, include any period during which she was entitled to a widow's pension and an additional allowance under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941.

The Regulations, which apply to all such widows, revoke and replace the provisions of regulations made under the transitional provisions of the National Insurance Act, 1946, which had made a similar relaxation in relation only to widows who were existing widow pensioners under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, or whose husbands were existing contributors under those Acts.

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 21st May, 1953, is contained in House of Commons Paper No. 205 (Session 1952-53) published by Her Majesty's Stationery Office.