STATUTORY INSTRUMENTS

1964 No. 2001

NATIONAL INSURANCE

The National Insurance (Widow's Benefit) (Consequential Provisions) Regulations 1964

Made - - - -	17*th December* 1964
Laid before Parliament	18*th December* 1964
Coming into Operation	21*st December* 1964

The National Insurance Joint Authority, in exercise of powers conferred by section 31(1) of the National Insurance Act 1946(a), and the Minister of Pensions and National Insurance, in exercise of powers conferred by sections 28(4), 43 and 65 of that Act and sections 1 and 9(1)(*b*) of the National Insurance Act 1957(b), in each case in consequence of the National Insurance &c. Act 1964(c) 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:—

Citation, commencement and interpretation

1. These regulations may be cited as the National Insurance (Widow's Benefit) (Consequential Provisions) Regulations 1964 and shall come into operation on 21st December 1964.

Amendment of Widow's Benefit and Retirement Pensions Regulations

2.—(1) The National Insurance (Widow's Benefit and Retirement Pensions) Regulations 1948(d) shall be amended in accordance with the following provisions of this regulation.

(2) Regulation 9(*c*)(e) as amended (f) (conditions of election to re-enter employment) shall cease to have effect.

(3) For regulation 12(2)(e) as amended (f) (contributions to be disregarded in computing increase of retirement pension) there shall be substituted the following paragraph:—

" (2) This regulation shall not apply in respect of a contribution week for which a woman obtains payment only of—

(*a*) a widowed mother's allowance (apart from any increase thereof) at a rate not exceeding 30 shillings a week; or

(*b*) a contributory old age pension."

(4) The paragraph substituted for the said paragraph 12(2) by the preceding paragraph of this regulation shall have effect, in respect of any contribution week before the 29th March 1965, as if for the words " 30 shillings " there were substituted the words " 26 shillings".

(a) 9 & 10 Geo. 6. c. 67. (b) 5 & 6 Eliz. 2. c. 26 (c) 1964 c. 96.
(d) S.I. 1948/1261 (Rev. XVI, p. 207: 1948 I, p. 2704).
(e) *Inserted by* S.I. 1957/1309 (1957 I, p. 1615).
(f) S.I. 1963/394 (1963 I, p. 424).

Amendment of General Benefit Regulations

3. In the National Insurance (General Benefit) Regulations 1948(**a**), the Schedule thereto (provisions for the purpose of which disqualifications under the Act are to be disregarded) shall be amended by the substitution in column 4 thereof:—

(*a*) for the paragraph set opposite to section 18(1), of the following paragraph:—

"Widows' pensions for certain widows ceasing to be entitled to widowed mother's allowance when over the age of fifty but under the age of sixty-five.";

(*b*) for the paragraph set opposite to section 18(4), of the following paragraph:—

"Widows' pensions for certain widows ceasing to be entitled to pension under section 18(3) at a time when they are over the age of fifty but under the age of sixty-five."

Amendment of Existing Beneficiaries Regulations

4.—(1) The National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations 1948(**b**) shall be amended in accordance with the following provisions of this regulation.

(2) For regulation 5, there shall be substituted the following regulation:—

"*Conversion of widow's pension under the Contributory Pensions Acts into widow's basic pension, contributory old age pension or retirement pension in certain cases.*

5.—(1) Subject to the provisions of the Act and of these regulations, an existing widow pensioner shall be entitled—

(*a*) if she has not attained pensionable age, to a widow's basic pension; or

(*b*) if she had attained pensionable age, to a contributory old age pension or to a retirement pension as if she were an existing old age pensioner to whom the provisions of paragraph (1) of the next succeeding regulation apply.

(2) A widow's basic pension shall be payable in respect of the period up to the date on which the widow attains pensionable age and shall thereupon be converted into a contributory old age pension at the same rate as the widow's basic pension:

Provided that a widow shall not be entitled to a widow's basic pension by virtue of this regulation for any period during which she is entitled to a widowed mother's allowance or a widow's pension."

(3) Regulation 11 as amended(**c**) (modification of provisions of the Act relating to reductions in the rate of benefit on account of earnings) shall cease to have effect, and accordingly in Schedule 1 paragraph (3) of the Table and column (3) shall be deleted.

Amendment of Existing Contributors Regulations

5.—(1) The National Insurance (Pensions, Existing Contributors) (Transitional) Regulations 1948(**d**), shall be amended in accordance with the following provisions of this regulation.

(**a**) S.I. 1948/1278 (Rev. XVI, p. 179: 1948 I, p. 2626).
(**b**) S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822).
(**c**) The relevant amending regulations are S.I. 1957/1333, 1963/394, 1964/297 (1957 I, p. 1698; 1963 I, 424; 1964 I, p. 508).
(**d**) S.I. 1948/612 (Rev. XVI, p. 18: 1948 I, p. 2834).

(2) For regulation 6(1) as amended(a) (widow's basic pension etc. for certain widows not entitled to widow's benefit), there shall be substituted the following paragraph:—

"(1) Subject to the provisions of these regulations, the widow of an existing pensions contributor, if she was married to him before the appointed day, shall be entitled—

(*a*) if she has not attained pensionable age, for any period when she is not entitled to a widow's allowance, a widowed mother's allowance, or a widow's pension, to a widow's basic pension within the meaning of regulation 3 of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations 1948; or

(*b*) if she has attained that age, to a contributory old age pension within the meaning of the said regulation 3;

if the husband satisfies the contribution conditions contained in paragraph 4 of the Third Schedule to the Act, as modified by the First Schedule to these regulations; and the provisions of the said regulation 3, in so far as they relate to widows' basic pensions and contributory old age pensions, shall apply to any such pension payable by virtue of this regulation."

(3) Regulations 12 and 12A (modification of provisions of the Act relating to reduction in rate of benefit on account of earnings) shall cease to have effect, and accordingly Schedule 4 shall be deleted.

Widows' pensions for certain widows in receipt of retirement pension

6. Where a widow is, or but for her earnings would be, in receipt of a retirement pension and in consequence of section 1(5) of the National Insurance &c. Act 1964 she satisfies the conditions for the receipt of a widow's pension, then a widow's pension may be paid to her without any further claim or award.

Given under the Official Seal of the National Insurance Joint Authority.

(L.S.)

D. J. Carter,
Secretary,
National Insurance Joint Authority.

17th December 1964.

Given under the Official Seal of the Minister of Pensions and National Insurance.

(L.S.)

Margaret Herbison,
Minister of Pensions and
National Insurance.

17th December 1964.

G. H. R. Rogers,
George Lawson,
Two of the Lords Commissioners
of Her Majesty's Treasury.

17th December 1964.

(a) S.I. 1957/1332 (1957 I, p. 1706).

EXPLANATORY NOTE

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

These Regulations are made in consequence of section 1(5) of the National Insurance &c. Act 1964, and accordingly by virtue of Schedule 7 paragraph 10 of that Act no reference has been made to the National Insurance Advisory Committee. Provision has been made to bring certain regulations made under the National Insurance Act 1946 relating to election to re-enter employment, the contributions to be disregarded in computing increase of retirement pension, the disregarding of disqualifications, and existing beneficiaries and existing contributors into conformity with the abolition of the earnings rule previously applicable to widowed mother's allowance and widow's pension and the raising of the age up to which a woman may be awarded a widow's pension from 60 to 65.