CHAPTER 10.

An Act to amend the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, section three of the Old Age Pensions Act, 1908, section three of the Old Age Pensions Act, 1919, and the enactments regulating the right to become a voluntary contributor under the National Health Insurance Acts, 1924 to 1928, and the mode of collecting contributions under those Acts, and to provide for the exclusion of payments on account of widows' or orphans' pensions in the assessment of damages under the Fatal Accidents Acts, 1846 to 1908.

[6th December 1929.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extension of right to widows' pensions. 15 & 16 Geo. 5. c. 70.

1.—(1) A widow shall, subject as hereinafter provided, be entitled to a widow's pension payable in accordance with the provisions of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925 (in this Act referred to as "the principal Act") relating to such a pension, if she has attained the age of fifty-five and is the widow of a man—

(*a*) who died before the fourth day of January, nineteen hundred and twenty-six, and as respects whom it is shown either—

(i) that he was at some time within three years before his death, or, if he lived to attain the age of seventy, within three years before the date on which he attained that age, registered as a member of an approved society or as a deposit contributor; or

(ii) that his normal occupation was at some time within the said period employment in respect of which contributions under the principal Act would have been payable if that Act had been in force at that time; or

(iii) that during the late war he served in the naval, military, or air forces of the Crown, or as a master or seaman, for a period of not less than two years and was entitled to be insured while so serving, and died within three years of the termination of that period; or

(iv) that having volunteered for temporary service abroad in the naval or military forces of the Crown in connection with any naval or military operations previous to the late war, he served during those operations as a man of those forces for a period of not less than one year and died within three years of the termination of that period; or

(*b*) who died between the third day of January, nineteen hundred and twenty-six, and the first day of January, nineteen hundred and thirty-one, and as respects whom it is shown that at some time within three years before the date of his death or the date on which by reason of his age contributions ceased to be payable in respect of him, his normal occupation was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act; or

(*c*) who having attained the age of seventy before the fourth day of January, nineteen hundred and twenty-six, died on or after that date and was at the time of his death, or would if he had survived the second day of July in that year have been, entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of section twenty of the principal Act:

Provided that—

(i) a widow who has attained the age of sixty before the commencement of this Act, or

who attains that age before the first day of January, nineteen hundred and thirty-one, shall not become entitled to a pension until the first day of July, nineteen hundred and thirty, or until the date on which she attains the age of sixty, whichever is the later, and a widow who does not attain the age of sixty before the said first day of January, shall not become entitled to a pension until that date:

(ii) the widow of a man mentioned in paragraph (*b*) or paragraph (*c*) of this subsection shall not, if the marriage took place after the twenty-fifth day of July, nineteen hundred and twenty-nine, become entitled to a pension unless at the date of his death three years have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in subsection (1) of section twenty-one or section twenty-four of the principal Act would have been, in receipt of a widow's pension:

(iii) in the case of a man who was an exempt person, or a person employed in an excepted employment, paragraph (*c*) of this subsection shall apply subject to the prescribed modifications:

(iv) a widow's pension under this section shall not be payable to a woman while a widow's pension is payable to her under section eighteen or section nineteen of the principal Act.

(2) If as respects any period before the thirtieth day of June, nineteen hundred and nineteen, any question arises under paragraph (*a*) of subsection (1) of this section whether contributions would have been payable under the principal Act if that Act had then been in force, that question shall be determined as if in paragraph (*k*) of Part II of the First Schedule to the Insurance Act the words "one hundred and sixty pounds" were substituted for the words "two hundred and fifty pounds" wherever those words occur.

(3) Subsection (3) of section forty-four of the principal Act shall, in relation to the widow of a man to whom paragraph (*a*) of subsection (1) of this section applies, have effect as if for the words "in respect of "the insurance of her former husband" there were substituted the words "in respect of the insurance or "employment of her former husband."

(4) Section eighty-nine of the Insurance Act (which provides for the determination by the Minister of questions relating to employment) shall apply to any question arising under subsection (1) of this section whether employment which was, or is alleged to have been, the normal occupation of any person was employment in respect of which contributions under the principal Act would have been payable if that Act had been in force or, as the case may be, was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act, in the like manner in either case as if the question were a question arising under paragraph (*a*) of subsection (1) of the said section eighty-nine.

Extension of right to old age pensions in the case of certain women.

2.—(1) A woman who has attained the age of sixty-five but has not attained the age of seventy shall, subject as hereinafter provided, be entitled to an old age pension payable in accordance with the provisions of the principal Act relating to such a pension if she is the wife of a man who is entitled by virtue of section twenty of that Act to an old age pension under the Old Age Pensions Acts, 1908 to 1924:

Provided that a woman shall not be entitled to a pension under this subsection unless or until three years have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in subsection (1) of section twenty-one or section twenty-four of the principal Act would have been, in receipt of a widow's pension.

(2) As from the first day of July, nineteen hundred and thirty, a widow shall be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, if she would have become entitled to a widows' pension

under section one of this Act had she not attained the age of seventy before the said date.

Subsection (2) of section twenty of the principal Act shall apply to a pension to which a widow becomes entitled by virtue of this subsection, as it applies to a pension to which a person becomes entitled by virtue of the said section twenty.

(3) A woman shall be entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, if she has attained the age of seventy and is the wife of a man who was at any time entitled to an old age pension under the principal Act, and accordingly for paragraph (*d*) of subsection (1) of section twenty of that Act (which relates to persons over seventy entitled to old age pensions), there shall be substituted the following paragraph:—

> "(*d*) if, being a woman who has attained the age of seventy, she is the wife of a man who is, or was at any time, entitled to an old age pension under this Act; or"

Provisions as to pensioners and insured persons in His Majesty's dominions outside Great Britain.

3.—(1) The provisions of this section shall have effect with respect to persons who are in any part of His Majesty's dominions outside Great Britain, whether they left Great Britain before or after the commencement of this Act, that is to say—

(*a*) if a pension would but for the provisions of paragraph (*a*) of section twenty-two of the principal Act (which relates to the residential qualification of pensioners) be payable under or by virtue of that Act to or in respect of any such person as aforesaid, then the said paragraph (*a*) shall not apply as regards any sum accruing on account of the pension after the commencement of this Act;

(*b*) if any such person as aforesaid being at the date when he last left Great Britain an insured person dies or attains the age of sixty-five—

(i) while he continues to be insured; or

(ii) in the case of a person ceasing to be insured before the expiration of twelve months

from the date when he last left Great Britain, then before the expiration of those twelve months,

he shall in the last-mentioned case be deemed to have continued to be insured until the date on which he died or attained the age of sixty-five, and in either case, contributions shall be deemed to have been paid in respect of him from the date when he last left Great Britain until the date on which he died or attained the age of sixty-five:

Provided that, in a case where a pension is claimed in respect of the insurance of a person to whom proviso (i) to section eight of the principal Act applies, the provisions of this paragraph shall have effect as if for the words "or attains the age of sixty-five" there were substituted the words "or if the period of five "years from the date on which he entered into "insurance expires" and as if for the words "or attained the age of sixty-five" (wherever those words occur) there were substituted the words "or on which the period of five "years from the date on which he entered into "insurance expired";

(*c*) if any such person as aforesaid being other than a married woman and being at the date when he last left Great Britain an insured person was either—

(i) a voluntary contributor under the Insurance Act; or

(ii) a person entitled to become such a contributor,

he may at any time before the date when he ceases to be insured, or, if he ceases to be insured before the expiration of twelve months from the date when he last left Great Britain, then before the expiration of those twelve months, give notice in writing to the Minister that he desires to become a voluntary contributor for the purposes of the principal Act, and thereupon contributions shall become payable by

him at the ordinary rates as from the week following that in respect of which the last contribution under the principal Act was payable by or in respect of him and shall continue to be so payable until he attains the age of sixty-five, and, if before the date on which he gives such notice as aforesaid he has ceased to be insured, he shall, nevertheless, be deemed to have continued to be insured for the purposes of the principal Act until that date :

Provided that, in the case of an insured person who last left Great Britain within the period of twelve months before the commencement of this Act, or who last left Great Britain before that period but was insured at the commencement of this Act, a notice for the purposes of this subsection may be given at any time before the thirty-first day of December, nineteen hundred and thirty.

(2) The Minister may make a special order adapting in such manner as he thinks necessary the provisions of paragraph (*c*) of subsection (1) of this section so as to make them applicable to any person who has served in the Navy, Army, or Air Force services or as a master or seaman and who, if he had returned to Great Britain at the expiration of his service, would have been entitled to become a voluntary contributor.

The provisions of sections ninety-four and ninety-five of the Insurance Act (which relate to the procedure for the making of special orders) shall apply in the case of special orders made under this subsection.

(3) The provisions of subsection (2) of section three of the Insurance Act (which relates to the position of insured persons ceasing to pay contributions as voluntary contributors) shall apply, subject to such modifications as may be prescribed by regulations to persons who, having become voluntary contributors under paragraph (*c*) of subsection (1) of this section, have subsequently ceased to pay contributions and the provisions of subsection (5) of section seven of the said Act (which relates to the minimum number of contributions to be

paid in any year), except the proviso to the said subsection, shall also apply to such persons.

(4) If a person who has become a voluntary contributor under paragraph (*c*) of subsection (1) of this section returns to Great Britain, he shall at any time whilst he continues to be insured be entitled, on giving notice in that behalf in writing to the Minister, to become a voluntary contributor for the purposes of the Insurance Act.

(5) Payments in respect of a pension which by virtue of the provisions of this section may be made to a person in a part of His Majesty's dominions outside Great Britain shall, notwithstanding anything in section twenty-eight of the principal Act, be made at such intervals and in such manner as the Minister, with the approval of the Treasury, may determine and subject to such arrangements, if any, as the Secretary of State may make with the Government of that part of those dominions.

(6) The Minister may make regulations under section thirty of the principal Act for the purpose of carrying this section into effect, and in particular with respect to the notices to be given and the information to be supplied by persons claiming privileges under this section, and with respect to the intervals at which and the manner in which contributions under paragraph (*c*) of subsection (1) of this section are to be paid.

(7) In this section the expression "His Majesty's dominions" includes any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions.

(8) The provisions of this section shall not apply in the case of any person in any part of His Majesty's dominions outside Great Britain with which reciprocal arrangements with respect to pensions are for the time being in force under section thirty-three of the principal Act.

Amendment of financial provisions.

4. Subsection (3) of section eleven of the principal Act (which makes provision with respect to finance) shall cease to have effect so far as relates to the payments to

be made in years subsequent to the year ending on the thirty-first day of March, nineteen hundred and thirty, and in lieu thereof payments shall be made as follows into the Treasury pension account out of moneys provided by Parliament, that is to say:—

(*a*) For the year ending the thirty-first day of March, nineteen hundred and thirty-one, the sum payable shall be nine million pounds:

(*b*) As respects the period of twelve years next succeeding, that is to say, up to and including the year ending the thirty-first day of March, nineteen hundred and forty-three, the sum payable shall in the first year of the period be ten million pounds and thereafter shall rise by one million pounds in each successive year of the period:

(*c*) For each of the next three succeeding years the sum payable shall be the amount reached in the year last aforesaid, that is to say, twenty-one million pounds:

(*d*) After the year ending the thirty-first day of March, nineteen hundred and forty-six, the sums payable shall be such as Parliament may hereafter determine.

Amendment as to right of widows or wives of men who had attained sixty at date of marriage to widows' or old age pensions.

5. For the words "was immediately before the "marriage in receipt of a widow's pension," where those words occur in proviso (*c*) to subsection (1) of section three, in the proviso to subsection (1) of section seven and in the proviso to subsection (1) of section twenty of the principal Act, there shall be substituted the words "immediately before the marriage was, or but for any "disqualification for the receipt of a pension con- "tained in subsection (1) of section twenty-one or "section twenty-four of this Act would have been, in "receipt of a widow's pension," and in the proviso to subsection (1) of the said section twenty, for the words "five years" there shall be substituted the words "three years."

Amendment with respect to statutory conditions as to pensions.

6.—(1) For the words "have elapsed since the date "of the entry of that person into insurance" in paragraph (*b*) of section five of the principal Act there shall be substituted the words "elapsed between the date on

" which that person entered into insurance and the date " on which he died or on which contributions under the " Insurance Act ceased to be payable by or in respect " of him by reason of his age, whichever was the earlier."

(2) Sections five and eight of the principal Act (which enact the statutory conditions as to widows' and orphans' pensions and old age pensions respectively) shall have effect as if—

(*a*) at the end of the said section five there were added the following proviso:—

" Provided that condition (*b*) shall not apply in any case where the person in respect of whose insurance a pension is claimed—

(i) was at the date on which he attained the age of sixty an insured person and had at that date been continuously insured for a period of ten years or, if he attained the age of sixty before the fifteenth day of July, nineteen hundred and twenty-two, since the fifteenth day of July, nineteen hundred and twelve; or

(ii) was immediately before the date when he attained the age of seventy, or, if he died before attaining that age, was at the date of his death, entitled to an old age pension under the principal Act"; and

(*b*) at the end of the said section eight there were added the following proviso:—

" (iv) Condition (*c*) shall not apply in any case where the person in respect of whose insurance a pension is claimed was at the date on which he attained the age of sixty years an insured person and had at that date been continuously insured for a period of ten years, or, if he attained the age of sixty before the fifteenth day of July, nineteen hundred and twenty-two, since the fifteenth day of July, nineteen hundred and twelve."

This subsection shall be deemed to have had effect as from the commencement of the principal Act, but

where a pension becomes payable by virtue thereof, the person to whom the pension is payable shall not be entitled to any payment on account thereof in respect of any period before the commencement of this Act.

(3) In determining for the purposes of a claim to a widow's pension or an orphan's pension whether the statutory conditions mentioned in the said section five have been complied with, no account shall, unless the payment was made before the commencement of this Act, be taken of contributions paid after the date of the death of the person in respect of whose insurance the pension is claimed; and in determining for the purposes of a claim to an old age pension under the principal Act whether conditions (*b*) and (*c*) of the statutory conditions mentioned in the said section eight have been complied with, no account shall, unless the payment was made before the commencement of this Act, be taken of contributions paid after the date on which the person in respect of whose insurance the pension is claimed attained the age of sixty-five, or, if he had attained that age before the appointed day, of contributions paid after the appointed day:

Provided that—

(*a*) in a case where the pension is claimed in respect of the insurance of a person to whom proviso (i) to the said section eight applies, the foregoing provision shall have effect as if for the words " the date on which the person " in respect of whose insurance the pension " is claimed, attained the age of sixty-five, " or, if he had attained that age before the " appointed day, of contributions paid " after the appointed day," there were substituted the words " the expiration of the " period of five years from the date on " which the person in respect of whose " insurance the pension is claimed entered " into insurance "; and

(*b*) the provisions of this subsection shall have effect subject to any regulations made under paragraph (*e*) of subsection (1) of section thirty of the principal Act.

Amendment of s. 1 of principal Act with respect to duration of additional allowance and orphans pensions.

7. For subsection (2) of section one of the principal Act, which fixes by reference to the age of a child the date at which any additional allowance or orphan's pension ceases to be payable in respect of him, there shall be substituted the following subsection:—

"(2) The specified age in relation to any child shall be the age of fourteen, or, in the case of a child under full time instruction in a day school, the date on which he ceases to be under such instruction, or the thirty-first day of July next following the date on which he attains the age of sixteen, whichever is the earlier."

Amendment of s. 6 of principal Act.

8.—(1) Subsection (1) of section six of the principal Act (which enacts special provisions as to additional allowances and orphans' pensions) shall apply in a case where a child has before the death of his father or his stepfather, whether before or after the commencement of this Act, been removed by order of any court from the custody of the father or stepfather and placed in the custody of some person other than the mother or stepmother, as it applies in a case where a child has been removed from the custody of the person to whom the additional allowance would be payable.

(2) Where the Minister is satisfied that a child in respect of whom an additional allowance is payable was not living with the widow at the time when she became a widow or was not immediately after the husband's death being supported by the widow, the Minister may, whether the widow has or has not claimed a widow's pension, direct that the additional allowance shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

(3) An application for the purpose of subsection (3) of the said section six may be made by any woman who is entitled to an additional allowance as part of a widow's pension, notwithstanding that she is not in receipt of the allowance.

(4) Where any person to whom an additional allowance or an orphan's pension in respect of any child would otherwise be payable is by virtue of the provisions of the First Schedule to this Act disqualified for receiving

any sum on account of a pension, the Minister may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

(5) For the purposes of sections twenty-eight and twenty-nine of the principal Act, an additional allowance shall, unless the context otherwise requires, be deemed to be a separate pension.

Amendment with respect to persons employed in excepted employments.

9.—(1) If in the case of any person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) of Part II of the First Schedule to the Insurance Act, contributions under the principal Act either—

(*a*) cease to be payable; or

(*b*) become payable at the reduced rates mentioned in Part IV of the First Schedule to that Act instead of at the ordinary rates;

that person shall be entitled to become a voluntary contributor under the Insurance Act in the same manner as if he had ceased to be employed in such an excepted employment as aforesaid and the provisions of the Insurance Act relating to the continuance in insurance of persons ceasing to be employed shall, subject to such modifications as may be prescribed, apply to him as if he had ceased to be employed, and if he is a person in respect of whose insurance a widows' pension or an orphans' pension is payable statutory condition (*b*) in section five of the principal Act shall not apply.

(2) In determining for the purposes of subsection (5) of section fifteen of the principal Act whether a person has been employed in an excepted employment to which that section applies, and whether contributions would have been payable in respect of him had he continued to be so employed after the commencement of the principal Act, employment in Ireland before the first day of April, nineteen hundred and twenty-two, in respect of which a certificate was given under paragraph (*b*) or (*c*) of Part II of the First Schedule to the National Insurance Act, 1911, shall be treated as if it had been employment in Great Britain.

1 & 2 Geo. 5. c. 55.

(3) For the words "is a person who at the commencement of this Act was an insured or exempt person" where those words occur in the proviso to subsection (7) of section fifteen and in the proviso to the Second Schedule to the principal Act there shall be substituted the words "is a person—

"(i) who retired before the date of the commencement of this Act and was an insured or exempt person on that date; or

"(ii) who retired on or after the said date and was insured at the date of his retirement."

Amendment of ss. 18 and 19 of principal Act.

10.—(1) The following shall be substituted for paragraph (*d*) of section eighteen of the principal Act and for proviso (*b*) to subsection (1) of section nineteen of that Act—

"a widow's pension shall cease to be payable on the date on which the youngest child or the only child, as the case may be, attains the age of sixteen, or, in the case of a child who on the date when he attains the age of sixteen is under full time instruction in a day school, the date on which he ceases to be under such instruction, or the thirty-first day of July next following the date on which he attains the age of sixteen, whichever is the earlier:

Provided that, if the youngest child or the only child dies before attaining the age of sixteen, the pension shall continue until the date on which the deceased child would have attained the age of sixteen, or until the expiration of six months from the date of the child's death, whichever period is the shorter, without prejudice, however, in a case where the deceased child was not the only child to any further continuance of the pension to which the widow may be entitled in right of any older surviving child:"

(2) This section shall be deemed to have had effect as from the commencement of the principal Act, but where by virtue of the provisions contained in the said paragraph (*d*) or the said proviso (*b*) as originally enacted a widow's pension has ceased before the commencement of this Act, the widow shall not be entitled to any payment on account of the pension in respect of the

period between the date on which the pension so ceased and the commencement of this Act.

Disqualifications, &c.

11.—(1) The provisions set out in the First Schedule to this Act, shall have effect with respect to disqualifications for the receipt of pensions under the principal Act (including additional allowances under that Act) and pensions under the Old Age Pensions Acts, 1908 to 1924, and accordingly subsection (2) of section twenty-one of the principal Act and the Third Schedule to that Act (which relate to disqualifications for the receipt of pensions under that Act) and subsections (1) and (2) of section three of the Old Age Pensions Act, 1908 (which relate to disqualifications for the receipt of pensions under the Old Age Pensions Acts, 1908 to 1924) as amended by any subsequent enactment, shall be repealed.

8 Edw 7. c. 40.

(2) In calculating the period of three months mentioned in paragraph (*b*) of section twenty-two of the principal Act, there shall be excluded any period during which, by virtue of the provisions of the First Schedule to this Act, no sum on account of the pension may be paid.

Administration of pensions in case of certain lunatics.

12.—(1) Regulations made under subsection (1) of section thirty of the principal Act shall provide that any pension which a pauper lunatic to whom this section applies may be entitled to receive shall be paid to some local authority or other person to be administered—

(*a*) in providing up to such amount as may be prescribed by the regulations, additional comforts for the lunatic; and

(*b*) for the benefit of such dependants of the lunatic as are not contributing to the expenses incurred by any poor law authority in respect of his support:

Provided that the regulations shall provide that, where the lunatic has no such dependants, such sum only as may be required for the purpose of providing additional comforts for him shall be paid to the local authority or person administering the pension.

(2) This section applies to any pauper lunatic who is detained in any asylum as such or is being maintained in any other place as such.

(3) For the purposes of paragraph (*b*) of section twenty-two of the principal Act, any sum accruing due on account of a pension which a pauper lunatic to whom this section applies is entitled to receive shall, notwithstanding his incapacity to give a receipt therefor, be regarded as becoming payable on the date on which it would have become payable if he had not been so incapacitated.

Residential qualification in case of certain pensions.

13.—(1) A widow shall not be entitled to a widow's pension under subsection (1) of section one of this Act unless she was resident in Great Britain—

(*a*) on the twenty-fifth day of July, nineteen hundred and twenty-nine; and

(*b*) for a period of two years immediately before the date on which she would but for the provisions of this subsection have become entitled to the pension.

(2) A right to a widow's pension or an orphan's pension under section eighteen of the principal Act shall not arise unless the widow or child, as the case may be, was resident in Great Britain for a period of two years immediately before the date of the commencement of the principal Act, or in the case of a child under the age of two from its birth up to that date.

(3) Section twenty-three of the principal Act (which makes provision with respect to residential qualification of persons in respect of whose insurance pensions are payable) shall cease to have effect.

Amendment with respect to double pensions.

14.—(1) Subsection (1) of section twenty-four of the principal Act (which contains provisions against double pensions) shall have effect as if for the words "except "where such a pension is payable in respect of the service "of the pensioner's son during the late war" there were substituted the words "except where such a pension is "payable in respect of the service of the pensioner's son "or stepson during the late war."

(2) For the words "in respect of whom an additional "allowance is payable" in subsection (2) of the said section twenty-four there shall be substituted the words "in respect of whom an additional allowance is "claimable."

(3) The following shall be substituted for subsection (5) of the said section twenty-four:—

"(5) An old age pension shall not be payable to any woman so long as she is entitled to a widow's pension."

(4) Subsection (2) of section seven of the principal Act shall have effect as if for the words from "unless" to the end thereof there were substituted the following words:—

"Provided that if the person entitled, being a woman, becomes entitled to a widow's pension before attaining the age of seventy, the old age pension shall cease to be payable and shall not on her ceasing to be entitled to a widow's pension again become payable unless she was entitled thereto in respect of her own insurance."

Repeal of s. 25 of principal Act. 15 & 16 Geo. 5. c. 84.

15. Section twenty-five of the principal Act (which makes provision with respect to cases where both an additional allowance or orphan's pension and compensation under the Workmen's Compensation Act, 1925, are payable) shall cease to have effect, and any additional allowance or orphan's pension which by virtue of the said section either has ceased to be payable, or has become payable only at a reduced rate, shall as from the commencement of this Act again become payable, or be payable at the full rate, as the case may be, but subject to the other provisions of the principal Act with respect to the cesser of, or the discontinuance of payments in respect of, such allowances and pensions.

Amendment of provisions applicable where a person entitled to pension receives outdoor relief.

16.—(1) Where during any period, whether before or after the commencement of this Act, a poor law authority has granted outdoor relief to or on account of any person who, though entitled to a pension, is not at that time receiving payments on account thereof, and either—

(*a*) that relief would not have been granted if that person had then been receiving payment on account of a pension; or

(*b*) that relief is in excess of the amount which would have been granted to that person if he had been receiving payment on account of a pension;

the Minister may, if any sum accruing in respect of any part of the period aforesaid on account of a pension becomes subsequently payable, treat the sum so payable as reduced for the purposes of the principal Act by an amount not exceeding such an amount as the authority certify to have been so paid or so paid in excess, as the case may be, in respect of the period in respect of which the said sum accrued, and the Minister may pay to that authority the amount by which the said sum is treated as having been reduced as aforesaid.

(2) This section shall extend to a case where any sum becomes subsequently payable on account of an additional allowance or orphan's pension payable in respect of a child on account of whom any such relief as aforesaid has been granted in like manner as to a case where a sum on account of a pension becomes subsequently payable to a person to or on account of whom such relief as aforesaid has been granted, and shall apply in such a case subject to the necessary modifications.

Amendment of s. 28 of principal Act.

17.—(1) Subsection (1) of section twenty-eight of the principal Act (which relates to the date of commencement of pensions, &c.) shall not apply in relation to any person becoming entitled to a pension on or after the second day of December, nineteen hundred and twenty-nine, and in the case of any such person the pension shall commence to accrue—

(*a*) if the claim is made within three months from the date on which the claimant becomes entitled to the pension, then on that date; and

(*b*) if the claim is not made within three months from that date, then at the commencement of the period of three months immediately preceding the date on which the claim is made.

(2) The proviso to subsection (4) of the said section twenty-eight shall cease to have effect.

Revision of awards and decisions.

18.—(1) The Minister may at any time and from time to time revise any award made or decision given by him under the principal Act, if it appears to him that the award or decision was erroneous either in view of new facts which have been brought to his notice since the date on which it was made or given or by reason of

some mistake having been made with respect to the facts or the law:

Provided that the provisions of this subsection shall not apply—

(*a*) to an award or decision relating to a matter which has been referred to referees under section twenty-nine of the principal Act; or

(*b*) if the time for making an application to have the matter to which the award or decision relates referred to referees has not expired; or

(*c*) to an award made by the Minister for the purpose of giving effect to a decision given by referees;

unless in a case falling within paragraph (*a*) or paragraph (*b*) the person on whose application the reference was made, or who is entitled to apply to have the matter referred, as the case may be, consents.

(2) If in any case in which a decision has been given by referees with respect to a matter referred to them under the said section twenty-nine it appears to the Minister that the referees might properly be asked to reconsider the decision in view either of new facts which have been brought to his notice since the date on which the decision was given or of any apparent inconsistency between the decision and any other decision subsequently given either by the court or by referees, he may direct that the matter shall be referred to referees for reconsideration.

(3) A revised award made or revised decision given by the Minister under this section shall take effect as follows—

(*a*) where by virtue of the revised award or decision a pension will become payable to any person or a pension will be increased, it shall take effect—

(i) if made or given by reason of a new fact having been brought to the notice of the Minister, as from the date on which the application for revision was made; and

(ii) in any other case, as from the date on which the original award or the original decision took effect;

(*b*) where by virtue of the revised award or decision a pension will cease to be payable or will be reduced, it shall take effect as from the date on which notice of the revised award or decision is given by the Minister to the person concerned.

(4) Where any decision is revised under this section by referees, the revised decision and any award made by the Minister for the purpose of giving effect thereto shall have effect as from such date as the referees may determine.

(5) The provisions of section twenty-nine of the principal Act with respect to references shall apply in relation to any revised award made or revised decision given by the Minister under this section as they apply in relation to an original award or decision.

(6) The foregoing provisions of this section with respect to the date as from which a revised award or revised decision is to take effect shall not be construed as affecting the operation of subsection (2) of section thirty-five of the principal Act (which relates to repayment in cases of fraud and in certain other cases).

Amendment of s. 30 of principal Act.

19. Subsection (1) of section thirty of the principal Act shall have effect as if—

(1) the words "not exceeding six weeks" were omitted from paragraph (*c*) thereof; and

(2) in paragraph (*e*) thereof after the word "pension" there were inserted the words "or an old age pension"; and

(3) at the end thereof there were inserted the following new paragraphs:—

"(*i*) for providing that, notwithstanding anything in section twenty-two of this Act, but subject to the regulations—

(*a*) in the case of the death of a person who was in receipt of a pension, payment may be made of any sum which became payable within three months before the date of his death on account of the pension, but has not been paid; and

(*b*) in the case of the death of a person who being entitled to a pension had made a claim thereto, payment may be made of any sum which, if his claim had been allowed immediately before his death, would have become payable on account of the pension up to the date of his death; and

(*c*) in the case of the death of any person who was entitled to a pension but had made no claim thereto, payment may be made of any sum which, if a claim had been made immediately before his death, would have become payable on account of the pension up to the date of his death; and

(*j*) for providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as is mentioned in the last preceding paragraph, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be entitled to receive the said sum or any part thereof, either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin, or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others, or, in the case of any illegitimacy of the deceased person or any child of his, to or among such person or persons as may be directed by the regulations."

Amendment of s. 35 of principal Act.

20. Any person who knowingly obtains or receives any payment as on account of a pension which for any reason whatsoever is not payable to him shall, on summary conviction, be liable to the same penalty as that to which a person is liable under subsection (1) of section thirty-five of the principal Act if he knowingly obtains payment of a pension which he is disqualified from receiving.

Extension of classes of persons who may become voluntary contributors.

21.—(1) Any such person as is hereinafter mentioned, that is to say—

(*a*) any person who would at the commencement of the principal Act have been entitled to become a voluntary contributor by virtue of subsection (1) of section thirteen of that Act if he had not been an insured person at that date; or

(*b*) any person employed in an excepted employment to which section fifteen of the principal Act applies, not being a married woman or a person in respect of whom no contributions are payable under that Act,

may, subject to the prescribed conditions, if he gives notice within the prescribed time and in the prescribed manner that he desires to become a voluntary contributor under the Insurance Act, become such a contributor.

(2) In calculating the period of one hundred and four weeks for which a person must have been employed within the meaning of the Insurance Act and insured as an employed contributor in order to be entitled to become a voluntary contributor under paragraph (*a*) of subsection (3) of section one of the Insurance Act, there shall—

(*a*) in the case of a person who, being a man, was immediately before he became so insured an exempt person or entitled to medical benefit by reason of having been an exempt person, be included the number of weeks for which contributions under the Insurance Act were paid in respect of him as an exempt person;

(*b*) in the case of a person who, within a period of twenty-one months before he became so insured was employed in an excepted employment to which section fifteen of the principal Act applies, be included the number of weeks for which contributions under that Act were paid in respect of him, or would have been payable in respect of him had that Act been in force during his employment in the excepted employment,

as if in either case such weeks had been weeks for which he was employed within the meaning of the Insurance Act and insured as an employed contributor.

Exclusion of widows' and orphans' pensions in assessment of damages.

22. In assessing damages in any action under the Fatal Accidents Acts, 1846 to 1908, whether commenced before or after the commencement of this Act, there shall not be taken into account any widows' pension, additional allowance or orphans' pension payable under the principal Act.

Provisions as to sickness or other benefit paid to person entitled to old age pension.

23. If it appears to the Minister that any sums have been paid to any person by way of sickness or disablement benefit under the National Health Insurance Acts, 1924 to 1928, or unemployment benefit under the Unemployment Insurance Acts, 1920 to 1929, in respect of any period subsequent to the date on which an old age pension under the principal Act commenced to accrue to that person, the Minister may direct that the sums so paid shall be treated as advances made to that person on account of the old age pension, and may deduct an equivalent amount from any payments accruing on account of the old age pension in respect of the said period and may pay the amount so deducted to the funds of the claimant's approved society, or to the deposit contributors fund, or to the unemployment fund, as the case may be.

Application of principal Act to adopted children. 16 & 17 Geo. 5. c. 29.

24. An adopted child within the meaning of the Adoption of Children Act, 1926, if adopted, whether before or after the commencement of this Act, either by two spouses jointly or by one of two spouses in the lifetime of the other shall for the purposes of the principal Act be treated as being the child of those spouses and as not being the child of any other person:

Provided that this section shall not apply in the case of a child in respect of whom an additional allowance or orphan's pension was payable at the date of his adoption, or, if he was adopted before the date of the commencement of this Act, at that date.

Amendment of s. 8 of the Insurance Act.

25. If provision is made by regulations under the Insurance Act for the payment of contributions, at the option of the persons liable to pay, either by means of adhesive stamps or by some alternative method the use of which involves greater expenses in administration to the Government departments concerned than would be incurred if the contributions were paid by means of adhesive stamps, a provision may be included in the regulations for requiring any person who adopts the

alternative method to pay to the Minister such fees as may be determined by the Minister, with the concurrence of the Treasury, to represent the difference between the expenses incurred by the said departments by reason of the fact that the alternative method has been adopted and the expenses which would have been incurred by the said departments if the contributions payable by that person had been paid by means of adhesive stamps.

Provision for stated case to Court of Session by referees in Scotland.

26. Where in Scotland any question is referred to referees under the provisions of subsection (2) of section twenty-nine of the principal Act, the referees may on the application of any party to the reference at any stage of the proceedings and shall, if so directed by either division of the Court of Session, state a case on any question of law arising in the reference for the opinion of either division of the Court of Session and the procedure in the stated case shall be such as may be prescribed by Act of Sederunt.

Short title, commencement, construction, extent and repeal.

27.—(1) This Act may be cited as the Widows', Orphans' and Old Age Contributory Pensions Act, 1929, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 and 1929.

(2) This Act shall come into operation on the second day of January, nineteen hundred and thirty.

(3) Unless in any case the context otherwise requires, any reference in this Act to the principal Act or to any enactment contained in that Act shall be construed as a reference to that Act or to that enactment as amended by this Act, and any reference in this Act to the Insurance Act or to any enactment contained in that Act shall be construed as a reference to that Act or to that enactment as amended by any other Act, including this Act.

(4) This Act shall not extend to Northern Ireland.

(5) The enactments set out in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Sections 8 and 11.

DISQUALIFICATIONS FOR RECEIPT OF PENSION.

1. Where during any period a person—

(*a*) is an inmate of any workhouse or other poor law institution; or

(*b*) is detained in prison in pursuance of an order made on his conviction for any offence and directing him to be imprisoned without the option of a fine, or to suffer any greater punishment; or

(*c*) is being maintained in any place as a pauper or criminal lunatic, or is detained in any asylum within the meaning of the Lunacy Acts, 1890 to 1922,

then, subject to the provisions of this Schedule, he shall be disqualified for receiving any sum accruing during that period on account of any pension which would otherwise be payable to him, and if before the commencement of that period any sum has accrued on account of a pension payable to him, that sum shall not be paid to him during the continuance of the said period:

Provided that paragraph (*c*) so far as it relates to maintenance in any place as a pauper lunatic or to detention in an asylum shall not apply to a person who is entitled to a pension under section three, or section four or section seven of the principal Act, or who having been so entitled, is entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of section forty of the principal Act or to a person who is entitled to an old age pension under the Old Age Pensions Acts, 1908 to 1924, by virtue of paragraph (*d*) or (*e*) of subsection (1) of section twenty of the principal Act.

2. For the purposes of this Schedule a person who has become an inmate of any workhouse or other poor law institution for the purpose of obtaining medical or surgical treatment shall not be treated as being such an inmate so long as he continues to require such treatment, and, for the purposes of this Schedule as it applies to pensions under the principal Act an additional allowance or an orphan's pension payable in respect of any child, shall be treated as if it were a pension payable to that child, but

1ST SCH. —*cont.*

save as aforesaid nothing in the provisions of this Schedule shall affect the right to payment of an additional allowance or orphan's pension in respect of a child.

3. For the purpose of this Schedule as it applies to Scotland the expression "poor law institution" means a poorhouse to which the provisions of the Poor Law (Scotland) Act, 1845, apply, and a reference to the Lunacy (Scotland) Acts, 1857 to 1919, shall be substituted for the reference to the Lunacy Acts, 1890 to 1922.

Section 27.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of repeal.
8 Edw. 7. c. 40	The Old Age Pensions Act, 1908.	Subsections (1) and (2) of section three.
9 & 10 Geo. 5. c. 102.	The Old Age Pensions Act, 1919.	Subsection (1) of section three.
15 & 16 Geo. 5. c. 70.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	Subsection (2) of section twenty-one; sections twenty-three, twenty-five and twenty-six; the proviso to subsection (4) of section twenty-eight; subsection (3) of section twenty-nine, and the Third Schedule.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section eleven.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	Section thirty.