CHAPTER 33.

An Act to consolidate the enactments relating to Widows', Orphans' and Old Age Contributory Pensions. [14th July 1936.]

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 :—

Contributory Pensions.

Contributory pensions for widows, orphans, and persons between the ages of 65 and 70.

1.—(1) Subject to the provisions of this Act relating to the payment of contributions (including payments out of moneys provided by Parliament) and otherwise, pensions shall be payable as follows, that is to say—

(*a*) to the widow of an insured man a pension at the rate of ten shillings per week, with an additional allowance in respect of children while under the age of fourteen and for the further period hereinafter specified, at the rate of five shillings per week for the eldest or only such child, and three shillings per week for each other such child (in this Act called a "widow's pension");

(*b*) in respect of the orphan children while under the age of fourteen and for the further period hereinafter specified of an insured man or of an insured widow, a pension at the rate of seven shillings and sixpence per week for each such child (in this Act called an "orphan's pension");

(*c*) to an insured man or an insured woman who has attained the age of sixty-five but has not attained the age of seventy, and to the wife of an insured man who has attained the age of sixty-five (such wife having attained the age of sixty-five but not having attained the age of seventy) a pension at the rate of ten shillings per week (in this Act called an "old age pension").

(2) The specified further period shall be any period between the day before the date on which the child attains the age of fourteen and the end of July next following the date on which he attains the age of sixteen during which he is, or is deemed in accordance with regulations made under this Act to be, under full time instruction in a day school.

(3) By way of contribution towards the cost of carrying this Act into effect there shall be paid such contributions as are hereinafter in this Act provided.

Meaning of "insured", &c. 26 Geo. 5. & 1 Edw. 8. c. 32. 14 & 15 Geo. 5. c. 38.

2.—(1) In this Act, unless the context otherwise requires, the expression "insured" means insured under the National Health Insurance Act, 1936 (in this Act referred to as the Insurance Act) or any Act repealed by that Act or by the National Health Insurance Act, 1924, and in relation to any person who is deemed to be insured for the purposes of this Act, includes such a person; the expression "insurance" in relation to a person so deemed to be insured shall be construed accordingly; and other expressions have the same meaning as in the Insurance Act.

(2) An exempt person and a person engaged in an excepted employment shall be deemed to be insured for the purposes of this Act in the circumstances and to the extent mentioned in this Act.

Widows' and Orphans' Pensions.

Widows' pensions.

3.—(1) Subject to the provisions of this Act, the widow of a person who is insured at the date of his death but had not attained the age of seventy before the fourth day of January, nineteen hundred and twenty-six shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to a widow's pension:

Provided that the widow of a man who had attained the age of sixty at the date of the marriage shall not be entitled to a widow's pension unless either—

(*a*) there are or have been one or more children of the marriage; or

(*b*) at the date of the death of her husband three years or more have elapsed since the date of the marriage; or

(*c*) she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or in section twenty-five of this Act would have been, in receipt of a widow's pension.

(2) A widow's pension shall continue to be payable until the widow attains the age of seventy unless she re-marries before attaining that age, in which case the pension shall cease.

(3) An additional allowance shall, subject as hereinafter provided, be paid to the widow together with and as part of the pension:

Provided that, if for any reason other than the death of the widow the widow's pension ceases to be payable before the expiration of the time during which an additional allowance is payable, that cesser shall not affect the continuance of the additional allowance.

Orphans' pensions.

4.—(1) Subject to the provisions of this Act, an orphan's pension shall, if the statutory conditions hereinafter mentioned are complied with, be payable in respect of the orphan child—

(*a*) of a man who, being a married man or a widower, is insured at the date of his death and had not attained the age of seventy before the fourth day of January, nineteen hundred and twenty-six;

(*b*) of a widow who is insured at the date of her death.

(2) Where an additional allowance is payable and the widow who was entitled to the widow's pension as part of which the additional allowance was or had been payable dies, an orphan's pension shall be payable in respect of the child; and where the wife of a man has predeceased him, and, if she had survived him and died immediately after she had become entitled to a widow's pension, an orphan's pension would under the foregoing provision of this subsection have been payable in respect of any child, an orphan's pension shall on the death of the man be payable in respect of that child.

(3) An orphan's pension shall, subject as hereinafter provided, be payable to the guardian or other person having the charge of the child.

Statutory conditions as to widows' and orphans' pensions.

5.—(1) The statutory conditions to be complied with in the case of a person in respect of whose insurance a widow's pension or an orphan's pension is payable are—

(*a*) that one hundred and four weeks have elapsed and one hundred and four contributions have been paid by or in respect of that person since the date of his entry into insurance; and

(*b*) that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately before his death, or before the date on which contributions under the Insurance Act ceased to be payable by or in respect of him by reason of his age, as the case may be, represents on the average not less than twenty-six contributions calculated in the prescribed manner in respect of each of those three years:

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

(i) had since the date of his entry into insurance been insured for less than two hundred and eight weeks at 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; or

(ii) 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

(iii) 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 this Act or any Act repealed by this Act; or

(iv) was at the date of his death deemed to be insured by reason of being or having been employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act.

(2) In determining whether the statutory conditions have been complied with, no account shall be taken of contributions paid after the date of the death of the person in respect of whose insurance the pension is claimed:

Provided that this subsection shall have effect subject to any regulations made under this Act enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid.

Payment of widows' and orphans' pensions in certain cases in respect of persons ceasing to be insured.

6. Where a person who immediately before the beginning of a free insurance period had been continuously insured as an employed contributor for a period of not less than two hundred and eight weeks and by or in respect of whom not less than one hundred and sixty contributions had been paid, ceases to be insured at the end of that free insurance period, but it is proved to the satisfaction of the Minister, or in the case of an appeal it is decided in manner provided by this Act, that he was during that period, except when employed within the meaning of the Insurance Act or when incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed period, available for but unable to obtain employment, then, if within twelve months of ceasing to be insured he dies, a widow's pension and an orphan's pension shall, whether he has or has not again become insured, be payable in respect of his insurance in accordance with the provisions of this Act, if such a pension would have been so payable if he had died on the last day of the free insurance period:

Provided that, in respect of not more than twelve weeks of the free insurance period in respect of which

proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

Special provisions as to additional allowances and orphans pensions.

7.—(1) Where by order of any court any child in respect of whom an additional allowance is payable under this Act is or has been removed from the custody of the person to whom the allowance is or would be payable, an orphan's pension shall be substituted for the additional allowance and shall be paid to the person in whose charge the child is or has been placed, or in such other manner as may from time to time be directed by order of the court.

(2) The provisions of the preceding subsection shall apply in a case where a child has before the death of his father or his stepfather 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.

(3) 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.

(4) Where a representation is made to the Minister by the local authority or otherwise—

(*a*) with reference to an additional allowance that the widow or other person to whom the additional allowance is payable has deserted or abandoned or ceased to support the child, or has become disqualified for the time being from receiving a widow's pension, and that it would be in the interests of the child that the additional allowance should be administered by the local authority or some other person for the benefit of the child;

(*b*) with reference to an orphan's pension that it would be in the interests of the child that it should be administered by the local authority or some other person for the benefit of the child;

the Minister, if satisfied that the allegations of the representation are true, and that it would be in the interests of the child so to do, may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child or to any other person approved by the Minister or to the local authority, to be administered by such person or by the local authority for the benefit of the child:

Provided that, where the widow or other person to whom the additional allowance or orphan's pension is payable has not had an opportunity of presenting her case personally, or through some person appointed by her, to the local authority or a person appointed for the purpose by the local authority, the Minister (except where the widow or other person cannot be found, or is in prison, or in an asylum or mental hospital or other similar institution) shall, before giving any such direction, give the widow or such other person as aforesaid an opportunity of so presenting her case to a person appointed by him.

(5) Where the Minister is satisfied, on the application of a woman entitled to an additional allowance as part of a widow's pension, or of any other person having the charge of a child in respect of whom an additional allowance or orphan's pension is payable, that the child is or is about to be placed in the temporary custody of some other person and that the additional allowance or orphan's pension should be paid to that other person so long as such temporary custody continues, he may direct that the additional allowance or orphan's pension shall be paid accordingly, subject to such terms and conditions as he may think fit to impose.

(6) Where any person to whom an additional allowance or an orphan's pension would otherwise be payable is by virtue of the provisions of the Third 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.

Old Age Pensions.

Old age pensions.

8.—(1) Subject to the provisions of this Act, a person shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to an old age pension—

(*a*) if he or she attains the age of sixty-five, and is at the time of attaining that age an insured person; or

(*b*) if, being a woman who has attained the age of sixty-five but has not attained the age of seventy, she is the wife of a man who is an insured person and who is or has been entitled to an old age pension by virtue of the preceding paragraph:

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

(2) An old age pension shall continue payable until the person entitled thereto attains the age of seventy years:

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.

Statutory conditions as to old age pensions.

9.—(1) The statutory conditions to be complied with in the case of a person in respect of whose insurance an old age pension is payable are—

(*a*) that the person was continuously insured for a period of not less than five years immediately before the date on which he attained the age of sixty-five; and

(*b*) that one hundred and four contributions have been paid by or in respect of him since the date of his entry into insurance; and

(*c*) that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately before the date on which he attained the age of sixty-five, represents on the average not less than thirty-nine contributions calculated in the prescribed manner in respect of each of those three years:

Provided that—

(i) where the period for which a person has been continuously insured immediately before the date on which he attained the age of sixty-five is less than five years, the foregoing conditions shall apply with the substitution of a reference to the expiration of the period of five years from the date of his entry into insurance for the reference to the date on which he attained the age of sixty-five;

(ii) 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;

(iii) where a woman on attaining the age of fifty-five has been continuously insured for a period of ten years, condition (*c*) shall, if she so elects, apply as if for the reference to thirty-nine contributions there were substituted a reference to twenty-six contributions, but in such case the regulations shall not provide that the contributions shall for the purposes of that condition be deemed to have been paid in respect of any period of unemployment except unemployment owing to incapacity for work due to some specific disease or to bodily or mental disablement.

(2) In determining whether the statutory conditions have been complied with, no account shall 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:

Provided that—

(i) this subsection shall have effect subject to any regulations made under this Act enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid;

(ii) in a case where the pension is claimed in respect of the insurance of a person to whom proviso (i) to the last preceding subsection applies, the provisions of this subsection shall have effect as if for the words "the date on "which the person in respect of whose insur- "ance the pension is claimed attained the age "of sixty-five" 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."

Payment of old age pensions in certain cases in respect of persons ceasing to be insured.

10.—(1) Where a person who immediately before the beginning of a free insurance period had been continuously insured as an employed contributor for a period of not less than two hundred and eight weeks and by or in respect of whom not less than one hundred and sixty contributions had been paid, ceases to be insured at the end of that free insurance period, but it is proved to the satisfaction of the Minister, or in the case of an appeal it is decided in manner provided by this Act, that he was during that period, except when employed within the meaning of the Insurance Act or when incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed period, available for but unable to obtain employment, then, if within twelve months of ceasing to be insured he attains the age of sixty-five, an old age pension shall, whether he has or has not again become insured, be payable in respect of his insurance in accordance with the provisions of this Act, if such a pension would have been so payable if he had

attained the age of sixty-five on the last day of the free insurance period:

Provided that, in respect of not more than twelve weeks of the free insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

(2) Where a person has become entitled to an old age pension by virtue of subsection (1) of this section, he shall, for the purposes of this Act, but not for any other purpose, be deemed to have been insured continuously from the end of the free insurance period aforesaid until his death.

Extension of right to old age pension under Old Age Pensions Act, 1936, in certain cases.

11. The following persons, that is to say, any person—

(*a*) who is at the date on which he or she attains the age of seventy entitled to an old age pension or a widow's pension under this Act or any Act repealed by this Act, or would have been so entitled but for the provisions of this Act relating to service dependants pensions; or

(*b*) who, being a woman who has attained the age of seventy, is the wife of a man who is or was at any time entitled to an old age pension under this Act or any Act repealed by this Act; or

(*c*) who, being a widow who before the death of her husband had attained the age of seventy, would have been entitled to a widow's pension, if she had not then attained that age;

26 Geo. 5. & 1 Edw. 8. c. 31.

shall be entitled to an old age pension under the Old Age Pensions Act, 1936, at the rate of ten shillings a week, notwithstanding that any of the statutory conditions as to means, residence or nationality is not satisfied in the case of that person:

Provided that a woman shall not be entitled to an old age pension by virtue of paragraph (*b*) of this section, unless she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act, would have been in receipt of a widow's pension, or unless or until three years have elapsed since the date of the marriage.

Contributions and Financial Provisions.

Rates of contributions.

12.—(1) For the purpose of making provision towards the cost of pensions payable under this Act, contributions under this Act shall, until varied in manner hereinafter provided, be payable at the following rates, that is to say,—

(*a*) by or in respect of every person insured under the Insurance Act who has not attained the age of sixty-five, whether an employed contributor or a voluntary contributor, at the rates specified in Part I of the First Schedule to this Act (hereinafter referred to as the ordinary rates of contributions);

(*b*) in respect of every person employed within the meaning of the Insurance Act who has attained the age of sixty-five, at the rates specified in Part II of the First Schedule to this Act;

(*c*) in respect of every exempt person who has not attained the age of sixty-five, at the rates specified in Part III of the First Schedule to this Act;

(*d*) in respect of every 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, and who has not attained the age of sixty-five, at the ordinary rates:

Provided that—

(i) where the Minister certifies as respects any such excepted exployment that provision is made by means of a superannuation fund established by Act of Parliament, or by means of any other statutory enactment, or by other means approved by the Minister, for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and of their children, benefits on the whole not less favourable than all the benefits conferred by this Act, no contribution shall be payable under this Act in respect of such men or such women, as the case may be; and

(ii) where the Minister certifies as respects any such excepted employment that provision is made as aforesaid for securing benefits in respect of men employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on men and their wives, or benefits in respect of women employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on women, the contributions payable in respect of such men or such women, as the case may be, shall be at the rates specified in Part IV of the First Schedule to this Act;

(*e*) in respect of every person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*d*) of Part II of the First Schedule to the Insurance Act, and who has not attained the age of sixty-five, at the rates specified in Part IV of the First Schedule to this Act:

Provided that, where the Minister certifies as respects any such excepted employment that provision is made by means of a superannuation fund approved by the Minister for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and of their children, benefits on the whole not less favourable than all the benefits conferred by this Act, no contribution shall be payable under this Act in respect of such men or such women, as the case may be.

(2) Where the contributions are payable in respect of an employed person, they shall be payable partly by the employer and partly by the employed person, or wholly by the employer, as provided in the Part of the First Schedule to this Act applicable to the case, and where the contributions are payable by a voluntary contributor they shall be paid wholly by the voluntary contributor.

Collection of contributions.

13.—(1) The contributions by or in respect of an insured person, and in respect of an exempt person, payable under this Act and under the Insurance Act, shall be paid as one contribution under the Insurance

Act, and, subject to such modifications and adaptations as may be prescribed, the contributions payable under this Act in respect of a person in an excepted employment, or of a person who has attained the age of sixty-five, shall be paid as if they were contributions under the Insurance Act, and, subject as aforesaid, all statutory provisions relating to the payment and collection of contributions under the Insurance Act, including (but without prejudice to the generality of the foregoing enactment) the provisions with respect to offences and civil proceedings in relation to contributions, with respect to priority of the claims for contributions, and with respect to the powers of inspectors, shall have effect accordingly.

(2) All sums collected on account of contributions under this Act shall be carried to the Pensions Account hereinafter constituted.

Pensions Account and Treasury Pensions Account.

14.—(1) For the purposes of this Act, there shall be kept, in accordance with directions of the Treasury, an account to be called the Pensions Account, to which shall be carried all contributions under this Act, and out of which shall be met all pensions (including additional allowances) which are payable under this Act or any Act repealed by this Act:

Provided that an old age pension under the Old Age Pensions Act, 1936, which is payable by virtue of this Act or any Act repealed by this Act, shall not for the purposes of this section be deemed to be a pension payable under this Act, but shall be payable out of moneys provided by Parliament in manner provided by the Old Age Pensions Act, 1936.

(2) Any sums standing to the credit of the Pensions Account which are not required to meet expenditure shall from time to time be paid over to the Treasury and by them credited to an account to be called the Treasury Pensions Account:

Provided that the Minister shall in respect of each half-year ending on the thirtieth day of June and the thirty-first day of December respectively ascertain the number of contributions represented by the sums collected on account of contributions payable under this Act in respect of persons employed within the meaning of the Insurance Act who have attained the age of sixty-five,

and in respect of each such period a sum equivalent to fourpence-halfpenny multiplied by the number so ascertained shall be transferred from the Pensions Account to the Central Fund constituted under Part VI of the Insurance Act.

(3) There shall also be paid out of moneys provided by Parliament into the Treasury Pensions Account the sums following, that is to say,—

(*a*) as respects the period of seven years 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 fifteen million pounds and thereafter shall rise by one million pounds in each successive year of the period:

(*b*) for each of the next three succeeding years the sum payable shall be the amount reached in the last year of the said period of seven years, that is to say, twenty-one million pounds:

(*c*) 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.

(4) Any sums standing to the credit of the Treasury Pensions Account may from time to time be invested in such manner as the Treasury may direct, and any interest received from such investments shall be credited to that Account.

(5) If at any time it is shown to the Treasury that the sums in the Pensions Account are insufficient to meet the liabilities to be met thereout, the Treasury may out of the Treasury Pensions Account issue to the Pensions Account any sums required for the purpose of discharging those liabilities.

(6) Accounts of the Pensions Account and of the Treasury Pensions Account shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before both Houses of Parliament.

Administrative expenses.

15.—(1) Any expenses incurred in the administration of this Act, to such extent as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament:

Provided that such sums for the purpose of those expenses as the Treasury may direct shall be paid from the Pensions Account and shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys provided by Parliament for such expenses.

(2) Payments shall be made in accordance with such scale as may with the consent of the Treasury be prescribed to approved societies making returns under the Insurance Act of particulars for the purposes of this Act with respect to the insurance of any person who is or was a member of the society, and such payments shall be treated as part of the administrative expenses of this Act.

Special Classes of Insured Persons.

Exempt persons.

16.—(1) Every exempt person, being a man, shall, for the purposes of this Act relating to widows' pensions and orphans' pensions, but not for any other purpose, be deemed to be an insured person, and shall for those purposes, but not for any other purpose, be deemed to continue to be so insured during any period during which he may by virtue of any provisions of the Insurance Act be entitled to medical benefit.

(2) Where before the fourth day of January, nineteen hundred and twenty-six, contributions under the National Health Insurance Act, 1924, or any Act repealed by that Act have been paid in respect of an exempt person, then, for such of the purposes of this Act as may be prescribed, such contributions shall be treated as if they were contributions in respect of the insurance of that person, and any period during which that person was an exempt person or entitled to medical benefit shall be treated as a period of insurance.

(3) Where an exempt person by whom a certificate of exemption is surrendered is at the date of the surrender of the age of forty-five or upwards, the provisions of this Act relating to old age pensions payable

thereunder shall apply in the case of that person with such modifications as may be prescribed.

(4) Where an exempt person becomes a voluntary contributor by virtue of any of the provisions of the Insurance Act, the provisions of this Act relating to old age pensions thereunder shall, if at the date of so becoming a voluntary contributor he is of the age of forty-five or upwards, apply in the case of that person with such modifications as may be prescribed.

Persons employed in excepted employments.

17.—(1) For the purposes of this Act, persons employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act in respect of whom contributions are payable under this Act shall be deemed to be insured as follows:—

(*a*) men in respect of whom contributions are so payable at the ordinary rates shall be deemed to be insured for the purposes of this Act relating to widows' pensions, orphans' pensions, and old age pensions;

(*b*) women in respect of whom contributions are so payable at the ordinary rates shall be deemed to be insured for the purposes of this Act relating to orphans' pensions and old age pensions;

(*c*) men in respect of whom contributions are so payable at the rates mentioned in Part IV of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to widows' pensions and orphans' pensions;

(*d*) women in respect of whom contributions are so payable at the rates mentioned in Part IV of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to orphans' pensions.

(2) The provisions of the Insurance Act relating to the continuous insurance of persons ceasing to be employed shall, for the purposes of this Act, apply, subject to such modifications as may be prescribed, to persons who under this section are deemed to be insured, and for the purpose of this subsection persons who, being persons 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, are under this section deemed to be insured and in the case of whom contributions under this Act either cease to be payable or become payable at the reduced rates mentioned in Part IV of the First Schedule to this Act instead of at the ordinary rates shall be treated as though they had ceased to be employed.

(3) Where at or within the prescribed period before the fourth day of January, nineteen hundred and twenty-six, a person was employed in an excepted employment to which this section applies, then, for such of the purposes of this Act as may be prescribed, contributions shall be deemed to have been paid in respect of him for each week before that date during the period in which he was continuously so employed, and every such week shall be deemed to be a week which has elapsed since the date of his entry into insurance.

(4) Where a person is employed in an employment which is an excepted employment by virtue of paragraph (*k*) of Part II of the First Schedule to the Insurance Act (which relates to employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two hundred and fifty pounds a year), he shall, for the purposes of this Act, be treated as employed in an employment which is an excepted employment by virtue of that paragraph and not in an employment which is an excepted employment by virtue of a certificate given under any other paragraph of that Part of that Schedule, notwithstanding that the employment in which he is engaged is an employment which is an excepted employment also by virtue of such a certificate, and his employment shall not be deemed to be an excepted employment to which this section applies.

(5) Where a person who has been employed in an excepted employment to which this section applies has, on retirement from such employment whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(*a*) if he was a person in respect of whom no contributions were, or would had he continued to be so employed on or after the fourth day of

January, nineteen hundred and twenty-six, have been, payable under this Act or any Act repealed by this Act while he was so employed, he shall not be capable of becoming an insured person for the purposes of this Act and shall not be entitled to any benefits under this Act, but for the purpose of the provisions of this Act relating to contributions, he shall be treated as if he were a person who had attained the age of sixty-five;

(*b*) if he was a person in respect of whom contributions were, or would had he continued to be so employed on or after the fourth day of January, nineteen hundred and twenty-six, have been, payable under this Act or any Act repealed by this Act at the rates mentioned in Part IV of the First Schedule to this Act, the provisions of this Act relating to old age pensions payable thereunder, or by virtue thereof, shall apply in the case of that person in such circumstances only, and subject to such modifications as may be prescribed:

Provided that, where a person to whom paragraph (*a*) would apply was insured at the date of his retirement, or in the case of a person who retired before the fourth day of January, nineteen hundred and twenty-six, was an insured or an exempt person at that date, he shall be treated as if he were a person to whom paragraph (*a*) did not, but paragraph (*b*) did, apply.

Where a person has been employed in an employment which would have been an excepted employment to which this section applies if the rate of his remuneration had not exceeded two hundred and fifty pounds a year, this subsection shall apply to him in manner provided in the Second Schedule to this Act.

(6) The provisions of the Insurance Act which relate to the determination by the Minister of questions relating to employment shall apply for the purposes of this Act to any question whether any employment or class of employment is an excepted employment, or any particular class of excepted employment, to which this section applies, or whether a person was or is a person employed in such an excepted employment, and

to any question as to who is or was the employer of a person employed in any such excepted employment, in like manner as if the question related to an employment within the meaning of the Insurance Act.

(7) This section shall, so far as it applies to any period whilst Part I of the National Insurance Act, 1911, was in force, have effect as if for references to a particular paragraph of Part II of the First Schedule to the Insurance Act there were substituted references to the corresponding paragraph of Part II of the First Schedule to the National Insurance Act, 1911; and shall, so far as it applies to any period before the thirtieth day of June, nineteen hundred and nineteen, have effect as if for references to two hundred and fifty pounds a year there were substituted references to one hundred and sixty pounds a year. 1 & 2 Geo. 5. c. 55.

Application of Act to persons in service of Crown.

18.—(1) The provisions of this Act shall apply to persons in the service of the Crown in the same manner and to the same extent as the Insurance Act.

(2) There shall be paid out of moneys provided by Parliament for Navy, Army and Air Force services by the Admiralty, Army Council and Air Council respectively in respect of every seaman, marine, soldier or airman, for each contribution week or part of a contribution week for which he receives pay, a contribution for the purposes of this Act at the ordinary rate.

(3) The Admiralty, the Army Council and the Air Council respectively may recover by deduction from the pay of seamen, marines, soldiers and airmen part of the contributions paid under this section to such amount, not exceeding one-half thereof, as they may think fit.

Provisions as to seamen.

19.—(1) The Minister, after consultation with the Board of Trade, may make a special order modifying in such manner as he thinks proper the provisions of this Act (but not so as to increase the rates of contributions or to decrease the rates of pension) in their application to masters and seamen, and in particular (but without prejudice to the generality of the foregoing provisions) any such order may provide for determining in the case of a ship registered in Northern Ireland the owner of which resides or has his principal place of business in Great Britain, or of a ship registered in Great Britain the owner of which resides or has his principal place of

business in Northern Ireland, whether or not persons employed on the ship are to be treated as being insured for the purposes of this Act.

(2) The provisions of the Insurance Act which relate to the procedure for the making of special orders under that Act shall apply in the case of special orders made under this section.

Provisions as to short service constables of the metropolitan police force.

20.—(1) The contribution payable under this Act in respect of a short service constable of the metropolitan police force, that is to say, a constable who is appointed for a fixed period of service, shall be an employers' contribution at the rate of ninepence a week and shall be paid out of the metropolitan police fund in respect of each contribution week, or part of a contribution week, for which he receives pay.

(2) A widow's pension shall not be payable under this Act to the widow of a short service constable if a pension is payable to her under the Police Pensions Act, 1921, or if under paragraph (*d*) of section three of that Act she has accepted a gratuity in lieu of a pension, and an additional allowance or orphan's pension shall not be payable under this Act in respect of a child of a short service constable if an allowance or gratuity is payable in respect of that child under the said Act of 1921.

11 & 12 Geo. 5. c. 31.

(3) If the total weekly amount of any widow's pension and any additional allowances, or of any orphans' pensions, which but for the provisions of the preceding subsection would have been payable under this Act in right of a short service constable exceeds the total weekly amount of any widow's pension and any children's allowances, or, as the case may be, of any children's allowances, payable in right of him out of the metropolitan police fund, a sum equal to the difference between those amounts shall in respect of each week be paid into that fund out of the Pensions Account and applied in augmenting the weekly payments made out of that fund:

Provided that this subsection shall not apply in any case where a gratuity in lieu of a pension or in lieu of an allowance has been granted to, or for the benefit of, the widow or any child of the constable.

Residential Qualification of Pensioners, &c.

Residential qualification of pensioners, &c.

21.—(1) A sum shall not be paid on account of a pension—

(*a*) to or in respect of any person unless that person is either in Great Britain or in some part of His Majesty's dominions outside Great Britain; or

(*b*) unless payment of the sum is obtained within three months after the date on which it has become payable.

In calculating the said period of three months there shall be excluded any period during which, by virtue of the provisions of the Third Schedule to this Act, no sum on account of the pension may be paid.

(2) For the purposes of paragraph (*b*) of the preceding subsection, any sum accruing due on account of a pension which a rate-aided person of unsound mind who is detained as such in any mental hospital or is being maintained as such in any other place 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.

Provisions as to pensions payable to or in respect of persons in His Majesty's dominions outside Great Britain.

22.—(1) The following provisions 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 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 subsection (1) section nine of this 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" (in both places where 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";

(*b*) 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 this 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 this 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 this Act until that date.

(2) The Minister may make a special order adapting in such manner as he thinks necessary the provisions of paragraph (*b*) 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 the Insurance Act which relate to the procedure for the making of special orders under that Act shall apply in the case of special orders made under this subsection.

(3) The provisions of the Insurance Act relating to the position of insured persons who cease 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 (*b*) of subsection (1) of this section, have subsequently ceased to pay contributions, and the provisions of the said Act relating to the minimum number of contributions to be paid in any year by voluntary contributors shall also apply to such persons, other than provisions whereby men who on attaining the age of sixty, and women who on attaining the age of fifty-five, have been continuously insured for ten years may pay a smaller number of contributions in any year.

(4) Payments in respect of a pension which by virtue of the provisions of this Act may be made to a person in a part of His Majesty's dominions outside Great Britain shall, notwithstanding any other provisions of this Act relating to the time and manner of paying pensions, 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.

(5) The Minister may make regulations under this 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 (*b*) of subsection (1) of this section are to be paid.

(6) The provisions of this section shall not apply in the case of any person in a 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 this Act.

Disqualifications, Provisions against Double Pensions, &c.

Disqualifications.

23. The provisions set out in the Third Schedule to this Act shall have effect with respect to disqualifications for the receipt of pensions, including additional allowances, under or by virtue of this Act.

Women disqualified for receiving pensions in certain cases.

24. A woman shall not be entitled to, and shall be disqualified from receiving payment of, a widow's pension (other than such part thereof as is payable by way of an additional allowance), if and so long as she and any person are cohabiting together as man and wife.

Provisions against double pensions.

25.—(1) A pension or an additional allowance under this Act shall not be payable to or in respect of any person to or in respect of whom a service dependants pension within the meaning of this Act is payable, except where such a pension is payable in respect of the service of the pensioner's son or stepson during the late war:

Provided that—

(i) regulations may be made by the Minister and the service pension authority concerned for excluding from the provisions of this subsection such service dependants pensions as may be prescribed, being service dependants pensions calculated with reference to the necessities of the pensioner, and such regulations may make special provision with reference to the administration of pensions under this Act payable in the case of persons entitled to such excluded pensions; and

(ii) where the amount of the service dependants pension is less than the amount of the pension, including additional allowances, if any, which would apart from this section have been payable under this Act, there shall be payable

out of the Pensions Account to the service pension authority a sum equal to the difference between the said last-mentioned amount and the amount of the service dependants pension, and thereupon the service dependants pension shall be increased by that sum.

In calculating for the purposes of this subsection the amount of a service dependants pension,—

(*a*) where the service dependants pension is payable to or in respect of a person being one of a married couple living together in the same house, the husband and wife shall each be treated as in receipt of a pension of half the amount of such service dependants pension;

(*b*) where service dependants pensions are payable to or in respect of a widow and her children, the amount of the service dependants pension payable to the widow shall be treated as including the pensions payable in respect of her children.

(2) An orphan's pension shall not be payable in respect of a child in respect of whom an additional allowance is claimable.

(3) Not more than one additional allowance, or one orphan's pension, shall be payable in respect of any one child.

(4) Not more than one old age pension, whether under this Act or the Old Age Pensions Act, 1936, shall be payable to any one person, and an old age pension shall not be payable to any woman so long as she is entitled to a widow's pension:

Provided that the right to a pension under this Act shall not affect any right to, or to the continuance of, a pension payable under the Old Age Pensions Act, 1936, to a blind person who has not attained the age of seventy.

Provisions applicable where a person entitled to pension receives outdoor relief.

26.—(1) Where during any period outdoor relief has been granted 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 this Act by an amount not exceeding such an amount as the authority granting the relief 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.

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

25 & 26 Geo. 5. c. 8.

24 & 25 Geo. 5. c. 29.

27. If it appears to the Minister that any sums have been paid to any person by way of sickness or disablement benefit under the Insurance Act, or of benefit under Part III of the Unemployment Insurance Act, 1935, or of an allowance under the Unemployment Assistance Act, 1934, in respect of any period subsequent to the date on which an old age pension under this Act began 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, or to the Unemployment Assistance Fund, as the case may be.

Power to modify existing superannuation schemes.

28.—(1) Where, before the fourth day of January, nineteen hundred and twenty-six, any pension scheme has been established otherwise than by Act of Parliament (including a scheme established under powers conferred by Act of Parliament), whereby benefits are provided corresponding to any of the benefits secured by this Act, and the pension authority desire, in consequence of the provisions of this Act, to modify the scheme as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, but under the instrument regulating the scheme are unable to do so either absolutely or without undue delay or expense, the pension authority may submit to the Chief Registrar of Friendly Societies proposals for conferring on them the powers necessary for the purpose, and the Chief Registrar may confirm the proposals, subject to such conditions, if any, as he thinks fit to impose, and thereupon, subject to compliance with such conditions, if any, the pension authority may modify the scheme as respects such persons as aforesaid by reducing the amount of the benefits payable under the scheme and the contributions payable thereunder, and by making such other alterations in the scheme as may appear to them expedient in consequence of such reductions:

Provided that, where the pension authority is a local authority, this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(2) Where before the date aforesaid any pension scheme has been established by Act of Parliament whereby benefits are provided corresponding to any of the benefits secured by this Act, the pension authority may submit to the Chief Registrar of Friendly Societies an amending scheme for reducing, as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, the benefits payable under the scheme and the contributions payable thereunder, and may make such other alterations in the scheme as appear to them expedient in consequence of such reductions; and the Chief Registrar, after giving persons affected by the proposed scheme or their representatives the opportunity of objecting, and after considering any objection so made, may confirm the scheme; and on any such amending scheme being so confirmed

the Act by which the scheme is established shall have effect subject to the provisions of the amending scheme:

Provided that, where the pension authority is a local authority, this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(3) Where by any public general Act in force before the date aforesaid provision is made for the establishment of a general scheme of superannuation whereby persons in return for contributions payable thereunder become entitled to benefits corresponding to any of the benefits secured by this Act, any local authority or combination of local authorities which are at the commencement of this Act or have hereafter become or propose to become a pension authority to which the first-mentioned Act applies may submit to the Minister a scheme modifying the first-mentioned Act so far as it relates to insured persons who may become entitled to any of the benefits secured by this Act and who may also become entitled to receive from the pension authority corresponding benefits under the first-mentioned Act—

(*a*) by reducing the superannuation allowance payable under the first-mentioned Act to any such person by such amount as may be specified in the scheme, not exceeding the amount of the pension to which he and, if he is married, his wife may become entitled under or by virtue of this Act;

(*b*) by reducing the contributions payable under the first-mentioned Act by any such person by such amount as may be specified in the scheme;

and the scheme may make such financial adjustments (including any alteration in any annual charge payable by the pension authority which may have been fixed under the first-mentioned Act) as may be appropriate in the circumstances, and the Minister may, after giving persons affected by the proposed scheme or their representatives an opportunity of objecting, and after considering any objection so made, confirm the scheme, and upon any such scheme being so confirmed the first-mentioned Act, in relation to the pension authority and such persons as aforesaid shall have effect subject to the provisions of the scheme.

(4) No alteration in any particular scheme, or in any general scheme in its application to any particular pension authority, shall be made by a scheme under this section which will prejudicially affect the solvency of the particular scheme, or of the general scheme in its application to that authority, or increase the liability of the person, if any, liable for the solvency thereof.

(5) The powers conferred on a pension authority by a scheme under this section may include power to pay on behalf of any person in receipt of a superannuation allowance from the pension authority any contribution under this Act or the Insurance Act payable by such person, and, if the pension authority think fit, to deduct the amount thereof from the superannuation allowance payable to him.

(6) This section shall not, nor shall any scheme thereunder, except in such cases and to such extent as may be prescribed, affect the benefits of or contributions by any person employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act.

(7) For the purposes of this section, the expression "local authority" means the council of any county or municipal or metropolitan borough or urban or rural district, and any other local authority within the meaning of the Local Loans Act, 1875, and the expression "pension authority" means any local authority or combination of local authorities or other body of persons administering a pension or superannuation scheme, and the expression "Act of Parliament" includes a Provisional Order confirmed by Act and an Order having the effect of an Act. 38 & 39 Vict. c. 83.

Administrative Provisions, &c.

Date of commencement and cesser of, and mode of paying, pensions.

29.—(1) Subject to the provisions of this section, a pension shall begin 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 beginning of the period of three months immediately preceding the date on which the claim is made.

(2) A pension shall, subject to any directions of the Minister in special cases, be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Minister with the approval of the Treasury may direct.

(3) Where the date on which a pension would begin to accrue under this Act is a day in the week other than that prescribed as the day in the week on which the weekly payments on account of pensions of that class are to be made, the pension shall not begin to accrue until such prescribed day in the week occurring next after the first-mentioned date.

(4) Where the date on which a pension or additional allowance under this Act would cease to be payable is a day in the week other than that immediately preceding the day in the week so prescribed as aforesaid, the pension or allowance shall continue payable in respect of the days in the week up to but not including such prescribed day:

Provided that, where a pension would cease to be payable by reason only of the person entitled thereto attaining the age of seventy, the pension shall continue to be payable in respect of any days intervening between the day prior to the day on which that person attains the age of seventy and the day in the week on which pensions under the Old Age Pensions Act, 1936, are payable.

(5) For the purposes of this and the next succeeding section, an additional allowance shall, unless the context otherwise requires, be deemed to be a separate pension.

Claims and appeals.

30.—(1) Subject to the provisions of this Act and in accordance with any regulations made thereunder, all claims for or in respect of pensions shall be made to the Minister.

(2) If any person is dissatisfied by the award or decision of the Minister in respect of any pension, the question shall on application being made within the prescribed time be referred to one or more referees selected in accordance with regulations made by the National Health Insurance Joint Committee (hereinafter called the Joint Committee) from a panel of referees to be appointed in accordance with regulations so made, and

the decision of the referee or referees shall be final and conclusive:

Provided that nothing in this subsection shall be construed as requiring such a reference to be made as respects any matter which by this Act is a matter within the discretion of the Minister, or a matter which the Minister has power to determine under any provisions of the Insurance Act as applied by this Act.

Revision of awards and decisions.

31.—(1) The Minister may at any time and from time to time revise any award made or decision given by him under this Act or any Act repealed by this 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 the preceding section; 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 preceding section 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 the last preceding section 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 the provisions of this Act relating to the repayment of sums overpaid.

Regulations by Minister.

32.—(1) The Minister, in conjunction with the Treasury so far as relates to matters with respect to which the Treasury so direct, and in conjunction with the Postmaster-General so far as relates to the Post Office, may make regulations generally for carrying this Act into effect, and in particular—

(*a*) for prescribing the manner in which claims to pensions may be made, and for enabling pensions to be paid through the Post Office;

(*b*) for prescribing the procedure to be followed on references under this Act, and for applying for the purposes of any such reference any of the provisions of the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment, and for excluding the application of any of the other provisions of those Acts;

(*c*) for authorising in such cases as may be prescribed the payment of any sum by way of pension during any period intervening between the making of any claim or the referring of any question and the final determination of the claim or question;

(*d*) for providing for the apportionment as between the appropriate National Health Insurance Fund and the Pensions Account of sums received on account of contributions;

(*e*) for enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid;

(*f*) for enabling a person to be appointed to exercise on behalf of any claimant or person entitled to or in receipt of a pension who is, by reason of any mental or other incapacity, unable to act, any right to which that claimant or person may be entitled under this Act, and to authorise any person so appointed to receive on behalf and for the benefit of the claimant or person any pension;

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

(i) 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 on account of the pension within three months before the date of his death, but has not been paid;

(ii) 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;

(iii) 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;

(*h*) 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; and

(*i*) for prescribing anything which under this Act is to be prescribed.

(2) Regulations made under this section shall also provide that any pension which a rate-aided person of unsound mind who is detained as such in any mental hospital, or is being maintained as such in any other place, 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 pensioner; and

(*b*) for the benefit of such dependants of the pensioner 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 pensioner 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.

(3) Regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and shall have effect as if enacted in this Act:

Provided that, if an address is presented to His Majesty by either House within the next subsequent twenty-one days on which that House has sat next after the regulation is laid before it, praying that the regulation may be annulled, His Majesty may by Order in Council annul the regulation, but without prejudice to the validity of anything previously done thereunder.

Regulations by Registrar-General.

33.—(1) Regulations made by the Registrar-General under the Births and Deaths Registration Acts, 1836 to 1929, may provide for the furnishing by Superintendent Registrars, Registrars of Births and Deaths, and Registrars of Marriages, subject to the payment of the prescribed fee, of such information for the purposes of this Act, including copies of or extracts from the registers under their charge, as may be prescribed.

37 & 38 Vict. c. 88. 6 & 7 Will. 4. c. 86.

(2) The power given to the Minister, or to the Registrar-General with the consent of the Minister, by section forty-four of the Births and Deaths Registration Act, 1874, by order to alter from time to time all or any of the forms contained in the Schedules to the Births and Deaths Registration Act, 1836, as amended by any subsequent enactment, in such manner as may appear best for carrying into effect the Births and Deaths Registration Act, 1836, or to prescribe new forms for that purpose, shall include a power to alter the said forms or to prescribe new forms in such manner as may appear to them best adapted for carrying into effect any of the purposes of this Act.

(3) The provisions of the Insurance Act which enable certificates of births, deaths and marriages to be obtained for the purposes of that Act on payment of a reduced fee shall apply for the purpose of enabling certificates of births, deaths and marriages to be obtained for the

purposes of this Act on payment of a fee of one shilling in each case.

Co-ordinating power of National Health Insurance Joint Committee.

34. The Joint Committee shall exercise and perform such powers and duties of the Minister and the Department of Health for Scotland under this Act, either alone or jointly with either of them, as may be prescribed by regulations of the Joint Committee:

Provided that, for the purpose of the exercise of any powers under this Act, the Minister of Labour for Northern Ireland shall not, nor shall his deputy, act as a member of the Joint Committee unless reciprocal arrangements made with Northern Ireland under this Act are for the time being in force.

Provisions as to reciprocal arrangements with other parts of His Majesty's dominions.

35.—(1) If provision is made by legislative enactment in any part of His Majesty's dominions outside Great Britain for the establishment therein of any scheme of health insurance and of pensions substantially corresponding to those provided by virtue of the Insurance Act and this Act, the Joint Committee may, with the consent of the Treasury, make reciprocal arrangements with the authority administering such scheme whereby periods of insurance, contributions paid, and residence, in one country shall, for the purpose of qualification for pensions in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country, and whereby pensions payable by one country shall be payable to persons whilst resident in the other country:

Provided that, where reciprocal arrangements have been made with any part of His Majesty's dominions outside Great Britain for the purposes of the Insurance Act, but have not been made for the purposes of this Act, any insurance which by virtue of those reciprocal arrangements is deemed to be insurance for the purposes of the former Act shall not be deemed to be insurance for the purposes of this Act, and the expressions "insured" and "insurance" in this Act shall be construed accordingly.

(2) Provision may be made by regulations under this Act for directing that this Act shall, in relation to or in connection with any persons affected by any arrangements made under this section, apply, subject to such modifications and adaptations as may be prescribed,

and may make provision for any necessary financial adjustments.

(3) For the purposes of this section, the expression "country" means Great Britain on the one hand, and any part of His Majesty's dominions outside Great Britain which has made such provision as aforesaid on the other hand.

Pensions under Act to be inalienable, &c.

36.—(1) Every assignment of or charge on, and every agreement to assign or charge, a pension shall be void, and on the bankruptcy of the person entitled to such a pension the pension shall not pass to any trustee or other person acting on account of the creditors.

(2) Any sums received by any person by way of a pension shall not be included in calculating his means for the purpose of section five of the Debtors Act, 1869. 32 & 33 Vict. c. 62.

Penalty for false statements, repayment of sums overpaid, &c.

37.—(1) Any person who, for the purpose of obtaining or continuing a pension, either for himself or for any other person, or for the purpose of obtaining or continuing a pension for himself or for any other person at a higher rate than that appropriate to the case, knowingly makes any false statement or false representation, any person who knowingly obtains payment of, or continues to receive, a pension which he is disqualified from receiving, and 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 be liable on summary conviction to imprisonment for a term not exceeding three months.

(2) If it is found at any time that a person has been in receipt of a pension during any period during which he was not entitled to payment thereof, or has been in receipt of a pension at a higher rate than that appropriate to the case, then, unless it is shown to the satisfaction of the Minister that the sum was received by the pensioner in good faith and without knowledge that he was not entitled to payment thereof, he, or, in the case of his death, his personal representative, shall be liable to repay to the Minister any sums paid to him in respect of the pension during the period aforesaid, or, as the case may be, a sum representing the difference between a pension at

the rate actually paid and a pension at the rate appropriate to the case.

(3) Any sum due to the Minister under this section may, without prejudice to the recovery thereof as a debt due to the Crown, be recovered by the Minister summarily as a civil debt, and proceedings for the summary recovery as a civil debt of any such sum may, notwithstanding anything in any Act to the contrary, be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of payments on account of pension, within twelve months from the date on which the last payment on account of pension was received.

(4) Where a person is liable under this section to repay to the Minister any sum received by way of pension, that sum may be recovered without prejudice to any other remedy, by means of deductions from any pension to which that person may thereafter be entitled.

(5) The provisions of this section shall apply with the necessary modifications in the case of a person to whom a pension or additional allowance is paid under any of the provisions of this Act for or for the benefit of any person.

General.

Local authorities.

38.—(1) Save where otherwise expressly provided, the local authority for the purposes of this Act shall be, in the case of a county borough, the borough council, and elsewhere, the county council:

Provided that, where the council of any non-county borough or urban district is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, that council shall, as respects that borough or urban district, be the local authority for the purposes of this Act to the exclusion of the county council.

8 & 9 Geo. 5. c. 29.

(2) A county council may for the purposes of this Act make arrangements with the council of any county district (or, in London, the common council of the City of London or the council of a metropolitan borough) whose area is wholly or partly situate within the county for the

execution and performance by that council of any of the powers and duties of the county council under this Act.

(3) A local authority for the purpose of this Act, or the council of any other authority with which a county council have made arrangements under the last preceding subsection, may, if the authority is a local education authority or an authority for the purposes of the Maternity and Child Welfare Act, 1918, delegate their powers and duties under this Act to the education committee or to the maternity and child welfare committee of the authority, or if the authority is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, partly to one such committee and partly to the other, as they think fit; and such delegation may be made subject to such restrictions and conditions, if any, as the authority think fit.

(4) Any expenses incurred by a local education committee or a maternity and child welfare committee in the execution and performance of any powers and duties so delegated shall be defrayed as expenses incurred in aid of elementary education or under the Maternity and Child Welfare Act, 1918, as the case may be, and any expenses incurred by a local authority for the purposes of this Act in the execution and performance of their powers and duties which have not been delegated to a local education committee or a maternity and child welfare committee, and any similar expenses of the council of any authority with which arrangements have been made by a county council, so far as they are not met by payments by the county council, shall be defrayed as follows:—

(*a*) in the case of a county council, as expenses for general county purposes, or, if the Minister by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order;

(*b*) in any other case, as part of the general expenses of the council.

(5) For the purposes of this Act, the Minister may refer to the local authority for investigation and report to him any matter relating to a widow or child to or in respect of whom a widow's or orphan's pension or additional allowance is payable.

Provisions as to posthumous children.

39.—(1) In the event of a posthumous child being born, any additional allowance or orphan's pension which would have been payable in respect of the child had he been living at the date of his father's death shall be payable in respect of the child as from the date of birth.

(2) Where under any of the provisions of this Act the right of a woman to a widow's pension depends on there being at least one child living at the date of the death of her husband, then, in the event of a posthumous child being born, the child shall for the purpose of determining her right to a pension be treated as if he had been born immediately before the date of the death of the father.

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

40. 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 this Act.

Decennial reports and revision of contributions.

41.—(1) The Government Actuary shall in the year nineteen hundred and forty-five, and in every succeeding tenth year, make a report to the Treasury on the general financial operation of this Act, the amount of contributions from the Exchequer which will be required to preserve the solvency of the Treasury Pensions Account, and the value of the benefits conferred by this Act; and every such report shall be laid before Parliament:

Provided that nothing in this provision shall be construed as preventing the Treasury from requiring additional reports to be so made at such times during the currency of any decennial period as they think fit.

(2) Unless Parliament otherwise determines, during the decennial period commencing the first day of January, nineteen hundred and forty-six, the ordinary rates of contributions shall be increased in the case of men by twopence a week (of which in the case of employed persons one penny shall be payable by the employer and one penny by the employed person), and in the case of women by one penny a week (which in the case of employed persons shall be payable by the employer), and similar additional increases shall be made in the contributions at the beginning of the decennial period

commencing the first day of January, nineteen hundred and fifty-six, so, however, that in the case of women the additional increase to be made in that decennial period shall in the case of employed persons be payable by the employed person.

(3) The rates of contributions under Part II of the First Schedule to this Act shall in the case of men be increased by one penny a week at the beginning of each such decennial period and in the case of women by one penny a week at the beginning of the decennial period commencing the first day of January, nineteen hundred and forty-six (the whole of which shall in either case be payable by the employer), but the rates of contributions under Part III and Part IV of the said Schedule shall not be liable to be increased.

(4) The increase in the rates of contributions to be made in each such decennial period shall not have effect in respect of any part of a week before the first Monday in the period.

Interpretation.

42.—(1) In this Act, unless the context otherwise requires—

"Child" includes a stepchild, and, in relation to a man, an illegitimate child, whether his or his wife's, who was living with him at the time of his death and, in relation to a woman, includes her illegitimate child who was living with her at the time of her death;

"Contributions" means contributions under this Act or the Insurance Act or any Act repealed by this Act or by the Insurance Act or under any previous enactments relating to national health insurance;

"His Majesty's dominions" includes British Protectorates and Protected States and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions;

"Minister" means the Minister of Health;

"Orphan" means a child both of whose parents are dead;

"Pension" means a pension under this Act or any Act repealed by this Act, and a pension under the Old Age Pensions Act, 1936, which is payable by virtue of this Act or any Act repealed by this Act;

"Provisions of this Act" includes any regulations made under this Act;

"Service dependants pension" means any pension or allowance payable out of moneys provided by Parliament at weekly or other periodical intervals to a person—

(*a*) in respect of the death of some other person attributable to or connected with the service of that other person in the naval, military or air forces; or

(*b*) in respect of the death of some other person attributable to or connected with the service of that other person during the late war;

and "service pension authority" means the authority or department by which the service dependants pension is administered.

(2) When the widow of a man has remarried, she shall not for the purposes of this Act be regarded as the widow of her former husband and accordingly, subject to the provisions of this Act as to the continuance of additional allowances, shall not be entitled to any pension under this Act in respect of the insurance of her former husband.

(3) Where a child born before the marriage of his parents has been legitimated by virtue of the subsequent marriage of his parents, the child shall, for the purposes of this Act, be deemed to be a child born of the marriage.

16 & 17 Geo. 5. c. 29. 20 & 21 Geo. 5. c. 37.

(4) An adopted child within the meaning of the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, 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 this Act be treated as being the child of those spouses and as not being the child of any other person:

Provided that this subsection 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 under the first of the above-mentioned Acts before the second day of January, nineteen hundred and thirty, at that date.

(5) An adopted child within the meaning of the Adoption of Children (Scotland) Act, 1930, who—

(*a*) was, before the first day of October, nineteen hundred and thirty, in the custody of, and being brought up, maintained and educated by, two spouses jointly as their child under a de facto adoption; and

(*b*) continued until the aforesaid date to be in the custody of, and to be brought up, maintained and educated by, the spouses or the survivor of them; and

(*c*) was adopted by the survivor of the spouses by an order granted on an application presented before the first day of August, nineteen hundred and thirty-two,

shall be treated for the purposes of this Act as being the child of those spouses and as not being the child of any other person:

Provided that this subsection 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 thirty-first day of July, nineteen hundred and thirty-one, at that date.

(6) For the purposes of this Act, any period during which a person served in the naval, military, or air forces of the Crown during the late war shall, if he was entitled to be insured whilst so serving, be deemed to be a period during which he was insured, and contributions shall be deemed to have been paid in respect of him for every week during that period.

(7) A person who would be entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of this Act, shall, for the purposes of this Act, be deemed to be entitled thereto by virtue of this Act, notwithstanding that that person would be entitled to an old age pension under that Act independently of this Act.

Saving for certain provisions in Pensions Act of 1929. 20 & 21 Geo. 5. c. 10.

43. The provisions set out in the Fourth Schedule to this Act, being provisions contained in sections one, two and thirteen of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 (which extended the right to widows' pensions to certain widows whose husbands had died or attained the age of seventy before a specified date, and extended the right to old age pensions in the case of certain women), as amended by any subsequent enactment, shall have effect with respect to the persons therein mentioned and to the pensions payable thereunder.

Application to Scotland.

44. In the application of this Act to Scotland—

(1) References to the Minister shall be construed as references to the Department of Health for Scotland, except in section twenty-eight, in which section references to the Minister shall be construed as references to the Secretary of State; and references in the said section twenty-eight to a local authority shall be construed as references to a local authority within the meaning of the Local Authorities Loans (Scotland) Acts, 1891 to 1924.

(2) The Lunacy (Scotland) Acts, 1857 to 1919, shall be substituted for the Lunacy and Mental Treatment Acts, 1890 to 1930.

(3) The expression "workhouse or other poor law institution" means "poorhouse"; the expression "mental hospital" means "asylum"; and the expression "rate-aided person of unsound mind" means "pauper lunatic."

(4) A separate account to be called the Pensions (Scotland) Account shall be kept, and all the provisions of this Act relating to the Pensions Account (including the provisions as to the making of payments thereto from the Treasury Pensions Account) shall apply to the Pensions (Scotland) Account.

(5) Save as otherwise expressly provided, the local authority for the purposes of this Act shall be, in the case of a county the county

council, and, in the case of a burgh, the town council, and the expenses incurred by any such council under this Act shall be defrayed out of the public health general assessment.

A local authority may make arrangements for the execution and performance of any of their powers and duties under this Act either by a committee of the local authority or by a joint committee of the local authority and any other local authorities or otherwise as the local authority may determine, and any such committee or joint committee may consist partly of persons who are not members of the local authority or of any of the local authorities acting in combination, as the case may be:

Provided that, where any of the powers and duties of the local authority are executed and performed by the committee or joint committee administering the scheme of maternity and child welfare under the Notification of Births (Extension) Act, 1915, in operation within the district of the local authority, any expenses incurred by that committee or joint committee shall be defrayed as expenses incurred under that scheme. 5 & 6 Geo. 5. c. 64.

(6) Where any question is referred to referees under the provisions of subsection (2) of section thirty or of subsection (2) of section thirty-one, the referees on the application of any party to the reference at any stage of the proceedings may, and shall, if so directed by the Court of Session, state a case on any question of law arising in the reference for the opinion of the Court of Session.

(7) The following subsections shall be substituted for subsections (1) and (2) of section thirty-three:—

(1) Regulations may be made by the Registrar-General with the approval of the Department of Health for Scotland requiring every person giving information to a registrar of births, deaths and marriages of a

birth, death or marriage to furnish in writing, to the best of his knowledge and belief, such information for the purposes of this Act as may be prescribed, and any person refusing so to furnish such information or knowingly making any false statement or representation with reference to such information shall be liable on summary conviction to imprisonment for a term not exceeding three months; and the provisions of section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, with respect to regulations thereunder being laid before Parliament shall apply to regulations made under this subsection.

17 & 18 Vict. c. 80.

(2) Regulations made by the Department of Health for Scotland or by the Registrar-General with the approbation of the said Department under section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, may provide for the furnishing by registrars of births, deaths and marriages, subject to the payment of the prescribed fee, of such information for the purposes of this Act as may be prescribed.

(8) Subsection (3) of section thirty-seven shall have effect as though the word "summarily" were omitted therefrom, and nothing in that subsection shall be deemed to limit the period within which proceedings for the recovery of any civil debt may be brought.

Repeals.

45. The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889,—

52 & 53 Vict. c. 63.

(*a*) nothing in this repeal shall affect the right to any pension to which any person would have been entitled by virtue of the provisions of sections eighteen and nineteen and of paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section twenty of the Widows', Orphans' and Old Age Contributory

15 & 16 Geo. 5. c. 70.

Pensions Act, 1925 (which relate to widows and orphans whose husbands and parents had died before the commencement of that Act, and to persons who had attained the age of seventy before the second day of January, nineteen hundred and twenty-eight), as amended by any subsequent enactment, and pensions shall be payable or continue to be payable in accordance with those provisions, and subject to the same terms and conditions, as if this Act had not been passed;

(*b*) nothing in this repeal shall affect any order, rule, regulation, arrangement or scheme made, or certificate, notice, decision, direction or approval given or thing done under any enactment repealed by this Act and every such order, rule, regulation, arrangement, scheme, certificate, notice, decision, direction or approval shall continue in force, and, shall, so far as it could have been made, issued or given under this Act, have effect as if made, issued or given under the corresponding enactment of this Act;

(*c*) any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act;

(*d*) any person appointed to any office under or by virtue of any enactment repealed by this Act shall be deemed to have been appointed to that office under or by virtue of this Act;

(*e*) all funds and accounts constituted under this Act shall be deemed to be in continuation of the corresponding funds and accounts constituted under the enactments repealed by this Act;

(*f*) references in this Act to persons insured thereunder shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so insured under the enactments repealed by this Act, and any contributions paid in respect of any persons under the enactments repealed by this Act shall, for the purposes of this Act, be treated as if they had been paid under the corresponding enactments of this Act.

Short title, commencement and extent.

46.—(1) This Act may be cited as the Widows', Orphans' and Old Age Contributory Pensions Act, 1936.

(2) This Act shall come into force on the first day of January, nineteen hundred and thirty-seven.

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

SCHEDULES.

Sections 12, 17, 40.

FIRST SCHEDULE.

RATES OF CONTRIBUTIONS.

PART I.

ORDINARY RATES OF CONTRIBUTIONS.

—	Rate of contribution per week.	Payable in case of employed persons.	
		By the employer.	By the employed person.
Contributions in case of men -	11*d.*	5½*d.*	5½*d.*
Contributions in case of women	5½*d.*	2½*d.*	3*d.*

PART II.

RATES OF CONTRIBUTIONS IN RESPECT OF PERSONS EMPLOYED WITHIN THE MEANING OF THE INSURANCE ACT WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE.

Contributions in case of men -	10*d.*	10*d.*	—
Contributions in case of women	7*d.*	7*d.*	—

PART III.

RATES OF CONTRIBUTIONS IN RESPECT OF EXEMPT PERSONS.

Contributions in case of men -	7*d.*	4½*d.*	2½*d.*
Contributions in case of women	2½*d.*	2½*d.*	—

1ST SCH. —*cont.*

PART IV.

RATES OF CONTRIBUTIONS IN RESPECT OF PERSONS EMPLOYED IN ANY EMPLOYMENT WHICH IS AN EXCEPTED EMPLOYMENT TO WHICH PARAGRAPHS (*d*) OR (*e*) OF SUBSECTION (1) OF SECTION TWELVE OF THIS ACT APPLY, AND WHO ARE INSURED FOR ALL PENSIONS EXCEPT OLD AGE PENSIONS.

—	Rate of contribution per week.	Payable by the employer.	Payable by the employed person.
Contributions in case of men -	7*d.*	3½*d.*	3½*d.*
Contributions in case of women	3½*d.*	2*d.*	1½*d.*

SECOND SCHEDULE.

Section 17 (5).

APPLICATION OF SUBSECTION (5) OF SECTION SEVENTEEN TO A PERSON WHOSE REMUNERATION EXCEEDED TWO HUNDRED AND FIFTY POUNDS A YEAR.

Where a person who has been employed in an employment which would have been an excepted employment within the meaning of section seventeen of this Act had the rate of his remuneration not exceeded two hundred and fifty pounds a year has on retirement from such employment, whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(i) paragraph (*a*) of subsection (5) of the said section shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, no contributions under this Act or any Act repealed by this Act would, or would had he continued in the employment after the fourth day of January, nineteen hundred and twenty-six, have been payable in respect of him;

(ii) paragraph (*b*) of subsection (5) shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, contributions at the rates mentioned in Part IV of the First Schedule to this Act would, or would had he continued in the employment after the fourth day of January, nineteen hundred and twenty-six, have been payable in respect of him:

2ND SCH. —*cont.*

Provided that, where a person to whom paragraph (*a*) of the said subsection would by virtue of the foregoing provisions of this Schedule apply is a person—

(i) who retired before the fourth day of January, nineteen hundred and twenty-six and was an insured or exempt person on that date; or

(ii) who retired on or after that date and was insured at the date of his retirement,

he shall be treated as if he were a person to whom paragraph (*a*) of the said subsection did not, but paragraph (*b*) thereof did, apply.

Sections 7, 21, 23.

THIRD SCHEDULE.

DISQUALIFICATIONS FOR RECEIPT OF PENSIONS.

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 rate-aided person of unsound mind or as a criminal lunatic, or is detained in any mental hospital within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930,

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 this paragraph, so far as it relates to maintenance in any place as a rate-aided person of unsound mind or to detention in a mental hospital, shall not apply to a person who is entitled to a pension under sections three, four or eight of this Act, or who, having been so entitled, is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of paragraph (*a*) of section eleven of this Act, or to a person who is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of paragraph (*b*) or (*c*) of the said section eleven.

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 this 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 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. 3RD SCH. —*cont.*

FOURTH SCHEDULE.

Section 43.

PROVISIONS CONFERRING A RIGHT TO A WIDOW'S PENSION IN THE CASE OF CERTAIN WIDOWS WHOSE HUSBANDS DIED OR ATTAINED THE AGE OF SEVENTY BEFORE A SPECIFIED DATE, AND CONFERRING A RIGHT TO AN OLD AGE PENSION IN THE CASE OF CERTAIN WOMEN.

Extension of right to Widows' Pensions.

1. A widow shall, subject as hereinafter provided, be entitled to a widow's pension payable in accordance with the provisions of this 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 this Act would have been payable if this 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

4TH SCH. —*cont.*

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 after the fifteenth day of July, nineteen hundred and twelve, and before the fourth day of January, nineteen hundred and twenty-six, died on or after the latter date and was at the time of his death or would, if he had survived the second day of July, nineteen hundred and twenty-six, have been, entitled to an old age pension under any enactment relating to old age pensions, by virtue of any enactment repealed by this Act, by reason that he on attaining the age of seventy was an insured person who had been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five, or, if he attained the age of seventy before that date, that he was an insured person on attaining that age; or

(*d*) who having attained the age of seventy on or before the fifteenth day of July, nineteen hundred and twelve, died on or after the fourth day of January, nineteen hundred and twenty-six, and as respects whom it is shown that his normal occupation was at some time within three years before the date on which he attained the said age, employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time:

Provided that—

(i) the widow of a man mentioned in sub-paragraphs (*b*), (*c*), or (*d*) of this paragraph 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 section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension;

4TH SCH. —*cont.*

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

(iii) a widow's pension under this paragraph shall not be payable to a woman while a widow's pension is payable to her by virtue of any enactment repealed by this Act whereby a widow's pension became payable to a woman whose husband had died before, or whose husband had attained the age of seventy before, and died after, the commencement of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925;

(iv) a widow shall not be entitled to a widow's pension under this paragraph unless she was resident in Great Britain on the twenty-fifth day of July, nineteen hundred and twenty-nine, and for a period of two years immediately before the date on which she would, but for this provision, have become entitled to the pension.

2. If as respects any period before the thirtieth day of June, nineteen hundred and nineteen, any question arises under sub-paragraph (*a*) of the preceding paragraph, whether contributions would have been payable under this Act if this 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 (2) of section forty-two of this Act shall, in relation to the widow of a man to whom sub-paragraph (*a*) of paragraph 1 of this Schedule 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. The provisions of the Insurance Act relating to the determination by the Minister of questions relating to employment shall apply to any question arising under paragraph 1 of this Schedule whether employment which was, or is alleged to have been, the normal occupation of any person was employment in respect of which contributions under this Act would have been payable if this 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 whether any employment or class of employment is or will be employment within the meaning of the

4TH SCH. —*cont.*

Insurance Act or whether a person is or was a person employed within the meaning of that Act.

5. A man who was at the commencement of the period of three years immediately preceding his death, or, if he lived to attain the age of seventy, at the commencement of the period of three years immediately preceding the date on which he attained that age, either—

(*a*) incapable of work by reason of some specific disease or bodily or mental disablement; or

(*b*) available for but unable to obtain such employment as is hereinafter mentioned,

shall, if, when he became incapable of work or ceased to be employed, his normal occupation or, in the case of a man having more than one normal occupation, any one of his normal occupations, was employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time, be deemed to be a man whose normal occupation was at some time during the said period such employment as aforesaid.

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

6. 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 this Act relating to such a pension if she is the wife of a man who is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of any enactment repealed by this Act, by reason that he had attained the age of seventy before the second day of January, nineteen hundred and twenty-eight, and was on attaining that age an insured person and had been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five, or if he attained the age of seventy before the latter date, was at the time of attaining that age an insured person :

Provided that a woman shall not be entitled to a pension under this paragraph 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 section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension.

7. A widow who had attained the age of seventy years before the first day of July, nineteen hundred and thirty, shall be entitled to an old age pension under the Old Age Pensions Act, 1936, if she would have become entitled to a

widow's pension under paragraph 1 of this Schedule had she not attained the age of seventy before the said date. 4TH SCH —*cont.*

An old age pension to which a widow is entitled by virtue of this paragraph shall be at the rate of ten shillings a week, notwithstanding that any of the statutory conditions as to means, residence or nationality is not satisfied.

FIFTH SCHEDULE.

Section 45.

ENACTMENTS REPEALED.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 70.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	The whole Act, except paragraph (*b*) of subsection (2) of section nine, section thirteen, subsection (5) of section fourteen, other than the proviso to that subsection, subsection (5) of section fifteen, sections thirty-seven and thirty-eight, subsection (6) of section forty-five, and the Fourth Schedule.
20 Geo. 5. c. 10.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1929.	The whole Act, except subsection (4) of section three, subsections (1) and (2) of section nine, section twenty-one, and section twenty-five.
20 & 21 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1930.	In subsection (2) of section five the words "Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 and 1929, and", and the proviso to that subsection.
21 & 22 Geo. 5. c. 19.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1931.	The whole Act.
21 & 22 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1931.	The whole Act.
S.R. & O. 1931, No. 813.	The National Economy (National Health Insurance) Order, 1931.	Article three.

5TH SCH. —*cont.*

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 52.	The National Health Insurance and Contributory Pensions Act, 1932.	Section ten.
23 & 24 Geo. 5. c. 33.	The Metropolitan Police Act, 1933.	Subsection (3) of section four, so far as that subsection relates to widows', orphans' and old age contributory pensions; paragraph 2 of the Schedule.
24 & 25 Geo. 5. c. 29.	The Unemployment Assistance Act, 1934.	Section forty-nine.
25 & 26 Geo. 5. c. 44.	The National Health Insurance and Contributory Pensions Act, 1935.	Sections sixteen to twenty-one; section twenty-three, except subsections (1), (2) and (3); section twenty-four; the Second Schedule.

CHAPTER 34.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance. [16th July 1936.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and 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