1974. No. 164 **[C]**

NATIONAL INSURANCE

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 10TH JULY 1974, MADE BY THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE DEPARTMENT OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1970.

The Department of Health and Social Services, in conjunction with the Department of Finance so far as relates to matters with regard to which the Department of Finance has so directed, in exercise of powers conferred by sections 44, 48(1)(*a*) and 49(1)(*a*)(ii) of, and paragraphs 17 and 18 of Schedule 9 to, the National Insurance Act (Northern Ireland) 1966(**a**), section 11(1) of the National Insurance (No. 2) Act (Northern Ireland) 1966(**b**), paragraph 3 of Schedule 6 to the National Insurance &c. (No. 2) Act (Northern Ireland) 1969(**c**) and section 1 of the National Insurance Act (Northern Ireland) 1970(**d**), and of all other powers enabling it in that behalf, hereby makes the following regulations being regulations subject to negative resolution in accordance with section 101(3) of the National Insurance Act (Northern Ireland) 1966:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1974, and shall come into operation on 22nd July 1974.

(2) In these regulations—

"the principal Act" means the National Insurance Act (Northern Ireland) 1966;

"the Act of 1969" means the National Insurance &c. (No. 2) Act (Northern Ireland) 1969;

"the Act of 1970" means the National Insurance Act (Northern Ireland) 1970;

"the Order of 1971" means the Social Services (Parity) Order (Northern Ireland) 1971(**e**);

"the Measure of 1974" means the National Insurance Measure (Northern Ireland) 1974(**f**).

Higher rates and amounts of benefit payable under regulations

2. Subject to the provisions of regulations 4 and 13, as from the dates specified in column (1) of Schedule A there shall be substituted for each of the Schedules and for the Table mentioned in column (2) thereof the Schedule set opposite thereto in column (3).

(**a**) 1966. c. 6 (N.I.).
(**b**) 1966. c. 16 (N.I.).
(**c**) 1969. c. 19 (N.I.).
(**d**) 1970. c. 28 (N.I.).
(**e**) S.R. & O. (N.I.) 1971, No. 224.
(**f**) 1974. c. 4 (N.I.).

Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day

3. Where an award of any benefit under the principal Act has been made before the day appointed or prescribed for the payment of benefit of the description to which the award relates at a higher weekly rate by virtue of the Measure of 1974 or of these regulations, paragraphs 2 and 3 of Schedule 6 to the Act of 1969 (effect of any such award) shall, if the period to which the award relates has not ended before that day, have effect subject to the condition that, if the award has not been made in accordance with the provisions of sub-paragraph (2) of the said paragraph 3 (which sub-paragraph authorises the making of such an award providing for the payment of the benefit at the higher weekly rate as from that day) and a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of the Measure of 1974 or of these regulations, or

(*b*) whether the conditions for the receipt of the benefit at the higher weekly rate are satisfied,

the benefit shall be or continue to be payable at the weekly rate specified in the award until the said question shall have been determined in accordance with the provisions of the principal Act.

Persons not ordinarily resident in Northern Ireland

4.—(1) Notwithstanding the provisions of these or any other regulations, but subject to the provisions of this regulation, a person who is not ordinarily resident in Northern Ireland immediately before 22nd July 1974 (in this regulation referred to as "the said date") shall, unless and until that person becomes ordinarily resident in Northern Ireland, be disqualified for receiving—

(*a*) in the case of a woman who immediately before the said date is a married woman and had not retired from regular employment, any additional retirement pension by virtue of her husband's insurance if the husband before the said date had retired from regular employment and was not ordinarily resident in Northern Ireland;

(*b*) in the case of a woman who immediately before the said date is a widow, any additional retirement pension by virtue of her husband's insurance if her husband had died before the said date;

(*c*) in any other case, any additional retirement pension (not being additional retirement pension to which either sub-paragraph (*a*) or (*b*) applies) if that person had retired from regular employment before the said date;

(*d*) any additional widow's benefit if her husband had died or retired before the said date;

(*e*) any additional child's special allowance if her former husband had died before the said date.

(2) Notwithstanding as aforesaid, if immediately before the said date a person is not ordinarily resident in Northern Ireland but that person has, or would, but for the absence of any child from Northern Ireland, have in his family immediately before the said date a child in relation to whom the conditions for guardian's allowance specified in section 28 of the principal Act are satisfied, that person and any other person who would otherwise be entitled to any additional guardian's allowance in respect of that child shall be disqualified for receiving any additional guardian's allowance in respect of that child unless and until the child becomes (or is) included in the family of a person who is ordinarily resident in Northern Ireland.

(3) The disqualifications for the receipt of additional benefit contained in this regulation shall not apply to a person for any period during which he is in Northern Ireland.

(4) For the purposes of this regulation references to additional benefit of any description are to be construed as referring to additional benefit of that description by virtue (either directly or indirectly) of any provision of the Measure of 1974 or of these regulations.

(5) A widow who—

(*a*) is not ordinarily resident in Northern Ireland immediately before the said date, and was entitled to widow's benefit immediately before attaining pensionable age, or who would, but for any provision of the principal Act disqualifying her for the receipt of such benefit, have been so entitled; and

(*b*) is or becomes entitled to a retirement pension by virtue of her own insurance the right to which is calculated by taking into account under section 32 of the principal Act her husband's contributions;

shall be disqualified for receiving any additional retirement pension the right to which is so calculated unless and until she becomes ordinarily resident in Northern Ireland if either—

(i) her husband died before the said date; or

(ii) before the said date he had retired from regular employment and was not ordinarily resident in Northern Ireland.

(6) The provisions of paragraph 3(1) of Part II of Schedule 6 to the Act of 1969 shall apply where, notwithstanding the foregoing provisions of this regulation, benefit of an amount higher than the amount awarded to a person has in fact been paid to him.

(7) The disqualification for the receipt of additional retirement pension contained in paragraph (1)(*c*) shall not apply to a woman in relation to a retirement pension by virtue of her husband's insurance if that husband had not retired from regular employment before the said date and either—

(i) he was her husband immediately before that date; or

(ii) she married him on or after that date.

(8) Notwithstanding that in Schedules D to H the reduced rate of benefit is shown as a percentage of the standard rate, a person who immediately before the said date is not ordinarily resident in Northern Ireland, shall continue to receive benefit at the same rate as previously, that is to say, the amount appropriate to that person when he left Northern Ireland, or when he became entitled to the benefit in question, if later.

Amendment of the National Insurance (Hospital In-Patients) Regulations

5. As from the date in relation to any benefit under the principal Act as from which the weekly rate of that benefit is increased by virtue of the Measure of 1974 or of these regulations in the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1973(g) wherever they occur there shall be omitted in regulations 3 and 5 the words from "where the beneficiary" to "in any other case" and in regulation 7 the words from "where the dependant" to "in any other case".

(g) S.R. & O. (N.I.) 1973, No. 307.

Amendment of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations

6. Regulation 7 of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1972(h) (partial satisfaction of contribution conditions and reduced rates of benefit) shall be amended as follows:—

(*a*) for paragraph (2) there shall be substituted the following paragraph—

"(2) In the case of widow's benefit (other than a case to which paragraph (3) applies) or retirement pension or increase of retirement pension for an adult dependant under Schedule 3 to the Act (rates of periodical benefits and increases for dependants) payment shall be at the reduced rate shown in column (2) of Schedule 1 (being a percentage of the full rate of the benefit or pension or increase) as ascertained in accordance with the yearly average of contributions paid or credited as specified in column (1) of the said Schedule 1.";

(*b*) in paragraph (3) for the words "at the rate specified in column (3) of Schedule 1 to these regulations which corresponds with" there shall be substituted the words "at the rate shown in column (2) of Schedule 1, being the percentage of widow's pension, as ascertained in accordance with".

Amendment of the National Insurance (Old Persons' Pensions) Regulations

7. In regulation 7(1) of the National Insurance (Old Persons' Pensions) Regulations (Northern Ireland) 1970(i) (rates of benefit under section 1(1) of the Act of 1970 and increases for adult dependants), for "£4·65" substitute "the rate specified in paragraph 11(*a*) of Part I of Schedule 3 to the principal Act.".

Amendment of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations

8. After regulation 2A(j) of the National Insurance and Industrial Injuries (Miscellaneous and Consequential Provisions) Regulations (Northern Ireland) 1966(k) there shall be inserted the following regulation:

"*Forward allowance of unemployment benefit*

2B.—(1) Where it appears to the Department that there are, will be or are likely to be circumstances making impracticable or unduly difficult the normal operation of the provisions governing or the practice relating to the claiming, awarding or payment of unemployment benefit the Department may so certify; and a certificate under this regulation may be expressed—

(*a*) as having effect either generally or in relation to a specified area or specified areas; and

(*b*) either as having effect until a specified day or as continuing to have effect until revoked by the Department.

(h) S.R. & O. (N.I.) 1972, No. 182.
(i) S.R. & O. (N.I.) 1970, No. 281.
(j) See reg. 4(3) of S.R. & O. (N.I.) 1972, No. 58.
(k) S.R. & O. (N.I.) 1966, No. 216.

(2) While such a certificate has effect, the following provisions of this regulation shall apply as respects claims for unemployment benefit (being, if the certificate is expressed as having effect only in relation to a specified area or specified areas, claims made at an office or place in the area or areas specified)—

(*a*) a claim for unemployment benefit may be treated by an insurance officer as a claim for that benefit for a period, to be specified in his decision, not exceeding two weeks after the date of the claim;

(*b*) on any claim so treated benefit may be awarded for the whole or part of the specified period;

(*c*) if on any claim so treated benefit is awarded for part only of the specified period, further decisions awarding benefit for the remainder of that period or any part of it may be given on the same claim.

(3) Any decision awarding unemployment benefit under paragraph (2) shall be subject to the condition that the claimant continues to satisfy the requirements for payment thereof during the period to which the award relates, and if the said requirements are found not to have been satisfied at some time during the said period the award shall be reviewed.".

Amendment of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations

9.—(1) The National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland) 1948(**l**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 8 (widowed mother's allowance and widow's pension at reduced rates), for the words from "in the first column" to the end of the paragraph substitute the words "in column (1) of the First Schedule, any widowed mother's allowance, widow's pension or retirement pension to which she is entitled by virtue of regulation 4 shall be at the corresponding rate set out in column (2) of that Schedule, being a percentage of the full rate of the benefit in question.".

(3) In regulation 9 (rates of converted pensions)—

(*a*) for paragraph (1A)(*b*)(**m**) substitute the following:—

"(*b*) at one of the amounts specified in column (1) of the First Schedule be increased to the corresponding amount set out in column (3) of that Schedule, being a percentage of the increased rate applicable at sub-paragraph (*a*);";

(*b*) in the proviso to paragraph (3)(**n**)—

(i) in sub-paragraph (*a*), for the words following the word "rates" to the end of the sub-paragraph substitute the words "specified in paragraph 10(*b*) and (*a*) respectively of Part I of Schedule 3 to the National Insurance Act (Northern Ireland) 1966";

(ii) in sub-paragraph (*b*), for the words "in columns (2) and (4) of the Third Schedule" substitute the words "in columns (2) and (3) of Schedule 2", and for the words from "increased rate" to "column (5)" substitute the words "percentage rate specified in column (4)".

(**l**) S.R. & O. (N.I.) 1948, No. 39.
(**m**) See Part II of Sch. A to S.R. & O. (N.I.) 1965, No. 10.
(**n**) See Part I of Sch. A to S.R. & O. (N.I.) 1961, No. 3.