1971. No. 287 [C]

NATIONAL INSURANCE

Miscellaneous Amendments

REGULATIONS, DATED 1ST SEPTEMBER 1971, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1971.

ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Amendment of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948
3. Amendment of the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948
4. Amendment of the National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations (Northern Ireland) 1948
5. Amendment of the National Insurance (Airmen) Regulations (Northern Ireland) 1948
6. Amendment of the National Insurance (Married Women) Regulations (Northern Ireland) 1962
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8. Amendment of the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961
9. Amendment of the National Insurance (Increase of Benefit, Re-entry into Regular Employment and Miscellaneous Provisions) Regulations (Northern Ireland) 1951
10. Amendment of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961
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12. Amendment of the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland) 1968
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14. Amendment of the National Insurance (Old Persons' Pensions) Regulations (Northern Ireland) 1970
15. Amendment of the National Insurance (General Benefit) Regulations (Northern Ireland) 1971
16. Amendment of the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961

SCHEDULES

SCHEDULE 1 — Provisions Conferring Powers Exercised in Making these Regulations

SCHEDULE 2 — Provisions to be substituted for Part I of Schedule 1 to the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961

The National Insurance Joint Authority and the Ministry of Health and Social Services, in exercise of powers conferred by the provisions of the National Insurance Acts (Northern Ireland) 1966 to 1971 set out respectively in Parts I and II of Schedule 1, and in each case in exercise of all other powers enabling them in that behalf and in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, hereby make the following regulations being regulations subject to negative resolution in accordance with section 101(3) of the National Insurance Act (Northern Ireland) 1966(a):

Citation and commencement

1.—(1) These regulations may be cited as the National Insurance (Miscellaneous Amendments) Regulations (Northern Ireland) 1971.

(2) Except for the purposes of invalidity benefit under the National Insurance Act (Northern Ireland) 1966, these regulations shall come into operation on 20th September 1971 and for the purposes of the said invalidity benefit they shall come into operation on 23rd September 1971.

(3) Each provision of these regulations which amends other regulations shall be construed as one with the regulations which it amends.

Amendment of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948

2. In regulation 11(**b**) of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948(**c**) (unemployment and sickness benefit in certain cases of persons over pensionable age after election) there shall be added at the end the following paragraph:

"(4) This regulation shall apply for the purposes of the provisions of Article 3 of the Social Services (Parity) Order (Northern Ireland) 1971(**d**) (invalidity benefit) in relation to invalidity pension as it applies for the purposes of the said section 25 in relation to sickness benefit.".

Amendment of the National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948

3.—(1) The National Insurance (Residence and Persons Abroad) Regulations (Northern Ireland) 1948(**e**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 5(**f**) (payment of benefit to persons absent from Northern Ireland):

(*a*) in paragraphs (1) and (1A), after the words "sickness benefit" there shall be inserted the words "or invalidity benefit";

(a) 1966. c. 6 (N.I.).
(b) Added by reg. 2 of S.R. & O. (N.I.) 1957, No. 160.
(c) S.R. & O. (N.I.) 1948, No. 246.
(d) S.R. & O. (N.I.) 1971, No. 224.
(e) S.R. & O. (N.I.) 1948, No. 210.
(f) See Sch. to S.R. & O. (N.I.) 1958, No. 109 and reg. 2 of S.R. & O. (N.I.) 1967, No. 129.

(*b*) after paragraph (2) there shall be inserted the following paragraphs:

"(2A) A person shall not be disqualified for receiving age addition by reason of being absent from Northern Ireland if:

(*a*) he is ordinarily resident in Northern Ireland; or

(*b*) he was ordinarily resident in Northern Ireland and was entitled to age addition before he ceased to be ordinarily so resident; or

(*c*) in the case of a person who ceased to be ordinarily resident in Northern Ireland before 20th September 1971, he is entitled to a retirement pension and, by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966, he is not disqualified for receiving that pension at a higher rate than was applicable in his case when he was last ordinarily resident in Northern Ireland; or

(*d*) in the case of a person who ceased to be ordinarily resident in Northern Ireland on or after 20th September 1971, he is entitled to a retirement pension, and had he ceased to be ordinarily resident in Northern Ireland before that date, by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966 he would not have been disqualified for receiving that pension at a higher rate after that date than before it.

(2B) A person shall not be disqualified for receiving invalidity benefit by reason of being absent from Northern Ireland if by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966 he would not be disqualified for receiving sickness benefit."

(3) After regulation 5 there shall be inserted the following regulations:

"Modifications of the rate of age addition for certain persons who are or have been outside Northern Ireland

5A. Where a person is entitled to a retirement pension at a rate which is calculated by reference to any period completed by that person in some territory outside Northern Ireland while insured under the Act, any age addition to which he may be entitled shall be calculated as if it were an increase in that pension.

Modifications of the Act in relation to title to invalidity benefit

5B. A person who is or has been outside Northern Ireland while insured under the Act and who by virtue of an Order in Council made under section 99 of the National Insurance Act (Northern Ireland) 1966 would but for the provisions of Article 3 of the Social Services (Parity) Order (Northern Ireland) 1971 have been entitled to sickness benefit in respect of any period, shall be entitled to invalidity pension for that period."

Amendment of the National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations (Northern Ireland) 1948

4.—(1) The National Insurance (Sickness Benefit, Maternity Benefit and Miscellaneous Provisions) (Transitional) Regulations (Northern Ireland) 1948(**g**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (insurance and contributions under the Health Insurance Acts to be taken into account for the purposes of the Act)—

(*a*) after the words "sickness benefit," in the first and second places where they occur there shall be inserted the words "invalidity pension,";

(g) S.R. & O. (N.I.) 1948, No. 228.

(*b*) in sub-paragraph (*a*)(ii) there shall be added at the end the words "and of Article 3(2) of the Social Services (Parity) Order (Northern Ireland) 1971 (which relates to invalidity pension)".

(3) For the heading of regulation 6 and for that regulation there shall be substituted respectively the following heading and regulation:

"Avoidance of exhaustion of sickness benefit and provision relating to invalidity pension in certain cases

6. Where, in the case of an existing contributor, since his entry into insurance under the Health Insurance Acts one hundred and four weeks have elapsed and one hundred and four weekly contributions have been paid by or in respect of him under those Acts, or have under regulation 2(2) of the National Health Insurance and Contributory Pensions (Navy, Army and Air Force Emergency Provisions) Regulations 1945, been treated as paid—

(*a*) section 20(3) of the National Insurance Act (Northern Ireland) 1966 (exhaustion of sickness benefit) shall not apply to any claim by him for sickness benefit under that Act; and

(*b*) Article 3(2) of the Social Services (Parity) Order (Northern Ireland) 1971 (which relates to invalidity pension) shall not apply to any claim by him for invalidity pension under the said Article 3."

Amendment of the National Insurance (Airmen) Regulations (Northern Ireland) 1948

5. The National Insurance (Airmen) Regulations (Northern Ireland) 1948(**h**) shall be amended by inserting the words "or invalidity benefit" after the words "sickness benefit" in regulations 4(1) and (2)(**i**) (removal of disqualification for benefit in the case of airmen absent from Northern Ireland) and 7 (evidence of incapacity).

Amendment of the National Insurance (Married Women) Regulations (Northern Ireland) 1962

6. Regulation 10 of the National Insurance (Married Women) Regulations (Northern Ireland) 1962(**j**) (modifications, in relation to widows, of provisions relating to certain benefits) shall be amended as follows:

(*a*) in paragraph (1)(*f*) there shall be added at the end the words "or an invalidity pension";

(*b*) in paragraph (4)(*b*) for the words "or sickness benefit" there shall be substituted the words "sickness benefit or invalidity benefit";

(*c*) in paragraph (5), for the words from the beginning of the paragraph to but not including the words "which would not be payable" there shall be substituted the words "Where a woman is entitled to a widow's basic pension, the provisions of regulation 2(3A) of the Overlapping Benefits Regulations (limitation on adjustment) shall not apply where the other personal benefit in question is unemployment benefit, sickness benefit or invalidity pension";

(*d*) in paragraph (6) there shall be inserted at the beginning the words "For the purposes of a retirement pension";

(*e*) in paragraph (9) for the words "or sickness benefit" there shall be substituted the words "sickness benefit or invalidity pension".

(**h**) S.R. & O. (N.I.) 1948, No. 234.
(**i**) See reg. 2 of S.R. & O. (N.I.) 1958, No. 131.
(**j**) S.R. & O. (N.I.) 1962, No. 64.

Amendment of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961

7.—(1) The National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961(k) shall be amended in accordance with paragraphs (2) to (5).

(2) In regulation 2 (adjustment of personal benefit under the Act where other personal benefit is payable):

(*a*) in paragraph (1)—

(i) after the words "any other personal benefit" there shall be inserted the words "(whether of the same or a different description)",

(ii) in sub-paragraph (*a*) for the words "paragraph (2)" there shall be substituted the words "paragraphs (2) and (3A)",

(iii) in sub-paragraph (*b*) for the words "paragraph (3)" there shall be substituted the words "paragraphs (3) and (3A)";

(*b*) after paragraph (3) there shall be inserted the following paragraph—

"(3A) Where an adjustment falls to be made in accordance with the provisions of paragraph (2) or (3) and either—

(*a*) one of the benefits in question is widow's basic pension payable to a widow by virtue of the insurance of her husband who died before 5th July 1951, and the other is unemployment benefit, sickness benefit, invalidity benefit or maternity benefit or a specified benefit other than a personal death benefit; or

(*b*) one of the benefits in question is a widow's basic pension or a contributory old age pension and the other is a supplement on account of unemployability payable under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme,

any such adjustment shall not reduce the aggregate amount payable in respect of the benefits in question to less than the aggregate amount of any invalidity allowance to which the beneficiary may be entitled and the sums which would have been payable in respect of the other benefits had they been calculated at the respective rates appropriate to the period immediately before 20th September 1971 (or in the case of invalidity pension had it been calculated at the rate appropriate to sickness benefit for that period) and had no adjustment fallen to be made under this regulation.";

(*c*) in paragraph (4) after sub-paragraph (*b*) there shall be inserted the following sub-paragraph:

"(*bb*) any personal benefit under any Personal Injuries Scheme or Service Pensions Instrument or any 1914-1918 War Injuries Scheme being an additional allowance payable only to a beneficiary who is entitled to a supplement on account of unemployability;".

(3) In regulation 8 (construction of Part II of the regulations) after paragraph (*a*) there shall be inserted the following paragraph:

"(*aa*) that any personal benefit by way of age addition shall be adjusted except by reference to another age addition; or".

(k) S.R. & O. (N.I.) 1961, No. 180.