1970. No. 281 **[C]**

NATIONAL INSURANCE

Old Persons' Pensions

REGULATIONS, DATED 3RD NOVEMBER 1970, 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 1970.

The National Insurance Joint Authority, in exercise of powers conferred by section 49 of the National Insurance Act (Northern Ireland) 1966(**a**) and the Ministry of Health and Social Services, in exercise of powers conferred by sections 51, 96 and 105 of that Act and by sections 1, 8(5) and 9(4) of the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970(**b**), in each case in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, and in each case in consequence of the passing of the said Act of 1970, and in exercise of all other powers enabling them in that behalf, hereby make the following regulations, being regulations subject to negative resolution in accordance with section 101(3) as extended by section 101(4) of the said Act of 1966:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Old Persons' Pensions) Regulations (Northern Ireland) 1970 and shall come into operation as respects regulations 8, 9, 10 and this regulation in so far as it relates to those provisions with effect from 2nd November 1970 and as respects the remainder of the regulations on 3rd November 1970.

(2) In these regulations—

"the Act of 1970" means the National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970;

"husband" in relation to any woman who has been married more than once means her last husband;

"a period of 10 years" means a period of, or periods amounting in the aggregate to, 3652 days;

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

(3) For the purposes of regulations 3(1)(*c*)(ii), 3(1)(*d*), 4(1)(*a*)(ii), 6(3) and 13 a person shall be deemed to be entitled to a pension if he would have been so entitled had he made a claim for it.

Conditions for entitlement to retirement pension for persons over pensionable age on 5th July 1948

2.—(1) The conditions specified in paragraph (2) shall be conditions for entitlement to a retirement pension by virtue of section 1(1)(*a*) of the Act of 1970 (retirement pensions for persons over pensionable age on 5th July 1948).

(**a**) 1966. c. 6 (N.I.). (**b**) 1970. c. 28 (N.I.).

(2) The conditions referred to in paragraph (1) are that the person concerned—

(*a*) has been resident in Northern Ireland for a period of 10 years between 5th July 1948 and 1st November 1970, inclusive of both dates; and

(*b*) was ordinarily so resident on 2nd November 1970 or the date of his claim for a pension by virtue of the said section 1(1)(*a*).

Retirement pension for widows of persons over pensionable age on 5th July 1948

3.—(1) Subject to the provisions of these regulations, a widow whose husband was over pensionable age on 5th July 1948 shall be entitled to a retirement pension at the appropriate weekly rate ascertained in accordance with the provisions of regulation 7 if she—

(*a*) is over pensionable age; and

(*b*) has retired from regular employment; and

(*c*) was over 50 years of age either—

(i) when her husband died; or

(ii) if she was entitled to a widowed mother's allowance by virtue of regulation 5, when she ceased to be so entitled; and

either—

(*d*) her husband was at any time entitled to a pension by virtue of section 1(1)(*a*) of the Act of 1970; or

(*e*) he died before 2nd November 1970 and—

(i) she has been resident in Northern Ireland for a period of 10 years between 5th July 1948 and 1st November 1970, inclusive of both dates; and

(ii) she was ordinarily so resident on 2nd November 1970 or the date of her claim for benefit under section 1(1) of the Act of 1970; and

(iii) her husband was ordinarily so resident on the date of his death.

(2) A retirement pension payable by virtue of paragraph (1) shall commence on 2nd November 1970 or the date on which the requirements of sub-paragraphs (*a*) to (*c*) and either (*d*) or (*e*) of that paragraph are satisfied in relation to the beneficiary, whichever is the later, and shall be payable for life.

Widow's pension for widows of persons over pensionable age on 5th July 1948

4.—(1) Subject to the provisions of these regulations, a widow whose husband was over pensionable age on 5th July 1948 shall be entitled to a widow's pension at the appropriate weekly rate ascertained in accordance with the provisions of regulation 7 if—

(*a*) she was over 50 years of age either—

(i) when her husband died; or

(ii) if she was entitled to a widowed mother's allowance by virtue of regulation 5, when she ceased to be so entitled; and

(*b*) the requirements of regulation 3(1)(*d*) or (*e*) are satisfied in her case.

(2) The period for which widow's pension is payable by virtue of paragraph (1) shall be any period during which the widow is under 65 years of age, and during which she is not entitled to a widowed mother's allowance by virtue of regulation 5, so however that the pension shall not be payable for any period after the widow's remarriage or during which she is cohabiting with a man as his wife.

Widowed mother's allowance for widows of persons over pensionable age on 5th July 1948

5.—(1) Subject to the provisions of these regulations, a widow whose husband was over pensionable age on 5th July 1948 shall be entitled to a widowed mother's allowance, at the appropriate weekly rate ascertained in accordance with the provisions of regulation 7, for any period commencing on the date on which the requirements of regulation 3(1)(*d*) or (*e*) are first satisfied in her case (but not earlier than 2nd November 1970) and during which she would have been entitled to such an allowance under section 26 of the principal Act (widowed mother's allowance) had her husband satisfied the contribution conditions set out in paragraph 4(1) of Schedule 2 to that Act.

(2) The provisions of section 39(3) of the principal Act (increases in widowed mother's allowance in respect of children) shall apply to widowed mother's allowance payable by virtue of this regulation as they apply to such an allowance payable by virtue of section 26(1)(*a*) of that Act.

Retirement pension for women whose marriage has been terminated otherwise than by death

6.—(1) Subject to the provisions of these regulations, a woman whose marriage to a husband who was over pensionable age on 5th July 1948 was terminated otherwise than by his death shall be entitled to a retirement pension at the appropriate weekly rate ascertained in accordance with the provisions of regulation 7 if—

(*a*) she had attained pensionable age before the date of the termination of the marriage; and

(*b*) she has retired from regular employment; and

(*c*) the conditions set out in paragraph (2) or (3), as the case may be, are satisfied.

(2) The conditions applicable to the case of a woman whose marriage was terminated before 2nd November 1970 shall be—

(*a*) that she has been resident in Northern Ireland for a period of 10 years between 5th July 1948 and 1st November 1970, inclusive of both dates; and

(*b*) that she was ordinarily so resident on 2nd November 1970 or the date of her claim for a pension by virtue of this regulation; and

(*c*) that her husband was ordinarily so resident on the date of the termination of the marriage; and

(*d*) that she has not remarried since that termination.

(3) The condition applicable in the case of a woman whose marriage was terminated on or after 2nd November 1970 shall be that her husband was entitled to a pension by virtue of section 1(1)(*a*) of the Act of 1970.

(4) For the purposes of this regulation a voidable marriage which has been annulled, whether before or after the date when these regulations come into operation, shall be treated as if it had been a valid marriage which was terminated at the date of the annulment otherwise than by the death of the husband.

(5) A retirement pension payable by virtue of paragraph (1) shall commence on 2nd November 1970 or the date on which the requirements of paragraph (1)(*a*) to (*c*) are satisfied in relation to the beneficiary, whichever is the later, and shall be payable for life.