1967. No. 234 **[C]**

NATIONAL INSURANCE

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 30TH AUGUST 1967, 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 AND 1967.

The National Insurance Joint Authority, in exercise of powers conferred by sections 44 and 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 10, 48 and 96 of, and paragraphs 17 and 18 of Schedule 9 to, that Act and by Schedule 7 to the National Insurance Act (Northern Ireland) 1967(**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 exercise of all other powers enabling them in that behalf, hereby make the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1967, and shall come into operation on 31st August 1967.

(2) In these regulations—

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

"the Act of 1967" means the National Insurance Act (Northern Ireland) 1967.

Higher rates and amounts of benefit payable under regulations

2.—(1) Subject to the provisions of regulations 5 and 7, as from the dates specified in Schedule A column (1) 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).

(2) The provisions of this regulation shall not affect the amount of any death grant where the death occurred before 30th October 1967.

Miscellaneous amendments relating to benefit and to contributions

3.—(1) As from the dates specified in Schedule K column (1), there shall in the regulations mentioned in column (2) thereof be made the amendments specified against those regulations mentioned in columns (3) and (4) thereof.

(2) As from 30th October 1967, Schedule 2(**c**) to the National Insurance (New Entrants Transitional) Regulations (Northern Ireland) 1948 (amounts payable, by way of refund of contributions, to persons entering insurance too late to be able to satisfy contribution conditions for widow's benefit or retirement pension) shall be amended by the addition thereto, at the end, of the provisions set out in Schedule L.

(**a**) 1966. c. 6 (N.I.).
(**b**) 1967. c. 22 (N.I.).
(**c**) See Sch. to S.R. & O. (N.I.) 1958, No. 206, Sch. J to S.R. & O. (N.I.) 1961, No. 3, Sch. A to S.R. & O. (N.I.) 1963, No. 71 and Sch. J to S.R. & O. (N.I.) 1965, No. 11.

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

4. 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 Act of 1967 or of these regulations, paragraph 2 of Schedule 7 to that Act (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 following conditions:

(1) If the award has not been made in accordance with the provisions of sub-paragraph (2) of that paragraph (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 Act of 1967 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.

(2) Notwithstanding the provisions of regulation 12 of the National Insurance (Claims and Payments) Regulations (Northern Ireland) 1961(a) (extinguishment of the right to sums payable by way of benefit) the right to any sum which, by virtue of the said paragraph 2, becomes payable under the award by way of additional benefit shall, as respects the period beginning with that day and ending—

(*a*) in a case where a book of serial orders (as defined in regulation 1(2) of the said regulations) for the payment of benefit to which the award relates has been issued to the beneficiary and is current on that day, with the date of the expiration of that book; or

(*b*) in any other case, with the expiration of 12 months from that day;

be extinguished if payment thereof is not obtained within the period of 18 months (or such longer period as the Ministry may determine in the circumstances of any particular case) from that day.

Persons not ordinarily resident in Northern Ireland

5.—(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 30th October 1967 (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;

(a) S.R. & O. (N.I.) 1961, No. 221.

(*c*) in any other case, any additional retirement pension (not being additional retirement pension to which either of the two foregoing sub-paragraphs apply) 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 Act of 1967 (other than section 1(1)(*e*) and Schedule 4 paragraph 3 thereof) or of these regulations (other than regulations 6 and 7(2)).

(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—

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

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

(6) Any provision of the regulations specified in Schedule M (being regulations made for purposes corresponding to the purposes of this regulation in relation to benefit or additional benefit under or by virtue of the enactments or regulations to which they relate) whereby—

(*a*) a person is disqualified for receiving, or is excluded from the operation of a provision entitling him to, benefit or additional benefit as therein mentioned or provided unless and until that person becomes resident in Northern Ireland; or

(*b*) a disqualification is imposed for the receipt of additional guardian's allowance in respect of a child unless and until the child becomes (or is) included in the family of a person who is resident in Northern Ireland;

shall, as from the said date, have effect as if the reference therein to becoming or being resident in Northern Ireland were a reference to becoming or being ordinarily resident in Northern Ireland:

Provided that this paragraph shall not apply where, before the said date, the person had become resident in Northern Ireland or the child had become (or was) included in the family of a person who was resident in Northern Ireland.

Amendment of the National Insurance (Married Women) Regulations

6. For regulation 12(1) of the National Insurance (Married Women) Regulations (Northern Ireland) 1962(a) (retirement pensions for women whose marriages have been dissolved) there shall be substituted the following:

"**12.**—(1) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was under pensionable age on the date of that termination, then, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall from time to time be treated as so paid or credited for each contribution year falling wholly or partly during the period of the marriage a number of contributions either—

(*a*) equal to the yearly average (ascertained as at the date of the termination of the marriage or of her husband's attaining pensionable age, whichever is the earlier) of the contributions paid by or credited to her husband, or

(*b*) equal to the number of contributions actually paid by or credited to her for that year,

whichever will for the time being enable her to receive the greater amount by way of pension.".

Transitory provisions

7.—(1) As respects the period beginning on 26th October 1967 and ending on 29th October 1967, the rate of a person's unemployment or sickness benefit for any day in the said period payable by virtue of section 18(3) of the principal Act (unemployment and sickness benefit for persons over pensionable age) shall be determined as if the day from which higher rates of retirement pension are payable by virtue of the foregoing provisions of these regulations were 26th October 1967.

(2) For the purposes of sections 30(1) and 33(1)(*a*) and (*b*) of the principal Act (increase of retirement pension and woman's retirement pension in certain cases for contributions paid after pensionable age) where the relevant contributions paid for contribution weeks beginning before 30th October 1967 do not make up 12 or a multiple of 12 contributions, contributions paid for contribution weeks beginning on or after 30th October 1967 may be made up to 9 or a multiple of 9—

(*a*) if the number of the first-mentioned contributions is less than 12, with the aid of those contributions;

(*b*) if the number of the first-mentioned contributions exceeds 12, with the aid of so many of those contributions as exceed 12 or a multiple of 12.

(a) S.R. & O. (N.I.) 1962, No. 64.

Given under the Official Seal of the National Insurance Joint Authority this 30th day of August 1967.

(L.S.) *D. J. Carter,*
Secretary.

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 30th day of August 1967.

(L.S.) *J. E. Aiken,*
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of August 1967.

(L.S.) *James V. Morrison,*
Assistant Secretary.