1965. No. 11 **[C]**

NATIONAL INSURANCE

Increase of Benefit and Miscellaneous Provisions

REGULATIONS, DATED 22ND JANUARY, 1965, 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) 1946 TO 1964.

The National Insurance Joint Authority, in exercise of powers conferred by sections 22, 24 and 29 of the National Insurance Act (Northern Ireland) 1946(**a**), and the Ministry of Health and Social Services, in exercise of powers conferred by sections 1, 5, 7, 28, 33, 62 and 68 of that Act and Schedules 6 and 7 to the National Insurance &c. Act (Northern Ireland) 1964(**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) 1965, and shall come into operation on 25th January, 1965.

(2) In these regulations—

"the principal Act" means the National Insurance Act (Northern Ireland) 1946;

"the Act of 1964" means the National Insurance &c. Act (Northern Ireland) 1964;

"the Contributions Regulations" means the National Insurance (Contributions) Regulations (Northern Ireland) 1962(**c**);

"the Existing Beneficiaries Regulations" means the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland) 1948(**d**);

"the Existing Contributors Regulations" means the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland) 1948(**e**);

"the Hospital In-Patients Regulations" means the National Insurance (Hospital In-Patients) Regulations (Northern Ireland) 1961(**f**);

"the Maternity Benefit Regulations" means the National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1953(**g**);

"the New Entrants Regulations" means the National Insurance (New Entrants Transitional) Regulations (Northern Ireland) 1948(**h**);

(**a**) 1946. c. 23.
(**b**) 1964. c. 37 (N.I.).
(**c**) S.R. & O. (N.I.) 1962, No. 65.
(**d**) S.R. & O. (N.I.) 1948, No. 39.
(**e**) S.R. & O. (N.I.) 1948, No. 129.
(**f**) S.R. & O. (N.I.) 1961, No. 179.
(**g**) S.R. & O. (N.I.) 1953, No. 123.
(**h**) S.R. & O. (N.I.) 1948, No. 221.

"the Unemployment and Sickness Benefit Regulations" means the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961(**a**);

"the Widow's Benefit and Retirement Pensions Regulations" means the National Insurance (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1948(**b**);

"the 1963 Increase Regulations" means the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1963(**c**).

Higher rates of benefit and rates of contributions payable under regulations

2. Subject to the provisions of regulation 18 of the 1963 Increase Regulations as applied by these regulations, and of regulation 8 of these regulations, 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).

Application of provisions of 1963 *Increase Regulations*

3. For the purposes of these regulations the provisions of the 1963 Increase Regulations set out in Schedule I column (1) shall with the substitution for references to those regulations of references to these regulations and for the words set out in Schedule I column (2) of the words set opposite thereto in column (3) have effect in the same manner and to the same extent as if they were contained in these regulations.

Refund of contributions to persons entering insurance too late to be able to satisfy contribution conditions for widow's benefit or retirement pension

4. As from 29th March, 1965, Schedule 2(**d**) to the New Entrants Regulations (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 J.

Miscellaneous amendments relating to benefit and contributions

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

Amendment of Certificates Regulations

6.—(1) The National Insurance (Non-participation—Certificates) Regulations (Northern Ireland) 1960(**e**) shall be amended in accordance with the following paragraphs.

(2) In regulation 3(3) of the said regulations (notices by employers of election to treat employments as non-participating employments and revocation of election) at the end of sub-paragraph (*b*) there shall be added the words "and, where the variation of a certificate for the purpose of rectifying an error in the description of persons specified therein is intended to have effect from

(a) S.R. & O. (N.I.) 1961, No. 222.
(b) S.R. & O. (N.I.) 1948, No. 246.
(c) S.R. & O. (N.I.) 1963, No. 36.
(d) See Sch. to S.R. & O. (N.I.) 1958, No. 206, Sch. J to S.R. & O. (N.I.) 1961, No. 3 and Sch. A to S.R. & O. (N.I.) 1963, No. 71.
(e) S.R. & O. (N.I.) 1960, No. 22 as amended by S.R. & O. (N.I.) 1961, No. 241 and 1963, No. 71.

a date earlier than the date of expiry of the notice, the date on which it is desired that the variation shall have effect.".

(3) In regulation 4 of the said regulations (form of election and revocation of election and particulars to be given to the registrar) at the end of paragraph (2) there shall be added the words "and, where the variation of a certificate for the purpose of rectifying an error in the description of persons specified therein is to have effect from a date earlier than the date of expiry of the notices required to be given by regulation 3, the date on which it is desired that the variation shall have effect.".

(4) In regulation 14 of the said regulations (provisions for the issue, variation, cancellation and surrender of certificates) for paragraph (6) there shall be substituted the following paragraph:

"(6) A certificate or the variation, cancellation or surrender of a certificate shall have effect from the date specified by the registrar after consultation with the employer, being either—

(*a*) the first day of any contribution week not earlier than the contribution week following that in which it is issued or made; or

(*b*)—(i) where the employer has made an election with a view to a certificate or the variation, cancellation or surrender of a certificate having effect from an earlier date and the registrar is satisfied that there has been no unreasonable delay by the employer in making the election, or

(ii) the certificate is cancelled or varied under paragraph (3),

such date, being the first day of any contribution week, as the registrar may in his discretion determine, but, in any case where notices under regulation 3 were required to be given, not earlier than the first day of any contribution week after the week in which the notices expired:

Provided that—

(*a*) consultation with the employer shall not be required where the certificate is cancelled or varied under paragraph (3), but if the registrar determines a date earlier than the first day of the contribution week following that in which it is so cancelled or varied the employer's consent shall be required to any date so determined; and

(*b*) the variation of a certificate for the purpose of rectifying an error in the description of persons specified therein may, at the discretion of the registrar, have effect from the date specified by the employer in the notices required to be given by regulation 3 or such later date as the registrar may determine, being in any case the first day of any contribution week, but not earlier than the date on which the certificate including the error first had effect.".

Amendment of Graduated Retirement Benefit and Consequential Provisions Regulations

7. As from 6th April, 1965 after regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations (Northern Ireland) 1961(a) there shall be added the following regulation:

"Graduated retirement benefit when retirement is deferred

2A. For the purposes of section 4(5) of the Act of 1959 (provision, where a person does not retire from regular employment on attaining

(a) S.R. & O. (N.I.) 1961, No. 86.

pensionable age, for calculating the graduated retirement benefit payable to him from the date of his retirement) all the graduated contributions paid by a person in the income tax year in which he attained pensionable age shall be treated as having been paid before the day on which he attained that age:

Provided that—

(*a*) where, in any case, the aggregate amount of the graduated contributions paid by a person in that year exceeded the aggregate amount of the graduated contributions which would have been payable by him in that part of the year which ended with the income tax week in which he attained pensionable age if, in each income tax week beginning in that part of the year, a graduated contribution had been payable by him in respect of a weekly payment of remuneration made in that week at a level equal to the upper limit on the amount of weekly pay then taken into account under section 1(1)(*b*)(iii) of the Act of 1959 (which fixes the graduated contributions payable by employees and employers) the excess shall be treated as having been paid after the day on which he attained that age; and

(*b*) the Ministry may, if it thinks fit, direct that the provisions of this regulation shall not apply to any specific case or class of cases.".

Transitory provisions

8.—(1) As respects the period beginning on 28th January, 1965 and ending on 28th March, 1965, the rate of a person's unemployment or sickness benefit for any day in the said period payable by virtue of section 25 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 28th January, 1965.

(2) Where—

(*a*) as respects any period beginning on or after 25th January, 1965, 28th January, 1965 or 29th March, 1965 as the case may be (hereafter in this regulation referred to as "the appropriate date") it is a condition of a person's right to an amount by way of benefit in respect of an adult dependant that he is contributing to the maintenance of that adult dependant at a weekly rate calculated by reference to the weekly rate of that amount, and that weekly rate was increased on the appropriate date by virtue (either directly or indirectly) of any provision of the Act of 1964 or any regulation made in consequence of that Act; and

(*b*) as respects any period ended before the appropriate date that person satisfied the said condition by reference to the weekly rate of benefit then in force;

that person shall, for the purpose of his right to the amount in question, be treated as if, in any period referred to in sub-paragraph (*b*), he had satisfied the said condition by reference to the increased weekly rate.

(3) In the case of a person to whom injury benefit under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946(a) is payable for 27th January, 1965 at a reduced rate by virtue of the provisions of section 29 of that Act (adjustments for successive accidents) the rate of any sickness

(a) 1946. c. 21.

benefit payable shall be determined as if the day as from which higher rates of sickness benefit are payable by virtue of the foregoing provisions of these regulations were 27th January, 1965 and, where appropriate, as if the references to 28th January, 1965 in paragraph (1) were references to 27th January, 1965.

Revocation of regulations

9. As from 29th March, 1965, the regulations specified in Schedule L are hereby revoked to the extent mentioned in the third column of that Schedule.

Given under the Official Seal of the National Insurance Joint Authority this 22nd day of January, 1965.

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

Given under the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 22nd day of January, 1965.

(L.S.) *H. A. Lowry,*
Assistant Secretary.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 22nd day of January, 1965.

(L.S.) *W. W. Arthur,*
Assistant Secretary.