1964. No. 39 **[C]**

NATIONAL INSURANCE

Widow's Benefit and Miscellaneous Provisions

REGULATIONS, DATED 11TH MARCH, 1964, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY AND THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, 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 17, 20, 24 and 29 of the National Insurance Act (Northern Ireland) 1946(**a**) and the Ministry of Labour and National Insurance, in exercise of powers conferred by sections 16, 28 and 62 of that Act and Schedule 3 to the Family Allowances and National Insurance 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 (Widow's Benefit and Miscellaneous Provisions) Regulations (Northern Ireland) 1964, and shall come into operation on 11th March, 1964.

(2) In these regulations—

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

"the Act of 1964" means the Family Allowances and National Insurance Act (Northern Ireland) 1964;

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

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

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

Amendment of the Widow's Benefit and Retirement Pensions Regulations

2.—(1) As from 30th March, 1964, the Widow's Benefit and Retirement Pensions Regulations shall be amended in accordance with the following paragraphs.

(**a**) 1946. c. 23. (**b**) 1964. c. 9 (N.I.).

(**c**) S.R. & O. (N.I.) 1948, No. 39 as amended by S.R. & O. (N.I.) 1949, No. 124; 1951, No. 154; 1952, No. 133; 1953, No. 108; 1955, No. 8; 1956, No. 138; 1957, No. 180; No. 236; No. 269; 1961, No. 3 and 1963, No. 36.

(**d**) S.R. & O. (N.I.) 1948, No. 246 as amended by S.R. & O. (N.I.) 1951, No. 154; 1952, No. 137; 1953, No. 108; 1955, No. 7; 1956, No. 138; 1957, No. 160; No. 178; No. 241; No. 269; 1960, No. 194; 1961, No. 3; No. 77; No. 86; 1962, No. 27 and 1963, No. 36.

(**e**) S.R. & O. (N.I.) 1963, No. 36.

(2) For head (ii) of regulation 4(1)(*a*)(**a**) of the said regulations (retirement pensions on husband's insurance for women marrying after pensionable age), there shall be substituted the following head:

"(ii) that if the husband dies before the expiration of 3 years from the date of the marriage, she satisfies the requirements of section 16(1)(*b*) of the Act and of section 2(2) of the Family Allowances and National Insurance Act (Northern Ireland) 1964 (conditions of entitlement to widowed mother's allowance); or".

(3) In regulation 7(2)(**b**) of the said regulations (partial satisfaction of contribution conditions), there shall be inserted after the words "Part I" the words "or under Part IA" and for the words "columns (2), (3), (4) and (5)" there shall be substituted the words "columns (2), (3) and (4)".

(4) For the Schedule to the said regulations (which is set out in Schedule C to the 1963 Increase Regulations and shows the reduced weekly rates of widow's benefit, of a retirement pension and of an increase of a retirement pension in respect of an adult dependant, payable where the relevant contribution conditions are partially satisfied), there shall be substituted the Schedule set out in Schedule A.

Amendment of the Existing Beneficiaries Regulations

3.—(1) As from 30th March, 1964, the Existing Beneficiaries Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 4(1)(**c**) of the said regulations (certain existing widow pensioners under the Contributory Pensions Acts to be entitled to widowed mothers' allowances), there shall be omitted from sub-paragraph (*a*) the words from "and who" to the end of the said sub-paragraph, excluding the word "or" and the words "and a widowed mother's allowance payable under this sub-paragraph shall be treated for the purposes of section 22(1B) of the Act, section 3(1) of the National Insurance Act (Northern Ireland) 1963, and section 2(2) of the Family Allowances and National Insurance Act (Northern Ireland) 1964, as if it were a widowed mother's allowance payable under section 16(1)(*b*)(i) of the Act and for the purposes of the said section 22(1B) as if any such child as is mentioned in sub-paragraph (*a*)(i) were mentioned in the said section 16(1)(*b*)(i);" shall be added after the words "a child of her family".

(3) In regulation 4(1)(*b*) of the said regulations the words "subject to the exception and condition prescribed in regulation 8 of the National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1956, while not having such a family as aforesaid," shall be omitted and for the word "eighteen" there shall be substituted the word "nineteen".

(4) The said regulation 4(1) shall accordingly have effect as set out in Schedule B.

(5) In regulation 8 of the said regulations (widowed mother's allowance and widow's pension at reduced rates) the words "or third" shall be omitted.

(6) In regulation 11(1)(*b*)(**d**) of the said regulations—

(**a**) See Fourth Schedule to S.R. & O. (N.I.) 1962, No. 27.
(**b**) See Part I of Sch. to S.R. & O. (N.I.) 1957, No. 241.
(**c**) See Part I of Sch. J to S.R. & O. (N.I.) 1963, No. 36.
(**d**) See reg. 11 of S.R. & O. (N.I.) 1963, No. 36.

(i) for the words "column (3)" there shall be substituted the words "column (2)";

(ii) for the words "column (4)" there shall be substituted the words "column (3)".

(7) For Schedule 1 (which is set out in Schedule F to the 1963 Increase Regulations and shows reduced rates of certain descriptions of widow's benefit and retirement pensions payable to existing beneficiaries who are widows and the rates below which benefit is not to be reduced on account of the beneficiary's earnings), there shall be substituted the Schedule set out in Schedule C.

Revocation of regulations relating to widowed mother's allowance

4. As from 30th March, 1964, the regulations specified in Schedule D are hereby revoked to the extent mentioned in the third column of that Schedule.

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

5. Where an award of any benefit under the principal Act has been made before the date appointed or prescribed for the payment of benefit of the description to which the award relates at a higher weekly rate by virtue of section 2 of the Act of 1964 or of regulation 3(2), Schedule 3 paragraph 5(1) of that Act (effect of any such award) shall, if the period to which the award relates has not ended before that date, 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 date), and a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of section 2 of the Act of 1964 or of regulation 3(2), 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 right to sums payable by way of benefit), the right to any sum which, by virtue of the said paragraph 5(1), becomes payable under the award by way of additional benefit shall, as respects the period beginning with that date 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 date, with the date of the expiration of that book, or

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

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 date.

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

Persons not resident in Northern Ireland

6.—(1) Notwithstanding the provisions of these or any other regulations, but subject to the provisions of this regulation, if a person is not resident in Northern Ireland immediately before 30th March, 1964, then, unless and until that person becomes resident in Northern Ireland, the following provisions shall apply:

(*a*) if, immediately before the said date, that person—

(i) is entitled to a widow's allowance or a widowed mother's allowance, or

(ii) is a married woman who immediately before the said date is not entitled to a retirement pension and whose husband is then so entitled and not resident in Northern Ireland,

she shall be disqualified for receiving any additional widow's benefit;

(*b*) if, immediately before the said date, she is entitled to a child's special allowance in respect of a child by virtue of a former husband's insurance, she shall be disqualified for receiving any additional child's special allowance in respect of that child by virtue of that husband's insurance.

(2) 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 section 2(1) of the Act of 1964 (new rates of widow's allowance, widowed mother's allowance and child's special allowance) or of regulation 3(2) to the extent that that benefit is at a rate in excess of the rate at which it would have been payable but for that section or regulation.

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

(4) For the purposes of this regulation, a person shall be treated as entitled to any benefit immediately before the said date if that person would then have been so entitled but for one or more of the following causes, namely:

(*a*) any delay or failure to make a claim;

(*b*) any disqualification for the receipt of benefit;

(*c*) any provision of either the principal Act, or any regulations made thereunder, relating to earnings;

(*d*) the cohabitation of a widow with a man as his wife;

(*e*) the absence of any child from Northern Ireland; or

(*f*) the fact that the date as from which section 1 of the Act of 1964 or regulation 3(3) takes effect was not before the said date.

(5) Regulation 18 of the 1963 Increase Regulations (persons not resident in Northern Ireland) shall apply to a person who becomes entitled to any benefit by virtue of the provisions of section 1 or Schedule 2 paragraph 3 of the Act of 1964 or regulation 3(3) or 7 as if those provisions had taken effect immediately before 27th May, 1963.

Appointed date and transitional provisions

7.—(1) The provisions of Schedule 3 paragraphs 2 and 3 of the Act of 1964 shall apply in relation to any payment by virtue of regulations 2 and 3 as if any reference—