Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 29th day of March, nineteen hundred and sixty-two.

(L.S.) *A. C. Williams,*
Secretary.

The Ministry of Finance hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 29th day of March, nineteen hundred and sixty-two.

(L.S.) *K. R. Shimeld,*
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

This regulation provides that the expenditure of local education authorities on university scholarships in excess of £160,000 per annum will be met in full by way of grant from the Exchequer.

1962. No. 64 **[C]**

NATIONAL INSURANCE

Married Women

REGULATIONS, DATED 28TH MARCH, 1962, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of powers conferred by sections 12(4) and 56 of the National Insurance Act (Northern Ireland), 1946(**a**), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Married Women) Regulations (Northern Ireland), 1962, and shall come into operation on the 2nd April, 1962.

(2) In these regulations—

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

"the Industrial Injuries Act" means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**b**);

"the Insurance Act" means the National Health Insurance Act, 1936(**c**);

(a) 1946. c. 23. (b) 1946. c. 21. (c) 26 Geo. 5 & 1 Edw. 8. c. 32.

"the Contributory Pensions Act" means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936(**a**);

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1961(**b**);

"the Ministry" means the Ministry of Labour and National Insurance;

"the Commissioner" means the Commissioner or a deputy Commissioner or a tribunal presided over by the Commissioner or a deputy Commissioner(**c**);

"the determining authority" means, as the case may require, an insurance officer or a local tribunal appointed or constituted in accordance with the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(**d**), or the Commissioner;

"contribution year" and "benefit year" have the same meanings as in the National Insurance (General Benefit) Regulations (Northern Ireland), 1948(**e**);

"week" means a contribution week(**f**);

"marriage" includes any remarriage, and the word "married", wherever it occurs, shall be construed accordingly;

"contributions" has the same meaning as in the Act save that it does not include graduated contributions under the National Insurance Act (Northern Ireland), 1959(**g**);

"personal benefit", "Personal Injuries Scheme", "Service Pensions Instrument" and "1914-1918 War Injuries Scheme" have the same meanings as in the Overlapping Benefits Regulations;

"appropriate weekly rate" means, in relation to any benefit, the weekly rate of personal benefit by way of benefit of that description which is appropriate in the case of the person in relation to whom the provision containing that expression is to be applied;

"widow's basic pension" has the same meaning as in the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948(**h**).

(3) For the purposes of regulations 9, 12 and 13, a woman who has obtained a decree absolute of presumption of death and dissolution of marriage shall, notwithstanding that the man whose death has been presumed is dead, be treated as a woman whose marriage has been terminated otherwise than by the death of her husband unless the date of his death is established to the satisfaction (as respects the said regulation 9, paragraph (1) or paragraph (3) of the said regulation 12, or the said regulation 13) of the Ministry or (as respects paragraph (2) of the said regulation 12) of the determining authority; and, in relation to a woman who is so treated, the marriage in question shall be treated as having been terminated on the date of the decree absolute.

(**a**) 26 Geo. 5 & 1 Edw. 8. c. 32 (N.I.).
(**b**) S.R. & O. (N.I.) 1961, No. 180 as amended by S.R. & O. (N.I.) 1962, No. 27.
(**c**) See s. 40(3)(*c*), National Insurance Act (Northern Ireland), 1946.
(**d**) See s. 40(3)(*a*) and (*b*), National Insurance Act (Northern Ireland), 1946, and regs. 8 and 9 of S.R. & O. (N.I.) 1948, No. 185.
(**e**) See reg. 2 of S.R. & O. (N.I.) 1948, No. 208.
(**f**) See s. 74(1) of National Insurance Act (Northern Ireland), 1946.
(**g**) 1959. c. 21.
(**h**) See Pt. I of Sch. to S.R. & O. (N.I.) 1957, No. 180 and regs. 5, 7 and 9 of S.R. & O. (N.I.) 1948, No. 39.

Married women who are employed persons

2.—(1) (*a*) A woman may elect not to be, and thereafter (subject to the provisions of paragraph (2)) shall not be, liable to pay contributions under the Act in respect of any employment as an employed person(**a**) for any period during which she is married.

(*b*) Nothing in this regulation shall relieve an employer of any liability imposed on him by the Act in relation to employer's contributions.

(2) (*a*) Any such election by a married woman not to pay contributions as an employed person may be made by her at any time by giving notice in writing to the Ministry to that effect, and the election shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Ministry may allow.

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice to the Ministry to that effect, and such cancellation shall be operative from the beginning of the week next but one following the week in which the notice was given or from such earlier date as the Ministry may allow:

Provided that such cancellation shall be without prejudice to the right of the person concerned again to make any such election from time to time.

(3) (*a*) A married woman who has elected not to pay contributions in accordance with the provisions of this regulation, and who is at the time of the election in an employed contributor's employment or thereafter enters such employment, shall, at that time or at the commencement of the subsequent employment, as the case may be, make application to the Ministry for a certificate of such election, which shall be issued to her by the Ministry on any such application, and the married woman shall produce such certificate to her employer forthwith.

(*b*) If a married woman cancels any such election in accordance with the provisions of this regulation, she shall surrender the certificate to the Ministry at the time of the cancellation, and forthwith notify her employer of the cancellation.

(4) Where a married woman has cancelled her election not to pay contributions as an employed person, any contributions paid by or credited to her as an employed person (or, if she becomes self-employed, as a self-employed person) on or after the date on which the cancellation became operative shall not be taken into account for the purpose of determining her right to unemployment benefit or sickness benefit under the Act unless, before the day for which benefit is claimed, in the case of unemployment benefit, Condition I of the First Schedule has been satisfied, and, in the case of sickness benefit, Condition II of that Schedule has been satisfied, and unless in either case the contributions so paid or credited are in respect of weeks commencing on or after the operative date of the said cancellation.

Married women who are self-employed persons

3.—(1) (*a*) A woman shall be excepted from liability to pay contributions in respect of any period during which she is married and is a self-employed person(**b**) unless, during that period, she elects otherwise in accordance with the following provisions of this regulation.

(**a**) See s. 1(2)(*a*), National Insurance Act (Northern Ireland), 1946; Sch. to S.R. & O. (N.I.) 1957, No. 270 and S.R. & O. (N.I.) 1960, No. 119.

(**b**) See s. 1(2)(*b*), National Insurance Act (Northern Ireland), 1946 and Sch. to S.R. & O. (N.I.) 1957, No. 270.

(*b*) Every such election by a married woman shall be either an election to be liable to pay contributions as a self-employed person or an election to be liable to pay contributions as if she were a non-employed person notwithstanding that she is a self-employed person, and a woman who makes any such election shall, during the operation of the election but subject to the provisions of the Act and of regulations 5 and 6, be liable to pay the contributions which she has elected to be liable to pay:

Provided that, in relation to a married woman who has attained pensionable age but has not attained the age of sixty-five, any such election made by her to be liable to pay contributions as if she were a non-employed person shall be treated as if it were an election to be liable to pay contributions as if she were a non-employed person under pensionable age.

(*c*) Where a married woman has elected under the foregoing provisions of this regulation to be liable to pay contributions as if she were a non-employed person, every such contribution paid by her in respect of a week commencing on or after the 1st March, 1954, and occurring during the operation of any such election shall be treated as if it were a contribution as a self-employed person for the purposes of paragraph (1) of regulation 4 and Condition II of the First Schedule and, if it is paid in respect of a week commencing on or after the date on which she attained pensionable age, for the purposes of sub-section (4) of section 19 of the Act (which provides for increasing the weekly rate of a retirement pension where contributions as an employed or self-employed person have been paid by the beneficiary in respect of the period after his attaining pensionable age).

(2) (*a*) Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Ministry, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Ministry, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a self-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given.

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Ministry to that effect, and such notice shall be operative from the beginning of the week in which the notice was given.

(3) Where a married woman did not elect to pay contributions as a self-employed person under the Act, or elected to pay contributions as if she were a non-employed person, and subsequently elects to pay contributions as a self-employed person, any contributions paid by or credited to her as a self-employed person (or, if she becomes employed, as an employed person) on or after the date on which such latter election became operative shall not be taken into account for the purpose of determining her right to sickness benefit under the Act unless, before the day for which benefit is claimed, Condition II of the First Schedule has been satisfied, and unless the contributions so paid or credited are in respect of weeks commencing on or after the operative date of such election.

Married women who are non-employed persons

4.—(1) A woman shall be excepted from insurance under the Act during any period during which she is married and is a non-employed person unless she elects (in accordance with paragraph (2), but subject to the provisions of regulations 5 and 6) either to be liable to pay contributions as a non-employed person or to remain in insurance under the Act without paying contributions:

Provided that no such person shall be entitled to elect to remain in insurance without paying contributions unless immediately before the date on which the election would otherwise be effective she satisfies one of the following conditions, namely:

(i) that not less than one hundred and fifty-six contributions, whether as an employed person or self-employed person, have been paid in respect of her since her entry into insurance under the Act; or

(ii) in the case of a person who became insured under the Insurance Act or the Contributory Pensions Act before the 30th September, 1946, and who continued to be insured or treated as insured under either of those Acts up to immediately before the 5th July, 1948, that not less than one hundred and four contributions have been paid in respect of her before the 5th July, 1948, under those Acts since her last entry into insurance under either of those Acts; or

(iii) in the case of a person who became so insured on or after the said 30th September, or, having become so insured before that day, had had less than one hundred and four such contributions so paid in respect of her before the 5th July, 1948, and who in either case continued to be insured or treated as insured under either the Insurance Act or the Contributory Pensions Act up to immediately before the 5th July, 1948, that not less than one hundred and fifty-six contributions, whether under those Acts or the Act, have been paid in respect of her since her last entry into insurance under the Insurance Act or the Contributory Pensions Act;

and, for the purpose of this proviso, if more than one contribution has been paid under the said Acts for any one week, any such contributions shall be treated as if they were one contribution.

(2) (*a*) Every election by a married woman under the foregoing provisions of this regulation shall be made by her by giving notice in writing to the Ministry, and if such notice is given before the expiration of thirteen weeks (or such longer period as the Ministry, having regard to all the circumstances of the case, may allow) beginning with the week next following the date on which she became or again became a married woman who was a non-employed person, the election shall be operative from that date, but if such notice is given thereafter, the election shall be operative from the beginning of the week in which the said notice was given.

(*b*) Any such election by a married woman may be cancelled by her at any time by giving notice in writing to the Ministry to that effect, and such notice shall be operative from the beginning of the week in which the notice was given.

(3) Where a married woman, being a person who as a non-employed person did not elect to pay contributions under the Act or elected to be insured only, subsequently pays, or has credited to her, contributions either as an employed person or self-employed person, any such contributions shall not be taken into