1962. No. 27 **[C]**

FAMILY ALLOWANCES, NATIONAL INSURANCE AND INDUSTRIAL INJURIES

Consequential Provisions

REGULATIONS, DATED 23RD FEBRUARY, 1962, 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 1962, THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACTS (NORTHERN IRELAND), 1946 TO 1962, AND THE FAMILY ALLOWANCES AND NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1959.

The National Insurance Joint Authority, in exercise of powers conferred by sections 20(3) and 29(1) of the National Insurance Act (Northern Ireland), 1946(**a**), and the Ministry of Labour and National Insurance, in exercise of powers conferred by sections 5(1)(*a*)(iii), 7(1)(*b*), 40 and 45 of that Act and sections 33, 52(1) and (3) and 81 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(**b**), section 5 of the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953(**c**), section 1(2) of the National Insurance Act (Northern Ireland), 1957(**d**) (as extended by section 15(3) of, and paragraph 12(1)(*b*) of the Third Schedule to, the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962(**e**)), section 1 of the Family Allowances and National Insurance Act (Northern Ireland), 1959(**f**), and sections 5(5) and 9 of, and paragraphs 1(3) and 2 of the Second Schedule and paragraphs 4, 5(2), 10 and 11(2) of the Third Schedule to, the said Act of 1962, 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:

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Family Allowances, National Insurance and Industrial Injuries (Consequential Provisions) Regulations (Northern Ireland), 1962, and shall come into operation on the 26th February, 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;

"the Act of 1953" means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1953;

"the Act of 1962" means the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962;

(**a**) 1946. c. 23. (**b**) 1946. c. 21. (**c**) 1953. c. 30. (**d**) 1957. c. 7.
(**e**) 1962. c. 9. (**f**) 1959. c. 7.

"the Contributions Regulations" means the National Insurance (Contributions) Regulations (Northern Ireland), 1948(**a**);

"the National Insurance Determination Regulations" means the National Insurance (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(**b**);

"the General Benefit Regulations" means the National Insurance (General Benefit) Regulations (Northern Ireland), 1948(**c**);

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

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

"the Industrial Injuries Benefit Regulations" means the National Insurance (Industrial Injuries) (Benefit) Regulations (Northern Ireland), 1948(**f**);

"the Claims and Payments Regulations" means the National Insurance (Industrial Injuries) (Claims and Payments) Regulations (Northern Ireland), 1948(**g**);

"the Industrial Injuries Determination Regulations" means the National Insurance (Industrial Injuries) (Determination of Claims and Questions) Regulations (Northern Ireland), 1948(**h**);

"the Family Allowances Regulations" means the Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland), 1959(**i**);

and other expressions have the same meanings as in the Act, the Industrial Injuries Act or the Family Allowances Act (Northern Ireland), 1945, as the case may require.

PART II

SET-OFF OF BENEFIT

Set-off of benefit against earlier payment of dependency benefit

2.—(1) Where payment of benefit is made for any period to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant, of the first-mentioned person and under regulations made under section 29 of the Act or section 30 of the Industrial Injuries Act (which

(**a**) S.R. & O. (N.I.) 1948, No. 217 as amended by S.R. & O. (N.I.) 1949, No. 149; 1950, No. 67; 1951, No. 38; 1952, No. 139; 1953, No. 69; No. 123; No. 157; 1954, No. 35; 1955, No. 101; 1956, No. 212; 1957, No. 173; No. 225; No. 268; 1959, No. 43; No. 109; No. 173; 1960, No. 76; No. 144 and No. 194.

(**b**) S.R. & O. (N.I.) 1948, No. 185 as amended by S.R. & O. (N.I.) 1949, No. 142; 1951, No. 157; 1953, No. 123; 1956, No. 8; 1957, No. 169; No. 225; No. 267; 1958, No. 159; 1959, No. 108; No. 138; 1960, No. 194; 1961, No. 77; No. 78 and No. 86.

(**c**) S.R. & O. (N.I.) 1948, No. 208 as amended by S.R. & O. (N.I.) 1949, No. 195; No. 196; 1957, No. 161; No. 225; No. 239; 1960, No. 143; No. 194; 1961, No. 3 and No. 77.

(**d**) S.R. & O. (N.I.) 1961, No. 180.

(**e**) 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 and No. 86.

(**f**) S.R. & O. (N.I.) 1948, No. 203 as amended by S.R. & O. (N.I.) 1949, No. 73; 1951, No. 102; No. 182; 1952, No. 140; No. 199; 1953, No. 132; No. 135; 1955, No. 15; No. 164; 1956, No. 139; 1957, No. 131; No. 243; No. 264; 1958, No. 114; 1959, No. 93; 1960, No. 25; No. 140; 1961, No. 2 and No. 79.

(**g**) S.R. & O. (N.I.) 1948, No. 204 as amended by S.R. & O. (N.I.) 1951, No. 101; 1952, No. 118; 1953, No. 132 and 1960, No. 209.

(**h**) S.R. & O. (N.I.) 1948, No. 201 as amended by S.R. & O. (N.I.) 1953, No. 132; 1954, No. 42; 1959, No. 143; 1961, No. 79 and No. 80.

(**i**) S.R. & O. (N.I.) 1959, No. 139 as amended by S.R. & O. (N.I.) 1961, No. 77.

sections enable regulations to be made relating to overlapping benefits) that benefit is not payable, in whole or in part, for that period by reason of a decision, subsequent to the said payment, either—

(*a*) that the said other person is himself entitled to benefit for that period; or

(*b*) that a third person is entitled to benefit for that period in respect of the said other person in priority to the first-mentioned person;

the benefit paid prior to the said decision shall be treated as properly paid for that period and any arrears of benefit payable for that period by reason of the said decision shall be reduced or withheld to the extent to which such whole or part of the benefit paid prior to the said decision is so treated as having been properly paid.

(2) For the purposes of paragraph (1), "benefit" means both benefit under the Act and benefit under the Industrial Injuries Act.

PART III

NATIONAL INSURANCE

Amendment of the Contributions Regulations

3. In regulations 13, 14 and 14A of the Contributions Regulations(**a**) (which make provision for the grant of certificates of exception to insured persons whose income does not exceed one hundred and fifty-six pounds a year), for the words "one hundred and fifty-six pounds" wherever they occur, there shall be substituted the words "two hundred and eight pounds".

4.—(1) Regulation 25 of the Contributions Regulations(**b**) (which provides for the treatment of late paid contributions for the purpose of increasing, under sub-section (4) of section 19 of the Act, a retirement pension by reference to contributions paid by a person for a period after he has attained pensionable age), shall be amended in accordance with the provisions of paragraph (2) and shall accordingly have effect as set out in the First Schedule.

(2) In the said regulation 25, after the words "of pensionable age)", there shall be inserted the words "and for the purpose of section 5 of the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962 (which section relates to women's retirement pensions)".

Amendment of the General Benefit Regulations

5. In the proviso to paragraph (8) of regulation 8 of the General Benefit Regulations—

(*a*) immediately after the words "shall apply", there shall be inserted the words "without prejudice to the operation of regulation 2 of the Family Allowances, National Insurance and Industrial Injuries (Consequential Provisions) Regulations (Northern Ireland), 1962, (which provides for the set-off of benefit against earlier payment of dependency benefit) and";

(*b*) immediately after the words "were not fulfilled", there shall be inserted the words "and in so far as set-off under the said regulation 2 against payment of such benefit is not made"; and

(*c*) in paragraph (*a*) for the words "any person to whom such a payment has been made has not acted in good faith in all respects as to the

(**a**) See S.R. & O. (N.I.) 1955, No. 101 and 1959, No. 173.
(**b**) See S.R. & O. (N.I.) 1949, No. 149.

obtaining and receipt thereof", there shall be substituted the words "in the obtaining and receipt of such a payment the person to whom it has been made, or any person acting for him, has not throughout used due care and diligence to avoid overpayment";

and the said paragraph (8) shall accordingly have effect as set out in the Second Schedule.

Amendment of the Overlapping Benefits Regulations

6.—(1) Paragraph (4) of Column 1 of the First Schedule to the Overlapping Benefits Regulations (which paragraph shows benefit under the Act which, if it is payable to a woman otherwise than in respect of another person who is a child or an adult dependant, is not required to be adjusted by reference to any benefit which is shown in the corresponding paragraph of Column 2 of the said Schedule and is so payable) shall be amended in accordance with the following provisions of this regulation and accordingly that paragraph and the corresponding paragraph of Column 2 of the said Schedule shall have effect as set out in the Third Schedule.

(2) In paragraph (4) of the said Column 1, for all the words after the words "retirement pension", there shall be substituted the following words:

"(*a*) in so far as it consists of graduated retirement benefit; or

(*b*) in so far as it does not consist of graduated retirement benefit or of an increase under section 5 of the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962, if the pension, or that part of it which does not so consist, is not payable wholly or in part by virtue of a husband's contributions or insurance.".

Amendment of the Widow's Benefit and Retirement Pensions Regulations

7.—(1) Regulation 4 of the Widow's Benefit and Retirement Pensions Regulations(**a**) (which prescribes special conditions which, in the case of a woman marrying after pensionable age, apply in relation to a retirement pension by virtue of her husband's insurance) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Fourth Schedule.

(2) At the beginning of paragraph (2) of the said regulation 4, before the words "In the application", there shall be added the words "Subject to the provisions of paragraph (3),".

(3) In the said paragraph (2)—

(*a*) after the words "section 19 of the Act", there shall be inserted the words "or sub-section (1) of section 5 of the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962"; and

(*b*) for the words "sub-section relates", there shall be substituted the words "sub-sections relate".

(4) At the end of the said paragraph (2), after the words "shall not be taken into account," there shall be added the words "except for the purposes of paragraph (*b*) of the said sub-section (1).".

(5) After the said paragraph (2), there shall be added the following paragraphs:

"(3) Where contributions paid by a husband for a period beginning on or after the coming into force of the said section 5 would, but for the

(a) See S.R. & O. (N.I.) 1948, No. 246 and 1961, No. 86.

provisions of paragraph (2), be taken into account for the purpose of the application of the said sub-section (4) to a retirement pension payable to his widow by virtue of his insurance, those contributions shall, notwithstanding those provisions, be taken into account for that purpose (together with any contributions to be taken into account in accordance with paragraph (4)) but not so as to increase the weekly rate of that retirement pension by an amount exceeding the amount by which it would have been increased under paragraph (*b*) of the said sub-section (1) if that paragraph had applied in respect of those contributions.

(4) Any contributions paid by a husband for a period beginning on or after the coming into force of the said section 5 and after the termination of the contribution weeks referred to in paragraph (2) shall, if their number is not twelve or a multiple of twelve, be taken into account under paragraph (3) to the following extent,—

(*a*) if their number is less than twelve, all those contributions, or

(*b*) in any other case, so many of them as exceed twelve or a multiple of twelve.".

8. After regulation 4 of the Widow's Benefit and Retirement Pensions Regulations, there shall be inserted the following regulation:

"Special provisions applying to women who remarry when over pensionable age

4A. Where a man dies leaving a widow who remarries after attaining pensionable age, the following provisions shall apply:

(1) Sub-section (1) of section 5 of the Family Allowances and National Insurance and Assistance Act (Northern Ireland), 1962, shall apply in relation to her as if she had remained his widow throughout any period after her remarriage for which she is entitled to a retirement pension by virtue of his insurance.

(2) Subject to the provisions of paragraph (3), paragraph (*b*) of the said sub-section (1) shall apply in relation to her as if, throughout any period during the subsistence of that remarriage for which she is entitled to a retirement pension by virtue of her insurance, she had remained the widow of the man whose widow she would have remained but for that remarriage.

(3) If, having remarried after attaining pensionable age, she becomes a widow for a second or subsequent time, the said paragraph (*b*) shall, if she so elects, apply in relation to her as if, throughout any period during which she is a widow and is entitled to a retirement pension by virtue of her insurance, she were not the widow of her last husband but had remained the widow of any man whose widow she would have remained but for any remarriage after she had attained pensionable age; and, if she had so elected, the said paragraph (*b*) shall continue to apply in relation to her as if she had remained the widow of that man throughout any period, occurring during the subsistence of any remarriage next following the period of her last widowhood, for which she is so entitled to a retirement pension.".

9.—(1) Paragraph (1) of regulation 10 of the Widow's Benefit and Retirement Pensions Regulations(a) (which paragraph makes provision as to the contributions to be taken into account for the purpose of increasing a retirement

(a) See S.R. & O. (N.I.) 1957, No. 160.