(*b*) in the case of any other benefit—

(i) where the wife is employed in one employment only in respect of which she receives a regular weekly wage of a fixed amount, by reference to that wage; or

(ii) where the wife is not so employed or does not receive a regular weekly wage of a fixed amount, and a claim for the increase is made in respect of a period of seven days (including the Sunday), by reference to her earnings in that period;

(*c*) in any case not covered by either of the foregoing sub-paragraphs, in such manner as the determining authority may decide to be appropriate, having regard to all the circumstances of the case.

(3) The provisions of this regulation shall not apply for the purpose of the classification of insured persons.

EXPLANATORY NOTE

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

These regulations amend those provisions of the National Insurance (General Benefit) Regulations (Northern Ireland), 1948, which relate to the computation of earnings. They also add to those regulations provisions affecting the right to increases of benefit in respect of adult dependants and children, and revoke a provision of those regulations relating to the repayment of benefit by a married woman who has not given notice of her marriage.

Increase of Benefit and Miscellaneous Provisions Regulations (Northern Ireland), 1957

REGULATIONS, DATED 13TH DECEMBER, 1957, 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 1957.

1957. No. 269 **[C]**

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 Labour and National Insurance, in exercise of powers conferred by sections 5 and 8 of the National Insurance (No. 2) Act (Northern Ireland), 1957(b), and sections 28, 33, 62 and 68 of the National Insurance Act (Northern Ireland), 1946, in each case in conjunction with the Ministry of Finance as 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:—

(a) 1946. c. 23.
(b) 1957. c. 26.

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1957, and shall come into operation on the 14th December, 1957.

(2) In these regulations, unless the context otherwise requires—

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

"the Act of 1957" means the National Insurance (No. 2) Act (Northern Ireland), 1957;

"the Contributory Pensions Acts" means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946;

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

"the Death Grant Regulations" means the National Insurance (Death Grant) Regulations (Northern Ireland), 1949(**b**);

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

(**a**) S.R. & O. (N.I.) 1948. No. 196 as amended by S.R. & O. (N.I.) 1949. No. 142; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 46; S.R. & O. (N.I.) 1952. No. 141; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1954. No. 45; S.R & O. (N.I.) 1957. No. 72; S.R. & O. (N.I.) 1957. No. 179; S.R. & O. (N.I.) 1957. No 225.

(**b**) S.R. & O. (N.I.) 1949. No. 142 as amended by S.R. & O. (N.I.) 1950. No. 11; S.R. & O. (N.I.) 1952. No. 46; S.R. & O. (N.I.) 1957. No. 72; S.R. & O. (N.I.) 1957. No. 225.

(**c**) S.R. & O. (N.I.) 1948. No. 185 as amended by S.R. & O. (N.I.) 1949. No. 142; S.R. & O. (N.I.) 1951. No. 157; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1956. No. 8; S.R. & O. (N.I.) 1957. No. 169; S.R. & O. (N.I.) 1957. No. 225.

(**d**) S.R. & O. (N.I.) 1948. No. 39 as amended by S.R. & O. (N.I.) 1949. No. 124; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 133; S.R. & O. (N.I.) 1953. No. 108; S.R. & O. (N.I.) 1955. No. 8; S.R. & O. (N.I.) 1956. No. 138; S.R. & O. (N.I.) 1957. No. 179; S.R. & O. (N.I.) 1957. No. 180; S.R. & O. (N.I.) 1957. No. 236.

(**e**) S.R. & O. (N.I.) 1948. No. 129 as amended by S.R. & O. (N.I.) 1949. No. 130; S.R. & O. (N.I.) 1949. No. 159; S.R. & O. (N.I.) 1951. No. 110; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 133; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 108; S.R. & O. (N.I.) 1955. No. 8; S.R. & O. (N.I.) 1956. No. 138; S.R. & O. (N.I.) 1957. No. 179; S.R. & O. (N.I.) 1957. No. 181; S.R. & O. (N.I.) 1957. No. 235.

"the General Transitional Regulations" means the National Insurance (General Transitional) Regulations (Northern Ireland), 1948(a);

"the Hospital In-Patients Regulations" means the National Insurance (Hospital In-Patients) Regulations (Northern Ireland), 1949(b);

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

"the New Entrants Regulations" means the National Insurance (New Entrants Transitional) Regulations (Northern Ireland), 1948(d);

"the Overlapping Benefits Regulations" means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(e);

"the Unemployment and Sickness Benefit Regulations" means the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland), 1948(f);

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

and other expressions have the same meanings as in the principal Act.

PART II

INCREASES IN RATES AND AMOUNTS OF BENEFIT PAYABLE UNDER REGULATIONS

2. The existing rates and amounts of benefit referred to in this Part payable by virtue of certain regulations made under the principal Act shall, in order to bring them into conformity with

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(a) S.R. & O. (N.I.) 1948. No. 239 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 176; S.R. & O. (N.I.) 1957. No. 179.

(b) S.R. & O. (N.I.) 1949. No. 161 as amended by S.R. & O. (N.I.) 1949. No. 162; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1952. No. 147; S.R. & O. (N.I.) 1953. No. 22; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1956. No. 138; S.R. & O. (N.I.) 1957. No. 225; S.R. & O. (N.I.) 1957. No. 254.

(c) S.R. & O. (N.I.) 1953. No. 123 as amended by S.R. & O. (N.I.) 1954. No. 35; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1955. No. 72.

(d) S.R. & O. (N.I.) 1948. No. 221 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1957. No. 44; S.R. & O. (N.I.) 1957. No. 182.

(e) S.R. & O. (N.I.) 1949. No. 154 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1951. No. 181; S.R. & O. (N.I.) 1952. No. 65; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 80; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1956. No. 138; S.R. & O. (N.I.) 1957. No. 225; S.R. & O. (N.I.) 1957. No. 240.

(f) S.R. & O. (N.I.) 1948. No. 248 as amended by S.R. & O. (N.I.) 1949. No. 197; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1954. No. 22; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1955. No. 19; S.R. & O. (N.I.) 1956. No. 32; S.R. & O. (N.I.) 1957. No. 168; S.R. & O. (N.I.) 1957. No. 234.

(g) S.R. & O. (N.I.) 1948. No. 246 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 108; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1956. No. 138; S.R. & O. (N.I.) 1957. No. 160; S.R. & O. (N.I.) 1957. No. 241.

the increased rates and amounts of benefit payable directly under that Act by virtue of the Act of 1957, be increased in the manner and to the extent specified or referred to in this Part.

Increase in rates of unemployment and sickness benefit payable at reduced rates owing to partial satisfaction of contribution conditions

3. As from the 6th February, 1958, the revised Schedule set out in Schedule B (showing in italics in columns (2), (3), (4) and (5) the increased rates of unemployment and sickness benefit, which are payable at reduced rates by reason of partial satisfaction of contribution conditions) shall be substituted for the Second Schedule(**a**) to the Unemployment and Sickness Benefit Regulations (which is referred to in paragraph (2) of regulation 13 of those regulations).

Increase in amount of maternity grant

4.—(1) In any case where—

(*a*) a woman has become entitled before the 3rd February, 1958 (hereafter in this regulation called "the appropriate date") to a maternity grant by virtue of the provisions of regulation 3 of the Maternity Benefit Regulations (which confer title to a maternity grant in respect of expectation of confinement) whether or not payment thereof shall then have been made;

(*b*) the confinement in expectation of which she has become so entitled has not occurred before the appropriate date; and

(*c*) her pregnancy has not otherwise been terminated before the appropriate date;

the amount of the grant shall be increased to twelve pounds ten shillings, if, but only if, before the expiration of three months (or such longer period, not exceeding six months, as the determining authority may for good cause allow) beginning with the appropriate date or the date of the confinement (whichever is the later), the beneficiary furnishes, by such means as the determining authority shall accept as sufficient, evidence either that she has been confined or that she is pregnant and that it is to be expected that she will be confined.

(2) In this regulation the expression "the determining authority" means, as the case may require, an insurance officer, a local tribunal appointed or constituted in accordance with the Determination of Claims and Questions Regulations, or an umpire or deputy umpire appointed by the Governor of Northern Ireland for the purposes of the principal Act(**b**).

Increase in rate of a maternity allowance payable at a reduced rate owing to partial satisfaction of contribution conditions

5. As from the 3rd February, 1958, the revised table set out in Schedule C (showing in italics in the second and third columns respectively the increased weekly rates of a maternity allowance

(**a**) *See* Sch. B to S.R. & O. (N.I.) 1955. No. 7.
(**b**) *See* S. 40(3)(*c*), National Insurance Act (Northern Ireland), 1946.

which is payable at a reduced rate by reason of partial satisfaction of the contribution conditions and the increased weekly rates of any increase of such an allowance in respect of an adult dependant) shall be substituted for the table contained in regulation 13 of the Maternity Benefit Regulations.

Increase in rates of widow's benefit and retirement pensions payable at reduced rates owing to partial satisfaction of contribution conditions

6. As from the 27th January, 1958, the revised Schedule set out in Schedule D (showing in italics in columns (2), (3), (4) and (5) the increased rates of widow's benefit and retirement pension and of increase of retirement pension in respect of an adult dependant, which are payable at reduced rates by reason of partial satisfaction of contribution conditions) shall be substituted for the Schedule(**a**) to the Widow's Benefit and Retirement Pensions Regulations (which is referred to in paragraph (2) of regulation 7 of those regulations).

Increase in rates of retirement pensions for existing beneficiaries

7.—(1) As from the 27th January, 1958, paragraph (3) of regulation 9 of the Existing Beneficiaries Regulations (which relates to rates of converted pensions for existing beneficiaries)(**b**) shall be amended in accordance with the provisions of the next following paragraph, and shall accordingly have effect as set out in Part I of Schedule A.

(2) In the proviso to the said paragraph (3)—

(*a*) for the words "25th April, 1955", there shall be substituted the words "27th January, 1958";

(*b*) in paragraph (*a*) for the words "forty shillings" and "twenty-five shillings", there shall be substituted the words "fifty shillings" and "thirty shillings" respectively.

(3) As from the 27th January, 1958, the revised Schedule set out in Schedule E (being the Schedule there referred to as the "Third Schedule" and showing in italics in columns (3) and (5) the increased rates of retirement pensions for existing beneficiaries) shall be substituted for the Third Schedule(**c**) to the Existing Beneficiaries Regulations (which is referred to in the said regulation 9 of those regulations).

Increase in rates of retirement pensions in respect of adult dependants, and of retirement pensions for certain wives of certain existing beneficiaries

8.—(1) As from the 27th January, 1958, regulation 10(**d**) of the Existing Beneficiaries Regulations (which relates to rates of increases in respect of adult dependants, and of retirement pensions for certain wives, of certain existing beneficiaries) shall be amended in accordance with the provisions of the next following paragraph, and shall accordingly have effect as set out in Part II of Schedule A.

(**a**) *See* Sch. to S.R. & O. (N.I.) 1957. No. 241.
(**b**) *See* S. 62(2)(*b*), National Insurance Act (Northern Ireland), 1946.
(**c**) *See* Sch. B to S.R. & O. (N.I.) 1955. No. 8.
(**d**) *See* Sch. to S.R. & O. (N.I.) 1957. No. 236.