(*f*) the provisions of subsection (4) of section 20 of the principal Act (which relates to the disentitlement of a woman to more than one retirement pension for the same period).

(6) *For the purposes of any disqualification contained in the said regulation 24, the said regulation 13 or this regulation for the receipt of additional retirement pension by virtue of her husband's insurance, a retirement pension by virtue of a widow's own insurance to which she becomes entitled by virtue of paragraph (b) of subsection (1) of section 2 of the National Insurance Act (Northern Ireland), 1957, (which paragraph provides that in certain cases a widow may have account taken of her husband's contributions in calculating the yearly average of the contributions paid by or credited to her for the purpose of her right to a retirement pension by virtue of her own insurance) shall be treated as if it were a retirement pension by virtue of her husband's insurance.*

EXPLANATORY NOTE

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

These regulations amend the National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1955. Under section 2(1) of the National Insurance Act (Northern Ireland), 1957, a widow who immediately before attaining pensionable age is entitled to widow's benefit no longer becomes entitled to a retirement pension by virtue of her husband's insurance, but is allowed for certain periods to elect to have account taken of her husband's contributions in calculating her yearly average for the purpose of her right to a retirement pension by virtue of her own insurance. A widow resident abroad when benefit rates were increased in 1951, 1952 or 1955 is under the existing regulations precluded from obtaining by virtue of her husband's insurance the increased rate of retirement pension then enacted unless she subsequently becomes resident in Northern Ireland. The present regulations apply this provision to a retirement pension payable under section 2(1) by virtue of taking account of her husband's contributions.

Overlapping Benefits Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 15TH NOVEMBER, 1957, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 240 [C]

The National Insurance Joint Authority, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 29 of the National Insurance Act (Northern Ireland),

1946(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Overlapping Benefits) Amendment Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(b), (hereinafter referred to as "the principal regulations") and shall come into operation on the 18th November, 1957.

Amendment of regulation 5 of the principal regulations

2. At the end of regulation 5 of the principal regulations (which relates to the adjustment of dependency benefit under the Act by reference to one or more of the dependency benefits, whether under the Act or otherwise, specified in paragraph (2) thereof), there shall be added the following paragraph:—

"(4) The foregoing provisions of this regulation shall not operate to require the making of any adjustment as between two dependency benefits of which one is dependency benefit by way of an increase of benefit under paragraph (*c*) of subsection (2) of section 23 of the Act, or under subsection (2A) of that section, which is or, but for those provisions, would be payable to a person (hereafter in this paragraph referred to as "the beneficiary") in respect of another person who is employed by, but is not residing with, the beneficiary and the other is any dependency benefit which is specified in paragraph (2) of this regulation and is or, but for those provisions, would be payable in respect of that other person to some person other than the beneficiary.".

Amendment of regulation 6 of the principal regulations

3.—(1) Regulation 6 of the principal regulations (which relates to the adjustment of dependency benefit under the Act where personal benefit is payable) shall be amended in accordance with the following provisions of this regulation and shall accordingly have effect as set out in the Schedule.

(2) In paragraph (1) of the said regulation, before the words "Where, for any period", there shall be inserted the words "Subject to the provisions of paragraphs (3), (4) and (5) of this regulation,".

(3) At the end of the said regulation, there shall be added the following paragraphs:—

"(3) The provisions of this regulation shall not apply in relation to any dependency benefit by way of an increase of benefit under paragraph (*c*) of subsection (2) of section 23 of

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(a) 1946. c.23.

(b) 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. 8.

the Act, or under subsection (2A) of that section, in respect of a person who is employed by, but is not residing with, the beneficiary.

(4) Where any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to a married woman for any period throughout which she is over pensionable age, the amount of any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her by way of an increase of a retirement pension for that period shall be reduced or extinguished by the deduction therefrom of the amount or aggregate amount so payable in respect of that personal benefit or those personal benefits for that period.

(5) In any case (not being a case falling within the last foregoing paragraph) where personal benefit under the Act by way of sickness benefit is payable to a married woman for any period throughout which she is receiving free in-patient treatment (as defined for the purposes of the National Insurance (Hospital In-Patients) Regulations (Northern Ireland), 1949(a)), the following provisions shall apply in relation to any dependency benefit under the Act which, but for this regulation, would be payable to her husband in respect of her for that period:—

(*a*) If an adjustment of that dependency benefit made in accordance with the foregoing provisions of this regulation would reduce the weekly rate thereof by an amount greater than the amount of the weekly rate at which that personal benefit is payable for that period, that dependency benefit shall not be so adjusted but the weekly rate thereof shall be reduced by the last-mentioned amount.

(*b*) If that personal benefit by way of sickness benefit is payable for that period at a reduced weekly rate by reason of the partial satisfaction of the contribution conditions for that benefit and an adjustment of the said dependency benefit made in accordance with the foregoing provisions of this regulation would reduce the weekly rate thereof by an amount less than the amount of the weekly rate at which that personal benefit is payable for that period, that dependency benefit shall not be so adjusted but the weekly rate thereof shall be reduced by the last-mentioned amount.".

Given under the Official Seal of the National Insurance Joint Authority this 15th day of November, nineteen hundred and fifty-seven.

(L.S.) *Ian G. Gilbert,*
Secretary, National Insurance Joint Authority.

(a) 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.