applied (which subsection provided for modified old age pensions where certain dependants war pensions were payable) any increase in respect of *an adult dependant* and any retirement pension for his wife by virtue of his insurance, if she had not attained pensionable age at the appointed day, shall be at the same rate as that at which an old age pension would, but for the repeal of the Contributory Pensions Acts, have been payable to her under those Acts, and the Increase of Pensions Regulations:

Provided that:

(*a*) as from the 25th April, 1955, the method of calculation of any retirement pension by reference to the said subsection (3) shall continue subject to the application thereto of the provisions of paragraph (*c*) of the proviso to paragraph (3) of regulation 9; *and*

(*b*) *in the case of an increase in respect of an adult dependant other than his wife, the rate shall be the same as that at which an old age pension would have been so payable to that dependant had she been his wife.*

EXPLANATORY NOTE

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

These regulations, which are made in consequence of those provisions of the National Insurance Act (Northern Ireland), 1957, which provide for the payment of increases of retirement pensions in respect of certain female persons who have the care of a child or children of the beneficiary's family or of a child or children treated as such, extend certain provisions of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948, applying to increases of such pensions in respect of wives so as to apply to such female persons.

Pensions, Existing Contributors (Transitional) Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 2ND AUGUST, 1957, MADE BY 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. 181 [C]

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 62 of the National Insurance Act (Northern Ireland), 1946(a), section 4(1)(*a*) of the National Insurance Act (Northern Ireland), 1955(b), and section 10(2) of the National Insurance Act (Northern Ireland), 1957(c), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

(a) 1946. c. 23. (b) 1955. c. 1. (c) 1957. c. 7.

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Pensions, Existing Contributors) (Transitional) Amendment Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948(a), (hereinafter referred to as "the principal regulations") and shall come into operation on the 5th August, 1957.

Amendment of regulation 6 of the principal regulations

2.—(1) Regulation 6 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation, and shall accordingly have effect as set out in Part I of the Schedule hereto.

(2) In paragraph (1) of regulation 6 of the principal regulations immediately after the words "widow's pension" the word "or" shall be omitted; and immediately after the words "husband's insurance" there shall be inserted the words "or 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)".

Amendment of regulation 7 of the principal regulations

3.—(1) Regulation 7 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation, and shall accordingly have effect as set out in Part II of the Schedule hereto.

(2) In the proviso to paragraph (2) of regulation 7 of the principal regulations immediately after the words "widow's benefit" the word "and" shall be omitted; and immediately after the words "husband's insurance" there shall be inserted the words "and 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,".

Amendment of regulation 10 of the principal regulations

4.—(1) Regulation 10 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation and shall accordingly have effect as set out in Part III of the Schedule hereto.

(2) In sub-paragraph (*a*) of paragraph (1) of regulation 10 of the principal regulations immediately after the words "his insurance" there shall be inserted the words "or a retirement

(a) 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.

pension for his widow to which she becomes entitled by virtue of paragraph (*b*) of subsection (1) of section 2 of the National Insurance Act (Northern Ireland), 1957,".

(3) In paragraph (2) of regulation 10 of the principal regulations immediately after the words "widow's benefit" the word "or" shall be omitted; and immediately after the words "husband's insurance" there shall be inserted the words "or 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,".

Amendment of regulation 11 of the principal regulations

5.—(1) Regulation 11 of the principal regulations shall be amended in accordance with the provisions of the next following paragraph of this regulation, and shall accordingly have effect as set out in Part IV of the Schedule hereto.

(2) Immediately after paragraph (4) of regulation 11 of the principal regulations there shall be added the following paragraph:—

"(5) A woman who attains pensionable age on or after the 5th August, 1957, who immediately before attaining that age is, or but for any disqualification would be, entitled to widow's benefit, other than a widow's basic pension, and to whom, but for this regulation, the condition imposed by sub-paragraph (*b*) of paragraph (1) of regulation 5 would apply, shall not be subject to that condition, nor shall regulation 10 of these regulations apply to her:

Provided that the preceding paragraphs of this regulation shall apply to such a woman as if she were a person to whom sub-paragraph (*b*) of paragraph (1) of regulation 5 applied and who failed to satisfy the condition in that sub-paragraph.".

Provisions to be added to the principal regulations

6. The following provisions shall be added after regulation 12 of the principal regulations:—

"*Further modifications in the case of certain widows*

12A. Where subsection (1) of section 2 of the National Insurance Act (Northern Ireland), 1957, (which subsection amends the Act in relation to widow's benefit and retirement pensions for widows) applies to a widow to whom widow's benefit is, or but for any disqualification would be, payable by virtue of any of the foregoing provisions of these regulations, then in the application of the provisions of subsection (5) of section 19 of the Act (which subsection relates to reduction of retirement pension on account of earnings) to a retirement pension to which she becomes entitled by virtue of her own insurance, such a pension shall not be reduced to less than a rate equal to the rate below which the retirement pension, which would have been payable to her by virtue of her husband's insurance but for the said subsection (1) could not have been reduced by reason of the provisions of paragraphs (*c*) and (*d*) of the last preceding regulation;

Provided that this regulation shall not apply to any period after the widow has remarried.".

Amendment of paragraph 3 of the First Schedule to the principal regulations

7.—(1) Paragraph 3 of the First Schedule to the principal regulations shall be amended in accordance with the next following paragraph of this regulation, and shall accordingly have effect as set out in Part V of the Schedule hereto.

(2) In paragraph 3 of the First Schedule to the principal regulations immediately after the words "widow's benefit" the word "and" shall be omitted; and immediately after the words "husband's insurance" there shall be inserted the words "or 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,".

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of August, 1957, in the presence of

(L.S.) *J. E. Greeves,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 2nd day of August, 1957, in the presence of

(L.S.) *W. W. Arthur,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

CONTAINING PROVISIONS OF THE PRINCIPAL REGULATIONS, AS AMENDED BY THESE REGULATIONS*

PART I Regulation 2.

REGULATION 6 OF THE PRINCIPAL REGULATIONS, AS AMENDED BY THESE REGULATIONS

Widow's basic pension, etc., for certain widows not entitled to widow's benefit

6.—(1) Subject to the provisions of these regulations, the widow of an existing pensions contributor, if she was married to him before the appointed day, shall for any period when she is not entitled to a widow's allowance, a widowed mother's allowance, a widow's pension, a retirement pension by virtue of

* The words added by these regulations are shown in italics.

her husband's insurance *or 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),* be entitled—

(*a*) where she has not attained pensionable age, to a widow's basic pension within the meaning of regulation 3 of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948; and

(*b*) where she has attained that age, to a contributory old age pension within the meaning of the said regulation 3;

if the husband satisfies the contribution conditions contained in paragraph 4 of the Third Schedule to the Act, as modified by the First Schedule to these regulations; and the provisions of the said regulation 3, in so far as they relate to widows' basic pensions and contributory old age pensions, shall apply to any such pension payable by virtue of this regulation.

(2) A pension to which a widow becomes entitled by virtue of this regulation shall, subject to the provisions of the next succeeding paragraph, be at the rate of ten shillings a week.

(3) Where a widow would be entitled to a pension by virtue of this regulation but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid by or credited to her husband, she shall nevertheless be entitled to such a pension, if the yearly average of contributions so paid or credited is not less than thirteen, at the reduced rate specified in the second column of the Second Schedule to these regulations which corresponds with the yearly average of contributions paid or credited as shown in the first column of that Schedule.

(4) Where a widow has not become entitled to a widowed mother's allowance to which she would otherwise be entitled by virtue of these regulations because the child by reason of whose inclusion in her family that allowance would be payable is not in Northern Ireland, then if—

(*a*) the child is in any part of His Majesty's dominions outside Northern Ireland or in the Republic of Ireland or the Republic of India, and would be included in her family but for the provisions of subsection (3) of section 24 of the Family Allowances Act (Northern Ireland), 1945 (which subsection makes residence in Northern Ireland a condition of a child's being included in a family); and

(*b*) the widow becomes or has become entitled to a widow's basic pension;

a child's allowance shall be payable to the widow for any period during which the child would, but for the said subsection (3),