Pensions, Existing Beneficiaries and Other Persons (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. 180 [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:—

Citation, interpretation and commencement

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

Amendment of regulation 3 of the principal regulations

2.—(1) Regulation 3 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 (*a*) of the proviso to paragraph (2) of the said regulation 3 immediately before the words "subsection (3) of section 27" the word "and" shall be deleted, and immediately after the word "benefit" at the end of the said paragraph (*a*) there shall be added "and 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);".

(3) In paragraph (*b*) of the proviso to paragraph (2) of the said regulation 3 immediately before the words "sections 22 and 23 of the Act" the words "and of" shall be deleted and at the end of the said paragraph (*b*) there shall be added "and subsection (1) of section 1 of the National Insurance Act (Northern Ireland), 1957, (which subsection gives power to make regulations providing for re-entry into regular employment for certain persons who have retired from regular employment or have otherwise become entitled to a retirement pension);".

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

Amendment of regulation 4 of the principal regulations

3.—(1) Regulation 4 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) After paragraph (*b*) of the proviso to paragraph (3) of regulation 4 there shall be added the following paragraph:—

"(*c*) 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 a widowed mother's allowance or a widow's pension is, or but for any disqualification would be, payable by virtue of this regulation, subsection (6) of the said section 20 shall not apply to her, but, if she was insured under the Contributory Pensions Acts immediately before the appointed day, she may elect that, for the purpose of 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, she shall be treated as if she had not then been insured under those Acts.".

Amendment of regulation 11 of the principal regulations

4.—(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 III of the Schedule hereto.

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

"(3) Where subsection (1) of section 2 of the National Insurance Act (Northern Ireland), 1957, applies to a widow to whom a widowed mother's allowance or a widow's pension is, or but for any disqualification would be, payable by virtue of regulation 4 of these regulations, then, in the application of the provisions of subsection (5) of section 19 of the Act 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 sub-paragraphs (*c*) and (*d*) of paragraph (1) of this regulation:

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

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 2nd day of August, nineteen hundred and fifty-seven, 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, nineteen hundred and fifty-seven, in the presence of

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

SCHEDULE

PART I Regulation 2.

CONTAINING REGULATION 3 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Description of additional benefits to be included in benefit under the Act

3.—(1) Subject to the provisions of these regulations, there shall be included in the descriptions of benefit under the Act benefit of the following descriptions:—

(*a*) widow's basic pension;

(*b*) child's allowance;

(*c*) orphan's pension;

(*d*) contributory old age pension.

(2) Subject as aforesaid, for the purposes of the provisions of the Act and the orders and regulations for the time being in force thereunder, a widow's basic pension shall be treated as widow's benefit, a child's allowance or an orphan's pension shall be treated as guardian's allowance, and a contributory old age pension shall be treated as retirement pension:

Provided that—

(*a*) a widow's basic pension shall not be so treated for the purposes of the provisions of subsection (3) of section 17 of the Act (which subsection relates to widows' pensions for widows who would otherwise cease to be entitled to widow's benefit), paragraph (*b*) of subsection (1) and subsection (6) of section 20 thereof (which paragraph and subsection respectively relate to retirement pensions for widows in receipt of widow's benefit immediately before attaining pensionable age and for widows not so in receipt of widow's benefit), subsection (3) of section 27 thereof (which subsection also relates to retirement pensions for widows in receipt of widow's benefit), *and 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)*;

(*b*) a contributory old age pension shall not be so treated for the purposes of the provisions of paragraph (*a*)

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

of subsection (1) of section 16 of the Act (which paragraph relates to the conditions for a widow's allowance), subsection (5) of section 19 and subsection (3) of section 20 of the Act (which subsections relate to the reduction of retirement pension in respect of earnings), sections 22 and 23 of the Act (which sections relate to increases of benefit in respect of children and adult dependants respectively) *and subsection (1) of section 1 of the National Insurance Act (Northern Ireland), 1957, (which subsection gives power to make regulations providing for re-entry into regular employment for certain persons who have retired from regular employment or have otherwise become entitled to a retirement pension)*;

(*c*) a child's allowance and an orphan's pension shall not be so treated for the purpose of subsection (2) of section 18 of the Act (which subsection relates to the person to receive a guardian's allowance) in any case unless the Ministry so determines.

PART II Regulation 3.

CONTAINING REGULATION 4 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS*

Certain existing widow pensioners under the Contributory Pensions Acts to be entitled to widowed mothers' allowances, widows' pensions, etc.

4.—(1) Subject to the provisions of the Act and of these regulations, an existing widow pensioner shall be entitled to a widowed mother's allowance for any period for which—

(*a*) she has a family which includes a child—

(i) in respect of whom immediately before the appointed day an additional allowance under the Contributory Pensions Acts was payable by virtue of her husband's insurance, or,

(ii) who—

(*aa*) at the husband's death was, or could have been treated under paragraph 3 of the Schedule to the Family Allowances Act (Northern Ireland), 1945, as a child of his family; or

(*bb*) is a son or daughter of theirs; or

(*cc*) having at the death of a previous husband of hers by a marriage which ended with that husband's death been a child of that husband's family, was at the death of the last husband a child of her family,

and who, if for the time being included in her family only by virtue of her contributing to the cost of providing for him, is so included by virtue of her so contributing at the rate of sixteen shillings and sixpence a week or more; or

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