Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of January, 1957, in the presence of

(L.S.) *D. C. B. Holden,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

EXPLANATORY NOTE

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

These regulations add a new provision to the National Insurance (Married Women) Regulations (Northern Ireland), 1948, whereby a widow, on ceasing to be entitled to a widow's allowance or a widowed mother's allowance in certain circumstances, is deemed to satisfy the contribution conditions for unemployment and sickness benefit and retirement pension as respects the minimum number of contributions required to have been paid since her entry into insurance; she is also granted certain credits of contributions counting for unemployment and sickness benefit, is treated as having paid certain contributions counting for the purpose of additional days of unemployment benefit and is relieved from the possibility of exhausting her right to sickness benefit. The transitory provisions of the regulations provide for conferring similar rights on certain existing widows not entitled to widow's allowance when the regulations come into effect. The remaining provisions are of a minor or consequential character.

Married Women Amendment (No. 2) Regulations (Northern Ireland), 1957

REGULATIONS, DATED 1ST AUGUST, 1957, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 175 [C]

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 56 of the National Insurance Act (Northern Ireland), 1946(a), 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 (Married Women) Amendment (No. 2) Regulations (Northern Ireland), 1957, shall be read as one with the National

(a) 1946. c. 23.

Insurance (Married Women) Regulations (Northern Ireland), 1948(a), (hereinafter referred to as " the principal regulations ") and shall come into operation on the 2nd August, 1957.

Amendment of regulation 1 of the principal regulations

2.—(1) In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation) the following definition shall be inserted after the definition of " the Ministry ":—

" ' the determining authority ' means, as the case may require, an insurance officer, a local tribunal or the umpire; ".

(2) After the said paragraph (2), there shall be inserted the following paragraph:—

" (2A) For the purposes of regulations 8, 8C and 8D of these regulations, a woman who has obtained a decree absolute of presumption of death and dissolution of marriage shall, notwithstanding that the man whose death has been presumed is dead, be treated as a woman whose marriage has been terminated otherwise than by the death of her husband unless the date of his death is established to the satisfaction (as respects the said regulation 8, paragraph (1) or paragraph (3) of the said regulation 8C, or the said regulation 8D) of the Ministry or (as respects paragraph (2) of the said regulation 8C) of the determining authority; and, in relation to a woman who is so treated, the marriage in question shall be treated as having been terminated on the date of the decree absolute.".

Regulation substituted for regulation 8 of the principal regulations

3. For regulation 8 of the principal regulations (which relates to the crediting of contributions for the purpose of determining the rate of unemployment and sickness benefit in the case of a woman whose marriage has been terminated) there shall be substituted the following regulation:—

" *Special credits where a woman's marriage has been terminated*

8.—(1) In the case of a woman whose marriage has been terminated by the death of her husband or otherwise, contributions shall be credited to her, subject to and in accordance with the following provisions of this regulation, for the purposes specified in paragraph (3) thereof, if at any time, in respect of weeks beginning not earlier than the twenty-sixth week next before the termination of that marriage (hereafter in this regulation referred to as " the appropriate weeks ") she has not paid twenty-six contributions as an employed person but has paid twenty-six contributions of which each is either a contribution as an employed person or a contribution as a self-employed person, and if at any time, in respect of the appropriate weeks, she has paid twenty-six contributions as an employed person.

(a) S.R. & O. (N.I.) 1948. No. 220 as amended by S.9 and para. 15 of First Schedule, National Insurance Act (Northern Ireland), 1953 (1953. c. 27); S.R. & O. (N.I.) 1954. No. 33; S.R. & O. (N.I.) 1957. No. 8.

(2) Contributions credited to a woman by virtue of the foregoing provisions of this regulation shall be—

(*a*) if she has not paid twenty-six contributions as an employed person in respect of the appropriate weeks, a contribution as a self-employed person for every week in the period beginning with the commencement of the last complete contribution year before the benefit year which includes that one of the appropriate weeks in respect of which she paid the twenty-sixth contribution as an employed or self-employed person and ending with that week; and

(*b*) if she has paid (either with or without any other contribution) twenty-six contributions as an employed person in respect of the appropriate weeks, a contribution as an employed person for every week in the period beginning with the commencement of the last complete contribution year before the benefit year which includes that one of the appropriate weeks in respect of which she paid the twenty-sixth contribution as an employed person and ending with that week:

Provided that—

(i) a contribution shall not be so credited for any week which did not fall wholly within the period of the marriage in question or for any week in respect of which she has paid, or is to be treated as having paid, or, by virtue of any provision of the regulations made under the Act except this regulation, is to be credited with, a contribution of the class of which, but for this proviso, a contribution would fall to be credited to her in accordance with this regulation or (where the contribution of that class is a contribution as a self-employed person) a contribution as an employed person;

(ii) where, in accordance with the foregoing provisions of this regulation, a contribution as an employed person falls to be credited to a woman for any week for which she has paid, or is to be treated as having paid, or is to be credited with a contribution as a self-employed person, the crediting of that contribution as an employed person shall be taken into account for the purposes specified in the next following paragraph to the exclusion of the payment or crediting of the contribution as a self-employed person.

(3) The purposes for which contributions credited to a woman by virtue of the foregoing provisions of this regulation shall be so credited are—

(*a*) for the purpose of her satisfying, as respects the fifty contributions required to have been paid or credited in a contribution year, the contribution

conditions for unemployment and sickness benefit; and

(*b*) for the purpose of her satisfying the conditions attaching to exception from liability to pay, and to the crediting of, contributions which are contained in the Schedule to the National Insurance (Contributions) Regulations (Northern Ireland), 1948(**a**).".

Amendment of regulation 8A *of the principal regulations*

4. In regulation 8A of the principal regulations (which regulation has effect by virtue of regulation 3 of the National Insurance (Married Women) Amendment Regulations (Northern Ireland), 1957(**b**)), at the end of paragraph (6) thereof (which paragraph qualifies the provision by virtue of which, in the circumstances specified in that regulation, a woman is to be deemed to have paid the contributions required to have been paid as a condition of entitlement to a retirement pension), there shall be added the following words:—

"Provided that a woman affected by sub-paragraph (*b*) or sub-paragraph (*c*) of this paragraph shall cease to be so affected if and when she remarries on or after the date of the coming into force of this proviso."

and that paragraph shall accordingly have effect as set out in the Schedule to these regulations.

Provisions added to the principal regulations

5. The following provisions shall be added after regulation 8A of the principal regulations:—

"*Women ceasing to be affected by regulation* 8A(6)(*b*) *or regulation* 8A(6)(*c*)

8B. Where, by virtue of the proviso to paragraph (6) of the last foregoing regulation, a woman ceases to be affected by sub-paragraph (*b*) or sub-paragraph (*c*) of that paragraph, she shall, in respect of any contribution week for which the Ministry is satisfied that widow's benefit (not being a widow's basic pension) would (or would apart from her satisfying the condition of making a claim therefor) have been payable to her had not personal benefit such as is referred to in the said sub-paragraphs been payable to her, be treated for the purpose of the crediting of contributions under regulation 6 of the National Insurance (Contributions) Regulations (Northern Ireland), 1948 (which relates to persons in receipt of widow's benefit), as if such widow's benefit had been payable to her.

Retirement pensions for women whose marriages have been dissolved

8C.—(1) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was

(**a**) S.R. & O. (N.I.) 1948. No. 217 as amended by S.R. & O. (N.I.) 1949. No. 149; S.R. & O. (N.I.) 1950. No. 67; S.R. & O. (N.I.) 1951. No. 38; S.R. & O. (N.I.) 1952. No. 139; S.R. & O. (N.I.) 1953. No. 69; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1953. No. 157; S.R. & O. (N.I.) 1954. No. 35; S.R. & O. (N.I.) 1955. No. 101; S.R. & O. (N.I.) 1956. No. 212.

(**b**) S.R. & O. (N.I.) 1957. No. 8.

under pensionable age on the date of that termination, she may elect that, in calculating for the purpose of her right to a retirement pension by virtue of her own insurance the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited for each contribution year falling wholly or partly during the period of the marriage a number of contributions equal to the yearly average (ascertained as at the date of the termination of the marriage or of her husband's attaining pensionable age, whichever is the earlier) of the contributions paid by or credited to her husband, instead of the number of contributions actually paid by or credited to her for that year.

(2) Where a woman's marriage has been terminated otherwise than by the death of her husband and she was not under pensionable age on the date of that termination, she shall, subject to the provisions of the Act, be entitled to a retirement pension by virtue of his insurance as if he had died on the date of that termination.

(3) Where at the date of the termination of a marriage otherwise than by death, the husband would, had he then died, have satisfied, as respects the number of contributions required to have been actually paid since entry into insurance, the contribution condtions for a retirement pension, the wife shall, for the purpose of her right to a retirement pension by virtue of her own insurance, be deemed to have satisfied those contribution conditions in that respect.

(4) The foregoing provisions of this regulation shall not apply in the case of a woman whose marriage has been terminated otherwise than by the death of her husband if, being under pensionable age on the date of that termination, she has remarried after that termination and before attaining that age.

Death grant in respect of the death of a woman whose marriage was dissolved

8D. Where a woman, whose marriage was terminated otherwise than by the death of her husband and who did not thereafter remarry, dies and the contribution conditions for a death grant in respect of her death are not satisfied by her, the following provisions shall apply for the purposes of such a grant:—

(1) If she did not satisfy the condition specified in head (*a*) of sub-paragraph (1) of paragraph 5 of the Third Schedule to the Act (which sub-paragraph specifies the contribution conditions for death grant), she shall be deemed to have satisfied that condition if not less than twenty-six contributions as an insured person were paid by or credited to her husband in respect of the period between the 5th July, 1948, and the date of the termination of that marriage or the date of his attaining pensionable age, whichever is the earlier.

(2) If she did not satisfy either of the conditions specified in head (*b*) of the said sub-paragraph (1), she shall be deemed to have satisfied one of those conditions if either—