benefit by virtue of the provisions of paragraph (2) of this regulation and any day which is a bank holiday or other public holiday applying in his case or any other day of holiday granted in lieu thereof."

Given under the Official Seal of the National Insurance Joint Authority this 1st day of March, nineteen hundred and
(L.S.) fifty-six.

T. C. Stephens,
Secretary, National Insurance Joint Authority.

Widow's Benefit and Miscellaneous Provisions Regulations (Northern Ireland), 1956

REGULATIONS, DATED 17TH AUGUST, 1956, 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 1956.

1956. No. 138 [C]

The National Insurance Joint Authority, in exercise of powers conferred by sections 17, 24, 29 and 30 of the National Insurance Act (Northern Ireland), 1946(a), and the Ministry of Labour and National Insurance, in exercise of powers conferred by sections 7 and 9 of the Family Allowances and National Insurance Act (Northern Ireland), 1956(b), and sections 16(c), 28 and 62 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:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1956, and shall come into operation on the 20th August, 1956.

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

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

"the Act of 1952" means the Family Allowances and National Insurance Act (Northern Ireland), 1952(d);

"the Act of 1956" means the Family Allowances and National Insurance Act (Northern Ireland), 1956;

(a) 1946. c. 23.
(b) 1956. c. 8.
(c) *See* s. 2(1) of the Family Allowances and National Insurance Act (Northern Ireland), 1956.
(d) 1952. c. 14.

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

"the Existing Beneficiaries Regulations" means the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948(a);

"the Existing Contributors Regulations" means the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948(b);

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

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

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

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

PART II

WIDOW'S BENEFIT

Relaxation of condition as to duration of marriage

2. As from the 21st August, 1956, paragraph (1) of regulation 3 of the Widow's Benefit and Retirement Pensions Regulations (which relates to the condition as to duration of marriage in relation to widows' pensions in the case of widows who have been married more than once) shall be amended by the substitution for the words "ten years" of the words "three years".

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(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.

(f) 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.

Extension of entitlement of certain existing widow pensioners to widowed mothers' allowances

3.—(1) Subject to the provisions of the next following paragraph, as from the 21st August, 1956, for paragraph (1) of regulation 4 of the Existing Beneficiaries Regulations (which provides that certain existing widow pensioners under the Contributory Pensions Acts may be entitled to widowed mothers' allowances) there shall be substituted the following paragraph—

"(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

(*b*) Subject to the exception and condition prescribed in regulation 8 of the National Insurance (Widow's Benefit and Miscellaneous Provisions) Regulations (Northern Ireland), 1956, while not having such a family as aforesaid, she has residing with her a person who is under the age of eighteen years and is, has been, or would, but for the fact that at the husband's death that person was not in Northern Ireland, be or have been, a child falling within paragraph (i) or within sub-paragraph (*aa*), (*bb*) or (*cc*) of paragraph (ii) of sub-paragraph (*a*) of this paragraph."

(2) That part of sub-paragraph (*a*) of the paragraph (1) substituted by the foregoing paragraph of this regulation which follows immediately after sub-paragraph (*cc*) of paragraph (ii) of the said sub-paragraph (*a*) shall not have effect as respects any period before the 2nd October, 1956.

Increase in rates of widowed mother's allowance for existing beneficiaries

4.—(1) Subject to the provisions of the next following paragraph, as from the 21st August, 1956, for the purposes of increasing the rates of widowed mothers' allowances payable, by virtue of the widow's having a family, under regulation 8(**a**) of the Existing Beneficiaries Regulations (which relates to widowed mothers' allowances, widows' pensions and retirement pensions at reduced rates), of providing for the payment of widowed mothers' allowances under that regulation otherwise than by virtue of the widow's having a family, and of giving effect to regulation 6 of these regulations (which amends the provisions of paragraph (1) of regulation 11 of the Existing Beneficiaries Regulations, relating to reduction of benefits on account of earnings), the revised schedule set out in Schedule B to these regulations (being the schedule there referred to as the "First Schedule", and showing in column (2) in italics and in column (4) respectively the increased rates of widowed mothers' allowances payable by virtue of the widow's having a family and the rates of widowed mothers' allowances payable otherwise than by virtue of the widow's having a family, widows' pensions and certain retirement pensions for existing beneficiaries who are widows, and in column (3) in italics and in column (5) the rates below which such allowances and pensions shall not be reduced on account of earnings) shall be substituted for the First Schedule(**b**) to the Existing Beneficiaries Regulations (which is referred to in the said regulation 8 of those regulations).

(2) Nothing in this regulation shall affect the rate of a widowed mother's allowance payable by virtue of the widow's having a family or the rate below which such an allowance shall not be reduced on account of earnings as respects any period before the 2nd October, 1956.

Increase in certain rates of widowed mother's allowance payable at reduced rate owing to partial satisfaction of contribution conditions

5. As from the 2nd October, 1956, the revised schedule set out in Schedule C to these regulations (showing in italics in column (3) the increased rate of widowed mother's allowance where it is payable by virtue of the widow's having a family and is payable at reduced rate by reason of partial satisfaction of contribution conditions) shall be substituted for the schedule(**c**) to the Widow's Benefit and Retirement Pensions Regulations.

PART III

PROVISIONS RELATING TO EARNINGS

Relaxation of earnings rule for existing beneficiaries who are widows

6.—(1) Subject to the provisions of paragraph (3) of this regulation, as from the 21st August, 1956, paragraph (1) of regulation 11(**d**) of the Existing Beneficiaries Regulations (which

(**a**) *See* reg. 5, S.R. & O. (N.I.) 1955, No. 8.
(**b**) *See* Schedule D, S.R. & O. (N.I.) 1955, No. 8.
(**c**) *See* Schedule D, S.R. & O. (N.I.) 1955, No. 7.
(**d**) *See* reg. 9 and Part V of Schedule A, S.R. & O. (N.I.) 1955, No. 8.

relates to reductions in the rate of benefit on account of earnings) 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 to these regulations.

(2) In the said paragraph (1)—

(*a*) for sub-paragraph (*a*) there shall be substituted the following paragraph—

"(*a*) in the case of a widowed mother's allowance payable by virtue of the widow's having a family at the rate of fifty-six shillings and sixpence, to less than twenty-six shillings and sixpence (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or"

(*b*) in sub-paragraph (*b*) after the word "allowance" there shall be inserted the words "payable by virtue of the widow's having a family"; and

(*c*) in sub-paragraph (*c*) and in sub-paragraph (*d*) after the words "in the case of" there shall in each case be inserted the words "a widowed mother's allowance payable otherwise than by virtue of the widow's having a family".

(3) Nothing in this regulation shall affect the rate below which a widowed mother's allowance payable by virtue of the widow's having a family shall not be reduced on account of earnings as respects any period before the 2nd October, 1956.

Relaxation of earnings rule for widows of existing contributors

7.—(1) Subject to the provisions of paragraph (4) of this regulation, as from the 21st August, 1956, regulation 12(a) of the Existing Contributors Regulations (which relates to reductions in the rate of benefit on account of earnings) 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 to these regulations.

(2) In the said regulation 12—

(*a*) for paragraph (*a*) there shall be substituted the following paragraph—

"(*a*) in the case of a widowed mother's allowance payable by virtue of the widow's having a family at the rate of fifty-six shillings and sixpence, to less than twenty-six shillings and sixpence (exclusive of the amount of any increase in respect of any child or children other than the elder or eldest); or"

(*b*) in paragraph (*b*) after the word "allowance" there shall be inserted the words "payable by virtue of the widow's having a family"; and

(*c*) in paragraph (*c*) and in paragraph (*d*) after the words "in the case of" there shall in each case be inserted the words "a widowed mother's allowance payable otherwise than by virtue of the widow's having a family".

(a) *See* reg. 10 and Part VI of Schedule A, S.R. & O. (N.I.) 1955. No. 8.