New Entrants

1948. No. 221

See p 899

Overlapping Benefits

1948. No. 209

See p 907

1948. No. 340

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Pensions, Existing Beneficiaries and Other Persons (Transitional) Regulations

REGULATIONS, DATED 22ND JANUARY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

Amended SR&O 1949 (N.I.) 124 1948 No. 39

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 62 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

PART I

General

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 23rd January, 1948.

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

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

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

" the Contributory Pensions Act of 1936 " means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936 ;

Overlapping Benefits Amendment Regulations

REGULATIONS, DATED 22ND DECEMBER, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 340.

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

1.—(1) These regulations, which may be cited as the National Insurance (Overlapping Benefits) Amendment Regulations (Northern Ireland), 1948, shall be read as one with the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1948 (hereinafter referred to as " the principal regulations "), and shall come into operation on the 23rd December, 1948.

2. Regulation 1 of the principal regulations (which contains certain definitions) shall be amended as follows :—

(1) The definition of " appropriate weekly rate " contained in paragraph (2) shall be omitted.

(2) The following definition shall be substituted for the definition of " treatment allowance " contained in the said paragraph (2) :—

' " treatment allowance " means an allowance payable to a person undergoing a course of medical, surgical or rehabilitative treatment in consequence of a disablement in respect of which a pension under a Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme may be or has been paid, or an allowance payable to any such person pending the determination of the question whether he is entitled to receive such a pension ; '

(3) The following paragraph shall be substituted for paragraph (7) :—

" (7) For the purposes of these regulations, where, for any period for which a disablement pension, disablement allowance or injury allowance is payable, there is payable therewith, otherwise than by way of an increase thereof, an allowance for constant attendance or a

supplement on account of unemployability or an allowance for special hardship, the amount of the disablement pension, disablement allowance or injury allowance payable for that period shall be treated as increased by the amount of the allowance or supplement payable therewith for that period."

3. The following regulation shall be substituted for regulation 2 of the principal regulations :—

"Adjustment of personal benefit under the Act where other personal benefit (whether under the Act or otherwise) is payable.

2.—(1) Where, for any period, any personal benefit under the Act and one or more of the personal benefits specified in paragraph (4) of this regulation (hereafter in this regulation and in regulation 3 referred to as " the specified benefits ") or any other personal benefit under the Act are or, but for this regulation, would be payable to any person, then for that period—

(*a*) every personal benefit under the Act which is or would be so payable shall, subject to the provisions of paragraphs (1) and (2) of regulation 3 and to the provisions of regulation 4, be adjusted by reference to each of the specified benefits (if any) payable for that period in accordance with the provisions of paragraph (2) of this regulation ; and

(*b*) where (after such adjustment, if any) more than one personal benefit under the Act would be payable for that period, an adjustment between those personal benefits shall, subject to the provisions of paragraph (3) of regulation 3, be made in accordance with the provisions of paragraph (3) of this regulation.

(2) Where in accordance with paragraph (1) of this regulation any personal benefit under the Act is required to be adjusted for any period by reference to any specified benefit or benefits, then the amount which, but for this regulation, would be payable for that period in respect of that personal benefit under the Act shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that specified benefit or those specified benefits and, subject to any further adjustment to be made in accordance with paragraph (3) of this regulation, only the balance (if any) shall be payable for that period in respect of that personal benefit under the Act.

(3) Where in accordance with paragraph (1) of this regulation an adjustment between any personal benefits under the Act is required to be made for any period, then

the amount payable for that period in respect of those personal benefits shall be the amount which, but for this provision, would be payable for that period in respect of one of those personal benefits (if they would be so payable at equal rates) or that one of them which would be so payable for that period at the higher or highest rate.

(4) The personal benefits referred to in this regulation and in regulation 3 as "the specified benefits" are—

(*a*) any personal benefit by way of pension or allowance under the Industrial Injuries Act ;

(*b*) any personal benefit by way of injury allowance, disablement pension or treatment allowance, or any personal death benefit by way of pension or allowance (not being a pension or allowance calculated by reference to the necessities of the beneficiary), under any Personal Injuries Scheme or Service Pensions Instrument ;

(*c*) any personal benefit by way of disablement allowance or treatment allowance, or any personal death benefit by way of pension or allowance (not being a pension or allowance calculated by reference to the necessities of the beneficiary), under any 1914-1918 War Injuries Scheme ; and

(*d*) any personal benefit by way of training allowance under any training scheme."

4. The following regulation shall be substituted for regulation 3 of the principal regulations :—

"Exceptions to regulation 2.

3.—(1) Any personal benefit under the Act which is specified in any paragraph of the first column of the schedule to these regulations shall not be adjusted by reference to any specified benefit in the corresponding paragraph of the second column of the said schedule.

(2) Any personal benefit under the Act by way of unemployment benefit, sickness benefit, widow's benefit (not being widow's basic pension) or retirement pension (not being contributory old age pension) shall not be adjusted by reference to any personal benefit by way of disablement pension, disablement allowance, injury allowance (not being injury benefit) or treatment allowance which is payable under the Industrial Injuries Act or any

Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme and with which there is not payable (either by way of an increase thereof or as a separate benefit) a supplement on account of unemployability.

(3) An adjustment shall not be made between any two personal benefits under the Act of which one is specified in any paragraph of the first column of the said schedule and the other is specified in the corresponding paragraph of the second column of the said schedule."

5. The following regulation shall be substituted for regulation 4 of the principal regulations :—

"Further exception to regulation 2.

4.—(1) Where, for any period, any personal benefit under the Act by way of retirement pension is or, but for these regulations, would be payable by virtue of her deceased husband's insurance to a widow aged 70 or over who, on the 5th July, 1948, either—

(*a*) had attained the age of 70 and, immediately before that day, was entitled to an old age pension under the Old Age Pensions Act (Northern Ireland), 1936, payable by virtue of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, to her by virtue of her deceased husband's insurance ; or

(*b*) attained or had attained the age of 60 and, on her attaining the age of 70, would, but for the Act, have been entitled to such an old age pension,

and to whom personal benefit by way of dependants war pension (as defined in subsection (6) of section 14 of the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939) is payable in respect of the death of her deceased husband and was so payable immediately before the 5th July, 1948, then the amount payable to her for that period in respect of that personal benefit by way of retirement pension shall not, as the result of any adjustment thereof made in accordance with the provisions of regulation 2 by reference only to that personal benefit by way of dependants war pension, be reduced below the amount which, but for the Act, would have been payable to her for that period in respect of that old age pension.