New Entrants

1948. No. 221

See p 899

Overlapping Benefits

1948. No. 209

See p 907

1948. No. 340

See p 920

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 ;

Maternity Benefit

1948. No. 238

See p. 720.

Medical Certification

1948. No. 256

See p. 724.

New Entrants Transitional Regulations

REGULATIONS, DATED 2ND JULY, 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.

1948. No. 221

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 68 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (New Entrants Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 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 1939 " means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939;

" the Contributions Regulations " means the National Insurance (Contributions) Regulations (Northern Ireland), 1948;

" the Ministry " means the Ministry of Labour and National Insurance for Northern Ireland;

" existing widow pensioner " means a widow who immediately before the appointed day is entitled to a widow's pension under the Contributory Pensions Acts;

" prospective widow pensioner " means a widow who has a prospective right to such a pension under the Fourth Schedule to the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936;

" first normal contribution year " means the contribution year applicable to a person under regulation 2 of the National Insurance (General Benefit) Regulations (Northern Ireland), 1948, commencing, as the case may be, on the 7th March, 1949, the 6th June, 1949, the 5th September, 1949, or the 5th December, 1949;

" first normal benefit year " means the benefit year applicable to a person under the said regulation 2 commencing, as the case may be, on the 1st August, 1949, the 7th November, 1949, the 6th February, 1950, or the 1st May, 1950;

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulations shall include references to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1921, applies to the interpretation of these regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

Modification of the Act in relation to period over which yearly average of contributions is to be calculated in the case of new entrants, etc.

2.—(1) Subject to paragraph (2) of this regulation, the yearly average of contributions paid by or credited to any person becoming insured under the Act on or after the appointed day who—

(*a*) immediately before that day is under pensionable age and on that day is over the age of sixteen; but

(*b*) is not an existing contributor within the meaning of regulation 2 of the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948;

shall be calculated only over the period—

(i) beginning with the beginning of the contribution year in which the appointed day occurs; and

(ii) ending with the end of the last complete contribution year before the date as at which that average is to be ascertained.

(2) In the case of any person (to whom the provisions of paragraph (1) of this regulation would otherwise be applicable) being a widow to whom paragraph (1) of regulation 5 applies, and who is immediately before the appointed day over the age of fifty-five, the said yearly average shall be calculated only over the period—

(*a*) beginning with the beginning of the contribution year in which she attained the age of fifty-five; and

(*b*) ending with the end of the last complete contribution year before the date on which she attains the age of sixty.

(3) For the purpose of calculating the said yearly average—

(*a*) in the case of any person to whom paragraph (1) of this regulation applies who enters (or, in the case of a woman who is or has been married, re-enters) insurance after the appointed day; and

(*b*) in the case of any person to whom paragraph (2) of this regulation applies;

any contributions credited to that person in respect of any period under regulation 12 of the Contributions Regulations (which regulation relates to pre-entry credits) shall be disregarded, and a contribution shall be credited to that person for any contribution week in the period over which the said yearly average is to be calculated and ending before the appointed day.

(4) The provisions of paragraphs (1) and (3) of this regulation shall also apply for the purpose of the contribution conditions for retirement pension (not being such a pension for a widow by virtue of her husband's insurance) in the case of any person referred to in sub-paragraph (*a*) of the said paragraph (1) who immediately before the appointed day is an existing contributor under the Contributory Pensions Acts for the purposes of widows' pensions and orphans' pensions only.

Modification, in the case of certain new entrants who are married women, of contribution conditions for a retirement pension by virtue of own insurance.

3. In the case of any person referred to in paragraph (1) of regulation 2, being a woman who on attaining pensionable age is the wife of a man to whom she was married before the appointed day, the provisions of subsection (5) of section 20 of the Act (which subsection relates to the calculation of a married woman's contributions for the purpose of entitlement to a retirement pension by virtue of her own insurance) shall apply only in respect of the period between her first entry into insurance and her attaining that age.

Modifications of the Act in relation to retirement pensions for new entrants who immediately before the appointed day are over fifty-five (men) and fifty (women) and under pensionable age.

4.—(1) As respects any person who is, immediately before the appointed day, over the age of fifty-five, in the case of a man, or fifty, in the case of a woman, and under pensionable age, and is not an existing contributor or beneficiary under the Contributory Pensions Acts, the following provisions shall apply:—

(*a*) For the purposes only of any retirement pension or widow's benefit payable by virtue of his insurance, any such person shall be deemed to attain pensionable age on the expiration of ten years from the appointed day, if then alive, and to retire from regular employment immediately thereafter, and shall be deemed not to attain that age or to retire from regular employment before that time, so, however, that this regulation shall not extend the operation of the provisions of the Act reducing the rate of a retirement pension in respect of the beneficiary's earnings.