Pensions, Existing Contributors (Transitional) Regulations

REGULATIONS, DATED 1ST APRIL, 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.

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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 :—

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 1st April, 1948.

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

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

" the Insurance Act " means the National Health Insurance Act, 1936 ;

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

" the Contributory Pensions Act of 1937 " means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937 ;

" the Contributory Pensions Act of 1939 " means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 ;

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

" the Voluntary Contributors Regulations " means the Contributory Pensions (Voluntary Contributors) Regulations (Northern Ireland), 1938 ;

" the Modification Regulations " means the Contributory Pensions (Modification of Old Age Pensions) Regulations (Northern Ireland), 1938 ;

" the Increase of Pensions Regulations " means the National Insurance (Increase of Contributory Pensions) Regulations (Northern Ireland), 1946, or the National Insurance (Increase of Old Age Pensions) Regulations (Northern Ireland), 1946, as the case may require ;

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

" health insurance contribution year " means a contribution year as defined in section 226 of the Insurance Act ;

"relevant contribution week" means in relation to any person the first complete contribution week in the month of March, June, September or December as may be determined by the Ministry to be applicable in his case for the purpose of contribution years;

"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 Contributory Pensions Act of 1936;

"special voluntary contributor" means a voluntary contributor within the meaning of subsection (5) of section 1 of the Contributory Pensions Act of 1937;

"pensions voluntary contributor" means a voluntary contributor by virtue of the Contributory Pensions Act of 1937 other than a special voluntary contributor;

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

(3) The expression "dependants war pension" means for the purposes of regulation 11 a dependants war pension within the meaning of subsection (2) of section 14 of the Contributory Pensions Act of 1939, and for the purposes of the Fifth Schedule a dependants war pension within the meaning of subsection (3) of that section.

(4) 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.

(5) 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.

Application of the Act to existing contributors under the Contributory Pensions Acts.

2. In relation to existing contributors who immediately before the appointed day are insured under the Contributory Pensions Acts (hereafter in these regulations referred to as "existing pensions contributors"), the provisions of the Act and the orders and regulations for the time being in force thereunder (other than any such provision relating to death grant) shall have full force and effect subject to the modifications contained in these regulations.

Insurance under the Contributory Pensions Acts to be treated as insurance under the Act.

3.—(1) The insurance under the Contributory Pensions Acts of an existing pensions contributor shall be treated as insurance under the Act to the following extent:—

(*a*) insurance under the said Acts for the purpose of widows' pensions shall be so treated for the purposes of widow's benefit and a retirement pension for a widow by virtue of her husband's insurance;

(*b*) insurance under the said Acts for the purpose of old age pensions shall be so treated for the purposes of retirement pensions (other than a pension to which the foregoing sub-paragraph applies) ;

and in these regulations the expression " last entry into insurance " shall be construed accordingly.

(2) For the purposes of guardian's allowance an existing pensions contributor who attains pensionable age on or before the appointed day shall be treated as if he were an insured person.

Modification of conditions for widow's benefit for widows of existing pensions contributors.

4. Subject to the provisions of these regulations, in the case of the widow of an existing pensions contributor the provisions of sections 16 and 17 of the Act (which relate to widow's benefit) shall apply subject to the modifications specified in the First Schedule to these regulations of the contribution conditions contained in paragraph 4 of the Third Schedule to the Act.

Modifications of conditions for retirement pensions for existing pensions contributors and their wives and widows.

5.—(1) Subject to the provisions of these regulations, in the case of an existing pensions contributor for the purpose of old age pensions, and the wife of such a contributor, the provisions of sections 19 and 20 of the Act (which sections relate to retirement pensions) shall apply, subject to the condition —

(*a*) in the case of an existing pensions contributor the date of whose last entry into insurance was before the 30th September, 1946, that not less than five years have elapsed between such date and the date on which he attains pensionable age ; or

(*b*) in the case of an existing pensions contributor the date of whose last entry into insurance was on or after the said 30th September, that not less than ten years have elapsed between such date and the date on which he attains pensionable age ;

and to the modifications specified in the First Schedule to these regulations of the contribution conditions contained in paragraph 4 of the Third Schedule to the Act :

Provided that in the application of the regulations for the time being in force under section 24 of the Act (which section relates to the partial satisfaction of the contribution conditions) to any retirement pension to which any such person, who immediately before the appointed day is an existing widow pensioner over the age of fifty-five, is entitled by virtue of the provisions of this regulation, the weekly rate thereof shall not be reduced to less than the rate of the retirement pension to which she would have become entitled by virtue of the provisions of regulation 11, if that regulation had applied in her case.

(2) Subject as aforesaid, the provisions of the said section 20 shall apply to the widow of an existing pensions contributor, subject to the modifications of the said contribution conditions specified in the said First Schedule.

Widow's basic pension, etc., for certain widows not entitled to widow's benefit.

6.—(1) Subject to the provisions of these regulations, the widow of an existing pensions contributor, if she was married to him before the appointed day, shall for any period when she is not entitled to a widow's allowance, a widowed mother's allowance, a widow's pension or a retirement pension by virtue of her husband's insurance, be entitled —

(*a*) where she has not attained pensionable age, to a widow's basic pension within the meaning of regulation 3 of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948 ; and

(*b*) where she has attained that age, to a contributory old age pension within the meaning of the said regulation 3 ;

if the husband satisfies the contribution conditions contained in paragraph 4 of the Third Schedule to the Act, as modified by the First Schedule to these regulations ; and the provisions of the said regulation 3, in so far as they relate to widows' basic pensions and contributory old age pensions, shall apply to any such pension payable by virtue of this regulation.

(2) A pension to which a widow becomes entitled by virtue of this regulation shall, subject to the provisions of the next succeeding paragraph, be at the rate of ten shillings a week.

(3) Where a widow would be entitled to a pension by virtue of this regulation but for the fact that the relevant contribution conditions are not satisfied as respects the yearly average of contributions paid by or credited to her husband, she shall nevertheless be entitled to such a pension, if the yearly average of contributions so paid or credited is not less than thirteen, at the reduced rate specified in the second column of the Second Schedule to these regulations which corresponds with the yearly average of contributions paid or credited as shown in the first column of that Schedule.

Period over which yearly average to be calculated in the case of existing pensions contributors.

7.—(1) Subject to the provisions of paragraph (2) of this regulation and of regulation 11, the yearly average of the contributions paid by or credited to any existing pensions contributor shall be calculated over the period —

(*a*) beginning with the relevant contribution week in the health insurance contribution year ended on the 5th July, 1936, or in the health insurance contribution year next preceding that in which his last entry into insurance occurred, whichever is the later ; and

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

(2) Subject to the provisions of regulation 11, in any case where the relevant time for the purposes of paragraph 4 of the Third Schedule to the Act is before the 4th July, 1949, such average shall be calculated over the period —

(*a*) beginning with the 6th July, 1936, or the beginning of the

health insurance contribution year in which the last entry into insurance occurred, whichever is the later ; and

(*b*) ending with the end of the health insurance contribution year immediately before the appointed day :

Provided that for the purposes of widow's benefit and a retirement pension by virtue of her husband's insurance in the case of a widow of a pensions voluntary contributor or a special voluntary contributor, the said period shall end on the 6th July, 1947, if the effect of including therein the health insurance contribution year ending immediately before the appointed day would be to reduce the said average.

Contributions under the Contributory Pensions Acts to be taken into account for the purposes of the Act.

8. In determining whether the contribution conditions contained in paragraph 4 of the Third Schedule to the Act have been satisfied by an existing pensions contributor, the contributions paid by or in respect of him under the Contributory Pensions Acts and the contributions treated as so paid for the purposes of all the relevant contribution conditions under those Acts shall be taken into account to the following extent :—

(*a*) contributions for the purpose of widows' pensions shall be taken into account for the purposes of widow's benefit or a retirement pension for a widow by virtue of her husband's insurance ; and

(*b*) contributions for the purpose of old age pensions shall be taken into account for the purposes of retirement pensions (other than a pension to which the foregoing paragraph applies) :

Provided that any such contributions which are paid on or after the appointed day shall be taken into account only to the same extent and subject to the same conditions as those contributions would, but for the Act, have been taken into account under the Contributory Pensions Acts and any regulations made thereunder.

Contributions credited in respect of weeks before the appointed day.

9.—(1) For the purpose of calculating in relation to any benefit the yearly average of the contributions paid by or credited to an existing pensions contributor, a contribution of the appropriate class shall be credited to him for every contribution week during the period beginning with the beginning of the period over which the average is to be calculated for the purpose of that benefit and ending —

(*a*) in the case of a person who on the 6th July, 1947, was insured under the Contributory Pensions Acts otherwise than as a pensions voluntary contributor or a special voluntary contributor, with that date ; and

(*b*) in the case of a person who on the said 6th July was insured as a pensions voluntary contributor or as a special voluntary contributor, with the end of the health insurance contribution year immediately preceding that in which he became such a contributor :