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 ;

" 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 Family Allowances Act " means the Family Allowances Act (Northern Ireland), 1945 ;

" 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 ;

" existing widow pensioner " means an existing beneficiary, being a woman, who immediately before the appointed day was, or but for any disqualification would have been, entitled to a widow's pension under the Contributory Pensions Acts ;

" existing old age pensioner " means an existing beneficiary who immediately before the appointed day was entitled to an old age pension under or by virtue of the Contributory Pensions Acts ;-

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 its application to existing beneficiaries and certain existing contributors.

2. In relation to existing beneficiaries who immediately before the appointed day are, or but for any disqualification or forfeiture would be, entitled to a pension or allowance under or by virtue of the Contributory Pensions Acts, or then have, otherwise than as existing contributors or in respect of the insurance of existing contributors, any prospective right to or expectation of a pension or allowance under or by virtue of those Acts and in relation to the existing contributors mentioned in Part III of these regulations, the provisions of the Act and the orders and regulations for the time being in force thereunder shall have full force and effect subject to the modifications contained in these regulations.

Descriptions of additional benefits to be included in benefit under the Act.

3.—(1) Subject to the provisions of these regulations there shall be included in the descriptions of benefit under the Act benefit of the following descriptions :—

(*a*) widow's basic pension ;

(*b*) child's allowance ;

(*c*) orphan's pension ;

(*d*) contributory old age pension.

(2) Subject as aforesaid, for the purposes of the provisions of the Act and the orders and regulations for the time being in force thereunder, a widow's basic pension shall be treated as widow's benefit, a child's allowance or an orphan's pension shall be treated as guardian's allowance, and a contributory old age pension shall be treated as retirement pension :

Provided that —

(*a*) a widow's basic pension shall not be so treated for the purposes of the provisions of subsection (3) of section 17 of the Act (which subsection relates to widows' pensions for widows who would otherwise cease to be entitled to widow's benefit), paragraph (*b*) of subsection (1) and subsection (6) of section 20 thereof (which paragraph and subsection respectively relate to retirement pensions for widows in receipt of widow's benefit immediately before attaining pensionable age and for widows not so in receipt of widow's benefit), and subsection (3) of section 27 thereof (which subsection also relates to retirement pensions for widows in receipt of widow's benefit) ;

(*b*) a contributory old age pension shall not be so treated for the purposes of the provisions of subsection (5) of section 19 and subsection (3) of section 20 of the Act (which provisions relate to the reduction of retirement pension in respect of earnings), and of sections 22 and 23 of the Act (which sections relate to increases of benefit in respect of children and adult dependants respectively) ;

(*c*) a child's allowance and an orphan's pension shall not be so treated for the purpose of subsection (2) of section 18 of the Act (which subsection relates to the person to receive a guardian's allowance) in any case unless the Ministry so determines.

PART II

Provisions relating to existing beneficiaries

Certain existing widow pensioners under the Contributory Pensions Acts to be entitled to widowed mothers' allowances, widows' pensions, etc.

4.—(1) Subject to the provisions of the Act and of these regulations, an existing widow pensioner shall as from the appointed day be entitled to a widowed mother's allowance for any period for which she has a family which includes a child in respect of whom immediately before that day an additional allowance under the Contributory Pensions Acts was payable by virtue of her husband's insurance, or a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs.

(2) Subject as aforesaid, an existing widow pensioner, who on the appointed day has not attained pensionable age and is by reason of

any infirmity incapable of self-support shall as from that day be entitled to a widow's pension for any period before she attains pensionable age during which she is incapable of self-support by reason of that infirmity and is not entitled to a widowed mother's allowance.

(3) For the purposes of section 17 of the Act (which section relates to widows' pensions in special cases) a widow's pension which is payable by virtue of the foregoing paragraph of this regulation shall be treated as if it were a pension payable by virtue of subsection (3) of that section, and the provisions of that section and of section 20 of the Act (which section relates to retirement pensions for women by virtue of their husbands' insurance) shall, subject to the provisions of these regulations, apply to a widow to whom a widowed mother's allowance or a widow's pension is payable by virtue of this regulation as if her husband had satisfied the relevant contribution conditions :

Provided that —

(*a*) for the purpose of applying the provisions of subsections (1) to (3) of the said section 17 to any such widow, she shall be treated as if she were a widow in relation to whom the conditions of paragraph (*c*) of subsection (1) of section 16 of the Act (which paragraph relates to the conditions for widow's pension) were not satisfied ;

(*b*) for the purpose of applying the provisions of subsection (1) of the said section 20 to an existing widow pensioner who has attained pensionable age on the appointed day, and who ceases to be entitled to a widowed mother's allowance payable to her by virtue of this regulation, she shall be treated as if she were a widow who was immediately before attaining pensionable age entitled to widow's benefit in respect of the death of her husband.

Conversion of widow's pension under the Contributory Pensions Acts into widow's basic pension, contributory old age pension or retirement pension in certain cases

5.—(1) Subject to the provisions of the Act and of these regulations, an existing widow pensioner who is not entitled on the appointed day to a widowed mother's allowance or to a widow's pension in accordance with the provisions of the foregoing regulation shall be entitled as from that day, —

(*a*) if on that day she has not attained pensionable age, to a widow's basic pension ; or

(*b*) if on that day she has attained pensionable age, to a contributory old age pension or to a retirement pension as if she were an existing old age pensioner to whom the provisions of paragraph (1) of the next succeeding regulation apply.

(2) Subject as aforesaid, where an existing widow pensioner who on the appointed day or at any time thereafter is entitled in accordance with the provisions of the foregoing regulation —

(*a*) to a widowed mother's allowance, ceases to be so entitled and does not then become entitled to a widow's pension or a retirement pension ; or

(*b*) to a widow's pension, ceases to be so entitled and does not then become entitled to a widowed mother's allowance or a retirement pension ;

she shall be entitled, if she has not attained pensionable age, to a widow's basic pension or, if she has attained that age, to a contributory old age pension.

(3) A widow's basic pension shall be payable in respect of the period up to the date on which the widow attains pensionable age and shall thereupon be converted into a contributory old age pension at the same rate as the widow's basic pension :

Provided that no pension shall be payable to a widow by virtue of this regulation for any period during which she is entitled to a widowed mother's allowance or a widow's pension.

Conversion of old age pension under or by virtue of the Contributory Pensions Acts into retirement pension or contributory old age pension.

6.—(1) Subject to the provisions of the Act and of these regulations, an existing old age pensioner (being entitled to a pension by virtue of his or her own insurance) shall as from the appointed day be entitled —

(*a*) if that pensioner, being a man, has not attained the age of seventy, or, being a woman, has not attained the age of sixty-five, and in either case has not retired from regular employment — to a contributory old age pension ; or

(*b*) if that pensioner, being a man, has attained the age of seventy, or, being a woman, has attained the age of sixty-five, or in either case has retired from regular employment — to a retirement pension.

(2) Subject as aforesaid, an existing old age pensioner, being a woman entitled to an old age pension by virtue of her husband's insurance (other than a woman to whom the foregoing paragraph applies), shall as from the appointed day be entitled —

(*a*) if she has not attained the age of sixty-five and has not retired from regular employment — to a contributory old age pension ; or

(*b*) if she has attained that age or retired from regular employment —

(i) to a contributory old age pension if her husband has not attained the age of seventy and has not so retired ; or

(ii) to a retirement pension if her husband has attained the age of seventy or has so retired.

(3) Section 20 of the Act shall, subject to the provisions of these regulations, apply to the wife of an existing old age pensioner (not being a woman to whom the foregoing paragraph applies) as if her husband had satisfied the relevant contribution conditions.

(4) The provisions of sub-paragraph (*b*) of paragraph (1) and of sub-paragraph (*b*) of paragraph (2) of this regulation shall not apply —