Old Age Pensions, Increase

REGULATIONS, DATED 30TH SEPTEMBER, 1946, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER SECTION 71 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1946 No. 191

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in pursuance of its powers under section 71 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

Citation and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Increase of Old Age Pensions) Regulations (Northern Ireland), 1946.

(2) In these regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them :—

" 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, and " the relevant provisions of the Contributory Pensions Act of 1936 " means section 11 of, section 44 of and the Fourth Schedule to, and section 45 of, that Act ;

" 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 Old Age Pensions Act " means the Old Age Pensions Act (Northern Ireland), 1936 ;

" the Increase of Pensions Regulations " means the National Insurance (Increase of Contributory Pensions) Regulations (Northern Ireland), 1946 ;

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

" pension " does not include an additional allowance payable under the provisions of the Contributory Pensions Acts.

(3) In these regulations the expression " exempt person " shall have the same meaning as it has for the purposes of the Contributory Pensions Acts.

(4) In these regulations, unless the context otherwise requires, references to any enactment or regulation shall include references to that enactment or regulation as amended by any subsequent enactment or regulation.

(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.

Increase in standard rate of certain old age pensions.

2. Subject to the provisions of these regulations, where a person is on the 30th September, 1946, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936 at the standard rate of ten shillings a week, the rate of that pension shall be increased—

(*a*) to twenty-six shillings a week, except in the case of a pension payable to a married woman by virtue of the insurance of her husband ;

(*b*) to sixteen shillings a week in the case of a pension so payable to a married woman.

Increase in rate of certain old age pensions payable at less than the standard rate.

3.—(1) Subject to the provisions of these regulations, where a person is on the 30th September, 1946, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of section 11 of the Contributory Pensions Act of 1936 at a rate which is less than the standard rate of ten shillings a week, that is to say to a pension at one of the rates specified in the first column of the Schedule hereto, the rate of that pension shall be increased to the rate, appropriate to the circumstances of the case, specified in the second or third column of the said Schedule.

(2) Notwithstanding the provisions of the last foregoing paragraph, in the case of a person whose pension under the Old Age Pensions Act is payable at less than the standard rate of ten shillings a week by virtue of the insurance of that person or the husband of that person as a voluntary contributor to whom regulation 3 of the Modification Regulations (which regulation provides for reduced pensions under the Contributory Pensions Acts in the case of certain exempt persons) applies or has applied, the rate of that old age pension shall not be increased by reference to that rate but shall be increased by reference to the rate which would have been payable under the Old Age Pensions Act if the said regulation 3 had not been applicable.

Special provisions relating to increases where old age pensions and dependants war pensions are payable.

4.—(1) Subject to the provisions of these regulations, where a person is on the 30th September, 1946, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of section 11 of the Contributory Pensions Act of 1936, being an old age pension in continuation of a pension at less than the standard rate of ten shillings a week payable in accordance with the provisions of either paragraph (*a*) or paragraph (*b*) of subsection (3) of section 14 of the

Contributory Pensions Act of 1939 (which subsection provides for modified old age pensions where certain dependants war pensions are payable), the rate of that old age pension shall not be increased in accordance with the provisions of regulations 2 and 3 hereof, but shall be increased if it is less than either or both of the following rates—

(*a*) the rate appropriate to the circumstances of the case, specified in the second or third column of the said Schedule, if the said old age pension either is in continuation of a pension under the said paragraph (*a*) at one of the rates specified in the first column of the said Schedule or (where the pension was payable under the said paragraph (*b*).) were treated as being in continuation of a pension payable at the appropriate rate determined in accordance with the provisions of the said paragraph (*a*) and not of the said paragraph (*b*), or

(*b*) the increased rate to which he would, but for the payment of a dependants war pension, have been entitled under these regulations, *less* the amount of the dependants war pension ;

and the increased rate shall be whichever of the rates specified in the foregoing sub-paragraphs is the greater,

Provided that where the old age pension is payable to a person by virtue of the insurance of that person or the husband of that person as a voluntary contributor in relation to whom the provisions of section 5 of, and the Third Schedule to, the Contributory Pensions Act of 1937 were applied by regulations made under that Act, the rate of that old age pension shall be increased to not less than the rate which (apart from any increase provided by these regulations) would have been payable to that person if the dependants war pension had not been payable and in addition thereto, in the case of a pension payable by virtue of the insurance of a voluntary contributor to whom regulation 3 of the Modification Regulations applies or has applied, if that regulation had not applied.

(2) Subject to the provisions of these regulations, where a person is on the said 30th September, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936 and is in receipt of a dependants war pension, the rate of that old age pension shall not be increased in accordance with the provisions of regulations 2 and 3 hereof but shall be increased if the amount of—

(*a*) the old age pension ; and

(*b*) the dependants war pension ; and

(*c*) any sum which is payable to the dependants war pension authority under paragraph (*b*) of subsection (2) of section 14 of the Contributory Pensions Act of 1939

is less than the amount of—