Voluntary Contributors.

REGULATIONS, DATED JULY 1, 1938, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE AND THE MINISTRY OF LABOUR FOR NORTHERN IRELAND, UNDER THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACTS (NORTHERN IRELAND), 1936 AND 1937.

1938. No. 105.

The National Health Insurance Joint Committee and the Ministry of Labour for Northern Ireland, acting jointly or severally as they may be empowered, in exercise of the powers conferred on them by the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 and 1937, and of all other powers enabling them in that behalf, hereby make the following Regulations :—

1.—(1) These regulations may be cited as the Contributory Pensions (Voluntary Contributors) Regulations (Northern Ireland), 1938, and shall be deemed to have had effect as from the 3rd January, 1938.

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

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

"the principal Act" means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, or any Act repealed by that Act;

"the Insurance Act" means the National Health Insurance Act, 1936, or any Act repealed by that Act;

"the Ministry" means the Ministry of Labour for Northern Ireland;

"existing voluntary contributor" means a person who, in accordance with sub-section (3) of section 17 of the 1937 Act, becomes on the date prescribed under sub-section (2) of that section a voluntary contributor under the principal Act as amended by the 1937 Act, or who was immediately prior to the 3rd January, 1938, a voluntary contributor by virtue of the provisions of paragraph (*b*) of sub-section (1) of section 22 of the principal Act.

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

2.—For the purposes of sub-section (1) of section 9 of the 1937 Act, the time within which a person who is entitled to become a voluntary contributor (otherwise than as a special voluntary contributor) may give notice of desire to become such a voluntary contributor shall be :—

(1) the period during which he is either insured or treated as insured, or would have been insured or treated as insured, as the case may require—

(*a*) on ceasing to be employed in an employment in respect of which he was insured under the principal Act,

(*b*) if he had ceased to be employed within the meaning of the Insurance Act on the date when he became an exempt person or a person employed in an excepted employment,

(*c*) if he had ceased to be employed in an excepted employment entailing the payment of contributions under the principal Act on the date when contributions under the principal Act became payable at less than the ordinary rates; or

(2) such longer period as the Ministry, having regard to the circumstances of the particular case, may allow.

3.—For the purposes of sub-section (5) of section 9 of the 1937 Act, the time within which a person may give notice that he desires again to become a voluntary contributor, shall be the period during which, after ceasing to be employed within the meaning of the Insurance Act, he continues to be insured under the principal Act, or such longer period as the Ministry, having regard to the circumstances of the particular case, may allow.

4.—For the purposes of sub-section (4) of section 12 of the 1937 Act, the prescribed period shall be three years from the date of the marriage, and the time within which notice of desire to become insured as a voluntary contributor may be given under that sub-section shall be twelve months from the date of the husband's death

5.—Notice of desire to become a voluntary contributor in pursuance of sub-section (1) or sub-section (5) of section 9, or sub-section (4) of section 12, of the 1937 Act shall be given in writing to the Ministry either directly or through the approved society (if any) of which the person giving notice is a member, and that person shall furnish such information in relation thereto as the Ministry may require.

6.—(1) For the purposes of sub-section (7) of section 5 of the 1937 Act :—

(*a*) the time within which notice of any incapacity shall be given shall be a period not exceeding twenty-six weeks beginning at the date on which the incapacity commenced, or, if the Ministry is satisfied that, in the circumstances of the case, the contributor had a reasonable excuse for not giving notice within that period, such longer period as the Ministry may allow :

Provided that where notice was not given within the time required by this sub-paragraph in respect of an incapacity which continued beyond the date which is 26 weeks before the date on which notice was in fact given, the incapacity shall for the purposes of this regulation be deemed to have commenced on the first mentioned date.

(*b*) notice of the incapacity shall be given in writing to the Ministry;

(*c*) the contributor shall furnish such evidence as the Ministry may require with regard to the nature, commencement and period of the incapacity, and shall also furnish to the Ministry such evidence as it may require of continued incapacity at intervals of one month, the first of such intervals to be reckoned from the date of the notice, or at such longer intervals as the Ministry may, in his case, or in respect of any particular period, determine; and

(*d*) if required to do so by the Ministry, the contributor shall submit to examination by a duly registered medical practitioner appointed by the Ministry, but no charge shall be made on the contributor in respect of the cost of the examination, and if attendance for examination involves a journey of more than two miles, reasonable travelling expenses shall be allowed.

(2) (*a*) Subject to the fulfilment of the conditions specified in paragraph (1) of this regulation, the number of contributions which under sub-section (7) of section 5 of the 1937 Act shall be deemed to have been paid by a contributor for any contribution year, in respect of a period of incapacity, shall be the number obtained by multiplying the average number of contributions, ascertained in the manner specified in sub-paragraph (*b*) of this paragraph, by a fraction, of which the numerator is the number of weeks in the period of incapacity falling within that contribution year (excluding any part of the first thirteen weeks of such incapacity which falls within that contribution year), and the denominator is fifty-two; or, where the contribution year consists of fifty-three weeks, fifty-three.

(*b*) The "average number of contributions" for the purposes of this paragraph shall be the average number of contributions per contribution year paid, or deemed for the purposes of sub-section (2) of section 5 of the 1937 Act to have been paid, for so much of the period specified in that sub-section, or in that sub-section as modified by paragraph (2) of regulation 7, as falls between the commencement thereof, and the last day of the contribution year immediately preceding the end of the first thirteen weeks of incapacity:

Provided that :—

(i) a fraction in the number of contributions deemed to have been paid in accordance with the provisions of this paragraph shall be disregarded;

(ii) the number of contributions which may be deemed to have been paid by a contributor in respect of incapacity for any contribution year shall not exceed such number as, when added to the number of contributions, if any, paid for that year, by or in respect of the contributor, amounts to fifty-two, or, where the contribution year consists of fifty-three weeks, fifty-three;

(iii) the period of incapacity shall for the purposes of this paragraph be deemed not to include any part thereof occurring earlier than thirteen weeks before the date on which not less than one hundred and four contributions had been paid by or in respect of the contributor.

(3) For the purposes of this regulation a " week " means a period of seven consecutive days.

7.—Section 5 of the 1937 Act shall be modified as follows in relation to voluntary contributors under the principal Act, other than special voluntary contributors :—

(1) The provisions of sub-section (1) shall apply in the case of an existing voluntary contributor, subject to the provisions of sub-paragraph (*a*) of paragraph (9) of this regulation, as from the 3rd July, 1939 (but with the substitution of the 4th July, 1938, for the 3rd July, 1939, in the case of a person who is a voluntary contributor by virtue of the provisions of paragraph (*b*) of sub-section (1) of section 22 of the principal Act), and in the case of other voluntary contributors, as from the beginning of the contribution year in which notice of desire to become a voluntary contributor is given.

(2) Sub-section (2) shall apply, subject to the provisions of sub-paragraph (*c*) of paragraph (9) of this regulation and of regulation 9, as if for the second paragraph thereof there were substituted the following provision :—

" The said period shall be the period comprising the contribution year which ended on the 4th July, 1926, or the contribution year in which the contributor entered into insurance under the principal Act, whichever is the later, and each subsequent contribution year down to and including the contribution year immediately preceding the date on which he dies or attains the age of sixty-five, as the case may be :

Provided that :—

(*a*) if less than twenty-six contributions were paid or deemed to have been paid by him in respect of the contribution year immediately preceding the death of the contributor, that year shall not be included in the said period;

(*b*) if a person who has entered into insurance under the principal Act within five years of attaining the age of sixty-five, becomes a voluntary contributor, the last contribution year in the said period shall be the contribution year immediately preceding the completion of five years of insurance instead of the contribution year immediately preceding the date on which he attains the age of sixty-five."

(3) Sub-section (3) shall not apply to an existing voluntary contributor who fails to pay in respect of the contribution year commencing on the 4th July, 1938, within the time specified in paragraph (2) of regulation 11, the number of contributions prescribed under that paragraph.

(4) Paragraph (*b*) of sub-section (4) of section 5 shall not apply in the case of a person whose subsequent insurance is as a voluntary contributor other than a special voluntary contributor.

(5) Sub-section (5) shall not apply in the case of an existing voluntary contributor, and in the case of other voluntary contributors shall apply as if for the words " enters into insurance as a special voluntary contributor in the course of the second contribution half-year in " there were substituted the words " gives notice of desire to become a voluntary contributor in the course of," and for the words " in that half-year before his entry into insurance " there were substituted the words " in that year before the date on which he gives notice of desire to become a voluntary contributor "; and for the purposes of this paragraph any contributions which have been paid or, apart from this paragraph, deemed to have been paid in respect of the period in question shall be disregarded.

(6) Sub-section (6) shall not apply, and the following sub-section shall be substituted therefor :—

" For the purposes of sub-section (2) of this section and of the Third Schedule to this Act :

(*a*) as respects an existing voluntary contributor, fifty contributions shall be deemed to have been paid for every contribution year in the period comprising the contribution year which ended on 4th July, 1926, or the contribution year in which the contributor entered