

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 16th day of May, nineteen hundred and thirty-eight.

(L.S.)

G. C. DUGGAN,  
Assistant Secretary to the Ministry of Finance  
for Northern Ireland.

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### Old Age Pensions.

REGULATIONS, DATED DECEMBER 31, 1938, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE IN CONJUNCTION WITH THE MINISTRY OF FINANCE FOR NORTHERN IRELAND UNDER THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACT (NORTHERN IRELAND), 1936.

1938. No. 147.

The National Health Insurance Joint Committee in exercise of the powers conferred by sub-sections (3) and (4) of section 16 and paragraph (b) of sub-section (4) of section 17 of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, and of all other powers enabling them in that behalf and in conjunction with the Ministry of Finance for Northern Ireland so far as regards regulations, which are required to be so made, hereby make the following regulations:—

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

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

“ the 1925 Act ” means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925, (now repealed);

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Pensions Act ” means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, or any Act repealed by that Act;

“ the Insurance Act ” means the National Health Insurance Act, 1936, or any Act repealed by that Act;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 1937 Act ” means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937;

“ the 1938 regulations ” means the Contributory Pensions (Voluntary Contributors) Regulations (Northern Ireland), 1938, as amended by the Contributory Pensions (Voluntary Contributors) Amendment Regulations (Northern Ireland), 1938.

“ exempt person ” means an exempt person within the meaning of the Insurance Act ;

“ insurance ” means insurance for the purposes of an old age pension under the Pensions Act, and “ insured ” has a corresponding meaning.

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

3.—(1) Where an exempt person by whom a certificate of exemption has been surrendered after the 3rd January, 1926, was or is at the date of the surrender, of the age of forty-five or upwards, then, if he becomes entitled otherwise than as a special voluntary contributor to an old age pension under the Pensions Act after the coming into force of these regulations, such pension shall, subject to the provisions of paragraph (2A) of regulation 7 of the 1938 regulations, be payable at the weekly rate appropriate to his age at the date of his first entry into insurance subsequent to the date of the surrender of his certificate, as set out in the table contained in the schedule to these regulations.

(2) Where a person who by virtue of sub-section (5) of section 14 of the 1925 Act, or paragraph (e) (now repealed) of sub-section (1) of section 3 of the Insurance Act became a voluntary contributor under the latter Act was at the date of so becoming a voluntary contributor of the age of forty-five or upwards, then, if he becomes entitled otherwise than as a special voluntary contributor to an old age pension under the Pensions Act after the coming into force of these regulations, the pension shall, subject to the provisions of paragraph (2A) of regulation 7 of the 1938 regulations, be payable at the weekly rate appropriate to his age at the date of his entry into insurance as a voluntary contributor as aforesaid, as set out in the table contained in the schedule to these regulations :

Provided that this paragraph shall not apply to a person who at the date specified in this paragraph would have been entitled to become a voluntary contributor if his insurance as an exempt person had been disregarded.

4.—Where a person to whom paragraph (b) of sub-section (4) of section 17 of the Pensions Act applies is or becomes insured, and becomes entitled to an old age pension under the Pensions Act after the coming into force of these regulations, he shall, subject to the provisions of paragraph (2A) of regulation 7 of the 1938 regulations, be entitled to an old age pension under that Act—

- (1) at the rate of ten shillings a week in any of the following cases:—
- (a) if at the date of such entry into insurance he had not attained the age of forty-five years; or
  - (b) if he had been continuously insured since the 7th August, 1925; or
  - (c) if he became a voluntary contributor by virtue of sub-section (1) of section 13 of the 1925 Act as from the 4th January, 1926, and had been continuously insured since that date; or
  - (d) if at the date when contributions at the rate mentioned in Part IV of the First Schedule to the Pensions Act became payable in respect of him, or would have become so payable if his rate of remuneration had not exceeded the limit specified in paragraph (k) of Part II of the First Schedule to the Insurance Act, he was an insured person who since his last entry into insurance had been insured for at least 104 weeks, and had been continuously insured since that date; or
  - (e) if at the date when he becomes entitled to an old age pension he is insured or treated as insured as a special voluntary contributor;
- (2) in any other case, if at the date of such entry into insurance he had not attained the age of sixty years, at the weekly rate appropriate to his age at such date, as set out in the table contained in the schedule to these regulations.

5.—Notwithstanding anything contained in regulations 3 and 4, in the case of a person the date of whose entry into insurance under either of those regulations was not later than the 4th January, 1926, his age at the date of entry into insurance shall, for the purposes of paragraph (2) of regulation 3, and paragraphs (1) (a) and (2) of regulation 4, be deemed to have been the age which he had attained at the earliest date (being a date prior to such entry into insurance) on which he would have been entitled to become a voluntary contributor if paragraphs (a) and (c) (now repealed) of sub-section (1) of section 3 and sub-sections (2) and (3) of section 121 (now repealed) of the Insurance Act had been in force since the 15th July, 1914:

Provided that if as respects any period before the 30th June, 1919, any question arises as to the earliest date on which a person would have been entitled to become a voluntary contributor as aforesaid by reason of the rate of his remuneration having exceeded the limit specified in paragraph (k) of Part II of the First Schedule to the Insurance Act, that question shall be determined as if in the said paragraph (k) the words "one hundred and sixty pounds" were substituted for the words "two hundred and fifty pounds" wherever those words occur.

6.—Where the wife of a person to whom the provisions of paragraph (1) or (2) of regulation 3 or paragraph (2) of regulation 4 apply or have applied, or to whom the corresponding provisions of any regulations previously in force relating to the modification of old age pensions under the Pensions Act have applied, becomes entitled by virtue of his insurance to an old age pension under the Pensions Act, such pension shall, subject to the provisions of paragraph (2A) of regulation 7 of the 1938 regulations, be payable at the same rate as that to which her husband is or has been entitled by virtue of these regulations, or of such regulations previously in force;

Provided that where the husband by virtue of these regulations is not entitled to an old age pension the wife of that person shall also not be entitled to an old age pension.

7.—The provisions of the Pensions Act relating to old age pensions payable to persons who have attained the age of seventy shall apply to a person to whom the provisions of paragraph (b) of sub-section (4) of section 17 of that Act apply, and to the wife of such a person, so, however, that any such pension payable to such person, or to the wife of any such person, shall be payable at the same rate as that to which such person is or was entitled under the Pensions Act.

8.—The Contributory Pensions (Modification of Old Age Pensions) Regulations (Northern Ireland), 1932, are hereby revoked but, subject to the provisions of these regulations, without prejudice to anything duly done or suffered or to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

#### SCHEDULE.

TABLE SHOWING MODIFIED WEEKLY RATES OF OLD AGE PENSIONS APPLICABLE UNDER THESE REGULATIONS.

Age at entry into insurance for the purposes of these Regulations.	Weekly rate of pension.
(a) Of persons formerly exempt or in excepted employment:	s. : d.
45 and under 47 .....	9 : 0
47 " " 49 .....	8 : 0
49 " " 51 .....	7 : 0
51 " " 53 .....	6 : 0
53 " " 55 .....	5 : 0
55 " " 57 .....	4 : 0
57 " " 59 .....	3 : 0
59 " " 60 .....	2 : 0
(b) Of persons formerly exempt:	
60 and over .....	1 : 0

Given under the Official Seal of the National Health Insurance Joint Committee this 31st day of December, nineteen hundred and thirty-eight.

(L.S.)

KENNETH CURTIS,  
Deputy Secretary to the National Health Insurance Joint Committee.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 31st day of December, nineteen hundred and thirty-eight.

(L.S.)

W. B. SPENDER,  
Secretary to the Ministry of Finance for Northern Ireland.

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### Oversea Voluntary Contributors.

SPECIAL ORDER, DATED JANUARY 14, 1938\*, MADE BY THE NATIONAL HEALTH INSURANCE JOINT COMMITTEE UNDER SECTION 22 (2) OF THE WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACT (NORTHERN IRELAND), 1936.

1938. No. 35.

The National Health Insurance Joint Committee, in exercise of the powers conferred by subsection (2) of section 22 of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, and of all other powers enabling them in that behalf hereby make the following Order:—

1.—This Order may be cited as the Contributory Pensions (Oversea Voluntary Contributors) Order (Northern Ireland), 1938.

2.—(1) In this Order unless the context otherwise requires—

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

“insured” means insured for the purposes of the Act.

(2) The Interpretation Act, 1921, applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—In the case of an insured person who has served in the Navy, Army, or Air Force services, or as a master or seaman, the pro-

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\*This Order having been laid before both the Houses of the Parliament of Northern Ireland for the statutory period came into force on the thirtieth day of March, 1938.