

1961 No. 294

NATIONAL INSURANCE

The National Insurance (Modification of the Royal Naval Pension Scheme) Regulations, 1961

<i>Made</i> - - - - -	17th February, 1961
<i>Laid before Parliament</i>	27th February, 1961
<i>Coming into Operation</i>	1st April, 1961

The Lords Commissioners of the Admiralty, in pursuance of a determination by the Lords Commissioners of Her Majesty's Treasury under subsection (4) of section 69 of the National Insurance Act, 1946(a), that they are the appropriate Government department in relation to the Scheme for the provision of pensions for persons serving in the Royal Navy, the Royal Marines, the Women's Royal Naval Service, the Queen Alexandra's Royal Naval Nursing Service and the Naval Nursing Auxiliary Service thereof, and the Voluntary Aid Detachments established by Orders in Council made under the Naval and Marine Pay and Pensions Act, 1865(b), and under powers vested in them by Her Majesty, and in exercise of the powers conferred upon them by the said subsection as extended by section 15 of the National Insurance Act, 1959(c), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. These Regulations may be cited as The National Insurance (Modification of the Royal Naval Pension Scheme) Regulations, 1961, and shall come into operation on the first day of April, 1961.

2.—(1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say:

“the Act of 1865” means the Naval and Marine Pay and Pensions Act, 1865;

“the Act of 1959” means the National Insurance Act, 1959;

“employed person” means a person serving in the Royal Navy, the Royal Marines, the Women's Royal Naval Service, the Queen Alexandra's Royal Naval Service and the Naval Nursing Auxiliary Service thereof, and the Voluntary Aid Detachments.

“graduated contributions” means graduated contributions under the Act of 1959;

“graduated retirement benefit” means graduated retirement benefit under the Act of 1959;

“non-participating employment” has the meaning assigned to it by subsection (2) of section 7 of the Act of 1959;

“notional graduated retirement benefit” means in relation to any person, the amount, expressed as a yearly rate, of the graduated retirement benefit which would be payable to him in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of his non-participating service in respect of a weekly payment of remuneration of fifteen pounds.

(2) Any reference in these Regulations to the provisions of any enactment shall be construed, except where the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

(3) The Interpretation Act, 1889(a), shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3. Where a pension is granted to a person who, immediately before he ceased to be employed as an employed person was employed in a non-participating employment, so much of his pension payable in respect of any period after age 65 in the case of a man or 60 in the case of a woman as is equal to the amount of his notional graduated retirement benefit shall, notwithstanding anything to the contrary in any Order in Council made under the Act of 1865 or under any other powers vested in the Admiralty, not be capable of being terminated or suspended except for such causes as may be prescribed by regulations made by the Minister of Pensions and National Insurance under paragraph (c) of subsection (1) of section 8 of the Act of 1959.

4. Where—

(a) a pension has been granted to a person who, immediately before he ceased to be employed as an employed person, was employed in a non-participating employment and

(b) he makes an application in the case of an officer under the Pensions Commutation Acts, 1871 to 1882, and in the case of a rating or marine under the Admiralty Pensions Act, 1921(b), for the commutation of the said pension or a portion thereof by payment of a capital sum of money,

so much of the said pension as is equal to the amount of his notional graduated retirement benefit shall, notwithstanding anything in the Pensions Commutation Acts, 1871 to 1882, or in the Admiralty Pensions Act, 1921, not be capable of being commuted under those Acts.

Dated this 17th day of February, 1961.

*St. John Tyrwhitt,
John G. Lang,*

Two of the Lords Commissioners
of the Admiralty.

EXPLANATORY NOTE

(This Note is not part of these Regulations, but is intended to indicate their general purport.)

The Regulations make such modifications to the Royal Naval Pension Scheme as are necessary, under section 7 (2) of the National Insurance Act, 1959, to permit the employments under that Scheme to be contracted out of the graduated National Insurance Scheme, and to ensure that the conditions which under section 8 (1) of the Act must be satisfied, if an occupational pension scheme is to be treated as providing equivalent pension benefits, are met. The employed persons qualifying for pensions under the Royal Naval Pension Scheme are persons serving in the Royal Navy and Royal Marines, the Women's Royal Naval Service and Queen Alexandra's Royal Naval Nursing Service and the Naval Nursing Auxiliary Service thereof and Voluntary Aid Detachments.

2. The Regulations (a) prevent the termination or suspension (except for prescribed causes) of so much of a pension as is equivalent to the amount of graduated pension which would be payable if graduated contributions were paid at the maximum rate (i.e. on earnings of £15 a week) throughout a like period of service ; and (b) prevent the commutation of a similar portion of a pension.