

## 1961 No. 557

## NATIONAL INSURANCE

## The National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations, 1961

Made - - - - -	23rd March, 1961
Laid before Parliament	29th March, 1961
Coming into Operation	3rd April, 1961

The National Insurance Joint Authority(a), in exercise of powers conferred by sections 21 (1) and 30 (1) of the National Insurance Act, 1946(b), and the Minister of Pensions and National Insurance, in exercise of powers conferred by sections 43, 46, 47 (1) and 71 (2) of that Act and sections 4 (7) and 5 (4) and (5) of the National Insurance Act, 1959(c), in each case in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby make the following regulations:—

*Citation, commencement and interpretation*

1.—(1) These regulations, which may be cited as the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations, 1961, shall come into operation on the 3rd April, 1961.

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

“the Act” means the National Insurance Act, 1946;

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

“the Claims and Payments Regulations” means the National Insurance (Claims and Payments) Regulations, 1948(d);

“the Determination of Claims and Questions Regulations” means the National Insurance (Determination of Claims and Questions) Regulations, 1948(e);

“the New Entrants Transitional Regulations” means the National Insurance (New Entrants Transitional) Regulations, 1949(f);

“the Overlapping Benefits Regulations” means the National Insurance (Overlapping Benefits) Regulations, 1948(g);

“the Widow’s Benefit and Retirement Pensions Regulations” means the National Insurance (Widow’s Benefit and Retirement Pensions) Regulations, 1948(h);

and other expressions have the same meanings as in the Act.

(3) References in these regulations to any enactment or regulation shall, except in so far as the context otherwise requires, be construed as references to that enactment or regulation as amended or extended by or under any other enactment, order or regulation.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act, 1889(i), shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

(a) See S.63 (2), National Insurance Act, 1946 and National Insurance (Northern Ireland Reciprocal Arrangements) Regulations, 1948 (S.I. 1948/211 (Rev. XVI, p. 367: 1948 I, p. 2905)).

(b) 9 & 10 Geo. 6. c. 67.

(c) 7 & 8 Eliz. 2. c. 47.

(d) S.I. 1948/1041 (Rev. XVI, p. 313: 1948 I, p. 2709).

(e) S.I. 1948/1144 (Rev. XVI, p. 331: 1948 I, p. 2720).

(f) S.I. 1949/352 (1949 I, p. 2737).

(g) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).

(h) S.I. 1948/1261 (Rev. XVI, p. 207: 1948 I, p. 2704).

(i) 52 & 53 Vict. c. 63.

*Single payment in satisfaction of right to graduated retirement benefit*

2.—(1) Subject to the following provisions of this regulation, where at the appropriate date a person is entitled to graduated retirement benefit at less than three shillings a week by virtue of subsection (7) of section 4 of the Act of 1959 (which subsection confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension), his right for life to such benefit shall, as from that date, be satisfied altogether by the making of a single payment ascertained in accordance with the provisions of the next following paragraph.

(2) Where at the appropriate date the person, being a man, is of any age specified in the first column of the First Schedule to these regulations, or, being a woman, is of any age specified in the third column of that Schedule, the single payment referred to in the foregoing paragraph shall be a payment equal to the amount specified opposite to that age, in the case of a man, in the second column of that Schedule and, in the case of a woman, in the fourth column of that Schedule for each sixpence of the weekly rate of the person's graduated retirement benefit.

(3) The provisions of this regulation shall not apply to a person unless he does not satisfy or partially satisfy the contribution conditions for a retirement pension and also, in the case of a woman, she is unmarried or her husband is over pensionable age and does not satisfy or partially satisfy those conditions.

(4) For the purposes of this regulation—

- (a) the weekly rate of a person's graduated retirement benefit shall be calculated without reference to any reduction therein on account of his earnings;
- (b) subject to the next following sub-paragraph, a person who does not satisfy the contribution conditions for a retirement pension shall be deemed partially to satisfy those conditions if, but only if, he satisfies those conditions as respects the one hundred and fifty-six contributions required to have been actually paid and the yearly average of the contributions paid by or credited to him is not less than thirteen;
- (c) a woman who is married on attaining pensionable age and is not entitled to a retirement pension by reason of the application to her of subsection (5) of section 21 of the Act (which subsection relates to the calculation of a married woman's contributions for the purpose of entitlement to a retirement pension by virtue of her own insurance) shall be treated as if she did not satisfy or partially satisfy the contribution conditions for a retirement pension;
- (d) the "appropriate date" means, in relation to any right of a person to graduated retirement benefit, the date as from which weekly payments in respect of that right would, apart from this regulation and any reduction on account of the person's earnings, have commenced to be payable:

Provided that—

- (i) where at the date which, apart from this proviso, would be the appropriate date that person is a married woman and her husband has not retired from regular employment, the appropriate date shall be deferred until the date of her husband's retirement or the termination of the marriage, whichever shall first occur; and
- (ii) the provisions of this paragraph shall have effect subject to the provisions of paragraph (4) of regulation 19A of the Determination of Claims and Questions Regulations (added to those regulations by regulation 5 of these regulations); and

(e) in determining whether a person's right to graduated retirement benefit is at less than three shillings a week, all rights he may have to such benefit (other than rights already satisfied by the making of a payment under this regulation or rights in relation to which the appropriate date has not occurred) shall be aggregated.

*Provisions affecting a woman who marries after attaining pensionable age*

3.—(1) Any conditions prescribed(a) for the purposes of paragraph (iii) of subsection (1) of section 21 of the Act (which paragraph relates to the prescribing of further conditions for entitlement to a retirement pension by virtue of the insurance of the husband in a case where a woman marries the husband after attaining pensionable age) shall be prescribed conditions also for the purposes of subsection (4) of section 5 of the Act of 1959 (which subsection relates to the prescribing of additional conditions for a woman's right to graduated retirement benefit by virtue of that section in respect of a husband whom she has married after attaining that age).

(2) A woman more than once married who is entitled in respect of any period to graduated retirement benefit by virtue of the said section 5 in respect of a second or subsequent husband shall not be precluded from being entitled in respect of that period to graduated retirement benefit by virtue of that section in respect of a former husband, but shall be so entitled to the extent only that it is payable to her by virtue of the application to her of subsection (5) of section 4 of the Act of 1959 (which provides for additional graduated retirement benefit where a person does not retire from regular employment on attaining pensionable age) in respect of any period before the death of the first-mentioned husband.

*Graduated retirement benefit as increase of widowed mother's allowance*

4.—(1) Where for any week a woman is entitled to graduated retirement benefit and to a widowed mother's allowance, the graduated retirement benefit shall for that week be an increase in the weekly rate of that allowance if the amount payable to her as personal benefit by way of widowed mother's allowance would then equal or exceed the amount which would have been payable to her as personal benefit by way of retirement pension had the graduated retirement benefit been an increase in the weekly rate of that pension.

(2) For the purposes of the foregoing paragraph—

(a) "personal benefit" has the same meaning as in the Overlapping Benefits Regulations; and

(b) the amounts payable as personal benefit shall be calculated after any adjustment required to be made under those regulations other than any adjustment between widowed mother's allowance and retirement pension.

*Amendment of regulations*

5. The provisions contained in the Second Schedule to these regulations shall have effect for the purpose of amending the regulations therein referred to in consequence of the introduction by the Act of 1959 of the scheme of graduated retirement benefit, and accordingly such provisions

(a) See reg. 4(1) of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations, 1948 (S.I. 1948/1261 (Rev. XVI, p. 207; 1948 I, p. 2704)), as amended (S.I. 1956/1199 (1956 I, p. 1625)).

of those regulations as are set out in the Third Schedule to these regulations shall have effect as therein set out.

Given under the Official Seal of the National Insurance Joint Authority this twenty-third day of March, 1961.

(L.S.)

*D. J. Carter,*  
Secretary,  
National Insurance Joint Authority.

Given under the Official Seal of the Minister of Pensions and National Insurance this twenty-third day of March, 1961.

(L.S.)

*John Boyd-Carpenter,*  
Minister of Pensions and  
National Insurance.

Dated this twenty-third day of March, 1961.

*Michael Hughes-Young,*  
*W. S. I. Whitelaw,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

### FIRST SCHEDULE

### Regulation 2

#### AMOUNTS OF SINGLE PAYMENTS PAYABLE IN SATISFACTION OF RIGHTS TO GRADUATED RETIREMENT BENEFIT OF SIXPENCE A WEEK

MEN		WOMEN	
Age at appropriate date	Amount	Age at appropriate date	Amount
	£ s.		£ s.
65 and under 66	12 0	60 and under 61	17 0
66 " " 67	11 10	61 " " 62	16 10
67 " " 68	11 0	62 " " 63	16 0
68 " " 69	10 10	63 " " 64	15 10
69 " " 70	10 0	64 " " 65	15 0
70 " " 71	9 10	65 " " 66	14 10
71 " " 76	8 10	66 " " 71	13 0
76 " " 81	6 10	71 " " 76	10 0
81 or above	4 10	76 " " 81	7 10
		81 or above	5 0

## Regulation 5

## SECOND SCHEDULE

AMENDMENT OF REGULATIONS UNDER THE ACT IN CONSEQUENCE OF THE  
ACT OF 1959

## PART I

## AMENDMENT OF REGULATION 12 OF THE CLAIMS AND PAYMENTS REGULATIONS

1. Paragraph (1), as amended(a), of regulation 12 of the Claims and Payments Regulations (which paragraph provides for the extinguishment of the right to sums payable by way of benefit other than a sum payable by way of death grant where payment is not obtained within the prescribed period) shall be amended in accordance with the provisions of the next following paragraph and shall accordingly have effect as set out in Part I of the Third Schedule to these regulations.

2. In the said paragraph (1), as amended, after the words "death grant" there shall be inserted the words "or by way of a single payment under regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations, 1961, (which provides for the satisfaction, in certain cases, by a single payment of a person's right to graduated retirement benefit)".

## PART II

## AMENDMENT OF THE DETERMINATION OF CLAIMS AND QUESTIONS REGULATIONS

1. At the commencement of paragraph (1), as amended(b), of regulation 18 of the Determination of Claims and Questions Regulations (which paragraph deals with reviews of decisions of insurance officers, local tribunals and the Commissioner) there shall be inserted the words "Subject to the provisions of regulation 19A".

2. Regulation 19, as amended(c), of the said regulations (which prescribes the conditions in which decisions given on review involving the payment or increase of benefit are to have effect) shall be amended in accordance with paragraphs 3, 4 and 5 of this Part of this Schedule and shall accordingly have effect as set out in Part II of the Third Schedule to these regulations.

3. At the commencement of paragraph (1) of the said regulation 19, as amended, there shall be inserted the words "Subject to the provisions of regulation 19A".

4. In paragraph (2) of the said regulation 19, as amended, at the commencement of sub-paragraph (a) there shall be inserted the following words—

"Except where it is certified by the decision on review that the original decision was revised by reason only of a matter specified in sub-paragraph (a) of paragraph (1) of regulation 2, in so far as that sub-paragraph relates to graduated contributions,"

and in the said sub-paragraph, after the words "shall apply" the words "in any case" shall be omitted.

5. In paragraph (3) of the said regulation 19, as amended, after the words "for the purpose of this" there shall be added the words "and the next following".

6. After regulation 19 of the said regulations there shall be added the following regulation :—

*"Single payments in satisfaction of rights to graduated retirement benefit*

19A.—(1) The following provisions of this regulation shall apply, in relation to payments (hereafter in this regulation referred to as 'single payments') under regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations, 1961, (which provides for the

(a) S.I. 1952/1207, 1957/578 (1952 II, p. 2122; 1957 I, p. 1516).

(b) S.I. 1951/1208, 1959/1154 (1951 I, p. 1455; 1959 II, p. 1849).

(c) S.I. 1954/189, 1957/1835 (1954 I, p. 1387; 1957 I, p. 1523).

satisfaction, in certain cases, by a single payment of a person's right to graduated retirement benefit by virtue of subsection (7) of section 4 of the National Insurance Act, 1959, which subsection confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension).

(2) For the purposes of regulation 18, in the case of a decision awarding a single payment, it shall be deemed not to be a material fact or relevant change of circumstances, as the case may be, that, since the date which was the appropriate date for the purposes of the said regulation 2, graduated retirement benefit would, apart from that regulation, have ceased to be payable, but it shall be deemed to be such a fact or change that, since that date, his right to graduated retirement benefit has ceased to be by virtue of the said subsection (7).

(3) Where on review or appeal a decision awarding a single payment falls, or would but for this paragraph fall, to be revised so as to make payable either—

(a) a single payment in satisfaction of a right to graduated retirement benefit at a weekly rate higher than the weekly rate (hereinafter called 'the original weekly rate') of the graduated retirement benefit in satisfaction of the right to which the original single payment was awarded; or

(b) weekly payments of graduated retirement benefit ;  
then—

(i) the decision on the review or appeal shall direct that the single payment originally awarded shall be treated as duly made in satisfaction for life of any right of the beneficiary (whether by virtue of the said subsection (7) or not) to graduated retirement benefit so far as it does not exceed the original weekly rate; and

(ii) the beneficiary's right to graduated retirement benefit, so far as it exceeds the original weekly rate, shall be treated as a separate right.

(4) Where on review or appeal a decision awarding weekly payments of graduated retirement benefit falls to be revised so as to make a single payment payable, the appropriate date for the purposes of the said regulation 2 shall be deferred until the date of the application for the review or of the notice of appeal, as the case may be, and the decision on review or appeal shall direct that any sums paid on account of the weekly payments originally awarded in respect of any period thereafter shall be treated as having been paid on account of the single payment."

### PART III

#### AMENDMENT OF REGULATIONS 4A AND 4B OF THE NEW ENTRANTS TRANSITIONAL REGULATIONS

1. Regulation 4A of the New Entrants Transitional Regulations (which has effect by virtue of regulation 3 of the National Insurance (New Entrants Transitional) Amendment Regulations, 1958(a) and modifies the Act in relation to new entrants who enter insurance less than one hundred and fifty-six weeks before reaching pensionable age) shall be amended in accordance with the provisions of paragraphs 2 and 3 of this Part of this Schedule and shall accordingly have effect as set out in Part III of the Third Schedule to these regulations.

2. At the end of sub-paragraph (i) of paragraph (1) of the said regulation 4A there shall be inserted the following words:—

"and no graduated contribution under the National Insurance Act, 1959, shall be payable in respect of any such person's employment by reason of any payment of remuneration made after his attaining that age;"

3. After sub-paragraph (ii) of paragraph (1) of the said regulation 4A there shall be added the following sub-paragraph:—

“(iii) for the purposes of any right to graduated retirement benefit every such person shall be deemed to retire from regular employment immediately after attaining the age of sixty-five (or, in the case of a woman, sixty).”

4. In paragraph (1) of regulation 4B of the said regulations (which regulation has effect by virtue of regulation 2 of the National Insurance (New Entrants Transitional) Amendment (No. 2) Regulations, 1958(a) and modifies the Act in relation to new entrants who enter insurance too late to be able to satisfy the condition as to yearly average of contributions for widow's benefit or retirement pension) there shall be substituted for the words “sub-paragraphs (i) and (ii)” the words “sub-paragraphs (i), (ii) and (iii)”.

#### PART IV

##### AMENDMENT OF THE OVERLAPPING BENEFITS REGULATIONS

Paragraph 6 of Column 1 of the Schedule to the Overlapping Benefits Regulations (which paragraph shows benefit under the Act which, if it is payable to a person otherwise than in respect of another person who is a child or an adult dependant, is not required to be adjusted by reference to any benefit which is shown in the corresponding paragraph of Column 2 of the said Schedule and is so payable) shall be amended by the insertion therein, after the word “pension”, of the words “in so far as it consists of graduated retirement benefit or” and after the word “contributions”, of the words “(not being graduated contributions under the National Insurance Act, 1959)”.

#### PART V

##### AMENDMENT OF REGULATION 4 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS

1. Paragraph (1), as amended(b), of regulation 4 of the Widow's Benefit and Retirement Pensions Regulations (which paragraph prescribes special conditions in relation to retirement pensions by virtue of the husband's insurance in the case of a woman marrying after pensionable age) shall be amended in accordance with the next following paragraph and shall accordingly have effect as set out in Part IV of the Third Schedule to these regulations.

2. At the end of the said paragraph (1), as amended, of regulation 4 there shall be added the following proviso:—

“Provided that the reference in sub-paragraph (c) of this paragraph to a retirement pension shall not include graduated retirement benefit which is payable by virtue of subsection (7) of section 4 of the National Insurance Act, 1959 (which subsection confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension).”

Regulation 5

#### THIRD SCHEDULE

##### PROVISIONS OF REGULATIONS UNDER THE ACT AS AMENDED BY THESE REGULATIONS\*

Second Schedule Part I

#### PART I

##### PARAGRAPH (1) OF REGULATION 12 OF THE CLAIMS AND PAYMENTS REGULATIONS, AS AMENDED

12.—(1) The right to any sum payable by way of benefit other than a sum payable by way of death grant *or by way of a single payment under regulation 2 of the National Insurance (Graduated Retirement Benefit and Consequential Provisions) Regulations, 1961, (which provides for the satisfaction, in certain cases, by a single payment of a person's right to graduated retirement benefit)* shall be extinguished where payment thereof is not obtained within the period of six months from the date on which that sum is receivable in accordance with the following provisions of this regulation:

(a) S.I. 1958/2124 (1958 II, p. 1666).

(b) S.I. 1956/1199 (1956 I, p. 1625).

\* The words added by these regulations are shown in italics.

Provided that in calculating the said period of six months no account shall be taken of—

- (a) any period during which a serial order or draft containing the sum is in the possession of the Minister or an employment exchange or any post office at which it is payable, other than a period after written notice has been given that the serial order or draft is available for collection ;
- (b) any period during which the Minister has under consideration any representation that a serial order or draft containing the sum has not been received or has been lost, mislaid or stolen ;
- (c) any period during which the person concerned is for the time being unable to act by reason of any mental incapacity, subject to the qualification that the total period disregarded on account of such inability to act shall not exceed one year ; or
- (d) any period during which the determination of any question as to such extinguishment is pending.

## PART II

## Second Schedule Part II

REGULATION 19 OF THE DETERMINATION OF CLAIMS AND QUESTIONS  
REGULATIONS, AS AMENDED

Review of decisions involving payment or increase of benefit

19.—(1) *Subject to the provisions of regulation 19A*, where on review a decision is revised so as to make benefit payable, or to increase the rate of benefit, the decision given on the review shall have effect as follows:—

- (a) in the case of unemployment benefit and maternity allowance, as from the date of the application for the review ;
- (b) in the case of sickness benefit, as from the date ten days before the date of the application for the review ; or
- (c) in the case of widow's benefit, child's special allowance, a guardian's allowance and a retirement pension, as from the date three months before the date of the application for the review :

Provided that, subject to the provisions of the next succeeding paragraph, if in any case the claimant proves—

- (i) that on a date earlier than the date on which the application for the review was made, he was (apart from satisfying the condition of making a claim therefor) entitled to benefit ; and
- (ii) that throughout the period between the earlier date and the date on which the application for review was made, there was good cause for delay in making the application ;

he shall not be disqualified by virtue of the foregoing provisions of this paragraph for receiving any benefit to which he would have been entitled in respect of the said period.

(2) Notwithstanding anything contained in this regulation, the following provisions shall have effect:—

- (a) *Except where it is certified by the decision on review that the original decision was revised by reason only of a matter specified in sub-paragraph (a) of paragraph (1) of regulation 2, in so far as that sub-paragraph relates to graduated contributions*, the proviso to the foregoing paragraph shall apply subject to the condition that no sum on account of benefit shall be paid to any person in respect of any part of the period referred to in that proviso earlier than six months before the date on which the application for the review was made.
- (b) The decision on review shall not in any event have effect for any period before the date on which the original decision took effect or would have taken effect if an award had been made.
- (c) If the said decision on review was based on a material change of circumstances subsequent to the date from which the original decision took effect,



it shall not have effect for any period before the date declared by the insurance officer, the local tribunal or the Commissioner, as the case may be, to be the date on which such material change of circumstances took place.

(3) For the purpose of this and the next following regulation, where a decision is reviewed at the instance of an insurance officer under paragraph (1) of regulation 18, the date on which it was first decided by the insurance officer that the decision should be reviewed shall be deemed to be the date of the application for the review.

## Second Schedule Part III

## PART III

REGULATION 4A OF THE NEW ENTRANTS TRANSITIONAL REGULATIONS,  
AS AMENDED

Modifications of the Act in relation to new entrants who enter insurance less than one hundred and fifty-six weeks before attaining the age of sixty-five (men) or sixty (women)

4A.—(1) Subject to the following paragraph, as respects any insured person who—

(a) on the appointed day was over school leaving age and under pensionable age; but

(b) was not immediately before that day an existing contributor within the meaning of regulation 2 of the Pensions, Existing Contributors Regulations,

and who, having attained the age of sixty-five (or, in the case of a woman, sixty), did not enter insurance before the beginning of a period of one hundred and fifty-five contribution weeks ending immediately before the week in which that age was attained if that age was attained on the first day of that week, or in any other case before the beginning of a period of one hundred and fifty-four contribution weeks ending immediately before the week in which that age was attained, the following provisions shall apply:—

(i) no such person shall be liable to pay a contribution as an employed or self-employed person for any period after attaining the age of sixty-five (or, in the case of a woman, sixty) and no graduated contribution under the *National Insurance Act, 1959*, shall be payable in respect of any such person's employment by reason of any payment of remuneration made after his attaining that age;

(ii) every such person shall, in respect of each contribution paid by that person as an employed, self-employed or non-employed person, be entitled to a refund of that portion of the contribution which is attributable to widow's benefit and retirement pension, and for that purpose shall be entitled to a refund of the amount set out at the head of Column (2), (3), (4), (6), (7) or (8) of the Second Schedule to these regulations whichever is appropriate together with such interest thereon as will bring the total of the amount to be refunded up to the amount appropriate to the circumstances of the case as set out in the appropriate column;

(iii) for the purposes of any right to graduated retirement benefit every such person shall be deemed to retire from regular employment immediately after attaining the age of sixty-five (or, in the case of a woman, sixty).

(2) The provisions of paragraph (1) of this regulation shall not apply to any person to whom regulation 4 of these regulations applies or who under the provisions of the Act or any regulations or orders made thereunder is deemed to have satisfied, or would, if he had retired from regular employment and made a claim to a retirement pension, have been treated as satisfying, the condition specified in sub-paragraph (1) (a) of paragraph 4 of the Third Schedule to the Act (which sub-paragraph makes the payment of not less than one hundred and fifty-six contributions of the appropriate class a condition for widow's benefit or retirement pension).

## PART IV

## Second Schedule Part V

## PARAGRAPH (1) OF REGULATION 4 OF THE WIDOW'S BENEFIT AND RETIREMENT PENSIONS REGULATIONS, AS AMENDED

(1) For the purposes of paragraph (iii) of subsection (1) of section 21 of the Act (which paragraph relates to the prescribing of further conditions for entitlement to a retirement pension by virtue of the insurance of the husband in a case where a woman married the husband after attaining pensionable age), one of the following further conditions must be satisfied in the case of a woman to whom that paragraph is applicable, that is to say:—

(a)—(i) that she and her husband have been married for not less than three years; or

(ii) that, if the husband dies before the expiration of three years from the date of the marriage, she satisfies the requirements of paragraph (b) of subsection (1) of section 17 of the Act, as amended by section 2 of and the Schedule to the Family Allowances and National Insurance Act, 1956 (which paragraph, as so amended, specifies the conditions of entitlement to widowed mother's allowance); or

(b) that, immediately before the date of the marriage, she was or, but for any disqualification, or had subsection (2) of section 2 of the Family Allowances and National Insurance Act, 1956 (which contains provisions as to national insurance benefits for widows) then been in force, would have been entitled to widow's benefit; or

(c) that, immediately before the said date, she was entitled to a retirement pension, or would have been so entitled but for any disqualification, or but for her failure to satisfy the condition that she had retired from regular employment, or had subsection (3) of section 2 of the Family Allowances and National Insurance Act, 1956, then been in force; or

(d) that, immediately before the said date, she was entitled, otherwise than under the Act, to any pension or allowance payable out of public funds and ceased to be so entitled by reason only of her marriage or re-marriage:

*Provided that the reference in sub-paragraph (c) of this paragraph to a retirement pension shall not include graduated retirement benefit which is payable by virtue of subsection (7) of section 4 of the National Insurance Act, 1959 (which subsection confers a right to graduated retirement benefit in certain cases of persons not entitled to a retirement pension).*

## EXPLANATORY NOTE

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

These Regulations provide that the right to graduated retirement benefit under the National Insurance Act, 1959, at less than a prescribed weekly rate, of a person who is not entitled to a retirement pension under the National Insurance Act, 1946, may be satisfied by a single payment, and prescribe the circumstances in which the provision is to apply and the amount of the single payment in relation to the age of the person.

The Regulations also prescribe that the conditions for a widow's entitlement to graduated retirement benefit in respect of a husband she married after attaining pensionable age shall be the same as those she is required to satisfy for entitlement to a retirement pension by virtue of his insurance, and enable a woman more than once married, who is entitled to graduated

retirement benefit as a widow in respect of a second or subsequent husband, to retain her entitlement to such graduated retirement benefit in respect of a former husband as she has earned by deferring her own retirement from regular employment on attaining pensionable age. Provision is also made for treating graduated retirement benefit as an increase of widowed mother's allowance instead of as an increase of her retirement pension where this is equally or more beneficial to the widow.

The remaining provisions of the Regulations make certain amendments to regulations under the National Insurance Act, 1946, required in consequence of the scheme of graduated retirement benefit introduced by the National Insurance Act, 1959.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated 16th March, 1961, is contained in the House of Commons Paper No. 156 (Session 1960-61) published by Her Majesty's Stationery Office.