

1966 No. 970

SOCIAL SECURITY

The National Insurance (Overlapping Benefits and Hospital In-Patients) Amendment Regulations 1966

<i>Made</i> - - - -	<i>2nd August 1966</i>
<i>Laid before Parliament</i>	<i>8th August 1966</i>
<i>Coming into Operation</i>	<i>5th October 1966</i>

The National Insurance Joint Authority, in exercise of powers conferred by sections 50 and 51 of the National Insurance Act 1965(a) and of all other powers enabling them in that behalf, in consequence of the National Insurance Act 1966(b) and in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, hereby make the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Overlapping Benefits and Hospital In-Patients) Amendment Regulations 1966, shall be read as one with the National Insurance (Overlapping Benefits) Regulations 1948(c), as amended(d), (hereinafter referred to as “the Overlapping Benefits Regulations”) and the National Insurance (Hospital In-Patients) Regulations 1949(e), as amended(f), (hereinafter referred to as “the Hospital In-Patients Regulations”) in so far as they relate to matters respectively dealt with by those regulations, and shall come into operation on 5th October 1966.

Provisions added to the Overlapping Benefits Regulations

2.—(1) In regulation 2(1) (b) of the Overlapping Benefits Regulations (adjustment of personal benefits under the Act), for the words “subject to the provisions of paragraph (3) of regulation 3” there shall be substituted the words “subject to the provisions of paragraphs (3) and (4) of regulation 3”, and regulation 3 of the said regulations (exceptions to the general rule as to adjustment of personal benefit) shall be amended by the addition thereto after paragraph (3) of the following paragraph:—

“(4) Where for any period personal benefits under the Act are or, but for these regulations, would be payable to a widow by way of widow’s allowance

(a) 1965 c. 51.

(b) 1966 c. 6.

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

(d) There is no amendment which relates expressly to the subject matter of these regulations.

(e) S.I. 1949/1461 (1949 I, p. 2718).

(f) There is no amendment which relates expressly to the subject matter of these regulations.

and retirement pension by virtue of the widow's own insurance, and the widow's allowance, apart from any increase thereof by way of widow's supplementary allowance under section 4(1) of the National Insurance Act 1966, is or, but for these regulations, would be payable at a lower weekly rate than the retirement pension, apart from any addition thereto under sections 34(1) or 37(1) of the National Insurance Act 1965, then the widow's allowance, in so far as it consists of widow's supplementary allowance under the said section 4(1), and the retirement pension, except in so far as it includes any addition under the said sections 34(1) or 37(1), shall not be adjusted by reference to each other."

(2) After regulation 13 of the Overlapping Benefits Regulations, there shall be inserted the following regulation:—

"Widow's allowance to be treated as payable for the purposes of widow's supplementary allowance"

13A. A widow to whom widow's allowance under section 26 of the National Insurance Act 1965 would be payable but for these regulations shall be treated for the purposes of any right to widow's supplementary allowance under section 4(1) of the National Insurance Act 1966, but for those purposes only, as if the allowance under the said section 26 was payable."

(3) At the end of the Schedule to the Overlapping Benefits Regulations (cases in which personal benefits under the Act are not required to be adjusted) there shall be added the paragraphs set out in the Schedule to these regulations.

Amendment to the Hospital In-Patients Regulations

3. In regulation 1(2) of the Hospital In-Patients Regulations (provisions for their interpretation), for the definition of "personal benefit" there shall be substituted the following definition:—

" 'personal benefit' means that benefit which, apart from these regulations, is payable to a person otherwise than in respect of another person who is a child or an adult dependant, but shall not include earnings-related supplement under section 2 of the National Insurance Act 1966 or widow's supplementary allowance under section 4(1) of that Act; "

Given under the Official Seal of the National Insurance Joint Authority.

(L.S.)

D. J. Carter,

Secretary,

National Insurance Joint Authority.

1st August 1966

Harry Gourlay,

Joseph Harper,

Two of the Lords Commissioners of
Her Majesty's Treasury.

2nd August 1966

SCHEDULE

Regulation 2(3)

PARAGRAPHS ADDED TO THE SCHEDULE TO THE OVERLAPPING
BENEFITS REGULATIONS

<p>(9) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the National Insurance Act 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the said Act of 1966) and widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of that Act</p>	<p>(9) Injury benefit payable under the Industrial Injuries Act or a supplement on account of unemployability payable under that Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme, or any Pneumoconiosis and Byssinosis Benefit Scheme</p>
<p>(10) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the National Insurance Act 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the said Act of 1966)</p>	<p>(10) Widow's benefit payable under the Act</p>
<p>(11) Widow's benefit payable under the Act</p>	<p>(11) Unemployment benefit or sickness benefit in so far as it consists of earnings-related supplement under section 2 of the National Insurance Act 1966 (including such supplement when paid with injury benefit under the Industrial Injuries Act pursuant to section 2(7) of the said Act of 1966)</p>
<p>(12) Widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of the National Insurance Act 1966</p>	<p>(12) Unemployment benefit, sickness benefit or maternity allowance payable under the Act, and death benefit by way of pension or allowance payable to a woman as the widow of the deceased under the Industrial Injuries Act</p>
<p>(13) Unemployment benefit, sickness benefit or maternity allowance payable under the Act</p>	<p>(13) Widow's allowance in so far as it consists of widow's supplementary allowance under section 4(1) of the National Insurance Act 1966</p>

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made in consequence of the National Insurance Act 1966 and accordingly, by virtue of section 14(6) of that Act, no reference of them has been made to the National Insurance Advisory Committee.

These Regulations, which further amend the National Insurance (Overlapping Benefits) Regulations 1948, provide for certain cases in which the earnings-related supplements to unemployment benefit, sickness benefit and widow's allowance introduced by the 1966 Act are not to be adjusted by reference to other benefits. They also further amend the National Insurance (Hospital In-Patients) Regulations 1949 so as to secure that those regulations shall not apply to the earnings-related supplements.