

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 25th day of June, nineteen hundred and forty-two.

(L.S.)

H. Ashton,

Assistant Secretary to the Ministry of
Finance for Northern Ireland.

CONTRIBUTORY PENSIONS.

Voluntary Contributors.

REGULATIONS, DATED 18TH MARCH, 1942, 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 TO 1941.

1942. No. 53.

The National Health Insurance Joint Committee and the Ministry of Labour for Northern Ireland, acting jointly in exercise of the powers conferred on them by the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1941, 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) Amendment Regulations (Northern Ireland), 1942, and shall, except where otherwise expressly provided, be deemed to have had effect as from the 3rd January, 1938.

(2) These regulations shall be read as one with the Contributory Pensions (Voluntary Contributors) Regulations (Northern Ireland), 1938, as amended by the Contributory Pensions (Voluntary Contributors) Amendment Regulations (Northern Ireland), 1938 (hereinafter referred to as "the principal regulations").

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

2.—The following paragraph shall be substituted for paragraph (2) of regulation 7 of the principal regulations:—

"(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 provisions:—

(a) The said period shall, for the purposes of widows' and orphans' pensions, 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 for the purposes of widows' and orphans' pensions, 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, if he dies after attaining the age of 65, down to and including the contribution year immediately preceding the date on which he attains the age of 65 :

Provided that the contribution year immediately preceding the date on which he dies or the date on which he attains the age of 65 if he dies in the contribution year in which he attains that age, as the case may be, shall not be included in the said period if the number of contributions paid, and deemed to have been paid, by him in respect of that year is less than the average number of paid and deemed contributions per contribution year over the said period excluding the said contribution year.

- (b) (i) The said period shall, for the purposes of old age pensions, 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 for the purposes of old age pensions, whichever is the later, and each subsequent contribution year down to and including the contribution year immediately preceding the date on which he attains the age of 65, or, being a woman, the date on which she attains the age of 60, or, if she attained that age before the 1st July, 1940, the 3rd July, 1939 :

Provided that, if a person who has entered into insurance under the principal Act for the purposes of old age pensions within five years of attaining the age of 65, or, being a woman, the age of 60, or, if she attained that age before 1st July, 1940, within five years of that date is or becomes a voluntary contributor, the last contribution year in the said period shall be the contribution year immediately preceding the completion of five years insurance for the purposes of old age pensions instead of the contribution year immediately preceding the date on which he attains the age of 65, or, being a woman, the age of 60, or the 3rd July, 1939, as the case may be.

- (ii) The provisions of this sub-paragraph shall, in relation to women, be deemed to have had effect as from the 1st July, 1940."

3.—The following provision shall be substituted for sub-paragraph (b) (i) of paragraph (6) of regulation 7 of the principal regulations, but

only in relation to a person who becomes a voluntary contributor on or after the 31st December, 1940 :—

“(i) Subject to the provisions of sub-paragraph (ii) of this paragraph, fifty contributions shall be deemed to have been paid for every contribution year in 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 that in which he became a voluntary contributor, and, in addition, a contribution shall be deemed to have been paid in respect of each week thereafter down to and including the week in which he ceased to have a normal occupation of employment in respect of which he was required to be insured under the principal Act, or down to and including the week immediately preceding that in which he became a voluntary contributor, whichever is the earlier ; and any contributions which have been paid, or apart from this sub-section deemed to have been paid, in respect of the periods in question shall be disregarded.”

4.—(1) In regulation 8 of the principal regulations the words “ or, being a woman, the sixtieth anniversary of her birth, or, if she attained the age of sixty before the 1st July, 1940, the 1st July, 1940,” shall be added after the word “ birth.”

(2) The following regulation shall be inserted after regulation 8 of the principal regulations :—

“ 8A.—(1) In the application of paragraphs 3 and 4 of the Fourth Schedule to the 1937 Act to voluntary contributors under the principal Act other than special voluntary contributors—

(a) the word “ sixty ” shall be substituted for the words “ sixty-five ” in both places where they occur in sub-paragraph (a) of paragraph 3 and in paragraph 4 ; and

(b) the words “ and also to his wife if she has then attained the age of 60 or thereafter if and when she attains that age ” shall be substituted for the words “ and when both he and his wife have attained that age an old age pension shall be payable also to his wife ” in sub-paragraph (b) of paragraph 3.

(2) This regulation shall be deemed to have had effect as from the 1st July, 1940.”

5.—The following words shall be inserted at the beginning of paragraph (3) of regulation 10 of the principal regulations :—

“ Subject to the provisions of sub-paragraph (a) of paragraph (4) of this regulation.”

6.—The following paragraphs shall be inserted after paragraph (3) of regulation 10 of the principal regulations :—

“(4) In the case of a person who becomes a special voluntary contributor while treated as insured under the Insurance Act otherwise than as a voluntary contributor :—

- (a) he shall, as from the date on which he becomes a special voluntary contributor, and while he is such a contributor, be treated, subject to the provisions of sub-paragraph (a) of paragraph (1) of this regulation, as if he were a special voluntary contributor and not otherwise ;
- (b) contributions shall, for the purposes of sub-section (1) of section 3 of the 1937 Act, be deemed to have been paid by him as a special voluntary contributor, in respect of the period between the date of his last entry into insurance under the principal Act and the date of his becoming a special voluntary contributor, for the number of weeks ascertained by multiplying the number of weeks in respect of which contributions under the principal Act have been paid by or in respect of him since the date of his last entry into insurance under the principal Act or since the 4th January, 1926, whichever is the later, up to the date of becoming a special voluntary contributor, by a fraction of which the numerator is the rate of contribution which was payable for the time being by or in respect of him under the principal Act and the denominator the rate of contribution payable by him as a special voluntary contributor :

Provided that :—

- (i) where the rate of contribution as a special voluntary contributor is equal to or less than the rate of contribution which was for the time being payable in respect of him under the principal Act, contributions shall be deemed to have been paid by him as a special voluntary contributor for the number of weeks for which contributions were paid in respect of him under the principal Act ;
 - (ii) a fraction in the number of contributions deemed to have been paid under this paragraph shall be disregarded ; and
- (c) for the purposes of sub-sections (1) and (2) of section 5 of the 1937 Act, fifty contributions shall be deemed to have been paid by him as a special voluntary contributor for every contribution year in the period comprising the contribution year which ended on the 4th July, 1926, or the contribution year in which he 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 that in which he became a special voluntary contributor, and, in addition, a contribution shall be deemed to have been paid in respect of every week thereafter down to the week preceding that in which he became a special voluntary contributor; and any contributions which have been paid in respect of the period in question shall be disregarded."

"(5) In the case of a voluntary contributor under the principal Act to whom section 129 of the Insurance Act becomes applicable, a contribution shall, for the purposes of sub-sections (1) and (2) of section 5 of the 1937 Act, be deemed to have been paid by him for each week prior to the date of his entry or enlistment or the commencement of the service to which the said section 129 applies in respect of which he was at that date entitled as a voluntary contributor either to pay a contribution, or, under proviso (ii) to paragraph (6) of regulation 7 of the principal regulations, a sum equal in amount to the appropriate contribution :

Provided that, for the purposes of this paragraph, the 3rd September, 1939, shall, in the case of a voluntary contributor to whom the said section 129 was applicable at that date, be deemed to be the date of entry or enlistment or commencement of service, and in all other cases the date of entry or enlistment or commencement of service shall be the date of the first entry or enlistment or commencement of service occurring after the 3rd September, 1939."

7.—The following paragraph shall be substituted for paragraph (2) of regulation II of the principal regulations :—

"(2) The prescribed number of contributions in respect of the contribution year ended on the 2nd July, 1939, shall, for the purposes of proviso (b) to sub-section (3) of section 17 of the 1937 Act, be twenty-six less the number of contributions, if any, deemed to have been paid in respect of that year under the provisions of these regulations; and the period before the expiration of which such number of contributions must be paid shall be the period up to and including the 31st December, 1939, or such later date as the Ministry, having regard to the circumstances of the particular case, may allow."

8.—Paragraph (7) of regulation 7 of the principal regulations and so much of the Fourth Schedule to the National Health Insurance and Contributory Pensions (Transitional) Regulations (Northern Ireland), 1940, as relates to the amendment of the principal regulations are hereby revoked.

Given under the Official Seal of the National Health Insurance Joint Committee this 18th day of March, nineteen hundred and forty-two.

(L.S.)

H. N. Howorth,
Secretary National Health Insurance
Joint Committee.

Given under the Official Seal of the Ministry of Labour for Northern Ireland this 18th day of March, nineteen hundred and forty-two.

(L.S.)

W. Allen,
Assistant Secretary to the Ministry of
Labour for Northern Ireland.

Supplementary Pensions.

Determination of Need.

REGULATIONS, DATED AUGUST 4, 1942, MADE BY THE MINISTRY OF LABOUR UNDER SECTION 33 (3) OF THE UNEMPLOYMENT ASSISTANCE ACT (NORTHERN IRELAND), 1934, AS APPLIED BY PART II OF THE OLD AGE AND WIDOWS' PENSIONS ACT (NORTHERN IRELAND), 1940.

1942. No. 130.

WHEREAS the Ministry of Labour for Northern Ireland (hereinafter referred to as "the Ministry") in pursuance of the powers conferred on it by Section 33 of the Unemployment Assistance Act (Northern Ireland), 1934, as that section is applied with respect to the functions of the Assistance Board for Northern Ireland by Part II of the Old Age and Widows' Pensions Act (Northern Ireland), 1940 (hereinafter referred to as "the Act"), duly made for the purposes of Part II of the Act the Supplementary Pensions (Determination of Need and Assessment of Needs) Regulations (Northern Ireland), 1940 (hereinafter referred to as "the Principal Regulations") and the Supplementary Pensions (Determination of Need and Assessment of Needs) (Amendment) Regulations (Northern Ireland), 1941 (hereinafter referred to as "the Amending Regulations") and it is expedient to amend the said Regulations :

NOW, THEREFORE, the Ministry, after consideration of draft Regulations prepared and submitted to the Minister of Labour for Northern Ireland by the Assistance Board for Northern Ireland, by virtue of the powers conferred on it by the Act and of all other powers in that behalf, hereby makes the following Regulations :—