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STATUTORY INSTRUMENTS

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**1960 No. 1103**

**National Insurance (Non-participation—Assurance  
of Equivalent Pension Benefits) Regulations 1960**

**PART II**

INTERRUPTION AND END OF SERVICE, AND TIME  
FOR PAYMENT IN LIEU OF CONTRIBUTIONS

*End of period of service and disregard of interruptions*

2.—(1) The following provisions of this regulation shall have effect in determining whether a person's period of service in a non-participating employment is to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions at the end of such a period, as having come to an end.

(2) Subject to the following provisions of this regulation, a person's employment shall not be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end unless thirteen contribution weeks have elapsed since the termination of a period of contribution liability in relation to the employment, and in that event the employment shall be treated as having come to an end upon that termination.

(3) Where, after the termination of a period of contribution liability in relation to a person's employment, either—

- (a) a new period of contribution liability begins in relation to that employment after an interruption not exceeding thirteen contribution weeks; or
- (b) the interruption is brought to an end by the person's death before the expiration of thirteen contribution weeks;

the interruption shall be disregarded and the employment shall not be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end upon that termination and shall, subject to the provisions of regulation 3, be treated for that purpose as having continued during the interruption and, where the person has so died, as having come to an end by his death;

Provided that this paragraph shall not apply in a case to which paragraph (5) applies.

(4) The Minister may, subject to and in accordance with the provisions of regulation 18, extend the period of thirteen weeks referred to in the foregoing provisions of this regulation, and in that event those provisions shall, subject to the provisions of paragraph (5) of regulation 18, apply with the substitution of the extended period for the said period of thirteen weeks and the assurance period shall begin at the end of that extended period and, subject to the provisions of that regulation, end thirteen weeks thereafter.

(5) A person and his employer may, at any time within [<sup>F1</sup>the period beginning one month before and ending] thirteen weeks after the termination of a period of contribution liability in relation to the person's employment, together give the Minister notice in writing that they wish the employment to be treated, for the purpose of the said provisions of Part II of the Act of 1959, as [<sup>F2</sup>coming or] having come to an end upon that termination and, if such notice is given [<sup>F3</sup>(and, in the case of a

notice given in advance of termination, that termination occurs on the date specified in the notice)], the employment shall be treated for that purpose as having come to an end upon that termination:

<sup>F4</sup>Provided that this paragraph shall not apply if a new period of contribution liability has begun in relation to the employment without any such notice having been given, or if, after such notice has been given ..., either the person and the employer together give the Minister written notice withdrawing the notice under this paragraph [<sup>F5</sup>not later than the end of the assurance period] or the person dies [<sup>F6</sup>before a payment in lieu of contributions has been made in respect of his period of service].

(6) If either—

- (a) a person's employment becomes a non-participating employment in the course of his service in it, and a period of contribution liability in relation to that employment is not then current; or
- (b) in any other case, the beginning of a person's period of service in a non-participating employment occurs in such circumstances as not to fall in a period of contribution liability in relation to that employment;

and in either case no such period of contribution liability has begun before the end of the first contribution week beginning in his period of service in non-participating employment, the foregoing provisions of this regulation shall apply as if the termination of a period of contribution liability had occurred immediately before the beginning of that contribution week.

(7) Nothing in the foregoing provisions of this regulation shall prevent a person's period of service in a non-participating employment from being treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end when either—

- (a) the employment ceases to be a non-participating employment; or
- (b) the employer dies and the employment is not treated under regulations made under that Act as continuing under a new employer;

unless in either of those events the period of service falls, under the said foregoing provisions, to be treated for that purpose as having come to an end at some earlier date.

#### Textual Amendments

- F1** Words in reg. 2(5) inserted (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **2(2)(a)**
- F2** Words in reg. 2(5) inserted (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **2(2)(b)**
- F3** Words in reg. 2(5) inserted (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **2(2)(c)**
- F4** Words in reg. 2(5) deleted (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **2(3)(a)**
- F5** Words in reg. 2(5) inserted (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **2(3)(b)**
- F6** Words in reg. 2(5) added (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **2(3)(c)**

#### Modifications etc. (not altering text)

- C1** Reg. 2(2) modified (6.4.1975) by [The National Insurance \(Non-participation—Transitional Provisions\) Regulations 1974 \(S.I. 1974/2057\)](#), reg. 1(1), **Sch. 3**
- C2** Reg. 2(3) modified (6.1.1975) by [The National Insurance \(Non-participation—Transitional Provisions\) Regulations 1974 \(S.I. 1974/2057\)](#), reg. 1(1), **Sch. 3**

- C3** Reg. 2(4)-(7) modified (6.4.1975) by [The National Insurance \(Non-participation—Transitional Provisions\) Regulations 1974 \(S.I. 1974/2057\)](#), reg. 1(1), **Sch. 3**

### ***Employment not treated as continuing during interruption***

**3.** A person's employer may, after the end of that person's period of service in a non-participating employment [<sup>F7</sup>(or, if that is earlier, on or after the giving of a notice by that person and that employer under regulation 2(5))] and not later than the end of the assurance period, give the Minister notice in writing that he wishes the employment not to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions at the end of such a period of service, as having continued during such number of contribution weeks as may be specified in the notice, being contribution weeks during which it would, apart from this regulation, fall, under paragraph (3) of regulation 2, to be treated for that purpose as having continued, and, if such a notice is given, the employment shall not be so treated as having continued during those weeks:

Provided that—

- (a) no such notice shall include any contribution weeks in a contribution year where the number of contribution weeks in that year during which the employment would so fall to be treated as having continued is three or less; and
- (b) where that number of contribution weeks exceeds three, at least three of those weeks shall be excluded from the notice.
- (bb) [<sup>F8</sup>where a person's service does not fall wholly within which any one Part of Schedule 2 of these regulations is appropriate, the notice shall specify separately the number of contribution weeks included in it which fall in each such period.]
- [<sup>F9</sup>(c) where a person's period of service in a non-participating employment would fall to be treated, for the purpose of the said provisions of Part II of the Act of 1959, as having come to an end but for the provisions of subsection (4) of section 9 of that Act (which subsection provides that, for the purpose of any liability to make a payment in lieu of contributions, two employments are in certain cases to be treated as a single continuous employment), the employer in the previous employment may give notice under this regulation not later than the end of the assurance period relating to that employment.]

#### **Textual Amendments**

- F7** Words in [reg. 3](#) inserted (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **3**
- F8** [Reg. 3\(bb\)](#) inserted (6.1.1964) by [The National Insurance \(Consequential Provisions\) Regulations 1963 \(S.I. 1963/676\)](#), **reg. 8**
- F9** [Reg. 3\(c\)](#) added (31.7.1961) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment Regulations, 1961 \(S.I. 1961/1378\)](#), regs. 1, **2(2)**

#### **Modifications etc. (not altering text)**

- C4** [Reg. 3](#) modified (6.4.1975) by [The National Insurance \(Non-participation—Transitional Provisions\) Regulations 1974 \(S.I. 1974/2057\)](#), reg. 1(1), **Sch. 3**

### ***Notice of end of employment***

**4.** Where a person's period of service in a non-participating employment—

- (a) falls to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions at the end of such a period, as having come to an end; or
- (b) would fall to be so treated for that purpose but for the provisions of subsection (4) of section 9 of that Act (which subsection provides that, for the purpose of any liability to make a payment in lieu of contributions, two employments are in certain cases to be treated as a single continuous employment);

it shall be the duty of the employer to give the Minister notice in writing to that effect within the assurance period:

Provided that—

- (i) this regulation shall not apply where notice under paragraph (5) of regulation 2 has been given by the person and his employer, or, in a case such as is referred to in paragraph (b) of this regulation, if both employments are under the same employer and the same recognised superannuation scheme relates to both [<sup>F10</sup>and the person enters the new employment within 13 weeks after the coming to an end of his service in the previous employment][<sup>F11</sup>or if the Minister has so directed under regulation 11A]; and
- (ii) a notice of application for an extension or further extension of the period of thirteen contribution weeks referred to in paragraphs (2) and (3) of regulation 2 shall, if the application is not granted, be deemed to be a notice for the purpose of this regulation; [<sup>F12</sup>and]
- [<sup>F12</sup>(iii) where either-
  - (A) a person retires from service in a non-participating employment and equivalent pension benefits in respect of the period of his service commence to be payable not later than the end of the assurance period, or
  - (B) a person's employment ceases to be a non-participating employment, the employer may give notice under this regulation at any time after such retirement or cessation, as the case may be, and not later than the end of the assurance period.]

#### Textual Amendments

- F10** Words in [reg. 4\(i\)](#) inserted (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **4(2)**
- F11** Words in [reg. 4\(i\)](#) added (31.7.1961) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment Regulations, 1961 \(S.I. 1961/1378\)](#), regs. 1, **3(2)**
- F12** [Reg. 4\(iii\)](#) and word added (6.1.1964) by [The National Insurance \(Non-participation-Assurance of Equivalent Pension Benefits\) Amendment \(No.2\) Regulations 1963 \(S.I. 1963/1988\)](#), regs. 1, **4(3)**

#### Modifications etc. (not altering text)

- C5** [Reg. 4](#) modified (6.4.1975) by [The National Insurance \(Non-participation—Transitional Provisions\) Regulations 1974 \(S.I. 1974/2057\)](#), reg. 1(1), **Sch. 3**

#### Form of Notices

5. Any notice required or authorised to be given to the Minister under this Part of these regulations shall be given on a form approved by the Minister for the purpose or in such other manner (being in writing) as he may accept as sufficient in the circumstances of the case.

### ***Time for payment in lieu of contributions***

6. A payment in lieu of contributions in respect of an insured person, who, when his period of service in a non-participating employment comes to an end otherwise than by his death, is not assured of equivalent pension benefits in respect of that period, shall become due at the end of the assurance period.

#### **Modifications etc. (not altering text)**

**C6** Reg. 6 modified (6.4.1975) by [The National Insurance \(Non-participation—Transitional Provisions\) Regulations 1974 \(S.I. 1974/2057\)](#), reg. 1(1), **Sch. 3**

### **[<sup>F13</sup>Calculation of equivalent pension benefits**

**6A.—(1)** For the purposes of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions at the end of a person's period of service in a non-participating employment, the formula in section 8(1)(d) of that Act (which defines equivalent pension benefits for the purpose of that Part) shall be converted to the formula contained in the following provisions of this regulation.

(2) Subject to the following provisions of this regulation, in respect of any period of service of a number of weeks shown in the second column of Schedule 2 of these regulations, the pension or the said part of it (referred to in section 8(1)(d)), apart from any period before insured pensionable age, must be of an amount not less than, in the case of a man, the amount shown in the first column of the appropriate Part of that Schedule, and, in the case of a woman, the amount shown in the third column of the appropriate Part of that Schedule, in each case opposite to that number of weeks in the second column.

(3) Where a period of service does not amount to an exact number of weeks, it shall be treated for the purpose only of applying the formula in the preceding paragraph, as amounting to that number of weeks which is equal to the number of contribution weeks beginning in the period.

(4) Where a period of service does not fall wholly within the period to which any one Part of Schedule 2 is appropriate, each Part shall be applied separately to any portion of the period of service to which it is appropriate and the resulting equivalent pension benefits shall be added together; and for this purpose a week of service which includes the last date to which a Part is appropriate but does not end on that date shall be treated as if it fell wholly after that date.]

#### **Textual Amendments**

**F13** Reg. 6A inserted (6.4.1963) by [The National Insurance \(Consequential Provisions\) Regulations 1963 \(S.I. 1963/676\)](#), regs. 1(1), **9(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960, Part II.