

Old Age Pensions, Increase

REGULATIONS, DATED 30TH SEPTEMBER, 1946, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER SECTION 71 OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1946 No. 191

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in pursuance of its powers under section 71 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

1.—(1) These regulations may be cited as the National Insurance (Increase of Old Age Pensions) Regulations (Northern Ireland), 1946. Citation and interpretation.

(2) In these regulations, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them :—

“ the Contributory Pensions Acts ” means the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1936 to 1946 ;

“ the Contributory Pensions Act of 1936 ” means the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, and “ the relevant provisions of the Contributory Pensions Act of 1936 ” means section 11 of, section 44 of and the Fourth Schedule to, and section 45 of, that Act ;

“ the Contributory Pensions Act of 1937 ” means the Widows', Orphans' and Old Age Contributory Pensions (Voluntary Contributors) Act (Northern Ireland), 1937 ;

“ the Contributory Pensions Act of 1939 ” means the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939 ;

“ the Old Age Pensions Act ” means the Old Age Pensions Act (Northern Ireland), 1936 ;

“ the Increase of Pensions Regulations ” means the National Insurance (Increase of Contributory Pensions) Regulations (Northern Ireland), 1946 ;

“ the Modification Regulations ” means the Contributory Pensions (Modification of Old Age Pensions) Regulations (Northern Ireland), 1938 ;

“ pension ” does not include an additional allowance payable under the provisions of the Contributory Pensions Acts.

(3) In these regulations the expression “ exempt person ” shall have the same meaning as it has for the purposes of the Contributory Pensions Acts.

(4) In these regulations, unless the context otherwise requires, references to any enactment or regulation shall include references to that enactment or regulation as amended by any subsequent enactment or regulation.

(5) 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.

Increase in standard rate of certain old age pensions.

2. Subject to the provisions of these regulations, where a person is on the 30th September, 1946, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936 at the standard rate of ten shillings a week, the rate of that pension shall be increased—

- (a) to twenty-six shillings a week, except in the case of a pension payable to a married woman by virtue of the insurance of her husband ;
- (b) to sixteen shillings a week in the case of a pension so payable to a married woman.

Increase in rate of certain old age pensions payable at less than the standard rate.

3.—(1) Subject to the provisions of these regulations, where a person is on the 30th September, 1946, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of section 11 of the Contributory Pensions Act of 1936 at a rate which is less than the standard rate of ten shillings a week, that is to say to a pension at one of the rates specified in the first column of the Schedule hereto, the rate of that pension shall be increased to the rate, appropriate to the circumstances of the case, specified in the second or third column of the said Schedule.

(2) Notwithstanding the provisions of the last foregoing paragraph, in the case of a person whose pension under the Old Age Pensions Act is payable at less than the standard rate of ten shillings a week by virtue of the insurance of that person or the husband of that person as a voluntary contributor to whom regulation 3 of the Modification Regulations (which regulation provides for reduced pensions under the Contributory Pensions Acts in the case of certain exempt persons) applies or has applied, the rate of that old age pension shall not be increased by reference to that rate but shall be increased by reference to the rate which would have been payable under the Old Age Pensions Act if the said regulation 3 had not been applicable.

Special provisions relating to increases where old age pensions and dependants war pensions are payable.

4.—(1) Subject to the provisions of these regulations, where a person is on the 30th September, 1946, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of section 11 of the Contributory Pensions Act of 1936, being an old age pension in continuation of a pension at less than the standard rate of ten shillings a week payable in accordance with the provisions of either paragraph (a) or paragraph (b) of subsection (3) of section 14 of the

Contributory Pensions Act of 1939 (which subsection provides for modified old age pensions where certain dependants war pensions are payable), the rate of that old age pension shall not be increased in accordance with the provisions of regulations 2 and 3 hereof, but shall be increased if it is less than either or both of the following rates—

- (a) the rate appropriate to the circumstances of the case, specified in the second or third column of the said Schedule, if the said old age pension either is in continuation of a pension under the said paragraph (a) at one of the rates specified in the first column of the said Schedule or (where the pension was payable under the said paragraph (b).) were treated as being in continuation of a pension payable at the appropriate rate determined in accordance with the provisions of the said paragraph (a) and not of the said paragraph (b), or
- (b) the increased rate to which he would, but for the payment of a dependants war pension, have been entitled under these regulations, less the amount of the dependants war pension ; and the increased rate shall be whichever of the rates specified in the foregoing sub-paragraphs is the greater,

Provided that where the old age pension is payable to a person by virtue of the insurance of that person or the husband of that person as a voluntary contributor in relation to whom the provisions of section 5 of, and the Third Schedule to, the Contributory Pensions Act of 1937 were applied by regulations made under that Act, the rate of that old age pension shall be increased to not less than the rate which (apart from any increase provided by these regulations) would have been payable to that person if the dependants war pension had not been payable and in addition thereto, in the case of a pension payable by virtue of the insurance of a voluntary contributor to whom regulation 3 of the Modification Regulations applies or has applied, if that regulation had not applied.

(2) Subject to the provisions of these regulations, where a person is on the said 30th September, entitled, or thereafter becomes entitled, to an old age pension under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936 and is in receipt of a dependants war pension, the rate of that old age pension shall not be increased in accordance with the provisions of regulations 2 and 3 hereof but shall be increased if the amount of—

- (a) the old age pension ; and
- (b) the dependants war pension ; and
- (c) any sum which is payable to the dependants war pension authority under paragraph (b) of subsection (2) of section 14 of the Contributory Pensions Act of 1939

is less than the amount of—

- (a) the increased rate which would have been payable in accordance with regulation 2 or regulation 3 hereof, as the case may be, if the dependants war pension had not been payable ; and
- (b) any additional allowances which, but for the provisions of the said subsection (2), would have been payable under the Contributory Pensions Acts ;

and the increase per week shall be the difference between the last mentioned and the first mentioned amount,

Provided that this paragraph shall not apply to

- (i) an old age pension to which paragraph (1) of this regulation applies, and
- (ii) an old age pension in continuation of a pension to which subsection (3) of the said section 14 did not apply by reason only of the title to the pension having arisen before the dependants war pension became payable.

(3) Where a person who, before he attained the age of seventy, was entitled to an old age pension at less than the standard rate of ten shillings a week under subsection (3) of the said section 14 and, in addition, had been awarded a further pension under the Contributory Pensions Acts before he attained the said age, becomes entitled, on or after the said 30th September, to an old age pension under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936, the rate of that pension shall be increased to a rate equal to the total amount which was payable to him out of the Pensions Accounts (as specified in Part III of the Eighth Schedule to the National Insurance Act (Northern Ireland), 1946) in accordance with the provisions of the Contributory Pensions Acts (including any increases provided by the Increase of Pensions Regulations), so, however, that the rate of the old age pension shall not in any case be increased to more than twenty-six shillings.

(4) For the purposes of this regulation, the expression "dependants war pension" shall have the same meaning in the case of paragraph (1) as in subsection (3) of the said section 14, and in the case of paragraph (2) as in subsection (2) or (3) of the said section, as the case may require.

Increases of pensions of certain married women.

5. In the case of a married woman entitled to an old age pension by virtue of the insurance of her husband, the rate of that pension shall not be increased in accordance with the foregoing provisions of these regulations unless her husband is, or, but for the provisions of paragraph (a) of regulation 9 hereof, would have been, entitled to a pension at an increased rate under the provisions of the Increase of Pensions Regulations or of these regulations.

Remarriage, etc., of pensioners.

6. For the purposes of these regulations, where a woman is entitled to an old age pension under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936—

- (a) as the widow of a man and remarries after becoming so entitled, her pension shall be treated as though it were a pension payable to her by virtue of the insurance of her husband and not of her former husband ; or
- (b) as the wife of a man to whom she was formerly married and either—
 - (i) remarries after becoming so entitled ; or
 - (ii) does not remarry ;
 her pension shall be treated as though it were a pension payable to her as the wife of that man.

7.—(1) Subject to the provisions of paragraph (2) of this regulation and of subsection (3) of section 29 of the Contributory Pensions Act of 1936 (which provides for the accrual of pensions to begin from the next appropriate day in the week prescribed for the payment of pensions of any particular class), any increase in respect of a pension shall begin to accrue, without a claim having been made therefor, as from the date upon which a person becomes entitled thereto by reason of these regulations, Accrual of increases in rates of pensions, and revision of existing awards.

Provided that an increase shall not begin to accrue before the date upon which the pension itself accrues.

(2) If the rate of a pension is increased by reason of these regulations, the award relating to that pension shall be deemed to have effect, as from the date of the increase, as if it were an award at the increased rate.

8. The powers which, under section 12 of the Old Age and Widows' Pensions Act (Northern Ireland), 1940, are exercised by the Ministry of Labour and National Insurance and the Assistance Board for Northern Ireland in relation to the recovery of overpayments of a supplementary pension paid to or in respect of a person entitled to increase under these regulations, Provision as to supplementary pension paid to or in respect of a person entitled to increase under these regulations. shall, in relation to increases in respect of pensions payable under the Old Age Pensions Act other than such increases as are provided by the National Insurance (Non-Contributory Old Age Pensions) Regulations (Northern Ireland), 1946, be exercised by the Ministry and the said Board under this regulation in the same manner as the powers are exercisable under the said section, and the powers under this regulation shall apply not only where the increase subsequently accrues to some other person, but also where it accrues to the person to whom the supplementary pension has been paid.

9. The following pensions shall be excluded from those provisions of these regulations which relate to increases in rates of pensions, that is to say, Pensions excluded from increase under these regulations.

- (a) any pension payable to or on behalf of a person who is on the 29th September, 1946, resident outside Northern Ireland and is then entitled to a pension under the Contributory

Pensions Acts or under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936, unless and until that person becomes resident in Northern Ireland ;

- (b) any pension payable to or in respect of a person as a lapsed contributor, to whom the definition contained in paragraph 1 of the Fourth Schedule to the Contributory Pensions Act of 1937 applies.

Savings.

10. Nothing in these regulations shall be construed as entitling a person to any increase in respect of a pension for any period before the 30th September, 1946, or as reducing the amount of a pension payable under the Old Age Pensions Act by virtue of any of the relevant provisions of the Contributory Pensions Act of 1936 or any regulations made thereunder to which a person is entitled apart from these regulations.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 30th day of September, 1946, in the presence of

(L.S.)

H. Anderson,

Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of September, 1946, in the presence of

(L.S.)

John I. Cook,

Assistant Secretary to the Ministry of Finance for Northern Ireland.

SCHEDULE

TABLE SHOWING

(1) in the first column, existing rates of old age pensions under the Old Age Pensions Act payable by virtue of section 11 of the Contributory Pensions Act of 1936 at less than the standard rate of ten shillings a week *other than* an old age pension in continuation either of a pension under paragraph (b) of subsection (3) of section 14 of the Contributory Pensions Act of 1939 (which provides for modified old age pensions where certain dependants war pensions are payable) or of a pension payable at a reduced rate by virtue of the Contributory Pensions (Voluntary Contributors) Amendment Regulations (Northern Ireland), 1938 (which provide for modified old age pensions in the case of certain voluntary contributors who were formerly exempt persons or in excepted employment); and

(2) in the second and third columns, the corresponding increased rates.

Existing rates of old age pensions.	Corresponding increased rates of old age pensions	
	where pension is by virtue of pensioner's own insurance or where pensioner is a widow.	where pensioner is a married woman and pension is by virtue of insurance of pensioner's husband.
9s.	23s.	14s.
8s.	20s.	12s.
7s.	18s.	11s.
6s.	15s.	9s.
5s.	13s.	8s.
4s.	10s.	6s.
3s.	8s.	5s.
2s.	5s.	3s.

PENSIONS

Increase of Pensions

THE INCREASE OF PENSIONS (GENERAL) (AMENDMENT) REGULATIONS (NORTHERN IRELAND), 1946, DATED 4TH MAY, 1946, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 3 (5) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND), 1944.

1946. No. 63

The Ministry of Finance for Northern Ireland, in pursuance of its powers under sub-section (5) of Section 3 of the Pensions (Increase) Act (Northern Ireland), 1944, (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf hereby makes the following Regulations :—

1.—(1) In these Regulations "The Principal Regulations" means the Increase of Pensions (General) Regulations (Northern Ireland), 1944 (a).

(2) These Regulations shall be construed as one with the Principal Regulations.

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

(a) S. R. & O. 1944 (No. 73)

(b) 12 Geo. 5, c. 4. (N.I.)