

**New Entrants**

1948. No. 221

*See p 899***Overlapping Benefits**

1948. No. 209

*See p 907*

1948. No. 340

*See p 920***Pensions, Existing Beneficiaries and Other Persons  
(Transitional) Regulations**

REGULATIONS, DATED 22ND JANUARY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

*Amended S.R.O. 1949 (N.I.) 124* 1948 No. 39

The Ministry of Labour and National Insurance, acting in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 62 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling it in that behalf, hereby makes the following regulations :—

**PART I****General**

1.—(1) These regulations may be cited as the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948, and shall come into operation on the 23rd January, 1948.

(2) In these regulations, unless the context otherwise requires —  
“ the Act ” means the National Insurance Act (Northern Ireland), 1946 ;

“ 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 ;

### Overlapping Benefits Amendment Regulations

REGULATIONS, DATED 22ND DECEMBER, 1948, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 340.

The National Insurance Joint Authority, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 29 of the National Insurance Act (Northern Ireland), 1946, and of all other powers enabling them in that behalf, hereby make the following regulations :—

1.—(1) These regulations, which may be cited as the National Insurance (Overlapping Benefits) Amendment Regulations (Northern Ireland), 1948, shall be read as one with the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1948 (hereinafter referred to as “the principal regulations”), and shall come into operation on the 23rd December, 1948.

2. Regulation 1 of the principal regulations (which contains certain definitions) shall be amended as follows :—

- (1) The definition of “appropriate weekly rate” contained in paragraph (2) shall be omitted.
- (2) The following definition shall be substituted for the definition of “treatment allowance” contained in the said paragraph (2) :—

“treatment allowance” means an allowance payable to a person undergoing a course of medical, surgical or rehabilitative treatment in consequence of a disablement in respect of which a pension under a Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme may be or has been paid, or an allowance payable to any such person pending the determination of the question whether he is entitled to receive such a pension ;

- (3) The following paragraph shall be substituted for paragraph (7) :—

(7) For the purposes of these regulations, where, for any period for which a disablement pension, disablement allowance or injury allowance is payable, there is payable therewith, otherwise than by way of an increase thereof, an allowance for constant attendance or a

supplement on account of unemployability or an allowance for special hardship, the amount of the disablement pension, disablement allowance or injury allowance payable for that period shall be treated as increased by the amount of the allowance or supplement payable therewith for that period."

3. The following regulation shall be substituted for regulation 2 of the principal regulations :—

"Adjustment of personal benefit under the Act where other personal benefit (whether under the Act or otherwise) is payable.

2.—(1) Where, for any period, any personal benefit under the Act and one or more of the personal benefits specified in paragraph (4) of this regulation (hereafter in this regulation and in regulation 3 referred to as "the specified benefits") or any other personal benefit under the Act are or, but for this regulation, would be payable to any person, then for that period—

(a) every personal benefit under the Act which is or would be so payable shall, subject to the provisions of paragraphs (1) and (2) of regulation 3 and to the provisions of regulation 4, be adjusted by reference to each of the specified benefits (if any) payable for that period in accordance with the provisions of paragraph (2) of this regulation; and

(b) where (after such adjustment, if any) more than one personal benefit under the Act would be payable for that period, an adjustment between those personal benefits shall, subject to the provisions of paragraph (3) of regulation 3, be made in accordance with the provisions of paragraph (3) of this regulation.

(2) Where in accordance with paragraph (1) of this regulation any personal benefit under the Act is required to be adjusted for any period by reference to any specified benefit or benefits, then the amount which, but for this regulation, would be payable for that period in respect of that personal benefit under the Act shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that specified benefit or those specified benefits and, subject to any further adjustment to be made in accordance with paragraph (3) of this regulation, only the balance (if any) shall be payable for that period in respect of that personal benefit under the Act.

(3) Where in accordance with paragraph (1) of this regulation an adjustment between any personal benefits under the Act is required to be made for any period, then

the amount payable for that period in respect of those personal benefits shall be the amount which, but for this provision, would be payable for that period in respect of one of those personal benefits (if they would be so payable at equal rates) or that one of them which would be so payable for that period at the higher or highest rate.

(4) The personal benefits referred to in this regulation and in regulation 3 as "the specified benefits" are—

- (a) any personal benefit by way of pension or allowance under the Industrial Injuries Act ;
- (b) any personal benefit by way of injury allowance, disablement pension or treatment allowance, or any personal death benefit by way of pension or allowance (not being a pension or allowance calculated by reference to the necessities of the beneficiary), under any Personal Injuries Scheme or Service Pensions Instrument ;
- (c) any personal benefit by way of disablement allowance or treatment allowance, or any personal death benefit by way of pension or allowance (not being a pension or allowance calculated by reference to the necessities of the beneficiary), under any 1914-1918 War Injuries Scheme ; and
- (d) any personal benefit by way of training allowance under any training scheme."

4. The following regulation shall be substituted for regulation 3 of the principal regulations :—

"Exceptions  
to regula-  
tion 2.

3.—(1) Any personal benefit under the Act which is specified in any paragraph of the first column of the schedule to these regulations shall not be adjusted by reference to any specified benefit in the corresponding paragraph of the second column of the said schedule.

(2) Any personal benefit under the Act by way of unemployment benefit, sickness benefit, widow's benefit (not being widow's basic pension) or retirement pension (not being contributory old age pension) shall not be adjusted by reference to any personal benefit by way of disablement pension, disablement allowance, injury allowance (not being injury benefit) or treatment allowance which is payable under the Industrial Injuries Act or any

Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme and with which there is not payable (either by way of an increase thereof or as a separate benefit) a supplement on account of unemployability.

(3) An adjustment shall not be made between any two personal benefits under the Act of which one is specified in any paragraph of the first column of the said schedule and the other is specified in the corresponding paragraph of the second column of the said schedule."

5. The following regulation shall be substituted for regulation 4 of the principal regulations :—

" Further exception to regulation 2.

4.—(1) Where, for any period, any personal benefit under the Act by way of retirement pension is or, but for these regulations, would be payable by virtue of her deceased husband's insurance to a widow aged 70 or over who, on the 5th July, 1948, either—

(a) had attained the age of 70 and, immediately before that day, was entitled to an old age pension under the Old Age Pensions Act (Northern Ireland), 1936, payable by virtue of the Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1936, to her by virtue of her deceased husband's insurance ; or

(b) attained or had attained the age of 60 and, on her attaining the age of 70, would, but for the Act, have been entitled to such an old age pension,

and to whom personal benefit by way of dependants war pension (as defined in subsection (6) of section 14 of the National Health Insurance and Contributory Pensions (Emergency Provisions) Act, 1939) is payable in respect of the death of her deceased husband and was so payable immediately before the 5th July, 1948, then the amount payable to her for that period in respect of that personal benefit by way of retirement pension shall not, as the result of any adjustment thereof made in accordance with the provisions of regulation 2 by reference only to that personal benefit by way of dependants war pension, be reduced below the amount which, but for the Act, would have been payable to her for that period in respect of that old age pension.

(2) The foregoing provisions of this regulation shall not apply in relation to any personal benefit under the Act by way of retirement pension payable to a widow in respect of any period before she attained the age of 70.

(3) Where, for any period, the foregoing provisions of this regulation apply in relation to any personal benefit under the Act by way of retirement pension which, in accordance with the provisions of regulation 2, is required to be adjusted by reference to one or more of the personal benefits specified in paragraph (4) of that regulation other than the personal benefit by way of dependants war pension, then that personal benefit by way of retirement pension shall be adjusted for that period first by reference only to the personal benefit by way of dependants war pension and then by reference only to the other personal benefit or personal benefits so specified."

6. The following regulation shall be substituted for regulation 5 of the principal regulations :—

"Adjustment of dependency benefit under the Act where other dependency benefit (whether under the Act or otherwise) is payable.

5.—(1) Where, for any period, any dependency benefit under the Act is or, but for this regulation, would be payable to any person in respect of a child or an adult dependant, that dependency benefit shall be adjusted—

(a) in the case of dependency benefit in respect of a child, by reference to any other dependency benefit specified in paragraph (2) of this regulation which is payable for that period in respect of that child ; or

(b) in the case of dependency benefit in respect of an adult dependant, by reference to any other dependency benefit so specified which is payable for that period to that person in respect of that or any other adult dependant or to any person in respect of that adult dependant,

so that the amount which, but for this regulation, would be payable in respect of that dependency benefit under the Act shall be reduced or extinguished by the deduction therefrom of the amount payable for that period in respect of that other dependency benefit or those other dependency benefits by reference to which the dependency benefit under the Act is required by this regulation to be adjusted and only the balance (if any) shall be payable for that period in respect of that dependency benefit under the Act.

(2) The dependency benefits referred to in the preceding paragraph of this regulation are any dependency benefit under the Act or the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme or any training scheme except any dependency benefit by way of an allowance in respect of a child payable for the purpose of his education."

7. The following regulation shall be substituted for regulation 6 of the principal regulations :—

"Adjustment of dependency benefit under the Act where personal benefit is payable:

6.—(1) Where for any period any one or more of the personal benefits specified in paragraph (2) of this regulation is or are payable to any person—

(a) if either—

(i) the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period is equal to or exceeds twenty-six shillings a week ; or

(ii) the personal benefit or one of the personal benefits payable to that person for that period is personal benefit under the Act by way of unemployment benefit or sickness benefit which is not payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions,

there shall not be paid in respect of that person for that period any dependency benefit under the Act ; and

(b) in any other case, there shall not be paid in respect of that person for that period any dependency benefit under the Act at a weekly rate exceeding the difference between the weekly rate or the aggregate weekly rate at which that personal benefit or those personal benefits (if more than one) is or are payable for that period and the rate of twenty-six shillings a week :

Provided that, where the personal benefit or one of the personal benefits payable to that person for that period is personal benefit under the Act by way of unemployment benefit or

sickness benefit which is payable at a reduced weekly rate by reason of the partial satisfaction of the appropriate contribution conditions, dependency benefit under the Act shall not be paid in respect of that person for that period at a weekly rate which exceeds the weekly rate by which that personal benefit is so reduced for that period.

(2) The personal benefits referred to in the preceding paragraph of this regulation are any personal benefit specified in paragraph (4) of regulation 2 and any personal benefit under the Act not being personal benefit by way of attendance allowance."

8. The following regulation shall be substituted for regulation 8 of the principal regulations :—

"Construction of Part II.

8. Nothing in this Part of these regulations shall be construed as requiring either—

- (a) that any personal benefit under the Act by way of maternity grant or death grant shall be adjusted ; or
- (b) that any personal benefit or dependency benefit shall be adjusted by reason of personal benefit under the Act by way of maternity grant or death grant, or by reason of any other sum which is payable otherwise than in respect of a period, being payable to any person."

9. The following regulation shall be substituted for regulation 10 of the principal regulations :—

" 10.—(1) Where an insured person is or has been entitled, in respect of any injury or disease, to a weekly payment for total incapacity (hereafter in this regulation referred to as " the compensation payment ") under the Workmen's Compensation Acts, the sickness benefit (including any increase thereof) which, but for the provisions of these regulations, would be payable to the insured person in respect of that injury or disease shall be adjusted as follows :—

- (a) For any day in respect of which the insured person is or was entitled to the compensation payment during the period of one hundred and fifty-six days (Sundays being disregarded) beginning with the first day of such entitlement, the sickness benefit shall be reduced or extinguished, as the case may



be, by the deduction therefrom of the amount of the compensation payment (including any part thereof payable in respect of a child or a wife) for that day.

- (b) For any day of such entitlement after the expiration of the said period of one hundred and fifty-six days the amount of dependency benefit by way of sickness benefit in respect of a child or an adult dependant shall not exceed the difference between the amount of that dependency benefit which, but for the provisions of these regulations, would be payable and the amount of any compensation payment payable in respect of that child or the wife of the beneficiary (as the case may be) for that day.

(2) For the purposes of this regulation, the amount of any compensation payment for any day shall be one sixth of the amount of the compensation payment for the week in which that day occurs :

Provided that, where the amount of the compensation payment for that week is not a multiple of sixpence, it shall be treated as the next lower amount which is a multiple of sixpence."

10. After regulation 12 of the principal regulations there shall be inserted the following regulations :—

" Amount deemed to be payable in respect of benefit, etc., for any day.

13.—(1) For the purposes of these regulations, the amount which, but for the provisions thereof, would be payable for any day in respect of any benefit, pension or allowance shall, if that day does not fall within a week for which the amount which would be so payable in respect of that benefit, pension or allowance is equal to the appropriate weekly rate, be deemed to be one sixth of the appropriate weekly rate.

(2) In this regulation, the expression ' appropriate weekly rate ' means, in relation to any benefit, pension or allowance, the weekly rate at which it would be payable but for the provisions of these regulations."

" Persons to be treated as entitled to benefit for certain purposes.

14. Any person who would be entitled to any benefit under the Act but for these regulations shall be treated as if he were entitled thereto for the purpose of any rights or obligations under the Act and the regulations made thereunder (whether of himself or some other person) which depend on his being so entitled, other than for the purposes of the right to payment of that benefit."

11. The following schedule shall be substituted for the schedule to the principal regulations :—

Regulation 3.

“ SCHEDULE

Showing in Column 1, by paragraphs, personal benefits under the Act which are not required to be adjusted by reference to any personal benefit shown in the corresponding paragraph of Column 2.

Column 1	Column 2
(1) Widow's basic pension payable to a widow by virtue of the insurance of her deceased husband who died or dies before 5th July, 1951.	(1) Unemployment benefit, sickness benefit or maternity benefit payable under the Act; injury benefit payable under the Industrial Injuries Act; or training allowance payable under any training scheme.
(2) Widow's benefit.	(2) Attendance allowance payable under the Act.
(3) Unemployment benefit, sickness benefit or maternity benefit.	(3) Widow's basic pension payable under the Act to a widow by virtue of the insurance of her deceased husband who died or dies before 5th July, 1951.
(4) Attendance allowance.	(4) Widow's benefit payable under the Act.
(5) Maternity benefit, widow's basic pension or contributory old age pension.	(5) Any disablement pension, disablement allowance, injury allowance (not being injury benefit) or treatment allowance payable under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.
(6) Unemployment benefit, sickness benefit or maternity benefit, or retirement pension which is not payable wholly or in part by virtue of a husband's contributions or insurance.	(6) Death benefit by way of pension or allowance payable to a woman as the widow of the deceased under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.
(7) Any personal benefit.	(7) Death benefit by way of pension or allowance payable to a person otherwise than as the widow of the deceased under the Industrial Injuries Act, any Personal Injuries Scheme, any Service Pensions Instrument or any 1914-1918 War Injuries Scheme.
(8) Widow's allowance.	(8) Training allowance payable under any training scheme.”

Given under the Official Seal of the National Insurance Joint Authority this 22nd day of December, nineteen hundred and forty-eight.

L.S.

S. S. Menneer,  
Secretary,  
National Insurance Joint Authority.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this 22nd day of December, nineteen hundred and forty-eight.

L.S.

John I. Cook,  
Assistant Secretary to the  
Ministry of Finance for  
Northern Ireland.

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### Pensions

1948. No. 39

See p. 730.

1948. No. 129

See p. 743.

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### Reciprocal Arrangements with Great Britain

1948. No. 45

See p. 760.

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### Residence and Persons Abroad Regulations

REGULATIONS, DATED 2ND JULY, 1948, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1948. No. 210

*Amended 1949 S.R.O. (N.I.) 120*

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance so far as relates to matters with regard to which the Ministry of Finance has so directed, in exercise of powers conferred by sections 1, 13, 28 and 57 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 (Residence and Persons Abroad) Regulations (Northern Ireland), 1948, and shall come into operation on the 2nd July, 1948.

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

“the Act” means the National Insurance Act (Northern Ireland), 1946;

Citation,  
commence-  
ment and  
interpreta-  
tion.