

1971. No. 341

[C]

**NATIONAL INSURANCE****Miscellaneous Amendments**

REGULATIONS, DATED 27TH OCTOBER 1971, MADE BY THE NATIONAL INSURANCE JOINT AUTHORITY, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACTS (NORTHERN IRELAND) 1966 TO 1971.

The National Insurance Joint Authority, 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 section 42(2)(c), 44, 49 and 54 of the National Insurance Act (Northern Ireland) 1966(a), and of all other powers enabling them in that behalf, hereby make the following regulations being regulations subject to negative resolution in accordance with section 101(3) of that Act:

*Citation*

1. These regulations may be cited as the National Insurance (Miscellaneous Amendments) (No. 2) Regulations (Northern Ireland) 1971.

*Amendment of the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961.*

2. In the Schedule to the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961(b) (benefits not to be adjusted by reference to other named benefits) for the words in paragraph (12)(c) of column 1 and paragraph (13)(d) of column 2 there shall in each case be substituted the words "Invalidity pension to which Article 3(4) of the Social Services (Parity) Order (Northern Ireland) 1971 does not apply".

*Amendment of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961.*

3. For regulation 15(e) of the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961(f) there shall be substituted the following regulation:

"15. Where, by virtue of the provisions of section 18(3) to (5) of the 1966 Act (unemployment and sickness benefit for persons over pensionable age) or of the provisions of Article 3(4) of the Social Services (Parity) Order (Northern Ireland) 1971(g) (invalidity pension for persons over pensionable age) a person who is over pensionable age is entitled to unemployment or sickness benefit or invalidity pension in respect of any day for which he would have been entitled to a retirement pension only by virtue of section 44 of the 1966 Act (partial satisfaction of contribution conditions) and he is entitled to an increase in that unemployment or sickness benefit or invalidity pension, as the case may be,—

(a) 1966. c. 6 (N.I.).

(b) S.R. & O. (N.I.) 1961, No. 180.

(c) Added by reg. 7(5)(f)(i) of S.R. & O. (N.I.) 1971, No. 287.

(d) Added by reg. 7(5)(f)(ii) of S.R. & O. (N.I.) 1971, No. 287.

(e) See reg. 10(9) of S.R. & O. (N.I.) 1971, No. 287.

(f) S.R. & O. (N.I.) 1961, No. 222.

(g) S.R. & O. (N.I.) 1971, No. 224.

- (a) under section 39 of the 1966 Act (increase of benefit for children), the weekly rate of the increase shall be the appropriate amount specified in relation to the benefit in question in column 2, 3 or 4 of Part II of Schedule 3 to the 1966 Act;
- (b) under section 42(1) or (2)(c) or 42A(1) or (4)(h) of the 1966 Act (increase of benefit for adult dependants), the weekly rate of the increase shall be that at which it would have been payable if the benefit to be increased had been the retirement pension to which that person would have been so entitled."

*Amendment of the National Insurance (General Benefit) Regulations (Northern Ireland) 1971*

4.—(1) The National Insurance (General Benefit) Regulations (Northern Ireland) 1971(i) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 5 (increase of unemployment or sickness benefit for female person having care of child)—

- (a) in paragraphs (1)(b) and (c) after the words "amount set out" in each place where they occur, and
- (b) in paragraph (2)(b) after the words "increase specified", there shall be inserted the words "in relation to the benefit in question".

(3) In regulation 5A(j) (increase of invalidity or retirement pension for female person having care of child) for the words "specified in the said column 5" there shall be substituted the words "so specified".

- (4) In regulation 7 (contributions to maintenance of adult dependants)—
- (a) after the words "regulation 5(1)(c)" in each place where they occur, there shall be inserted the words "or 5A(1)(b)(ii)", and
- (b) after the words "amount set out" there shall be inserted "in relation to the benefit in question".

Given under the Official Seal of the National Insurance Joint Authority  
this 27th day of October 1971.

(L.S.)

*D. G. Kelly,*  
Secretary.

Given under the Official Seal of the Ministry of Finance for Northern  
Ireland this 27th day of October 1971.

(L.S.)

*James Reid,*  
Assistant Secretary.

(h) Added by Art. 4 of S.R. & O. (N.I.) 1971, No. 224.

(i) S.R. & O. (N.I.) 1971, No. 190, as amended by S.R. & O. (N.I.) 1971, No. 287.

(j) Added by reg. 15(4) of S.R. & O. (N.I.) 1971, No. 287.

## EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations remove exemption from adjustment under the National Insurance (Overlapping Benefits) Regulations (Northern Ireland) 1961 in all cases where invalidity pension payable to a person over pensionable age who has not retired is calculated at his retirement pension rate and invalidity allowance is also payable; but for these regulations, some of these cases would be exempt from adjustment.

The regulations also amend the National Insurance (Unemployment and Sickness Benefit) Regulations (Northern Ireland) 1961 in relation to increases in unemployment, sickness and invalidity benefit in respect of children of persons over pensionable age who have not retired and whose benefit is calculated by reference to a reduced retirement pension rate. They will receive the rate of increase appropriate to the benefit they are receiving; but for these regulations, they would have received the increase appropriate to retirement pension.

The National Insurance (General Benefit) Regulations (Northern Ireland) 1971 are amended to apply to a female person having the care of a retirement or invalidity pensioner's child rules which now apply to his wife in determining whether he is contributing to her maintenance; there are also amendments of a drafting nature to these regulations.