



Pensioners' Payments and National Insurance Act 1973

1973 CHAPTER 61

2 Interpretation of provisions as to lump sum payments

(1) In this Act "qualifying benefit" means—

- (a) any of the following benefits under the National Insurance Acts 1965 to 1973 or the National Insurance Acts (Northern Ireland) 1966 to 1973, namely—
 - (i) a retirement pension ;
 - (ii) an invalidity pension ;
 - (iii) a widow's allowance, widowed mother's allowance or widow's pension ;
- (b) an attendance allowance ;
- (c) an unemployability supplement or allowance ;
- (d) a war disablement pension ;
- (e) a war widow's pension ;
- (f) a widow's pension under the National Insurance (Industrial Injuries) Acts 1965 to 1973 or the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1973 ;
- (g) a widower's pension under those Acts ;
- (h) a supplementary pension.

(2) In this Act—

"attendance allowance" has the meaning assigned to it by any regulations in force on the passing of this Act under the Family Income Supplements Act 1970 or the Family Income Supplements Act (Northern Ireland) 1971;

"pensionable age" means—

- (a) in the case of a man, the age of 65 ;
- (b) in the case of a woman, the age of 60 ;

"relevant week" means the week beginning with the 26th November 1973 ;

"retirement pension" includes graduated retirement benefit, if paid periodically ;

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" supplementary pension " means a supplementary pension under section 4(1)(a) of the Supplementary Benefit Act 1966 or section 3(1)(a) of the Supplementary Benefits &c. Act (Northern Ireland) 1966 ;

" unemployability supplement or allowance " has the meaning assigned to it by section 1(3) of the National Insurance Act 1972;

" war disablement pension " means—

(a) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 or the Ulster Defence Regiment Act 1969;

(b) without prejudice to paragraph (a) of this definition, any retired pay or pension to which section 365(1) of the Income and Corporation Taxes Act 1970 applies;

" war widow's pension " means any widow's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the immediately preceding definition or a pension or allowance for a widow granted under any scheme mentioned in paragraph (e) of the said section 365(1);

and each of the following, that is to say, " attendance allowance ", " unemployability supplement or allowance", " war disablement pension " and " war widow's pension ", includes any payment which the Secretary of State accepts as being analogous to it.

- (3) For the purposes of section 1 above the Channel Islands, the Isle of Man and Gibraltar shall be treated as part of the United Kingdom.
- (4) A person shall be treated for the purposes of section 1(1)(c) above as entitled to a payment of qualifying benefit if he would be so entitled—
- (a) but for the fact that he is entitled to receive some other payment payable out of public funds ;
 - (b) but for the operation of section 30(7) of the National Insurance Act 1965 or section 29(7) of the National Insurance Act (Northern Ireland) 1966 ; or
 - (c) but for the terms of any arrangement to which section 4 of the National Insurance and Supplementary Benefit Act 1973 applies and by which he is bound.
- (5) A person shall be treated for the purposes of section 1(2)(b) above as entitled in respect of his spouse to an increase in a payment of qualifying benefit if he would be so entitled—
- (a) but for the fact that he or his spouse is entitled to receive some other payment payable out of public funds; or
 - (b) but for the operation of any provision of section 30(7) or 43A(1) or (2) of the said Act of 1965, or section 18(3A) of the National Insurance (Industrial Injuries) Act 1965 or any regulations made under section 18(3) of the latter Act, or of section 29(7) or 42A(1) or (2) of the National Insurance Act (Northern Ireland) 1966, or section 18(3A) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 or any regulations made under section 18(3) of the latter Act, whereby entitlement to benefit is affected by the amount of a person's earnings in a given period.

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- (6) A person shall not be treated for the purposes of section 1 above as entitled to a payment of a war disablement pension unless not later than the end of the relevant week—
- (a) he has attained the age of 70 in the case of a man or 65 in the case of a woman ;
or
 - (b) he is treated under section 30(2) of the National Insurance Act 1965 or section 29(2) of the National Insurance Act (Northern Ireland) 1966 as having retired from regular employment.
- (7) Two persons who are cohabiting as man and wife shall be treated as spouses for the purposes of section 1 above if—
- (a) the qualifying benefit to which the man is entitled is a supplementary pension;
and
 - (b) their requirements and resources fall to be aggregated under paragraph 3(1) of Schedule 2 to either the Supplementary Benefit Act 1966 or the Supplementary Benefits &c. Act (Northern Ireland) 1966.