

## TRANSITIONAL PROVISIONS

## 1960 No. 1226

**The National Insurance (Pensions, Existing Contributors)  
(Transitional) Amendment Regulations, 1960**

<i>Made - - - -</i>	19th July, 1960
<i>Laid before Parliament</i>	25th July, 1960
<i>Coming into Operation</i>	1st August, 1960

The Minister of Pensions and National Insurance, acting in conjunction with the Treasury, in exercise of powers conferred by section 65 (2) of the National Insurance Act, 1946(a), as amended by section 4 (1) of the National Insurance Act, 1954(b), and section 10 (2) of the National Insurance Act, 1957(c), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the National Insurance (Pensions, Existing Contributors) (Transitional) Amendment Regulations, 1960, shall be read as one with the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948(d), as amended(e) (hereinafter referred to as "the principal regulations") and shall come into operation on the First day of August, 1960.

*Amendment of regulation 8 of the principal regulations*

2.—(1) Regulation 8 of the principal regulations (which provides for contributions under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, to be taken into account for the purposes of the National Insurance Act, 1946) shall be amended in accordance with the next following paragraph and shall accordingly have effect as set out in Part I of the Schedule to these regulations.

(2) At the end of the proviso to the said regulation 8, there shall be added the words "save that any such contribution paid after the date on which the contributor attained or attains the age of sixty-five in the case of a man or sixty in the case of a woman shall be taken into account as if it had been paid before that date".

*Amendment of regulation 9 of the principal regulations*

3.—(1) Paragraph (1) of regulation 9 of the principal regulations (which regulation provides for contributions to be credited in respect of weeks before the appointed day for the purpose of calculating the yearly average of the contributions paid by or credited to an existing pensions contributor) shall be amended in accordance with the next following paragraph and shall accordingly have effect as set out in Part II of the Schedule to these regulations.

(a) 9 & 10 Geo. 6. c. 67.

(b) 3 & 4 Eliz. 2. c. 1.

(c) 5 & 6 Eliz. 2. c. 26.

(d) S.I. 1948/612 (Rev. XVI, p. 18: 1948 I, p. 2834).

(e) For the relevant amendment, see S.I. 1949/1412 (1949 I, p. 2748).

(2) At the end of the proviso to the said paragraph (1), there shall be added the words "and in the case of a person who, if he had not become a pensions voluntary contributor or a special voluntary contributor, would on the said 6th July have been insured under the Contributory Pensions Acts otherwise than as a pensions voluntary contributor or as a special voluntary contributor".

#### *Transitional provisions*

4. The foregoing provisions of these regulations shall not operate to make benefit payable, or to increase the rate of benefit payable, for any period before the date on which these regulations come into operation or, in a case where a contribution which is to be taken into account by virtue of regulation 2 of these regulations is paid after the 31st December, 1960, for any period before the date on which that contribution is paid.

Dated this Eighteenth day of July, 1960.

*John Boyd-Carpenter,*  
Minister of Pensions and  
National Insurance.

Dated this Nineteenth day of July, 1960.

*Michael Hughes-Young,*  
*R. Chichester-Clark,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

### SCHEDULE

#### CONTAINING PROVISIONS OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS\*

#### PART I

#### Regulation 2

**REGULATION 8 OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS**  
Contributions under the Contributory Pensions Acts to be taken into account for the purposes of the Act

8. In determining whether the contribution conditions contained in paragraph 4 of the Third Schedule to the Act have been satisfied by an existing pensions contributor, the contributions paid by or in respect of him under the Contributory Pensions Acts and the contributions treated as so paid for the purposes of all the relevant contribution conditions under those Acts shall be taken into account to the following extent:—

- (a) contributions for the purpose of widows' pensions shall be taken into account for the purposes of widow's benefit or a retirement pension for a widow by virtue of her husband's insurance; and
- (b) contributions for the purpose of old age pensions shall be taken into account for the purposes of retirement pensions (other than a pension to which the foregoing paragraph applies):

Provided that any such contributions which are paid on or after the appointed day, other than contributions payable by an employer in respect of an existing pensions contributor the delay in making payment of which is shown to the satisfaction of the Minister not to have been with the consent or connivance of,

\* The words added by these regulations are shown in italics.

or attributable to any negligence on the part of the said contributor, shall not be taken into account except to the same extent and subject to the same conditions as those contributions would, but for the Act, have been taken into account under the Contributory Pensions Acts and any regulations made thereunder *save that any such contribution paid after the date on which the contributor attained or attains the age of sixty-five in the case of a man or sixty in the case of a woman shall be taken into account as if it had been paid before that date.*

## PART II

## Regulation 3

## REGULATION 9 (1) OF THE PRINCIPAL REGULATIONS AS AMENDED BY THESE REGULATIONS

(1) For the purpose of calculating in relation to any benefit the yearly average of the contributions paid by or credited to an existing pensions contributor, a contribution of the appropriate class shall be credited to him for every contribution week during the period beginning with the beginning of the period over which the average is to be calculated for the purpose of that benefit and ending—

- (a) in the case of a person who on the 6th July, 1947, was insured under the Contributory Pensions Acts otherwise than as a pensions voluntary contributor or a special voluntary contributor, with that date; and
- (b) in the case of a person who on the said 6th July was insured as a pensions voluntary contributor or as a special voluntary contributor, with the end of the health insurance contribution year immediately preceding that in which he became such a contributor:

Provided that the provisions of sub-paragraph (a) shall, and the provisions of sub-paragraph (b) of this paragraph shall not, apply in the case of a person who on the said 6th July was in a transitional period within the meaning of regulation 10 of the Voluntary Contributors Regulations (which regulation relates to voluntary contributors in employment entailing the payment of pensions contributions) *and in the case of a person who, if he had not become a pensions voluntary contributor or a special voluntary contributor, would on the said 6th July have been insured under the Contributory Pensions Acts otherwise than as a pensions voluntary contributor or as a special voluntary contributor.*

## EXPLANATORY NOTE

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

These Regulations amend the National Insurance (Pensions, Existing Contributors) (Transitional) Regulations, 1948. They provide for the taking into account, for the purposes of benefit under the National Insurance Act, 1946, of contributions under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, for the 1947-1948 contribution year, notwithstanding that they are paid after the contributor attained the age of 65 (if a man) or 60 (if a woman). (Since the 1946 Act came into force, payment of such contributions for any year before the 1947-1948 contribution year has not been possible.) They provide also for the crediting, to a person who was insured under those Acts as a pensions voluntary contributor or as a special voluntary contributor on the 6th July, 1947, of contributions under the 1946 Act in respect of weeks ended on or before that date if he would have been insured under the said Acts on that date even if he had not become such a voluntary contributor.