

1963 No. 1265

## NATIONAL INSURANCE

**The National Insurance (Non-participation—Assurance  
of Equivalent Pension Benefits) Amendment Regulations  
1963**

<i>Made</i> . . . . .	18th July 1963
<i>Laid before Parliament</i>	25th July 1963
<i>Coming into Operation</i>	29th July 1963

The Minister of Pensions and National Insurance, in conjunction with the Treasury, in exercise of powers conferred by section 60 of the National Insurance Act 1946(a), and of all other powers enabling him in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby makes the following regulations:—

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Amendment Regulations 1963, shall be read as one with the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960(b), as amended(c), (hereinafter referred to as “the principal regulations”) and shall come into operation on the 29th July 1963.

*Regulation added to the principal regulations*

2. The following regulation shall be added after regulation 19 of the principal regulations:—

*“Interruptions in non-participating employment due to absence from Great Britain*

20.—(1) The foregoing provisions of these regulations shall, in relation to persons who are or have been outside Great Britain while insured under the Act, have effect subject to the following provisions of this regulation.

(2) Where an insured person’s employment ceases to be a non-participating employment by reason of his being employed outside Great Britain and, apart from this paragraph, the period of his service in that employment would fall, by virtue of paragraph (7)(a) of regulation 2 of these regulations, to be treated, for the purpose of the provisions of Part II of the Act of 1959 relating to the making of a payment in lieu of contributions, as having then come to an end—

(a) the said paragraph (7)(a) shall not apply; and

(b) if immediately before that cessation a period of contribution liability was current in relation to the employment, the provisions of paragraphs (1) to (6) of regulation 2 of these regulations shall, whether or not that period terminated at the end of the contribution week in which the employment last was a non-participating employment, apply as if such a termination had occurred at the end of that week.

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

(b) S.I. 1960/1103 (1960 II, p. 2244).

(c) S.I. 1961/1378 (1961 II, p. 2662).

(3) A contribution week beginning after an insured person's employment ceases to be a non-participating employment by reason of his being employed outside Great Britain shall not be included in reckoning a period of contribution liability in that employment for the purpose of these regulations, unless not later than the beginning of that week the employment has again become a non-participating employment.

(4) Where an insured person's employment ceases to be a non-participating employment by reason of his being employed outside Great Britain and thereafter again becomes a non-participating employment, then, notwithstanding the provisions of section 9(2) of the Act of 1959 (which provides that, for the purpose of certain provisions of Part II of that Act, if an employment becomes or ceases to be a non-participating employment in the course of a person's service in it, his service before and after the time when it does so shall be treated as service in different employments), the insured person's service before the employment ceased to be, and after it again becomes, a non-participating employment shall not be treated as service in different employments.

(5) Subject to the following provisions of this regulation, the power conferred on the Minister by regulation 18(1) of these regulations to extend the period of thirteen contribution weeks referred to in regulation 2(2) and (3) of these regulations (which period, including any extension thereof, is hereafter in this regulation referred to as a "period of interruption") may, in the case of an insured person who is absent from Great Britain in the employment or in any other employment under the same employer, be exercised without regard to the conditions of sub-paragraphs (a) and (b) of regulation 18(1).

(6) Subject as aforesaid, any extension allowed by virtue of paragraph (5) of this regulation shall cease if the insured person returns to Great Britain, but in that event the Minister may, notwithstanding the provisions of the said sub-paragraphs (a) and (b), allow such further extension or extensions under regulation 18(1) as he may think fit:

Provided that no extension shall be allowed by virtue of this paragraph for more than 130 weeks after the insured person's return to Great Britain.

(7) For the purposes of this regulation, an insured person who is in Great Britain on holiday with pay from an employment outside Great Britain shall be treated as absent from Great Britain in that employment, and, if he remains in Great Britain after the end of his period of holiday with pay, he shall be treated as then returning to Great Britain.

(8) The Minister, in deciding whether to allow any extension by virtue of paragraph (5) or paragraph (6) of this regulation, shall have regard to whether the insured person retains membership of the recognised super-annuation scheme relating to the employment or other qualification for benefit thereunder, and to any other relevant circumstances.

(9) Nothing in the proviso to regulation 3 of these regulations shall require the exclusion from a notice of any contribution weeks in a period of interruption, being contribution weeks in or preceding an extension allowed by virtue of paragraph (5) of this regulation :

Provided that this paragraph shall not apply if a new period of contribution liability began in relation to the employment at the end of the period of interruption and the insured person was absent from Great Britain in the employment in the first week of that period of contribution liability."

*Revocation*

3. Regulation 18(1)(b)(ii) of the principal regulations is hereby revoked, but without prejudice to anything duly done or suffered, or to any right, privilege, obligation or liability acquired, accrued or incurred, thereunder.

*Niall Macpherson,*  
Minister of Pensions and National Insurance.

18th July 1963.

*John Peel,*  
*Francis F. Pearson,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

18th July 1963.

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**EXPLANATORY NOTE**

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

These Regulations amend the National Insurance (Non-participation—Assurance of Equivalent Pension Benefits) Regulations 1960 by inserting new provisions regarding breaks in non-participating employment due to an insured person's absence from Great Britain. The Regulations provide that the present arrangements for disregarding temporary interruptions in non-participating employment shall apply where an employment, although continuing, ceases to be non-participating because of the insured person's absence abroad. They also provide for extending those arrangements, at the Minister's discretion, so as to cover longer breaks during which the person is employed abroad by the same employer. The remaining provisions are of a minor or consequential nature.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated 24th June 1963, is contained in House of Commons Paper No. 288 (Session 1962-63) published by Her Majesty's Stationery Office.