
 STATUTORY INSTRUMENTS

1969 No. 1696

SOCIAL SECURITY**The National Insurance (Contributions) Regulations 1969**

<i>Made</i>	- - -	27th November 1969
<i>Laid before Parliament</i>		8th December 1969
<i>Coming into Operation</i>		9th December 1969

ARRANGEMENT OF REGULATIONS**PART I****GENERAL**

1. Citation, commencement and interpretation.

PART II**EXCEPTIONS AND CREDITS**

2. Unemployment.
3. Incapacity for work.
4. Payment of contributions by persons excepted from liability under regulation 2 or regulation 3.
5. Provisions for determining days of unemployment or incapacity for work.
6. Persons over pensionable age.
7. Imprisonment or detention in legal custody.
8. Unemployability supplement.
9. Widows.
10. Full-time education, unpaid apprenticeship and training.
11. Insured women who have been confined.
12. Maternity allowance.
13. Applications for, and duration and cancellation of, certificates of exception.
14. Income for the purposes of certificates of exception.
15. Certificates of exception—exception from liability for, and payment and crediting of, contributions.
16. Pre-entry credits.
17. Contributions to be taken into account.
18. Provisions relating to Schedule 1.

PART III**MISCELLANEOUS PROVISIONS RELATING TO CONTRIBUTIONS**

19. Disposal of contributions improperly paid.
20. Return of contributions paid in error.
21. Employment to be disregarded.
22. Calculation of weekly rate of remuneration.

PART IV

PROVISIONS RELATING TO CONTRIBUTIONS WHICH ARE NOT
PAID OR PAID AFTER THE DUE DATE

23. Treatment for the purpose of benefit of late paid or unpaid contributions where there was no consent, connivance or negligence by the insured person.
24. Treatment for the purpose of any benefit of contributions paid late through ignorance or error.
25. Treatment for the purpose of unemployment or sickness benefit of late paid contributions.
26. Treatment for the purpose of maternity benefit of late paid contributions.
27. Treatment for the purpose of widow's benefit, child's special allowance or retirement pension of late paid contributions.
28. Treatment for the purpose of increase of rate of retirement pension of late paid contributions.
29. Treatment for the purpose of death grant of late paid contributions.
30. Treatment for the purpose of any benefit of late paid graduated contributions and payments in lieu of contributions.

PART V

PROVISIONS RELATING TO CONTRIBUTIONS WHICH
PERSONS ARE ENTITLED, BUT NOT LIABLE, TO PAY

31. Treatment for the purpose of any benefit of contributions which persons are entitled, but not liable, to pay.
32. Contributions not paid within prescribed periods.
33. Payments after death.
34. Revocation and general savings.

SCHEDULES

SCHEDULE 1—Conditions attaching to exception from liability to pay, and to the crediting of, contributions.

SCHEDULE 2—Regulations revoked.

The Secretary of State for Social Services, in exercise of powers under sections 1(1), 8(1), 8(6), 9, 10 (as amended by section 1(1)(d) of the National Insurance Act 1967(a)), 11, 14(1) and 103 of, and paragraph 18 of Schedule 11 to, the National Insurance Act 1965(b), and the National Insurance Joint Authority, in exercise of powers under sections 18(1) and 114(5) of the said Act of 1965, in either case in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, and in exercise of all other powers enabling them in that behalf and for the purpose only of consolidating the regulations hereby revoked, hereby make the following regulations:—

PART I

GENERAL

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Insurance (Contributions) Regulations 1969, and shall come into operation on 9th December 1969.

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

“the Act” means the National Insurance Act 1965;

“the Secretary of State” means the Secretary of State for Social Services;

“the Industrial Injuries Act” means the National Insurance (Industrial Injuries) Act 1965(a);

“the Classification Regulations” means the National Insurance (Classification) Regulations 1948(b);

“the Collection of Contributions Regulations” means the National Insurance and Industrial Injuries (Collection of Contributions) Regulations 1948(c);

“the General Benefit Regulations” means the National Insurance (General Benefit) Regulations 1948(d);

“the Married Women Regulations” means the National Insurance (Married Women) Regulations 1948(e);

“the Overlapping Benefits Regulations” means the National Insurance (Overlapping Benefits) Regulations 1948(f);

“the Residence and Persons Abroad Regulations” means the National Insurance (Residence and Persons Abroad) Regulations 1948(g);

“the Unemployment and Sickness Benefit Regulations” means the National Insurance (Unemployment and Sickness Benefit) Regulations 1967(h);

“certificate of exception” means, except in relation to regulation 9, a certificate issued for the purposes of the provisions of section 10(1)(a)(iii) of the Act;

“contribution” has the same meaning as in the Act save that it does not include a graduated contribution;

“contribution year” and “benefit year” have the same meanings as in the General Benefit Regulations;

“due date” in Part IV of these regulations means in relation to any contribution (including any graduated contribution) the date on which that contribution was due to be paid, and in relation to any payment in lieu of contributions, the date on which that payment became due;

“employment exchange” includes any office or place appointed by the Secretary of State for the purpose of claiming unemployment benefit;

“an employed contributor’s employment” includes, in relation to regulations 2 and 3 only, any employment before 5th July 1948 which would have been treated as employed contributor’s employment if the Act and the regulations made thereunder had been in operation during that employment;

“personal benefit”, “Personal Injuries Scheme”, “Service Pensions Instrument” and “1914–1918 War Injuries Scheme” have the same meanings as in the Overlapping Benefits Regulations;

“week” means contribution week;

and other expressions have the same meanings as in the Act or, as the case may require, the Industrial Injuries Act.

(3) References in these regulations to any enactment or regulations shall, except in so far as the context otherwise requires, be construed as references to such enactments or regulations as amended or extended by or under any other enactment, order or regulations and as including references to any enactment or regulations thereby consolidated.

(a) 1965 c. 52.

(b) S.I. 1948/1425 (Rev. XVI, p. 95: 1948 I, p. 2738).

(c) S.I. 1948/1274 (Rev. XVI, p. 148: 1948 I, p. 3037).

(d) S.I. 1948/1278 (Rev. XVI, p. 179: 1948 I, p. 2626).

(e) S.I. 1948/1470 (Rev. XVI, p. 123: 1948 I, p. 2795).

(f) S.I. 1948/2711 (Rev. XVI, p. 196: 1948 I, p. 2657).

(g) S.I. 1948/1275 (Rev. XVI, p. 88: 1948 I, p. 2864).

(h) S.I. 1967/330 (1967 I, p. 1131).

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889^(a) shall apply in relation to this instrument (including any instrument read as one therewith) and in relation to any revocation effected thereby as if this instrument, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

PART II

EXCEPTIONS AND CREDITS

Unemployment

2.—(1) Subject to the provisions of paragraph (2) of this regulation, and paragraphs (1), (3), (4) and (5) of regulation 5—

(a) an insured person shall be excepted from liability to pay a contribution under the Act for any week of unemployment if Condition I or Condition II of Schedule 1 to these regulations has been satisfied, and a contribution as an employed person shall be credited to him for that week:

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied if the insured person proves to the satisfaction of the Secretary of State that he has become unemployed following employment in an employed contributor's employment and that he will normally rely upon such employment for his livelihood;

(b) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Act for any week of unemployment not being a week of unemployment in respect of which a contribution is credited under sub-paragraph (a) of this paragraph.

(2) It shall be a condition of a person's right to be credited with a contribution for any week under paragraph (1) above that he shall attend at an employment exchange on every working day in that week for which he does not claim unemployment benefit and, if directed to do so, shall sign a register kept there for that purpose and that he shall so attend at such time, if any, as the Secretary of State may direct:

Provided that—

(a) a person shall—

(i) if he resides at a distance of more than two miles and not more than four miles from the employment exchange nearest or most convenient to his place of residence be required to attend only on alternate days; or

(ii) if he resides at a distance of more than four miles from such employment exchange be required to attend on only one day in the week;

(b) the Secretary of State may in any case—

(i) dispense with the foregoing requirements of this paragraph; or

(ii) vary the said requirements by permitting any person to attend at longer intervals; and

(iii) impose the further or alternative requirement upon any person that he furnish within a specified time such evidence or such further evidence as the Secretary of State may direct that any day or days for which he has not claimed unemployment benefit was a day or were days of unemployment for the purposes of paragraph (1) above.

(3) "Working day" for the purposes of paragraph (2) above means every day other than—

- (a) Sunday; and
- (b) any day which in the case of any person falls to be treated as a day of unemployment by virtue of head (i) of the proviso to regulation 5(5); and
- (c) any day upon which a person is incapable of work but is treated as unemployed by virtue of regulation 5(4).

Incapacity for work

3.—(1) Subject to the provisions of this regulation and paragraphs (2) to (5) of regulation 5—

(a) an insured person shall be excepted from liability to pay a contribution under the Act for any week of incapacity for work if any one of the Conditions contained in Schedule 1 to these regulations has been satisfied, and a contribution shall be credited to him for that week as follows:—

(i) if Condition I or Condition II of the said Schedule has been satisfied, a contribution as an employed person:

Provided that if the said Condition II is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Secretary of State that he became incapable of work following employment in an employed contributor's employment, and that he will normally rely upon such employment for his livelihood;

(ii) if Condition III or Condition IV of the said Schedule has been satisfied (but not Condition I or Condition II thereof), a contribution as a self-employed person:

Provided that if the said Condition IV is not satisfied, it shall be deemed to be satisfied by the insured person if he proves to the satisfaction of the Secretary of State that he became incapable of work following employment in an employed contributor's employment or as a self-employed person, and that he will normally rely upon any such employment for his livelihood;

(b) (and subject to the other provisions of these regulations) an insured person shall not be excepted from any liability to pay a contribution under the Act for any week of incapacity for work if none of the Conditions contained in the said Schedule has been satisfied.

(2) Notwithstanding anything contained in the foregoing provisions of this regulation, where industrial injury benefit is payable to an insured person under the Industrial Injuries Act in respect of a week of incapacity for work, that person shall be excepted from liability to pay a contribution under the Act, and a contribution as an employed person shall be credited to him for that week.

(3) It shall be a condition of a person's right to be credited with a contribution for any week, other than a week in respect of which he has claimed sickness benefit, under paragraph (1) above that he shall furnish to the Secretary of State notice in writing of the grounds on which a contribution should be so credited before the end of the benefit year immediately following the contribution year in which the week in question falls, or within such longer period as the Secretary of State may in a particular case allow.

Payment of contributions by persons excepted from liability under regulation 2 or regulation 3

4. Where an insured person is excepted from liability to pay a contribution for any week under the provisions of regulation 2 or of regulation 3 he may, for any such week, pay a contribution as a non-employed person.

Provisions determining days of unemployment or incapacity for work

5.—(1) For the purposes of regulation 2 and subject to the provisions of this regulation—

- (a) a day shall not be a day of unemployment unless on that day the person concerned is capable of work and is, or is deemed in accordance with the Unemployment and Sickness Benefit Regulations to be, available for employment in an employed contributor's employment;
- (b) the occupation of a person in employment on any day in a week shall be disregarded, and that day shall not by reason only of that occupation be treated as not being a day of unemployment if—
 - (i) the employment is one in which that person, being available for full time employment in some employed contributor's employment, is occupied on any day or days in that week for not more than eight hours in the aggregate (including any occupation in an employment which by virtue of Schedule 1, Part III of the Classification Regulations, as amended(a), or, being employment in Her Majesty's Forces, by virtue of regulation 3 of the National Insurance (Members of the Forces) Regulations 1968(b), is to be disregarded) and the occupation in which he is so employed is consistent with that full time employment and, if he is following that occupation under a contract of service, it is not his usual main occupation; or
 - (ii) the employment (not being employment which falls within head (i) above) is one in respect of which, by virtue of paragraph 10 of Part II of Schedule 1 to the Classification Regulations, as amended(c), (which relates to employment in which a person renders part-time service) he is treated as a self-employed person or would be so treated but for the said Schedule 1, Part III and in which he is occupied on one day only in that week:

Provided that, where in the same week a person is occupied in employment which falls within head (i) and in employment which falls within head (ii) of this sub-paragraph, the provisions of this sub-paragraph shall not apply if he is occupied in such employments for more than eight hours in the aggregate in that week.

(2) For the purposes of regulation 3 and subject to the provisions of this regulation—

- (a) a day shall not be a day of incapacity for work unless on that day the person concerned is, or is deemed in accordance with the Unemployment and Sickness Benefit Regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement;
- (b) any period in respect of which a person is disqualified under, or by virtue of regulations made under, section 31 of the Industrial Injuries Act for receiving industrial injury benefit (other than a period in respect of which a person is so disqualified for failure to make a claim for benefit within the prescribed time) shall not be a period of incapacity for work.

(3) For the purposes of regulations 2 and 3, and subject to the provisions of this regulation—

-
- (a) The relevant amending instruments are S.I. 1950/765, 830, 1951/993, 1952/1024, 1454, 1954/585, 1957/2175 (1950 II, pp. 10, 12; 1951 I, p. 1454; 1952 II, pp. 2137, 2139; 1954 I, p. 1407; 1957 I, p. 1623).
 - (b) S.I. 1968/827 (1968 II, p. 2228).
 - (c) The relevant amending instruments are S.I. 1957/2175, 1968/1684 (1957 I, p. 1623; 1968 III, p. 4578).

- (a) a day which is in accordance with the Unemployment and Sickness Benefit Regulations treated as a day of unemployment or incapacity for work for the purposes of unemployment benefit and sickness benefit shall be a day of unemployment or incapacity for work, as the case may be, for the purposes of this regulation, but any day which under the said Regulations is treated as not being such a day shall not be a day of unemployment or incapacity for work for those purposes:

Provided that:—

- (i) subject to the provisions of head (ii) of this proviso any day which is treated as not being a day of unemployment by reason only of the provisions of regulation 7(1)(j) of the Unemployment and Sickness Benefit Regulations (which relates to days on which a person is on holiday), shall be a day of unemployment for the purposes of this regulation if it is a day of recognised or customary holiday in connection with that person's employment in a week which contains not more than three days of such holiday, and is a day in a period during which that employment is suspended, unless it is a day in respect of which remuneration is deemed to be paid under the provisions of regulation 11 of the Collection of Contributions Regulations, as amended^(a) (which relates to the payment of contributions in respect of weeks of holiday); and
- (ii) no day in any week shall fail to be a day of unemployment by reason that a person receives or is entitled to receive any remuneration which is, or which if his employment had not terminated would have been, deemed not to be remuneration paid in respect of any day in that week under the provisions of regulation 10A of the last mentioned regulations, as amended^(a) (which relates to the payment of contributions in respect of weeks in respect of which no services are rendered and remuneration does not exceed the specified amount); and
- (iii) any Sunday which is treated as not being a day of unemployment under regulation 7(1)(f) of the Unemployment and Sickness Benefit Regulations shall be a day of unemployment for the purposes of this regulation if any day in the week in which that Sunday occurs will fall to be treated as a day of unemployment by virtue of head (i) of the proviso to paragraph (5) of this regulation.
- (b) Any period which would in respect of any person be a period of unemployment or incapacity for work by virtue of the provisions of this regulation but for the provisions of section 48 of the Act (claims and notices) or of regulations made under section 49(3) of the Act (disqualification for failure to claim benefit within the prescribed time) shall be treated as a period of unemployment or incapacity for work, as the case may be.
- (c) Any period in respect of which a person—
- (i) is disqualified under section 22(1) of the Act (trade disputes) or section 49(1)(a) thereof (absence from Great Britain) for receiving unemployment or sickness benefit; or
- (ii) is, or would if he had otherwise had a right thereto have been, disqualified under subsection (2) or regulations made under subsection (3)

^(a) The relevant amending instruments are S.I. 1959/207, 1969/1362 (1959 II, p. 1893; 1969 III, p. 4069).

of the said section 22 (which subsections relate to various grounds of disqualification) for receiving either such benefit; or

- (iii) is unable to satisfy any additional conditions with respect to the receipt of unemployment benefit or sickness benefit imposed in his case by regulations made under subsection (4) of the said section 22, other than the Married Women Regulations or the National Insurance (Seasonal Workers) Regulations 1950(a);

shall not be a period of unemployment or incapacity for work, as the case may be:

Provided that, for the purposes of head (i) of this sub-paragraph where the disqualification is under the said section 49(1)(a), any day in respect of which industrial injury benefit is payable to an insured person under the Industrial Injuries Act shall be treated as a day of incapacity for work.

(4) For the purposes of regulation 2 and regulation 3, where in any week a person is for part of that week unemployed and for the remainder of that week incapable of work, he shall be treated as if unemployed for the whole of that week, if Condition I or Condition II of Schedule 1 to these regulations has been satisfied, and, if neither of those Conditions has been satisfied but Condition III or Condition IV of that Schedule has been satisfied, he shall be treated as if incapable of work for the whole of that week, and the said regulations shall be construed accordingly:

Provided that for the purposes only of this paragraph a person shall not in respect of any week be treated as being unemployed on any day or days by virtue of paragraph (1)(b) of this regulation unless—

- (i) Condition I or Condition II of Schedule 1 to these regulations has been satisfied, and
- (ii) in respect of any day to which head (ii) of the said paragraph (1)(b) applies, he is unemployed on at least one other day in that week.

(5) For the purposes of regulation 2 and regulation 3, where under the foregoing provisions of this regulation any week would be a week of unemployment or a week of incapacity in respect of any person if the Sunday occurring in that week were a day of unemployment or a day of incapacity for work, as the case may be, that Sunday shall be treated as such a day unless on it that person does any work as an employed or self-employed person other than such work as is referred to in regulation 7(1)(h) of the Unemployment and Sickness Benefit Regulations (which relates to work undertaken as part of medical treatment and certain work as a non-employed person):

Provided that—

- (i) in the case of any person who objects on religious grounds to working on a specific day in each week other than Sunday and does not so object to working on Sunday, the said day shall be substituted for Sunday for the purposes of the foregoing provisions of this paragraph; and
- (ii) no day in any week shall be treated by virtue of the provisions of this paragraph as a day of incapacity for work unless some other day in that week is or but for the provisions of paragraph (4) of this regulation would be such a day.

Persons over pensionable age

6.—(1) A person who is over pensionable age shall be excepted from liability to pay a contribution for any week of unemployment or incapacity to which

regulation 2 or regulation 3 of these regulations applies, notwithstanding that the conditions for exception from such liability under either of those regulations are not satisfied in his case.

(2) Subject to the provisions of paragraph (4) of this regulation, any person who on attaining pensionable age does not satisfy the contribution conditions for a retirement pension specified in paragraph 4 of Schedule 2 to the Act shall be excepted from liability to pay a contribution as an insured person for any week after attaining that age:

Provided that for the purposes of this paragraph a person who satisfies the condition as to contributions specified in regulation 7(1) of the National Insurance (Widow's Benefit and Retirement Pensions) Regulations 1948(a), as amended(b), (under which a person may be entitled to a retirement pension if the yearly average of contributions paid or credited is not less than thirteen) shall be deemed to satisfy the condition specified in paragraph 4(1)(b) of the said Schedule (which provision requires that the said yearly average shall not be less than fifty).

(3) Subject to the provisions of paragraph (4) of this regulation, a woman who on attaining pensionable age is married and is not by virtue of paragraph (1) of this regulation excepted from liability to pay a contribution as an insured person for any week thereafter shall nevertheless be excepted from the said liability if she fails to satisfy the further conditions for a retirement pension specified in section 33(2) of the Act (which requires that contributions have been paid or credited to her for not less than one-half of the number of contribution weeks since the date of her marriage or that the period between that date and her attaining pensionable age is less than 3 years).

(4) Any person who but for the provisions of paragraphs (2) and (3) of this regulation would be liable to pay a contribution as an insured person for any week after attaining pensionable age may elect to be liable to pay such a contribution.

(5) Any election under paragraph (4) of this regulation—

(a) shall be made by giving notice in writing to the Secretary of State and shall be operative from the beginning of the week in which the notice was given, or from such earlier date as the Secretary of State may allow; and

(b) may be cancelled by giving notice in writing to the Secretary of State to that effect, and such cancellation shall be operative from the beginning of the week in which the notice was given, or from such earlier date as the Secretary of State may allow:

Provided that the employer of an employed person who makes such an election shall not be liable to pay a contribution on behalf of that person for any week unless before the expiry of the time prescribed by regulation 6 of the Collection of Contributions Regulations for payment he is informed of the said person's election to be liable to pay such a contribution.

Imprisonment or detention in legal custody

7.—(1) For any week during the whole of which an insured person is undergoing imprisonment or detention in legal custody he—

(a) shall be excepted from liability to pay a contribution as a self-employed or non-employed person, if by reason of his imprisonment or detention he

(a) S.I. 1948/1261 (Rev. XVI, p. 207; 1948 I, p. 2704).

(b) There is no amendment which relates expressly to the subject matter of these Regulations.

is, or if he had otherwise had a right thereto would have been, disqualified for receiving sickness benefit for that week or if he would for the said reason have been so disqualified but for the provisions of regulation 6(3) of the General Benefit Regulations, as amended^(a); but

- (b) shall not, save as provided in paragraph (3) of this regulation, have any contribution credited to him under these regulations if by reason of his imprisonment or detention he is, or if he had otherwise had a right to sickness benefit would have been, so disqualified.

(2) A person who under the provisions of the last foregoing paragraph is excepted from liability to pay a contribution as a self-employed or non-employed person, and who is not liable to pay a contribution as an employed person, for any week of imprisonment or detention in legal custody, may if he so desires pay therefor, at any time before the end of the sixth contribution year following the contribution year in which the period of imprisonment or detention in legal custody terminated, a contribution as a non-employed person or alternatively, if immediately before the commencement of that period he was a self-employed person, a contribution as a self-employed person.

(3) Notwithstanding that a person is undergoing imprisonment or detention in legal custody and by reason thereof is, or if he had otherwise had a right thereto would have been, disqualified for receiving sickness benefit for any week—

- (i) the provisions of regulation 10, if he is detained in a remand home or an approved school or if he is liable to be detained in a hospital or similar institution to which he has been transferred from a remand home or from an approved school; and

- (ii) the provisions of regulation 16;

shall have effect in all respects as if paragraph (1) of this regulation did not apply to him.

Unemployability supplement

8.—(1) An insured person shall be excepted from liability to pay a contribution as a non-employed person for any week in respect of which he is receiving an unemployability supplement, but contributions shall not be credited in respect of any such week under this provision, although, if he so desires, the insured person may for any such week pay a contribution as a non-employed person.

(2) For the purposes of this regulation the expression “unemployability supplement” means—

- (a) a payment by way of unemployability supplement under the provisions of section 13 or section 81 of the Industrial Injuries Act;
- (b) a supplement on account of unemployability payable by virtue of any Service Pensions Instrument, Personal Injuries Scheme or 1914–1918 War Injuries Scheme;
- (c) an increase of an allowance on account of unemployability payable under the provisions of Article 7 of the Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit Scheme 1966^(b).

Widows

9.—(1) A widow who but for the provisions of this paragraph would be liable to pay a contribution as an insured person, shall be entitled but shall not

(a) The relevant amending instrument is S.I. 1960/1282 (1960 II, p. 2154).

(b) S.I. 1966/164 (1966 I, p. 303).

be liable to pay such a contribution, and if she is an employed person her employer shall not be liable to pay such a contribution on her behalf unless before the expiry of the time prescribed by regulation 6 of the Collection of Contributions Regulations for payment he is informed of her desire to pay it—

- (a) for the week in which the death of her husband occurs and each of the twenty-six succeeding weeks; and
- (b) if at the end of that period there is pending a claim or application, made by her or on her behalf as a widow, for any benefit or specified benefit referred to in paragraph (2) or paragraph (3) of this regulation other than a widow's basic pension or a contributory old age pension, for each week during any part of which that claim or application remains pending.

(2) A woman who is a non-employed person shall be entitled but shall not be liable to pay a contribution as a non-employed person for any week for the whole or any part of which widow's benefit (not being a widows' basic pension within the meaning of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations 1948(a)) is payable to her as the widow of her husband.

(3) A woman who is an employed or self-employed person shall not be liable to pay a contribution as an employed or self-employed person, as the case may be, for any such week as is specified in paragraph (2) of this regulation or for any week for the whole or any part of which a retirement pension by virtue of her husband's insurance (not being a contributory old age pension within the meaning of the last-mentioned regulations) is payable to her as the widow of her husband or as a woman to whom regulation 8C(2) of the Married Women Regulations, as amended(b), applies or would be so payable but for the provisions of section 30(7) of the Act (which subsection relates to the reduction, based on earnings, of retirement pensions) and a woman shall not be liable to pay a contribution as an insured person for any week for the whole or any part of which any of the specified benefits as defined in regulation 2 of the Overlapping Benefits Regulations, as amended(c), is payable to her as a widow at a weekly rate which is not less than the weekly rate of widow's pension specified in Column 2 of Schedule 3 to the Act, if (in each case) it is a week to which a certificate of exception issued or deemed to have been issued by the Secretary of State pursuant to this regulation relates.

(4) Where such a certificate has been, or is deemed to have been, issued to a woman to whom any of the said specified benefits was payable as a widow at a weekly rate not less than the weekly rate of widow's pension aforesaid, any subsequent increase in the weekly rate of widow's pension under the Act shall, so long as she remains a widow, be disregarded for the purpose of the application to her of the provisions of the last foregoing paragraph.

(5) The following provisions shall apply in relation to the issue and operation of certificates of exception pursuant to this regulation:—

- (a) A woman desiring the issue of such a certificate shall apply to the Secretary of State therefor and the Secretary of State shall issue a certificate if he is satisfied that she is, or that if she were an employed or self-employed person she would be, entitled subject to the issue thereof to exception from liability to pay contributions.

(a) S.I. 1948/55 (Rev. XVI, p. 36: 1948 I, p. 2822).

(b) The relevant amending instrument is S.I. 1957/1322 (1957 I, p. 1681).

(c) The relevant amending instruments are S.I. 1952/422, 526, 1959/1290 (1952 II, pp. 2194, 2196; 1959 II, p. 1875).

- (b) The period to which the certificate relates shall commence—
- (i) if application for the certificate is made not later than thirteen weeks after the applicant's being notified of the award to her of any benefit or specified benefit by virtue whereof she is entitled to such a certificate, at the beginning of the week in which she was so notified; and
 - (ii) if application for the certificate is not so made, at the beginning of the week in which the application is made:

Provided that if in any case it appears to the Secretary of State that the making of application for the certificate has been delayed by reason of an error on the part of the applicant as to her right to exception from liability to pay contributions or to apply for a certificate, or as to the effect upon her rights under the Act of obtaining or failing to obtain such a certificate or of paying or failing to pay contributions, he may direct that the period to which the certificate relates shall commence at the beginning of such earlier week as he considers appropriate in the circumstances.

- (c) Where a woman entitled by virtue of paragraph (3) of this regulation, subject to the issue of a certificate, to exception from liability to pay contributions was, immediately before the death of her husband occurring on or after the 26th February 1962, an employed person who had elected not to be liable to pay contributions as an employed person, or a self-employed or non-employed person who had not elected to be liable to pay contributions as a self-employed or non-employed person—

- (i) a certificate shall be deemed to have been issued to her by the Secretary of State pursuant to this regulation and to relate to the period commencing at the beginning of the week in which the death of her husband occurs; and
- (ii) any certificate of election not to pay contributions as an employed person issued to her as a married woman shall be treated for the purposes of this regulation as a certificate of exception issued pursuant to this regulation;

unless she notifies the Secretary of State that she does not wish to be excepted from liability to pay contributions.

- (d) A person to whom a certificate is issued pursuant to this regulation shall produce it without delay to any employer who may employ her while it is in operation.
- (e) A person to whom a certificate is issued or deemed to be issued pursuant to this regulation—
- (i) may give notice to the Secretary of State at any time that she desires it to be cancelled, in which event the certificate shall cease to be in operation from such date as the Secretary of State may determine;
 - (ii) upon giving such notice shall surrender to the Secretary of State any certificate issued to her pursuant to this regulation or issued to her under other provisions and deemed to have been issued pursuant to this regulation; and
 - (iii) if she is an employed person shall inform her employer forthwith of any cancellation of her certificate and of the date from which it ceased to be in operation.
- (6) For the purposes of regulation 20—
- (a) any contribution paid by a woman excepted from liability to pay that contribution by virtue of any of the provisions of this regulation shall be treated as a contribution paid under the erroneous belief that it was

payable if it was paid in error and the error was of a description specified in the proviso to paragraph (5)(b) of this regulation; and

- (b) an application for the return of any contribution so treated shall be deemed to be made within the appropriate time specified in paragraph (4) of the said regulation 20 if it was made within six years from the date on which the said woman discovered her error.

Full-time education, unpaid apprenticeship and training

10.—(1) In this regulation “education” means full-time education, “apprenticeship” means full-time unpaid apprenticeship, “training” means full-time training at a course approved by the Secretary of State, and “national service” means whole-time service within the meaning of Part I of the National Service Act 1948(a), and the provisions of this regulation shall have effect in relation to any person who has not attained the age of eighteen as if any week in a period not exceeding thirteen weeks from and including the week in which the termination of education, apprenticeship or training occurs and ending immediately before the first week thereafter in respect of which a contribution is payable by him as an employed or self-employed person or the week in which he attains the age of eighteen, whichever first occurs, were a week of education, apprenticeship or training, as the case may be.

- (2) For any week of education, apprenticeship or training a person—

(a) shall be excepted from liability to pay a contribution as a non-employed person or, for a week of education or training, as a self-employed person in respect of any employment undertaken in the course of and for the purpose only of such education or training; and

(b) may, if he so desires and is not entitled to be credited with a contribution for that week under paragraph (4) of this regulation, pay a contribution as a non-employed person, and payment thereof may be made at any time before the end of the sixth contribution year following the contribution year in which the education, apprenticeship or training terminated.

(3) Any contribution paid by a person as a non-employed person in accordance with the preceding paragraph shall be treated as equivalent to a contribution of the appropriate class in relation to unemployment and sickness benefit if in respect of the period of three years, disregarding any period of national service, immediately preceding the commencement of the education, apprenticeship or training he had paid or had credited to him not less than one hundred and four contributions as an employed or self-employed person.

- (4) To persons excepted from liability to pay contributions under paragraph (2) of this regulation, contributions shall be credited as follows:—

(a) to any person who has not attained the age of eighteen years there shall be credited for any week of education, apprenticeship or training a contribution of the class specified in relation to his case in sub-paragraph (c) of this paragraph;

(b) to any person who has attained the age of eighteen years there shall be credited for any week of training a contribution of the class specified in relation to his case in the succeeding sub-paragraph if—

- (i) the training was not, at its commencement, intended to continue for more than one year or, in the case of a person undergoing a course of training provided under the Disabled Persons (Employment) Act 1944(b), such longer period as the Secretary of State may in such case think fit, and

- (ii) he has, unless the Secretary of State is of the opinion that in the circumstances of his case it is reasonable to dispense with this condition, paid or had credited to him not less than one hundred and four contributions as an employed or self-employed person in respect of the three years, disregarding any period of national service, preceding the commencement of the training, and
 - (iii) immediately before the commencement of the training there were, in the opinion of the Secretary of State, having regard to his particular circumstances and the industrial conditions in the district in which he ordinarily resides, reasonable grounds for believing that unless he underwent training he would become, or remain, unemployed.
- (c) Contributions specified for the purposes of the two preceding sub-paragraphs are—
- (i) in the case of a person who satisfies Condition I or Condition II of Schedule 1 to these regulations, a contribution as an employed person;
 - (ii) in the case of a person who satisfies Condition III or Condition IV of the said Schedule (but not Condition I or Condition II thereof), a contribution as a self-employed person;
 - (iii) in the case of a person who satisfies none of the Conditions of the said Schedule, a contribution as a non-employed person.
- (5) For the purposes of unemployment and sickness benefit only—
- (a) a person who—
- (i) has made a claim for unemployment or sickness benefit after the termination of education, apprenticeship or training; and
 - (ii) has paid twenty-six contributions of the appropriate class, excluding contributions paid in respect of him for any period of national service, since his entry into insurance under the Act;
- shall, subject to the following provisions of this paragraph, be credited with a contribution of the appropriate class for any week of education, apprenticeship or training, being education, apprenticeship or training which commenced before he paid the twenty-sixth contribution referred to in head (ii) of this sub-paragraph;
- (b) a contribution shall not be credited to any person under this paragraph in respect of any week—
- (i) for which a contribution of the appropriate class is payable; or
 - (ii) which occurred before the beginning of the contribution year immediately preceding the benefit year which includes the period for which benefit is claimed.
- (6) For the purposes of regulations 2 and 3 of these regulations, when a person has in any benefit year made a claim for unemployment or sickness benefit (as the case may be) and such claim has been allowed by reason of his having been credited with contributions under the preceding paragraph, he shall be deemed to have satisfied Condition I of Schedule 1 to these regulations in respect of any week in that benefit year other than a week commencing before the first day in that year for which he made such claim.

Insured women who have been confined

11.—(1) An insured woman shall be excepted from liability to pay a contribution as a self-employed or non-employed person for any week in which she

is confined, and for each of the three succeeding weeks, and, subject to the provisions of paragraph (3) of this regulation, if one of the following conditions is satisfied, a contribution shall be credited to her for that week as follows, provided a contribution as an employed person is not payable for that week:—

- (a) if not less than twenty-six contributions as an employed person have been paid by or credited to the insured woman in respect of the last complete contribution year before the benefit year which includes the date of the confinement, a contribution as an employed person;
- (b) if not less than twenty-six contributions, whether as an employed person or self-employed person, have been paid by or credited to the insured woman in respect of the last complete contribution year before the benefit year which includes the date of the confinement, a contribution as a self-employed person.

(2) A woman who, but for the provisions of the foregoing paragraph, would be liable to pay a contribution as a self-employed or non-employed person for any week and to whom a contribution is not to be credited for that week in accordance with those provisions may, if she so desires, pay for that week the contribution which, but for the said provisions, she would be liable to pay.

(3) It shall be a condition of a woman's right to be credited with a contribution for any week, other than a week in respect of which she has claimed maternity benefit, under paragraph (1) above that she shall furnish to the Secretary of State notice in writing of the grounds on which a contribution should be so credited before the end of the benefit year immediately following the contribution year in which the week in question falls, or within such longer period as the Secretary of State may in a particular case allow.

Maternity allowance

12. An insured woman shall be excepted from liability to pay a contribution for any week in respect of which a maternity allowance is payable to her, and a contribution shall be credited to her for that week as follows:—

- (a) if not less than twenty-six contributions as an employed person were paid by or credited to her in respect of the fifty-two weeks in respect of which the contribution conditions for the allowance (being either the relevant contribution conditions or those conditions as modified by regulations in their application to cases falling within section 24(6) of the Act) were required to have been satisfied, a contribution as an employed person;
- (b) in any other case, a contribution as a self-employed person.

Applications for, and duration and cancellation of, certificates of exception

13.—(1) A person who desires to be excepted from liability to pay contributions by virtue of the provisions of section 10(1)(a)(iii) of the Act (which relates to the exception from such liability on grounds of small income) shall make an application for that purpose to the Secretary of State who, if he grants the application, shall issue to the applicant a certificate of exception.

(2) Any such application and certificate shall be in such form as may for the time being be approved by the Secretary of State.

(3) An applicant for, and a holder of, a certificate of exception shall furnish to the Secretary of State such information and evidence relating to his income as the Secretary of State may require on the making of the application and from time to time thereafter.

(4) A certificate of exception shall be in force for such period as may be specified therein, being a period commencing not earlier than the date on which the application therefor was made:

Provided that—

- (a) if any condition attached to the issue, or continuation in force, of the certificate is not, or ceases to be fulfilled, the certificate shall cease to be in force as from the date of such non-fulfilment or cessation, and the holder shall forthwith notify the Secretary of State to that effect;
- (b) the period specified in the certificate may, at the discretion of the Secretary of State, commence on such date not earlier than thirteen weeks before the application therefor was made as the Secretary of State may consider appropriate to the circumstances of the case.

(5) The holder of a certificate of exception—

- (a) shall, when called upon to do so by an officer of the Department of Health and Social Security, produce the certificate for the officer's inspection;
- (b) may at any time give notice to the Secretary of State that he desires the certificate to be cancelled, whereupon the certificate shall cease to be in force from such date as the Secretary of State may determine.

Income for the purposes of certificates of exception

14.—(1) Where an applicant for a certificate of exception is in receipt of an income exceeding £312 a year by reason only of the inclusion therein of any one or more of the following items, he shall be deemed for the purposes of section 10(1)(a)(iii) of the Act not to be in receipt of an income exceeding £312 a year:—

- (a) any sum received by way of benefit under the Ministry of Social Security Act 1966(a);
- (b) any sum received on account of the death of any person by way of pension or allowances payable to or in respect of any child (within the meaning of the instrument authorising the payment) or by way of a rent allowance payable to a widow or other dependant, being in either case a sum which
 - (i) is payable by the Secretary of State under the War Orphans Act 1942(b) or under a Service Pensions Instrument or a Personal Injuries Scheme; or
 - (ii) is payable under any enactment, scheme, ordinance, regulation or other instrument whatsoever promulgated or made in any place outside the United Kingdom or under the law of any such place, and in the opinion of the Secretary of State is analogous to any payment falling within sub-paragraph (i) above; or
 - (iii) is payable under a 1914–1918 War Injuries Scheme;
- (c) any sum received on account of an allowance under the Family Allowances Act 1965(c);
- (d) any sum received by way of guardian's allowance, child's allowance, child's special allowance or orphan's pension under the Act;
- (e) any sum received by way of death benefit in respect of a child under the Industrial Injuries Act;

(a) 1966 c. 20.

(b) 1942 c. 8.

(c) 1965 c. 53.

- (f) any one of the following payments or parts of payments up to the amount of thirty shillings a week or, if the applicant is in receipt of more than one such payment, up to the said amount in the aggregate:
- (i) the first fifteen shillings a week of any payment of sick pay received from a friendly society or trade union;
 - (ii) the first fifteen shillings a week of any superannuation payment or superannuation payments in respect of previous service or employment from which the applicant has retired or resigned (whether payable by a former employer or not);
 - (iii) any payment by way of maternity allowance under section 24 of the Act;
 - (iv) any payment in respect of retired pay or pension to which section 380 of the Income Tax Act 1952(a) applies, including any such payment in respect of a dependants' allowance attached to such a pension;
 - (v) any payment in respect of a disablement pension awarded under the Personal Injuries (Emergency Provisions) Act 1939(b), including an increase in such a pension in respect of dependants;
 - (vi) any weekly payment by way of compensation under any enactment relating to workmen's compensation;
 - (vii) any payment by way of disablement benefit under section 12 of the Industrial Injuries Act.

(2) Where an applicant for a certificate of exception is in receipt of an income which, after the deduction therefrom of such, if any, of the items specified in paragraph (1) above as are included therein, exceeds £312 a year by an amount not greater than the amount of the contributions which he would be liable to pay in a year if he were not excepted, he shall be deemed for the purposes of section 10(1)(a)(iii) of the Act, not to be in receipt of an income exceeding £312 a year.

Certificates of exception—exception from liability for, and payment and crediting of, contributions

15.—(1) An insured person shall be excepted from liability to pay a contribution as a self-employed person or a non-employed person for any week during the whole of which a certificate of exception is in force in relation to him.

(2) A person to whom paragraph (1) above is applicable may, if he so desires, pay a contribution as, or as if he were, a non-employed person for any week during the whole of which the certificate is in force and during which he is either a self-employed person or a non-employed person.

(3) Contributions shall not be credited to a person, in respect of whom a certificate of exception has been granted, while the certificate remains in force, but any such person, in respect of whom at the time of the issue of the certificate less than twenty-six contributions as an employed person had been paid in respect of him since his entry into insurance under the Act shall, nevertheless, upon the first occasion on which such a certificate ceases to be in force in his case, be entitled, for the purposes only of unemployment and sickness benefit in respect of periods occurring after the certificate has ceased to be in force, to have a contribution credited as an employed person in respect of every week (not being a week in respect of which a contribution as an employed person is payable) during which the certificate was in force, subject to the following provisions, namely:—

(a) 1952 c. 10.

(b) 1939 c. 82.

- (a) the question of crediting any such contributions shall not be determined unless and until the next following sub-paragraph is satisfied and thereafter the person concerned makes his first claim for any such benefit;
- (b) contributions shall not be credited to such a person until twenty-six contributions, whether as an employed or self-employed person, have been paid in respect of him for weeks commencing not earlier than the week in which the certificate ceased to be in force;
- (c) notwithstanding the provisions of the foregoing sub-paragraph, any such contributions so credited shall not be taken into account for the purposes of unemployment benefit until twenty-six contributions as an employed person have been paid in respect of him for weeks commencing not earlier than the week in which the said certificate ceases to be in force;
- (d) contributions shall not be credited for any period earlier than the beginning of the contribution year immediately preceding the benefit year which includes the period for which benefit is claimed.

(4) Nothing in these regulations shall preclude a person from receiving benefit, while a certificate of exception is in force, by virtue of contributions paid by or credited to him in respect of any period before the day on which the certificate commenced to be in force.

Pre-entry credits

16.—(1) Subject to the provisions of paragraph (3) of this regulation, contributions as an employed person shall be credited to a person for the period between the beginning of the contribution year last preceding that in which he became an insured person and his entry into insurance under the Act:

Provided that, in the case of a person who by reason of having at some time been outside Great Britain did not enter insurance until after he had attained the age of sixteen, the number of contributions so credited shall not, for the purpose of calculating the yearly average of the contributions paid by or credited to him, exceed the number of contributions (of whatever class) which would have been credited to him under the provisions of paragraph (3) of this regulation in respect of the period between the beginning of the contribution year in which he attained the age of sixteen and his attainment of that age if throughout that period he had been an insured person who would have been liable to pay a contribution as a non-employed person but for the provisions of section 9 of the Act (which provides that a person shall not be liable to pay a contribution as a non-employed person before attaining the age of sixteen) and of regulations made under section 103 of the Act (which provides for the modification of the Act in relation to insured persons outside Great Britain).

(2) Contributions credited in respect of a person in accordance with paragraph (1) above shall not be taken into account for the purpose of the Conditions mentioned in Schedule 1 to these regulations, unless, in the case of Condition I or Condition II, twenty-six contributions as an employed person have been paid by or in respect of him since his entry into insurance, or, in the case of Condition III or Condition IV, twenty-six contributions, whether as an employed person or self-employed person, have been so paid since such entry, and shall not be taken into account for the purposes of maternity allowance.

(3) A contribution shall be credited to a person who on his entry into insurance is under the age of sixteen for the week in which he enters insurance and for any subsequent week ending before he attains the age of sixteen, being, in either case, a week for which he would have been liable to pay a contribution as a non-employed person but for the provisions of section 9 of the Act or, in

the case of a period of absence from Great Britain, but for the provisions of that section and of regulations made under section 103 of the Act, and the contribution so credited for any such week shall be—

- (a) in the case of a person who but for the said provisions would for that week have been excepted from liability for a contribution under the Act and entitled to have a contribution credited to him as an employed or self-employed person by virtue of any of these regulations, a contribution as an employed person or a self-employed person as if that regulation applied to his case; and
- (b) in any other case, a contribution as a non-employed person.

Contributions to be taken into account

17. Where by virtue of these regulations more than one contribution is credited to any person for any week or a contribution is credited to him for a week in respect of which a contribution is paid in respect of him, not more than one such contribution shall be taken into account for any purpose.

Provisions relating to Schedule 1

18.—(1) Any contributions which under regulation 10(3) of these regulations or under any regulations which provide for treating contributions as a non-employed person as equivalent to contributions of the appropriate class for the purpose of a maternity allowance, are treated as equivalent to contributions of another class shall for the purpose of Schedule 1 to these regulations be treated as contributions of that other class.

(2) In determining whether a person shall be excepted from liability for, and credited with, contributions under regulation 2 of these regulations and for no other purpose, the provisions of paragraph (1) above shall apply to any contributions which under the provisions of regulation 2 of the National Insurance (Seasonal Workers) (No. 2) Regulations 1950(a), as amended(b), are treated as equivalent to contributions of another class.

(3) Any contribution as a non-employed or self-employed person which under the provisions of the Unemployment and Sickness Benefit Regulations is treated as equivalent to a contribution of another class for the purposes of unemployment benefit or sickness benefit shall be treated as a contribution of that other class for the purposes of the application of Schedule 1 hereto to the provisions of regulation 2 or regulation 3 of these regulations:

Provided that—

- (a) any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of unemployment benefit shall be treated as a contribution of that other class for the purposes only of the application of Schedule 1 to regulation 2 of these regulations; and
- (b) any such contribution which is so treated as equivalent to a contribution of another class for the purposes only of sickness benefit shall be treated as a contribution of that other class for the purposes only of the application of Schedule 1 to regulation 3 of these regulations.

(a) S.I. 1950/1915 (1950 II, p. 32).

(b) There is no amendment which relates expressly to the subject matter of these Regulations.

PART III

MISCELLANEOUS PROVISIONS RELATING TO CONTRIBUTIONS

Disposal of contributions improperly paid

19.—(1) Where contributions are paid under the Act which are of the wrong class or at the wrong rate, the Secretary of State may treat them as paid on account of the contributions properly payable or on account of contributions under the Industrial Injuries Act, and where contributions are paid under the Industrial Injuries Act which are not payable, he may, notwithstanding anything in that Act, treat them as paid on account of contributions under the Act.

(2) In this regulation references to “contributions” include references to graduated contributions and to payments in lieu of contributions.

Return of contributions paid in error

20.—(1) Subject to the provisions of regulation 19 and of this regulation, any contributions paid by a person or his employer (if any) under the erroneous belief that the contributions were payable by, or in respect or on behalf of, that person under the provisions of the Act shall be returned by the Secretary of State to that person or his employer, as the case may require, if application to that effect is made in writing to the Secretary of State within the appropriate time specified in paragraph (4) of this regulation.

(2) In calculating the amount of any repayment to be made under this regulation to such a person or employer, there shall be deducted—

(a) in the case of employers' contributions and contributions as an insured person, the amount of any contributions paid under the said erroneous belief which have under the provisions of regulation 19 been treated as paid on account of other contributions; and

(b) in the case of contributions as an insured person, the amount, if any, paid to that person (and to any other person on the basis of that erroneous belief) by way of benefit which would not have been paid had the contributions (in respect of which an application for their return is duly made in accordance with paragraph (4) of this regulation) not been paid in the first instance.

(3) Contributions erroneously paid by an employer on behalf of any person and not recovered from him may be repaid to the employer instead of to that person, but if so recovered may be repaid to that person, or, with his consent in writing, to his employer.

(4) A person desiring to apply for the return of any contribution paid under the said erroneous belief shall make the application in such form and in such manner as the Secretary of State may from time to time determine, and—

(a) if the contribution was paid at the due date, within two years from the date on which that contribution was paid; or

(b) if the contribution was paid at a later date than the due date, within two years from the due date or within twelve months from the date of actual payment of the contribution, whichever period ends later.

(5) In this regulation the expression “due date” means the date on which the contribution, if it had been payable, would have been due to be paid.

(6) The provisions of this regulation apply to graduated contributions and to payments in lieu of contributions as they apply to contributions subject to the following rules, namely:—

- (a) the time within which a person desiring to apply for the return of any graduated contribution paid under the said erroneous belief shall make the application is six years from the end of the income tax year in which the payment of remuneration was made on which that contribution was based, or such longer time as the Secretary of State may allow if he is satisfied that that person had good cause for not applying within those six years;
- (b) the time within which a person desiring to apply for the return of any payment in lieu of contributions made under the said erroneous belief shall make the application is six years from the date on which the payment was made, or such longer time as the Secretary of State may allow if he is satisfied that that person had good cause for not applying within those six years;
- (c) for the purposes of paragraph (2) and paragraph (3) of this regulation one half of the amount of any payment in lieu of contributions made in respect of any person shall be treated as an employer's contribution and the other half thereof shall be treated as a contribution as an insured person paid on behalf of that person, and any sum recovered or retained by virtue of the provisions of section 60 of the Act (which relates to an employer's right to recovery where a refund is payable to or in respect of an insured person under a recognised superannuation scheme) shall be treated as a sum recovered from that person;
- (d) the provision of this paragraph shall apply to any part of a graduated contribution or of a payment in lieu of contributions as they apply to that contribution or that payment respectively; and
- (e) for the purposes of this regulation, where the graduated contributions paid by a person, in respect of his remuneration from two or more employments in any income tax year, exceed the amount prescribed under section 4(4) of the Act, the excess shall be treated as representing contributions paid under the erroneous belief that they were payable by that person under the Act.

Employment to be disregarded

21. There shall be disregarded for the purposes of subsections (3) to (5) of section 8 of the Act (which relates to the number and class of contributions for any week) any employment in which a person who is under pensionable age engages or continues to be engaged solely or mainly for the purposes of acquiring or preserving a right or a larger right to benefit.

Calculation of weekly rate of remuneration

22. Where a person is employed for less than forty hours a week, the rate of his remuneration for the purpose of Part I and Part II of Schedule 1 to the Act shall be deemed to be that sum a week which bears the same proportion to his actual remuneration as forty hours bears to the number of hours for which he is employed.

PART IV

PROVISIONS RELATING TO CONTRIBUTIONS WHICH ARE NOT PAID OR ARE PAID AFTER THE DUE DATE

Treatment for the purpose of any benefit of late paid or unpaid contributions where there was no consent, connivance or negligence by the insured person

23.—(1) Where a contribution payable by an employer on behalf of an insured person is paid after the due date or is not paid, and the delay or failure

in making payment thereof is shown to the satisfaction of the Secretary of State not to have been with the consent or connivance of, or attributable to any negligence on the part of the insured person, the contribution shall, for the purpose of any right to benefit, be treated as paid on the date due.

(2) The provisions of this regulation apply to a graduated contribution and to a payment in lieu of contributions as they apply to a contribution and as if, in the case of a payment in lieu of contributions, that payment were payable by the employer on behalf of the person in respect of whom it is payable:

Provided that where by virtue of this paragraph any graduated contribution falls to be treated as paid on the due date, the amount to be so treated shall not exceed such amount as is shown to the satisfaction of the Secretary of State to have been payable.

(3) The following provisions of these regulations shall, in their application to a contribution payable by an employer on behalf of an insured person, have effect subject to the provisions of this regulation.

Treatment for the purpose of any benefit of contributions paid late through ignorance or error

24. In the case of a contribution paid after the due date, where—

(a) the contribution is paid after the time when it would, under the following provisions of these regulations, have been treated as paid for the purposes of the right to a benefit; and

(b) the failure to pay the contribution before that time is shown to the satisfaction of the Secretary of State to be attributable to ignorance or error on the part of the insured person which was not due to any failure on his part to exercise due care and diligence;

the Secretary of State may direct that for the purposes of the following provisions of this Part of these regulations the contribution shall be treated as having been paid on such earlier day as he may consider appropriate in the circumstances and those provisions shall have effect subject to any such direction.

Treatment for the purpose of unemployment or sickness benefit of late paid contributions

25.—(1) For the purpose of any right to unemployment or sickness benefit, a contribution paid after the due date shall, in determining whether the relevant contribution conditions are satisfied as respects the number of contributions paid in respect of the period between entry into insurance and the day for which the benefit is claimed, be treated—

(a) for the purpose of the right to any such benefit in respect of any day before the date on which payment of the contribution is made—as not paid; and

(b) for the purpose of the right to any such benefit in respect of any other day—as paid on the date on which payment of the contribution is made.

(2) For the purpose aforesaid, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the number of contributions paid or credited in respect of the last complete contribution year before the beginning of the benefit year which includes the day for which unemployment or sickness benefit is claimed, a contribution paid after the due date shall be treated—

(a) if paid before the beginning of the said benefit year—as paid on the due date;

- (b) if paid during the said benefit year—as not paid in relation to the right to either of the said benefits in respect of any day before the expiry of a period of 42 days (including Sundays) from and including the date on which payment of that contribution is made and as paid at the expiry of that period in relation to the right to either of the said benefits in respect of any other day;
- (c) if paid after the end of the said benefit year—as not paid.

Treatment for the purpose of maternity benefit of late paid contributions

26.—(1) For the purpose of any right to maternity allowance, a contribution paid after the due date shall be treated—

- (a) if paid before the expiry of the maternity allowance period or the period of four weeks after the date on which the claim for allowance is made (whichever period ends later)—as paid on the due date;
- (b) if paid after the expiry of whichever of the said periods ends later—as not paid;

and, for the purposes of this paragraph, the expression “the maternity allowance period” means the period mentioned in subsection (2) of section 24 of the Act or, in a case in relation to which that subsection is modified in accordance with regulations made under subsection (6) of that section, the period mentioned in the said subsection (2) as so modified.

(2) For the purpose of any right to a maternity grant, a contribution paid after the due date shall be treated—

- (a) if paid before the expiry of the period of three months after the date of confinement—as paid on the due date;
- (b) if paid after the expiry of the said period of three months—as not paid.

Treatment for the purpose of widow's benefit, child's special allowance or retirement pension of late paid contributions

27.—(1) For the purpose of any right to widow's benefit, to child's special allowance or to a retirement pension, a contribution paid after the due date and before the relevant time shall be treated—

- (a) if paid before the end of the sixth contribution year following the contribution year which includes the contribution week in respect of which it is payable—as paid on the due date;
- (b) if paid at any other time—as not paid.

(2) For the purpose aforesaid, a contribution paid after the due date and after the relevant time shall, if it is a contribution—

- (a) payable in respect of a week
 - (i) commencing before the relevant time in the contribution year which includes that time; or
 - (ii) in the contribution year immediately preceding that year; and
- (b) paid before the end of the period of one year from the relevant time; be treated as paid on the due date and any other contribution paid after the due date and after the relevant time shall be treated as not paid:

Provided that a contribution payable in respect of a week commencing after the relevant time shall for the said purpose be treated as paid on the date on which payment of the contribution is made.

(3) In this regulation the expression “relevant time” has the same meaning as in paragraph 4 of Schedule 2 to the Act.

Treatment for the purpose of increase of rate of retirement pension of late paid contributions

28. For the purpose of section 31(1) of the Act (which provides for the increase of the weekly rate of retirement pension where contributions are paid in respect of the period after the attainment of pensionable age) and for the purpose of section 34(1) of the Act (which relates to women's retirement pensions), a contribution paid after the due date shall be treated—

- (a) if paid before the end of the period of one year beginning immediately after the end of the contribution year which includes the contribution week in respect of which it is payable—as paid on the due date;
- (b) if not paid before the end of the said period—as not paid.

Treatment for the purpose of death grant of late paid contributions

29.—(1) For the purpose of any right to a death grant, a contribution paid after the due date shall, subject to the provisions of the next following paragraph, be treated as not paid if—

- (a) the grant is claimed in respect of the death of the relevant person and the contribution is paid after the date of that death;
- (b) the grant is claimed in respect of the death of a person dying during the life time of the relevant person and the contribution is paid after the date of such death;
- (c) the relevant person has predeceased the person in respect of whose death the grant is claimed and the contribution (not being a contribution which by virtue of regulation 27(2) has been treated as paid on the due date for the purpose of a claim for widow's benefit or for retirement pension) is paid after the date of the death of the relevant person;

and in any other case shall, subject as aforesaid, be treated as paid on the due date.

(2) For the purpose aforesaid and notwithstanding the provisions of the last foregoing paragraph, in determining whether the relevant contribution conditions are satisfied in whole or in part as respects the yearly average of contributions paid or credited to any person—

- (a) a contribution paid after the due date and before the relevant time shall be treated—
 - (i) if paid before the end of the sixth contribution year following the contribution year which includes the contribution week in respect of which it is payable—as paid on the due date;
 - (ii) if paid at any other time—as not paid;
- (b) a contribution paid after the due date and after the relevant time, being a contribution payable in respect of any week in the contribution year immediately preceding the contribution year which includes the relevant time, shall be treated as paid on the due date.

(3) In this regulation the expressions "relevant person" and "relevant time" have the same meanings as in paragraph 5 of Schedule 2 to the Act.

Treatment for the purpose of any benefit of late paid graduated contributions and payments in lieu of contributions

30.—(1) For the purpose of any right to benefit (including any increase in the amount of benefit under section 36(4) of the Act where a person does not retire from regular employment on attaining pensionable age) a graduated contribution paid after the due date shall be treated—

- (a) if paid before the end of the sixth income tax year following the income tax year in which the payment of remuneration was made on which that contribution was based—as paid on the due date;
- (b) if paid at any other time—as not paid.
- (2) For the purpose aforesaid, a payment in lieu of contributions made after the due date shall be treated—
- (a) if made before the end of the sixth income tax year following the income tax year in which it became due—as made on the due date;
- (b) if made at any other time—as not made.

PART V

PROVISIONS RELATING TO CONTRIBUTIONS WHICH PERSONS ARE ENTITLED, BUT NOT LIABLE, TO PAY

Treatment for the purpose of any benefit of contributions which persons are entitled, but not liable, to pay

31.—(1) Subject to the following provisions of this regulation, the provisions of Part IV of these regulations shall apply to contributions which persons are entitled, but not liable, to pay as if each such contribution were due to be paid on the last day in the contribution week in respect of which it is paid.

(2) For the purpose of any right to widow's benefit, to child's special allowance, to a retirement pension or to a death grant, a contribution which a person is entitled, but not liable, to pay in accordance with the provisions of regulation 7(2) or regulation 10 of these regulations or regulation 5 of the Residence and Persons Abroad Regulations, as amended(a), (which regulation contains special provisions for payment of contributions in respect of periods abroad), shall, if it is paid before the relevant time and within the period within which it may be paid under any of the said provisions, be treated as paid on the due date.

(3) In the preceding paragraph of this regulation, the expression "the relevant time" has the same meaning as in paragraph 4 or paragraph 5, as the case may require, of Schedule 2 to the Act.

Contributions not paid within prescribed periods

32.—(1) Where a person was entitled to pay a contribution under any of the provisions of the regulations referred to in regulation 31(2) of these regulations (imprisonment or detention in legal custody, full-time education, unpaid apprenticeship and training, and periods abroad) but he failed to pay that contribution in the period provided for payment in the said provision applicable and his failure is shown to the satisfaction of the Secretary of State to be attributable to ignorance or error on his part which was not due to any failure on his part to exercise due care and diligence, that contribution may be paid within such further period as the Secretary of State may direct.

(2) Where a person was entitled to pay a contribution under the provisions of regulation 6(b) of the Residence and Persons Abroad Regulations, as amended(c), (which made special provision for payment of contributions by persons returning to Great Britain after 5th July 1948) but he failed to pay that contribution in the period provided for payment in those provisions and his failure so to pay is shown to the satisfaction of the Secretary of State to be attributable to ignorance or error on his part which was not due to any

- (a) The relevant amending instruments are S.I. 1950/1946, 1956/2021 (1950 II, p. 27; 1956 I, p. 1687).
- (b) Revoked with effect from 22nd December 1956 by S.I. 1956/2021 (1956 I, p. 1687), regulation 3.
- (c) The relevant amending instrument is S.I. 1950/1946 (1950 II, p. 27).

failure on his part to exercise due care and diligence, that contribution may be paid within such further period as the Secretary of State may direct.

(3) Where a person returning to Great Britain more than three years after 5th July 1948 would have been entitled to pay contributions under the said regulation 6 if the power of the Minister of National Insurance or of the Minister of Pensions and National Insurance had been exercised thereunder to determine that in the particular case a period exceeding three years should apply, the Secretary of State may, having regard to the circumstances of the case, determine that the provisions of paragraph (2) of this regulation shall apply as if the said period had been extended so as to include the date of that person's return to Great Britain.

(4) Where contributions are paid for any period in respect of a person by virtue of the provisions of paragraphs (2) or (3) of this regulation, that person shall be deemed to have been an insured person for that period.

Payments after death

33. If a person dies, any contributions which, immediately before his death, he was entitled, but not liable, to pay, if he so desired, may be paid notwithstanding his death, subject, however, to the same provisions with respect to the time for payment as were applicable to that person.

Revocation and general savings

34.—(1) The regulations specified in column 1 of Schedule 2 to these regulations are hereby revoked to the extent mentioned in column 3 of that Schedule.

(2) Anything whatsoever done under or by virtue of any regulation revoked by these regulations shall be deemed to have been done under or by virtue of the corresponding provision of these regulations, and anything whatsoever begun under any such regulation may be continued under these regulations as if begun under these regulations.

(3) So much of any document as refers expressly or by implication to any regulation revoked by these regulations shall, if and so far as the context permits, be construed as referring to the corresponding provision of these regulations.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken as affecting the general application by regulation 1(4) of these regulations of the rules for the construction of Acts of Parliament contained in section 38 of the Interpretation Act 1889 (effect of repeal) with regard to the effect of revocations.

Signed by authority of the Secretary of State for Social Services.

David Ennals,
Minister of State,
Department of Health and Social Security.

25th November 1969.

Given under the Official Seal of the National Insurance Joint Authority.

(L.S.)

D. J. Carter,
Secretary,
National Insurance Joint Authority.

25th November 1969.

Neil McBride,
E. G. Perry,
Two of the Lords Commissioners of
Her Majesty's Treasury.

27th November 1969.

SCHEDULE 1

Regulations 2, 3, 5,
10, 16 and 18.CONDITIONS ATTACHING TO EXCEPTION FROM LIABILITY TO PAY, AND TO THE
CREDITING OF, CONTRIBUTIONS*Condition I*

That not less than twenty-six contributions as an employed person have been paid by or credited to the insured person in respect of the contribution year immediately preceding the benefit year which includes the relevant week.

Condition II

That not less than ten contributions as an employed person have been paid by or credited to the insured person in respect of the thirteen weeks immediately preceding the relevant week.

Condition III

That not less than twenty-six contributions, whether as an employed person or a self-employed person, have been paid by or credited to the insured person in respect of the contribution year immediately preceding the benefit year which includes the relevant week.

Condition IV

That not less than ten contributions, whether as an employed person or a self-employed person, have been paid by or credited to the insured person in respect of the thirteen weeks immediately preceding the relevant week.

In this Schedule the expression "the relevant week" means the week in respect of which a question arises under these regulations either in relation to exception from liability to pay, or to the crediting of, a contribution.

SCHEDULE 2

Regulation 34(1)

1 Regulations Revoked	2 References	3 Extent of Revocation
The National Insurance (Contributions) Regulations 1948	S.I. 1948/1417 (Rev. XVI p. 164; 1948 I, p. 2767).	The whole regulations
The National Insurance (Contributions) Amendment Regulations 1950	S.I. 1950/330 (1950 II, p. 15).	The whole regulations
The National Insurance (Contributions) Amendment (No. 2) Regulations 1950	S.I. 1950/1947 (1950 II, p. 20).	The whole regulations
The National Insurance (Contributions) Amendment Regulations 1952	S.I. 1952/1393 (1952 II, p. 2140).	The whole regulations

Schedule 2—*cont.*

1 Regulations Revoked	2 References	3 Extent of Revocation
The National Insurance (Contributions) Amendment Regulations 1953	S.I. 1953/495 (1953 I, p. 1371).	The whole regulations
The National Insurance (Contributions) Amendment (No. 2) Regulations 1953	S.I. 1953/1544 (1953 I, p. 1372).	The whole regulations
The National Insurance (Maternity Benefit and Miscellaneous Provisions) Regulations 1954	S.I. 1954/189 (1954 I, p. 1387).	Regulation 20 and Parts VI to VIII of Schedule 1
The National Insurance (Contributions) Amendment Regulations 1955	S.I. 1955/1602 (1955 I, p. 1629).	The whole regulations
The National Insurance (Contributions) Amendment Regulations 1956	S.I. 1956/2020 (1956 I, p. 1639).	The whole regulations
The National Insurance (Child's Special Allowance) Regulations 1957	S.I. 1957/1835 (1957 I, p. 1523).	In the Schedule the entry relating to the National Insurance (Contributions) Amendment Regulations 1956
The National Insurance (Contributions) Amendment Regulations 1957	S.I. 1957/1299 (1957 I, p. 1635).	The whole regulations
The National Insurance (Contributions) Amendment (No. 2) Regulations 1957	S.I. 1957/2176 (1957 I, p. 1642).	The whole regulations
The National Insurance (Contributions) Amendment Regulations 1959	S.I. 1959/847 (1959 II, p. 1882).	The whole regulations
The National Insurance (Contributions) Amendment (No. 2) Regulations 1959	S.I. 1959/1803 (1959 II, p. 1891).	The whole regulations

Schedule 2—*cont.*

1 Regulations Revoked	2 References	3 Extent of Revocation
The National Insurance (Contributions) Amendment Regulations 1960	S.I. 1960/782 (1960 II, p. 2228).	The whole regulations
The National Insurance (Graduated Contributions and Non-participating Employments—Miscellaneous Provisions) Regulations 1960	S.I. 1960/1210 (1960 II, p. 2234).	Part IV
The National Insurance (Contributions) Amendment (No. 2) Regulations 1960	S.I. 1960/1285 (1960 II, p. 2230).	The whole regulations
The National Insurance (Consequential Provisions) Regulations 1962	S.I. 1962/12 (1962 I, p. 10).	Regulation 6 and Schedule 4
The National Insurance (Contributions) Amendment Regulations 1962	S.I. 1962/300 (1962 I, p. 289).	The whole regulations
The National Insurance (Contributions) Amendment (No. 2) Regulations 1962	S.I. 1962/987 (1962 II, p. 1112).	The whole regulations
The National Insurance (Contributions) Amendment Regulations 1963	S.I. 1963/501 (1963 I, p. 575).	The whole regulations
The National Insurance (Miscellaneous Consequential Amendments and Transitional Provisions) Regulations 1966	S.I. 1966/1010 (1966 II, p. 2407).	Regulation 4
The National Insurance (Increase of Benefit and Miscellaneous Provisions) Regulations 1967	S.I. 1967/1265 (1967 II, p. 3673).	Item 7 in Schedule L
The National Insurance (Contributions) Amendment Regulations 1967	S.I. 1967/1468 (1967 III, p. 4154).	The whole regulations

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations are made for the purpose only of consolidating Regulations hereby revoked and accordingly, by virtue of section 108(9)(c) of the National Insurance Act 1965, no reference of them has been made to the National Insurance Advisory Committee.

The Regulations consolidate the regulations hitherto in force relating to contributions under the National Insurance Act 1965. Part II of the Regulations deals with the circumstances in which persons are excepted from liability to pay contributions and in which they are either credited with contributions or permitted to pay them. The Regulations also contain (in Part III) provisions relating to the disposal and return of contributions which have been paid in error and (in Parts IV and V) provisions relating to the treatment for benefit purposes of contributions which are paid after the due date or not paid.