continuously for a period of not less than 52 weeks. The amendment of those provisions is effected by adding special provisions which apply in certain cases where the beneficiary is married. These regulations also substitute new provisions for those of the principal regulations which relate to dependency benefit (as so defined) under that Act. The provisions which are substituted substantially reproduce those of the principal regulations which impose a condition for the receipt of dependency benefit in certain cases where the beneficiary is receiving free in-patient treatment after having received that treatment continuously for a period of not less than 52 weeks; but they also provide for the adjustment of dependency benefit under that Act in certain cases where the person in respect of whom that benefit is payable is the husband or wife of the beneficiary and is receiving free in-patient treatment. By virtue of the substituted provisions, some dependency benefit under the Act in respect of a person receiving free in-patient treatment may (at the instance of the beneficiary) become payable to the patient if and when he or she is discharged from hospital; and these regulations provide also for the addition to the principal regulations of a provision (similar to the existing provision relating to personal benefit which is payable on the beneficiary's discharge from hospital) which applies in all cases where, under the principal regulations as amended by these regulations, the payment to a person of any sum by way of benefit is conditional upon the payee's discharge from hospital. The remaining provisions are of a minor or consequential character.

Married Women Amendment Regulations (Northern Ireland), 1957

REGULATIONS, DATED 3RD JANUARY, 1957, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 8 [C]

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 56 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Married Women) Amendment Regulations (Northern Ireland), 1957, shall be read as one with the National Insurance (Married Women) Regulations (Northern Ireland), 1948(b), (hereinafter referred to as " the principal regulations ") and shall come into operation on the 7th January, 1957.

(a) 1946. c. 23.
(b) S.R. & O. (N.I.) 1948. No. 220 as amended by s. 9 and para. 15 of First Schedule, National Insurance Act (Northern Ireland), 1953 (1953, c. 27); S.R. & O. (N.I.) 1954. No. 33.

Amendment of regulation 1 of the principal regulations

2. In paragraph (2) of regulation 1 of the principal regulations (which makes provision for their interpretation) the following definition shall be inserted after the definition of "marriage":—

"'the Industrial Injuries Act' means the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946(a);

'the Overlapping Benefits Regulations' means the National Insurance (Overlapping Benefits) Regulations (Northern Ireland), 1949(b);

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

'appropriate weekly rate' means, in relation to any benefit, the weekly rate of personal benefit by way of benefit of that description which is appropriate in the case of the person in relation to whom the provision containing that expression is to be applied;

'widow's basic pension' has the same meaning as in the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948(c);"

Provisions added to principal regulations

3. The following provisions shall be added after regulation 8 of the principal regulations:—

"*Modifications, in relation to widows, of provisions with respect to unemployment and sickness benefit and retirement pensions*

8A.—(1) Subject to the following provisions of this regulation, where, otherwise than by reason of remarriage or cohabitation with a man as his wife, a woman either ceases to be entitled to a widow's allowance or ceases to be entitled to a widowed mother's allowance but in the latter case without becoming entitled under the Act to a widow's pension or a retirement pension—

(*a*) she shall be deemed to have satisfied, as respects the twenty-six contributions required to have been paid, the contribution conditions for unemployment and sickness benefit;

(*b*) for the purpose of her satisfying, as respects the fifty contributions required to have been paid or credited in a contribution year, the contribution conditions for unemployment and sickness benefit and of her satisfying the conditions attaching to

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(a) 1946. c. 21.

(b) S.R. & O. (N.I.) 1949. No. 154 as amended by S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1951. No. 181; S.R. & O. (N.I.) 1952. No. 65; S.R. & O. (N.I.) 1952. No. 137; S.R. & O. (N.I.) 1953. No. 80; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1955. No. 7; S.R. & O. (N.I.) 1956. No. 138.

(c) S.R. & O. (N.I.) 1948. No. 39 as amended by S.R. & O. (N.I.) 1949. No. 124; S.R. & O. (N.I.) 1951. No. 154; S.R. & O. (N.I.) 1952. No. 133; S.R. & O. (N.I.) 1953. No. 108; S.R. & O. (N.I.) 1955. No. 8; S.R. & O. (N.I.) 1956. No. 138.

exception from liability to pay, and to the crediting of contributions which are contained in the schedule to the National Insurance (Contributions) Regulations (Northern Ireland), 1948(a), a contribution as an employed person shall be credited to her for each week which began in the period commencing with the beginning of the last complete contribution year before the beginning of the benefit year which includes the day on which she ceases to be entitled as aforesaid and ending with that day;

(*c*) for the purpose of her right to unemployment benefit, the provisions of the National Insurance (Additional Days of Unemployment Benefit) Regulations (Northern Ireland), 1953(b), shall be applied in her case—

(i) as if she had paid a contribution as an employed person for every week beginning on or after the 5th July, 1948, during the whole or any part of which her marriage subsisted and for every week after its termination for which, or for part of which, she was entitled, or but for the operation of the provisions of the Overlapping Benefits Regulations would have been entitled, to a widow's allowance or a widowed mother's allowance and as if she had not been entitled to unemployment benefit for any day in any such week; and

(ii) if her marriage subsisted before the 5th July, 1948, and she is not an existing contributor, as if she were an existing contributor and as if the reference in regulation 7 of the said regulations to the prescribed period in which she attained the age of sixteen were a reference to that prescribed period or (if later) the prescribed period in which her marriage occurred;

(*d*) for the purpose of her right to sickness benefit, the provisions of subsection (2) of section 11 of the Act (which relates to exhaustion of, and requalification for, sickness benefit) shall not apply;

(*e*) for the purposes of the provisions of subsection (1) of the said section 11 (which relates to exhaustion of, and requalification for, unemployment benefit) if the day on which she ceases to be entitled as aforesaid falls during a period of interruption of employment, any part of that period before that day shall be left out of account and, if on that day her right to unemployment benefit is exhausted, she shall be deemed to have requalified therefor on that day; and

(a) S.R. & O. (N.I.) 1948. No. 217 as amended by S.R. & O. (N.I.) 1949. No. 149; S.R. & O. (N.I.) 1950. No. 67; S.R. & O. (N.I.) 1951. No. 38; S.R. & O. (N.I.) 1952. No. 139; S.R. & O. (N.I.) 1953. No. 69; S.R. & O. (N.I.) 1953. No. 123; S.R. & O. (N.I.) 1953. No. 157; S.R. & O. (N.I.) 1954. No. 35; S.R. & O. (N.I.) 1955. No. 101.

(b) S.R. & O. (N.I.) 1953. No. 99.

(*f*) she shall be deemed to have satisfied, as respects the one hundred and fifty-six contributions required to have been paid, the contribution conditions for a retirement pension.

(2) For the purposes of this regulation, where a woman ceases to be entitled to a widowed mother's allowance as is mentioned in the foregoing paragraph at a time when she is entitled to personal benefit by way of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme at a weekly rate which is equal to or exceeds the weekly rate of widow's pension under the Act which is specified in the second column of Part I of the Second Schedule thereto, she shall be deemed not to have ceased to be entitled as aforesaid unless and until that personal benefit, while continuing to be payable, falls to be reduced to a weekly rate which is less than the said weekly rate of widow's pension under the Act.

(3) In relation to a widow who, at her husband's death, would be entitled to a widow's allowance but for the fact that the conditions for a widow's allowance specified in paragraph (*a*) of subsection (1) of section 16 of the Act (which relates to widow's benefit) are not satisfied, sub-paragraph (*f*) of paragraph (1) of this regulation shall, subject to the provisions of paragraph (6) of this regulation, apply as if she had then ceased to be entitled to a widow's allowance.

(4) Where a woman is entitled to personal benefit by way of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme,—

(*a*) if the weekly rate of that personal benefit is equal to or exceeds the appropriate weekly rate of unemployment benefit or sickness benefit, the provisions of sub-paragraphs (*a*) to (*e*) of paragraph (1) of this regulation shall not operate to entitle her to unemployment benefit or sickness benefit for any period before she has paid twenty-six contributions of the appropriate class in respect of weeks beginning after she ceased to be entitled as is mentioned in the said paragraph (1); and

(*b*) if the weekly rate of that personal benefit is less than the said appropriate weekly rate, the said provisions shall not operate to entitle her to unemployment benefit or sickness benefit, for any period such as is mentioned in the last foregoing sub-paragraph, at a weekly rate which exceeds the difference between the said appropriate weekly rate and the weekly rate of that personal benefit.

(5) Where a woman is entitled to a widow's basic pension, the provisions of regulation 3 of, and paragraph (1) of the schedule to, the Overlapping Benefits Regulations (which except widow's basic pension payable in certain circumstances from adjustment by reference to unemployment benefit

or sickness benefit) shall not operate to except her widow's basic pension from adjustment by reference to any unemployment benefit or sickness benefit which would not be payable but for the foregoing provisions of this regulation for any period before she has paid twenty-six contributions of the appropriate class in respect of weeks beginning after she ceased to be entitled as is mentioned in paragraph (1) of this regulation.

(6) The provisions of sub-paragraph (*f*) of paragraph (1) of this regulation—

(*a*) shall not, in the case of a woman who, having ceased to be entitled as is mentioned in that paragraph, remarries before she attains pensionable age, apply by reason of her ceasing to be entitled as aforesaid before her remarriage;

(*b*) shall not apply in the case of a woman who is entitled when she attains pensionable age to personal benefit by way of a widow's pension under the Industrial Injuries Act or any Personal Injuries Scheme or any Service Pensions Instrument or any 1914-1918 War Injuries Scheme at a weekly rate which is equal to or exceeds the weekly rate of widow's pension under the Act which is specified in the second column of Part I of the Second Schedule thereto; and

(*c*) shall not operate, in the case of any other woman who is entitled when she attains pensionable age to such personal benefit as aforesaid, to entitle her to a retirement pension at a weekly rate which exceeds the difference between the weekly rate of widow's pension under the Act which is so specified and the weekly rate of that personal benefit.

(7) In determining for the purpose of paragraph (1) of this regulation whether a woman ceases to be or becomes entitled as is mentioned in that paragraph, a woman in whose case the Ministry is satisfied that she would be or would have been entitled to widow's benefit or a retirement pension for any period but for any one or more of the following factors, namely—

(*a*) delay or failure to make a claim therefor;

(*b*) disqualification for the receipt of benefit for any other reason except her cohabitation with a man as his wife;

(*c*) the operation of the provisions of the Overlapping Benefits Regulations;

(*d*) the operation of any provision of either the Act or any regulations made thereunder relating to earnings;

shall be treated as if she is or (as the case may be) was entitled thereto throughout that period.

(8) In determining for the purpose of paragraph (3) of this regulation whether a woman would be entitled to a widow's allowance but for the fact mentioned in that paragraph, a

woman in whose case the Ministry is satisfied that she would be so entitled but for that fact and for any one or more of the factors mentioned in the last foregoing paragraph shall be treated as if she would be so entitled but for that fact.

(9) A woman shall not be entitled by virtue of this regulation to an increase of unemployment benefit or sickness benefit in respect of a child or adult dependant for any period before she has paid twenty-six contributions of the appropriate class in respect of weeks beginning after she ceased to be entitled as is mentioned in paragraph (1) of this regulation.

(10) A woman who ceases to be entitled as is mentioned in paragraph (1) of this regulation on more than one occasion shall be entitled to the benefit of the provisions of that paragraph, subject as therein mentioned, on each such occasion:

Provided that, in relation to such a woman, the references in paragraphs (4), (5) and (9) of this regulation to her ceasing to be entitled as aforesaid shall be construed as references to the later or last of such occasions, so, however, that a woman who, after any occasion (hereafter in this paragraph called "the occasion in question") and before the next subsequent occasion, has satisfied, in relation to the occasion in question, the requirement of paying the twenty-six contributions referred to in the said paragraphs (4), (5) and (9), shall, in relation to any right to benefit arising by reason of the application of the provisions of the said paragraph (1) on the occasion in question, be relieved from any restriction on that right imposed by those paragraphs as if the provisions of the said paragraph (1) had not applied on any subsequent occasion.

(11) Where in accordance with the provisions of sub-paragraph (*b*) or sub-paragraph (*c*) of paragraph (1) of this regulation a contribution is credited or treated as paid for any week, any contribution under the Act otherwise credited, paid or treated as paid for that week shall be disregarded for the purpose specified in the said sub-paragraph (*b*) or sub-paragraph (*c*), as the case may be, but for all other purposes shall be taken into account to the exclusion of any contribution credited or treated as paid in accordance with the provisions of that sub-paragraph.

(12) Where, but for this paragraph, the provisions of the last foregoing regulation and the provisions of this regulation would be applicable for the purpose of determining a woman's right to unemployment benefit or sickness benefit for any day, her right thereto shall be determined by reference to the provisions of that one of those two regulations which is more favourable to her, to the exclusion of the provisions of the other."

Transitory provisions.

4.—(1) The provisions of regulation 8A added to the principal regulations by the last foregoing regulation shall apply—

(*a*) in relation to a widow who, having at any time before the date on which these regulations come into force been entitled to—

(i) a widow's allowance;

(ii) a widow's pension by virtue of subsection (3) of section 17 of the Act (which relates to the right of a widow to a widow's pension where she ceases to be entitled to widow's benefit at a time when she is by reason of any infirmity incapable of self-support and is under pensionable age);

(iii) a widowed mother's allowance by virtue of the provisions of regulation 4 of the National Insurance (Pensions, Existing Beneficiaries and Other Persons) (Transitional) Regulations (Northern Ireland), 1948; or

(iv) a widow's basic pension;

is not upon that date entitled to a widow's allowance, as if on that date she had ceased to be entitled to a widow's allowance; and

(*b*) in relation to a widow who, having been entitled, immediately before the said date, to a widow's pension by virtue of the said subsection (3), ceases, otherwise than by reason of remarriage or cohabitation with a man as his wife, to be entitled to such pension but without becoming entitled under any other provision of the Act to a widow's pension or a retirement pension, as if she had then ceased to be entitled to a widow's allowance:

Provided that the provisions of the said regulation 8A shall not apply by virtue of sub-paragraph (*a*) of this paragraph in relation to a widow who, before the said date and after she last became entitled to widow's benefit under the Act, remarried or was disqualified for the receipt of such benefit by reason of her cohabitation with a man as his wife or in relation to a widow who would have been entitled to widow's benefit under the Act for a period immediately before that date but for disqualification by reason of such cohabitation.

(2) A widow's pension which, for the purposes of the said section 17, is treated as if it were a pension payable by virtue of the said subsection (3) shall be so treated for the purposes of this regulation.

(3) In determining for the purpose of paragraph (1) of this regulation any question as to a woman's entitlement to widow's benefit or a retirement pension, the provisions of paragraph (7) of the said regulation 8A shall apply as if that question were a question for determination for the purpose of paragraph (1) of that regulation.

Sealed with the Official Seal of the Ministry of Labour and National Insurance for Northern Ireland this 3rd day of January, 1957, in the presence of

(L.S.) *William Allen,*
Assistant Secretary to the Ministry of Labour and National Insurance for Northern Ireland.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of January, 1957, in the presence of

(L.S.) *D. C. B. Holden,*
Assistant Secretary to the Ministry of Finance for Northern Ireland.

EXPLANATORY NOTE

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

These regulations add a new provision to the National Insurance (Married Women) Regulations (Northern Ireland), 1948, whereby a widow, on ceasing to be entitled to a widow's allowance or a widowed mother's allowance in certain circumstances, is deemed to satisfy the contribution conditions for unemployment and sickness benefit and retirement pension as respects the minimum number of contributions required to have been paid since her entry into insurance; she is also granted certain credits of contributions counting for unemployment and sickness benefit, is treated as having paid certain contributions counting for the purpose of additional days of unemployment benefit and is relieved from the possibility of exhausting her right to sickness benefit. The transitory provisions of the regulations provide for conferring similar rights on certain existing widows not entitled to widow's allowance when the regulations come into effect. The remaining provisions are of a minor or consequential character.

Married Women Amendment (No. 2) Regulations (Northern Ireland), 1957

REGULATIONS, DATED 1ST AUGUST, 1957, MADE BY THE MINISTRY OF LABOUR AND NATIONAL INSURANCE, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER THE NATIONAL INSURANCE ACT (NORTHERN IRELAND), 1946.

1957. No. 175 [C]

The Ministry of Labour and National Insurance, in conjunction with the Ministry of Finance, in exercise of the powers conferred by section 56 of the National Insurance Act (Northern Ireland), 1946(a), and of all other powers enabling it in that behalf, hereby makes the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the National Insurance (Married Women) Amendment (No. 2) Regulations (Northern Ireland), 1957, shall be read as one with the National

(a) 1946. c. 23.