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SCHEDULES

SCHEDULE 11

Section 115.

TRANSITORY PROVISIONS.

Special savings.

- 1 (1) Where this Schedule provides that any provision shall be specially saved, then, notwithstanding that the provision in question is repealed by the Consequential Repeals Act and is not re-enacted in this Act, any regulations made under that provision and in force immediately before the commencement of this Act shall continue in force in like manner, subject to the like power of variation or revocation, as if that provision had been so re-enacted.
- (2) Any regulations having effect immediately before the commencement of this Act by virtue only of the proviso to section 6(4) of the National Insurance Act 1960 shall continue to have effect as if that proviso had not been repealed by the Consequential Repeals Act.

Widow's pension.

- 2 (1) Notwithstanding that neither the conditions specified in subsection (2) nor those specified in subsection (3) of section 28 of this Act are satisfied, a widow shall be entitled to a widow's pension in a case where she would have been so entitled if subsection (1)(b) of that section, instead of referring to the conditions specified in the said subsection (3), had referred either—
- (a) to the conditions specified in sub-paragraph (2) of this paragraph; or
 - (b) to the conditions specified in sub-paragraph (3) of this paragraph ; or
 - (c) to the conditions specified in sub-paragraph (4) of this paragraph.
- (2) The conditions referred to in sub-paragraph (1)(a) of this paragraph are—
- (a) that during her widowhood, and at a date within the period beginning with 5th July 1948 and ending with 4th July 1956, the widow had a family which included a child who either was at the husband's death a child of his family or was a son or daughter of theirs ; and
 - (b) that at a subsequent date during that period the widow ceased to have such a family at a time when—
 - (i) she was over the age of forty but under pensionable age ; and
 - (ii) three years had elapsed since the date of her marriage to the husband.
- (3) The conditions referred to in sub-paragraph (1)(b) of this paragraph are—
- (a) that during her widowhood, and at a date within the period beginning with 5th July 1956 and ending with 26th February 1964, the widow either—
 - (i) had a family which included a child who fell within paragraph (a), (b) or (c) of section 27(2) of this Act and who, if included in the widow's family only by virtue of her contributing to the cost

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- of providing for the child, was so included by virtue of her so contributing at a weekly rate not less than the difference between the two weekly rates of widowed mother's allowance as set out in the second column of Part I of Schedule 2 to the Act of 1946 as in force at that date ; or
- (ii) while not having such a family, satisfied the requirements of section 27(1)(b) of this Act with the substitution in the said section 27(1)(b) for the reference to the age of nineteen years of a reference to the age of eighteen years; or
- (iii) satisfied the requirements of section 27(1)(c) of this Act; and
- (b) that at a subsequent date during that period the widow ceased to satisfy the condition specified in paragraph (a) of this sub-paragraph at a time when—
- (i) subject to paragraph 3 of this Schedule, she was over the age of fifty ; and
- (ii) either she was under pensionable age or, if that time was after 4th August 1957, being over pensionable age, she had not retired from regular employment; and
- (iii) three years had elapsed since the date of her marriage to the husband.
- (4) The conditions referred to in sub-paragraph (1)(c) of this paragraph are—
- (a) that during her widowhood, and at a date within the period beginning with 27th February 1964 and ending with 20th December 1964, the widow satisfied the requirements of section 27(1)(a), (b) or (c) of this Act; and
- (b) that at a subsequent date during that period the widow ceased to satisfy the requirements aforesaid at a time when the requirements of sub-paragraph (3) (b)(i), (ii) and (iii) of this paragraph were satisfied.
- (5) Subsection (5) of section 28 of this Act shall apply for the purposes of this paragraph as if references in the said subsection (5) to that section or to subsection (2)(a) or (3) (b) thereof included references respectively to this paragraph or to sub-paragraphs 2(b)(ii) or 3(b)(iii) thereof.
- 3 In the case of a widow whose husband or, if she has been married more than once, whose last husband died before 4th February 1957, section 28(3)(a) of this Act and paragraph 2(3)(b)(i) of this Schedule shall each have effect as if for the word "fifty" there were substituted the word " forty ".
- 4 (1) Section 18(3) of the Act of 1946 (by virtue of which a widow who would otherwise have ceased to be entitled to widow's benefit at a time when incapable of self-support by reason of infirmity may be granted a widow's pension), so far as it applies to a widow so ceasing before 7th January 1957, shall be specially saved ; and where a widow entitled to a widow's pension by virtue of the said section 18(3) ceases to be so entitled at a time when—
- (a) she is over the age of fifty ; and
- (b) three years have elapsed since the date of the marriage in respect of which the pension is payable,
- she shall for any subsequent period have the same right, if any, to a widow's pension in respect of that marriage as if the conditions specified in section 28(2) of this Act were satisfied.
- (2) Where a widow has been married more than once, regulations may relax, for the purpose of her right to a widow's pension in respect of her last marriage, the condition contained in sub-paragraph (1)(b) of this paragraph.

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Women's retirement pensions.

- 5 (1) If in the case of any woman—
- (a) her husband died, and she attained pensionable age, before 5th August 1957 and she was immediately before attaining that age entitled to widow's benefit in respect of his death ;
 - (b) her husband died, and she attained pensionable age, before 21st August 1956 and she would, immediately before attaining that age, have been entitled if section 28 of this Act had then been in force to a widow's pension in respect of his death,
- section 32 of this Act shall have effect in relation to that woman as if subsection (1)(a) of that section were omitted ; but a woman whose husband died, and who remarried, before 5th August 1957 shall not be entitled to payment of a retirement pension by virtue of that husband's insurance for any period after her remarriage.
- (2) Nothing in section 48(1) or 49(3)(a) of this Act relating to the making of claims shall affect any right of a widow to a retirement pension by virtue of sub-paragraph (1)(a) of this paragraph; and section 49(4)(c) of this Act shall not apply to such a pension.
- 6 Section 33(3) of this Act shall not apply to a woman who attained pensionable age before 5th August 1957 and who, immediately before attaining that age, was entitled to widow's benefit unless that benefit was a widow's pension in respect of a husband who died before 21st August 1956 to which she became entitled on or after that date.

Increase of retirement pension for contributions after pensionable age.

- 7 In relation to contributions for contribution weeks commencing before 3rd August 1959, section 31(1) of this Act shall have effect as if for the reference to one shilling for every twelve contributions there were substituted a reference—
- (a) in the case of contribution weeks commencing before 16th July 1951, to one shilling for every twenty-five contributions ;
 - (b) in the case of contribution weeks commencing on or after 16th July 1951, to one shilling and sixpence for every twenty-five contributions.
- 8 (1) Section 34(1) and (2) of this Act shall not apply to contributions paid before 25th December 1961, and the said section 34(2) shall not apply where the husband's death took place before that date.
- (2) Where, in the case of any husband and his wife or widow, they were both over pensionable age on 25th December 1961 (whether then married or not), the said section 34(1) and (2) shall not apply except in so far as section 34(1)(b) may operate to increase in respect of the husband's contributions a retirement pension under section 30 of this Act payable to his widow by virtue of her own insurance ; but in any such case, and in any case where the husband died before 25th December 1961, the weekly rate of a retirement pension under section 32 of this Act payable to the wife or widow by virtue of the husband's insurance shall, subject to section 30(7) of this Act and to paragraph 9 of this Schedule, be increased for contributions as an employed or self-employed person paid by the husband in respect of any period after both he and she had attained pensionable age—
- (a) by one shilling for every twenty-five such contributions paid in respect of contribution weeks commencing before 16th July 1951 ;
 - (b) for every twenty-five such contributions paid in respect of contribution weeks commencing on or after 16th July 1951 and before 3rd August 1959—

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- (i) as respects any period during which the husband is alive, by one shilling ;
- (ii) as respects any period after the husband's death, by one shilling and sixpence ;
- (c) for every twelve such contributions paid in respect of contribution weeks beginning on or after 3rd August 1959—
 - (i) as respects any period during which the husband is alive, by sixpence ;
 - (ii) as respects any period after the husband's death, by one shilling.

(3) Section 34(3) and (4) of this Act shall apply for the purposes of sub-paragraph (2) of this paragraph as they apply for the purposes of the said section 34(1) and (2).

- 9 The following provisions (which relate to the treatment of contributions which do not make up the number, or a multiple of the number, of contributions applicable for the purposes of section 20(4) or 21(3) of the Act of 1946 at the time when the contributions were paid), namely—
- (a) section 4(5) of the National Insurance Act 1951 ; and
 - (b) section 6(3) of the National Insurance Act 1959,
- shall be specially saved and have effect for the purposes of section 31(1) of this Act or paragraph 8(2) of this Schedule as they had effect for the purposes of the said section 20(4) or 21(3).

Death grant.

- 10 A death grant shall not be payable in respect of the death of any person who attained pensionable age before 5th July 1948.

Overlapping benefits.

- 11 (1) Regulations may provide for adjusting sickness benefit payable to any person in respect of any injury or disease, or the conditions for the receipt thereof, where that person is or has been entitled in respect of that injury or disease to a weekly payment under the Workmen's Compensation Acts or under any contracting out scheme duly certified thereunder.
- (2) In this paragraph, the expression "Workmen's Compensation Acts " means the Workmen's Compensation Acts 1925 to 1945, or the enactments repealed by the Workmen's Compensation Act 1925, or the enactments repealed by the Workmen's Compensation Act 1906.

Non-participating employments.

- 12 In determining whether a person's service in any employment in which he is employed after 5th January 1964 qualifies him as mentioned in section 56(1)(a) of this Act, no account shall be taken of any service by him in that employment before that date.
- 13 As respects service before 8th April 1963, section 56(3) of this Act shall have effect as if for the words "eighteen pounds" there were substituted the words " fifteen pounds ".
- 14 As respects service before 6th January 1964, section 57(1) of this Act shall have effect as if for paragraph (d) thereof there were substituted the following—

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“(d) apart from any period before pensionable age, the pension or the said part of it is of an amount not less, when expressed as a weekly rate, than the graduated retirement benefit which would be payable to the person employed in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of service in respect of a weekly payment of remuneration of fifteen pounds.”

Payments in lieu of contributions.

- 15 For the purposes of section 58 of this Act—
- (a) as respects service before 6th January 1964, paragraph (a) of that section shall have effect as if for the words " eighteen pounds" there were substituted the words " fifteen pounds ";
 - (b) sections 1(1) and 3(1) of, and Schedule 1 to, the National Insurance Act 1963 shall be deemed not to have come into operation until 5th January 1964.
- 16 If a payment is made as required by section 58 of this Act in respect of a period—
- (a) falling partly before and partly after 5th January 1964 ; or
 - (b) falling partly before and partly after the date of any change in the percentage mentioned in section 4(1)(c) of this Act taking effect under section 5(1)(b) thereof; or
 - (c) falling partly before and partly after the date of any change in the said percentage or the sums of money mentioned in the said section 4(1)(c), or of any change in the rates of contributions set out in Schedule 1 to this Act effected by or in pursuance of any Act passed after this Act,
- and the amount of the payment is less than the full amount required, the Minister may allocate the payment as between the two parts of the period as he may think fit, and the said section 58 shall apply to the payment as if the two parts of the period were separate periods.

Pre-1948 contributors and beneficiaries.

- 17 (1) In relation to—
- (a) persons (in this paragraph and paragraph 18 of this Schedule referred to as " pre-1948 contributors ") who within the prescribed time before 5th July 1948 were, or were deemed to be or treated as, insured—
 - (i) under the Unemployment Insurance Act 1935 ; or
 - (ii) under the National Health Insurance Act 1936 ; or
 - (iii) under the Widows', Orphans' and Old Age Contributory Pensions Act 1936 ; and
 - (b) persons (hereafter in this paragraph referred to as " pre-1948 beneficiaries ")—
 - (i) to or in respect of whom, immediately before 5th July 1948, any benefit, pension or allowance was, or would but for any disqualification or forfeiture have been, payable under or by virtue of the enactments repealed by the Act of 1946 ; or
 - (ii) who immediately before 5th July 1948 had, otherwise than as pre-1948 contributors or in respect of the insurance of pre-1948 contributors, any prospective right to or expectation of any benefit,

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pension or allowance under or by virtue of the enactments so repealed,

the provisions of this Act shall have effect with such modifications, additions and exceptions as may be prescribed for securing the continuity of the enactments so repealed, the Act of 1946 and this Act, or otherwise for the preservation of rights conferred under or by virtue of the enactments so repealed, or which appear to the Minister to be necessary or expedient in consequence of the passing after this Act of any enactment directed to be construed as one therewith (except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction) ; and in this paragraph and in the said paragraph 18 any reference to the enactments repealed by the Act of 1946 shall include a reference to any corresponding enactments previously repealed.

(2) Regulations under the foregoing sub-paragraph shall in particular provide—

- (a) as respects pre-1948 contributors—
 - (i) for the insurance under this Act of such of them as, on 5th July 1948, being under pensionable age, were outside Great Britain and continued in any employment outside Great Britain by virtue of which they were pre-1948 contributors ;
 - (ii) for modifying the conditions for receipt of benefit under this Act, whether by a pre-1948 contributor or in respect of his insurance by another, so as to take into account, for such purposes and in such manner and subject to such conditions as may be prescribed, contributions paid or deemed to be or treated as paid under the enactments repealed by the Act of 1946 and periods of insurance under those enactments ;
- (b) as respects pre-1948 beneficiaries, either—
 - (i) for substituting for any right to any benefit, pension or allowance payable under or by virtue of the said enactments a right to such benefit under this Act as may be prescribed as corresponding thereto ; or
 - (ii) for preserving any such right and giving effect thereto (whether under this Act or by continuing in whole or in part the operation of the said enactments in relation thereto),

but in any case subject to any modifications appearing to the Minister to be appropriate, so, however, that the maximum rate of any such benefit, pension or allowance shall not be increased above the rate of the corresponding benefit under this Act as set out in Schedule 3 thereto.

Insured persons over school leaving age on 5th July 1948.

- 18 (1) In relation to insured persons who—
- (a) immediately before 5th July 1948 were over school leaving age and under pensionable age ; but
 - (b) either are not pre-1948 contributors or, being pre-1948 contributors, were, or were deemed to be or treated as, insured for the purposes of some only of the enactments repealed by the Act of 1946,

the provisions of this Act shall have effect with such modifications, additions and exceptions as may be prescribed for adjusting them to the case of such persons.

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- (2) Subject to any prescribed exceptions, regulations under the foregoing sub-paragraph shall provide that the yearly average of the contributions paid by or credited to any such person as is mentioned in that sub-paragraph shall be calculated, in the case of a person over the age of sixteen on 5th July 1948, only over the period—
 - (a) beginning with the beginning of the contribution year in which that date occurred ; and
 - (b) ending with the end of the last complete contribution year before the date as at which that average is to be ascertained.
- (3) For the purposes of death grant, sub-paragraph (2) of this paragraph shall apply to all pre-1948 contributors.
- (4) The reference in sub-paragraph (1) of this paragraph to this Act shall include a reference to any enactment passed after this Act which is directed to be construed as one therewith, except in so far as the contrary intention appears in that enactment, and without prejudice to the generality of that direction.

Miscellaneous special savings.

- 19 The following provisions shall be specially saved, that is to say, in the Act of 1946—
- (a) section 66 (which relates to the transfer of assets and liabilities in consequence of the passing of the Act of 1946):
 - (b) section 67 (which relates to compensation for certain displaced employees) ;
 - (c) section 69(1)(f) (which relates to the continuing in force and administration of the scheme relating to the seamen's special fund established for the purposes of section 138 of the National Health Insurance Act 1936) ;
 - (d) section 71(1) (which provides for the insurance of certain persons who would not otherwise be insured persons) ;
 - (e) section 71(3) (which relates to the application of the Act of 1946 to certain persons who attained the age of 55, in the case of a man, or 50, in the case of a woman, before 5th July 1948, except that regulations under the said section 71(3) shall not apply to a woman who attained pensionable age after 4th August 1957 and who immediately before attaining that age was entitled to widow's benefit,

and, in the Family Allowances and National Insurance Act 1961, paragraph 8 of Schedule 3 (which contains transitional provisions with respect to the amendment by section 8(b) of that Act of the definition of " apprentice " in section 23 of the Family Allowances Act 1945), so far as the said paragraph 8 relates to the National Insurance Acts 1946 to 1960.

General provision as to past events.

- 20 Any question whether a person became or ceased to be entitled to any benefit at a time before the date of commencement of this Act, and any question with respect to contributions, payments in lieu of contributions or benefit in respect of a period before that date, shall be determined in accordance with the provisions with respect to those matters respectively in force at that time or during that period.