



# Family Allowances and National Insurance Act 1967

## 1967 CHAPTER 90

### 1 Increase of family allowances and related amendments.

- (1) As regards allowances for periods after the 8th April 1968 the Family Allowances Act 1965 shall have effect—
  - (a) with the substitution of the words " fifteen shillings " for the words "eight shillings" and of the words " seventeen shillings " for the words " ten shillings " in section 1 (where the first amount mentioned gives the weekly rate of the allowance for the first child of a family other than the elder or eldest, and the second that of the allowance for any other such child); and
  - (b) with the substitution of the words " fifteen shillings " for the words " eight shillings " also in section 3(2) and paragraph 1(1) of the Schedule (where the amount mentioned gives the minimum weekly contribution required from a person towards the maintenance of a child not living with him, if the child is to be included in a family as being his issue or maintained by him).
- (2) The rates of benefit provided by Schedule 3 to the National Insurance Act 1965, as amended by the National Insurance Act 1967, shall be modified as follows:—
  - (a) the rates specified in column 3 (increases for only, elder or eldest qualifying child), and the rates specified in column 2 in paragraphs 7 and 9 (weekly rate of guardian's allowance and of child's special allowance) shall each be increased by 3 s.;
  - (b) the rates specified in column 4 (increases for second qualifying child) shall each be decreased by 4s.;
  - (c) the rates specified in column 5 (increases for each additional qualifying child) shall each be decreased by 6s., except that those in paragraphs 4, 5 and 9 (widow's allowance, widowed mother's allowance, and child's special allowance) shall be decreased only by 4s.

Accordingly for the provisions of that Schedule as set out in Schedule 2 to the National Insurance Act 1967 there shall be substituted the provisions set out in Part I of

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Schedule 1 to this Act; and in the National Insurance Act 1967 section 1(1)(b) and Schedule 2 are hereby repealed.

- (3) In the provisions of Schedule 3 to the National Insurance (Industrial Injuries) Act 1965, as set out in Schedule 6 to the National Insurance Act 1967, there shall be made in paragraphs 7 and 11 the amendments provided for by Part I of Schedule 2 to this Act (being amendments modifying certain rates of benefit payable in respect of children).
- (4) The provisions set out in Part II of Schedule 1 to this Act and those set out in Part II of Schedule 2 shall respectively be substituted—
  - (a) for those of section 41(4)(b) of the National Insurance Act 1965 (which are to the like effect as the substituted provisions, except that they do not make provision for a special rate of benefit in respect of a second child); and
  - (b) for those of paragraph 1 of Schedule 5 to the National Insurance (Industrial Injuries) Act 1965 (which are also to the like effect as the substituted provisions, with the same exception).
- (5) Section 114(2)(c) of the National Insurance Act 1965 and section 86(2)(c) of the National Insurance (Industrial Injuries) Act 1965 (under which references to a person having a family which includes a child or children or to a child of a person's family are in those Acts to be construed by reference to the operation of the Family Allowances Act 1965) shall have effect by reference to the operation of the Family Allowances Act 1965 as modified by subsection (1)(b) above.
- (6) Schedule 3 to this Act shall have effect with respect to the commencement of subsections (2) to (5) above and with respect to the transitory matters dealt with in that Schedule.

## **2 Meaning of "child".**

- (1) The power to make regulations under section 13 of the Family Allowances Act 1965 shall, as regards England and Wales, include power to provide, either generally or for particular cases or classes of case,—
  - (a) that for the purpose of determining whether a person is to be treated as a child either—
    - (i) as being under the upper limit of the compulsory school age (in a case where by virtue of section 9(5) of the Education Act 1962 this may depend on the ending of a school term); or
    - (ii) as undergoing full-time instruction in a school;
 the term in any school or establishment shall be treated as ending on a date determined by or under the regulations, and the instruction given there during the term as continuing to or ending on that date accordingly;
  - (b) that for the purpose of determining whether a person is to be treated as a child as undergoing full-time instruction in a school, a person who receives full-time instruction during any term shall be treated as continuing to receive it until the end of term (whether the actual end or the date treated as such by virtue of paragraph (a) above).
- (2) The power to make regulations as aforesaid shall, as regards Scotland, include power to provide, either generally or for particular cases or classes of case—
  - (a) that for the purpose of determining whether a person is to be treated as a child either—

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- (i) as being under the upper limit of the compulsory school age (in a case where by virtue of section 33 of the Education (Scotland) Act 1962 the upper limit of school age may depend on the incidence of the school leaving dates required to be fixed by education authorities for their areas); or
    - (ii) as undergoing full-time instruction in a school;

the school leaving date in respect of any school or establishment shall be treated as being a date determined by or under the regulations, and the instruction given there be treated as continuing to or ending on that date accordingly, whether or not any such date falls in a holiday period;
  - (b) that for the purpose of determining whether a person is to be treated as a child as undergoing full-time instruction in a school, a person who receives full-time instruction during any term shall be treated as continuing to receive it throughout the term or until the occurrence of any school leaving date which may be fixed under the regulations.
- (3) Section 114(2)(a) of the National Insurance Act 1965 and section 86(2) (a) of the National Insurance (Industrial Injuries) Act 1965 (under which the expression " child " is in those Acts to be construed by reference to the operation of the Family Allowances Act 1965) shall have effect accordingly; but section 114(2)(b) and section 86(2) (b) (which make corresponding provision about references to the upper limit of the compulsory school age) shall continue to have effect as if subsections (1) and (2) above had not been passed, and in the National Insurance (Industrial Injuries) Act 1965 the word "person" shall be substituted for the word " child " wherever occurring in section 86(2)(b) or in section 78 (which makes special provision as to contributions and as to injury benefit in the case of a child under the upper limit of the compulsory school age).

### **3 Expenses.**

- (1) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of such moneys under the Family Allowances Act 1965.
- (2) Subject to the provision made by section 85 of the National Insurance Act 1965 for reimbursement out of the National Insurance Fund or by section 61 of the National Insurance (Industrial Injuries) Act 1965 for reimbursement out of the Industrial Injuries Fund, there shall be paid out of moneys provided by Parliament any increase attributable to this Act in the expenses of the Minister of Social Security or any other government department which are so payable under either of those sections.

### **4 Citation and construction.**

- (1) This Act may be cited as the Family Allowances and National Insurance Act 1967, and—
  - (a) the Family Allowances Act 1965 and this Act may be cited together as the Family Allowances Acts 1965 and 1967; and
  - (b) this Act shall be included among the Acts that may be cited together as the National Insurance Acts 1965 to 1967, and among those that may be cited together as the National Insurance (Industrial Injuries) Acts 1965 to 1967.
- (2) This Act—

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- (a) in relation to allowances under the Family Allowances Act 1965 shall be construed as one with that Act; and
- (b) in relation to benefit under the National Insurance Act 1965 shall be construed as one with that Act; and
- (c) in relation to benefit under the National Insurance (Industrial Injuries) Act 1965 shall be construed as one with that Act.