



# Social Security Act 1973

## 1973 CHAPTER 38

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *The Industrial Injuries Acts*

#### **94 Assimilation of Industrial Injuries Acts to basic scheme.**

- (1) Part I of the Industrial Injuries Act (insured persons and contributions), but not Part I of Schedule 1 to that Act (insurable employments), shall cease to have effect.
- (2) Throughout the Industrial Injuries Acts any reference to an insured person or to insured persons shall be replaced by a reference to an employed earner or employed earners as the case may be, and any reference to insurable employment or to insurable employments, or to insured person's employment, shall be replaced by a reference to employed earner's employment or employed earners' employments, as the case may be; and, subject to subsection (3) below, in those Acts—
  - (a) subject to paragraph (b) below, "employed earner" shall have the meaning given by section 1(7) of this Act;
  - (b) "employed earner's employment" shall be taken to mean any employment by virtue of which a person is, or is treated by regulations under those Acts as being, an employed earner for the purposes of those Acts ; and
  - (c) "the Social Security Act" means this Act.
- (3) Every employment specified in Part I of Schedule 1 to the Industrial Injuries Act shall be employed earner's employment for the purposes of the Industrial Injuries Acts, and regulations under those Acts may provide for any employment prescribed by the regulations—
  - (a) to be treated for those purposes as included in that Part of that Schedule during any period in which it is treated by regulations under this Act as being employed earner's employment for the purposes of this Act; or

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- (b) not to be treated for the purposes of the Industrial Injuries Acts as such employment, notwithstanding that it would be so treated apart from the regulations.
- (4) For the purposes of the Industrial Injuries Acts, an employment shall be an employed earner's employment in relation to an accident if (and only (f) it is, or is treated by regulations under those Acts as being, such an employment when the accident occurs.
- (5) Subject to the provisions of Part IV of the Industrial Injuries Act (extension to diseases etc.) and this section, a person who is, or is treated for the purposes of those Acts as being, in employed earner's employment shall be entitled in accordance with Part IV of that Act to benefit in respect of any disease prescribed under that Part, and of any injury so prescribed (but not an injury caused by accident arising out of and in the course of his employment), being a disease or injury due to the nature of that employment and developed after 4th July 1948.
- (6) The repeal by this Act of section 56(1) of the Industrial Injuries Act shall not take away any entitlement to benefit otherwise arising by virtue of that subsection.
- (7) Throughout the Industrial Injuries Acts and the Old Oases Acts and schemes made thereunder, any reference to the Industrial Injuries Fund shall be replaced by a reference to the National Insurance Fund.
- (8) Regulations made by the Secretary of State under the Industrial Injuries Acts may modify those Acts, in such manner as he thinks proper, in their application to persons who are or have been, or are to be, employed on board any ship, vessel, hovercraft (within the meaning of the Hovercraft Act 1968) or aircraft.
- (9) There shall be included among the regulations to which section 62(2) of the Industrial Injuries Act (regulations which, before being made, are to be referred to the Industrial Injuries Advisory Council) does not apply—
- (a) regulations contained in a statutory instrument which states that it contains only regulations made for the purpose of making provision consequential upon the coming into force of an order under section 39 of this Act;
  - (b) regulations made before the expiration of 6 months beginning with the date of the passing of any Act passed after this Act and directed to be construed as one with the Industrial Injuries Act or this Act, where the regulations are contained in a statutory instrument which states that it contains only regulations made for the purpose of making provision consequential on the passing of that Act and the Act does not exclude this paragraph in respect of the regulations ;
  - (c) regulations in so far as they consist only of procedural rules within the meaning of section 10 of the Tribunals and Inquiries Act 1971 for a tribunal mentioned in that section;
  - (d) regulations contained in a statutory instrument which states that it contains only regulations which are substantially to the same effect as regulations already made or to be made under this Act or under Part IV of the former principal Act; and
  - (e) regulations made by virtue of paragraph 14(6) of Schedule 22 to this Act.
- (10) The repeal by this Act of sections 46 and 47 of the former principal Act (supplementary schemes) shall not affect their continued application, by virtue of section 82(2) of the Industrial Injuries Act, to a supplementary scheme submitted under section 82(1) of that Act.

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- (11) The Industrial Injuries Act and this section shall be construed as if this section were contained in that Act.