

SCHEDULES

SCHEDULE 1

Section 1(4).

SUPPLEMENTARY PROVISIONS RELATING TO CONTRIBUTIONS OF CLASSES 1, 2 AND 3

Class 1 contributions where earner employed in more than one employment

- 1 (1) For the purposes of determining whether Class 1 contributions are payable in respect of earnings paid to an earner in a given week and, if so, the amount of the contributions—
- (a) except as may be provided by regulations, all earnings paid to him or for his benefit in that week in respect of one or more employed earner's employments under the same employer shall be aggregated and treated as a single payment of earnings in respect of one such employment; and
 - (b) earnings paid to him or for his benefit in that week by different persons in respect of different employed earner's employments shall in prescribed circumstances be aggregated and treated as a single payment of earnings in respect of one such employment.
- (2) Where any single payment of earnings is made in respect of two or more employed earner's employments under different employers, liability for Class 1 contributions shall be determined by apportioning the payment to such one or more of the employers as may be prescribed, and treating a part apportioned to any employer as a separate payment of earnings by him.
- (3) Where earnings are aggregated under sub-paragraph (1)(b) above, liability (if any) for the secondary contribution shall be apportioned, in such manner as may be prescribed, between the secondary Class 1 contributors concerned.

Earnings not paid at normal intervals

- 2 Regulations may, for the purposes of Class 1 contributions, make provision as to the intervals at which payments of earnings are to be treated as made.

Method of paying Class 1 contributions

- 3 (1) Where earnings are paid to an employed earner and in respect of that payment liability arises for primary and secondary Class 1 contributions, the secondary contributor shall (except in prescribed circumstances), as well as being liable for his own secondary contribution, be liable in the first instance to pay also the earner's primary contribution, on behalf of and to the exclusion of the earner ; and for the purposes of this Act contributions paid by the secondary contributor on behalf of the earner shall be deemed to be contributions paid by the earner.
- (2) Notwithstanding any contract to the contrary, no secondary Class 1 contributor shall be entitled to make, from earnings paid by him, any deduction in respect of his own or any other person's secondary Class 1 contributions, nor otherwise to recover such

Status: This is the original version (as it was originally enacted).

contributions from any earner to whom he pays earnings; and a secondary Class 1 contributor who deducts or attempts to deduct the whole or any part of such a contribution from earnings shall be liable on summary conviction to a fine of not more than £50.

- (3) A secondary Class 1 contributor shall be entitled, subject to and in accordance with regulations, to recover from an earner the amount of any primary Class 1 contribution paid or to be paid by him on behalf of the earner ; and notwithstanding anything in any enactment, regulations under this sub-paragraph shall provide for recovery to be made by deduction from the earner's earnings, and for it not to be made in any other way.

General provisions as to Class 1 contributions

- 4 Regulations may, in relation to Class 1 contributions, make provision—
- (a) for calculating the amounts payable according to a prescribed scale or otherwise adjusting them so as to avoid fractional amounts or otherwise facilitate computation ;
 - (b) for requiring that the liability in respect of a payment made in an income tax week, in so far as the liability depends on any conditions as to a person's age or retirement, shall be determined as at the beginning of the week or as at the end of it;
 - (c) for securing that liability is not avoided or reduced by a person following in the payment of earnings any practice which is abnormal for the employment in respect of which the earnings are paid ; and
 - (d) without prejudice to the foregoing sub-paragraph, for enabling the Secretary of State, where he is satisfied as to the existence of any practice in respect of the payment of earnings whereby the incidence of Class 1 contributions is avoided or reduced by means of irregular or unequal payments, to give directions for securing that such contributions are payable as if that practice were not followed.

Power to combine collection of contributions with tax

- 5 (1) Regulations made with the concurrence of the Inland Revenue may—
- (a) provide for Class 1 or Class 2 contributions to be paid, accounted for and recovered in like manner as income tax deducted from the emoluments of an office or employment by virtue of regulations under section 204 of the Income and Corporation Taxes Act 1970;
 - (b) apply or extend with or without modification in relation to such contributions any of the provisions of the Income Tax Acts or of regulations under ifchat section ;
 - (c) make provision for the appropriation of the payments made by any person between his liabilities in respect of income tax and contributions.
- (2) Section 98 of the Taxes Management Act 1970 shall apply in relation to regulations made by virtue of this paragraph as it applies in relation to regulations made under the said section 204 ; and if a person fails to pay at or within the time prescribed for the purpose any sums which he is required by regulations made by virtue of this paragraph to pay, he shall be liable to be proceeded against and punished under section 92(1) of this Act without proof of his failure so to pay any particular contribution.

- (3) The Inland Revenue shall, at such times and in such manner as the Treasury may direct, account to the Secretary of State for, and pay to him, the sums estimated by the Inland Revenue, in such manner as may be so directed, to have been received by them as contributions in accordance with regulations made by virtue of this paragraph.

General regulation-making powers

- 6 (1) Regulations may provide—
- (a) for requiring persons to maintain, in such form and manner as may be prescribed, records—
 - (i) of the earnings paid by them to and in respect of earners, and
 - (ii) of the contributions paid or payable in respect of earnings so paid, for the purpose of enabling the incidence of liability for contributions of any class to be determined, and to retain the records for so long as may be prescribed ;
 - (b) for treating primary Class 1 contributions, when payable on the primary contributor's behalf by the secondary contributor, but not paid, as actually paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to any negligence on the part of, the primary contributor and, in the case of contributions so treated, for treating them also as paid at a prescribed time or in respect of a prescribed period ;
 - (c) for treating, for the purpose of any entitlement to benefit, contributions paid at or after any prescribed time as paid at some other time (whether earlier or later) or, in the case of contributions paid after the due date for payment, or at such later date as may be prescribed, as not having been paid;
 - (d) for enabling contributions to be treated as paid in respect of a year earlier or later than that in respect of which they were actually paid;
 - (e) for treating (for the purposes of Class 2 contributions) a week which falls partly in one, and partly in another, year as falling wholly within one or the other of those years ;
 - (f) for treating contributions of the wrong class, or at the wrong rate, or of the wrong amount, as paid on account of contributions properly payable (notwithstanding section 4(3) of this Act, in the case of Class 3 contributions) or as paid (wholly or in part) in discharge of a liability for reserve scheme contributions or a reserve scheme premium ;
 - (g) without prejudice to sub-paragraph (f) above, for enabling the whole or part of any payment of Class 2 contributions to be treated as a payment of secondary Class 1 contributions ;
 - (h) for the return of contributions paid either in error or in such circumstances that, under any provision of Part I of this Act or of regulations, they fall to be repaid ;
 - (j) for treating a person as being an employed earner, notwithstanding that his employment is outside Great Britain, where the employment is in continuation of employment in Great Britain;
 - (k) for treating a person's employment as continuing during periods of holiday, unemployment or incapacity for work and in such other circumstances as may be prescribed;
 - (l) for requiring persons to apply to the Secretary of State for the allocation of a national insurance number ;

Status: This is the original version (as it was originally enacted).

- (m) for any other matters incidental to the payment, collection or return of contributions.
- (2) Regulations made by the Secretary of State under sub-paragraph (1) above providing for the payment of Class 2 or Class 3 contributions, at the option of the persons liable to pay, either—
- (a) by means of adhesive stamps ; or
 - (b) by some alternative method, the use of which involves greater expense in administration to the government departments concerned than would be incurred if the contributions were paid by means of such stamps,
- may include provision for the payment to the Secretary of State by any person who adopts any alternative method, and for the recovery by the Secretary of State, of the prescribed fees in respect of any difference in the expense in administration.
- (3) Where under regulations made by virtue of sub-paragraph (1) above contributions are payable by means of adhesive stamps, the Secretary of State may, with the consent of the Treasury, arrange for the preparation and sale of those stamps and may by regulations provide for applying, with the necessary modifications as respects those stamps, all or any of the provisions of the Stamp Duties Management Act 1891, section 9 of the Stamp Act 1891 and section 63 of the Post Office Act 1953.
- 7 Regulations may provide that, for the purpose of determining whether a contribution is payable in respect of any person, or for determining the amount or rate of any contribution, he is to be treated as having attained at the beginning of a week, or as not having attained until the end of a week, any age which he attains during the course of that week.
- Power of Secretary of State to deduct contributions from pension, etc.*
- 8 (1) Where a person is in receipt of a pension or allowance payable by the Secretary of State by virtue of any prescribed enactment or instrument, the Secretary of State may with the consent of that person pay any contributions (other than Class 1 or Class 4 contributions) payable by him and deduct the amount so paid from the pension or allowance.
- (2) Sub-paragraph (1) above shall have effect notwithstanding anything in any Act, Royal Warrant, Order in Council, order or scheme.

SCHEDULE 2

Section 5(3).

LEVY OF CLASS 4 CONTRIBUTIONS BY INLAND REVENUE

Interpretation

- 1 In this Schedule—
- (a) " the Act of 1968 " means the Capital Allowances Act 1968 ;
 - (b) " the Act of 1970 " means the Income and Corporation Taxes Act 1970 ; and
 - (c) " year " means year of assessment within the meaning of the Act of 1970.

Status: This is the original version (as it was originally enacted).

Method of computing profits or gains

- 2 Subject to the following paragraphs, Class 4 contributions shall be payable in respect of the full amount of all profits or gains of any relevant trade, profession or vocation chargeable to income tax under Case I or II of Schedule D, subject to—
- (a) deductions for—
 - (i) allowances which under section 70(2) of the Act of 1968 fall to be made as a deduction in charging the profits or gains to income tax, and
 - (ii) any allowance the amount of which falls to be given by way of discharge or repayment of income tax under section 71 of that Act, where in either case the allowance arises from activities of any relevant trade, profession or vocation ; and
 - (b) additions for any such charges as under section 70(6) of that Act fall to be made for purposes of income tax on the profits or gains.

Reliefs

- 3 (1) For the purposes of computing the amount of profits or gains in respect of which Class 4 contributions are payable, relief shall be available under, and in the manner provided by, the following provisions of the Act of 1970, that is to say—
- (a) section 168 (set-off of trade losses against general income), but only where loss arises from activities the profits or gains of which would be brought into computation for the purposes of Class 4 contributions ;
 - (b) section 169 (extension of right of set-off to capital allowances);
 - (c) section 171 (carry-forward of loss against subsequent profits);
 - (d) section 174 (carry-back of terminal losses).
- (2) The following relief provisions shall not apply, that is to say—
- (a) Chapter II of Part I of the Act of 1970 (personal reliefs);
 - (b) sections 226 and 227 of that Act (premiums or other consideration under annuity contracts and trust schemes);
 - (c) section 75 of the Finance Act 1972 (relief for payment of interest);
 - (d) section 173 of the Act of 1970 (carry-forward as losses of amounts to be taxed under section 53); and
 - (e) section 175 of that Act (treatment of interest as a loss for purposes of carry-forward or carry-back).
- (3) Where in a year beginning on or after the appointed day for which a person claims and is allowed relief by virtue of sub-paragraph (1) above there falls to be made in computing his total income for income tax purposes, or that of a person's wife or, as the case may be, a person's husband, a deduction in respect of any loss, and the deduction or part of it falls to be so made from income other than profits or gains of a trade, profession or vocation, the amount of the deduction made from the other income shall be treated as reducing the person's profits or gains (that is to say the profits or gains of any relevant trade, profession or vocation as computed for the purpose of the charge to Class 4 contributions) for subsequent years (being deducted as far as may be from those of the immediately following year, whether or not he claims or is entitled to claim relief under this paragraph for that year, and, so far as it cannot be so deducted, then from those of the next year, and so on).
- (4) Relief shall be allowed, in respect of—

Status: This is the original version (as it was originally enacted).

- (a) payments under section 52 or 53 of the Act of 1970 (annuities and other annual payments, etc.); or
- (b) payments under section 75 of the Finance Act 1972 (relief for payment of interest), being payments for which relief from income tax is or can be given, so far as incurred wholly or exclusively for the purposes of any relevant trade, profession or vocation, by way of deduction from or set-off against profits or gains chargeable to Class 4 contributions for the year in which the payments are made ; and, in the case of any insufficiency of the profits or gains of that year, the payments shall be carried forward and deducted from, or set off against, the profits or gains of any subsequent year (being deducted or set off as far as may be from or against the profits or gains of the immediately following year, whether or not relief can be claimed under this paragraph for that year, and so far as it cannot be so deducted, from or against those of the next year, and so on).

Husband and wife

- 4 (1) Chapter IV of Part I of the Act of 1970 shall apply for the purposes of Class 4 contributions as it applies for those of income tax; and an application by a husband or wife for separate assessment under section 38 of that Act, and an election by them under section 23 of the Finance Act 1971 (separate taxation of wife's earnings) shall operate as respects liability for such contributions as it does for income tax, the wife being liable for Class 4 contributions in respect of her own profits or gains.
- (2) Such an application or election as is referred to in sub-paragraph (1) above shall not be made separately for the purposes of Class 4 contributions apart from those of income tax.
- (3) Where section 37 of the Act of 1970 applies and there is no separate assessment under section 38 of that Act and no election under section 23 of the Finance Act 1971, the wife's profits and gains are to be computed, for the purposes of Class 4 contributions, as if section 37 did not apply, but the contributions shall be assessed on, and recoverable from, the husband.

Partnerships

- 5 (1) Where a trade or profession is carried on by two or more persons jointly, the liability of any one of them in respect of Class 4 contributions shall arise in respect of his share of the profits or gains of that trade or profession (so far as immediately derived by him from carrying it on); and for this purpose his share shall be aggregated with his share of the profits or gains of any other trade, profession or vocation (so far as immediately derived by him from carrying it on or exercising it).
- (2) Where sub-paragraph (1) above applies, the Class 4 contributions for which a person is liable in respect of the profits or gains of the trade or profession carried on jointly (aggregated, where appropriate, as mentioned in that sub-paragraph) may either be charged on him separately or (to the extent only that the liability arises in respect of the profits or gains of that partnership) be the subject of a joint assessment to contributions made in the partnership name ; and Chapter VI of Part VI of the Act of 1970 shall apply accordingly, but substituting this paragraph for section 152.

Trustees, etc.

- 6 In any circumstances in which apart from this paragraph a person would—

Status: This is the original version (as it was originally enacted).

- (a) under section 72 of the Taxes Management Act 1970 be assessable and chargeable to Class 4 contributions as trustee, guardian, tutor, curator, or committee of an incapacitated person in respect of the profits or gains of a trade, profession or vocation ; or
- (b) by virtue of section 114 of the Act of 1970 be assessed and charged to such contributions in respect of profits or gains received or receivable by him in the capacity of trustee,

such contributions shall not be payable either by him or by any other person.

Other provisions

- 7 Section 88(1), (4) and (5)(a) and (b) of the Taxes Management Act 1970 (interest on tax recovered to make good loss due to taxpayer's fault) shall apply in relation to any amount due in respect of Class 4 contributions as it applies in relation to income tax ; but section 86 of that Act (interest on amounts overdue) shall not apply.
- 8 Where an assessment has become final and conclusive for the purposes of income tax for any year, that assessment shall also be final and conclusive for the purposes of computing liability for Class 4 contributions ; and no allowance or adjustment of liability, on the ground of diminution of income or loss, shall be taken into account in computing profits or gains chargeable to Class 4 contributions unless that allowance or adjustment has previously been made on an application under the special provisions of the Income Tax Acts relating thereto, or falls to be allowed under paragraph 3(4) of this Schedule.
- 9 The provisions of Part V of the Taxes Management Act 1970 (appeals etc.) shall apply with the necessary modifications in relation to Class 4 contributions as they apply in relation to income tax ; but nothing in the Income Tax Acts shall apply with respect to the determination of any question arising—
 - (a) under section 5(6) of this Act as to whether by regulations under that subsection a person is excepted from liability for Class 4 contributions, or his liability is deferred ; or
 - (b) under regulations made by virtue of section 5(8), (9) or (10) of this Act.

SCHEDULE 3

Sections 9 to 37, *passim*.

CONTRIBUTION CONDITIONS FOR BASIC SCHEME BENEFIT

PART I

THE CONDITIONS

Unemployment and sickness benefit

- 1 (1) The contribution conditions for unemployment benefit or sickness benefit are the following.
 - (2) The first condition is that—

Status: This is the original version (as it was originally enacted).

- (a) the claimant must in respect of any one year have actually paid contributions of a relevant class, and those contributions must have been paid before the relevant time ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 25.
- (3) The second condition is that—
- (a) the claimant must in respect of the relevant past year have either paid or been credited with contributions of a relevant class ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 50.
- (4) For the purposes of these conditions—
- (a) " the relevant time " is the day in respect of which benefit is claimed; and
 - (b) " the relevant past year" is the last complete year before the beginning of the relevant benefit year; and
 - (c) " the relevant benefit year " is the benefit year in which there falls the beginning of the period of interruption of employment which includes the relevant time.

Maternity grant

- 2 (1) The contribution conditions for a maternity grant are the following.
- (2) The first condition is that—
- (a) the contributor concerned must in respect of any one year have actually paid contributions of a relevant class, and those contributions must have been paid before the relevant time ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 25.
- (3) The second condition is that—
- (a) the contributor concerned must in respect of the relevant past year have either paid or been credited with contributions of a relevant class; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 25.
- (4) For the purposes of these conditions—
- (a) " the relevant time " is—
 - (i) the date of the claimant's confinement where she herself is the contributor concerned, or that contributor is her husband and he is on that date alive and under pensionable age, and
 - (ii) in any other case, the date on which the contributor concerned attained pensionable age or died under that age; and
 - (b) "the relevant past year" is the last complete year before the beginning of the benefit year in which the relevant time falls.

Maternity allowance

- 3 (1) The contribution conditions for a maternity allowance are the following.
- (2) The first condition is that—

Status: This is the original version (as it was originally enacted).

- (a) the claimant must in respect of any one year have actually paid contributions of a relevant class, and those contributions must have been paid before the relevant time ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 25.
- (3) The second contribution condition is that—
- (a) the claimant must in respect of the relevant past year have either paid or been credited with contributions of a relevant class; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 50.
- (4) For the purposes of these conditions—
- (a) "the relevant time" is the beginning of the maternity allowance period ; and
 - (b) " the relevant past year " is the last complete year before the beginning of the relevant benefit year; and
 - (c) "the relevant benefit year" is the benefit year in which there falls the beginning of the period of interruption of employment which includes the relevant time.

Widow's allowance

- 4 (1) The contribution condition for a widow's allowance is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 25.
- (2) For the purposes of this condition, a relevant year is any year ending before the date on which the contributor concerned attained pensionable age or died under that age.

Widowed mother's allowance and widow's pension ; Category A and B retirement pensions

- 5 (1) The contribution conditions for a widowed mother's allowance, a widow's pension or a Category A or Category B retirement pension are the following.
- (2) The first condition is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 50.
- (3) The second condition is that—
- (a) the contributor concerned must in respect of each of not less than the requisite number of years of his working life have paid or been credited with contributions of a relevant class ; and
 - (b) in the case of the contributions of each of those years, the earnings factor derived from them must be not less than that year's lower earnings limit multiplied by 50.
- (4) For the purposes of the first condition, a relevant year is any year ending before that in which the contributor concerned attained pensionable age or died under that age ;

Status: This is the original version (as it was originally enacted).

and the following table shows the requisite number of years for the purpose of the second condition, by reference to a working life of a given duration:—

<i>Duration of working life</i>	<i>Requisite number of years</i>
10 years or less	The number of years of the working life, minus 1.
20 years or less (but more than 10)	The number of years of the working life, minus 2.
30 years or less (but more than 20)	The number of years of the working life, minus 3.
40 years or less (but more than 30)	The number of years of the working life, minus 4.
More than 40 years	The number of years of the working life, minus 5.

- (5) The first condition shall be deemed to be satisfied if the contributor concerned was entitled to an invalidity pension at any time during—
- (a) the year in which he attained pensionable age or died under that age, or
 - (b) the year immediately preceding that year.

Child's special allowance

- 6 (1) The contribution condition for a child's special allowance is that—
- (a) the contributor concerned must in respect of any one relevant year have actually paid contributions of a relevant class ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by 50.
- (2) For the purposes of this condition, a relevant year is any year ending before the date on which the contributor concerned attained pensionable age or died under that age.

Death grant

- 7 (1) The contribution condition for a death grant is that—
- (a) the contributor concerned must in respect of any one year ending before the relevant year have actually paid contributions of a relevant class ; and
 - (b) the earnings factor derived from those contributions must be not less than that year's lower earnings limit multiplied by
- (2) For the purposes of this condition, " the relevant year " is the year in which occurred the death giving rise to the claim for a death grant, except that if immediately before the date of the death the contributor concerned was himself dead or over pensionable age it is the year in which he attained that age or died under it.

PART II

SATISFACTION OF CONDITIONS IN EARLY YEARS OF CONTRIBUTION

- 8 (1) Sub-paragraph (3) below shall apply where a claim is made for any short-term benefit and the last complete year before the beginning of the benefit year in which the relevant time falls was either—
- (a) the year in which the contributor concerned first became liable for primary Class 1 or Class 2 contributions ; or
 - (b) the year preceding that in which he first became so liable.
- (2) The relevant time for the purposes of this paragraph—
- (a) in relation to any short-term benefit other than widow's allowance, is the same as it is for the purposes of the contribution conditions for the benefit; and
 - (b) in relation to widow's allowance, is the date on which the contributor concerned attained pensionable age or died under that age.
- (3) For the purposes of satisfaction by the contributor concerned of the first contribution condition for unemployment benefit, sickness benefit, a maternity grant or a maternity allowance, or of the contribution condition for a widow's allowance, all contributions of a relevant class actually paid by him in any period ending with the relevant time may be aggregated and treated as paid in the last complete year before the beginning of the benefit year in which the relevant time falls (earnings factors from the aggregated contributions being derived accordingly for that year).
- 9 Where a person claims unemployment benefit, he shall be deemed to satisfy the first contribution condition for the benefit if on a previous claim for any short-term benefit (other than a widow's allowance) he has satisfied the first contribution condition for that benefit, by virtue of paragraph 8 above, with contributions of a class relevant to unemployment benefit.
- 10 Where a person claims sickness benefit, he shall be deemed to satisfy the first contribution condition for the benefit if on a previous claim for any short-term benefit (other than a widow's allowance) he has satisfied the first contribution condition for that benefit, by virtue of paragraph 8 above, with contributions of a class relevant to sickness benefit.
- 11 Where a woman claims a maternity grant, the contributor concerned for the purposes of the claim shall be deemed to satisfy the first contribution condition for the grant if on a previous claim for any short-term benefit (other than a widow's allowance) that contributor has satisfied the first contribution condition for that benefit, by virtue of paragraph 8 above, with contributions of a class relevant to maternity grant.
- 12 Where a woman claims a maternity allowance, she shall be deemed to satisfy the first contribution condition for the allowance if on a previous claim by her for any short-term benefit (other than a widow's allowance) she has satisfied the first contribution condition for that benefit, by virtue of paragraph 8 above, with contributions of a class relevant to maternity allowance.
- 13 Where a woman claims a widow's allowance, the contributor concerned for the purposes of the claim shall be deemed to satisfy the contribution condition for the allowance if on a claim made in the past for any short-term benefit (other than a widow's allowance) he has satisfied the first contribution condition for the benefit,

Status: This is the original version (as it was originally enacted).

by virtue of paragraph 8 above, with contributions of a class relevant to widow's allowance.

SCHEDULE 4

Sections 10 to 39, *passim*.

RATES OF BASIC SCHEME BENEFITS, GRANTS AND INCREASES FOR DEPENDANTS

PART I

WEEKLY RATES OF PERIODICAL BENEFITS

Description of benefit	Weekly rate
1. Unemployment or sickness benefit	(a) higher rate £6.75 (b) lower rate £4.75 (the appropriate rate being determined in accordance with section 10(4) of this Act).
2. Invalidity pension	£6.75
3. Invalidity allowance	(a) higher rate £1.15 (b) middle rate £0.70 (c) lower rate £0.35 (the appropriate rate being determined in accordance with section 11(6) of this Act).
4. Attendance allowance	(a) higher rate £5.40 (b) lower rate £3.60 (the appropriate rate being determined in accordance with section 15(2) of this Act).
5. Maternity allowance	£6.75
6. Widow's allowance	£9.45
7. Widowed mother's allowance	£6.75
8. Widow's pension	£6.75
9. Guardian's allowance	£3.30
10. Category A retirement pension	£6.75 (plus age addition, where appropriate, of £0.25).
11. Category B retirement pension	(a) lower rate £4.15 (b) higher rate £6.75 (the appropriate rate being determined in accordance with section 25(7) of this Act; plus age addition in either case, where appropriate, of £0.25).

Description of benefit	Weekly rate
12. Category C or Category D retirement pension	(a) lower rate £2.50 (b) higher rate £4.05 (the appropriate rate being determined in accordance with section 27(2) of this Act; plus age addition in either case, where appropriate, of £0.25).
13. Child's special allowance	£3.30

PART II

AMOUNTS OF GRANTS

Description of Grant	Amount
	£
1. Maternity grant	25.00
2. Death grant, where the deceased was at his death—	
(a) under the age of 3	9.00
(b) between the ages of 3 and 6	15.00
(c) between the ages of 6 and 18	22.50
(d) over the age of 18	
(i) if on 5th July 1948 that person had attained the age of 55 in the case of a man or 50 in the case of a woman	15.00
(ii) in any other case	30.00

PART III

WEEKLY RATES OF INCREASES FOR DEPENDANTS

Benefit to which increase applies	Increase for only, elder or eldest qualifying child	Increase for second qualifying child	Increase for each additional qualifying child	Increase for adult dependant
(1)	(2)	(3)	(4)	(5)
1. Unemployment	£ 2.10	£ 1.20	£ 1.10	£ 4.15

Where any unemployment or sickness benefit is payable at a weekly rate determined under section 10(7) of this Act, column (5) of this Part of this Schedule shall have effect subject to section 34(5)(b) of this Act; and where an invalidity pension is payable at a weekly rate determined under section 11(4) of this Act, column (5) shall have effect subject to section 35(7)(b) of this Act.

Status: This is the original version (as it was originally enacted).

Benefit to which increase applies	Increase for only, elder or eldest qualifying child	Increase for second qualifying child	Increase for each additional qualifying child	Increase for adult dependant
(1)	(2)	(3)	(4)	(5)
or sickness benefit				
2. Invalidity pension	3.30	2.40	2.30	4.15
3. Maternity allowance	2.10	1.20	1.10	4.15
4. Widow's allowance	3.30	2.40	2.30	—
5. Widowed mother's allowance	3.30	2.40	2.30	—
6. Category A or B retirement pension	3.30	2.40	2.30	4.15
7. Category C retirement pension	3.30	2.40	2.30	2.50
8. Child's special allowance	—	2.40	2.30	—

Where any unemployment or sickness benefit is payable at a weekly rate determined under section 10(7) of this Act, column (5) of this Part of this Schedule shall have effect subject to section 34(5)(b) of this Act; and where an invalidity pension is payable at a weekly rate determined under section 11(4) of this Act, column (5) shall have effect subject to section 35(7)(b) of this Act.

SCHEDULE 5

Section 10(6).

MEANING OF "UNEMPLOYABILITY SUPPLEMENT OR ALLOWANCE"

"Unemployability supplement or allowance" in section 10(5)(b) of this Act means—

- (a) an unemployability supplement payable under section 13 of the Industrial Injuries Act, or
- (b) any corresponding allowance payable—
 - (i) by virtue of section 7(3)(a) of the Old Cases Act, or
 - (ii) by way of supplement to retired pay or pension exempt from income tax under section 365(1) of the Income and Corporation Taxes Act 1970, or
 - (iii) under the Personal Injuries (Emergency Provisions) Act 1939, or
 - (iv) by way of supplement to retired pay or pension under the Polish Resettlement Act 1947.

SCHEDULE 6

Section 10(8), 17(4) and 19(3).

EARNINGS-RELATED SUPPLEMENT AND ADDITION

PART I

COMPUTATION OF WEEKLY RATE

- 1 (1) The weekly rate of earnings-related supplement of unemployment benefit, sickness benefit or a maternity allowance shall be ascertained by reference to the claimant's reckonable weekly earnings for the relevant year; and the weekly rate of earnings-related addition to a widow's allowance shall be ascertained by reference to the reckonable weekly earnings for that year of the widow's late husband.
- (2) " The relevant year" means the year last ending before the beginning of the current benefit year ; and " the current benefit year " means—
- (a) in relation to supplement of unemployment benefit, sickness benefit or a maternity allowance, the benefit year in which there falls the first day of the period of interruption of employment which includes the day in respect of which the supplement is payable ; and
 - (b) in relation to addition to a widow's allowance, the benefit year which includes the date of the husband's death.
- 2 The claimant's or late husband's reckonable weekly earnings for the relevant year shall be his earnings factor for that year (derived from Class 1 contributions actually paid) divided by 50.
- 3 (1) The weekly rate of earnings-related supplement of unemployment benefit, sickness benefit or a maternity allowance shall be whichever is the less of the following amounts—
- (a) an amount equal to the aggregate of—
 - (i) 1 /3rd of so much of the reckonable weekly earnings as exceeds the relevant year's lower earnings limit and does not exceed £30, and
 - (ii) 15 per cent, of so much of those earnings as exceeds £30 and does not exceed that year's upper earnings limit; or
 - (b) the amount (if any) by which the weekly rate of the benefit in question (unemployment benefit, sickness benefit or maternity allowance, as the case may be), including any increase of that rate under section 31(1) or 34(1) or (2) of this Act, falls short of 85 per cent, of those earnings.
- (2) The weekly rate of earnings-related addition to a widow's allowance shall be the amount specified in sub-paragraph (1)(a) above.
- 4 The foregoing provisions of this Schedule shall be subject to any regulations under paragraph 7 below.

PART II

ADDITIONAL PROVISIONS

- 5 Where, in the case of a person entitled in respect of any day to earnings-related supplement of sickness benefit or a maternity allowance, payment by way of such benefit or of such an allowance does not, but a payment by way of injury benefit

- under section 11 of the Industrial Injuries Act does, fall to be made to that person in respect of that day, the earnings-related supplement may be paid with the injury benefit.
- 6 Where, in the case of a person entitled to any such earnings-related supplement in respect of any day, a payment by way of sickness benefit or a maternity allowance does not, but a payment by way of injury benefit under section 11 of the Industrial Injuries Act does, fall to be made to that person in respect of that day, paragraph 3(1)(b) above shall apply in his case with the substitution—
- (a) for the reference to sickness benefit or a maternity allowance of a reference to injury benefit under section 11 of the Industrial Injuries Act; and
 - (b) for the reference to section 31(1) or 34(1) or (2) of this Act of a reference to section 17(1) or 18(1) of that Act.
- 7 Regulations may provide that the relevant year for the purposes of Part I of this Schedule shall be such other year than that specified in paragraph 1(2) as may be prescribed by the regulations.

SCHEDULE 7

Section 15(7).

THE ATTENDANCE ALLOWANCE BOARD; MISCELLANEOUS
PROVISIONS AS TO ATTENDANCE ALLOWANCE**PART I**

MEMBERSHIP OF BOARD AND METHOD OF DISCHARGING FUNCTIONS

- 1 (1) Subject to the following sub-paragraph, the Board shall consist of a chairman appointed by the Secretary of State and not less than 4 nor more than 9 other members so appointed; and all except 2 of the members appointed in pursuance of this sub-paragraph must be, and those 2 or either of them may be, medical practitioners.
- (2) The Secretary of State may appoint such persons as he considers are specially qualified for the purpose, whether medical practitioners or not, to be additional members of the Board; but such a member shall not be entitled to act as a member of the Board in relation to any functions conferred on the Board otherwise than under section 15(6)(a) or (b) of this Act.
- 2 The House of Commons Disqualification Act 1957 shall continue with the Attendance Allowance Board included in Part II of Schedule 1 to the Act (bodies of which all members are disqualified from membership of the House of Commons) at the place where it was inserted in the Schedule by Schedule 2 to the National Insurance Act 1970.
- 3 The Board may appoint persons as advisers to the Board on matters on which in the Board's opinion those persons are specially qualified.
- 4 The Board may refer any individual case for investigation and report to one or more persons specially qualified in the Board's opinion to investigate that case.
- 5 The Board may delegate any of their functions in respect of any individual case to one or more medical practitioners and any functions so delegated shall be exercised by the practitioners in accordance with any directions of the Board.

- 6 In the foregoing paragraphs " medical practitioner" means a registered medical practitioner, and in paragraph 5 includes a person outside the United Kingdom who is not a registered medical practitioner but has qualifications corresponding (in the opinion of the Secretary of State) to those of a registered medical practitioner.

PART II

PERSONNEL, ADMINISTRATION AND EXPENSES

- 7 (1) The chairman and other members of the Board shall hold office for such period of not more than 5 nor less than 3 years as the Secretary of State may determine ; but any member—
- (a) shall be eligible for re-appointment from time to time on or after the expiration of his term of office; and
 - (b) may by notice in writing to the Secretary of State resign office at any time, while remaining eligible for re-appointment.
- (2) In this paragraph, " year " means a period of 12 months.
- 8 The Secretary of State may remove a member of the Board on the ground of incapacity or misbehaviour.
- 9 Nothing in paragraphs 7 and 8 above applies to an additional member of the Board appointed in pursuance of paragraph 1(2); and each such member shall hold office for such period as the Secretary of State may determine, but the Secretary of State may at any time by notice in writing to the member terminate or alter that period and the member may at any time by notice in writing to the Secretary of State resign office.
- 10 The Secretary of State shall make arrangements for securing that such of his officers and servants as he considers to be required for the exercise of the Board's functions are available to act as officers and servants of the Board.
- 11 The expenses of the Board to such an amount as may be approved by the Minister for the Civil Service shall be paid by the Secretary of State.
- 12 There may be paid as part of the expenses of the Board—
- (a) to all or any of the members of the Board, such salaries or other remuneration and travelling and other allowances ;
 - (b) to persons attending their meetings at the request of the Board, such travelling and other allowances (including compensation for loss of remunerative time); and
 - (c) to persons appointed advisers to the Board or to whom individual cases are referred by the Board or the exercise of any of the Board's functions is delegated, such fees,
- as the Secretary of State may with the consent of the Minister for the Civil Service determine.
- 13 Subject to any directions given to them by the Secretary of State, the Board may—
- (a) act notwithstanding any vacancy among their members; and
 - (b) regulate their own procedure (including the quorum).

PART III

CLAIMS, REVIEWS AND APPEALS

- 14 Subject to the following provisions of this Schedule, any question whether a person satisfies or has satisfied, or is likely to satisfy, for any period the conditions set out in paragraph (a) or (b) of section 15(1) of this Act shall be determined by the Board.
- 15 The Board may—
- (a) at any time review a determination of theirs under paragraph 14 above or under this sub-paragraph, if they are satisfied that there has been a relevant change of circumstances since the determination was made, or that the determination was made in ignorance of a material fact or was based on a mistake as to a material fact;
 - (b) within the prescribed period review such a determination on any ground;
 - (c) issue a certificate under section 15(2) of this Act, or revoke or alter a certificate so issued, if the Board consider it appropriate to do so in consequence of a review in pursuance of this paragraph.
- 16 Provision shall be made by regulations for enabling appeals to be brought to a National Insurance Commissioner, with the leave of such a Commissioner, against a determination by the Board of any question of law arising on a review under paragraph 15 above or arising in connection with a refusal by the Board to review a determination made by them under paragraph 14 or 15.
- 17 In paragraph 16 above, references to the Board include references to a delegate appointed in pursuance of paragraph 5 of this Schedule; and regulations made in pursuance of paragraph 16 may provide for the application of section 87(2) of this Act to an appeal brought in pursuance of the regulations.
- 18 Provision may be made by regulations with respect to applications for reviews of determinations under this Part of this Schedule and with respect to the disposal of such applications ; but nothing in this paragraph shall be so construed as to prevent such a review from being undertaken in a case where no application is made.

SCHEDULE 8

Section 24(3).

METHOD OF TREATING DECEASED HUSBAND'S CONTRIBUTIONS AS THOSE OF HIS WIDOW, SO AS TO ENTITLE HER TO CATEGORY A RETIREMENT PENSION

- 1 There shall be taken into account towards the widow's entitlement any reckonable contribution years of the husband, that is to say years for which his own earnings factor was sufficient for satisfaction of paragraph (b) of the second contribution condition; and the widow shall be treated as satisfying that paragraph if the number of years arrived at either under paragraph 2 or under paragraph 3 below is equal to or exceeds that which is in her case the requisite number of years for the purposes of the condition.
- 2 The number of years arrived at under this paragraph is that which is obtained by—
- (a) taking the number of years between (inclusive) the year in which the woman attained the age of 16 and (exclusive) the year in which the husband died and—

Status: This is the original version (as it was originally enacted).

- (i) multiplying it by the number of the husband's reckonable contribution years, and
 - (ii) dividing it by the number of years of his working life ;
 - (b) if the resultant quotient is not a whole number, rounding it up to the nearest whole number; and
 - (c) adding to the number of years arrived at under subparagraphs (a) and (b) above any number of years after that in which the husband died, being years for which the widow's own earnings factor was sufficient for satisfaction by her of paragraph (b) of the second contribution condition.
- 3 The number of years arrived at under this paragraph is that which is obtained by—
 - (a) taking the number of years between (inclusive) the year in which the widow married the husband and (exclusive) the year in which the husband died ; and
 - (i) multiplying it by the number of the husband's reckonable contribution years, and
 - (ii) dividing it by the number of the years of his working life ;
 - (b) if the resultant quotient is not a whole number, rounding it up to the nearest whole number ; and
 - (c) adding to the number of years arrived at under paragraphs (a) and (b) above any number of years—
 - (i) before that in which she became married to the husband, and
 - (ii) after that in which he died,being years for which her own earnings factor was sufficient for satisfaction by her of paragraph (b) of the second contribution condition.
- 4 In this Schedule, " the second contribution condition " means the second condition for a Category A retirement pension specified in paragraph 5 of Schedule 3 to this Act.

SCHEDULE 9

Section 30(1).

CASES IN WHICH DEATH GRANT IS PAYABLE UNDER S. 30

The cases

- 1 The deceased was a qualifying contributor.
- 2 The deceased was at death the husband, wife, widower, widow or a child of the family of a qualifying contributor.
- 3 The deceased was a child whose circumstances were the following, that is to say either—
 - (a) he had been a child of the family of a person who predeceased him (and was so at the death of that person) and that person was a qualifying contributor immediately before his death ; or
 - (b) he was the posthumous son or daughter of a man who was a qualifying contributor.
- 4 The deceased was over the age of 19 at death and his circumstances were the following that is to say—

Status: This is the original version (as it was originally enacted).

- (a) he was at death, and had ever since attaining the age of 19 been, incapacitated for regular employment; and
- (b) he was at death residing (or would, if not living in an institution, have been residing) with a near relative being either—
 - (i) a qualifying contributor, or
 - (ii) the wife or widow of a qualifying contributor.

Interpretation

- 5 For the purposes of paragraph 4 above, the following definitions shall apply—
- (a) "incapacitated" means incapacitated by reason of illness or disability of mind or body ;
 - (b) "institution" means a school, hospital or establishment accepted by the Secretary of State as providing residential accommodation for disabled persons ; and
 - (c) "near relative" means a person—
 - (i) of whom the deceased was the son or daughter or remoter issue; or
 - (ii) who was the deceased's son or daughter or remoter issue; or
 - (iii) who was the deceased's—
 - step-father, step-mother or step-child, or
 - brother, sister, half-brother, or
 - half-sister, step-brother or step-sister ;
 (any such relationship as is specified in head (i), (ii) or (iii) being taken to include the same relationship by adoption, and to include also any such relationship as would have subsisted if some person born illegitimate had been born legitimate).

SCHEDULE 10

Section 38.

ANCILLARY PROVISIONS AS TO BASIC SCHEME BENEFIT (AND ALSO OTHER BENEFITS)

Claims

- 1 (1) Subject to sub-paragraphs (2) and (3) below, and to section 23(6) of this Act, it shall be a condition of any person's right to any benefit that he makes a claim therefor in the prescribed manner, except that in such cases as may be prescribed the following benefits may be paid without a claim—
- (a) a Category A or Category B retirement pension to a woman over the age of 65 on her ceasing to be entitled to widow's benefit;
 - (b) a Category C or Category D retirement pension ;
 - (c) age addition.
- (2) Regulations may make provision—
- (a) for permitting, in such circumstances as may be prescribed, a claim for sickness benefit or invalidity benefit or injury benefit under the Industrial Injuries Act to be made, or to be treated as if made, for a period falling partly after the date of the claim ;

- (b) for permitting an award on any such claim to be made for a period after the date of the claim of not more than 13 weeks (or such shorter period as the Secretary of State may in any case direct) subject to the condition that the claimant continues during that period to satisfy the requirements for the benefit in question ;
 - (c) for the review of any such award if those requirements are found not to have been satisfied at some time during the period of the award ;
 - (d) for the disallowance of a person's claim for unemployment benefit, sickness benefit or invalidity benefit on any grounds to be treated as a disallowance of any further claim by that person for that benefit until the grounds of the original disallowance have ceased to exist.
- (3) Regulations under this Act or the Industrial Injuries Acts may make provision as to the circumstances in which any benefit (under Part I of this Act or under those Acts) which is payable to one person may be paid to another on his behalf.
- (4) Any claim for benefit under this Act may be treated—
- (a) for the purposes of this paragraph as a claim, in the alternative, for such other benefit thereunder as may be prescribed ; or
 - (b) for the purposes of the Industrial Injuries Acts as a claim, in the alternative, for such benefit under those Acts as may be prescribed; or
 - (c) for the purposes of the Family Allowances Act (in any prescribed cases) as a claim, in the alternative, for a payment under that Act;
- and any claim for benefit under the Industrial Injuries Acts, or the Supplementary Benefit Act 1966, or a payment under the Family Allowances Act, may be treated for the purposes of this paragraph as a claim, in the alternative, for such benefit under this Act as may be prescribed.
- (5) For the purposes of this Act any claim or notice made or sent by post shall be deemed to have been made or given on the day on which it was posted.

Disqualification for, or suspension of, benefit

- 2 (1) Except where regulations otherwise provide, a person shall be disqualified for receiving any benefit, and an increase of benefit shall not be payable in respect of any person as the beneficiary's wife or husband, for any period during which that person—
- (a) is absent from Great Britain ; or
 - (b) is undergoing imprisonment or detention in legal custody.
- (2) Regulations may provide for the suspension of payment to or in respect of any person during any such period as aforesaid of benefit which is excepted from the operation of sub-paragraph (1) above or which is payable otherwise than in respect of that period.
- (3) Regulations may provide for disqualifying a person for the receipt of any benefit if he fails to make his claim therefor within the prescribed time; but any such regulations shall provide for extending, subject to any prescribed conditions, the time within which the claim may be made in cases where good cause is shown for delay.
- (4) Notwithstanding any regulations made by virtue of sub-paragraph (3) above, no sum shall be paid to any person—
- (a) on account of a maternity grant in respect of a confinement occurring more than 12 months before the date on which the claim for the grant is made ;

Status: This is the original version (as it was originally enacted).

- (b) on account of a death grant in any case where the prescribed time for making a claim falls to be extended by virtue of that sub-paragraph by more than 12 months;
 - (c) on account of any other benefit in respect of any period more than 12 months before the date on which the claim for the benefit is made.
- (5) Regulations may provide for treating a person for the purposes of the following provisions of this Act—
- (a) section 10(8);
 - (b) section 13 ; and
 - (c) section 17(4),
- as having been entitled to benefit for any day if he would have been so entitled but for any delay or failure to make or prosecute a claim; but a person shall not be so treated where he shows that he did not intend, by failing to acquire or establish a right to benefit for that day, to cause a new period of interruption of employment to begin for the purposes of earnings-related supplement, or to avoid the necessity for requalifying for benefit.
- (6) Subject to sub-paragraph (7) below, where it appears to the Secretary of State that a question has arisen whether—
- (a) the conditions for the receipt of benefit payable under an award are or were fulfilled; or
 - (b) an award of benefit ought to be revised in accordance with Part IV of the former principal Act,
- he may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined ; but this sub-paragraph shall not apply in any case where the question has arisen as to whether the claimant has ceased to be entitled to receive unemployment benefit by reason of any of the provisions of section 14(2) (b) to (e) of this Act.
- (7) Regulations may provide that sub-paragraph (b) above shall cease to apply to any case, or to cases of any specified description, to which it would otherwise apply, or shall apply to cases of any specified description to which it would otherwise not apply.

Overlapping benefits, etc.

- 3 (1) Regulations may provide—
- (a) for adjusting benefit payable to or in respect of any person, or the conditions for its receipt, where—
 - (i) any pension or allowance payable out of public funds (excluding an allowance under the Family Allowances Act, but including any other benefit under this Act whether of the same or a different description) is payable to or in respect of that person or that person's wife or husband; or
 - (ii) that person is undergoing medical or other treatment as an in-patient in a hospital or similar institution ;
 - (b) for suspending payment of benefit to a person during any period during which he is undergoing such medical or other treatment.

- (2) Where but for regulations made by virtue of sub-paragraph (1)(a) above two persons would both be entitled to an increase of benefit in respect of a third person, regulations may make provision as to their priority.

Set-off of overpayments

- 4 (1) Where a person has received on account of benefit or a family allowance sums to which, by virtue of any provision of, or regulation under, this Act, the former principal Act or the Industrial Injuries Act, or by virtue of section 11(6) of the Family Allowances Act, he was disentitled by reason of his being entitled by virtue of a subsequent award to other benefit or, as the case may be, to a guardian's allowance under section 22 of this Act, then, except in so far as regulations otherwise provide, the decision making that subsequent award shall direct that those sums shall be treated as having been paid on account of the benefit thereby awarded.
- (2) Where on review or appeal a decision awarding a person benefit is revised, or is reversed or varied, but he retains any sums paid in pursuance of the original decision which would not have been payable if the decision on the review or appeal had been given in the first instance, then, except in so far as regulations otherwise provide, any decision awarding him other benefit or a family allowance, being a benefit or allowance to which a right to any of those sums would by virtue of any such provision as aforesaid or of the said section 11(6) have disentitled him, shall direct that that sum, up to the amount of the other benefit or allowance to which he would by his right to that sum have been so disentitled, shall be treated as having been paid on account of the other benefit or allowance.
- (3) Where a sum paid on account of any benefit or of a family allowance is by virtue of sub-paragraph (1) or (2) above, or any other enactment, to be treated as having been paid on account of other benefit or such an allowance, it shall be so treated for all purposes, including the subsequent operation in relation to it of sub-paragraph (1) or (2) above or any other enactment relating to benefit or family allowance overpaid.
- (4) For the purposes of this paragraph—
- (a) a person shall be treated as retaining any sum which has been received by him and not repaid, except that he shall not be treated as retaining a sum if under any other enactment a direction has been given for it to be repaid ;
 - (b) in the case of sums paid by way of benefit under this Act in respect of a child of the family of a man and his wife living together or on account of a family allowance for such a family, the man shall be treated as having received any sum which, if properly paid, would have been receivable by him, and the wife any sum which, if properly paid, would have been receivable by her.
- 5 Regulations may provide for treating benefit paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant, of the payee as having been properly paid for any period for which it is not in fact payable in cases where in consequence of a subsequent decision either—
- (a) the other person is himself entitled to benefit for that period ; or
 - (b) a third person is entitled to benefit for that period in respect of the other person in priority to the payee,
- and for reducing or withholding accordingly any arrears payable for that period by virtue of the subsequent decision.

Status: This is the original version (as it was originally enacted).

- 6 In paragraphs 4 and 5 above, the expression " benefit" means benefit either under Part I of this Act or under the Industrial Injuries Acts; and in paragraph 4(1) or (2) above any reference to a decision awarding benefit or a family allowance includes a decision making any benefit or family allowance payable at a higher rate.

Disqualifications etc. to be disregarded for certain purposes

- 7 (1) Subject to the following sub-paragraph, regulations may provide for a person who would be entitled to any benefit but for the operation of paragraph 2 or 3 above, or of any other provision of this Act disqualifying him for receipt of that benefit, to be treated as if entitled thereto for the purpose of any rights or obligations under Chapter II of Part I of this Act (whether of himself or any other person) which depend on his being so entitled, other than the right to payment of that benefit.
- (2) Regulations under this paragraph shall not provide for a person disqualified for receiving unemployment benefit by reason only of a delay or failure to make a claim to be treated as having been entitled thereto for the purpose of ascertaining whether his right to that benefit has been exhausted.

Administration of benefit

- 8 (1) Provision may be made by regulations as to the time and manner of payment of benefit, and as to the information and evidence to be furnished by beneficiaries when applying for payment.
- (2) Regulations made under this paragraph as to the time of payment of benefit may provide—
- (a) notwithstanding anything in this Act, for adjusting the commencement and termination of benefit, or of changes in the rate of benefit, so that (except in the case of unemployment benefit, sickness benefit, invalidity benefit and a maternity allowance) payments shall not be made in respect of periods of less than a week or at different rates for different parts of a week ;
 - (b) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period, not being less than 12 months, from the date on which the right is to be treated under the regulations as having arisen.
- (3) Regulations may also provide—
- (a) for enabling a person to be appointed to exercise, on behalf of a claimant or beneficiary who is a child or who may be or become unable for the time being to act, any right or power which the claimant or beneficiary may be entitled to exercise under this Act, and for authorising a person so appointed to receive and deal with any sum payable by way of benefit, on behalf of the claimant or beneficiary ;
 - (b) in connection with the death of any person, for enabling a claim for benefit to be made or proceeded with in his name, for authorising payment or distribution of benefit to or amongst persons claiming as his personal representatives, legatees, next of kin or creditors (or, in cases of illegitimacy of deceased persons, to or amongst others) and for dispensing with strict proof of the title of persons so claiming.
- (4) Regulations under sub-paragraph (3)(b) above may make provision with respect to claims for, and the payment of, death grant as if it were a benefit due to the deceased

at his death and as if the reference in that sub-paragraph to creditors included a reference to any person who gives an undertaking in writing to pay the whole or part of the deceased's funeral expenses; and for the purposes of that sub-paragraph the expression "next of kin" shall be construed as referring—

- (a) in England and Wales, to persons who would take beneficially on an intestacy;
- (b) in Scotland, to the persons entitled to the moveable estate of the deceased on intestacy.

- (5) Regulations may make provision for calculating the amounts payable by way of any benefit according to a prescribed scale, or otherwise adjusting them so as to avoid fractional amounts or facilitate computation.

Benefit to be inalienable

- 9 (1) Subject to the provisions of this Act, every assignment of, or charge on, benefit, and every agreement to assign or charge benefit, shall be void, and, on the bankruptcy of a beneficiary, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.
- (2) In the application of this paragraph to Scotland—
- (a) the reference to assignment of benefit shall be read as a reference to its assignation, "assign" being construed accordingly ;
 - (b) the reference to a beneficiary's bankruptcy shall be read as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 14 of the Bankruptcy (Scotland) Act 1913 or section 15 of the Solicitors (Scotland) Act 1958.

Provisions as to maintenance

- 10 (1) Regulations may provide for determining the circumstances in which a person is, or is not, to be deemed for the purposes of this Act to be wholly or mainly maintaining, or to be contributing at any weekly rate to the maintenance of, another person, or to be or have been contributing at any weekly rate to the cost of providing for a child.
- (2) Regulations under sub-paragraph (1) above may provide, for the purpose of the provisions relating to an increase of benefit in respect of a wife or other adult dependant, that where—
- (a) a person is partly maintained by each of two or more beneficiaries, each of whom would be entitled to such an increase in respect of that person if he were wholly or mainly maintaining that person ; and
 - (b) the contributions made by those two or more beneficiaries towards the maintenance of the person amount in the aggregate to sums which would, if they had been contributed by one of those beneficiaries, be sufficient to satisfy the requirements of regulations made by virtue of sub-paragraph (1), that person shall be deemed for the purpose of those provisions to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.
- (3) Regulations may provide for any sum or sums paid by a person by way of contribution towards (either or both) the maintenance of his wife or the cost of providing for one or more children, to be treated for the purposes of section 29(c) (i), 32(3), 33(1)(b), 34(1)(a)(ii), or 35(1)(b) of this Act as such contributions, of such respective amounts equal in the aggregate to the sum or sums in question, in respect

Status: This is the original version (as it was originally enacted).

of such persons, as may be determined in accordance with the regulations so as to secure as large a payment as possible by way of benefit in respect of dependants.

SCHEDULE 11

Section 39(8).

BENEFITS WHICH MAY BE UP-RATED BY ORDER UNDER S. 39

The basic scheme

- 1 The figure for maternity grant specified in the second column of Part II of Schedule 4 to this Act.
- 2 The figure for death grant so specified.
- 3 The figure specified in heads (i) and (ii) of paragraph 3(1)(a) of Schedule 6 to this Act.
- 4 Any of the figures specified in section 26(1) or 35(2) of this Act

The Industrial Injuries Act

- 5 Any of the following figures specified in the second column of Schedule 3 to the Industrial Injuries Act—
 - (a) the figures specified in paragraph 5 (maximum increase under section 14 of the Act of the weekly rate of disablement pension in cases of special hardship);
 - (b) the figures specified in paragraph 6(a) and (b) (maximum increase under section 15 of the weekly rate of disablement pension where constant attendance is needed);
 - (c) the figure specified in paragraph 6A (increase of disablement pension under section 6(1) of the National Insurance Act 1966);
 - (d) the figure specified in paragraph 10 (widower's pension under section 20).
- 6 Any of the figures specified in section 18(3A) of the Industrial Injuries Act (weekly amount of wife's earnings involving reduction of increase of disablement pension).

The Old Cases Act

- 7 The figure specified in section 2(6)(c) of the Old Cases Act (limit of allowance in cases of lesser incapacity).
- 8 The figure specified in section 7(2)(b) of that Act (weekly rate of allowance under section 5(1)(a) of the Act in respect of disablement which is not total).

SCHEDULE 12

Section 48(1), (2).

THE NATIONAL INSURANCE ADVISORY COMMITTEE

PART I

CONSTITUTION ETC. OF COMMITTEE

- 1 The National Insurance Advisory Committee (in this Schedule referred to as "the Committee") shall consist of a chairman appointed by the Secretary of State and not less than 6 nor more than 10 other members so appointed.
- 2 (1) Subject to paragraph 4 below, the chairman and other members of the Committee shall hold office for such period of not more than 5 nor less than 3 years as the Secretary of State may determine ; but any member—
- (a) shall be eligible for reappointment from time to time on or after the expiration of his term of office ;
 - (b) may by notice in writing to the Secretary of State resign office at any time, while remaining eligible for reappointment.
- (2) In this paragraph, " year " means a period of 12 months.
- 3 Of the members of the Committee (other than the chairman) there shall be appointed—
- (a) one after consultation with organisations representative of employers;
 - (b) one after consultation with organisations representative of workers;
 - (c) one after consultation with friendly societies registered under the Friendly Societies Acts 1896 to 1971 or organisations representative of such societies ; and
 - (d) one after consultation with the Northern Ireland Minister ;
- and the Committee shall include at least one person with experience of work among, and of the needs of, the chronically sick and disabled and in selecting any such person regard shall be had to the desirability of having a Chronically sick or disabled person.
- 4 The Secretary of State may remove a member of the Committee on the ground of incapacity or misbehaviour.
- 5 The Secretary of State shall appoint a secretary to the Committee, and may appoint such other officers and such servants to the Committee, and there shall be paid to them such salaries and allowances, as the Secretary of State may with the consent of the Minister for the Civil Service determine.
- 6 The Committee may appoint persons as their advisers on matters on which in the Committee's opinion those persons are specially qualified.
- 7 The expenses of the Committee to such an amount as may be approved by the Minister for the Civil Service shall be paid by the Secretary of State.
- 8 There may be paid as part of the expenses of the Committee—
- (a) to all or any of the members of the Committee, such salaries or other remuneration and travelling and other allowances ;
 - (b) to persons attending their meetings at the request of the Committee, such travelling and other allowances (including compensation for loss of remunerative time); and

Status: This is the original version (as it was originally enacted).

- (c) to persons who are not members of the Committee but who at the invitation of the Committee act as advisers at meetings of the Committee held to consider matters on which those persons are specially qualified or otherwise, such fees,

as the Secretary of State may with the consent of the Minister for the Civil Service determine.

- 9 The Committee may act notwithstanding any vacancy among their members.
- 10 The Committee may make rules for regulating their procedure (including the quorum).

PART II

REGULATIONS REQUIRING PRIOR SUBMISSION TO THE COMMITTEE

- 11 Subject to Part III of this Schedule-
- (a) regulations under Part I of this Act;
 - (b) regulations under section 92(3) or 99(9) or (14) of this Act;
 - (c) regulations under paragraph 14(a) of Schedule 22 to this Act;
 - (d) regulations under Schedule 26 ; and
 - (e) regulations under Part IV of the former principal Act.

PART III

REGULATIONS NOT REQUIRING PRIOR SUBMISSION TO THE COMMITTEE

- 12 Regulations made by virtue of any of the following provisions of this Act, namely—
- (a) paragraph 4 of Schedule 10 ;
 - (b) paragraph 5 of that Schedule, if the regulations are made only in relation to benefit under the Industrial Injuries Acts.
- 13 Regulations made for the purpose only of consolidating other regulations revoked thereby.
- 14 Regulations made under Chapter II of Part I of this Act, or Part IV of the former principal Act, which contain only provisions—
- (a) with respect to the determination of such a question as is mentioned in section 84(1)(d) of this Act or section 76(3) of that Act or section 35(2) of the Industrial Injuries Act or section 5(2) of the Family Allowances Act; or
 - (b) having effect by virtue of section 8(1) to (3) of the Family Allowances Act.
- 15 Regulations contained in a statutory instrument which states that it contains only provisions in consequence of an order under section 7, 8 or 39 of this Act.
- 16 Regulations made before the day appointed for the coming into force of section 2 of this Act and regulations under Schedule 26 to this Act made before, or within a period of 12 months beginning with, that day.
- 17 Regulations contained in a statutory instrument which states that the regulations relate only to matters which, in accordance with this Act (or an enactment directed to be construed as one therewith), have been referred to the Attendance Allowance Board.

- 18 Regulations in so far as they consist only of procedural rules for a tribunal in respect of which consultation with the Council on Tribunals is required by section 10(1) of the Tribunals and Inquiries Act 1971.
- 19 Regulations contained in a statutory instrument made within a period of 6 months from the date of the passing of any Act passed after this Act and directed to be construed as one with this Act, where the regulations state that they are made for the purpose only of making provision consequential on the passing of that Act and the Act does not exclude this paragraph in respect of the regulations.

SCHEDULE 13

Section 49(1).

ADAPTATION OF PART I, AND OTHER PROVISIONS, FOR NORTHERN IRELAND

Introductory

- 1 In the provisions of this Act which are extended to Northern Ireland by section 49(1) (other than that section and this Schedule), there shall be made the adaptations provided for by this Schedule.

General adaptation of references

- 2 Subject to the following provisions of this Schedule for any such reference as is specified in column 1 of the Table set out below there shall be substituted the reference specified in column 2.

TABLE

<i>Reference</i>	<i>Substituted reference</i>
The Attendance Allowance Board (except in paragraph 2 of Schedule 7).	The Attendance Allowance Board for Northern Ireland.
The Consolidated Fund.	The Exchequer of Northern Ireland.
The Family Allowances Act.	The Family Allowances Act (Northern Ireland) 1966.
The former principal Act.	The National Insurance Act (Northern Ireland) 1966.
Great Britain (except in section 41(1)(d)).	Northern Ireland.
The Industrial Injuries Act.	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.
The Industrial Injuries Acts.	The National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1972.
The Industrial Injuries Fund.	The Northern Ireland Industrial Injuries Fund.
The Minister for the Civil Service.	The Ministry of Finance.

Status: This is the original version (as it was originally enacted).

<i>Reference</i>	<i>Substituted reference</i>
Money provided by Parliament.	Money hereafter appropriated for that purpose.
National health service.	Health service.
The National Health Service Contributions Act 1965.	The Health Service Contributions Act (Northern Ireland) 1966.
The National Insurance Act 1970.	The National Insurance Act (Northern Ireland) 1970.
The National Insurance Fund.	The Northern Ireland National Insurance Fund.
The National Insurance (Reserve) Fund.	The Northern Ireland National Insurance (Reserve) Fund.
The Old Cases Acts.	The Workman's Compensation (Supplementation) Acts (Northern Ireland) 1966 to 1972.
The Redundancy Fund.	The Northern Ireland Redundancy Fund.
The Secretary of State (except in section 5(4) and (5) and section 99(3)).	The Northern Ireland Ministry.
The Supplementary Benefit Act 1966.	The Supplementary Benefits &c. Act (Northern Ireland) 1966.
The Treasury (except in section 5(4) and (5), in the second place where the reference occurs in section 44(4) and in the expression "The Treasury supplement").	The Ministry of Finance.
The Treasury supplement.	The Northern Ireland Exchequer supplement.
The Treasury supplements.	The Northern Ireland Exchequer supplements.

Adaptations of particular provisions

- 3 (1) In section 1(3) for " sections 7 and 8 " substitute " subsection (2) of section 49 ", and for " those sections " substitute " that subsection " .
- (2) In section 1(5) after " supplement to contributions " insert " (in this Act referred to as ' the Northern Ireland Exchequer Supplement ') " .
- (3) In section 1(6)—
- (a) in paragraph (c) for " section 27 of the Redundancy Payments Act 1965 " substitute " section 37 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 " ;
 - (b) for " Treasury supplement under " substitute " the sums mentioned in " .

Status: This is the original version (as it was originally enacted).

- 4 In section 9(3) omit " to the extent provided for by section 39 of this Act (annual up-rating review) ", and for " from year to year under that section " substitute " under section 49(2) of this Act ".
- 5 In section 14(6)—
- (a) in paragraph (c) omit " the Employment Service Agency, a local education authority ";
 - (b) in paragraph (d) omit " the Employment Service Agency or a local education authority ";
 - (c) in paragraph (e) for "the Employment and Training Act 1948" substitute " the employment and Training Act (Northern Ireland) 1950 ".
- 6 In section 15(5) for paragraph (a) substitute—
- “(a) in pursuance of Article 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972 ; or”.
- 7 In section 18(2) for paragraphs (a) and (b) substitute " by any court of summary jurisdiction in deciding whether or not it shall make an order under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924 ".
- 8 In section 22(5) for " subsections (2) to (6) " substitute " subsections (2) to (4) ".
- 9 In section 24(8) for " section 39 of this Act (annual up-rating review) " substitute " section 49(2) of this Act ".
- 10 In section 33(2)(b) for " the proviso to paragraph 1(1)" substitute " paragraph 1(2) ".
- 11 In section 41(1)(d) for "outside Great Britain" substitute " other than Northern Ireland ".
- 12 (1) In section 44(3) after " the Comptroller and Auditor General" insert " for Northern Ireland " and for " Parliament " substitute " the Parliament of Northern Ireland ".
- (2) In section 44(4) for " the National Debt Commissioners and be invested by them, in accordance with such directions as may be given by the Treasury," substitute " the Ministry of Finance and by that Ministry invested ".
- (3) For section 44(5) substitute—
- “(5) The Ministry of Finance shall certify a statement of the securities in which money forming part of the Northern Ireland National Insurance Fund is for the time being invested and that statement so certified shall be included with the accounts of that Fund laid before the Parliament of Northern Ireland under subsection (3).”
- 13 In section 45—
- (a) in subsection (1) for " the Inland Revenue under section 5(4) of this Act and " substitute " the Secretary of State under section 5(5) of this Act and by the Inland Revenue under ";
 - (b) in subsection (4)(a) for the words following " cost" substitute " of the health service in Northern Ireland ".
- 14 In section 99—
- (a) in subsection (1) omit the definitions of " the Family Allowances Act " , " the former principal Act" , " the Industrial Injuries Act" , " the Industrial Injuries Acts" and " the Old Cases Acts " ;

Status: This is the original version (as it was originally enacted).

- (b) in subsection (8)(6) for " the Family Allowances and National Insurance Act 1967" substitute " the Family Allowances and National Insurance Act (Northern Ireland) 1968 ".
- 15 In Schedule 1 omit paragraph 8.
- 16 In Schedule 7—
- (a) in paragraph 1, for "4" substitute " 3 " and for "9" substitute " 7 ";
- (b) in paragraph 2, at the end insert—
- “(2) That Act shall continue with the Attendance Allowance Board for Northern Ireland included in the said Part II, as substituted by section 10 of and Schedule 3 to that Act, in relation to membership of the Senate and House of Commons of Northern Ireland, at the place where it was inserted in that Part by Schedule 2 to the National Insurance Act (Northern Ireland) 1970.”; and
- (c) in paragraph 16, for " section 87(2) of " substitute " paragraph 13(2) of Schedule 25 to ".
- 17 In Schedule 10—
- (a) in paragraph 4(1) and (2) for " 11(6)" substitute " 11(5) ";
- (b) in paragraph 8(4) for heads (a) and (b) substitute " to persons who would take beneficially on an intestacy under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1955 ";
- (c) in paragraph 9, for sub-paragraph (2) substitute the following sub-paragraph:—
- “(2) The reference in sub-paragraph (1) to the bankruptcy of a beneficiary shall include a reference to the vesting of his estate and effects in the official assignee under section 349 of the Irish Bankrupt and Insolvent Act 1857.”

SCHEDULE 14

Section 49(4).

CONSTITUTION, ETC., OF JOINT AUTHORITY FOR GREAT BRITAIN AND NORTHERN IRELAND

- 1 The Joint Authority shall be a body corporate by the name of the National Insurance Joint Authority, and shall have an official seal which shall be officially and judicially noticed, and the seal of the Authority may be authenticated by either member of, or the secretary to, the Authority, or by any person authorised by the Authority to act on behalf of the secretary.
- 2 Either member of the Joint Authority shall be entitled, subject to and in accordance with any rules laid down by the Authority, to appoint a deputy to act for him at meetings of the Authority at which he is unable to be present.
- 3 The Documentary Evidence Act 1868 shall apply to the Joint Authority as if the Authority were included in the first column of the Schedule to that Act, and as if either member or the secretary, or any person authorised to act on behalf of the secretary, of the Authority were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Authority.

SCHEDULE 15

Section 52(9).

GENERAL PROVISIONS AS TO RECOGNISED PENSIONABLE
EMPLOYMENTS AND RECOGNISED SCHEMES*Definition*

- 1 In this Schedule, " the Board " means the Occupational Pensions Board.

Special provision affecting certain public service pension schemes

- 2 (1) In relation to employments of any class to which this paragraph applies, the Secretary of State may by regulations direct that elections with a view to the issue, variation, cancellation or surrender of recognition certificates shall be made and revoked by him instead of by the employer.
- (2) Any such regulations may also make provision for other things which by or under Part II of this Act are required or authorised to be done by or to an employer to be done instead by or to the Secretary of State and for treating any employments of the class in question as employments under a single employer different from the employer in any other employment.
- (3) Before making any regulations under this paragraph the Secretary of State shall consult with such bodies concerned with employments of the class in question as appear to him fairly to represent the interests of the employers and earners in those employments.
- (4) Subject to sub-paragraphs (5) and (6) below, the employments in which an earner's service qualifies him for benefit under any of the following enactments shall constitute a class to which this paragraph applies—
section 26 of the Fire Services Act 1947 ;
the Police Pensions Act 1948 ; and
sections 7 to 10 of the Superannuation Act 1972.
- (5) Where service in any employment would qualify a person as aforesaid under any of the enactments specified in sub-paragraph (4) above but for rules having effect under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 (which relates to persons transferring to or from certain employments), the employment shall be treated as falling within the class to which that enactment relates, and as not falling within any other class to which this paragraph applies.
- (6) Where a local Act contains a provision for the payment of benefits in respect of service which, but for the provision, would qualify a person for such benefits under the enactments specified in sub-paragraph (4) above, that provision shall be deemed to be included among the enactments so specified.

Centralised schemes

- 3 Regulations may modify sections 52 to 62 of this Act in their application to employments in the case of which earners under different employers qualify, by virtue of their respective service in those employments, for the benefits of the same occupational pension scheme.

General regulations

- 4 In relation to employments which are or at any time have been recognised pensionable employments, and to the operation of schemes by reference to which such employments are or have been recognised, provision may be made by regulations—
- (a) for treating an earner's employment, where it ends before a person succeeds to his employer's business, as having been employment under the employer's successor ;
 - (b) for disregarding changes in an earner's employment due to the death of an employer or other cause, or any cesser of recognised pensionable employment so due, or for treating employment under one employer as a variation of that under another and treating any recognition certificate issued to, or election made by, the former employer as issued to or made by the latter;
 - (c) for disregarding temporary interruptions in an earner's employment or recognised pensionable employment, and for treating the employment in either case as continuing during the interruption; and
 - (d) generally as to the circumstances in which an earner's employment is or is not to be treated as having begun, or as having come to an end ;
- and references in this paragraph to an earner's employment beginning or ending shall include references to his employment becoming, or ceasing to be, recognised pensionable employment.
- 5 Regulations may enable the Board to determine, in prescribed circumstances, that an earner, or any group of earners falling within a particular category or description of recognised pensionable employments, has been in such employment from a date earlier than would otherwise be the case (not being, in the case of an earner within the scope of the determination, a date earlier than that on which his relevant employment began or a recognition certificate was issued in respect of it, whichever is the later).
- 6 Regulations may make provision for any incidental matters connected with the provisions of Part II of this Act in relation to any employment which is, has been, or may become recognised pensionable employment and in relation to the certification of such an employment under section 52 of this Act, or otherwise connected with the provisions of this Schedule; and without prejudice to the generality of the foregoing, regulations may relate—
- (a) to the determination by the Board of any such questions as are referred to in section 52(7) of this Act,
 - (b) to the information which may in connection with any matters referred to in sections 51 to 62 or in this Schedule be required to be given by any person.
- 7 Without prejudice to paragraph 6 above, regulations may enable the Board to cancel or vary a recognition certificate where they have reason to suppose that any employment to which it relates ought not to be treated as recognised pensionable employment in accordance with the certificate and the employer does not show that it ought to be so treated.
- 8 Regulations may—
- (a) regulate the manner in which employers are to make or revoke an election with a view to the issue, variation, cancellation or surrender of a recognition certificate, and require them to give notice for the purpose of informing earners and others of their intention to do so ;

- (b) require employers of earners (whether or not for the time being in recognised pensionable employment) to notify earners and others, in the prescribed manner, of the manner in which the minimum benefits of any occupational pension scheme fall to be calculated under the scheme and any regulations applicable thereto ;
- (c) empower the Board to defer the issue or variation of a recognition certificate so as to enable the relevant election to be further considered in the light of any representation made by persons to whom notice of the election is required by regulations to be given, or by organisations representing any such persons ;
- (d) contain provisions relating to employments which have ceased to be (as well as to those which are) recognised pensionable employments in relation to any person.

Adjustment of computation

- 9 Regulations may, in relation to any method adopted in an occupational pension scheme for making ascertainable its minimum benefits, provide for adjusting figures so as to avoid fractional amounts and otherwise to facilitate computation.

Modification of recognition provisions in certain cases

- 10 (1) Regulations may modify the provisions of sections 52 to 57 of this Act in their application to cases in which a person is employed at the same time in two or more employments (whether or not under the same employer), being employments of which at least one, but not both or all, is recognised pensionable employment, with a view to enabling the employments to be treated either separately or together for the purposes of Part II of this Act.
- (2) Regulations may modify the provisions of sections 53 to 58 of this Act in their application to cases in which—
- (a) any description of benefit under a scheme is subject to a limit (however imposed) operating so as to prevent service beyond a particular length from qualifying for further benefits ;
 - (b) earners qualify for the benefits of a scheme by reference not only to service in recognised pensionable employment but also to service in the same or another employment (whether or not recognised pensionable employment) before the scheme was recognised in relation to them or their employment;
- and regulations under this paragraph may include provision for securing that, in such cases, an earner's employment does not cease to be recognised pensionable employment only because his service for the time being does not qualify him for minimum benefits.

Scheme rules not to be altered without Board's consent

- 11 (1) Where in respect of any employment a recognition certificate has been issued, no alteration of the rules of the relevant recognised scheme shall be made so as to affect any of the matters dealt with in sections 51 to 62 of this Act without the Board's consent; and any such alteration made without that consent shall be void:

Provided that a consent given by the Board for the purpose of this paragraph shall, if and to the extent that the Board so direct, operate so as to validate with retrospective effect any operation of the rules which would otherwise be void under this paragraph.

- (2) This paragraph shall continue in force in relation to a scheme after it has ceased to be recognised so long as any person qualifies (immediately or prospectively) for any of the minimum benefits of the scheme within the meaning of section 62 of this Act.

Introductory and transitional provisions

- 12 Regulations may (without prejudice to any power exercisable by virtue of section 100(1) of this Act) make such provision as the Secretary of State thinks expedient for facilitating the bringing into force of so much of Part II of this Act as relates to recognised pensionable employment, including—
- (a) provisions for effecting orderly transition between Part III of the former principal Act and Part II of this Act, and other transitional provisions ; and
 - (b) provisions enabling the Board to issue recognition certificates on the basis of such undertakings and information as may be prescribed by the regulations.

SCHEDULE 16

Section 63(1).

REQUIREMENTS AS TO PRESERVATION OF BENEFIT UNDER OCCUPATIONAL PENSION SCHEMES

PART I

Interpretation

- 1 The following 4 paragraphs have effect for the interpretation of this Schedule.
- 2 " Scheme" means an occupational pension scheme; and in relation to a scheme—
- (a) " relevant employment" means any employment to which the scheme applies ;
 - (b) " long service benefit" means the benefits which will be payable under the scheme, in accordance with legal obligation, to or in respect of a member of the scheme on the assumption that he remains in relevant employment until he attains normal pension age ;
- and in paragraph (b) above " benefits " means retirement benefit for the member himself at normal pension age or benefit for his wife or widow, or dependants, or others, on his attaining that age or his death thereafter, or both such descriptions of benefit.
- 3 (1) " Pensionable service ", in relation to a scheme and a member of it, means service in relevant employment which qualifies the member (on the assumption that it continues for the appropriate period) for long service benefit under the scheme, including service before the appointed day.
- (2) There shall be taken into account as pensionable service only actual service; that is to say—

- (a) service notionally attributable for any purposes of the scheme is not to be regarded as pensionable service ; and
 - (b) no account is to be taken of scheme rules by which a period of service can be treated for any purpose as being longer or shorter than it actually is.
- 4 (1) In relation to a scheme and a member's pensionable service under it, " normal pension age " is to be construed as follows.
- (2) Where the scheme provides for the member only minimum benefits for recognition purposes, " normal pension age" means the earliest age at which the member is entitled to receive his minimum personal pension on retirement from relevant employment.
- (3) In any other case, " normal pension age " means the earliest age at which the member is entitled to receive benefits (other than minimum benefits) on his retirement from such employment.
- (4) For the purposes of this paragraph there is to be disregarded any scheme rule making special provision as to early retirement on grounds of ill-health or otherwise.
- 5 (1) " Supplementary credits ", in relation to a scheme and a member's entitlement to its benefits, means any increase of benefit or additional benefit to which the member may become entitled—
- (a) in consequence of any provision made by or under the scheme after he becomes a member of it (to the extent that it applies to any previous pensionable service of his); or
 - (b) by reference to previous service of his (whether or not pensionable service); or
 - (c) in such other circumstances as may be prescribed,
- including under paragraph (b) above any transfer credits.
- (2) " Purchased credits " means supplementary credits for which, under the rules of the scheme, a member may or must make payment in whole or in part (whether by means of additional contributions, or of deduction from benefit, or otherwise, and whether separately for each credit or by one or more payments for one or more credits).
- (3) "Bonus credits" means supplementary credits other than purchased credits or transfer credits.

Basic principle as to short service benefit

- 6 (1) A scheme must provide so that where a member's service in relevant employment is terminated before normal pension age and—
- (a) he has attained the age of 26 ; and
 - (b) he has at least 5 years' qualifying service,
- he is entitled to benefit (calculated in accordance with the following provisions of this Schedule and there referred to as "short service benefit "), consisting of or comprising benefit of any description which would have been payable under the scheme as long service benefit, whether for himself or for others.
- (2) Subject to the following sub-paragraph, short service benefit must be made payable as from normal pension age or, if in the member's case that age is earlier than 60, then from the age of 60.

- (3) Short service benefit payable on or in respect of the member's death after normal pension age must be made payable as from his death or within such time thereafter as long service benefit payable on or in respect of his death would be payable.
- (4) In applying sub-paragraphs (2) and (3) above, no regard is to be had to the operation of any scheme rule, taking effect at any time after termination of the member's pensionable service, as to what is normal pension age under the scheme.
- (5) A scheme must not provide for payment of short service benefit in the form of a lump sum at any time before normal pension age, except in such circumstances as may be prescribed.

Qualifying service

- 7 (1) " 5 years' qualifying service " means 5 years (whether a single period of that duration or two or more periods, continuous or discontinuous, totalling 5 years) in which the member was at all times employed either—
 - (a) in pensionable service under the scheme ; or
 - (b) in service in recognised pensionable employment by reference to the scheme ; or
 - (c) in linked qualifying service under another scheme,
 no regard being had to whether or not it was the same description of service in the whole of the 5 years.
- (2) A period of service previously terminated is not to count towards the 5 years' qualifying service unless it counts towards qualification for long service benefit, and need then count only to the same extent and in the same way.

No discrimination between short service and long service beneficiaries

- 8 (1) A scheme must not contain any rule which results, or can result, in a member being treated less favourably for any purpose relating to short service benefit than he is, or is entitled to be, treated for the corresponding purpose relating to long service benefit.
- (2) The above does not apply to any rule in its application to members whose pensionable service terminated before the rule came into force, except a rule made after the termination of a member's pensionable service and resulting, or capable of resulting, for him in any treatment less favourable than that to which he would have been entitled but for the rule ; nor does it apply to a rule merely conferring a discretion on the scheme's trustees or managers, or others, so long as it is not a rule requiring the discretion to be exercised in any discriminatory manner against members in respect of their short service benefit.

Form of short service benefit and its alternatives

- 9 (1) Subject to the following sub-paragraph, a member's short service benefit must either be payable (as mentioned in paragraph 6(2) above) directly out of the resources of the scheme or be assured to him by such means as may be prescribed.
- (2) Subject to the following sub-paragraphs, a scheme may, instead of providing short service benefit, provide—

- (a) for the member's accrued rights to be transferred to another scheme (whether recognised or not) with a view to the acquisition for him of transfer credits under the other scheme; or
 - (b) for such alternatives to short service benefit as may be prescribed.
- (3) Either of the alternatives specified in sub-paragraph (2)(a) and (b) above may be by way of complete or partial substitute for short service benefit, but (except in such cases as may be prescribed) only with the member's consent.
- (4) An alternative prescribed under sub-paragraph (2)(b) above must not include any payment by way of return of contributions, except in respect of—
- (a) a period of service before the appointed day ; or
 - (b) a period of service of less than 5 years after that day if (and only if) there has been such a payment in respect of a period of service before that day.

Computation of benefit

- 10 (1) A scheme must provide for short service benefit to be computed on the same basis as long service benefit.
- (2) For this purpose, no account is to be taken of any rule making it (directly or indirectly) a condition of entitlement to benefit that pensionable service shall have been of any minimum duration.
- (3) This paragraph does not apply to so much of any benefit as—
- (a) accrues at a higher rate, or otherwise more favourably, in the case of members with a period of pensionable service of some specified minimum length, or of those remaining in pensionable service up to some specified minimum age; or
 - (b) is of an amount, or at a rate, unrelated to length of pensionable service or to the number or amount of contributions paid by or for the member ;
- nor does it apply to any category of schemes or members, or description of benefit, excluded from this paragraph by regulations.
- 11 So far as any short service benefit is not required to be computed in accordance with paragraph 10 above, it must be computed on the basis of uniform accrual, bearing the same proportion to long service benefit at the time when pensionable service is terminated as the period of that service bears to the period from the beginning of that service to the time when the member would attain normal pension age or such lower age as may be prescribed.
- 12 (1) Where long service benefit is related to a member's earnings at, or in a specified period before, the time when he attains normal pension age, short service benefit must be related, in a corresponding manner, to his earnings at, or in the same period before, the time when his pensionable service is terminated.
- (2) A scheme must comply with any regulations relating to the basis of computation of short service benefit, including regulations providing for the avoidance of fractional amounts and otherwise to facilitate computation.

Credits

- 13 (1) If a scheme provides for long service benefit to include supplementary credits, it must provide for such credits to be included in short service benefit, and provide for all credits to be so included, subject to the following sub-paragraphs.
- (2) Where purchased credits have not been paid for in full at or before termination of pensionable service—
- (a) if they were to be paid for by a fixed amount, the benefit must include so much of the whole of the credits as bears the same proportion to them as the amount which the member has paid bears to the full amount payable by him;
 - (b) if they were to be paid for otherwise than by a fixed amount, the benefit must include such part of the credits as bears the same proportion to the whole as the period between the time when the first payment became due and the termination of the member's pensionable service bears to the whole period over which payment was to be made.
- (3) If the benefit includes bonus credits, or credits for which payment is to be made by deduction from that or another benefit, the credits to be included in the benefit and (where applicable) the amount of the deduction must be computed on the basis of the following assumptions—
- (a) that the credits accrue in full only to a member remaining in pensionable service until normal pension age ;
 - (b) that entitlement to any credit, and also the amount of any relevant deduction, accrues at a uniform rate from the time when the credit was awarded up to the time of his attaining that age.
- (4) Where any such deduction from benefit as is referred to in sub-paragraph (3) above is a percentage of benefit, the percentage must be the same for short service as for long service benefit.
- (5) A scheme must comply with any regulations made with respect to the manner in which supplementary credits are to be included in short service benefit, including regulations providing for the avoidance of fractional amounts and otherwise to facilitate computation.

Pension-increases

- 14 (1) A scheme which by its rules provides for increases of long service benefit from time to time (whether by way of upwards re-valuation or otherwise) must provide for corresponding increases of short service benefit in the case of members whose pensionable service terminates at any time after the coming into force of any such rule.
- (2) Where provision to this effect is made in such a way as to involve the exercise of a discretion in relation to increase of long service benefit, a corresponding discretion must be conferred in relation to short service benefit.
- (3) If an increase of long service benefit is to take effect at a specified time after termination of service, the corresponding increase of short service benefit must take effect at the same time after the time when short service benefit becomes payable.
- (4) Where provision is made for increase of long service benefit otherwise than at a fixed rate, short service benefit may nevertheless be subject to increase at a fixed rate, so long as the rate is not less than 3 per cent, a year compound.

Assignment, surrender and commutation of benefit

- 15 (1) Except as provided by this paragraph, a scheme must contain rules preventing assignment of short service benefit, and must not enable such benefit to be surrendered or commuted.
- (2) Provisions enabling assignment are permissible (whether assignment before or after the benefit comes into payment) if it is assignment in favour of the member's widow or a dependant of his.
- (3) Provisions enabling surrender (at the option of the member) are permissible where it is—
- (a) to provide benefit for the member's widow or a dependant of his;
 - (b) to acquire for the member entitlement to transfer credits under another scheme ;
 - (c) to acquire for the member entitlement to further benefits under the same scheme, relating both to a period of pensionable service previously terminated and also to a subsequent period of service in relevant employment.
- (4) Provision may be made for a member's benefit to be commuted, but only—
- (a) in a case where he opts (at any time) to commute at or after normal pension age ; or
 - (b) in exceptional circumstances of serious ill-health ; or
 - (c) in such other circumstances as may be prescribed ;
- and where a scheme provides benefit for a member's widow or dependant, it may provide for commutation by the beneficiary in such circumstances as may be prescribed.
- (5) In respect of any of the benefits or rights alternative to short service benefit provided in accordance with paragraph 9(2) above, this paragraph shall apply with such modifications as may be prescribed.
- (6) In the application of this paragraph to Scotland, for reference to assignment there shall be substituted references to assignation.

Forfeiture, etc.

- 16 (1) Except so far as permitted by this paragraph, and subject to paragraph 17 below, a scheme must not contain any provision for forfeiture of short service benefit.
- (2) Provision may be made for forfeiture of the whole or part of any short service benefit by reference to an event occurring after the benefit becomes payable, but only an event by reference to which long service benefit would be forfeited; and such a provision must not be in terms which in the opinion of the Occupational Pensions Board appear to discriminate against members entitled to short service benefit.
- (3) Provision may be made for forfeiture by reference to—
- (a) the assignment or attempted assignment or, in Scotland, the assignation or attempted assignation of the benefit contrary to the provisions of the scheme;
 - (b) the member's bankruptcy or, in the case of benefit for a widow or dependant of the member, the beneficiary's bankruptcy ;

and in this case forfeiture may be by reference to an event occurring either before or after the benefit would otherwise be payable, so long as the like provision is made in relation to long service benefit.

- (4) Provision for forfeiture may be made—
- (a) in a public service pension scheme, by reference to the member being convicted of an offence—
 - (i) committed by him before the benefit becomes payable and in connection with relevant employment, and
 - (ii) certified by a Minister of the Crown either to have been gravely injurious to the State or to be liable to lead to serious loss of confidence in the public service;
 - (b) in any case, by reference to the member having been convicted of any offence committed before the benefit becomes payable, being—
 - (i) an offence of treason, or
 - (ii) one or more offences under the Official Secrets Acts 1911 to 1939 for which the member has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.
- 17 (1) No rule must operate so as to deprive a person of short service benefit (whether a member himself, or his widow or a dependant) by reference to—
- (a) failure by him or any other person to make a claim for the benefit or for any payment due as benefit; or
 - (b) failure by him or any other person, at any time after termination of relevant employment, to give any notice, or comply with any formality, required by the scheme as a condition of entitlement.
- (2) Sub-paragraph (1)(a) above is not to prevent reliance on any enactment relating to the limitation of actions ; and in cases of failure to claim, the scheme may provide for the right to receive any payment to be forfeited in the event of its not being claimed within 6 years of the date on which it became due.
- 18 (1) A scheme must contain no rule enabling a member's employer to exercise any description of charge or lien on, or set-off against, short service benefit, to the extent that it includes transfer credits ; but a charge or lien on, or set-off against, a member's short service benefit is permissible (insofar as it does not include transfer credits) for the purpose of enabling the employer to obtain the discharge by the member of some monetary obligation due to the employer and arising out of a criminal, negligent or fraudulent act or omission by the member.
- (2) No rule is to permit the employer to recover from, or retain out of, the resources of the scheme any sum in respect of a monetary or other obligation due to him from any member, except an obligation arising as mentioned in sub-paragraph (1) ; and rules permitting such recovery or retainer must so provide that—
- (a) in respect of any such obligation, recovery or retainer is limited to the actuarial value of the member's actual or prospective benefits at that time, or the amount of the obligation, whichever is the less (subject to any different agreement in writing between the employer and the member) ; and
 - (b) the member is entitled to a certificate showing the amount retained or recovered and its effect on his benefits or prospective benefits ; and
 - (c) in the event of any dispute as to the amount to be retained or recovered, the employer is not entitled to enforce the charge, lien or set-off except after the

obligation has become enforceable under an order of a competent court or the award of an arbitrator or in Scotland an arbiter to be appointed (failing agreement between the parties) by the sheriff.

- 19 In respect of any of the benefits or rights alternative to short service benefit provided in accordance with paragraph 9(2) above, paragraphs 16 to 18 shall apply with such modifications as may be prescribed.

PART II

SUPPLEMENTARY REGULATIONS

- 20 Regulations may, in respect of any specified provision contained in Part I of this Schedule, provide that a scheme is not to be treated as conforming with the preservation requirements unless it contains express rules to the effect (but not necessarily in the words) of that provision.
- 21 Regulations may modify Part I of this Schedule in relation to schemes with any overseas element, that is to say, schemes established, or relating to employment, or with parties domiciled, resident or carrying on business, in any part of the world outside the United Kingdom, or otherwise not confined in their operation to the United Kingdom.
- 22 Regulations may make provision as to the circumstances in which, for the purposes of Part I of this Schedule—
- (a) a period of a person's service in two or more different employments is to be treated as a period of service in one or more of those employments ;
 - (b) a person's service in any employment is to be treated as terminated or not terminated.
- 23 Regulations may modify Part I of this Schedule in its application to cases where an earner is for the time being, or has been, employed in pensionable service under, or in recognised pensionable employment by reference to, different schemes applying to the same employment and these regulations may relate to service under or, as the case may be, by reference to different schemes at the same time, or at different times.
- 24 Regulations may make such provision modifying Part I of this Schedule as the Secretary of State thinks fit for securing that the preservation requirements include requirements for provision to be made in a scheme as to the preservation of a member's benefit in the event of the scheme being wound up.
- 25 Regulations may modify Part I of this Schedule in any manner which the Secretary of State thinks appropriate with a view to securing the orderly implementation of the provisions of section 63 of this Act and to obtaining general compliance with that section ; and regulations made under this paragraph may include incidental and supplementary provisions, including provisions appearing to the Secretary of State to be required in consequence of different provisions of Part I of this Schedule being brought into force at different times.
- 26 Without prejudice to any of the foregoing provisions, regulations may provide for the preservation requirements to apply with such modifications and exceptions as the Secretary of State considers to be necessary for particular cases or classes of cases.

Status: This is the original version (as it was originally enacted).

SCHEDULE 17

Section 66(5).

THE OCCUPATIONAL PENSIONS BOARD

Preliminary

1 The Occupational Pensions Board ("the Board") shall have perpetual succession and a common seal.

Membership

2 Subject to the following provisions of this Schedule, a person shall hold and vacate office as chairman, deputy chairman or other member of the Board in accordance with the terms of the instrument appointing him.

3 A person may at any time resign office as chairman, deputy chairman or other member of the Board by giving to the Secretary of State written notice of resignation signed by that person.

4 (1) If a member of the Board becomes or ceases to be chairman or deputy chairman, the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office.

 (2) If the chairman or deputy chairman ceases to be a member, he shall cease to be chairman or deputy chairman, as the case may be.

5 (1) If the Secretary of State is satisfied that a member of the Board—

 (a) has been absent from meetings of the Board for a period longer than 3 consecutive months without the Board's permission ; or

 (b) has become bankrupt or made an arrangement with his creditors, the Secretary of State may remove that member.

 (2) In the application of sub-paragraph (1) above to Scotland, for the references to a member's having become bankrupt and to his having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to his having made a trust deed for behoof of his creditors or a composition contract.

 (3) Without prejudice to the foregoing provisions, the Secretary of State may remove a member of the Board on the ground of incapacity or misbehaviour.

Expenses; remuneration etc. of members

6 The expenses of the Board, to such an amount as may be approved by the Minister for the Civil Service, shall be paid by the Secretary of State.

7 There may be paid as part of the expenses of the Board—

 (a) to all or any of the members of the Board, such salaries or other remuneration and travelling and other allowances ;

 (b) to persons attending their meetings at the request of the Board, such travelling and other allowances (including compensation for loss of remunerative time); and

 (c) to persons from whom the Board may decide to seek advice,

Status: This is the original version (as it was originally enacted).

as being persons considered by the Board to be specially qualified to advise them on particular matters, such fees, as the Secretary of State may with the consent of the Minister for the Civil Service determine.

8 The Secretary of State may with the consent of the Minister for the Civil Service provide for the payment of pensions, allowances or gratuities to or in respect of such members of the Board as may be so determined.

9 Where a person ceases to be a member of the Board otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the Minister for the Civil Service make to that person a payment of such amount as the Secretary of State may determine with the consent of that Minister.

Proceedings

10 (1) The quorum of the Board and the arrangements relating to their meetings shall be such as the Board may determine.

(2) Subject to regulations made by the Secretary of State under section 66(7) and section 67(4) of this Act, the procedure of the Board, in relation to the discharge of any of their functions, shall be such as the Board may determine.

11 The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

12 (1) Where the Board give a decision on any matter dealt with by them by means of a formal hearing, or on review, it shall be their duty to furnish a statement, either written or oral, of the reasons for the decision if they are requested, on or before the giving or notification of the decision, to state their reasons.

(2) Any statement by the Board of their reasons for a decision, whether the statement is given by them in pursuance of this paragraph or otherwise, shall be taken to form part of the decision and accordingly to be incorporated in the record.

Staff etc.

13 (1) The Secretary of State may make available to the Board the services of such officers and servants of his department as he may consider appropriate for the proper discharge of the functions of the Board.

(2) The Board may authorise any member, or any officer or servant of the Secretary of State's department, to perform on the Board's behalf such of their functions (including the power to give an authorisation for the purposes of this paragraph) as may be specified in the authorisation.

Fees

14 Regulations made by the Secretary of State may authorise the Board to charge fees for their services in respect of the modification of an occupational pension scheme on an application made in that behalf under section 64 of this Act, including services in connection with the drawing up of any order of the Board made on application.

Status: This is the original version (as it was originally enacted).

Instruments and contracts

- 15 The fixing of the common seal of the Board shall be authenticated by the signature of the secretary of the Board or some other person authorised by them to act for that purpose.
- 16 A document purporting to be duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

SCHEDULE 18

Sections 73(6) and 74(10).

THE RESERVE PENSION BOARD AND RESERVE PENSION FUND

PART I

THE BOARD

Preliminary

- 1 The Reserve Pension Board (" the Board ") shall have perpetual succession and a common seal.

Membership

- 2 It shall be the duty of the Secretary of State—
- (a) to satisfy himself, before he appoints a person to be a member of the Board (whether as chairman, deputy chairman or otherwise), that that person will have no such financial or other interest as is likely to affect prejudicially the performance of his functions as a member ; and
 - (b) to satisfy himself from time to time with respect to each member that the member has no such interests ;
- and a person who is a member of the Board, or whom the Secretary of State proposes to appoint to be a member shall, whenever requested by the Secretary of State to do so, furnish him with such information as he may specify with a view to carrying out his duty under this paragraph.
- 3 Subject to the following provisions of this Schedule, a person shall hold and vacate office as chairman, deputy chairman or other member of the Board in accordance with the terms of the instrument appointing him.
- 4 A person may at any time resign office as chairman, deputy chairman or other member of the Board by giving to the Secretary of State written notice of resignation signed by that person.
- 5 (1) If a member of the Board becomes or ceases to be chairman or deputy chairman, the Secretary of State may vary the terms of the instrument appointing him to be a member so as to alter the date on which he is to vacate office.
- (2) If the chairman or deputy chairman ceases to be a member he shall cease to be chairman or deputy chairman, as the case may be.
- 6 (1) If the Secretary of State is satisfied that a member of the Board—

Status: This is the original version (as it was originally enacted).

- (a) has been absent from meetings of the Board for a period longer than 3 consecutive months without the Board's permission ; or
 - (b) has become bankrupt or made an arrangement with his creditors,
- the Secretary of State may remove that member.
- (2) In the application of sub-paragraph (1) above to Scotland, for the references to a member's having become bankrupt and to his having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member's estate having been awarded and to his having made a trust deed for behoof of his creditors or a composition contract.
- (3) Without prejudice to the foregoing provisions, the Secretary of State may remove a member of the Board on the ground of incapacity or misbehaviour.

Remuneration, etc., of members

- 7 The Board shall pay to each member such remuneration as the Secretary of State may determine with the consent of the Minister for the Civil Service.
- 8 The Board shall make such provision as may be determined by the Secretary of State with the consent of the Minister for the Civil Service for the payment of pensions, allowances or gratuities to or in respect of such members of the Board as may be so determined.
- 9 Where a person ceases to be a member of the Board otherwise than on the expiration of his term of office and it appears to the Secretary of State that there are circumstances which make it right for that person to receive compensation, the Secretary of State may with the consent of the Minister for the Civil Service direct the Board to make to that person a payment of such amount as the Secretary of State may determine with the consent of that Minister.

Proceedings

- 10 The quorum of the Board and the arrangements relating to their meetings shall be such as the Board may determine.
- 11 (1) A member of the Board who is in any way directly or indirectly interested in a contract proposed to be made by the Board, or in any other matter whatsoever which falls to be considered by the Board (and in particular, but without prejudice to the generality of the foregoing words, a matter relating directly or indirectly to the investments of the Reserve Pension Fund), shall disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the meeting; and the member shall not—
- (a) in the case of a contract, take part in any deliberation or decision of the Board with respect to the contract; and
 - (b) in the case of any other matter, take part in any deliberation or decision of the Board with respect to that matter if the Board decide that the interest in question might affect prejudicially the member's consideration of that matter.
- (2) A notice given by a member at a meeting of the Board to the effect—
- (a) that he is a member of a specified company or firm and is to be regarded as interested in any contract made, or business conducted, after the date of the notice with that company or firm (or, in the case of a firm, with any member of it); or

Status: This is the original version (as it was originally enacted).

(b) that he is a member of a specified company and is to be regarded as interested in any matter relating to the acquisition or disposal of any securities of that company,

shall for the purposes of sub-paragraph (1) above, be a sufficient disclosure of any interest of his in relation to a contract so made, or business so conducted, or to any such matter, as the case may be.

- (3) A member need not attend in person at a meeting of the Board in order to make a disclosure for the purposes of this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice in writing to be taken into consideration and read at such a meeting.
- (4) Nothing in this paragraph applies to any interest of a member of the Board arising from his being himself actually or prospectively entitled to a reserve scheme pension.
- 12 The validity of any proceedings of the Board shall not be affected by any vacancy among the members, or by any defect in the appointment of a member, or by any failure to comply with the requirements of paragraph 11 above.

Staff

- 13 (1) The Board shall appoint a secretary and such officers and servants as they may determine with the consent of the Secretary of State and the Minister for the Civil Service jointly as to the numbers appointed.
- (2) Provision shall be made by the Board, with the like consent, as to the remuneration of their secretary, and other officers and servants; and the Board shall also make such provision as may be determined by the Secretary of State with the consent of the Minister for the Civil Service for the payment of pensions, allowances or gratuities to or in respect of their secretary or other officers and servants as may be so determined.

Performance of Board's functions

- 14 The Board may authorise any member, or any officer or servant appointed by them under paragraph 13 above, to perform on behalf of the Board such of their functions (including functions conferred by this paragraph) as are specified in the authorisation.

Instruments and contracts

- 15 The fixing of the common seal of the Board shall be authenticated by the signature of two persons, one of whom shall be the secretary of the Board or a person appointed by them to act as his deputy for the purpose and the other shall be either a member of the Board or a person authorised by them to act.
- 16 A document purporting to be duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

PART II

ACCOUNTS AND AUDIT OF RESERVE PENSION FUND

- 17 (1) It shall be the duty of the Board—

Status: This is the original version (as it was originally enacted).

- (a) to keep proper accounts of the Reserve Pension Fund and proper records in relation to the accounts ; and
 - (b) to prepare in respect of each financial year, in such form as the Secretary of State with the approval of the Treasury may direct, a statement of those accounts showing the financial condition of the Fund as at the end of that year.
- (2) The accounts kept and the statement prepared in pursuance of sub-paragraph (1) above shall be audited by auditors appointed from time to time by the Secretary of State; and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—
 - The Institute of Chartered Accountants in England and Wales;
 - The Institute of Chartered Accountants of Scotland ;
 - The Association of Certified Accountants ;
 - The Institute of Chartered Accountants in Ireland ;
 - any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Secretary of State;but a Scottish firm may be so appointed if each of the partners therein is qualified for appointment.
- 18 (1) It shall be the duty of the auditors in preparing their report on the accounts of the Fund to carry out such investigations as will enable them to form an opinion as to the following matters, namely—
 - (a) whether the Board have properly complied with their duties under paragraph 17 above, and have maintained a satisfactory system of control over their transactions and records ;
 - (b) whether the investments of the Fund indicate that the Board have complied with section 75(2) of this Act;and the auditors shall include in their report a statement of their conclusions as to the matters referred to in this paragraph.
- (2) The auditors—
 - (a) shall have a right of access at all times to the books, accounts and records of the Board, and to all other documents in the possession, or under the control, of the Board and relating to the Board's affairs; and
 - (b) shall be entitled to require from any member or officer of the Board such information and explanations as they think necessary for the performance of their duties under this paragraph and generally for the purpose of discharging their duties as auditors.
- (3) If the auditors fail to obtain all the information and explanations which, to the best of their knowledge and belief, are necessary for the purposes of their audit, they shall state that fact in their report.

SCHEDULE 19

Section 78(6).

SUPPLEMENTARY PROVISIONS AS TO RESERVE SCHEME PREMIUMS

- 1 Regulations may provide for adjusting the amounts which are to be paid by way of reserve scheme premium in any prescribed circumstances, so as to avoid fractional amounts and otherwise to facilitate computation.
- 2 The purposes for which regulations may be made under paragraph 4 of Schedule 15 to this Act shall include those of enabling it to be ascertained in particular circumstances whether an employer is liable for a reserve scheme premium and the amount of any premium.
- 3 In relation to employed earners who, in any period of service in recognised pensionable employment—
- (a) have been paid earnings in any income tax week by more than one person in respect of different employments; or
 - (b) have worked under the general control or management of a person other than their immediate employer,
- and in relation to any other case for which it appears to the Secretary of State that such provision is needed, regulations may provide that for the purposes of section 78 of this Act the prescribed person is to be treated as liable for any reserve scheme premium payable on the termination of that period of service.
- 4 Regulations may provide for requiring employers (except in such cases as may be prescribed) to give notice to the Secretary of State when a person's period of service in recognised pensionable employment begins or is terminated.
- 5 Regulations may provide for treating reserve scheme premiums payable in respect of an earner's period of service in any employment as actually paid where the failure to pay is shown not to have been with the consent or connivance of, or attributable to, any negligence on the part of, the earner.
- 6 Regulations may, in relation to reserve scheme premiums, provide—
- (a) for treating a premium paid at or after any prescribed time as paid at some other time (whether earlier or later);
 - (b) for enabling a premium to be treated as paid in an income tax year earlier or later than that in which it was actually paid ;
 - (c) for treating a premium wrongly paid, or paid as to the wrong amount, as paid (wholly or in part) in discharge of a liability for another premium, or for basic scheme or reserve scheme contributions ;
 - (d) for the return of premiums paid in error or, in prescribed circumstances, of premiums as to which the Secretary of State is satisfied that they ought to be repaid ;
 - (e) for any other matters incidental to the payment, collection or return of premiums.
- 7 In relation to any employments of a class to which paragraph 2 of Schedule 15 to this Act applies, regulations may make provision—
- (a) for things which by or under Part III of this Act are required or authorised to be done by or to any person as a secondary reserve scheme contributor, or in respect of his liability for a reserve scheme premium, to be done instead by or to the Secretary of State ; and

- (b) for the recovery by the Secretary of State of a reserve scheme premium from any person in a case where it has been paid by the Secretary of State instead of by him.

SCHEDULE 20

Section 80(2).

COMPUTATION OF WEEKLY RATE OF RESERVE SCHEME PERSONAL PENSION

- 1 For the purposes of ascertaining the rate (without bonuses) of an earner's reserve scheme personal pension, the factors relevant under this Schedule are—
 - (a) the year in which any reserve scheme contributions or reserve scheme premiums were paid in respect of him and his earnings from any employment;
 - (b) his age at the end of that year ; and
 - (c) his reckonable contribution factor for that year ;and in this Schedule " year " means an income tax year.
- 2 (1) An earner's reckonable contribution factor for any year is the aggregate amount of—
 - (a) all reserve scheme contributions paid in that year in respect of the earner's earnings (disregarding earnings in respect of which there has been a repayment of contributions); and
 - (b) all reserve scheme premiums paid in that year by any person in respect of him.(2) Regulations may provide for adjusting reckonable contribution factors so as to make each factor a whole number of pounds.
- 3 For the purposes of paragraphs 1 and 2 above, any contributions or premium paid before or on the relevant pay-day, or within a prescribed period after that day, shall be deemed to have been paid in the year in which that day fell; and (except so far as may be otherwise prescribed) " the relevant pay-day " means—
 - (a) in relation to contributions, the date on which were paid the earnings in respect of which contributions became payable; and
 - (b) in relation to a premium, the date on which there was terminated the period of service in recognised pensionable employment, termination of which gave rise to the liability for the premium.
- 4 (1) The weekly rate of the pension (without bonuses) shall be arrived at as follows.
 - (2) Take all the years for which the earner acquired a reckonable contribution factor and in which he was aged not less than 22 nor more than 64.
 - (3) For this purpose, treat the earner as having been, in any year, of the age which he had attained on the last day of that year.
 - (4) In relation to a year in which the earner was of the age specified in the first column of the Table below, take for each £1 of his reckonable contribution factor for that year the number of pence specified for him in the second column of the Table.
 - (5) The weekly rate of the pension is the aggregate of the sums produced by the calculation under sub-paragraph (4) above.

Status: This is the original version (as it was originally enacted).

TABLE

<i>Age at end of year of contribution</i>	<i>Amount of pension per week for every £1 of year's reckonable contribution factor</i>	
	<i>Men pence</i>	<i>Women pence</i>
22	.866	.581
23	.834	.560
24	.803	.540
25	.773	.520
26	.743	.501
27	.715	.482
28	.689	.464
29	.663	.447
30	.638	.431
31	.614	.415
32	.592	.400
33	.570	.385
34	.549	.370
35	.529	.356
36	.509	.343
37	.490	.331
38	.472	.319
39	.455	.307
40	.438	.295
41	.422	.284
42	.406	.274
43	.391	.264
44	.377	.254
45	.363	.244
46	.350	.235
47	.337	.226
48	.324	.217
49	.312	.208
50	.301	.200
51	.290	.192

Status: This is the original version (as it was originally enacted).

<i>Age at end of year of contribution</i>	<i>Amount of pension per week for every £1 of year's reckonable contribution factor</i>	
	<i>Men pence</i>	<i>Women pence</i>
52	.280	.185
53	.270	.178
54	.260	.171
55	.250	.164
56	.240	.157
57	.230	.150
58	.221	.143
59	.212	.137
60	.203	
61	.194	
62	.186	
63	.177	
64	.168	

- 5 Regulations may provide for adjusting the weekly rate of pension arrived at under paragraph 4 above so that the rate is in all cases a whole number of pence, and for adjusting the rate in prescribed circumstances, by amounts up to 10 pence and no more, with a view to facilitating administration and payment.

SCHEDULE 21

Section 84(6).

PART IV OF NATIONAL INSURANCE ACT 1965

PART I

AMENDMENTS OF PART IV

- 1 (1) Throughout Part IV of the former principal Act (" the Act") for " the Minister " (except in the expression " the Minister of Labour " in section 68(1)) substitute " the Secretary of State " ; for " Treasury" substitute " Minister for the Civil Service " ; for " the Commissioner " (except in the phrase " the Commissioner may direct" in section 70(4)) substitute " a Commissioner " ; and for " the National Insurance Commissioner" substitute " a National Insurance Commissioner " .
- (2) For section 64 of the Act substitute the following—

“64 Interpretation of this Part of this Act.

In this Part of this Act—

- (a) " the Social Security Act " means the Social Security Act 1973 ;

Status: This is the original version (as it was originally enacted).

- (b) " benefit " (except where the context otherwise requires) means benefit under Part I of that Act or, as respects any period before the day appointed for the coming into force of section 2 of that Act, under this Act or the National Insurance Act 1946, and " beneficiary " shall be construed accordingly;
 - (c) " claimant " means a person who has claimed benefit or whose right to be excepted from liability to pay, or to have his liability deferred for, or to be credited with, a contribution is in question;
 - (d) " employed earner " shall be construed in accordance with section 1(7) of the Social Security Act and regulations under Part I of that Act;
 - (e) " the Family Allowances Act " means the Family Allowances Act 1965 ;
 - (f) " friendly society " means a society registered as a friendly society under the Friendly Societies Acts 1896 to 1971, being a society which as part of its ordinary business provides benefits during sickness or other infirmity, or in old age, or in widowhood, or for orphans, and not being a collecting society within the meaning of the Industrial Assurance Act 1923;
 - (g) " the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act 1965 ;
 - (h) " prescribed " means prescribed by regulations ; and
 - (f) " regulations " means regulations made by the Secretary of State under this Act.”.
- 2 In section 65 of the Act—
- (a) in subsection (1), for " 64(1)(a) to (c) of this Act" substitute " 84(1)(a) to (c) or 85(1)(a) or (b) of the Social Security Act ";
 - (b) in subsection (2), for the words from " send notice " to the end of the subsection substitute—
 - “give notice in writing of his intention to do so—
 - (a) in a case where the question arises on an application made to the Secretary of State, to the applicant; and
 - (b) in any case to such persons as appear to him to be concerned with the question,”.
- 3 In section 66 of the Act—
- (a) in subsection (1), for " 64(1)(a) to (c) of this Act " substitute " 84(1)(a) to (c) or 85(1)(a) or (b) of the Social Security Act ";
 - (b) in subsection (2), for "64(1)(d) of this Act" substitute " 84(1)(d) of the Social Security Act ".
- 4 In section 68 of the Act—
- (a) in subsection (1), for "the Ministry of Labour appointed with the concurrence of the Minister of Labour " substitute " the Department of Employment appointed with the concurrence of the Secretary of State in charge of that Department ";
 - (b) in subsection (2) for " 67(1) of this Act" substitute " 84(5) of the Social Security Act

Status: This is the original version (as it was originally enacted).

- 5 In section 69(1) of the Act for " 64(1) of this Act or section 6(2) of the Act of 1970
" substitute " 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that
Act " ; and in section 69(4) for " this Act" substitute " the Social Security Act "
- 6 In section 70(1)(c) of the Act for "employed persons" substitute " employed earners
" , and for sub-paragraph (ii) substitute—
“(ii) the question at issue in any way relates to a deceased person
who was a member of the association at the time of his
death.”.

- 7 After section 70 of the Act insert the following new section—

**“70A Determination of questions first arising on appeal to a local tribunal or
Commissioner.**

Where any question under the Social Security Act (not being a question to
which section 84(1) of that Act or paragraph 14 of Schedule 7 to that Act
applies) first arises in the course of an appeal to a local tribunal constituted
under section 77 of this Act or a Commissioner appointed under section 87
of the Social Security Act, the tribunal or Commissioner may, if they or he
thinks fit, proceed to determine that question notwithstanding that it has not
been considered by an insurance officer.”.

- 8 In section 71(1) of the Act for the words from " section 64(1)" to the end of
paragraph (a) substitute—
“section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to
that Act applies, he shall—
(a) refer the latter question for determination in accordance (subject
to any necessary modifications) with section 84 of that Act and
sections 65 and 66 of this Act or, as the case may be, paragraph 14
of Schedule 7 to that Act; and”.

- 9 In section 72 of the Act—
(a) in subsection (1), for " sections 67 " substitute " section 84(5) of the Social
Security Act and sections 68 " ;
(b) for paragraph (c) of subsection (1) substitute—
“(c) the decision was based on the decision of any question
to which section 84(1) of the Social Security Act or
paragraph 14 of Schedule 7 to that Act applies and the
decision of that question is revised in accordance with
the provisions of section 66 of this Act or reviewed in
accordance with the provisions of paragraph 15 of that
Schedule.”;
(c) in subsections (3) and (4) for "the said sections 67 to 70" substitute "
the sections of the Social Security Act and this Act referred to in the
introductory words of subsection (1) of this section " .

- 10 In section 73 of the Act—
(a) in subsection (1)—
(i) for " sections 64 to 72 " substitute " section 84(1) to (5) of the Social
Security Act and sections 65, 66 and 68 to 72 of this Act " ;
(ii) after "any other provision of this Act" insert " or of the Social
Security Act " ;

Status: This is the original version (as it was originally enacted).

- (iii) after "in connection with this Act" insert " or the Social Security Act ";
- (iv) for "64(1)(d) of this Act" substitute " 84(1)(d) of the Social Security Act ";
- (v) for "sections 64, 65(1) to (4), 66" substitute " section 84(1) to (5) of the Social Security Act and sections 65(1) to (4), 66 and 68 ";
- (b) in subsection (2) for the words " 64(1) or 74(1) of this Act" substitute " 84(1) of the Social Security Act ".

11 In section 75 of the Act—

- (a) in subsection (1), for " provisions of sections 64 to 72 of this Act" substitute " foregoing provisions of this Part of this Act and of section 84(1) to (5) of the Social Security Act ";
- (b) after subsection (1) insert—

“(1A) Subsection (1) of this section shall not make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision; and this subsection applies not only to subsection (1) but also to provisions of earlier Acts corresponding to that subsection, and applies as regards the effect to be given in any proceedings to any decision, whether the decision was given or the proceedings commenced before or after the passing of the Social Security Act.”;

- (c) in subsection (2)—
 - (i) for "sections 64" substitute " section 84(1) to (5) of the Social Security Act and sections 65, 66 and 68 ";
 - (ii) after paragraph (c) insert—

“(d) that in such cases as may be prescribed one or more medical practitioners shall sit with a local tribunal either as additional members or as assessors, and for the appointment by the Secretary of State of medical practitioners to act for this purpose either generally or for such cases or for such tribunals as the Secretary of State may determine ;

- (e) for extending and defining the functions of assessors for the purposes of this Act;
- (f) for empowering the Secretary of State, a local tribunal or an insurance officer to refer to a medical practitioner for examination and report any question arising for his or their decision ;
- (g) for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of the determination of, or of any question arising on, any claim if, in the opinion of the prescribed authority, being the person or tribunal, or the chairman of the tribunal, by whom that determination falls to be made, disclosure of those particulars to that person would be undesirable in the interests of that person;”;

Status: This is the original version (as it was originally enacted).

- (iii) for "sections 64 to 74" substitute " -section 84(1) to (5) of the Social Security Act and sections 65, 66 and 68 to 73 ".
- 12 In section 76 of the Act—
- (a) in subsection (1)—
- (i) for "benefit under this Act" substitute " benefit under Part I of the Social Security Act ";
- (ii) for " 64(1)(d) " substitute " 84(1)(d) ";
- (iii) for " sections 67 " substitute " section 84(5) of the Social Security Act and sections 68 ";
- (b) in subsection (2) for "purposes of this Act" substitute " purposes of the Social Security Act ".
- 13 In section 77 of the Act—
- (a) in subsection (1)
- (i) for " sections 67 " substitute " section 84(5) of the Social Security Act and sections 68 ";
- (ii) in paragraph (a) for "insured persons other than employed persons" substitute " earners other than employed earners ";
- (iii) in paragraph (b) for "employed persons" substitute " employed earners ";
- (b) in subsection (3) for " insured persons " substitute (in both places) " employed earners ";
- (c) in subsection (5)(a)(iii) for " 64(3)" substitute " 84(4) of the Social Security Act ".
- 14 In section 80(3) of the Act for " the foregoing provisions of this Part of this Act" substitute " this Act, the Social Security Act ".
- 15 In section 81 of the Act—
- (a) in subsection (1), for the words from " the National" to " Act of 1970)" substitute " the Secretary of State of any benefit ";
- (b) after subsection (1) insert—
- “(1A) Any sums repaid to the Secretary of State in pursuance of subsection (1) above shall—
- (a) be paid by him into the Consolidated Fund insofar as they represent benefit which under section 46(1)(a) of the Social Security Act is not payable out of the National Insurance Fund ; and
- (b) otherwise, be paid by him into the last-mentioned Fund.”;
- (c) in subsection (3)(a) after " contributions" insert " under Part I of the Social Security Act or contributions or premiums under Part III of that Act ".

Status: This is the original version (as it was originally enacted).

PART II

PART IV OF 1965 ACT AS AMENDED

“Determination of certain questions by the Secretary of State

64 Interpretation of this part of this Act.

In this Part of this Act—

- (a) " the Social Security Act " means the Social Security Act 1973 ;
- (b) " benefit " (except where the context otherwise requires) means benefit under Part I of that Act or, as respects any period before the day appointed for the coming into force of section 2 of that Act, under this Act or the National Insurance Act 1946 and " beneficiary " shall be construed accordingly ;
- (c) " claimant " means a person who has claimed benefit or whose right to be excepted from liability to pay, or to have his liability deferred for, or to be credited with, a contribution is in question ;
- (d) " employed earner " shall be construed in accordance with section 1(7) of the Social Security Act and regulations under Part I of that Act;
- (e) " the Family Allowances Act " means the Family Allowances Act 1965 ;
- (f) " friendly society " means a society registered as a friendly society under the Friendly Societies Acts 1896 to 1971, being a society which as part of its ordinary business provides benefits during sickness or other infirmity, or in old age, or in widowhood, or for orphans, and not being a collecting society within the meaning of the Industrial Assurance Act 1923;
- (g) " the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act 1965 ;
- (h) " prescribed " means prescribed by regulations ; and
- (j) " regulations " means regulations made by the Secretary of State under this Act.

65 Appeals from Secretary of State's decisions.

- (1) Any question of law arising in connection with the determination by the Secretary of State of any question such as is mentioned in section 84(1)(a) to (c) or 85(1)(a) or (b) of the Social Security Act may, if the Secretary of State thinks fit, be referred for decision to the High Court.
- (2) In the event of the Secretary of State determining in accordance with subsection (1) of this section to refer any question of law to the High Court, he shall give notice in writing of his intention to do so—
 - (a) in a case where the question arises on an application made to the Secretary of State, to the applicant; and
 - (b) in any case to such persons as appear to him to be concerned with the question.
- (3) Any person aggrieved by the decision of the Secretary of State on any question of law such as is mentioned in subsection (1) of this section which is not referred in accordance with that subsection may appeal from that decision to the High Court.
- (4) The Secretary of State shall be entitled to appear and be heard on any such reference or appeal as aforesaid.

Status: This is the original version (as it was originally enacted).

- (5) The provision made by rules of court shall include provision for regulating references and appeals to the High Court under this section and for limiting the time within which such appeals may be brought.
- (6) So much of section 63(1) of the Supreme Court of Judicature (Consolidation) Act 1925 as requires an appeal from any person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this section.
- (7) Notwithstanding anything in any Act, the decision of the High Court on a reference or appeal under this section shall be final, and on any such reference or appeal the court may order the Secretary of State to pay the costs of any other person, whether or not the decision is in that other person's favour and whether or not the Secretary of State appears on the reference or appeal.
- (8) In the application of this section to Scotland—
 - (a) for any reference to the High Court there shall be substituted a reference to the Court of Session ;
 - (b) subsection (6) shall be omitted ;
 - (c) for the reference in subsection (7) to costs there shall be substituted a reference to expenses.

66 Review of Secretary of State's decisions.

- (1) The Secretary of State may, on new facts being brought to his notice, or if he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact,; review any decision given by him on any question such as is mentioned in section 84(1)(a) to (c) or 85(1)(a) or (b) of the Social Security Act:

Provided that any such decision shall not be reviewed while an appeal under section 65 of this Act is pending against the decision of the Secretary of State on a question of law arising in connection therewith, or before the time for so appealing has expired; and the said section 65 shall apply with any necessary modifications to any case in which a question has been raised with a view to the review under this subsection of any such decision as aforesaid.

- (2) The Secretary of State may at any time and from time to time reconsider the exercise of his discretion with respect to any question such as is mentioned in section 84(1)(d) of the Social Security Act and decide that question again with such other effect as may seem to him to be proper in the circumstances of the case.

Determination of certain matters by insurance officers, local tribunals or Commissioner

68 Submission of claims and questions to insurance officers.

- (1) Insurance officers for the purposes of this Act shall be appointed by the Secretary of State, subject to the consent of the Minister for the Civil Service as to the number, to act for such areas or otherwise as the Secretary of State directs; and may include officers of the Department of Employment appointed with the concurrence of the Secretary of State in charge of that Department.
- (2) Any claim for benefit and any question to which section 84(5) of the Social Security Act applies shall be submitted forthwith to an insurance officer, who shall take the claim or question into consideration and, so far as practicable, dispose of it in accordance with

Status: This is the original version (as it was originally enacted).

this section and any regulations under section 75(2) of this Act within fourteen days of its submission to him.

- (3) Subject to section 71 of this Act, the insurance officer may in the case of any claim or question so submitted to him—
 - (a) decide it in favour of the claimant; or
 - (b) decide it adversely to the claimant; or
 - (c) refer it to a local tribunal.
- (4) Where an insurance officer refers a case to a local tribunal in accordance with subsection (3)(c) of this section, notice in writing of the reference shall be given to the claimant.
- (5) Different aspects of the same claim or question may be submitted to different insurance officers under the foregoing provisions of this section, and for that purpose those provisions and the other provisions of this Part of this Act with respect to the determination of claims and questions shall have effect subject to any necessary modifications.

69 Appeals from insurance officer to local tribunal.

- (1) Where the insurance officer has decided any claim or question adversely to the claimant, the claimant may appeal to a local tribunal, and the claimant shall be notified in writing of the decision and the reasons therefor and of his right of appeal under this section:

Provided that where any question to which section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that Act applies has arisen in connection with the decision of the insurance officer, and has been determined, and the insurance officer certifies that the decision on that question is the sole ground of his decision, no appeal shall lie without leave of the chairman of the local tribunal.

- (2) An appeal against a decision of an insurance officer shall be brought by giving notice of appeal at a local office within twenty-one days after the date of that decision or within such further time as the chairman of the local tribunal may for good cause allow.
- (3) A notice of appeal under this section shall be in writing and shall contain a statement of the grounds upon which the appeal is made.
- (4) In this and the next following section, the expression "local office " means any office appointed by the Secretary of State as a local office for the purposes of the Social Security Act.

70 Appeals from local tribunal to National Insurance Commissioner.

- (1) Subject to the provisions of this section, an appeal shall be to a National Insurance Commissioner from any decision of a local tribunal at the instance of—
 - (a) an insurance officer ;
 - (b) the claimant;
 - (c) an association of employed earners, or any other association which exists to promote the interests and welfare of its members, where in either case—
 - (i) the claimant at the time of the appeal is a member of the association and was so immediately before the question at issue arose ; or
 - (ii) the question at issue in any way relates to a deceased person who was a member of the association at the time of his death.

- (2) An appeal to a Commissioner must be brought within three months from the date of the decision of the local tribunal, or such further period as a Commissioner may in any case for special reasons allow, and such an appeal shall be brought by giving notice in writing in a form approved by the Secretary of State stating the grounds of the appeal—
 - (a) in the case of an appeal by an insurance officer, to the claimant; and
 - (b) in the case of an appeal by the claimant or an association such as is mentioned in subsection (1)(c) of this section, at a local office.
- (4) If it appears to a Commissioner that any appeal under this section involves a question of fact of special difficulty, the Commissioner may direct that in dealing with the appeal or any part thereof he shall have the assistance of an assessor or assessors specially qualified and selected from a panel appointed for that purpose.
- (5) A Commissioner may, if he thinks fit, refer any question arising for his decision to a registered medical practitioner for examination and report.

70A Determination of questions first arising on appeal to a local tribunal or Commissioner.

Where any question under the Social Security Act (not being a question to which section 84(1) of that Act or paragraph 14 of Schedule 7 to that Act applies) first arises in the course of an appeal to a local tribunal constituted under section 77 of this Act or a Commissioner appointed under section 87 of the Social Security Act, the tribunal or Commissioner may, if they or he thinks fit, proceed to determine that question notwithstanding that it has not been considered by an insurance officer.

71 Reference of special questions.

- (1) If on consideration of any claim or question an insurance officer is of opinion that there arises any question to which section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that Act applies, he shall—
 - (a) refer the latter question for determination in accordance (subject to any necessary modifications) with section 84 of that Act and sections 65 and 66 of this Act or, as the case may be, paragraph 14 of Schedule 7 to that Act; and
 - (b) deal with any other questions as if the questions so referred had not arisen:

Provided that the insurance officer may—

- (i) postpone the reference of or dealing with any question until other questions have been determined :
 - (ii) in cases where the determination of any question disposes of a claim or any part thereof, make an award, or decide that an award cannot be made, as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.
- (2) Subsection (1) of this section shall apply to a local tribunal and a Commissioner as it applies to an insurance officer, except that a local tribunal or a Commissioner, instead of themselves or himself referring a question in accordance with subsection ((1)(a)) of this section, shall direct it to be so referred by an insurance officer.

Status: This is the original version (as it was originally enacted).

72 Review of decisions of insurance officer, local tribunal or Commissioner.

- (1) Any decision under section 84(5) of the Social Security Act and sections 68 to 70 of this Act of an insurance officer, a local tribunal or a National Insurance Commissioner may be reviewed at any time by an insurance officer or, on a reference from an insurance officer, by a local tribunal, if—
 - (a) he or they is or are satisfied, and, in the case of a decision of a Commissioner, satisfied by fresh evidence, that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or
 - (b) there has been any relevant change of circumstances since the decision was given ; or
 - (c) the decision was based on the decision of any question to which section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that Act applies and the decision of that question is revised in accordance with the provisions of section 66 of this Act or reviewed in accordance with the provisions of paragraph 15 of that Schedule.
- (2) A question may be raised with a view to such a review as aforesaid by means of an application in writing to an insurance officer, stating the grounds of the application.
- (3) On receipt of any such application, the insurance officer shall proceed to deal with or refer any question arising thereon in accordance with the provisions of the sections of the Social Security Act and this Act referred to in the introductory words of subsection (1) of this section.
- (4) Any decision given on a review under this section, and any refusal to review a decision under this section, shall be subject to appeal in like manner as an original decision, and the provisions of the sections of the Social Security Act and this Act referred to in the introductory words of subsection (1) of this section shall, subject to the necessary modifications, apply in relation to any decision given on such a review as they apply to the original decision of a question.

Regulations as to determination of questions

73 Regulations for determination of questions.

- (1) Notwithstanding the provisions of section 84(1) to (5) of the Social Security Act and sections 65, 66 and 68 to 72 of this Act but subject to any other provision of this Act or of the Social Security Act, in the case of any question arising under or in connection with this Act or the Social Security Act, including any claim for benefit, other than a question such as is mentioned in section 84(1)(d) of the Social Security Act, provision may be made by regulations for the determination of that question by the Secretary of State or by a person or tribunal appointed or constituted in accordance with the regulations; and any such regulations may vary or revoke the provisions of section 84(1) to (5) of the Social Security Act and sections 65(1) to (4), 66 and 68 to 72 and 77 of this Act so far as they relate to any question to which the regulations relate.
- (2) As respects any question as to the right to benefit other than such a question as is mentioned in section 84(1) of the Social Security Act and other than a question as to entitlement to a death grant, regulations under subsection (1) of this section shall not provide for the determination of that question by the Secretary of State but, subject to subsection (3) of this section, shall provide—

Status: This is the original version (as it was originally enacted).

- (a) for the submission of the question in the first instance to an officer appointed by the Secretary of State ;
 - (b) for authorising the said officer either himself to determine the question or to refer it to a local tribunal, and for enabling an appeal to be brought from the officer's decision to such a tribunal ;
 - (c) for enabling an appeal to be brought from such a tribunal to, or to a tribunal presided over by, a National Insurance Commissioner.
- (3) Regulations made by virtue of subsection (2) of this section may provide for the submission of different aspects of the same question to different officers; and for that purpose paragraphs (a) and (b) of that subsection shall have effect subject to the necessary modifications.
- (4) Regulations under subsection (1) of this section may provide for the reference to the High Court for decision of any question of law arising in connection with the determination of a question by the Secretary of State, and for appeals to the High Court from the decision of the Secretary of State on any such question of law ; and subsections (5) to (8) of section 65 of this Act shall apply to any reference or appeal under this subsection as they apply to any reference or appeal under subsections (1) to (3) of that section.
- (5) In the application of subsection (4) of this section to Scotland, for references to the High Court there shall be substituted references to the Court of Session.

Supplementary provisions as to determination of claims and questions

75 Supplementary provisions.

- (1) Subject to the foregoing provisions of this Part of this Act and of sections 84(1) to (5) of the Social Security Act, the decision of any claim or question in accordance with those provisions, and, subject to the provisions of any regulations under section 73 of this Act, the decision of any claim or question in accordance with the provisions of those regulations, shall be final.
- (1A) Subsection (1) of this section shall not make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision; and this subsection applies not only to subsection (1) but also to provisions of earlier Acts corresponding to that subsection, and applies as regards the effect to be given in any proceedings to any decision, whether the decision was given or the proceedings commenced before or after the passing of the Social Security Act.
- (2) Subject to the other provisions of this Part of this Act, regulations may, in relation to the determination of claims or questions in accordance with section 84(1) to (5) of the Social Security Act and sections 65, 66 and 68 to 72 or with regulations under section 73 of this Act, include provision—
- (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence ;
 - (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence ;

Status: This is the original version (as it was originally enacted).

- (c) for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses ;
- (d) that in such cases as may be prescribed one or more medical practitioners shall sit with a local tribunal either as additional members or as assessors, and for the appointment by the Secretary of State of medical practitioners to act for this purpose either generally or for such cases or for such tribunals as the Secretary of State may determine;
- (e) for extending and defining the functions of assessors for the purposes of this Act;
- (f) for empowering the Secretary of State, a local tribunal or an insurance officer to refer to a medical practitioner for examination and report any question arising for his or their decision ;
- (g) for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of the determination of, or of any question arising on, any claim if, in the opinion of the prescribed authority, being the person or tribunal, or the chairman of the tribunal, by whom that determination falls to be made, disclosure of those particulars to that person would be undesirable in the interests of that person ;

and except so far as it may be applied in relation to England and Wales by regulations made by virtue of this subsection the Arbitration Act 1950 shall not apply to any proceedings under section 84(1) to (5) of the Social Security Act and sections 65, 66 and 68 to 73 of this Act.

- (3) It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

76 Determination of certain questions as to child or family.

- (1) Where any question such as is mentioned in subsection (3) of this section arises with respect to benefit under Part I of the Social Security Act (other than such a question as is mentioned in section 84(1)(d) thereof), that question shall be determined in accordance with the provisions of section 84(5) of the Social Security Act and sections 68 to 73 of this Act in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances Act falls to be determined by virtue of section 5(2) of that Act.
- (2) Any decision of any question such as is mentioned in subsection (3)(a) to (c) of this section given under this Part of this Act, whether given for the purposes of the Social Security Act, the Industrial Injuries Act or the Family Allowances Act, shall have effect also for the purposes of the others of those Acts.
- (3) The questions referred to in subsection (1) and (2) of this section are questions—
 - (a) whether any person is or was a child or is or was under school-leaving age ;
 - (b) whether any person has or had a family including a child or children, or is or was a child of some other person's family (but not whether a person is to be treated for the purpose of any provision as having a family including a child or children or as being a child of some other person's family);
 - (c) whether any person could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as, or but for certain facts would have been, or could have been treated as aforesaid as, a child of any other person's family ;

Status: This is the original version (as it was originally enacted).

- (d) whether, for the purposes of the payment to a beneficiary of any benefit in respect of a child, the child in question is living with the beneficiary.

Provisions as to local tribunals. Commissioners, etc.

77 Constitution of local tribunals.

- (1) A local tribunal for the purposes of section 84(5) of the Social Security Act and sections 68 to 72 of this Act shall consist of—
- (a) one member drawn from a panel composed of persons representing employers and persons representing earners other than employed earners ;
 - (b) one member drawn from a panel of persons representing employed earners ;
 - (c) a person appointed by the Secretary of State to act as chairman.
- (2) The panels referred to in subsection (1) of this section shall be constituted by the Secretary of State for the whole of Great Britain, and each panel shall relate to such area as the Secretary of State thinks fit, and be composed of such persons as the Secretary of State sees fit to appoint.
- (3) Before appointing members to either of the panels, the Secretary of State may take into consideration any recommendations from any local committee representing employers or employed earners or both, or from organisations concerned with the interests of employers or employed earners, including friendly societies or organisations representative of friendly societies.
- (4) The members of the panels shall hold office for such period as the Secretary of State may direct:
- Provided that the Secretary of State may at any time terminate the appointment of any member of a panel.
- (5) So far as practicable, each member of a panel shall be summoned to serve in turn upon a local tribunal:
- Provided that—
- (a) no member of a panel shall sit upon a local tribunal during the consideration of a case—
 - (i) in which he appears as the representative of the claimant; or
 - (ii) by which he is or may be directly affected; or
 - (iii) in which he has taken any part as an official of an association, or as an employer, or as a witness, or as a person to whom any question arising thereon has been referred for examination and report in accordance with section 84(4) of the Social Security Act or with regulations under section 73(1) of this Act or otherwise ;
 - (b) where the benefit claimed is unemployment benefit, the member chosen from the first panel shall, if practicable, be a representative of employers ; and
 - (c) in any case in which the claimant is a woman, at least one of the members of the tribunal, if practicable, shall be a woman.
- (6) Any case may, with the consent of the claimant but not otherwise, be proceeded with in the absence of any member of the local tribunal other than the chairman, and in any such case the tribunal shall be deemed to be properly constituted and the chairman shall, if the number of the members of the tribunal is an even number, have a second or casting vote.

Status: This is the original version (as it was originally enacted).

- (7) A person appointed to act as chairman of a local tribunal shall hold and vacate office in accordance with the terms of his letter of appointment.
- (8) Where several persons are appointed to act as chairmen for a particular area they shall as far as practicable be invited to preside over a tribunal in turn:

Provided that this subsection shall not apply to a person expressly appointed to serve as a substitute when some other person may be unwilling or unable to act.

79 Pension benefits of Commissioners,

- (1) Without prejudice to the pension benefits conferred by the Administration of Justice (Pensions) Act 1950, the Secretary of State may from time to time recommend to the Minister for the Civil Service that there shall be paid out of moneys provided by Parliament to a National Insurance Commissioner an annual sum by way of superannuation allowance calculated in accordance with Schedule 6 to this Act if either—
- (a) he is at the time of his retirement over the age of seventy-two or, where he retires after fifteen years' service, the age of sixty-five; or
 - (b) the Secretary of State is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (2) For the purposes of the foregoing subsection and the said Schedule 6—
- (a) service as National Insurance Commissioner which is not remunerated by means of a salary shall be disregarded ;
 - (c) the Minister for the Civil Service may by regulations provide for counting as service as National Insurance Commissioner pensionable service in any other capacity under the Crown.
- (3) The decision of the Minister for the Civil Service shall be final on any question arising as to—
- (a) the amount of any superannuation allowance under this section ; or
 - (b) the reckoning of any service for the purpose of calculating such an allowance.
- (4) Where the rate of the superannuation allowance payable to any person under subsection (1) of this section as National Insurance Commissioner is or would be increased by virtue of regulations made under subsection (2)(c) of this section in respect of service in some other capacity, and a pension payable to him wholly in respect of service in that other capacity would have been paid and borne otherwise than out of moneys provided by Parliament, any pension benefits paid to or in respect of him as having been Commissioner shall, to such extent as the Minister for the Civil Service may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.
- (5) In this section, the expression "pension" includes any superannuation or other retiring allowance or gratuity, and the expression " pensionable " shall be construed accordingly, and the expression "pension benefits" includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or employment to other persons by way of widow's or orphan's pension or otherwise.

80 Remuneration and expenses of Commissioners and other persons.

- (1) The Secretary of State shall pay to a National Insurance Commissioner such salary or other remuneration as the Minister for the Civil Service may determine and such expenses incurred in connection with the work of a Commissioner or any tribunal presided over by a Commissioner as may be so determined.
- (2) The Secretary of State may pay—
 - (a) to any other person appointed under the foregoing provisions of this Part of this Act to determine questions or as a member of or assessor to any tribunal constituted under those provisions, such remuneration and such travelling and other allowances,
 - (b) to any person required to attend at any proceedings under this Part of this Act, such travelling and other allowances, and
 - (c) such other expenses in connection with the work of any person or tribunal appointed or constituted under any provision of this Part of this Act (other than a tribunal presided over by a Commissioner),as the Secretary of State with the consent of the Minister for the Civil Service may determine.
- (3) The Secretary of State may pay to any person required under this Act (whether for the purposes of this Act, the Social Security Act or otherwise) to attend for or to submit himself to medical or other examination or treatment such travelling and other allowances as the Secretary of State with the consent of the Minister for the Civil Service may determine.
- (4) In this section references to travelling and other allowances include references to compensation for loss of remunerative time:

Provided that such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

81 Recovery of benefit wrongly paid, interim payments of benefit, and arrears.

- (1) Where benefit is or has been paid in pursuance of a decision which is reversed or varied on appeal, or is revised on a review, then, subject to subsection (2) of this section, the decision given on the appeal or review shall require repayment to the Secretary of State of any benefit which was paid in pursuance of the original decision to the extent to which it—
 - (a) would not have been payable if the decision on the appeal or review had been given in the first instance ; and
 - (b) is not directed to be treated as paid on account of the benefit awarded by the decision on appeal or review, or as having been properly paid.
- (1A) Any sums repaid to the Secretary of State in pursuance of subsection (1) above shall—
 - (a) be paid by him into the Consolidated Fund insofar as they represent benefit which under section 46(1)(a) of the Social Security Act is not payable out of the National Insurance Fund ; and
 - (b) otherwise, be paid by him into the last-mentioned Fund.
- (2) A decision given on appeal or review shall not require repayment of benefit paid in pursuance of the original decision in any case where it is shown to the satisfaction of the person or tribunal determining the appeal or review that in the obtaining and receipt

Status: This is the original version (as it was originally enacted).

of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.

- (3) Regulations may make provision as respects matters arising—
- (a) pending the determination under this Act (whether in the first instance or on an appeal or reference, and whether originally or on review) of any claim for benefit or of any question affecting any person's right to benefit or to the receipt thereof or any person's liability for contributions under Part I of the Social Security Act or contributions or premiums under Part III of that Act; or
 - (b) out of the revision on appeal or review of any decision under this Act on any such claim or question.
- (4) Without prejudice to the generality of subsection (3) of this section, regulations thereunder may include provision—
- (a) as to the date from which any decision on a review is to have effect or to be deemed to have had effect;
 - (b) for treating any benefit paid to any person under an award, or by virtue of any provision of the regulations, which it is subsequently decided was not payable, as properly paid or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit and the recovery thereof by deduction from other benefit or otherwise;
 - (c) modifying subsections (1) and (2) of this section in relation to sums paid by way of benefit in respect of a child of the family of a man and his wife living together where those sums would have been receivable, if properly paid, by either the man or the wife;
 - (d) making any such provision for the recovery of sums paid by way of benefit and required to be repaid by virtue of subsection (1) of this section as is authorised to be made in a case where repayment is required by the regulations.
- (6) Where, in the case of any person, any sum may by virtue of regulations under subsection (3) of this section be recovered by deduction from benefit it may instead be recovered from him in whole or in part by deduction from any payment under the Industrial Injuries Act.”

SCHEDULE 22

Section 88.

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

PART I

INSPECTORS

- 1 An inspector appointed under section 88 of this Act shall, for the purposes of the execution of this Act, have the following powers—
- (a) to enter at all reasonable times any premises or place liable to inspection under this Part of this Schedule ;
 - (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act or any enactment thereby repealed are being, or have been, complied with in any such premises or place ;

Status: This is the original version (as it was originally enacted).

- (c) to examine, either alone or in the presence of any other person, as he thinks fit, in relation to any matters under this Act or any enactment thereby repealed on which he may reasonably require information, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been a person liable to pay contributions or a premium under this Act or any enactment thereby repealed, and to require every such person to be so examined ;
 - (d) to exercise such other powers as may be necessary for carrying this Act into effect.
- 2 (1) In accordance with this paragraph, persons shall furnish to an inspector all such information, and produce for his inspection all such documents, as he may reasonably require for the purpose of ascertaining—
 - (a) whether any contributions or premiums are or have been payable, or have been duly paid, by or in respect of any person ; or
 - (b) whether benefit is or was payable to or in respect of any person.
- (2) The following persons are under the duty imposed by sub-paragraph (1) above—
 - (a) the occupier of any premises or place liable to inspection under this Part of this Schedule ;
 - (b) any person who is or has been employing another ;
 - (c) any person carrying on an agency or other business for the introduction or supply to persons requiring them of persons available to do work or perform services ;
 - (d) the servants or agents of any such person as is specified in sub-paragraph (a), (b) or (c) above; and
 - (e) any person who is or has been liable to pay contributions or a premium under this Act.
- 3 In this Part of this Schedule references to contributions include reserve scheme, as well as basic scheme, contributions ; and " premium " means a reserve scheme premium.
- 4 (1) If any person—
 - (a) wilfully delays or obstructs an inspector in the exercise of any power under this Part of this Schedule; or
 - (b) refuses or neglects to answer any question or to furnish any information or to produce any document when required so to do under this Part of this Schedule ;he shall be liable on summary conviction to a fine not exceeding £50.
- (2) Where a person is convicted of an offence under sub-paragraph (1)(b) above and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £10 for each day on which it is so continued.
- (3) No one shall be required under this Part of this Schedule to answer any questions or to give any evidence tending to incriminate himself or, in the case of a person who is married, his or her wife or husband.
- 5 Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises or place for the purposes of this Act shall, if so required, produce the said certificate.

Status: This is the original version (as it was originally enacted).

- 6 The premises and places liable to inspection under this Part of this Schedule are any premises or places where an inspector appointed under this Act has reasonable ground for supposing that—
- (a) any persons are employed ;
 - (b) there is being carried on any agency or other business for the introduction or supply to persons requiring them of persons available to do work or to perform services;
- except that they do not include any private dwelling-house not used by or by permission of the occupier for the purposes of a trade or business.
- 7 Where any premises or place are or is liable to be inspected by an inspector or officer appointed or employed by, or are or is under the control of, some other government department, the Secretary of State may make arrangements with that department for any of the powers or duties of inspectors under this Part of this Schedule to be carried out by an inspector or officer employed by that department, and, where such an arrangement is made, such inspectors or officers shall have all the powers of an inspector under this Part of this Schedule.

PART II

PROVISIONS RELATING TO AGE, MARRIAGE, DEATH AND FURNISHING OF ADDRESSES

Information as to age, marriage or death

- 8 Regulations made by the Registrar General under section 20 of the Registration Service Act 1953 may provide for the furnishing by superintendent registrars, and registrars, subject to the payment of such fee as may be prescribed by the regulations, of such information for the purposes of this Act, including copies or extracts from the registers in their custody, as may be so prescribed.
- 9 Where the age, marriage or death of a person is required to be ascertained or proved for the purposes of this Act, any person shall—
- (a) on presenting to the custodian of the register under the enactments relating to the registration of births, marriages and deaths, wherein particulars of the birth, marriage or death, as the case may be, of the first-mentioned person are entered, a duly completed requisition in writing in that behalf; and
 - (b) on payment of a fee of 15 pence ;
- be entitled to obtain a copy, certified under the hand of the custodian, of the entry of those particulars.
- 10 Requisitions for the purposes of paragraph 9 above shall be in such form and contain such particulars as may from time to time be specified by the Registrar General, and suitable forms thereof shall, on request, be supplied without charge by every superintendent registrar and registrar.
- 11 In the application of this Part of this Schedule to England and Wales, the expression " Registrar General" means the Registrar General for England and Wales, and the expressions " superintendent registrar " and " registrar" mean a superintendent registrar or, as the case may be, registrar for the purposes of the enactments relating to the registration of births, deaths and marriages; and in the application of this Part of this Schedule to Scotland—

Status: This is the original version (as it was originally enacted).

- (a) the expression "Registrar General" means the Registrar General of Births, Deaths and Marriages for Scotland;
 - (b) for the reference in paragraph 8 to section 20 of the Registration Service Act 1953 there shall be substituted a reference to section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 ;
 - (c) references to a superintendent registrar shall be omitted ;
 - (d) the expression " registrar " means a district registrar, senior registrar or assistant registrar for the purposes of the enactments relating to the registration of births, deaths and marriages in Scotland.
- 12 Paragraphs 9 to 11 above (except paragraph 11(b)) shall apply for the purposes of the Industrial Injuries Act as they apply for the purposes of this Act.

Furnishing of addresses for maintenance proceedings, etc.

- 13 (1) The Secretary of State may incur expenses for the purpose of furnishing the address at which a man or woman is recorded by him as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the man or woman of payments—
- (a) for the maintenance of the man's wife or former wife, or the woman's husband or former husband ; or
 - (b) for the maintenance or education of any person as being the son or daughter of the man or his wife or former wife, or of the woman or her husband or former husband.
- (2) In sub-paragraph (1)(b) above " son or daughter " includes a son or daughter by adoption and an illegitimate son or daughter.

Treatment of certain marriages

- 14 Regulations may provide—
- (a) for a voidable marriage which has been annulled, whether before or after the date when the regulations come into force, to be treated for the purposes of such provisions of, or of any regulations under, this Act, subject to such exceptions or conditions as may be prescribed, as if it had been a valid marriage which was terminated by divorce at the date of annulment;
 - (b) for the purposes of this Act, the Industrial Injuries Act or the Family Allowances Act, as to the circumstances in which a marriage celebrated under a law which permits polygamy is to be treated as having the same consequences as a marriage celebrated under a law which does not;
- and regulations made for the purposes of sub-paragraph (b) above may make different provision in relation to different purposes and circumstances.

PART III

AMENDMENTS OF INDUSTRIAL INJURIES ACT, SECTION 64

- 15 In section 64 of the Industrial Injuries Act, in subsection (4), for the words after paragraph (b) substitute the following—

“he shall be liable on summary conviction to a fine of not more than £50.

Status: This is the original version (as it was originally enacted).

- (5) Where a person is convicted of an offence under subsection (4)(b) of this section, and the refusal or neglect is continued by him after his conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £10 for each day on which it is so continued.
- (5A) No one shall be required under this section to answer any questions or to give any evidence tending to incriminate himself or, in the case of a person who is married, his or her wife or husband.”

SCHEDULE 23

Section 92(4).

PROCEEDINGS

General provisions as to prosecutions

- 1 Proceedings in England or Wales for an offence under this Act shall not be instituted except by or with the consent of the Secretary of State or by an inspector or other officer authorised for that purpose by special or general directions of the Secretary of State.
- 2 Any inspector or other officer so authorised may, although not of counsel or a solicitor, prosecute or conduct before a magistrates' court any proceedings for such an offence.
- 3 (1) Notwithstanding any enactment prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of 3 months from the date on which evidence, sufficient in the opinion of the Secretary of State to justify a prosecution for the offence, comes to his knowledge, or within the period of 12 months after the commission of the offence, whichever period last expires.
- (2) For the purposes of sub-paragraph (1) above, a certificate purporting to be signed by or on behalf of the Secretary of State as to the date on which the evidence referred to in that paragraph came to his knowledge shall be conclusive evidence of the date on which it did so.
- (3) In relation to Scotland, for sub-paragraph (1) above there shall be substituted the following sub-paragraph—
- “(1) Proceedings for an offence under this Act may be commenced at any time within the period of 3 months from the date on which evidence sufficient in the opinion of the Secretary of State to justify a report to the Lord Advocate with a view to consideration of the question of prosecution comes to the knowledge of the Secretary of State, or within the period of 12 months after the commission of the offence, whichever period last expires ; and section 23(2) of the Summary Jurisdiction (Scotland) Act 1954 (time limits) shall apply for the purposes of this sub-paragraph as it applies for the purposes of that section.”
- 4 In proceedings for an offence under this Act, the wife or husband of the accused shall be competent to give evidence, whether for or against the accused:

Status: This is the original version (as it was originally enacted).

Provided that the wife or husband shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him by the accused during the marriage.

Evidence

- 5 (1) As respects any period during which, under regulations made by virtue of paragraph 5(1) of Schedule 1 to this Act, basic scheme or reserve scheme contributions fall to be paid in like manner as income tax, a certificate of a collector of taxes that any amount by way of contributions which a person is liable to pay to that collector for any period has not been paid to him, or, to the best of his knowledge and belief, to any other person to whom it might lawfully be paid, shall, until the contrary is proved, be sufficient evidence in any proceedings before any court that the sum mentioned in the certificate is unpaid and due ; and any document purporting to be such a certificate as aforesaid shall be deemed to be such certificate until the contrary is proved.
- (2) A statutory declaration by an officer of the Secretary of State that the searches specified in the declaration for a particular contribution card or for a record of the payment of a particular contribution have been made and that the card in question or a record of the payment of the contribution in question has not been found shall be admissible in any proceedings for an offence as evidence of the facts stated in the declaration.
- (3) Nothing in sub-paragraph (2) above shall be deemed to make a statutory declaration admissible as evidence in proceedings for an offence except in a case where, and to the extent to which, oral evidence to the like effect would have been admissible in those proceedings.
- (4) Nothing in sub-paragraphs (2) and (3) above shall be deemed to make a statutory declaration admissible as evidence in proceedings for an offence—
- (a) unless a copy thereof has, not less than 7 days before the hearing or trial, been served on the person charged with the offence in any manner in which a summons or, in Scotland, a citation in a summary prosecution may be served ; or
 - (b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, gives notice to the prosecutor requiring the attendance at the trial of the person by whom the declaration was made.
- 6 Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against accordingly.

Where the affairs of a body corporate are managed by its members, this paragraph shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Recovery of contributions etc. on prosecution

- 7 Where a person has been convicted of the offence under section 92(1) of this Act of failing to pay a contribution or premium at or within the time prescribed for

Status: This is the original version (as it was originally enacted).

the purpose and the contribution or premium remains unpaid at the date of the conviction, he shall be liable to pay to the Secretary of State a sum equal to the amount which he failed to pay.

- 8 In any case where—
- (a) a person is convicted of an offence under section 92(2)(b) of this Act, or of an offence under section 13 of the Stamp Duties Management Act 1891 as applied by regulations made under paragraph 6(3) of Schedule 1 to this Act, or of an offence of contravening or failing to comply with regulations made under this Act; and
 - (b) the evidence on which he is convicted shows that he, for the purpose of paying any contribution which he was liable or entitled to pay, has affixed to any contribution card any used contribution stamp; and
 - (c) the contribution (not being a Class 3 contribution) in respect of which the stamp was affixed remains unpaid at the date of the conviction,
- he shall be liable to pay to the Secretary of State a sum equal to the amount of the contribution.
- 9 (1) Subject to and in accordance with the following sub-paragraphs, where a person is convicted of an offence mentioned in paragraph 7 or 8(a) above, evidence may be given of any previous failure by him to pay contributions or premiums under this Act within the time prescribed for the purpose; and in those sub-paragraphs " the conviction " and " the offence " mean respectively the conviction referred to in this sub-paragraph and the offence of which the person is convicted.
- (2) Such evidence may be given only if notice of intention to give it is served with the summons or warrant or, in Scotland, the complaint on which the person appeared before the court which convicted him.
- (3) If the offence is one of failure to pay a Class 1 contribution, a reserve scheme contribution or a reserve scheme premium, evidence may be given of failure on his part to pay (whether or not in respect of the same person) such contributions or premiums during the 2 years preceding the date of the offence.
- (4) If the offence is one of failure to pay Class 2 contributions or is one of those mentioned in paragraph 8(a), evidence may be given of his failure to pay such contributions during those 2 years.
- (5) On proof of any matter of which evidence may be given under sub-paragraph (3) or (4) above, the person convicted shall be liable to pay to the Secretary of State a sum equal to the total of all amounts (whether contributions, premiums or both) which he is so proved to have failed to pay and which remain unpaid at the date of the conviction.
- 10 (1) Where in England and Wales a person charged with such an offence as is mentioned in paragraph 7 or 8(a) above is convicted of that offence in his absence under section 1(2) of the Magistrates' Courts Act 1957, then if—
- (a) it is proved to the satisfaction of the court, on oath or in the prescribed manner, that notice under paragraph 9(2) above has been duly served specifying the other contributions or premiums in respect of which the prosecutor intends to give evidence ; and
 - (b) the clerk of the court has received a statement in writing purporting to be made by the accused or by a solicitor acting on his behalf to the effect that if the accused is convicted in his absence of the offence charged he desires

Status: This is the original version (as it was originally enacted).

to admit failing to pay the other contributions or premiums so specified or any of them,

paragraph 9 above shall have effect as if the evidence had been given and the failure so admitted had been proved, and the court shall proceed accordingly.

- (2) In sub-paragraph (1) above "prescribed " means prescribed by rules made under section 15 of the Justices of the Peace Act 1949.
- 11 (1) In England and Wales, where a person is convicted of any such offence as is mentioned in paragraph 7 or 8(a) above, and an order is made under Part I of the Criminal Justice Act 1948 placing the offender on probation or discharging him absolutely or conditionally, paragraphs 7 to 10 above shall apply as if it were a conviction for all purposes.
- (2) In Scotland, where a person is convicted on indictment of, or is charged before a court of summary jurisdiction with, any such offence, and an order is made under Part I of the Criminal Justice (Scotland) Act 1949 discharging him absolutely or placing him on probation, paragraphs 7 to 9 above shall apply as if—
- (a) the conviction on indictment were a conviction for all purposes; or
 - (b) as the case may be, the making of the order by the court of summary jurisdiction were a conviction.
- 12 Where a body corporate fails to pay any sum which it is liable to pay under paragraphs 7 to 10 above, that sum (or such part of it as remains unpaid) shall be a debt due to the Secretary of State jointly and severally from any directors of the body corporate who knew, or could reasonably be expected to have known, of the failure to pay the contributions or premiums in question.
- 13 In England and Wales, any sum which a person is liable to pay under those paragraphs shall be recoverable from him as a penalty.
- 14 (1) The following sub-paragraphs apply with respect to sums recovered by the Secretary of State under paragraphs 7 to 13 above.
- (2) In so far as those sums represent basic scheme contributions of any class, they are to be treated for all purposes of Part I of this Act (including in particular the Treasury supplements and the application of section 44) as contributions of that class received by the Secretary of State under that Part.
- (3) In so far as those sums represent reserve scheme contributions or premiums, they are to be treated for all purposes of Part III of this Act (including in particular the application of sections 74 and 79) as contributions and premiums paid to the Secretary of State under that Part.
- (4) Without prejudice to sub-paragraphs (2) and (3) above, those sums, in so far as they represent—
- (a) primary Class 1 or Class 2 contributions ; or
 - (b) primary or secondary reserve scheme contributions ; or
 - (c) reserve scheme premiums,
- are to be treated as being contributions or (as the case may be) premiums paid in respect of the person in respect of whom they were originally payable ; and provisions of this Act relating to earnings factors and the entitlement of that person to reserve scheme pension and the rate of pension shall apply accordingly.

Status: This is the original version (as it was originally enacted).

Interpretation

- 15 (1) In this Schedule " contribution card " means any card issued under regulations for the purpose of payment of contributions by affixing contribution stamps thereto.
- (2) In any proceedings under section 92(2) of this Act with respect to used stamps, a stamp shall be deemed to have been used if it has been affixed to a contribution card or cancelled or defaced in any way whatsoever and whether it has actually been used for the purpose of payment of a contribution or not.

SCHEDULE 24

Section 93(1), (3), (5).

PRIORITY OF DEBTS IN CASES OF PERSONAL AND COMPANY INSOLVENCY

- 1 (1) The relevant enactments relating to personal insolvency are the following—
- (a) section 33 of the Bankruptcy Act 1914 ;
 - (b) section 118 of the Bankruptcy (Scotland) Act 1913 ; and
 - (c) the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964.
- (2) For the operation of these enactments, "the relevant event" in section 93(2) is to be construed as follows—
- (a) in England and Wales, it means the receiving order or death ;
 - (b) in Scotland, it means the award of sequestration or death, or the concurrence of diligence for distribution of the estate of a party being notour bankrupt; and
 - (c) in Northern Ireland, it means the order of adjudication or the filing of the petition of arrangement, or the death.
- 2 (1) The relevant enactments relating to companies' winding-up are the following—
- (a) section 319 of the Companies Act 1948 ; and
 - (b) section 287 of the Companies Act (Northern Ireland) 1960 ;
- but no priority under these enactments is extended by section 93(1) where a company is being wound up voluntarily merely for the purposes of reconstruction or amalgamation with another company.
- (2) For the operation of these enactments, " the relevant event" in section 93(2) is to be construed as follows—
- (a) where the company is wound up compulsorily—
 - (i) if it had previously commenced to be wound up voluntarily, " the relevant event" means the passing of the winding-up resolution, and
 - (ii) otherwise, it means the appointment (or first appointment) of a provisional liquidator or, in the absence of such an appointment, the making of the winding-up order;
 - (b) in any other case, "the relevant event" means the passing of the winding-up resolution.
- 3 (1) The relevant enactments relating to the remedies of debenture holders and chargees are the following—
- (a) section 94 of the Companies Act 1948 ;
 - (b) section 19 of the Companies (Floating Charges and Receivers) (Scotland) Act 1972 ; and

- (c) section 92 of the Companies Act (Northern Ireland) 1960.
- (2) For the operation of these enactments, " the relevant event" in section 93(2) is to be construed as follows—
- (a) where a receiver is appointed on behalf of debenture holders or by or on the application of the holders of a floating charge, it means that appointment; and
 - (b) where possession of any property is taken by or on behalf of debenture holders or the holders of a floating charge, it means that taking of possession.

SCHEDULE 25

Section 95(2), (4).

ADAPTATION OF CERTAIN PROVISIONS OF PART IV FOR NORTHERN IRELAND

PART I

ADAPTATION OF SECTIONS 84, 88, 92, 94, 96 AND 99, AND SCHEDULES 22, 23 AND 26

Introductory

- 1 In the provisions of this Act which are extended to Northern Ireland by section 95(2), there shall be made the adaptations provided for by this Part of this Schedule.

General adaptation of references

- 2 (1) Subject to the following provisions of this Part of this Schedule, for any reference such as is specified in column 1 of the Table set out in paragraph 2 of Schedule 13 there shall be substituted the reference specified in column 2 of that Table.
- (2) In the application of that Table for the purposes of this Part of this Schedule, in column 1 of the Table—
- (a) for the words in brackets following the reference to the Secretary of State there shall be substituted the words " except in section 96(6) and section 99(3) ",
 - (b) for the words in brackets following the reference to the Treasury, from " except" to " section 44(4) there shall be substituted the words " except in section 96(6) ".

Adaptation of particular provisions

- 3 In section 84(5) for " sections 68 to 72" substitute " sections 67 to 71 ".
- 4 In section 88—
- (a) in subsection (1) for " section 90(2) to (8)" substitute " section 86(2) to (8) ";
 - (b) in subsection (2)—
 - (i) omit " 91 " and paragraph (a),
 - (ii) for "sections 112 and 113" substitute " sections 104 and 105 " , and

Status: This is the original version (as it was originally enacted).

- (iii) for " section 12 of the National Insurance Act 1971 " substitute " Article 12 of the Social Services (Parity) Order (Northern Ireland) 1971 "; and
- (c) in subsection (3), for " section 64 " substitute " section 60 ".
- 5 In section 92—
- (a) in subsection (4)
- (i) for " sections 94 and 95 " substitute " sections 90 and 91 " , and
- (ii) for " the National Insurance Act 1966 " substitute " the National Insurance (No. 2) Act (Northern Ireland) 1966 "; and
- (b) in subsection (5) for " section 65 " substitute " section 64 ".
- 6 In section 94—
- (a) In subsection (6) for "section 56(1)" substitute " section 54(1) ";
- (b) in subsection (7) for " schemes " substitute " regulations ";
- (c) in subsection (10)—
- (i) for " sections 46 and 47" substitute " sections 45 and 46 ";
- (ii) for " section 82(2) " substitute " section 77(2) " , and
- (iii) for " section 82(1) " substitute " section 77(1) ".
- 7 Section 96(6) shall apply to regulations and orders which under this Act or Part IV of the National Insurance Act (Northern Ireland) 1966 can be made by the Northern Ireland Ministry as if the reference in that subsection to the Secretary of State or the Joint Authority were a reference to that Ministry and the references to the Treasury were references to the Ministry of Finance ; and in its application to regulations or orders made otherwise than by that Ministry that subsection shall have effect as if the words "(other than paragraph 4 of Schedule 10) or of Part IV of the former principal Act" were omitted.
- 8 In section 99 there shall be made the adaptations specified in paragraph 14 of Schedule 13.
- 9 In Part III of Schedule 22, for " section 64 " substitute " section 60 " and after " in subsection (4)" insert " in paragraph (b), for " fails " substitute " refuses or neglects " and ".
- 10 In Schedule 23—
- (a) in paragraph 1 omit " in England or Wales ";
- (b) in paragraph 3—
- (i) in sub-paragraph (2) for " or on behalf " substitute " the Northern Ireland Minister or a secretary or assistant secretary " , and for " his knowledge " substitute " the knowledge of the Northern Ireland Ministry " , and
- (ii) omit sub-paragraph (3);
- (c) in paragraph 5(4)(a) omit " or, in Scotland, a citation ";
- (d) in paragraph 9(2) omit " or, in Scotland, the complaint ";
- (e) omit paragraph 10 ;
- (f) for paragraph 11 substitute—
- “11 Where a person is convicted of any such offence as is mentioned in paragraph 7 or 8(a) above, and an order is made under Probation Act (Northern Ireland) 1950 placing the offender on probation or discharging him absolutely or

Status: This is the original version (as it was originally enacted).

- conditionally, paragraphs 7 to 9 above shall apply as if the conviction were a conviction for all purposes.”;
- (g) in paragraph 12 for "paragraphs 7 to 10" substitute " paragraphs 7 to 9 ";
- (h) in paragraph 13 omit " In England and Wales ".
- 11 In Schedule 26—
- (a) in paragraph 2(2) for "the National Insurance Act 1946" substitute " the National Insurance Act (Northern Ireland) 1946 ";
- (b) in paragraph 3(2)(a) for "section 27 of the Redundancy Payments Act 1965 " substitute " section 37 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 ";
- (c) in paragraph 5 for " Schedule 11 " substitute " Schedule 9 ";
- (d) in paragraph 6—
- (i) in sub-paragraph (1) for the words from " the Secretary of State " to " respectively " substitute " the Northern Ireland Ministry considers appropriate for facilitating the introduction of the basic scheme established by Part I of this Act or the Secretary of State considers appropriate for facilitating the introduction of the reserve pension scheme established by Part III of this Act;
- (ii) in sub-paragraph (2)(c) for " the Secretary of State " substitute " the Northern Ireland Ministry or as the case may be the Secretary of State ";
- (e) in paragraph 7—
- (i) in sub-paragraph (a) for " 105 " substitute " 99 ";
- (ii) in sub-paragraph (b) for " 84 " substitute " 79 " and omit " and any regulations having effect by virtue of section 22(2) of the Family Allowances Act ".

PART II

PROVISIONS APPLYING TO NORTHERN IRELAND IN PLACE OF SECTIONS 84(6), 87 AND 91 OR SUPPLEMENTARY TO SECTION 97

Amendments of Part IV of the National Insurance Act (Northern Ireland) 1966

- 12 Part IV of the National Insurance Act (Northern Ireland) 1966 (determination of claims and questions), so far as it remains in force, shall be amended as shown in Part III of this Schedule and, as so amended and with the repeals effected by this Act, shall have effect as set out in Part IV of this Schedule.

National Insurance Commissioners

- 13 (1) For the purposes of section 84 of this Act, Part IV of the National Insurance Act (Northern Ireland) 1966 and Part III of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, Her Majesty may from time to time appoint for Northern Ireland, from among persons who are barristers of not less than 10 years' standing, a Chief National Insurance Commissioner and such number of other National Insurance Commissioners as Her Majesty may think fit.
- (2) If it appears to the Chief National Insurance Commissioner (or, in the case of his inability to act, to such other of the National Insurance Commissioners as the Chief

Status: This is the original version (as it was originally enacted).

National Insurance Commissioner may have nominated to act for the purpose) that any appeal falling to be heard by one of those Commissioners involves a question of law of special difficulty, he may direct that the appeal shall be dealt with, not by that Commissioner alone, but by a tribunal consisting of any two or three of those Commissioners, and if the decision of any such tribunal is not unanimous, the decision of the majority, or, in the case of a tribunal consisting of two Commissioners, the decision of the presiding member, shall be the decision of the tribunal.

- (3) Unless the context otherwise requires, any reference in this Act to, or falling to be construed as a reference to, a National Insurance Commissioner shall, for Northern Ireland, be construed as a reference to a Commissioner appointed under this paragraph and any reference in this Act, the National Insurance Act (Northern Ireland) 1966 or the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 to, or falling to be construed as a reference to, a Commissioner appointed under this paragraph shall include a reference to any tribunal constituted under subparagraph (2) above.

Information to be given to employees

- 14 (1) Every statement given to an employee under section 4(1) of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (particulars as to terms of employment, etc.) after the appointed day shall contain a note stating—
- (a) whether, for the employment in respect of which the statement is given, a recognition certificate is in force ;
 - (b) if not—
 - (i) whether the employer has applied, or intends to apply, to the Occupational Pensions Board for such a certificate and, if so, when he did so or, as the case may be, intends to do so ; and
 - (ii) that, during any period in which no such certificate is in force, reserve scheme contributions will be payable under section 77 of this Act in respect of the employee's earnings from the employment.
- (2) The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 shall be construed and amended as follows—
- (a) any reference in subsection (5) of section 4 of the Act (alternative method of conveying information to the employee) or in subsection (4) or (6) of that section (changes in terms of employment, etc.) to that which is, or is to be, included, given or referred to in a statement under subsection (1) of that section shall be construed as including a reference to a note under subparagraph (1) above;
 - (b) any reference to that which is, or is to be, included, given or referred to in a statement under section 4(4) of the Act shall be construed in a corresponding way ;
 - (c) any reference in section 5(1) to (6) of the Act (employee's right of reference to industrial tribunal) shall be similarly construed, but subject to subparagraph (4) below ; and
 - (d) in section 4(8) of the Act (exclusion of section 4 requirements where information is given to employees in another way) after paragraph (b) there shall be added—

“and

Status: This is the original version (as it was originally enacted).

- (c) such a note as is mentioned in paragraph 14(1) of Schedule 25 to the Social Security Act 1973 has been given to the employee, or he has reasonable opportunities of reading such a note in the course of his employment, or such a note is made reasonably accessible to him in some other way ;”.
- (3) Without prejudice to section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 or sub-paragraph (1) above, the Secretary of State may make such regulations as he thinks expedient for requiring employers to inform their employees, and keep them informed, in such manner and at such times as may be prescribed—
- (a) whether an employment is or is not, or will or will not be, or has ceased or may cease to be, recognised pensionable employment in relation to any category of earners ;
 - (b) as to the employer's intentions in respect of applying to the Occupational Pensions Board for a recognition certificate for any employment, or for the cancellation or variation of such a certificate ;
 - (c) that, during any period in which a recognition certificate is not in force in respect of an employment, employees in that employment will be liable for reserve scheme contributions in respect of their earnings from it;
- and regulations made for the purposes of this paragraph shall include provision requiring employers to afford to those of their employees who are concerned, or to organisations representing them, reasonable opportunities of making representations with respect to the matters which are to be included in a notice under the regulations.
- (4) Nothing in section 5 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (reference to tribunal as to particulars of terms of employment) shall authorise or require a tribunal to determine any question whether an employment is or has at any time been, or will at any time be, recognised pensionable employment, or whether reserve scheme contributions are, were or will be payable in respect of earnings from any employment.
- (5) The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 and this paragraph shall be construed as if this paragraph were contained in that Act.

Regulations and orders

- 15 (1) Any regulations made by the Northern Ireland Ministry wholly or partly by virtue of any of the following provisions of this Act, namely section 3(4), 5(9), 14(4), 41 or 42, and any order made by the Northern Ireland Ministry wholly or partly by virtue of section 12(3) or made by virtue of section 49(2) shall be laid before the Parliament of Northern Ireland after being made and shall take effect on such date as may be specified in the regulations or the order but shall (without prejudice to the validity of anything done thereunder or to the making of new regulations or a new order) cease to have effect upon the expiration of a period of six months from that date unless at some time before the expiration of that period the regulations have, or the order has, been approved by a resolution of each House of that Parliament.
- (2) Sub-paragraph (1) above shall not apply—
- (a) to regulations under section 41 of this Act, where the instrument containing the regulations states that the regulations are made for the purpose of making

Status: This is the original version (as it was originally enacted).

- provisions consequential upon the coming into force of an order under section 49(2);
- (b) to regulations to be made for the purpose only of consolidating regulations thereby revoked;
 - (c) to regulations which, in so far as they are made under the powers conferred by the provisions mentioned in sub-paragraph (1) above, only replace provisions of previous regulations with new provisions to the same effect.
- (3) All regulations and orders made by the Northern Ireland Ministry under this Act, other than regulations or orders to which sub-paragraph (1) above applies, shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were statutory instruments within the meaning of that Act.
- (4) Any reference in sub-paragraph (3) above 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.
- 16 Section 41(3) of the Interpretation Act (Northern Ireland) 1954 (procedure for laying statutory instruments or statutory documents before the Parliament of Northern Ireland) shall apply in relation to any instrument or document which by virtue of any provision of this Act is required to be laid before that Parliament as if it were a statutory instrument or statutory document within the meaning of that Act.

PART III

AMENDMENTS OF PART IV OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966

- 17 (1) Throughout Part IV of the National Insurance Act (Northern Ireland) 1966 ("the Act"), except in section 69(1) and where the words first occur in section 79(1), for "the Commissioner " substitute " a Commissioner ".
- (2) For section 63 of the Act substitute the following:—

“63 Interpretation of this Part.

In this Part—

- (a) " the Social Security Act " means the Social Security Act 1973 ;
- (b) " benefit " means benefit under Part I of that Act or, as respects any period before the day appointed for the coming into force of section 2 of that Act, under this Act or the National Insurance Act (Northern Ireland) 1946 and " beneficiary " shall be construed accordingly ;
- (c) " claimant " means a person who has claimed benefit or whose right to be excepted from liability to pay, or to have his liability deferred for, or to be credited with, a contribution is in question;
- (d) " employed earner " shall be construed in accordance with section 1(7) of the Social Security Act and regulations under Part I of that Act;
- (e) " the Family Allowances Act " means the Family Allowances Act (Northern Ireland) 1966;

Status: This is the original version (as it was originally enacted).

- (f) " the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 ;
 - (g) " Ministry " and " Minister " mean respectively the Ministry of Health and Social Services and the Minister of Health and Social Services ;
 - (h) " National Insurance Commissioner " means a Commissioner appointed under paragraph 13 of Schedule 25 to the Social Security Act;
 - (j) " prescribed " means prescribed by regulations ; and
 - (k) " regulations " means regulations made by the Ministry under this Act.”.
- 18 In section 64(1), (2), (3) and (6) of the Act for "Supreme Court" substitute " Court of Appeal " .
- 19 In section 64 of the Act—
- (a) in subsection (1), for " 63(1)(a) to (c)" substitute " 84(1)(a) to (c) or 85(1)(a) or (b) of the Social Security Act ";
 - (b) in subsection (2), for the words from " send notice " to the end of the subsection substitute—
 - “give notice in writing of its intention to do so—
 - (a) in a case where the question arises on an application made to the Ministry, to the applicant; and
 - (b) in any case to such persons as appear to it to be concerned with the question.”.
- 20 In section 65 of the Act—
- (a) in subsection (1), for " 63(1)(a) to (c)" substitute " 84(1)(a) to (c) or 85(1)(a) or (b) of the Social Security Act ";
 - (b) in subsection (2), for " 63(1)(d) " substitute " 84(1)(d) of the Social Security Act " .
- 21 In section 67(2) of the Act for " 66(1) " substitute " 84(5) of the Social Security Act " .
- 22 In section 68(2) of the Act for " 63(1) or section 6(2) of the Act of 1970 " substitute " 84(1) of the Social Security Act or paragraph 13 of Schedule 7 to that Act " .
- 23 In section 69 of the Act—
- (a) in subsection (1) for " the Commissioner" substitute " a National Insurance Commissioner " ; and
 - (b) in paragraph (c) of that subsection for " employed persons " substitute " employed earners " , and for sub-paragraph (ii) substitute—
 - “(ii) the question at issue in any way relates to a deceased person who was a member of the association at the time of his death.”.
- 24 After section 69 of the Act insert the following new section—

Status: This is the original version (as it was originally enacted).

“69A Determination of questions first arising on appeal to a local tribunal or Commissioner.

Where any question under the Social Security Act (not being a question to which section 84(1) of that Act or paragraph 14 of Schedule 7 to that Act applies) first arises in the course of an appeal to a local tribunal constituted under section 76 of this Act or a National Insurance Commissioner, the tribunal or Commissioner may, if they or he thinks fit, proceed to determine that question notwithstanding that it has not been considered by an insurance officer.”.

25 In section 70(1) of the Act for the words from " section 63(1) " to the end of paragraph (a) substitute—

“section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that Act applies, he shall—

- (a) refer the latter question for determination in accordance (subject to any necessary modifications) with section 84 of that Act and sections 64 and 65 of this Act or, as the case may be, paragraph 14 of Schedule 7 to that Act; and”.

26 In section 71 of the Act—

- (a) in subsection (1), for " sections 66 " substitute " section 84(5) of the Social Security Act and sections 67 ";
- (b) for paragraph (c) of subsection (1) substitute—
 - “(c) the decision was based on the decision of any question to which section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that Act applies and the decision of that question is revised in accordance with the provisions of section 65 of this Act or reviewed in accordance with the provisions of paragraph 15 of that Schedule.”;
- (c) in subsections (3) and (4) for " sections 66 to 69" substitute " the sections of the Social Security Act and this Act referred to in the introductory words of subsection (1) ".

27 In section 72 of the Act—

- (a) in subsection (1)—
 - (i) for " sections 63 to 71 " substitute " section 84(1) to (5) of the Social Security Act and sections 64, 65 and 67 to 71 ";
 - (ii) after " any other provision of this Act" insert " or the Social Security Act ";
 - (iii) after " in connection with this Act" insert " or the Social Security Act ";
 - (iv) for " 63(1)(d)" substitute " 84(1)(d) of the Social Security Act ";
 - (v) for " sections 63, 64(1) to (4), 65 " substitute " section 84(1) to (5) of the Social Security Act and sections 64(1) to (4), 65, 67 ";
- (b) in subsection (2) for " 63(1) or 73(1)" substitute " 84(1) of the Social Security Act ";
- (c) in subsection (4)—
 - (i) for " Supreme Court" (twice) substitute " Court of Appeal ";

Status: This is the original version (as it was originally enacted).

- (ii) for " subsections (5) and (6)" substitute " subsection (6) ";
- (iii) for " they apply " substitute " it applies ".

28 In section 74 of the Act—

- (a) in subsection (1) for " provisions of sections 63 to 71 " substitute " foregoing provisions of this Part and of section 84(1) to (5) of the Social Security Act;
- (b) after subsection (1) insert—

“(1A) Subsection (1) shall not make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision ; and this subsection applies not only to subsection (1) but also to provisions of earlier Acts corresponding to that subsection and applies as regards the effect to be given in any proceedings to any decision, whether the decision was given or the proceedings commenced before or after the passing of the Social Security Act.”;

- (c) in subsection (2)—
 - (i) for " sections 63" substitute " section 84(1) to (5) of the Social Security Act and sections 64, 65 and 67 ";
 - (ii) after paragraph (c) insert—

“(d) that in such cases as may be prescribed one or more medical practitioners shall sit with a local tribunal either as additional members or as assessors and for the appointment by the Ministry of medical practitioners to act for this purpose either generally or for such cases or for such tribunals as the Ministry may determine ;

- (e) for extending and defining the functions of assessors for the purposes of this Act;
- (f) for empowering the Ministry, a local tribunal or an insurance officer to refer to a medical practitioner for examination and report any question arising for its, their or his decision ;
- (g) for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of the determination of, or of any question arising on, any claim if, in the opinion of the prescribed authority, being the person or tribunal, or the chairman of the tribunal, by whom that determination falls to be made, disclosure of those particulars to that person would be undesirable in the interests of that person ;”;

- (iii) for " sections 63 to 73 " substitute " section 84(1) to (5) of the Social Security Act and sections 64, 65 and 67 to 72 ".

29 In section 75 of the Act—

- (a) in subsection (1)—
 - (i) for " benefit under this Act" substitute " benefit under Part I of the Social Security Act ";
 - (ii) for " 63(1)(a) " substitute " 84(1)(a) of that Act ";

Status: This is the original version (as it was originally enacted).

- (iii) for " sections 66 " substitute " section 84(5) of the Social Security Act and sections 67 ";
- (b) in subsection (2) for " purposes of this Act" substitute " purposes of the Social Security Act ".
- 30 In section 76 of the Act—
- (a) in subsection (1)—
- (i) for " sections 66 " substitute " section 84(5) of the Social Security Act and sections 67 ";
- (ii) in paragraph (a) for "insured persons other than employed persons" substitute " earners other than employed earners ";
- (iii) in paragraph (b) for " employed persons " substitute " employed earners ";
- (b) in subsection (3) for " insured persons " substitute (in both places) " employed earners ";
- (c) in subsection (5)(a)(iii) for " 63(3)" substitute " 84(4) of the Social Security Act ".
- 31 In section 78 of the Act—
- (a) at the beginning there shall be inserted the following subsection—
- “(1) A National Insurance Commissioner shall retire when he attains the age of seventy-two years ; but where a Commissioner who is remunerated by means of a salary would, if he were so to retire, not have completed fifteen years' service, he may continue in office until the end of the completed year of service in which he completes fifteen years' service or attains the age of seventy-five years, whichever first occurs.
- For the purposes of this section and Part II of the Judicial Pensions Act (Northern Ireland) 1951, service before the coming into force of paragraph 13 of Schedule 25 to the Social Security Act by any person as a Commissioner, deputy Commissioner, umpire or deputy umpire for the purposes of this Act, the Industrial Injuries Act or the enactments re-enacted by this Act and that Act and remunerated by means of a salary shall be treated as service by that person as a Commissioner appointed under that paragraph and so remunerated.”;
- (b) in subsection (2)(a), for " section 9(3) of the National Insurance (No. 2) Act (Northern Ireland) 1966 " substitute " subsection (1) ";
- (c) in subsection (4), after "this Act" insert " the Industrial Injuries Act or the Social Security Act ".
- 32 In section 79 of the Act—
- (a) in subsection (1) for " the Commissioner", where those words first occur, substitute " a National Insurance Commissioner "; and
- (b) in subsection (3) for " the foregoing provisions of this Part" substitute " this Act, the Social Security Act ".
- 33 In section 80 of the Act—
- (a) in subsection (1)—
- (i) for " subsections (2) to (5)" substitute " subsection (2) ";

Status: This is the original version (as it was originally enacted).

- (ii) for the words from " the National" to " Act of 1970) " substitute " the Ministry of any benefit ";
- (b) after subsection (1) insert—
 - “(1A) Any sums repaid to the Ministry in pursuance of subsection (1) shall—
 - (a) be paid by it into the Exchequer insofar as they represent benefit which under section 46(1)(a) of the Social Security Act is not payable out of the Northern Ireland National Insurance Fund ; and
 - (b) otherwise be paid by it into that Fund”;
 - (c) in subsection (3)(a) after " contributions" insert " under Part I of the Social Security Act or contributions or premiums under Part III of that Act. " .

PART IV

PART IV OF THE NATIONAL INSURANCE ACT (NORTHERN IRELAND) 1966 AS AMENDED

“Determination of certain questions by the Ministry

63 Interpretation of this Part.

In this Part—

- (a) " the Social Security Act " means the Social Security Act 1973 ;
- (b) " benefit " means benefit under Part I of that Act or, as respects any period before the day appointed for the coming into force of section 2 of that Act, under this Act or the National Insurance Act (Northern Ireland) 1946 and " beneficiary " shall be construed accordingly ;
- (c) " claimant " means a person who has claimed benefit or whose right to be excepted from liability to pay, or to have his liability deferred for, or to be credited with, a contribution is in question;
- (d) " employed earner " shall be construed in accordance with section 1(7) of the Social Security Act and regulations under Part I of that Act;
- (e) " the Family Allowances Act " means the Family Allowances Act (Northern Ireland) 1966 ;
- (f) " the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 ;
- (g) " Ministry " and " Minister " mean respectively the Ministry of Health and Social Services and the Minister of Health and Social Services ;
- (h) " National Insurance Commissioner " means a Commissioner appointed under paragraph 13 of Schedule 25 to the Social Security Act;
- (j) " prescribed " means prescribed by regulations ; and
- (k) " regulations " means regulations made by the Ministry under this Act.

64 Appeals from Ministry's decisions.

- (1) Any question of law arising in connection with the determination by the Ministry of any question such as is mentioned in section 84(1)(a) to (c) or 85(1)(a) or (b) of the

Status: This is the original version (as it was originally enacted).

Social Security Act may, if the Ministry thinks fit, be referred for decision to the Court of Appeal.

- (2) In the event of the Ministry determining in accordance with subsection (1) to refer any question of law to the Court of Appeal, it shall give notice in writing of its intention to do so—
 - (a) in a case where the question arises on an application made to the Ministry, to the applicant; and
 - (b) in any case to such persons as appear to it to be concerned with the question.
- (3) Any person aggrieved by the decision of the Ministry on any question of law such as is mentioned in subsection (1) which is not referred in accordance with that subsection may appeal from that decision to the Court of Appeal.
- (4) The Ministry shall be entitled to appear and be heard on any such reference or appeal as aforesaid.
- (6) Notwithstanding anything in any Act, the decision of the Court of Appeal on a reference or appeal under this section shall be final.

65 Review of Ministry's decisions.

- (1) The Ministry may, on new facts being brought to its notice, or if it is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact, review any decision given by it on any question such as is mentioned in section 84(1) (a) to (c) or 85(1)(a) or (b) of the Social Security Act but any such decision shall not be reviewed while an appeal under section 64 is pending against the decision of the Ministry on a question of law arising in connection therewith, or before the time for so appealing has expired; and section 64 shall apply with any necessary modifications to any case in which a question has been raised with a view to the review under this subsection of any such decision as aforesaid.
- (2) The Ministry may at any time and from time to time reconsider the exercise of its discretion with respect to any question such as is mentioned in section 84(1)(d) of the Social Security Act and decide that question again with such other effect as may seem to it to be proper in the circumstances of the case.

Determination of certain matters by insurance officers, local tribunals or Commissioner

67 Submission of claims and questions to insurance officers.

- (1) Insurance officers for the purposes of this Act shall be appointed by the Ministry, subject to the consent of the Ministry of Finance as to number, to act for such areas or otherwise as the Ministry directs.
- (2) Any claim for benefit and any question to which section 84(5) of the Social Security Act applies shall be submitted forthwith to an insurance officer, who shall take the claim or question into consideration and, so far as practicable, dispose of it in accordance with this section and any regulations under section 74(2) within fourteen days of its submission to him.
- (3) Subject to section 70, the insurance officer may in the case of any claim or question so submitted to him—
 - (a) decide it in favour of the claimant; or

Status: This is the original version (as it was originally enacted).

- (b) decide it adversely to the claimant; or
 - (c) refer it to a local tribunal.
- (4) Where an insurance officer refers a case to a local tribunal in accordance with subsection (3)(c), notice in writing of the reference shall be given to the claimant.
- (5) Different aspects of the same claim or question may be submitted to different insurance officers under the foregoing provisions of this section, and for that purpose those provisions and the other provisions of this Part with respect to the determination of claims and questions shall have effect subject to any necessary modifications.

68 Appeals from insurance officer to local tribunal.

- (1) Where the insurance officer has decided any claim or question adversely to the claimant, the claimant may, subject to subsection (2), appeal to a local tribunal, and the claimant shall be notified in writing of the decision and the reasons therefor and of his right of appeal under this section.
- (2) Where any question to which section 84(1) of the Social Security Act or paragraph 13 of Schedule 7 to that Act applies has arisen in connection with the decision of the insurance officer, and has been determined, and the insurance officer certifies that the determination of that question is the sole ground of his decision, no appeal shall lie without leave of the chairman of the local tribunal.
- (3) An appeal against a decision of an insurance officer shall be brought by giving notice of appeal to the Ministry within twenty-one days after the date of that decision or within such further time as the chairman of the local tribunal may for good cause allow.
- (4) A notice of appeal under this section shall be in writing and shall contain a statement of the grounds upon which the appeal is made:

69 Appeals from local tribunal to Commissioner.

- (1) Subject to the provisions of this section, an appeal shall lie to a National Insurance Commissioner from any decision of a local tribunal at the instance of—
- (a) an insurance officer ;
 - (b) the claimant;
 - (c) an association of employed earners, or any other association which exists to promote the interests and welfare of its members, where in either case—
 - (i) the claimant at the time of the appeal is a member of the association and was so immediately before the question at issue arose ; or
 - (ii) the question at issue in any way relates to a deceased person who was a member of the association at the time of his death.
- (2) An appeal to a Commissioner must be brought within three months from the date of the decision of the local tribunal, or such further period as a Commissioner may in any case for special reasons allow, and such an appeal shall be brought by giving notice in writing in a form approved by the Ministry stating the grounds of the appeal—
- (a) in the case of an appeal by an insurance officer, to the claimant; and
 - (b) in the case of an appeal by the claimant or an association such as is mentioned in subsection (1)(c), to an insurance officer.

Status: This is the original version (as it was originally enacted).

- (4) If it appears to a Commissioner that any appeal under this section involves a question of fact of special difficulty, he may direct that in dealing with the appeal or any part thereof he shall have the assistance of an assessor or assessors.
- (5) A Commissioner may, if he thinks fit, refer any question arising for his decision to a registered medical practitioner for examination and report.

69A Determination of questions first arising on appeal to a local tribunal or Commissioner.

Where any question under the Social Security Act (not being a question to which section 84(1) of that Act or paragraph 13 of Schedule 7 to that Act applies) first arises in the course of an appeal to a local tribunal constituted under section 76 of this Act or a National Insurance Commissioner, the tribunal or Commissioner may, if they or he thinks fit, proceed to determine that question notwithstanding that it has not been considered by an insurance officer.

70 Reference of special questions.

- (1) If on consideration of any claim or question an insurance officer is of opinion that there arises any question to which section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that Act applies, he shall—
 - (a) refer the latter question for determination in accordance (subject to any necessary modifications) with section 84 of that Act and sections 64 and 65 of this Act or, as the case may be, paragraph 14 of Schedule 7 to that Act; and
 - (b) deal with any other questions as if the question so referred had not arisen;
 so however, that the insurance officer may—
 - (i) postpone the reference of or dealing with any question until other questions have been determined ;
 - (ii) in cases where the determination of any question disposes of a claim or any part thereof, make an award, or decide that an award cannot be made, as to the claim or that part thereof without referring or dealing with, or before the determination of, any other question.
- (2) Subsection (1) shall apply to a local tribunal and a Commissioner at it applies to an insurance officer, except that a local tribunal or a Commissioner, instead of themselves or himself referring a question in accordance with subsection (1)(a), shall direct it to be so referred by an insurance officer.

71 Review of decisions of insurance officer, local tribunal or Commissioner.

- (1) Any decision under section 84(5) of the Social Security Act and sections 67 to 69 of an insurance officer, a local tribunal or a Commissioner may be reviewed at any time by an insurance officer or, on a reference from an insurance officer, by a local tribunal, if—
 - (a) he or they is or are satisfied, and, in the case of a decision of a Commissioner, satisfied by fresh evidence, that the decision was given in ignorance of, or was based on a mistake as to, some material fact; or
 - (b) there has been any relevant change of circumstances since the decision was given ; or
 - (c) the decision was based on the decision of any question to which section 84(1) of the Social Security Act or paragraph 14 of Schedule 7 to that Act applies

Status: This is the original version (as it was originally enacted).

and the decision of that question is revised in accordance with the provisions of section 65 of this Act or reviewed in accordance with the provisions of paragraph 15 of that Schedule.

- (2) A question may be raised with a view to such a review as aforesaid by means of an application in writing to an insurance officer, stating the grounds of the application.
- (3) On receipt of any such application, the insurance officer shall proceed to deal with or refer any question arising thereon in accordance with the provisions of the sections of the Social Security Act and this Act referred to in the introductory words of subsection (1).
- (4) Any decision given on a review under this section, and any refusal to review a decision under this section, shall be subject to appeal in like manner as an original decision, and the provisions of the sections of the Social Security Act and this Act referred to in the introductory words of subsection (1) shall, subject to the necessary modifications, apply in relation to any decision given on such a review as they apply to the original decision of a question.

Regulations as to determination of questions

72 Regulations for determination of questions.

- (1) Notwithstanding the provisions of section 84(1) to (5) of the Social Security Act and sections 64, 65 and 67 to 71 but subject to any other provision of this Act or the Social Security Act, in the case of any question arising under or in connection with this Act or the Social Security Act, including any claim for benefit, other than a question such as is mentioned in section 84(1)(d) of the Social Security Act, provision may be made by regulations for the determination of that question by the Ministry or by a person or tribunal appointed or constituted in accordance with the regulations ; and any such regulations may vary or revoke the provisions of section 84(1) to (5) of the Social Security Act and sections 64(1) to (4), 65, 67 to 71 and 76 so far as they relate to any question to which the regulations relate.
- (2) As respects any question as to the right to benefit other than such a question as is mentioned in section 84(1) of the Social Security Act and other than a question as to entitlement to a death grant, regulations under subsection (1) shall not provide for the determination of that question by the Ministry but, subject to subsection (3), shall provide—
 - (a) for the submission of the question in the first instance to an officer appointed by the Ministry ;
 - (b) for authorising the said officer either himself to determine the question or to refer it to a local tribunal, and for enabling an appeal to be brought from the officer's decision to such a tribunal;
 - (c) for enabling an appeal to be brought from such a tribunal to, or to a tribunal presided over by a Commissioner.
- (3) Regulations made by virtue of subsection (2) may provide for the submission of different aspects of the same questions to different officers ; and for that purpose paragraphs (a) and (b) of that subsection shall have effect subject to the necessary modifications.
- (4) Regulations under subsection (1) may provide for the reference to the Court of Appeal for decision of any question of law arising in connection with the determination of a

Status: This is the original version (as it was originally enacted).

question by the Ministry, and for appeals to the Court of Appeal from the decision of the Ministry on any such question of law; and subsection (6) of section 64 shall apply to any reference or appeal under this subsection as it applies to any reference or appeal under subsections (1) to (3) of that section.

Supplementary provisions as to determination of claims and questions

74 Supplementary provisions.

- (1) Subject to the foregoing provisions of this Part and of section 84(1) to (5) of the Social Security Act, the decision of any claim or question in accordance with those provisions, and, subject to the provisions of any regulations under section 72, the decision of any claim or question in accordance with the provisions of those regulations, shall be final.
- (1A) Subsection (1) shall not make any finding of fact or other determination embodied in or necessary to a decision, or on which it is based, conclusive for the purpose of any further decision ; and this subsection applies not only to subsection (1) but also to provisions of earlier Acts corresponding to that subsection and applies as regards the effect to be given in any proceedings to any decision, whether the decision was given or the proceedings commenced before or after the passing of the Social Security Act.
- (2) Subject to the other provisions of this Part, regulations may, in relation to the determination of claims or questions in accordance with section 84(1) to (5) of the Social Security Act and sections 64, 65 and 67 to 71 or in accordance with regulations under section 72, include provision—
 - (a) as to the procedure which is to be followed, the form which is to be used for any document, the evidence which is to be required and the circumstances in which any official record or certificate is to be sufficient or conclusive evidence ;
 - (b) as to the time to be allowed for making any claim or appeal, for raising any question with a view to the review of any decision or for producing any evidence ;
 - (c) for empowering the prescribed person by summons to require such persons as he thinks necessary to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses
 - (d) that in such cases as may be prescribed one or more medical practitioners shall sit with a local tribunal either as additional members or as assessors and for the appointment by the Ministry of medical practitioners to act for this purpose either generally or for such cases or for such tribunals as the Ministry may determine ;
 - (e) for extending and defining the functions of assessors for the purposes of this Act;
 - (f) for empowering the Ministry, a local tribunal or an insurance officer to refer to a medical practitioner for examination and report any question arising for its, their or his decision ;
 - (g) for the non-disclosure to a person of the particulars of any medical advice or medical evidence given or submitted for the purposes of the determination of, or of any question arising on, any claim if, in the opinion of the prescribed authority, being the person or tribunal, or the chairman of the tribunal, by whom that determination falls to be made, disclosure of those particulars to that person would be undesirable in the interests of that person;

and except in so far as they may be applied by regulations made by virtue of this subsection neither the Arbitration Act (Northern Ireland) 1937 nor section 23 of

Status: This is the original version (as it was originally enacted).

the Interpretation Act (Northern Ireland) 1954 shall apply to any proceedings under section 84(1) to (5) of the Social Security Act and sections 64, 65 and 67 to 72.

- (3) It is hereby declared that the power to prescribe procedure includes power to make provision as to the representation of one person, at any hearing of a case, by another person whether having professional qualifications or not.

75 Determination of certain questions as to child or family.

- (1) Where any question such as is mentioned in subsection (3) arises with respect to benefit under Part I of the Social Security Act (other than such a question as is mentioned in section 84(1)(d) of that Act), that question shall be determined in accordance with the provisions of section 84(5) of the Social Security Act and sections 67 to 72 in like manner, subject to any prescribed modifications and adaptations, as a corresponding question arising in respect of an allowance under the Family Allowances Act falls to be determined by virtue of section 5(2) of that Act.
- (2) Any decision of any question such as is mentioned in subsection (3)(a) to (c) given under this Part, whether given for the purposes of the Social Security Act, the Industrial Injuries Act or the Family Allowances Act shall have effect also for the purposes of the others of those Acts.
- (3) The questions referred to in subsections (1) and (2) are questions—
- (a) whether any person is or was a child or is or was under school leaving age ;
 - (b) whether any person has or had a family including a child or children, or is or was a child of some other person's family (but not whether a person is to be treated for the purpose of any provision as having a family including a child or children or as being a child of some other person's family);
 - (c) whether any person could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as, or but for certain facts would have been, or could have been treated as aforesaid as, a child of any other person's family ;
 - (d) whether, for the purposes of the payment to a beneficiary of any benefit in respect of a child, the child in question is living with the beneficiary.

Provision as to local tribunals, Commissioner, etc.

76 Constitution of local tribunals.

- (1) A local tribunal for the purposes of section 84(5) of the Social Security Act and sections 67 to 71 shall consist of—
- (a) one member drawn from a panel composed of persons representing employers and persons representing earners other than employed earners;
 - (b) one member drawn from a panel of persons representing employed earners;
 - (c) a person appointed by the Minister to act as chairman.
- (2) The panels referred to in subsection (1) shall be constituted by the Ministry for the whole of Northern Ireland and each panel shall relate to such areas as the Ministry thinks fit, and be composed of such persons as the Ministry sees fit to appoint.
- (3) Before appointing members to either of the panels, the Ministry may take into consideration any recommendation from local committees representing employers or employed earners or both, or from organisations concerned with the interests of employers or employed earners.

Status: This is the original version (as it was originally enacted).

- (4) The members of the panels shall hold office for such period as the Ministry may direct but the Ministry may at any time terminate the appointment of any member of a panel.
- (5) So far as practicable, each member of a panel shall be summoned to serve in turn upon a local tribunal but—
 - (a) no member of a panel shall sit upon a local tribunal during the consideration of a case—
 - (i) in which he appears as the representative of the claimant; or
 - (ii) by which he is or may be directly affected; or
 - (iii) in which he has taken any part as an official of an association, or as an employer, or as a witness, or as a person to whom any question arising thereon has been referred for examination and report in accordance with section 84(4) of the Social Security Act or with regulations under section 72(1) or otherwise ;
 - (b) where the benefit claimed is unemployment benefit, the member chosen from the first panel shall, if practicable, be a representative of employers.
- (6) Any case may, with the consent of the claimant but not otherwise, be proceeded with in the absence of any member of the local tribunal other than the chairman, and in any such case the tribunal shall be deemed to be properly constituted and the chairman shall, if the number of the members of the tribunal is an even number, have a second or casting vote.
- (7) A person appointed to act as chairman of a local tribunal shall hold and vacate office in accordance with the terms of his letter of appointment.
- (8) Where several persons are appointed to act as chairmen for a particular area they shall as far as practicable be invited to preside over a tribunal in turn.

78 Retirement of, and superannuation allowances for, Commissioners.

- (1) A National Insurance Commissioner shall retire when he attains the age of seventy-two years ; but where a Commissioner who is remunerated by means of a salary would, if he were so to retire, not having completed fifteen years' service, he may continue in office until the end of the completed year of service in which he completes fifteen years' service or attains the age of seventy-five years, whichever first occurs.

For the purposes of this section and Part II of the Judicial Pensions Act (Northern Ireland) 1951, service before the coming into force of paragraph 13 of Schedule 25 to the Social Security Act by any person as a Commissioner, deputy Commissioner, umpire or deputy umpire for the purposes of this Act, the Industrial Injuries Act or the enactments re-enacted by this Act and that Act and remunerated by means of a salary shall be treated as service by that person as a Commissioner appointed under that paragraph and so remunerated.

- (2) Without prejudice to the pension benefits conferred by the Judicial Pensions Act (Northern Ireland) 1951, the Ministry may from time to time recommend to the Ministry of Finance that there shall be paid out of moneys provided by Parliament to a Commissioner who at the date of his retirement is remunerated by means of a salary an annual sum by way of superannuation allowances calculated in accordance with Schedule 6—
 - (a) if he retires pursuant to subsection (1); or
 - (b) if he retires after fifteen years' service and at the time of retirement has attained the age of sixty-five; or

Status: This is the original version (as it was originally enacted).

- (c) if the Ministry is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (3) For the purposes of this section and Schedule 6—
- (a) service as a Commissioner which is not remunerated by means of a salary shall be disregarded ;
 - (c) the Ministry of Finance may by regulations provide for counting as service as a Commissioner pensionable service in any other capacity under the Crown.
- (4) Subsection (2) shall have effect notwithstanding that a Commissioner may, during his period of service as such Commissioner undertake other duties of a judicial or advisory nature for the purposes of this Act, the Industrial Injuries Act or the Social Security Act and, for the purposes of that subsection and Schedule 6, the last annual salary of any such person shall include any salary payable in respect of those other duties.
- (5) Subject to subsection (6)—
- (a) a person about to be appointed as Commissioner and remunerated by means of a salary,
 - (b) a person who, being a Commissioner is about to be remunerated by means of a salary,
- shall, before being so appointed or, as the case may be, remunerated, furnish to the Ministry satisfactory evidence that his health is suitable for the discharge of the duties of such office.
- (6) A person of the kind referred to in subsection (5)(a) or (b) may elect that he shall not, before being appointed a Commissioner or, as the case may be, remunerated by means of a salary, furnish evidence as to his health, and where a Commissioner is so appointed or remunerated after having made such an election, then, subject to subsection (7), as respects him—
- (a) subsection (2) shall not have effect until he has completed five years' service ; and
 - (b) Part II of the Judicial Pensions Act (Northern Ireland) 1951 shall not have effect until he has completed ten years' service ;
- and where the Ministry is satisfied that his health has throughout his service been such that it has enabled him duly to discharge the duties of his office, the Ministry may, after the completion of the relevant period of service, direct that the said subsection or, as the case may be, the said Part, shall have effect as if he had not made that election.
- (7) A Commissioner who has made an election under subsection (6) may at any time during his tenure of office furnish to the Ministry satisfactory evidence as to his health, and the Ministry may thereupon direct that for the purposes of subsection (2) and of Part II of the Judicial Pensions Act (Northern Ireland) 1951 that Commissioner shall be treated as if he had not made that election.
- (8) A person to whom a superannuation allowance has been granted under this section before he has attained the age of seventy-two in consequence of an incapacity of the kind referred to in subsection (2)(c) shall, until he has attained that age, be liable to be required by the Governor to resume the duties of a Commissioner with the salary attached thereto, and if (being in a competent state of health) he declines when so required to resume those duties, or declines or neglects to execute those duties, he shall forfeit his right to the allowance so granted to him.

Status: This is the original version (as it was originally enacted).

- (9) Whenever a person has resumed his duties pursuant to subsection (8), the payment of the superannuation allowance granted to him shall be suspended during the period of his resumed service, but, subject to the provisions of that subsection, at the end of that period the superannuation allowance shall again be payable and be recalculated in accordance with the provisions of Schedule 6, and for that purpose the period of his resumed service shall be added to the period of his former service.
- (10) The decision of the Ministry of Finance shall be final on any question arising as to—
- (a) the application of any of the provisions of this section to any person; or
 - (b) the amount of any superannuation allowance under this section ; or
 - (c) the reckoning of any service for the purpose of calculating such a superannuation allowance.
- (11) Where the rate of the superannuation allowance payable to any person under subsection (2) as Commissioner is or would be increased by virtue of regulations made under subsection (3)(c) in respect of service in some other capacity, any pension benefits paid to or in respect of him as having been Commissioner shall, to such extent as the Ministry of Finance may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in the manner in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.
- (12) In this section, the expression " pension " includes any superannuation or other retiring allowance or gratuity, and the expression " pensionable " shall be construed accordingly ; and the expression " pension benefits" includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or employment to other persons by way of widow's or children's pension or otherwise.

79 Remuneration and expenses of Commissioner and other persons.

- (1) The Ministry shall pay to a National Insurance Commissioner such salary or other remuneration as the Ministry of Finance may determine and such expenses incurred in connection with the work of a Commissioner, as may be so determined.
- (2) The Ministry may pay—
- (a) to any other person appointed under the foregoing provisions of this Part to determine questions or as a member of or assessor to any tribunal constituted under those provisions, such remuneration and such travelling and other allowances ;
 - (b) to any person required to attend at any proceedings under this Part, such travelling and other allowances ; and
 - (c) such other expenses in connection with the work of any person or tribunal appointed or constituted under any provision of this Part (other than a tribunal presided over by a Commissioner),
- as the Ministry with the consent of the Ministry of Finance may determine.
- (3) The Ministry may pay to any person required under this Act (whether for the purposes of this Act, the Social Security Act or otherwise) to attend for or to submit himself to medical or other examination or treatment such travelling and other allowances as the Ministry with the consent of the Ministry of Finance may determine.

- (4) In this section references to travelling and other allowances include references to compensation for loss of remunerative time but such compensation shall not be paid to any person in respect of any time during which he is in receipt of remuneration under this section.

80 Recovery of benefit wrongly paid, interim payments of benefit, and arrears.

- (1) Where benefit is or has been paid in pursuance of a decision which is reversed or varied on appeal, or is revised on a review, then, subject to subsection (2), the decision given on the appeal or review shall require repayment to the Ministry of any benefit which was paid in pursuance of the original decision to the extent to which it—
- (a) would not have been payable if the decision on the appeal or review had been given in the first instance ; and
 - (b) is not directed to be treated as paid on account of the benefit awarded by the decision on appeal or review, or as having been properly paid.
- (1A) Any sums repaid to the Ministry in pursuance of subsection (1) shall—
- (a) be paid by it into the Exchequer insofar as they represent benefit which under section 46(1)(a) of the Social Security Act is not payable out of the Northern Ireland National Insurance Fund ; and
 - (b) otherwise be paid by it into that Fund.
- (2) A decision given on appeal or review shall not require repayment of benefit paid in pursuance of the original decision in any case where it is shown to the satisfaction of the person or tribunal determining the appeal or review that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.
- (3) Regulations may make provision as respect matters arising—
- (a) pending the determination under this Act (whether in the first instance or on an appeal or reference, and whether originally or on review) of any claim for benefit or of any question affecting any person's right to benefit or to the receipt thereof or any person's liability for contributions under Part I of the Social Security Act or contributions or premiums under Part III of that Act; or
 - (b) out of the revision on appeal or review of any decision under this Act on any such claim or question.
- (4) Without prejudice to the generality of subsection (3), regulations thereunder may include provision—
- (a) as to the date from which any decision on a review is to have effect or to be deemed to have had effect;
 - (b) for treating any benefit paid to any person under an award or by virtue of any provision of the regulations which it is subsequently decided was not payable, as properly paid or as paid on account of any other benefit which it is decided was payable to him, or for the repayment of any such benefit and the recovery thereof by deduction from other benefit or otherwise;
 - (c) modifying subsections (1) and (2) in relation to sums paid by way of benefit in respect of a child of the family of a man and his wife living together where those sums would have been receivable, if properly paid, by either the man or the wife ;

Status: This is the original version (as it was originally enacted).

- (d) making any such provision for the recovery of sums paid by way of benefit and required to be repaid by virtue of subsection (1) as is authorised to be made in a case where repayment is required by the regulations.
- (6) Where, in the case of any person, any sum may by virtue of regulations under subsection (3) be recovered by deduction from benefit it may instead be recovered from him in whole or in part by deduction from any payment under the Industrial Injuries Act.”

SCHEDULE 26

Section 100(1).

TRANSITIONAL PROVISIONS

Supersession of National Insurance Acts, but with continuity

- 1 Subject to the following provisions of this Schedule, on and after the appointed day no person shall be insured under the former principal Act or entitled to benefit under that Act.
- 2 (1) Regulations may provide that, in relation to—
- (a) persons who cease by virtue of paragraph 1 above to be insured under the former principal Act,
 - (b) persons to or in respect of whom benefit under that Act was, or but for a disqualification or forfeiture would have been, payable immediately before the appointed day ; and
 - (c) persons who had a prospective right to, or expectation of, any benefit under that Act immediately before the appointed day,
- the provisions of this Act (other than this Schedule) shall have effect subject to such modifications as may be prescribed with a view to securing continuity between this Act and the former principal Act.
- (2) Without prejudice to the generality of the powers conferred by sub-paragraph (1) above, regulations under that sub-paragraph may in particular provide for the taking into account, for such purposes and in such manner and subject to such conditions as may be prescribed, of contributions paid or credited or deemed to be, or treated as, paid or credited, under the former principal Act or the National Insurance Act 1946, or any enactment repealed by the last-mentioned Act.
- (3) Regulations may provide that this Act (except this sub-paragraph) shall have effect subject to prescribed modifications in relation to persons who attained the age of 19 before the day appointed for the coming into force of section 2 and who, immediately before that day, were not insured under the former principal Act.
- 3 (1) Regulations may make such provision as the Secretary of State thinks appropriate for enabling unpaid contributions under the former legislation to be recovered and disposed of under paragraphs 9 to 14 of Schedule 23 to this Act (applying those paragraphs by analogy and with the necessary modifications) in the case of a person being convicted of such an offence as is mentioned in paragraph 7 or 8(a) of that Schedule committed in the period of two years beginning with the day appointed for the coming into force of section 2 of this Act.
- (2) For this purpose—

Status: This is the original version (as it was originally enacted).

- (a) " the former legislation " means the former principal Act, section 1 of the National Health Service Contributions Act 1965, section 2(1)(a) of the Industrial Injuries Act and section 27 of the Redundancy Payments Act 1965 ; and
- (b) " contributions " includes payments in lieu of contributions for the purposes of Part III of the former principal Act.

Continuance in force of existing provisions

- 4 Notwithstanding any repeal effected by this Act, provision may be made by regulations for continuing in force, with or without prescribed modifications, such provisions of the former principal Act or any other enactment specified in the third column of Schedule 28 to this Act as the Secretary of State considers appropriate for the purpose of preserving rights to benefit under that Act or those enactments in those cases (if any) in which in his opinion adequate alternative rights to benefit under this Act are not conferred in pursuance of paragraph 2 above, or for temporarily retaining the effect of those provisions for transitional purposes.
- 5 In the foregoing provisions of this Schedule, any reference to benefit under the former principal Act includes a reference to such other benefit, pension or allowance as is mentioned in paragraph 17(2)(b) of Schedule 11 to that Act (which relates to pre-1948 beneficiaries).

General

- 6 (1) Without prejudice to the powers conferred by any other provision of this Act, regulations may make such provision as the Secretary of State considers appropriate for facilitating the introduction of the basic scheme and reserve pension scheme established by Parts I and III of this Act respectively and of the provisions of Part II of this Act relating to the recognition of employments, for modifying the system of insurance contained in the former principal Act (so far as it continues in force after the passing of this Act), so as to bring it into conformity with those schemes and provisions or for facilitating the winding up of that system of insurance or the disposal of matters connected with that system or with any enactment modified or repealed by this Act.
- (2) Regulations under this paragraph may—
- (a) include provisions modifying any enactment specified in the third column of Schedule 28 to this Act or any instrument in force by virtue of such an enactment, as respects any period during which the enactment continues in force after the passing of this Act;
 - (b) provide for the repeal or modification of any enactment by this Act to have effect subject to prescribed savings ;
 - (c) include provisions for making such modifications of any enactment as the Secretary of State considers appropriate having regard to any modifications which, by virtue of paragraph 4 above are made in provisions of the former principal Act continued in force by virtue of that paragraph.
- 7 Her Majesty may by Order in Council provide—
- (a) that any Order in Council under section 105 of the former principal Act (which relates to reciprocity agreements) shall, for the purposes of that section or of that section and section 50 of this Act, have effect with such modifications as may be specified in the Order under this paragraph and

Status: This is the original version (as it was originally enacted).

shall have effect as if any reference in those sections to an agreement included a reference to a proposed agreement;

- (b) that any Order in Council under section 84 of the Industrial Injuries Act and any regulations having effect by virtue of section 22(2) of the Family Allowances Act (which also relate to reciprocity agreements) shall have effect with such modifications as may be so specified.

- 8 Any instrument (except any regulations, Order in Council and any other order) and any appointment which is in force immediately before the appointed day and was made or has effect as if made under an enactment repealed by this Act shall, in so far as a corresponding instrument or appointment is capable of being made under any provision of this Act, be deemed to be so made except to the extent that regulations otherwise provide, and any reference in any document to an enactment repealed and re-enacted by this Act with or without modifications shall, in so far as the context permits, be construed as a reference to this Act or the corresponding enactment therein.

SCHEDULE 27

Section 100(2)(a).

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

The Bankruptcy (Scotland) Act 1913 (c. 20)

- 1 In section 118(1) of the Bankruptcy (Scotland) Act 1913—
- (a) in paragraph (a), after "income tax" insert " or Class 4 contributions under Part I of the Social Security Act 1973 ";
- (b) for paragraph (f) substitute—
- “(f) all the debts specified in section 93(2) of the Social Security Act 1973.”.

The Bankruptcy Act 1914 (c. 59)

- 2 In section 33(1) of the Bankruptcy Act 1914—
- (a) in paragraph (a), after " income tax" insert " or Class 4 contributions under Part I of the Social Security Act 1973 ";
- (b) for paragraph (f) substitute—
- “(f) all the debts specified in section 93(2) of the Social Security Act 1973”.

- 3 In Schedule 2, paragraph 9, for "payable under the National Insurance Act, 1911 " substitute " or premiums payable under Part I or Part III of the Social Security Act 1973 ".

Status: This is the original version (as it was originally enacted).

The Unemployment Insurance Act 1935 (c. 8)

- 4 In section 80(1) of the Unemployment Insurance Act 1935, for " the National Insurance Act, 1946" substitute " Part I of the Social Security Act 1973 ".

The Road Haulage Wages Act 1938 (c. 44)

- 5 In section 6(2) of the Road Haulage Wages Act 1938, for " the National Insurance (Industrial Injuries) Act, 1946" substitute " Part I of the Social Security Act 1973 ".

The Fire Services Act 1947 (c. 41)

- 6 In section 26(2) of the Fire Services Act 1947, in paragraph (f), for "National Insurance (Industrial Injuries) Act, 1946, or the National Insurance Act, 1946," substitute " enactments relating to national insurance and social security ".

The National Assistance Act 1948 (c. 29)

- 7 In section 50(4) of the National Assistance Act 1948, for the words from " of this section " onwards substitute " of this section, less any amount received by the authority by way of death grant in respect of that death under section 30 of the Social Security Act 1973. ".

- 8 In section 64(1), for the definition of " trade dispute" substitute—
 " " trade dispute " has the meaning given, for the purpose of section 14 of the Social Security Act 1973, by subsection (6)(b) of that section ;".

The Companies Act 1948 (c. 3.8)

- 9 In section 319 of the Companies Act 1948—
 (a) in subsection (1), for paragraph (e) substitute—
 “(e) unless the company is being wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company, all the debts specified in section 93(2) of the Social Security Act 1973”;
- (b) in subsection (8)(c), for the words from " National Insurance " onwards substitute " Social Security Act 1973 as earnings paid in that period ; and ".

The Industrial Assurance and Friendly Societies Act 1948 (c. 39)

- 10 In section 7 of the Industrial Assurance and Friendly Societies Act 1948—
 (a) for " National Insurance Act, 1946 " substitute " enactments relating to national insurance and social security "; and
 (b) for " the said Act of 1946 " substitute " those enactments ".

The Law Reform (Personal Injuries) Act 1948 (c. 41)

- 11 In section 2 of the Law Reform (Personal Injuries) Act 1948, substitute the following for subsection (6)—
 “(6) In this section references to any benefit shall be construed as in the enactments relating to national insurance and social security (including enactments in force in Northern Ireland); and for the purposes of this section

Status: This is the original version (as it was originally enacted).

an industrial disablement gratuity is to be treated as benefit for the period taken into account by the assessment of the extent of the disablement in respect of which it is payable.”.

The Children Act 1948 (c. 43)

- 12 In section 18(2) of the Children Act 1948, for the words from " the said subsection (1)" onwards substitute " the said subsection (1), less any amount received by the authority by way of death grant in respect of that death under section 30 of the Social Security Act 1973. ".

The Juries Act 1949 (c. 27)

- 13 In section 1(1)(0) of the Juries Act 1949 (as substituted by section 27 of the Criminal Justice Act 1972), after " national insurance " insert " and social security ".

The Justices of the Peace Act 1949 (c. 101)

- 14 In section 8(1) of the Justices of the Peace Act 1949 (as amended by section 4 of the Justices of the Peace Act 1968 and set out in Schedule 4 to that Act), for " the National Insurance Acts 1965 to 1967 " substitute " the enactments relating to national insurance and social security ".

The Fire Services Act 1951 (c. 27)

- 15 In section 2 of the Fire Services Act 1951, for subsection (4) substitute—
 “(4) Nothing in subsection (1) of this section shall affect the operation of the enactments relating to national insurance and social security, but the Firemen's Pension Scheme may provide for the reduction or withholding of awards under the Scheme where, in respect of the same matters, benefit is payable under those enactments and awards may be made under the Scheme.”.

The Local Government Superannuation Act 1953 (c. 25)

- 16 In section 25 of the Local Government Superannuation Act 1953, in paragraph (a) of the proviso to subsection (1), for "twenty-two of the National Insurance Act 1946 " substitute " 30 of the Social Security Act 1973 ".

The Friendly Societies Act 1955 (4 Eliz. 2. c. 19)

- 17 In section 9 of the Friendly Societies Act 1955—
 (a) in subsection (1), for "Insurance Acts" substitute " enactments relating to national insurance and social security ";
- (b) for subsection (2) substitute—
 “(2) Where the Secretary of State furnishes a registered friendly society or branch, in connection with a claim for benefit from the society or branch, with information relating to a claim or award under those enactments, the expenses incurred in connection therewith by the Secretary of State or any other government department shall be treated as expenses in carrying those enactments into effect.”.

Status: This is the original version (as it was originally enacted).

The House of Commons Disqualification Act 1957 (c. 20)

- 18 In Schedule 1 to the House of Commons Disqualification Act 1957, in Part III, for the entry beginning " Chairman or Reserve Chairman of a Local Tribunal constituted for the purposes of the National Insurance Act 1965 " substitute—

“Chairman of a Local Tribunal constituted under section 77 of the National Insurance Act 1965 or section 76 of the National Insurance Act (Northern Ireland) 1966.”;

and in the Part substituted for Part III of Schedule 1 to that Act in relation to the Senate and House of Commons of Northern Ireland, for the corresponding entry substitute—

“Chairman of a Local Tribunal constituted under section 76 of the National Insurance Act (Northern Ireland) 1966.”.

The Public Records Act 1958 (c. 51)

- 19 In Schedule 1 to the Public Records Act 1958—

- (a) in the second column of the Table, at the end of paragraph 3, after the entry relating to the Pneumoconiosis and Byssinosis Benefit Board, insert—

“Occupational Pensions Board. Reserve Pension Board.”.

- (b) the second column of that Table shall continue to have effect subject to the amendment made by paragraph 2 of Part I of Schedule 2 to the National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970, that is to say, after the entry relating to the Industrial Injuries Advisory Council, there shall continue to be inserted the following entry—

“Attendance Allowance Board.”.

The Fatal Accidents Act 1959 (c. 65)

- 20 In section 2(2) of the Fatal Accidents Act 1959, in the definition of " benefit", for the words from " National Insurance " to " Parliament of" substitute " enactments relating to national insurance and social security including enactments in force in ".

The Wages Councils Act 1959 (c. 69)

- 21 In section 14(1) of the Wages Councils Act 1959, in paragraph (a), for " National Insurance (Industrial Injuries) Act 1946, the National Insurance Act 1946 " substitute " enactments relating to national insurance and social security ".

The Education Act 1962 (c. 12)

- 22 In section 9 of the Education Act 1962, in the proviso to subsection (5), for " or national insurance (including industrial injuries insurance)" substitute " national insurance and social security ".

The Administration of Justice Act 1964 (c. 42)

- 23 In section 17(2)(b) of the Administration of Justice Act 1964, for " employer's contributions payable in respect of those officers under the National Insurance Acts

Status: This is the original version (as it was originally enacted).

1946 to 1963 " substitute " secondary Class 1 contributions, secondary reserve scheme contributions and reserve scheme premiums payable in respect of those officers under Part I or, as the case may be, Part III of the Social Security Act 1973 ".

The Diplomatic Privileges Act 1964 (c. 81)

- 24 In section 2(4) of the Diplomatic Privileges Act 1964, for the words from " which is insurable employment" to " any contribution " substitute " in respect of which contributions or premiums are payable under the enactments relating to national insurance and social security, including enactments in force in Northern Ireland, but not so as to render any person liable to any contribution or premium ".

The National Insurance (Industrial Injuries) Act 1965 (c. 52)

- 25 In section 5(4) of the Industrial Injuries Act, for " sections 75 and 76 of this Act" substitute " section 76 of this Act and section 94(8) of the Social Security Act ".
- 26 In section 8(2), after " vessel" insert " hovercraft (within the meaning of the Hovercraft Act 1968) ".
- 27 In section 11, after subsection (4) insert—
- “(5) Subsection (1)(a) to (e) of section 12 of the Social Security Act, and any regulations made under those paragraphs or under subsection (2) of that section, shall have effect for the purposes of injury benefit as they have effect for the purposes of unemployment benefit or sickness benefit under Part I of that Act.”.
- 28 In section 13A(5), for " Insurance Act" substitute " Social Security Act ".
- 29 In section 17(5), for "29 of the Insurance Act" substitute " 22 of the Social Security Act ".
- 30 In section 19(3), in paragraph (d), for " the upper limit of the compulsory school " substitute " school-leaving ".
- 31 Section 27(2) shall continue to have effect subject to the amendment made by section 2(1) of the National Insurance &c. Act 1969, that is to say, for paragraph (b) there shall continue to be substituted—
- “(b) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period, not being less than twelve months, from the date on which the right is to be treated under the regulations as having arisen.”.
- 32 For section 28(1) substitute—

“(1) Subject to the provisions of this Act, every assignment of, or charge on, benefit, and every agreement to assign or charge benefit, shall be void, and, on the bankruptcy of a beneficiary, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

(1A) In the application of subsection (1) of this section to Scotland—

- (a) the reference to assignment of benefit shall be read as a reference to its assignation, " assign " being construed accordingly ;
- (b) the reference to a beneficiary's bankruptcy shall be read as a reference to the sequestration of his estate or the appointment on his estate of a judicial factor under section 14 of the Bankruptcy

Status: This is the original version (as it was originally enacted).

- (Scotland) Act 1913 or section 15 of the Solicitors (Scotland) Act 1958.”.
- 33 In section 29(1), for " against which he is insured under this Act" substitute " arising out of and in the course of his employed earner's employment ".
- 34 In section 32(1), for " Part II of the Insurance Act" substitute " Chapter II of Part I of the Social Security Act ".
- 35 In section 34(3), for paragraph (b) substitute—
“(b) the employed earners have died as a result of accidents arising out of and in the course of their employed earner's employment,”.
- 36 In section 35—
(a) in subsection (2), for " 64(1)(d) of that Act" substitute " 84(1)(d) of the Social Security Act ";
- (b) in subsection (3), for the words from "subsection (1)(a) to (e)" onwards substitute " subsection (1)(a) of this section as it applies in relation to any question arising under the Social Security Act such as is mentioned in section 84(1)(a) of that Act ";
- (c) in subsection (4) for "the said section 64(1)(a) to (c) of that Act" substitute " section 84(1)(a) of the Social Security Act ".
- 37 In section 50—
(a) in subsection (2)—
(i) in paragraph (a), for " an insurance tribunal" substitute " and a competent tribunal ";
- (ii) in paragraph (b), for " insurance tribunal" substitute " competent tribunal ";
- (iii) in paragraphs (c) and (h), for " an insurance tribunal" substitute (in each case) " a competent tribunal ";
- (iv) in paragraph (g), for " an insurance tribunal" substitute " or a competent tribunal ";
- (b) in subsection (6), for " " insurance tribunal" " substitute " competent tribunal " ".
- 38 In section 54—
(a) in subsections (2) and (8), for " the Insurance Act" substitute (in each case) " Part I of the Social Security Act ";
- (b) in subsection (4), for subsections (5) and (7)" substitute " subsection (5) ";
- (c) for subsection (10) substitute—
“(10) This section is subject to paragraphs 4 to 6 of Schedule 10 to the Social Security Act”.
- 39 In section 62(2), for " 2 of Schedule 7 to the Insurance Act" substitute " 5 of Schedule 10 to the Social Security Act ".
- 40 In section 71(1), for "injuries and diseases against which persons are insured under this Act" substitute " arising out of and in the course of employment, or injuries and diseases which are due to the nature of employment ".
- 41 In section 73(1), for "against which he was insured under this Act" substitute " due to the nature of his employment ".
- 42 For section 74 substitute—

Status: This is the original version (as it was originally enacted).

“74 Persons employed by or under the Crown.

This Act shall apply to persons employed by or under the Crown in like manner as if such persons were employed earners in the employment of a private person :

Provided that employment in the naval, military or air force service of the Crown and any other prescribed employment under the Crown shall not be, or be treated as, employed earner's employment.”.

43 For section 78 substitute—

“78 Persons under school-leaving age.

A person who has not attained school-leaving age shall not be entitled to injury benefit except as may be provided by regulations.”.

44 In section 85(4)—

- (a) for " 75 of this Act" substitute " 94(8) of the Social Security Act ";
- (b) for " the said section 75" substitute " the said section 94(8) ".

45 In section 86—

- (a) in subsection (1), after the definition of " relevant loss of faculty " insert " ' the Social Security Act' means the Social Security Act 1973 ";
- (b) in subsection (2)—
 - (i) for paragraph (b) substitute—

“(b) a person shall be deemed to have attained or not to have attained school-leaving age if he would be treated as being, as the case may be, over or under the upper limit of the compulsory school age for the purposes of that Act (disregarding any regulations made by virtue of section 2 of the Family Allowances and National Insurance Act 1967); " (ii) in paragraph (c), after " of that Act" insert " (as amended by section 1(1)(b) of the Family Allowances and National Insurance Act 1968) ".”

46 In Schedule 3, paragraph 9(c), column 2, for " National Insurance Act 1965 as specified in Schedule 3 " substitute " Social Security Act as specified in Part I of Schedule 4 ".

The Family Allowances Act 1965 (c. 53)

47 In section 5 of the Family Allowances Act—

- (a) in subsection (1), for the words from " section 48(2)(c) " to " payment under this Act)" substitute " paragraph 1(4)(c) of Schedule 10 to the Social Security Act ";
- (b) in subsection (2)—
 - (i) for " under the Insurance Act" substitute " under Part I of the Social Security Act ",
 - (ii) for " under that Act" substitute " under that Part of that Act ", and

Status: This is the original version (as it was originally enacted).

(iii) for " of that Act" substitute " of the Insurance Act ".

48 In section 7, after subsection (3) insert—

“(4) The regulations to be so made may make provision for extinguishing the right to payment of any allowance if payment is not obtained within a prescribed period, not being less than twelve months, from the date on which the right is to be treated under the regulations as having arisen.”.

49 In section 8—

(a) in subsection (1)—

(i) for " paragraph 1 of Schedule 7 to the Insurance Act" substitute " paragraphs 4 to 6 of Schedule 10 to the Social Security Act ";

(ii) for " 81(1) to (5)" substitute " 81(1) to (4) ";

(iii) for " section 49(5) of the Insurance Act" substitute " paragraph 2(6) of Schedule 10 to the Social Security Act ";

(iv) in paragraphs (a) and (b), for " the Insurance Act " substitute (in each place) " Part I of the Social Security Act "; and

(b) in subsection (3), for " the Insurance Act" substitute " Part I of the Social Security Act ".

50 In section 11(6), for " 29 of the Insurance Act" substitute " 22 of the Social Security Act ".

51 For section 12 substitute—

“12 Information as to, and proof of, age, marriage or death.

Paragraphs 9 to 11 of Schedule 22 to the Social Security Act shall apply for the purposes of this Act as they apply for the purposes of that Act.”

52 In section 19(1), after the definition of " the Minister ", insert " the Social Security Act " means the Social Security Act 1973.”.

53 In section 22, for subsection (1) substitute—

“(1) For the purpose of giving effect to any agreement with the Government of any country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of this Act, Her Majesty may by Order in Council make provision for modifying this Act in its application to cases affected by the agreement.

(1A) The modifications of this Act which may be made by virtue of subsection (1) above shall include provision—

(a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);

(b) for determining, in cases where rights accrue both under this Act and under the law of that country, which of those rights shall be available to the person concerned ;

(c) for making any necessary financial adjustments.

Status: This is the original version (as it was originally enacted).

- (1B) Powers corresponding to those conferred by section 96(2) to (4) and (7) of the Social Security Act in relation to Orders in Council under that Act shall be exercisable also in relation to Orders in Council under this section.”.

The Redundancy Payments Act 1965 (c. 62)

- 54 In section 17 of the Redundancy Payments Act 1965—
- (a) in subsection (3), after "week of employment" insert " before the day appointed for the coming into force of section 2 of the Social Security Act 1973 ";
 - (b) after subsection (4) insert—
 - “(4A) Subject to the following provisions of this section, in computing, in relation to an employee, the period specified in section 8(1) of this Act, or the period specified in paragraph 1 of Schedule 1 to this Act, a week of employment after the day appointed for the coming into force of section 2 of the Social Security Act 1973 shall not count if—
 - (a) the employee was employed outside Great Britain during the whole or part of that week ; and
 - (b) he was not during that week an employed earner for the purposes of that Act.”;
 - (c) in subsection (5), after " (3) " insert " or (4A) ";
 - (d) for subsection (6) substitute—
 - “(6) Any question arising under this section—
 - (a) whether an employer's contribution was paid, or was or would have been payable, as mentioned in subsection (3) or (4) of this section ; or
 - (b) whether a person was an employed earner for the purposes of the Social Security Act 1973,
 shall be determined by the Secretary of State; and any legislation (including regulations) as to the determination of questions which under that Act the Secretary of State is empowered to determine (including provisions as to the reference of questions for decision, or as to appeals, to the High Court or the Court of Session) shall apply to the determination of any question by the Secretary of State under this section”.
- 55 In section 26(3), for the words from " securities" onwards, substitute " such manner as may be specified by an order of the Treasury for the time being in force under section 22(1) of the National Savings Bank Act 1971. ".
- 56 In section 31(4), for the words from " the aggregate amount" to " contributions " substitute " equal to the appropriate allocation to the Redundancy Fund (under section 45 of the Social Security Act 1973) from all secondary Class 1 contributions paid by that employer under Part I of the Social Security Act 1973 ".
- 57 In section 36, for subsection (5) substitute—
- “(5) In this Part of this Act " employer " and " employee " have the same meanings as in Part I of this Act.”.
- 58 In section 43—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1)—
 - (i) for " the next following subsection " substitute " subsection (2) of this section ";
 - (ii) for the words from " employer's contributions" to " that employment" substitute " in respect of the whole or part of the period during which that person was in that employment, employer's contributions were paid in respect of him ";
- (b) after subsection (1) insert—
 - “(1A) The reference in subsection (1) of this section to employer's contributions is—
 - (a) as respects any period before the day appointed for the coming into force of section 2 of the Social Security Act 1973, to employer's contributions within the meaning of the National Insurance Act 1965 ; and
 - (b) as respects any period beginning on or after that day, to secondary Class 1 contributions paid in respect of the person in question by persons who were in relation to him secondary Class 1 contributors by virtue of section 2(4)(a) of the said Act of 1973.”;
 - (c) in subsection (2), for " the preceding subsection" substitute " subsection (1) of this section ";
 - (d) in subsection (4), for the words from " such contributions " to " were paid " substitute " the conditions of subsection (1) of this section relating to the payment of employer's contributions were satisfied ".

59 In section 49(1), for " redundancy fund contributions will be payable under Part II of this Act" substitute " secondary Class 1 contributions will be payable under Part I of the Social Security Act 1973 ".

The National Insurance Act 1966 (c. 6)

60 In section 6(1)(a) of the National Insurance Act 1966, for " the said section 15 " substitute " section 15 of that Act ".

61 In section 8—

- (a) in subsection (1)—
 - (i) in paragraph (a), for the words "68 to 76" onwards substitute " 68 to 73, 75 and 76 of the Insurance Act in like manner as a claim for benefit under Part I of the Social Security Act or, as the case may be, a question to which section 84(5) of the Social Security Act applies ";
 - (ii) in paragraph (b), for the words from "Insurance Act" (where first occurring) onwards, substitute " Social Security Act, of local tribunals constituted under section 77 of the Insurance Act or of a Commissioner appointed under section 87 of the Social Security Act ";
 - (iii) in paragraph (ii), for "Part IV of the Insurance Act" substitute " section 84(5) of the Social Security Act and Part IV of the Insurance Act ";
 - (iv) in paragraph (iii), for " a reference to the said Part IV " substitute " references to the said section 84(5) and to the said Part IV ";

Status: This is the original version (as it was originally enacted).

(b) in subsection (2), for the words from the beginning to "section 9 of this Act" substitute " Where any question under the Industrial Injuries Act (not being a special question within the meaning of that Act) first arises in the course of an appeal to a local tribunal constituted under section 77 of the Insurance Act or a Commissioner appointed under section 87 of the Social Security Act " .

62 In section 14(3), after paragraph (b) insert the following new paragraph—
 “(bb) the expression " the Social Security Act" means the Social Security Act 1973.”.

63 In Schedule 2—

- (a) in paragraphs 3(b), 5(a) and 6(a), for " 64(1) of the Insurance Act" substitute (in each case) " 84(1) of the Social Security Act ";
- (b) in paragraph 4(b), for " employed persons" substitute " employed earners ";
- (c) in paragraph 7, for " sections 67 to 70 " substitute " section 84(5) of the Social Security Act or sections 68 to 70 " .

The Commonwealth Secretariat Act 1966 (c. 10)

64 In paragraph 5(2) of the Schedule to the Commonwealth Secretariat Act 1966, for the words from " contributions are required to be paid " to " liable to any contribution " substitute " contributions or premiums are payable under the enactments relating to national insurance and social security, but the foregoing provision shall not be construed as rendering a person liable to any contribution or premium " .

The Supplementary Benefit Act 1966 (c. 20) (The Ministry of Social Security Act 1966)

65 In section 12(1) of the Supplementary Benefit Act 1966, for " the National Insurance Act 1965 " substitute " Part I of the Social Security Act 1973 " .

66 In section 16(1), for paragraph (a) substitute—
 “(a) benefit (other than a maternity grant or a death grant) under Part I of the Social Security Act 1973 ;”.

67 Section 17(1) shall continue to have effect subject to the amendment made by section 2(2) of the National Insurance &c. Act 1969, that is to say, the following shall continue to be substituted for paragraph (e)—

- “(e) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period, not being less than twelve months, from the date on which the right is to be treated under the regulations as having arisen.”.

68 In section 26(4), for " the National Insurance Acts 1965 and 1966 " substitute " Part I of the Social Security Act 1973 " .

69 In section 36(1), in the definitions of "place of employment " and " trade dispute ", for " 22 of the National Insurance Act 1965 " substitute (in each place) " 14 of the Social Security Act 1973 " .

70 In Schedule 2—

- (a) in paragraph 10A—
 - (i) in sub-paragraph (1)(a), for " 22(2) of the National Insurance Act 1965 " substitute " 14(2) of the Social Security Act 1973 ";

Status: This is the original version (as it was originally enacted).

- (ii) in sub-paragraph (3), for "the National Insurance Act 1965 " substitute " Part I of the Social Security Act 1973 ";
- (b) in paragraph 12A—
 - (i) in sub-paragraph (2)(a), for "the National Insurance Act 1965 " substitute " Part I of the Social Security Act 1973 ";
 - (ii) in sub-paragraph (2)(b), for the words from " subsection (2)" onwards, substitute " section 15(1) of the Social Security Act 1973 or, in relation to a disabled child, that subsection as modified by regulations made under subsection (4) of that section ";
 - (iii) in sub-paragraph (3), for " National Insurance Act 1965 " substitute " Social Security Act 1973 ";
- (c) in paragraph 20—
 - (i) in sub-paragraph (a), for " 39 of the National Insurance Act 1965 " substitute " 30 of the Social Security Act 1973 ";
 - (ii) in sub-paragraph (b), for " section 23 " substitute " section 16 ";
- (d) in paragraph 24—
 - (i) in sub-paragraph (1)(h), for " Schedule 3 to the National Insurance Act 1965" substitute " Part I of Schedule 4 to the Social Security Act 1973 ",
 - (ii) in sub-paragraph (2)(a), for "column 2 or 3 of Part II of Schedule 3 to the National Insurance Act 1965 " substitute " column 2 or 3 of Part III of Schedule 4 to the Social Security Act 1973 ",
 - (iii) in sub-paragraph (2)(b), for " under Part I or increase thereof under column 3 of Part II of Schedule 3 to the National Insurance Act 1965 " substitute " under Part I, or increase thereof under column 3 of Part III, of Schedule 4 to the Social Security Act 1973 ",
 - (iv) in sub-paragraph (3)(a), for " column 4 of Part II of Schedule 3 to the National Insurance Act 1965 " substitute " column 4 of Part III of Schedule 4 to the Social Security Act 1973 ";
- (e) in paragraph 25(1)(a) for " the National Insurance Acts 1965 and 1966" substitute " Part I of the Social Security Act 1973 ".

The Agriculture Act 1967 (c. 22)

- 71 In section 67(3) of the Agriculture Act 1967, in paragraph (e), for "the National Insurance Act 1965 " substitute " Part I of the Social Security Act 1973 ".

The Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)

- 72 In section 13 of the Superannuation (Miscellaneous Provisions) Act 1967, for subsection (2) substitute—

“(2) Regulations under subsection (1) of this section may provide for the reduction or withholding of awards under the regulations in cases where awards are provided for in respect of the same matters under any of the enactments relating to national insurance and social security.”.

The Industrial Injuries and Diseases (Old Cases) Act 1967 (c. 34)

- 73 In section 4(8) of the Old Cases Act, for paragraph (a) substitute—

Status: This is the original version (as it was originally enacted).

“(a) except when made for the purpose of replacing provisions of previous schemes with new provisions to the same effect, or of making provision consequential on the making of an order under section 39 of the Social Security Act 1973, shall not be made unless a draft of the scheme has been laid before Parliament and approved by resolution of each House ;”.

74 In section 8(3)(b), for the words from " one of the Commissioners " to " subsection (3) " substitute " a Commissioner appointed under section 87 of the Social Security Act 1973, or by a tribunal constituted under subsection (2) ".

75 For section 13 substitute—

“13 Application of enactments.

(1) Subject to section 8(2) of this Act, the following enactments namely—

- (a) section 81(6) of the Insurance Act;
- (b) sections 54(8) and 85 of the Industrial Injuries Act; and
- (c) section 8(3) of the Family Allowances Act 1965,

shall have effect as if any reference in those enactments to the Industrial Injuries Act included a reference to this Act.

(2) Paragraphs 9 to 11 (except 11(b)) of Schedule 22 to the Social Security Act 1973 shall apply for the purposes of this Act as they apply for the purposes of that Act.”.

The Family Allowances and National Insurance Act 1967 (c. 90)

76 For section 1(4) of the Family Allowances and National Insurance Act 1967 substitute—

“(4) The provisions set out in Part II of Schedule 2 to this Act shall be substituted for those of paragraph 1 of Schedule 5 to the National Insurance (Industrial Injuries) Act 1965.”.

The Public Expenditure and Receipts Act 1968 (c. 14)

77 In Schedule 3 to the Public Expenditure and Receipts Act 1968, at the end of paragraph 1(b) insert—

“The Social Security Act 1973 (c. 38) Schedule 22, paragraph 9.	The Secretary of State.”
--	--------------------------

The Consular Relations Act 1968 (c. 18)

78 In section 1(6) of the Consular Relations Act 1968, for the words from " which is insurable employment" to " liable to any contribution" substitute " in respect of which contributions or premiums are payable under the enactments relating to national insurance and social security, including enactments in force in Northern Ireland, but not so as to render any person liable to any contribution or premium ".

Status: This is the original version (as it was originally enacted).

The Rent Act 1968 (c. 23)

- 79 In section 40(3) of the Rent Act 1968, for "the National Insurance Act 1965 " substitute " Part I and Part III of the Social Security Act 1973 ".

The International Organisations Act 1968 (c. 48)

- 80 In paragraph 13 of Schedule 1 to the International Organisations Act 1968—
- (a) for the words from " for the purposes " to the end of subparagraph (a) substitute
- “for the purposes of the enactments relating to national insurance and social security, including enactments in force in Northern Ireland—
- (a) services rendered for the organisation by the representative or officer shall be deemed to be excepted from any class of employment in respect of which contributions or premiums under those enactments are payable, but”
- (b) in sub-paragraph (b), after " contribution" insert " or premium ".

The Social Work (Scotland) Act 1968 (c. 49)

- 81 In section 28(2) of the Social Work (Scotland) Act 1968, for " 39 of the National Insurance Act 1965 " substitute " 30 of the Social Security Act 1973 ".

The Income and Corporation Taxes Act 1970 (c. 10)

- 82 In section 8(2)(b) of the Income and Corporation Taxes Act 1970, for the words from " a retirement pension " to " 1966 " substitute " a Category A retirement pension payable to the wife under Part I of the Social Security Act 1973, no payment of benefit under that Part of that Act ".
- 83 In section 24(3)(a), for the words from " under the National Insurance Act" to " 1966 " substitute " under Part I of the Social Security Act 1973 ".
- 84 In section 219—
- (a) in subsection (1)(a), for the words from " the National Insurance Act 1965 " to " those Acts)" substitute " Part I of the Social Security Act 1973, except ";
- (b) in subsection (3)—
- (i) for " the National Insurance Act 1965 or the National Insurance Act (Northern Ireland) 1966 " substitute " the Social Security Act 1973 ";
- (ii) for the words from " employer's contribution " to " 1966" substitute " secondary Class 1 contribution or secondary reserve scheme contribution within the meaning of the said Act of 1973 ".

The Administration of Justice Act 1970 (c. 31)

- 85 In sections 11(b)(ii) and 12(2)(b) of the Administration of Justice Act 1970, after " contributions" (in each place) insert " premiums ".
- 86 In Schedule 4, for paragraph 3 substitute—

Status: This is the original version (as it was originally enacted).

“3 Class 1, 2 and 4 contributions under Part I of the Social Security Act 1973 and reserve scheme contributions and premiums under Part III of that Act.”.

The Family Income Supplements Act 1970 (c. 55)

87 In section 8(4) of the Family Income Supplements Act 1970, for " the National Insurance Acts 1965 to 1970 " substitute " Part I of the Social Security Act 1973 ".

The Attachment of Earnings Act 1971 (c. 32)

88 In section 3(6) of the Attachment of Earnings Act 1971, after " contributions " insert " premiums ".

89 In Schedule 2, for paragraph 3 substitute—

“3 Class 1, 2 and 4 contributions under Part I of the Social Security Act 1973 and reserve scheme contributions and premiums under Part III of that Act.”.

90 In Schedule 3, for paragraph 3(b) substitute—

“(b) primary Class 1 contributions under Part I of the Social Security Act 1973 and primary reserve scheme contributions under Part III of that Act;”.

91 In Schedule 4, for " the National Insurance Act 1965 " substitute " Part I of the Social Security Act 1973 ".

The Tribunals and Inquiries Act 1971 (c. 62)

92 In Part I of Schedule 1 to the Tribunals and Inquiries Act 1971, in paragraph 18(d), for " 9 of the [National Insurance Act 1966 \(c. 6\)](#)" substitute " 87 of the [Social Security Act 1973 \(c. 38\)](#) ".

The Finance Act 1971 (c. 68)

93 In the Finance Act 1971, Schedule 4, paragraph 1(b), for the words from " under the National Insurance Acts 1965" onwards substitute " under Part I of the Social Security Act 1973 which is payable to the wife otherwise than by virtue (wholly or partly) of her own contributions. ".

The Social Security Act 1971 (c. 73)

94 In the Social Security Act 1971, after section 4 insert the following new section—

“4A Inspectors appointed under Social Security Act 1973.

Every appointment of an inspector under section 88(1) of the Social Security Act 1973 shall be an appointment for the purposes of the Supplementary Benefit Act 1966 as well as for those of the said Act of 1973 ; and—

- (a) in Part I of Schedule 22 to the said Act of 1973 references to that Act (except the first reference) shall include the said Act of 1966 ; and
- (b) in paragraph 2(1)(b) of that Schedule the reference to benefit shall include benefit within the meaning of the said Act of 1966.”.

Status: This is the original version (as it was originally enacted).

- 95 At the end of section 6 add " and this section applies also, with the necessary modifications, to the provisions of the Social Security Act 1973 which correspond to those of the National Insurance Act 1965 mentioned above in this section. "

The Housing (Financial Provisions) (Scotland) Act 1972 (c. 46)

- 96 In Schedule 2 to the Housing (Financial Provisions) (Scotland) Act 1972, in paragraph 9(2)(0)", for "Schedule 3 to the National Insurance Act 1965 " substitute " Part I of Schedule 4 to the Social Security Act 1973 ".

The Housing Finance Act 1972 (c. 47)

- 97 In Schedule 3 to the Housing Finance Act 1972, in paragraph 9(2)(0)", for " Schedule 3 to the National Insurance Act 1965 " substitute " Part I of Schedule 4 to the Social Security Act 1973 ".

The Administration of Justice Act 1973 (c. 15)

- 98 In paragraph 8(1) of Schedule 1 to the Administration of Justice Act 1973, for " National Insurance Acts 1965 to 1967 " substitute " enactments relating to national insurance and social security ".

PART II

ENACTMENTS OF THE PARLIAMENT OF NORTHERN IRELAND, AND ORDERS IN COUNCIL APPLYING TO NORTHERN IRELAND

The Agricultural Wages (Regulation) Act (Northern Ireland) 1939 (c. 25)

- 99 In section 2A(2)(e) of the Agricultural Wages (Regulation) Act (Northern Ireland) 1939, for "the National Insurance Acts (Northern Ireland) 1966 " substitute " Part I of the Social Security Act 1973 ".

The Wages Councils Act (Northern Ireland) 1945 (c. 21)

- 100 In section 13(1)(a) of the Wages Councils Act (Northern Ireland) 1945, for the words from " National " to " subsequent enactment " substitute " enactments relating to national insurance and social security ".

The Industrial Assurance and Friendly Societies Act (Northern Ireland) 1948 (c. 22)

- 101 In section 7(1) of the Industrial Assurance and Friendly Societies Act (Northern Ireland) 1948, for " National Insurance Act (Northern Ireland) 1946 " substitute " enactments relating to national insurance and social security ", and for " the said Act of 1946 " substitute " those enactments ".

The Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 (c. 23)

- 102 In section 3 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948, substitute the following for subsection (6)

Status: This is the original version (as it was originally enacted).

“(6) In this section references to any benefit shall be construed as in the enactments relating to national insurance and social security (including enactments in force in Great Britain) ; and for the purposes of this section an industrial disablement gratuity is to be treated as benefit for the period taken into account by the assessment of the extent of the disablement in respect of which it is payable”.

The Employment and Training Act (Northern Ireland) 1950 (c. 29)

103 In section 3 of the Employment and Training Act (Northern Ireland) 1950, substitute the following for subsection (6)—

“(6) The Ministry may, with the consent of the Ministry of Finance, authorise the payment out of the Northern Ireland National Insurance Fund of contributions towards expenses incurred under this section in respect of persons entitled to unemployment benefit under Part I of the Social Security Act 1973 and persons who would be so entitled but for regulations made under that Act; but contributions under this section shall not in any year exceed one hundred thousands pounds or such greater amount as the Ministry may by order determine, and any such order shall be subject to negative resolution”.

104 In section 5—

- (a) in subsection (3) for the words from " being a person" to " 1946 " substitute " who satisfies the contribution conditions set out in paragraph 1 of Schedule 3 to the Social Security Act 1973 ";
- (b) in subsection (4) for the words from " or retirement pension " to " 1946" substitute " invalidity benefit or retirement pension under Part I of the Social Security Act 1973 ".

The Judicial Pensions Act (Northern Ireland) 1951 (c. 20)

105 In section 3 of the Judicial Pensions Act (Northern Ireland) 1951, for " Commissioner appointed or deemed to be appointed under section 9 of the National Insurance (No. 2) Act (Northern Ireland) 1966 and " substitute " National Insurance Commissioner ".

106 In section 16, for the words from " and for service " onwards substitute " and for service as a National Insurance Commissioner shall require the recommendation of the Ministry of Health and Social Services ".

107 In section 20, for the words from " referred to " to " before " substitute " referred to in this Act (other than a National Insurance Commissioner) shall before ".

108 In section 22(1), after the definition of " Minister" insert the following definition—
 “" National Insurance Commissioner " means a National Insurance Commissioner appointed under paragraph 13 of Schedule 25 to the Social Security Act 1973 ;”.

*The Registration of Births, Deaths and Marriages
 (Fees, etc.) Act (Northern Ireland) 1955 (c. 29)*

109 In Schedule 2 to the Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955, at the end insert the following entry—

Status: This is the original version (as it was originally enacted).

“The Social Security Act 1973 (1973 c. 38).”.

The Fatal Accidents Act (Northern Ireland) 1959 (c. 18)

- 111 In section 2(2) of the Fatal Accidents Act (Northern Ireland) 1959, in the definition of " benefit", for the words from " under " to " United Kingdom " substitute " under the enactments relating to national insurance and social security (including enactments in force in Great Britain) ".

The Companies Act (Northern Ireland) 1960 (c. 22)

- 112 In section 287(1) of the Companies Act (Northern Ireland) 1960, for paragraph (e) substitute—
- “(e) unless the company is being wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company, all the debts specified in section 93(2) of the Social Security Act 1973.”.

The Youth Employment Service Act (Northern Ireland) 1961 (c. 8)

- 113 In section 6 of the Youth Employment Service Act (Northern Ireland) 1961—
- (a) in subsection (2), for the words from "being a person" to " 1960 " substitute " who satisfies the contribution conditions set out in paragraph 1 of Schedule 3 to the Social Security Act 1973 ";
- (b) in subsection (3), for " or sickness benefit under the National Insurance Acts (Northern Ireland) 1946 to 1960" substitute " , sickness benefit or invalidity benefit under the Social Security Act 1973 ".
- 114 In section 7(1), for the words from "under" where it first occurs to " 1967" in the second place where it occurs substitute " under the National Insurance (Industrial Injuries) Acts (Northern Ireland) 1966 to 1972, the Social Security Act 1973 ".

The Companies (Amendment) Act (Northern Ireland) 1963 (c. 25)

- 115 In section 3(6)(b) of the Companies (Amendment) Act (Northern Ireland) 1963, for the words from "National Insurance" onwards substitute " Social Security Act 1973 as earnings paid in that period ".

The Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964 (c. 32)

- 116 In section 1 of the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964—
- (a) in subsection (1)—
- (i) in paragraph (a)(ii), after " income tax " insert " or Class 4 contributions under Part I of the Social Security Act 1973 ";
- (ii) for paragraph (e) substitute—
- “(e) all the debts specified in section 93(2) of the Social Security Act 1973”;
- (b) In subsection (10)(c), for the words from "National Insurance " onwards substitute " Social Security Act 1973 as earnings paid in that period ".

Status: This is the original version (as it was originally enacted).

The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (c. 19)

117 In section 27 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965—

- (a) in subsection (3), after "week of employment" insert " before the day appointed for the coming into force of section 2 of the Social Security Act 1973 ";
- (b) after subsection (4) insert—

“(4A) Subject to the following provisions of this section, in computing, in relation to an employee, the period specified in section 18(1), or the period specified in paragraph 1 of Schedule 3, a week of employment after the day appointed for the coming into force of section 2 of the Social Security Act 1973 shall not count if—

- (a) the employee was employed outside Northern Ireland during the whole or part of that week ; and
- (b) he was not during that week an employed earner for the purposes of that Act.”;
- (c) in subsection (5), after " (3) " insert " or (4A) ";
- (d) for subsection (6) substitute—

“(6) Any question arising under this section—

- (a) whether an employer's contribution was paid or was or would have been payable, as mentioned in subsection (3) or (4); or
- (b) whether a person was an employed earner for the purposes of the Social Security Act 1973,

shall be determined by the Ministry; and any legislation (including regulations) as to the determination of questions which under that Act the Ministry is empowered to determine (including provisions as to the reference of questions for decision, or as to appeals, to the Court of Appeal) shall apply to the determination of any question by the Ministry under this section.”

118 In section 36(3), for the words from "securities" onwards, substitute " such manner as may be specified by an order of the Treasury for the time being in force under section 22(1) of the National Savings Bank Act 1971 ".

119 In section 41(4), for the words from " the aggregate amount" to " contributions " substitute " equal to the appropriate allocation to the Northern Ireland Redundancy Fund (under section 45 of the Social Security Act 1973) from all secondary Class 1 contributions paid by that employer under Part I of the Social Security Act 1973 ".

120 In section 50—

- (a) in subsection (1), for the words from "employers' contributions " to " that employment" substitute " in respect of the whole or part of the period during which that person was in that employment, employers' contributions were paid in respect of him ";
- (b) after subsection (1) insert—

“(1A) The reference in subsection (1) to employers' contributions is—

- (a) as respects any period before the day appointed for the coming into force of section 2 of the Social Security Act

Status: This is the original version (as it was originally enacted).

- 1973, to employers' contributions within the meaning of the National Insurance Act (Northern Ireland) 1966, and
- (b) as respects any period beginning on or after that day, to secondary Class 1 contributions paid in respect of the person in question by persons who were in relation to him secondary Class 1 contributors by virtue of section 2(4)(a) of the said Act of 1973”;
- (c) in subsection (4), for the words from " such contributions " to " were paid" substitute " the conditions of subsection (1) relating to the payment of employers' contributions were satisfied ".
- 121 In section 55(1), for "redundancy fund contributions will be payable under Part III" substitute " secondary Class 1 contributions will be payable under Part I of the Social Security Act 1973 ".

The Family Allowances Act (Northern Ireland) 1966 (c. 8)

- 122 In section 5 of the Family Allowances Act (Northern Ireland) 1966—
- (a) in subsection (1), for the words from " section 47(2)(c)" to " payment under this Act" substitute " paragraph 1(4)(c) of Schedule 10 to the Social Security Act ";
- (b) in subsection (2)—
- (i) for " under the Insurance Act" substitute " under Part I of the Social Security Act ",
- (ii) for " under that Act" substitute " under that Part of that Act ", and
- (iii) for " of that Act" substitute " of the Insurance Act ".
- 123 In section 7, after subsection (3) insert—
- “(4) The regulations to be so made may make provision for extinguishing the right to payment of any allowance if payment is not obtained within a prescribed period, not being less than twelve months, from the date on which the right is to be treated under the regulations as having arisen.”.
- 124 In section 8—
- (a) in subsection (1)—
- (i) for " paragraph 1 of Schedule 7 to the Insurance Act" substitute " paragraphs 4 to 6 of Schedule 10 to the Social Security Act ",
- (ii) for " 80(1) to (5)" substitute " 80(1) to (4) ",
- (iii) for " section 48(5) of the Insurance Act" substitute " paragraph 2(6) of Schedule 10 to the Social Security Act ",
- (iv) in paragraphs (a) and (b) for " the Insurance Act" substitute (in each place) " Part I of the Social Security Act ";
- (b) in subsection (3), for " the Insurance Act" substitute " Part I of the Social Security Act ".
- 125 In section 11(5), for "28 of the Insurance Act" substitute " 22 of the Social Security Act ".
- 126 In section 15(2), for "the National Insurance Commissioner " substitute " National Insurance Commissioners ".
- 127 In section 18, at the end insert—
- “ the Social Security Act ' means the Social Security Act 1973”.

Status: This is the original version (as it was originally enacted).

128 For section 21 substitute—

- “**21** (1) For the purpose of giving effect to any agreement with the Government of any country outside the United Kingdom providing for reciprocity in matters relating to payments for purposes similar or comparable to the purposes of this Act, the Governor may by Order in Council make provision for modifying this Act in its application to cases affected by the agreement.
- (2) The modifications of this Act which may be made by virtue of subsection (1) shall include provision—
- (a) for securing that acts, omissions and events having any effect for the purposes of the law of the country in respect of which the agreement is made shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double benefit);
 - (b) for determining, in cases where rights accrue both under this Act and under the law of that country, which of those rights shall be available to the person concerned ;
 - (c) for making any necessary financial adjustments.
- (3) Powers corresponding to those conferred by section 96(3) and (7) of the Social Security Act in relation to Orders in Council under that Act shall be exercisable also in relation to Orders in Council under this section.”.

The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 (c. 9)

- 129 In section 5(4) of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, for " sections 71 and 75(2)" substitute " section 75(2) and of section 94(8) of the Social Security Act ".
- 130 In section 8(2), after " vessel" insert " hovercraft (within the meaning of the Hovercraft Act 1968) ".
- 131 In section 11, after subsection (4) insert—
- “(5) Subsection (1)(a) to (e) of section 12 of the Social Security Act, and any regulations made under those paragraphs or under subsection (2) of that section, shall have effect for the purposes of injury benefit as they have effect for the purposes of unemployment benefit or sickness benefit under Part I of that Act.”.
- 132 In section 13A(5), for " Insurance Act" substitute " Social Security Act ".
- 133 In section 17(5), for " 28 of the Insurance Act" substitute " 22 of the Social Security Act ".
- 134 In section 19(3), in paragraph (d) for "the upper limit of the compulsory school " substitute " school-leaving ".
- 135 Section 27(2) shall continue to have effect subject to the amendment made by section 2(1) of the National Insurance &c. Act (Northern Ireland) 1969, that is to say, for paragraph (b) there shall continue to be substituted—
- “(b) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period, not being less than twelve months, from the date on which the right is to be treated under the regulations as having arisen”.

Status: This is the original version (as it was originally enacted).

- 136 In section 28(1), after " beneficiary" insert " , or on his estate and effects vesting in the official assignee under section 349 of the Irish Bankrupt and Insolvent Act 1857, ".
- 137 In section 29(1), for " against which he is insured under this Act" substitute " arising out of and in the course of his employed earner's employment ".
- 138 In section 32(1), for " Part II of the Insurance Act " substitute " Chapter II of Part I of the Social Security Act ".
- 139 In section 34(3), for paragraph (b) substitute—
“(b) the employed earners have died as a result of accidents arising out of and in the course of their employed earner's employment,”.
- 140 In section 35—
(a) in subsection (2), for " 63(1)(d) of that Act" substitute " 84(1)(d) of the Social Security Act ";
- (b) in subsection (3)—
(i) for the words from " subsection (1)(a) to (e)" onwards substitute " subsection (1)(a) as it applies in relation to any question arising under the Social Security Act such as is mentioned in section 84(1)(a) of that Act ";
- (ii) for " Supreme Court" substitute " Court of Appeal ";
- (c) in subsection (4) for " the said section 63(1)(a) to (c)" substitute " section 84(1)(a) of the Social Security Act ".
- 141 In section 49—
(a) in subsection (2)—
(i) in paragraph (a) for " an insurance tribunal" substitute " and a competent tribunal ";
- (ii) in paragraph (b) for " insurance tribunal" substitute " competent tribunal ";
- (iii) in paragraphs (c) and (h) for " an insurance tribunal" substitute (in each case) " a competent tribunal ";
- (iv) in paragraph (g) for " an insurance tribunal" substitute " or a competent tribunal ";
- (b) in subsection (6), for "' insurance tribunal'" substitute " ' competent tribunal' . "
- 142 In section 53—
(a) in subsections (3) and (9), for " the Insurance Act" substitute (in each case) ' Part I of the Social Security Act, "
- (b) in subsection (5), for " subsections (6) and (8)" substitute " subsection (6), "
- (c) for subsection (11) substitute—
“(11) This section is subject to paragraphs 4 to 6 of Schedule 10 to the Social Security Act”.
- 143 In section 67(1), for ' injuries and diseases against which persons are insured under this Act" substitute " arising out of and in the course of employment, or injuries and diseases which are due to the nature of employment ".
- 144 In section 69(1), for " against which he was insured under this Act" substitute " due to the nature of his employment ".

Status: This is the original version (as it was originally enacted).

145 For section 70 substitute—

“70 Persons employed by or under the Crown.

This Act shall apply to persons employed by or under the Crown in like manner as if such persons were employed earners in the employment of a private person:

Provided that employment in the naval, military or air force service of the Crown and any other prescribed employment under the Crown shall not be, or be treated as, employed earner's employment.”

146 For section 73 substitute—

“73 Persons under school-leaving age.

A person who has not attained school-leaving age shall not be entitled to injury benefit except as may be provided by regulations.”

147 In section 81—

(a) in subsection (1)—

(i) for the definition of " Commissioner " substitute—

“Commissioner ' means a National Insurance Commissioner appointed under paragraph 13 of Schedule 22 to the Social Security Act,”

(ii) after the definition of " relevant loss of faculty " insert " ' the Social Security Act' means the Social Security Act 1973, "

(b) for subsection (2)(b) substitute—

“(b) a person shall be deemed to have attained or not to have attained school-leaving age if he would be treated as being, as the case may be, over or under the upper limit of the compulsory school age for the purposes of that Act (disregarding any regulations made by virtue of section 2 of the Family Allowances and National Insurance Act (Northern Ireland) 1968)”.

148 In Schedule 3, paragraph 9(c), column 2, for " National Insurance Act (Northern Ireland) 1966 as specified in Schedule 3 " substitute " Social Security Act as specified in Part I of Schedule 4 ".

The Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966 (c. 14)

149 For section 9 of the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966 substitute—

“9 Application of enactments.

The following enactments, namely—

(a) section 80(6) of the Insurance Act;

(b) sections 53(9) and 80 of the Industrial Injuries Act; and

(c) section 8(3) of the Family Allowances Act (Northern Ireland) 1966, shall have effect as if any reference in those enactments to the Industrial Injuries Act included a reference to this Act.”.

Status: This is the original version (as it was originally enacted).

150 In section 11(1), in the definition of "the Commissioner", for the words from "appointed or " onwards substitute " appointed under paragraphh 13 of Schedule 25 to the Social Security Act 1973 and includes a tribunal constituted under subparagraph (2) of that paragraph ".

The National Insurance (No. 2) Act (Northern Ireland) 1966 (c. 16)

151 In section 6(1)(a) of the National Insurance (No. 2) Act (Northern Ireland) 1966, for "the said section 15" substitute " section 15 of that Act ".

152 In section 8—

(a) in subsection (1)—

(i) in paragraph (a) for the words from " 67 to 75 " onwards substitute " 67 to 72, 74 and 75 of the Insurance Act in like manner as a claim for benefit under Part I of the Social Security Act or, as the case may be, a question to which section 84(5) of the Social Security Act applies ";

(ii) in paragraph (b) for the words from "Insurance Act" (where first occurring) onwards substitute " Social Security Act, of local tribunals constituted under section 76 of the Insurance Act or of a Commissioner appointed under paragraph 13 of Schedule 25 to the Social Security Act ";

(iii) in paragraph (ii) after " including references to" insert " section 84(5) of the Social Security Act and ";

(iv) in paragraph (iii) for " a reference to the said Part IV " substitute " references to the said section 84(5) and to the said Part IV ";

(b) in subsection (2), for the words from the beginning of the subsection to " section 9 of this Act" substitute " Where any question under the Industrial Injuries Act (not being a special question within the meaning of that Act) first arises in the course of an appeal to a local tribunal constituted under section 76 of the Insurance Act or a Commissioner appointed under paragraph 13 of Schedule 25 to the Social Security Act ".

153 In section 14(3), after paragraph (b), insert the following new paragraph—

“(bb) the expression " the Social Security Act" means the Social Security Act 1973 ;”.

154 In Schedule 2—

(a) in paragraphs 3(b), 5(a) and 6(a), for " section 63(1) of the Insurance Act" substitute (in each case) " section 84(1) of the Social Security Act ";

(b) in paragraph 4(b), for " employed persons" substitute " employed earners ";

(c) in paragraph 7, for " sections 66 to 69" substitute " section 84(5) of the Social Security Act or sections 67 to 69 ".

155 In Schedule 3, in paragraph 2(a), the amendment in section 3 of the Judicial Pensions Act (Northern Ireland) 1951 set out in paragraph 105 above.

The Supplementary Benefits &c. Act (Northern Ireland) 1966 (c. 28)

156 In section 12(1) of the Supplementary Benefits &c. Act (Northern Ireland) 1966, for " the National Insurance Act (Northern Ireland) 1966 " substitute " Part I of the Social Security Act 1973 ".

157 In section 17(1), for paragraph (a) substitute—

Status: This is the original version (as it was originally enacted).

- “(a) benefit (other than a maternity grant or a death grant) under Part I of the Social Security Act 1973;”.
- 158 Section 18(1) shall continue to have effect subject to the amendment made by section 2(2) of the National Insurance &c. Act (Northern Ireland) 1969, that is to say, the following shall continue to be substituted for paragraph (e)—
- “(e) for extinguishing the right to payment of any sum by way of benefit if payment is not obtained within a prescribed period, not being less than twelve months, from the date on which the right is to be treated under the regulations as having arisen.”.
- 159 In section 26(4), for "the National Insurance Acts (Northern Ireland) 1966 " substitute " Part I of the Social Security Act 1973 ".
- 160 In section 40(1), in the definitions of " place of employment" and " trade dispute " for " 21 of the National Insurance Act (Northern Ireland) 1966 " substitute (in each place) " 14 of the Social Security Act 1973 ".
- 161 In Schedule 2—
- (a) in paragraph 10A—
 - (i) in sub-paragraph (1)(a), for " 21(3) of the Insurance Act" substitute " 14(2) of the Social Security Act 1973 ";
 - (ii) in sub-paragraph (3), for " the National Insurance Act (Northern Ireland) 1966 " substitute " Part I of the Social Security Act 1973 ";
 - (b) in paragraph 12A—
 - (i) in sub-paragraph (2)(a), for " the National Insurance Act (Northern Ireland) 1966 " substitute " Part I of the Social Security Act 1973 ";
 - (ii) in sub-paragraph (2)(b), for the words from " section 4(2)" onwards substitute " subsection (1) of section 15 of the Social Security Act 1973 or, in relation to a disabled child, that subsection as modified by regulations made under subsection (4) of that section ";
 - (iii) in sub-paragraph (3), for "National Insurance Act (Northern Ireland) 1966 " substitute " Social Security Act 1973 ";
 - (c) in paragraph 20—
 - (i) in sub-paragraph (a), for " 38 of the National Insurance Act (Northern Ireland) 1966 " substitute " 30 of the Social Security Act 1973 ", and
 - (ii) in sub-paragraph (b), for " section 22 " substitute " section 16 ";
 - (d) in paragraph 24—
 - (i) in sub-paragraph (1)(h), for "Schedule 3 to the National Insurance Act (Northern Ireland) 1966 " substitute " Part I of Schedule 4 to the Social Security Act 1973 ",
 - (ii) in sub-paragraph (2)(a), for " column 2 or 3 of Part II of Schedule 3 to the National Insurance Act (Northern Ireland) 1966" substitute " column 2 or 3 of Part III of Schedule 4 to the Social Security Act 1973 ",
 - (iii) in sub-paragraph (2)(b), for " under Part I or increase thereof under column 3 of Part II of Schedule 3 to the National Insurance Act (Northern Ireland) 1966 " substitute " under Part I, or increase thereof under column 3 of Part III, of Schedule 4 to the Social Security Act 1973 ", and

Status: This is the original version (as it was originally enacted).

- (iv) in sub-paragraph (3)(a), for " column 4 of Part II of Schedule 3 to the National Insurance Act (Northern Ireland) 1966" substitute " column 4 of Part III of Schedule 4 to the Social Security Act 1973 ";
- (e) in paragraph 25(1)(a), for " the National Insurance Acts (Northern Ireland) 1966 " substitute " Part I of the Social Security Act 1973 ".

The Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1967 (c. 15)

- 162 In section 3 of the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1967, the amendment made by paragraph 99 above to section 2A of the Agricultural Wages (Regulation) Act (Northern Ireland) 1939.

The Births and Deaths Registration Act (Northern Ireland) 1967 (c. 25)

- 163 In Schedule 2 to the Births and Deaths Registration Act (Northern Ireland) 1967, at the end, insert the following entry—
“the Social Security Act 1973 (1973 c. 38).”.

The Family Allowances and National Insurance Act (Northern Ireland) 1968 (c. 1)

- 164 For section 1(4) of the Family Allowances and National Insurance Act (Northern Ireland) 1968 substitute—
“(4) The provisions set out in Part II of Schedule 2 shall be substituted for those of paragraph 1 of Schedule 5 to the Industrial Injuries Act.”.

The Youth Employment Service (Amendment) Act (Northern Ireland) 1968 (c. 13)

- 165 In section 1 of the Youth Employment Service (Amendment) Act (Northern Ireland) 1968, the amendment made by paragraph 114 above in section 7 of the Youth Employment Service Act (Northern Ireland) 1961.

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

- 166 In section 119(3) of the Children and Young Persons Act (Northern Ireland) 1968, for " 38 of the National Insurance Act (Northern Ireland) 1966 " substitute " 30 of the Social Security Act 1973 ".

The Friendly Societies Act (Northern Ireland) 1970 (c. 31)

- 167 In section 102 of the Friendly Societies Act (Northern Ireland) 1970—
(a) in subsection (1), for " Insurance Acts " substitute " enactments relating to national insurance and social security ";
(b) for subsection (2) substitute—
“(2) Where the Ministry of Health and Social Services furnishes a registered friendly society or branch, in connection with a claim for benefit from the society or branch, with information relating to a claim or award under those enactments, the expenses incurred in connection therewith by that Ministry or any other government department shall be treated as expenses in carrying those enactments into effect.”.

Status: This is the original version (as it was originally enacted).

The Welfare Services Act (Northern Ireland) 1971 (c. 2)

- 168 In section 25(4) of the Welfare Services Act (Northern Ireland) 1971, for " 38 of the National Insurance Act (Northern Ireland) 1966 " substitute " 30 of the Social Security Act 1973 ".
- 169 In section 45, in the definition of "trade dispute" for " 21 of the National Insurance Act (Northern Ireland) 1966 " substitute " 14 of the Social Security Act 1973 ".

The Family Income Supplements Act (Northern Ireland) 1971 (c. 8)

- 170 In section 8(4) of the Family Income Supplements Act (Northern Ireland) 1971, for "the National Insurance Acts (Northern Ireland) 1966 to 1970" substitute " Part I of the Social Security Act 1973 ".

The Social Services (Parity) Order (Northern Ireland) 1971 (S.R. & O. (N.I.) 1971 (No. 224)

- 171 In Article 9 of the Social Services (Parity) Order (Northern Ireland) 1971, the amendment in section 13A of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 in paragraph 132 above.

The Social Security Act (Northern Ireland) 1971 (c. 28)

- 172 In section 1(2) of the Social Security Act (Northern Ireland) 1971, the amendments in paragraph 10A of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966 in paragraph 161(a) above.
- 173 Insert the following new section after section 4—

“4A Inspectors appointed under Social Security Act 1973.

Every appointment of an inspector under section 88(1) of the Social Security Act 1973 shall be an appointment for the purposes of the Supplementary Benefits Act as well as for those of the said Act of 1973 ; and—

- (a) in Part I of Schedule 22 to the said Act of 1973 references to that Act (except the first reference) shall include the Supplementary Benefits Act; and
- (b) in paragraph 2(1)(b) of that Schedule the reference to benefit shall include benefit within the meaning of the Supplementary Benefits Act.”.
- 174 At the end of section 6 add " and this section applies also, with the necessary modifications, to the provisions of the Social Security Act 1973 which correspond to those of the Insurance Act mentioned above in this section ".

The Education and Libraries (Northern Ireland) Order 1972 (S.I. 1972 No. 1263 (N.I. 12))

- 175 In Article 36(5) of the Education and Libraries (Northern Ireland) Order 1972, for " or national insurance (including industrial injuries)" substitute " , national insurance or social security ".

Status: This is the original version (as it was originally enacted).

The Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972 No. 1265 (N.I. 14))

176 In Article 39(2) of the Health and Personal Social Services (Northern Ireland) Order 1972, for " 38 of the National Insurance Act (Northern Ireland) 1966 " substitute " 30 of the Social Security Act 1973 ".

SCHEDULE 28

Section 100(2)(b).

REPEALS

PART I

ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

Chapter	Short Title	Extent of Repeal
17 & 18 Geo. 5. c. 41.	The Superannuation and other Trust Funds (Validation) Act 1927.	Sections 1 to 8. Section 10. Section 11(2) from " but save as aforesaid " onwards.
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act 1946.	The whole Act, except section 89.
9 & 10 Geo. 6. c. 67.	The National Insurance Act 1946.	The whole Act, so far as unrepealed.
10 & 11 Geo. 6. c. 41.	The Fire Services Act 1947.	Section 27(5).
4 Eliz. 2. c. 19.	The Friendly Societies Act 1955.	Section 9(5).
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Schedule 1, Part I, the entry beginning "Adjudicator appointed for the purposes of Part III of the National Insurance Act 1965 ".
5 & 6 Eliz. 2. c. 26.	The National Insurance Act 1957.	The whole Act, so far as unrepealed.
8 & 9 Eliz. 2. c. 37.	The Payment of Wages Act 1960.	In the Schedule, in paragraph 12, sub-paragraph (a); and sub-paragraph (b) from " which does not " onwards.
8 & 9 Eliz. 2. c. 39.	The Dock Workers (Pensions) Act 1960.	The whole Act.
1965 c. 51.	The National Insurance Act 1965.	Sections 1 to 63. Section 67.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1965 c. 52.	The National Insurance (Industrial Injuries) Act 1965.	<p>In section 68(2), the words "under this Act".</p> <p>Section 74.</p> <p>In section 81, subsection (5); in subsection (6), the words "under this Act"; and subsection (8).</p> <p>Sections 82 to 117.</p> <p>In section 118, in subsection (2), the words from first " except " to first " Ireland "; and subsection (3).</p> <p>Schedules 1 to 5.</p> <p>Schedules 7 to 11.</p> <p>Sections 1 to 4.</p> <p>In section 18(3A), the proviso.</p> <p>Section 32(2) from the beginning to " 1961 ".</p> <p>In section 34(3)(a), the words " first-mentioned ".</p> <p>Section 35(1)(6) to (e).</p> <p>Section 54(7) and (9).</p> <p>Section 56(1).</p> <p>Sections 59 to 61.</p> <p>In section 64, in subsection (3), the words from " contributions " to " or whether"; and subsection (5).</p> <p>Sections 65, 67 and 69.</p> <p>In section 70(1), in paragraph (a), the word "or"; paragraphs (b) and (c); and the words " to (e) ".</p> <p>Section 75.</p> <p>Section 79(2) and (3).</p> <p>Section 82(2) from "as they apply " onwards.</p> <p>In section 83, in subsection (1), the words "of insurance"; in subsection (4)</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1965 c. 53.	The Family Allowances Act 1965.	<p>(a)(iii), the figures "3(4), 4(2)", "65" and " 69 "; and the words from " and the provisions " onwards.</p> <p>In section 86, in subsection (1), the definitions of " contribution ", " contribution week ", " the Insurance Act of 1946 " and " insured person "; and in subsection (4), paragraphs (c) and (a-).</p> <p>In section 87(3), paragraph (b) and the words " wherever those words occur ".</p> <p>Schedule 1, Parts II and III.</p> <p>Schedule 2.</p> <p>In section 16, subsection (1) (c); and in subsection (2) (a) the words " the National Insurance Commissioner and deputy ".</p>
1965 c. 54.	The National Health Service Contributions Act 1965.	Section 17(8).
1965 c. 62.	The Redundancy Payments Act 1965.	<p>The whole Act.</p> <p>In section 26(1), the words from " into which " to " Act, and ".</p> <p>Sections 27, 28 and 29.</p> <p>In section 31(1), the words " who are liable to pay redundancy fund contributions ".</p> <p>Section 36(1) to (4).</p>
1966 c. 6.	The National Insurance Act 1966.	<p>In section 55, subsection (5) (b); and subsection (6) from " except" onwards.</p> <p>Sections 1 to 4.</p> <p>Section 5(1) and (3).</p> <p>Section 8(3).</p> <p>Section 9.</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1967 c. 25.	The National Insurance (Industrial Injuries) (Amendment) Act 1967.	In section 10, subsections (1) to (4); in subsection (5), the words " section 75(2) of the Insurance Act or "; and subsection (6). Sections 11 and 12. Schedule 1. Section 2.
1967 c. 34.	The Industrial Injuries and Diseases (Old Cases) Act 1967.	In section 14(1), in the definition of "prescribed", the words " in relation to insured persons employed in insurable employment". Section 15(4).
1967 c. 73.	The National Insurance Act 1967.	Section 1 and 2. In section 4, in subsection (1), the words " section 46 of the Insurance Act or"; and in subsection (4), the words " under the Insurance Act or ". Sections 5 and 6. Schedule 4. In Schedule 7, paragraphs 1 to 6; and in paragraph 8, subparagraph (c) and the words " section 46(6) of the Insurance Act or ".
1967 c. 90.	The Family Allowances and National Insurance Act 1967.	Section 1(5). Section 2(3) from the beginning to " National Insurance Act 1965 and ", and from " but" onwards. Section 3(2). Schedule 1, Part II.
1968 c. 14.	The Public Expenditure and Receipts Act 1968.	Sections 1 and 2. Section 7(2) from " except in o far as " onwards. Schedule 2.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1968 c. 40.	The Family Allowances and National Insurance Act 1968.	In Schedule 3, in paragraph 1(b), the entry relating to the National Insurance Act 1965. Section 1(4).
1968 c. 64.	The Civil Evidence Act 1968.	In the Schedule, the entries relating to the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965.
1969 c. 4.	The National Insurance &c. Act 1969.	The whole Act.
1969 c. 44.	The National Insurance Act 1969.	Sections 1 to 4. Section 8(2)(a), (d) and (e). Sections 9 and 10. Schedule 3.
1969 c. 48.	The Post Office Act 1969.	Section 121. In Schedule 9, paragraph 48.
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 212(1), the words from "section 46" to " 1966, under " In Schedule 15, in paragraph 11, in Parts I and II of the Table, the entries for the National Insurance Act 1965 and the National Insurance Act (Northern Ireland) 1966.
1970 c. 16.	The National Health Service Contributions Act 1970.	The whole Act.
1970 c. 31.	The Administration of Justice Act 1970.	In Schedule 4, paragraph 4.
1970 c. 44.	The Chronically Sick and Disabled Persons Act 1970.	Section 11.
1970 c. 51.	The National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970.	The whole Act.
1971 c. 32.	The Attachment of Earnings Act 1971.	Schedule 2, paragraph 4.
1971 c. 50.	The National Insurance Act 1971.	Sections 1 to 7. Sections 12 and 13.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1971 c. 62.	The Tribunals and Inquiries Act 1971.	<p>In section 14, the words " the National Insurance Acts 1965 to 1970 ".</p> <p>In section 16, in subsection (2), the words " other than section 12 and in subsection (4), paragraph (a), and in paragraph (b), the words " other than paragraph (a) above ".</p> <p>Schedule 3.</p> <p>In Schedule 5, paragraphs 2 to 5, 10(2), 12 and 13(1).</p> <p>In Schedule 1, paragraph 18(a).</p> <p>In Schedule 3, the entry relating to the National Insurance Act 1965.</p>
1971 c. 68.	The Finance Act 1971.	Section 22(4) to (10).
1971 c. 73.	The Social Security Act 1971.	<p>Section 7(1).</p> <p>Sections 8 and 9.</p> <p>Section 10(2).</p>
1972 c. 4.	The National Insurance Regulations (Validation) Act 1972.	The whole Act.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, paragraph 52.
1972 c. 36.	The National Insurance (Amendment) Act 1972.	The whole Act.
1972 c. 57.	The National Insurance Act 1972.	<p>Sections 1 to 3.</p> <p>Section 4(5).</p> <p>In section 5, in subsection (1), the words from " in section 75(1)" to " corresponding provision "; and in subsection (5)(b), the words " the National Insurance Act 1965 or ".</p> <p>Section 6(1) to (4).</p> <p>In section 7(1)(a), the words " section 104 of the National Insurance Act 1965 and ".</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1972 c. 80.	The Pensioners' Payments and National Insurance Contributions Act 1972.	Schedules 1 and 2. Schedule 4, Part II. Section 2. Section 3(3) from " and section 2 " onwards.
1973 c.	The Employment and Training Act 1973.	In Schedule 3, paragraph 6.
1961 No. 3.	The Clergy Pensions Measure 1961.	In sections 1(4) and 37(2) (in each place), the words " or the National Insurance Acts 1946 to 1960 ".

PART II

ENACTMENTS OF THE PARLIAMENT OF NORTHERN IRELAND, AND ORDERS IN COUNCIL APPLYING TO NORTHERN IRELAND

Chapter	Short Title	Extent of Repeal
18 & 19 Geo. 5. c. 6 (N.I.).	The Superannuation and other Trust Funds (Validation) Act (Northern Ireland) 1928.	The whole Act.
1946 c. 21 (N.I.).	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1946.	Section 6.
1946 c. 23 (N.I.).	The National Insurance Act (Northern Ireland) 1946.	The whole Act, so far as unrepealed.
1955 c. 29 (N.I.).	The Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955.	In Schedule 2, the entry relating to the National Insurance Act (Northern Ireland) 1946.
1959 c. 21. (N.I.).	The National Insurance Act (Northern Ireland) 1959.	Section 3.
1960 c. 22 (N.I.).	The Companies Act (Northern Ireland) 1960.	In section 92(2), the words " , and the reference in section 287(1)(f) to the winding up order or resolution shall be construed as a reference to, ".
1964 c. 18 (N.I.).	The Industrial Training Act (Northern Ireland) 1964.	In section 287, subsections (1)(f) and (5A). Section 17.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1964 c. 32 (N.I.).	The Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964.	In section 1, subsections(1) (f) and (3).
1964 c. 37 (N.I.).	The National Insurance &c. Act (Northern Ireland) 1964.	Section 6(1). In Schedule 6, paragraph 6(1) and (2).
1965 c. 19 (N.I.).	The Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965.	In section 36(1), the words "into which there shall be paid all sums received by the Ministry under this Part, and " ". Sections 37 to 39. In section 41(1), the words " who are liable to pay redundancy fund contributions " ". Section 46(1) to (3). In section 60(4), paragraph (b); and in section 60(5), the words from " except " onwards. In section 63(3), the words " subject to section 46(1) " ".
1966 c. 6 (N.I.).	The National Insurance Act (Northern Ireland) 1966.	Sections 1 to 62. Section 64(5). Section 66. In section 67(2), the words " under this Act " ". Section 73. In section 80, subsection (5); in subsection (6), the words " under this Act "; and subsection (7). Sections 81 to 107. Section 109. Section 110(2). Schedules 1 to 5. In Schedule 6, in the heading, the words " and Deputy Commissioners " ".

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1966 c. 7 (N.I.).	The Health Service Contributions Act (Northern Ireland) 1966.	Schedules 7 to 9. The whole Act.
1966 c. 8 (N.I.).	The Family Allowances Act (Northern Ireland) 1966.	Section 15(1)(c). Section 16(9).
1966 c. 9 (N.I.).	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.	<p>Sections 1 to 4.</p> <p>In section 18(3A), the words from " so however " onwards.</p> <p>In section 32(2), the words from the beginning to " 1962" where it first occurs.</p> <p>In section 34(3)(a), the words " first mentioned ".</p> <p>Section 35(1)(b) to (e).</p> <p>In section 53, subsections (8) and (10).</p> <p>Section 54(1).</p> <p>Sections 57 to 59.</p> <p>In section 60, in subsection (3), the words from " contributions " to " or whether "; and subsection (5).</p> <p>Sections 63 and 65.</p> <p>In section 66(1), in paragraph (a) the word " or "; paragraphs (b) and (c); and the words " to (e) ".</p> <p>Section 71.</p> <p>Section 74(2) and (3).</p> <p>In section 77(2), the words from " as they apply " onwards.</p> <p>In section 78, in subsection (1), the words "of insurance"; in subsection (3) (a)(iii), the words "3(4), 4(2)" and " 65 "; and the words from " and the provisions" onwards.</p> <p>In section 81, in subsection (1), the definitions</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1966 c. 16 (N.I.).	The National Insurance (No. 2) Act (Northern Ireland) 1966.	<p>of " contribution ", " contribution week ", " the Insurance Act of 1946 " and " insured person "; and in subsection (4), paragraphs (c) and (d).</p> <p>In Schedule 1, Parts II and in Schedule 2.</p> <p>Sections 1 to 4.</p> <p>Section 5(1) and (3).</p> <p>Section 8(1)(v) and (3).</p> <p>Section 9(1) to (6).</p> <p>In section 10, subsections (1) to (4); and in subsection (5), the words " section 74(2) of the Insurance Act or ".</p> <p>Sections 11 and 12.</p> <p>Schedule 1.</p> <p>In Schedule 3, paragraphs 1, 2(b) and (c) and 3.</p>
1967 c. 22 (N.I.).	The National Insurance Act (Northern Ireland) 1967.	<p>Section 1.</p> <p>Section 2.</p> <p>In section 5, in subsection (1) the words " section 45 of the Insurance Act or"; and in subsection (4), the words "under the Insurance Act or ".</p> <p>Sections 6 and 7.</p> <p>Schedule 4.</p> <p>In Schedule 7, paragraphs 1 to 6; and, in paragraph 7, subparagraph (c) and the words " section 45(6) of the Insurance Act or ".</p>
1967 c. 25 (N.I.).	The Births and Deaths Registration Act (Northern Ireland) 1967.	<p>In Schedule 2, the entry relating to the National Insurance Act (Northern Ireland) 1966.</p>
1968 c. 1. (N.I.).	The Family Allowances and National Insurance Act (Northern Ireland) 1968.	<p>Section 1(5).</p> <p>In section 2(2), the words "Section 106(2)(a) of the</p>

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1968 c. 8 (N.I.).	The Public Expenditure and Receipts Act (Northern Ireland) 1968.	Insurance Act and " and the words from " but" onwards. Section 3(2). Schedule 1, Part II. Sections 1 and 2. Section 6(2)(a). Schedule 2.
1968 c. 16 (N.I.).	The Family Allowances and National Insurance (No. 2) Act (Northern Ireland) 1968.	Section 1(4).
1969 c. 3 (N.I.).	The National Insurance &c. Act (Northern Ireland) 1969.	The whole Act.
1969 c. 19 (N.I.).	The National Insurance &c. (No. 2) Act (Northern Ireland) 1969.	Sections 1 to 4. Section 8(2)(a), (b) and (c). Sections 9 and 10. Schedule 3.
1970 c. 12 (N.I.).	The Payment of Wages Act (Northern Ireland) 1970.	In the Schedule, in paragraph 12, sub-paragraph (a); and in sub-paragraph (b), the words from "which does not" onwards.
1970 c. 17 (N.I.).	The Health Service Contributions Act (Northern Ireland) 1970.	The whole Act.
1970 c. 28 (N.I.).	The National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act (Northern Ireland) 1970.	The whole Act.
1970 c. 31 (N.I.).	The Friendly Societies Act (Northern Ireland) 1970.	Section 102(3).
1971 c. 21 (N.I.).	The Social Services (Parity) Act (Northern Ireland) 1971.	In Schedule 1, the words "The National Insurance Acts 1965 to 1970". In Schedule 2, paragraph 2.
S.R. & O. (N.I.) 1971 No. 224.	The Social Services (Parity) Order (Northern Ireland) 1971.	Articles 1 to 7. In Article 8(3), the words repealed in section 18(3A) of the National Insurance (Industrial Injuries) Act

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		(Northern Ireland) 1966 above. Articles 12 and 13. In Article 14, the words "the National Insurance Acts (Northern Ireland) 1966 to 1970". In Article 15, the definitions of "the Insurance Act" and "the Act of 1970". In Article 16, paragraph (1) (a); and in paragraph (2), the words "other than Article 12" and sub-paragraph (a). Schedule 3. In Schedule 5, paragraphs 2 to 5, 9(2), 11 and 12.
1971 c. 28 (N.I.).	The Social Security Act (Northern Ireland) 1971.	Section 7(1). Section 8.
1971 c. 36 (N.I.).	The Civil Evidence Act (Northern Ireland) 1971.	In the Schedule, the entries relating to the National Insurance Act (Northern Ireland) 1966 and the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.
1972 c. 13 (N.I.).	The National Insurance Regulations (Validation) Act (Northern Ireland) 1972.	The whole Act.