



National Insurance Act 1974

1974 CHAPTER 14

An Act to amend the provisions of the National Insurance Acts 1965 to 1973, the National Insurance (Industrial Injuries) Acts 1965 to 1973 and the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1973 as to the rate or amount of benefit and contributions; to amend section 39 of the Social Security Act 1973 and to make minor amendments of certain other enactments relating to social security; and for purposes connected with those matters. [13th May 1974]

Commencement Information

II Act partly in force at Royal Assent by s. 8(4), Sch. 5 (now repealed); Act wholly in force at 13. 6. 1974

1-4 **F1**

Textual Amendments

F1 Ss. 1-4 repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\), s. 2, Sch. 1 Pt. I](#)

Miscellaneous

5 **F2**

Textual Amendments

F2 S. 5 repealed by [Social Security Benefits Act 1975 \(c. 11\), Sch. 6 Pt. I](#)

Status: Point in time view as at 12/02/1991.

Changes to legislation: There are currently no known outstanding effects for the National Insurance Act 1974. (See end of Document for details)

6 Minor supplementary provisions and amendments of certain social security enactments

- (1) The Secretary of State may by regulations make provision with respect to—
 - (a) the correction of accidental errors in any decision or record of a decision given with respect to a claim or question arising under or in connection with any relevant enactment by a body or person authorised to decide the claim or question; and
 - (b) the setting aside of any such decision in a case where it appears just to set the decision aside on the ground that—
 - (i) a document relating to the proceedings in which the decision was given was not sent to, or was not received at an appropriate time by, a party to the proceedings or the party’s representative or was not received at an appropriate time by the body or person who gave the decision, or
 - (ii) a party to the proceedings in which the decision was given or the party’s representative was not present at a hearing related to the proceedings;

and in this subsection “relevant enactment” means any enactment contained in the National Insurance Acts 1965 to 1974, the National Insurance (Industrial Injuries) Acts 1965 to 1974, the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1974, [^{F3}the ^{M1}Child Benefit Act 1975], . . . ^{F4}[^{F5}the ^{M2}Social Security Act 1973, [^{F6}the ^{M3}Social Security Acts 1975 to 1991]or the ^{M4}Industrial Injuries and Diseases (Old Cases) Act 1975][^{F7}or the ^{M5}Social Security Pensions Act 1975] . . . ^{F8}.

(2) ^{F9}

- (3) The powers to make regulations conferred by the preceding provisions of this section—
 - (a) shall be exercisable by statutory instrument; and
 - (b) include power to make different provision for different circumstances;

and any statutory instrument made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament; but nothing in subsection (1) of this section shall be construed as derogating from any power to correct errors or set aside decisions which is exercisable apart from regulations made by virtue of that subsection.

- (4) Where any provision of Part II of the ^{M6}Social Security Act 1973 allows for specified matters to be dealt with by, or determined in accordance with, regulations made by the Secretary of State or by him and the Minister for the Civil Service jointly, any regulations made by virtue of that provision may provide for those matters to be dealt with by the Occupational Pensions Board in their discretion, or to be determined in accordance with the exercise by the Board of a discretion vested in them by the regulations, and for the Board’s discretion to be exercised either generally in regard to those matters or differently in regard to particular cases or classes of case; and this subsection shall be deemed always to have had effect.

- (5) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments there specified (which are amendments in connection with the consolidation of enactments relating to social security and other minor amendments).

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Subordinate Legislation Made

- P1** S. 6: power conferred by s. 6 exercised by S.I. 1975/572; 1984/451, 614; 1986/2218; 1987/214
P2 S. 6: power exercised by S.I. 1991/167.

Extent Information

- E1** S. 6 (1)(3)(4)(5) only extends to Northern Ireland as provided by s. 8(6)(a)

Textual Amendments

- F3** Words substituted by [Child Benefit Act 1975 \(c. 61, SIF 113:1\)](#), s. 21(4), **Sch. 4 para. 8**
F4 Words repealed by virtue of [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 86(2), **Sch. 11**
F5 Words substituted by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18, SIF 113:1\)](#), **s. 1(3) Sch. 2 Pt. I para. 70**
F6 Words substituted by virtue of [Social Security Act 1990 \(c. 27, SIF 113:1\)](#), s. 21(1), **Sch. 6 para. 31(a)** and [Statutory Sick Pay Act 1991 \(c. 3, SIF 113:1\)](#), **ss. 3(1)(a)(6)**
F7 Words added by [Social Security Pensions Act 1975 \(c. 60, SIF 113:1\)](#), s. 65(1), **Sch. 4 Pt. I para. 35**
F8 Words added by [Social Security and Housing Benefits Act 1982 \(c. 24, SIF 113:1\)](#), s. 48(5), **Sch. 4 para. 7** and repealed by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), **ss. 86(2), 88(1), Sch. 11**
F9 S. 6(2) repealed with saving by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **ss. 2, 4, Sch. 1 Pt. I, Sch. 3 Pt. III para. 25**

Modifications etc. (not altering text)

- C1** S. 6: certain functions transferred by S.I. 1984/1818, **art. 2(c)**, Sch.
C2 S. 6(1) extended by S.I. 1984/451, **reg. 24(4)**
C3 S. 6(1)(3) has effect as mentioned in [Local Government Finance Act 1992 \(c. 14\)](#), **s. 118(5)**.
C4 S. 6(3) extended by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), **Sch. 3 para. 25 (b)**
C5 The text of s. 6(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1975 c. 61.
M2 1973 c. 38(113:1).
M3 1975 c. 14(113:1).
M4 1975 c. 16(113:1).
M5 1975 c. 60(113:1).
M6 1973 c. 38.

Supplemental

7 F10

Textual Amendments

- F10** Ss. 7, 8(2)–(4) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), s. 2, **Sch. 1 Pt. I**

8 †Citation, construction, commencement, repeals and extent.

- (1) This Act may be cited as the National Insurance Act 1974.

Status: Point in time view as at 12/02/1991.

Changes to legislation: There are currently no known outstanding effects for the National Insurance Act 1974. (See end of Document for details)

- (2) F11
- (5) F12
- (6) The following provisions only of this Act extend to Northern Ireland, namely—
- (a) subsections (1) and (3) of section 6, so far as those subsections relate to a decision or record of a decision given with respect to any question arising under or in connection with the ^{M7}Social Security Act 1973 . . . ^{F13}, and subsections (4) and (5) of that section;
 - (b) this section . . . ^{F13};
 - (c) ^{F13};
 - (d) Schedules 4 to 6 so far as they relate to enactments which extend to Northern Ireland . . . ^{F13}

Textual Amendments

- F11** Ss. 7, 8(2)–(4) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), s. 2, **Sch. 1 Pt. I**
- F12** [S. 8\(5\)](#) repealed by [Supplementary Benefits Act 1976 \(c. 71\)](#), **Sch. 8 Pt. I**
- F13** Words and s. 8(6)(c) repealed by [Social Security \(Consequential Provisions\) Act 1975 \(c. 18\)](#), s. 2, **Sch. 1 Pt. I**
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Modifications etc. (not altering text)

- C6** Unreliable marginal note
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Marginal Citations

- M7** [1973 c. 38](#).

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SCHEDULE 1

. . . F14

Textual Amendments

F14 Schs. 1, 3 repealed by Social Security Benefits Act 1975 (c. 11), Sch. 6 Pt. I

SCHEDULE 2

. . . F15

Textual Amendments

F15 Sch. 2 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, Sch. 1 Pt. I

SCHEDULE 3

. . . F16

Textual Amendments

F16 Schs. 1, 3 repealed by Social Security Benefits Act 1975 (c. 11), Sch. 6 Pt. I

SCHEDULE 4

PART I

1–32 F17

Textual Amendments

F17 Sch. 4 Pt. I paras. 1–32 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2 Sch. 1 Pt. I

33–35 F18

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Textual Amendments

F18 Sch. 4 Pt. I paras. 33–35 repealed by Social Security Pensions Act 1975 (c. 60), **Sch. 5** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

36	(a)	F19
	(b)	F20
	(c)	F21

Textual Amendments

F19 Sch. 4 Pt. I para. 36(a) repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

F20 Sch. 4 Pt. I para. 36(b) repealed by S.I. 1975/1503 (N.I. 15), **Sch. 6**

F21 Sch. 4 Pt. I para. 36(c) repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I** and S.I. 1975/1503 (N.I. 15), **Sch. 6**

37	F22
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Textual Amendments

F22 Sch. 4 Pt. I para. 37 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

38	F23
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Textual Amendments

F23 Sch. 4 Pt. I para. 38 repealed by S.I. 1980/870 (N.I. 8), **Sch. 4 Pt. I**

39–41	F24
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Textual Amendments

F24 Sch. 4 Pt. I paras. 39–41, Pt. II paras. 42–56, Schs. 5, 6 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

PART II

42–56	F25
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Textual Amendments

F25 Sch. 4 Pt. I paras. 39–41, Pt. II paras. 42–56, Schs. 5, 6 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

Status: Point in time view as at 12/02/1991.

Changes to legislation: *There are currently no known outstanding effects for the National Insurance Act 1974. (See end of Document for details)*

SCHEDULES 5, 6

F26

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Textual Amendments

F26 Sch. 4 Pt. I paras. 39–41, Pt. II paras. 42–56, Schs. 5, 6 repealed by Social Security (Consequential Provisions) Act 1975 (c. 18), s. 2, **Sch. 1 Pt. I**

Status:

Point in time view as at 12/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the National Insurance Act 1974.