



# Social Security (Northern Ireland) Act 1975

## 1975 CHAPTER 15

An Act to consolidate for Northern Ireland so much of the Social Security Act 1973 as establishes a basic scheme of contributions and benefits, together with the National Insurance (Industrial Injuries) Measures (Northern Ireland) 1966 to 1974 and other enactments relating to social security. [20th March 1975]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### CONTRIBUTIONS

##### *Preliminary*

#### **1 Outline of contributory system**

(1) The funds required—

- (a) for paying such benefits under Part II below as are payable out of the National Insurance Fund and not out of other public money ;
- (b) for the making of payments under section 128 below towards the cost of the health service and into the Redundancy Fund; and
- (c) for paying benefit under the Old Cases Act,

shall be provided by means of contributions payable to the Department by earners, employers and others, together with the supplements specified in subsection (5) below.

(2) Contributions under this Part of this Act shall be of the following four classes—

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Class 1, earnings-related, payable under section 4, being—

- (a) primary Class 1 contributions from employed earners, and
- (b) secondary Class 1 contributions from employers and other persons paying earnings;

Class 2, flat-rate, payable weekly under section 7 by self-employed earners;

Class 3, payable under section 8 by earners and others voluntarily with a view to providing entitlement to benefit, or making up entitlement; and

Class 4, payable under section 9 in respect of the profits or gains of a trade, profession or vocation, or under section 10 in respect of equivalent earnings.

- (3) The amounts and rates of contributions in this Part and the other figures therein which affect the liability of contributors shall—
  - (a) be subject to regulations under sections 123 to 126 below (H.M. forces, mariners, married women, widows and others); and
  - (b) to the extent provided for by section 120 (re-rating), be subject to alteration by orders made under that section.
- (4) Schedule 1 to this Act—
  - (a) shall have effect with respect to the computation, collection and recovery of contributions of Classes 1, 2 and 3, and otherwise with respect to contributions of those classes; and
  - (b) shall also, to the extent provided by regulations made under section 10, have effect with respect to the computation, collection and recovery of Class 4 contributions, and otherwise with respect to such contributions, where under that section provision is made for contributions of that class to be recovered by the Department and not by the Inland Revenue under section 9(3) and (4) of the Social Security Act 1975.
- (5) Subject to section 124 below (mariners, airmen, etc), there shall by way of supplement to contributions be paid out of money hereafter appropriated for that purpose, in such manner and at such times as the Department of Finance may determine, amounts the total of which for any year is equal to 18 per cent. of so much of all contributions (of the four classes) paid in that year as remains after deducting the appropriate health service allocation and the appropriate allocation to the Redundancy Fund.
- (6) No person shall—
  - (a) be liable to pay Class 1 or Class 2 contributions unless he fulfils prescribed conditions as to residence or presence in Northern Ireland ;
  - (b) be entitled to pay Class 3 contributions unless he fulfils such conditions; or
  - (c) be entitled to pay Class 1 or Class 2 contributions other than those which he is liable to pay, except so far as he is permitted by regulations to pay them.

## 2 Categories of earners

- (1) In this Act—
  - (a) "employed earner" means a person who is gainfully employed in Northern Ireland either under a contract of service, or in an office (including elective office) with emoluments chargeable to income tax under Schedule E; and
  - (b) " self-employed earner " means a person who is gainfully employed in Northern Ireland otherwise than in employed earner's employment (whether or not he is also employed in such employment).

- (2) Regulations may provide—
- (a) for employment of any prescribed description to be disregarded in relation to liability for contributions otherwise arising from employment of that description;
  - (b) for a person in employment of any prescribed description to be treated, for the purposes of this Act, as falling within one or other of the categories of earner defined in subsection (1) above, notwithstanding that he would not fall within that category apart from the regulations.
- (3) Where a person is to be treated by reference to any employment of his as an employed earner, then he is to be so treated for all purposes of this Act; and references throughout this Act to employed earner's employment shall be construed accordingly.
- (4) Subsections (1) to (3) above are subject to the provision made by section 51 of this Act as to the employments which are to be treated, for the purposes of industrial injuries benefit, as employed earner's employments.
- (5) For the purposes of this Act, a person shall be treated as a self-employed earner as respects any week during any part of which he is such an earner (without prejudice to his being also treated as an employed earner as respects that week by reference to any other employment of his).

### **3 " Earnings "**

- (1) In this Act " earnings " includes any remuneration or profit derived from an employment; and " earner " shall be construed accordingly.
- (2) For the purposes of this Act, the amount of a person's earnings for any period, or the amount of his earnings to be treated as comprised in any payment made to him or for his benefit, shall be calculated or estimated in such manner and on such basis as may be prescribed.
- (3) Regulations made for the purposes of subsection (2) above may prescribe that payments of a particular class or description made or falling to be made to or by a person shall, to such extent as may be prescribed, be disregarded or, as the case may be, be deducted from the amount of that person's earnings.

#### *The four classes of contributions*

### **4 Class 1 contributions (incidence)**

- (1) For the purposes of this Act, there shall for every tax year be—
- (a) a lower earnings limit for Class 1 contributions, being the level of weekly earnings at which employed earners become liable for such contributions in respect of the earnings from their employments; and
  - (b) an upper earnings limit for Class 1 contributions, being the maximum amount of weekly earnings in respect of which such contributions are payable;
- and the lower and upper earnings limits shall be respectively £11 and £69.
- (2) Subject to section 6 below, where in any tax week earnings are paid to or for the benefit of an earner in respect of any one employment of his, being employed earner's employment, and—

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- (a) he is over school-leaving age; and
  - (b) the amount paid is equal to or exceeds the current lower earnings limit (or the prescribed equivalent in the case of earners paid otherwise than weekly),
- there shall be payable, in accordance with this section (and, except as provided by this Act, without regard to any other payment of earnings to or for the benefit of the earner in respect of any other employment), a primary and a secondary Class 1 contribution.
- (3) The primary contribution shall be payable by the earner and the secondary contribution shall be payable by the secondary Class 1 contributor.
- (4) Subject to subsection (5) below, the secondary contributor, in relation to any payment of earnings to or for the benefit of an employed earner, is—
- (a) in the case of an earner employed under a contract of service, his employer;
  - (b) in the case of an earner employed in an office with emoluments, either—
    - (i) such person as may be prescribed in relation to that office, or
    - (ii) if no person is prescribed, the government department, public authority or body of persons responsible for paying the emoluments of the office.
- (5) In relation to employed earners who—
- (a) are paid earnings in a tax week by more than one person in respect of different employments; or
  - (b) work 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 Department that such provision is needed, regulations may provide that for the purposes of this section the prescribed person is to be treated as the secondary Class 1 contributor in respect of earnings paid to or for the benefit of an earner.
- (6) The amount of a Class 1 contribution shall be a percentage of so much of the earnings paid in the week, in respect of the employment in question, as does not exceed the current upper earnings limit (or the prescribed equivalent in the case of earners paid otherwise than weekly); and, subject to regulations under sections 123 to 126 below—
- (a) the primary contribution shall be 5.5 per cent, or 2 per cent., according to whether the earner is liable to contribute at the standard rate or the reduced rate; and
  - (b) the secondary contribution shall be 8.5 per cent.

## **5 Class 1 standard and reduced rates**

- (1) Subject to the following subsections, an employed earner liable for a primary Class 1 contribution shall be liable to contribute at the standard rate.
- (2) A married woman or widow shall be liable to contribute at the reduced rate if she has elected, in accordance with regulations under section 125(2) of this Act, to contribute at that rate and has not revoked her election.
- (3) Except as provided by subsection (4) below, a woman who has been widowed and—
- (a) is liable apart from this subsection to pay Class 1 contributions at the standard rate ; and
  - (b) falls within a class of women prescribed for the purposes of this paragraph, shall be liable to contribute at the reduced rate for prescribed earnings.

- (4) Such a woman as is mentioned in subsection (3) above shall be liable to pay those contributions at the standard rate for any of the prescribed earnings there referred to as respects which she has, in accordance with regulations, elected to contribute at that rate and not revoked her election.

## **6 Class 1 exemptions**

- (1) No primary Class 1 contribution shall be payable in respect of an employed earner who—
- (a) is over pensionable age and has retired from regular employment;
  - (b) although over pensionable age, has not retired from regular employment, and at the time when he attained pensionable age did not satisfy the contribution conditions for a Category A retirement pension (section 28 and Schedule 3, paragraph 5).
- (2) No primary Class 1 contribution shall be payable in respect of a woman over pensionable age who was married when she attained that age and has not retired from regular employment and—
- (a) as to whom the requirements of section 28(2)(b) below are not satisfied (earnings record following marriage); and
  - (b) who is not a woman satisfying the requirement of section 28(2)(a) (marriage at 55 or later age).
- (3) Nothing in this section affects any liability to pay secondary Class 1 contributions in respect of any person.

## **7 Class 2 contributions**

- (1) Subject to the provisions of this section, every self-employed earner shall, if he is over school-leaving age, be liable to pay Class 2 contributions at the rate of £2.41 a week.
- (2) Class 2 contributions shall not be payable—
- (a) by an earner who is over pensionable age and has retired from regular employment; or
  - (b) by an earner who, although over pensionable age, has not retired from regular employment and at the time when he attained pensionable age did not satisfy the contribution conditions for a Category A retirement pension (section 28 and Schedule 3, paragraph 5); or
  - (c) by a married woman or widow who has elected, in accordance with regulations under section 125(2) of this Act, to be under no liability for Class 2 contributions and has not revoked her election.
- (3) The Department may by order direct that, in the tax year beginning 6th April 1975 or in any of the 4 subsequent tax years, the weekly rate of Class 2 contributions shall for women be a specified rate lower than the rate for other Class 2 contributors in respect of that tax year.
- (4) Regulations may make provision so that an earner is liable for a weekly rate of Class 2 contributions higher than that specified in subsection (1) above where—
- (a) in respect of any employment of his, he is treated by regulations under section 2(2)(b) of this Act as being a self-employed earner; and
  - (b) in any period or periods he has earnings from that employment and—

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- (i) those earnings are such that (disregarding their amount) he would be liable for Class 1 contributions in respect of them if he were not so treated in respect of the employment, and
  - (ii) no Class 4 contribution is payable in respect of the earnings by virtue of regulations under section 10(1) of this Act.
- (5) Regulations may provide for an earner otherwise liable for Class 2 contributions in respect of employment as a self-employed earner to be excepted from the liability in respect of any period in which his earnings from such employment are, or are treated by regulations as being, less than £675 a tax year.
- (6) Regulations made for the purposes of subsection (5) above shall not except a person from liability to pay contributions otherwise than on his own application, but may provide for so excepting a person with effect from any date not earlier than 13 weeks before the date on which his application was made.

## **8 Class 3 contributions**

- (1) Regulations shall provide for earners and others, if over school-leaving age, to be entitled if they so wish, but subject to any prescribed conditions, to pay Class 3 contributions ; and the amount of a Class 3 contribution shall be £1.90.
- (2) Payment of Class 3 contributions shall be allowed only with a view to enabling the contributor to satisfy contribution conditions of entitlement to benefit by acquiring the requisite earnings factor for the purposes described in section 13 in Part II below; and regulations—
- (a) may provide for Class 3 contributions, although paid in one tax year, to be appropriated in prescribed circumstances to the earnings factor of another tax year; and
  - (b) shall provide for the return of such contributions which have been paid, where they are insufficient to provide any entitlement or additional entitlement.
- (3) Where for any tax year a contributor's earnings factor derived from his Class 1 or Class 2 contributions (or both) already stands at a figure which is 50 times that year's lower earnings limit for Class 1 contributions, no Class 3 contributions shall be payable by him in respect of the year; and if Class 3 contributions are paid in such number that the contributor's earnings factor will exceed that figure, so much of those contributions as brings the earnings factor above that figure—
- (a) shall be repaid to him (subject to regulations excluding repayment where the amount in question is inconsiderable) ; and
  - (b) if repayable, shall then be treated as not having been paid for any purposes other than those of this section.

## **9 Class 4 contributions recoverable under Tax Acts**

- (1) Class 4 contributions shall be payable in respect of all annual profits or gains immediately derived from the carrying on or exercise of one or more trades, professions or vocations, being profits or gains chargeable to income tax under Case I or Case II of Schedule D for any year of assessment beginning on or after 6th April 1975; and the contributions shall be payable—
- (a) in the same manner as any income tax which is, or would be, chargeable in respect of those profits or gains (whether or not income tax in fact falls to be paid); and

- (b) by the person on whom the income tax is (or would be) charged, in accordance with assessments made from time to time under the Income Tax Acts as applied and modified by section 9(3) and (4) of the Social Security Act 1975.
- (2) A Class 4 contribution for any tax year shall be an amount equal to 8 per cent, of so much of the profits or gains referred to in subsection (1) above (as computed in accordance with Schedule 2 to the Social Security Act 1975, the text of which is set out as Schedule 2 to this Act) as exceeds £1,600 and does not exceed £3,600.
- (3) Any money paid over by the Secretary of State under section 9(6) of the Social Security Act 1975 (Class 4 contributions collected from Northern Ireland) shall be treated as Class 4 contributions collected by the Department for the purposes of this Act.
- (4) The Department may by regulations made with the concurrence of the Inland Revenue provide—
- (a) for excepting persons from liability to pay Class 4 contributions in accordance with subsections (1) and (2) above and section 9(3) and (4) of the Social Security Act 1975 ; or
  - (b) for deferring any person's liability,
- and may certify from time to time to the Inland Revenue the persons who are excepted from liability, or whose liability is to be deferred, and who accordingly are not required (except in accordance with the regulations) to be assessed for contributions.
- (5) Exception from liability, or deferment, under subsection (4) above may (without prejudice to the generality of that subsection) be by reference—
- (a) to a person otherwise liable for contributions being under a prescribed age at the beginning of a tax year;
  - (b) to a person having attained pensionable age and retired from regular employment;
  - (c) to a person being in receipt of earnings in respect of which primary Class 1 contributions are, or may be, payable; or
  - (d) to a person not satisfying prescribed conditions as to residence or presence in the United Kingdom.
- (6) The Department may, by regulations made with the concurrence of the Inland Revenue,—
- (a) provide, in relation to Class 4 contributions recovered by the Inland Revenue, for any incidental matters arising out of the payment of such contributions, including in particular their return in whole or in part where payment has been made in error or repayment ought for any other reason to be made;
  - (b) provide, in relation to cases where liability for such contributions is to be deferred in pursuance of regulations made under subsection (4) above, for any matters arising out of the deferment, including in particular provision for the amount of a person's profits or gains (as computed under the Social Security Act 1975) to be certified by the Inland Revenue to the Department and the person liable;
- but so that no such certificate as is referred to in paragraph (b) above shall relate to a person's profits or gains so far as they exceed whatever is for the time being the higher of the two money sums specified in subsection (2) above.

## **10 Class 4 contributions recoverable under regulations**

- (1) Provision may be made by regulations so that where—
- (a) an earner, in respect of any one or more employments of his, is treated by regulations under section 2(2)(b) of this Act as being self-employed; and
  - (b) in any tax year he has earnings from any such employment (one or more) which fall within section 7(4)(b)(i), but is not liable for a higher weekly rate of Class 2 contributions by virtue of regulations under that subsection ; and
  - (c) the total of those earnings exceeds £1,600,
- he is to be liable, in respect of those earnings, to pay a Class 4 contribution of an amount equal to 8 per cent, of so much of the total as exceeds £1,600 and does not exceed £3,600.
- (2) It shall be for the Department, and not the Inland Revenue, to recover Class 4 contributions payable by virtue of regulations under this section and generally to be responsible for the relevant administration; and regulations may in relation to contributions so payable—
- (a) apply any of the provisions of Schedule 1 to this Act (except a provision conferring power to make regulations) ; and
  - (b) make any such provision as may be made by regulations under that Schedule, except paragraph 5.

## **11 General power to regulate liability for contributions**

- (1) Regulations may provide, either generally or in relation to any prescribed category of earners, or to earners in any prescribed category of employments, that their liability in a particular year in respect of contributions of prescribed classes is not to exceed such maximum amount or amounts as may be prescribed.
- (2) Regulations made for the purposes of subsection (1) above may provide—
- (a) for an earner whose liability is subject to a maximum prescribed thereunder to be liable in the first instance for the full amount of any contributions due from him apart from the regulations, or to be relieved from liability for such contributions in prescribed circumstances and to the prescribed extent; and
  - (b) for contributions paid in excess of any such maximum to be repaid at such times, and in accordance with such conditions, as may be prescribed.
- (3) Regulations may provide, in relation to earners otherwise liable for contributions of any class, for excepting them from the liability for such periods, and in such circumstances, as may be prescribed.



## PART II

### BENEFIT AND ITS ADMINISTRATION

#### CHAPTER I

##### CONTRIBUTORY BENEFITS

###### *Preliminary*

### 12 Descriptions of contributory benefits

- (1) Contributory benefits under this Chapter are of the following descriptions, namely—
  - (a) unemployment benefit (with earnings-related supplement, and increase for adult and child dependants);
  - (b) sickness benefit (with earnings-related supplement, and increase for adult and child dependants);
  - (c) invalidity benefit, comprising—
    - (i) invalidity pension (with increase for adult and child dependants),
    - (ii) invalidity allowance;
  - (d) maternity benefit, comprising—
    - (i) maternity grant,
    - (ii) maternity allowance (with earnings-related supplement, and increase for adult and child dependants);
  - (e) widow's benefit, comprising—
    - (i) widow's allowance (with earnings-related addition, and increase for child dependants),
    - (ii) widowed mother's allowance (with increase for child dependants),
    - (iii) widow's pension;
  - (f) retirement pensions of the following categories—

Category A, payable to a person by virtue of his own contributions (with increase for adult and child dependants), and

Category B, payable to a woman by virtue of her husband's contributions (with increase for child dependants);
  - (g) child's special allowance;
  - (h) death grant.
- (2) In this Part of this Act, " short-term benefit" means unemployment benefit, sickness benefit, maternity grant, maternity allowance and widow's allowance.
- (3) The amounts and rates of benefits given in this Chapter and the other figures in this Part which affect those amounts and rates or the entitlement of any beneficiary shall be subject to alteration by up-rating orders.

### 13 Contribution conditions and the earnings factor

- (1) In the case of the benefits specified in section 12(1) above (except invalidity benefit), entitlement depends on contribution conditions being satisfied (either by the claimant or by some other person, according to the particular benefit); and there are set out

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below, in relation to each such benefit, the class or classes of contribution which for this purpose are relevant thereto:—

*Short-term benefit*

Unemployment benefit	Class 1
Sickness benefit	Class 1 or 2
Maternity grant	Class 1, 2 or 3
Maternity allowance	Class 1 or 2
Widow's allowance	Class 1, 2 or 3

*Other benefits*

Widowed mother's allowance	} Class 1, 2 or 3
Widow's pension	
Category A retirement pension	
Category B retirement pension	
Child's special allowance	
Death grant	

- (2) Subject to the following subsections, a person shall be treated as having annual earnings factors derived from his contributions in respect of each tax year, being contributions of any of the classes specified in subsection (1) above; and this shall be for the purposes—
- (a) of establishing entitlement to any benefit specified in that subsection by reference to satisfaction of contribution conditions; and
  - (b) of arriving at the weekly rate—
    - (i) of earnings-related supplement of unemployment benefit, sickness benefit or a maternity allowance, or
    - (ii) of earnings-related addition to a widow's allowance.
- (3) No earnings factor shall be derived from primary Class 1 contributions paid at the reduced rate, or from secondary Class 1 contributions; and for the purposes of earnings-related supplement of, or addition to, any benefit there shall be disregarded any Class 2 or Class 3 contributions, and any Class 1 contributions not actually paid.
- (4) Regulations may provide for crediting contributions of any class for the purpose of bringing a person's earnings factor for any tax year to a figure which will enable him to satisfy contribution conditions of entitlement to any prescribed description of benefit (whether his own entitlement or another person's), but not so as to entitle him or any other person to earnings-related supplement of, or addition to, any benefit.
- (5) Earnings factors derived from a person's contributions in respect of any tax year shall be expressed as whole numbers of pounds and be made ascertainable from tables or rules to be drawn up by the Department and embodied in regulations ; and such tables and rules shall be drawn up so that in general—
- (a) any amount of Class 1 contributions in respect of a tax year gives rise to an earnings factor for that tax year equal or approximating to the minimum actual earnings sufficient to yield contributions of that amount; and

- (b) any number of Class 2 or Class 3 contributions in respect of a tax year gives rise to an earnings factor for that tax year equal or approximating to that year's lower earnings limit for Class 1 contributions multiplied by the number of contributions;

and separate earnings factors shall be derived from contributions of different classes paid or credited in the same tax year, and from contributions which have been actually paid, as opposed to those not paid but credited.

- (6) In relation to the benefits specified in subsection (1) above, the relevant contribution conditions are those specified in Part I of Schedule 3 to this Act; and in that Schedule and in subsection (8) below—
- (a) "the contributor concerned", for the purpose of any contribution condition, means the person by whom the condition is to be satisfied ;
- (b) "a relevant class ", in relation to any benefit, means a class of contributions specified in relation to that benefit in subsection (1) above;
- (c) "the earnings factor ", in relation to a person's contributions of any class or classes, means the aggregate of his earnings factors derived from all those contributions ; and
- (d) except in the expression " benefit year ", " year " means a tax year.
- (7) In this Part of this Act, " benefit year " means a period beginning with the first Sunday in January in any calendar year and ending with the Saturday immediately preceding the first Sunday in January in the following calendar year:

Provided that for any prescribed purposes of this Chapter " benefit year " may by regulations be made to mean such other period (whether or not a period of 12 months) as may be specified in the regulations.

- (8) Part II of Schedule 3 to this Act shall have effect as to the satisfaction of contribution conditions for benefit in certain cases where a claim for short-term benefit is, or has on a previous occasion been, made in the first or second tax year after that in which the contributor concerned first became liable for primary Class 1 or Class 2 contributions.

*Benefits for unemployment, sickness and invalidity*

**14 Unemployment benefit and sickness benefit**

- (1) Subject to the provisions of this section, a person who satisfies any of the three conditions of subsection (2) below shall be entitled—
- (a) to unemployment benefit in respect of any day of unemployment which forms part of a period of interruption of employment; and
- (b) to sickness benefit in respect of any day of incapacity for work which forms part of such a period.
- (2) The conditions of this subsection are that—
- (a) the person is under pensionable age on the day in question and satisfies the contribution conditions specified for unemployment or, as the case may be, sickness benefit in Schedule 3, Part I, paragraph 1; or
- (b) the person would on that day have been entitled to a Category A retirement pension (section 28) if he had retired from regular employment on attaining pensionable age; or
- (c) the person is a woman and—

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- (i) she would on that day have been entitled to a Category B retirement pension (section 29) and the husband by virtue of whose contributions she would have been so entitled is dead, but
  - (ii) she has made an election for the purposes of section 30(3) of this Act (return to work after retirement) and has not revoked her election.
- (3) A person shall not be entitled either to unemployment benefit or to sickness benefit for the first 3 days of any period of interruption of employment.
- (4) In the case of a person entitled under subsection (2)(a) above, unemployment or sickness benefit shall be payable—
- (a) at the higher rate specified in relation thereto in Schedule 4, Part I, paragraph 1—
    - (i) in the case of a married woman, during any period falling within subsection (5) below, and
    - (ii) in the case of a person other than a married woman; and
  - (b) at the lower rate so specified in the case of a married woman during any period not falling within that subsection.
- (5) The periods during which unemployment or sickness benefit is payable to a married woman at the higher rate are—
- (a) any period during which she is entitled to an increase of benefit in respect of her husband under section 44(2) of this Act (dependant husband incapable of self-support) ; and
  - (b) any period, during which she is residing with her husband and he is entitled to—
    - (i) an invalidity pension (section 15), or
    - (ii) a Category A retirement pension (section 28), or
    - (iii) a Category C or Category D retirement pension (Chapter II, section 39), or
    - (iv) any unemployability supplement or allowance (which expression is defined in Schedule 5); and
  - (c) any period during which she is not residing with her husband nor is he contributing to her maintenance at a weekly rate not less than the difference between the higher rate and the lower rate of the benefit.
- (6) In the case of a person entitled under subsection (2)(b) or (c) above (being over pensionable age), unemployment benefit or sickness benefit shall be payable at the weekly rate at which, apart from any increase to be disregarded for the purposes of this subsection, the retirement pension referred to in the applicable paragraph of subsection (2) would have been payable; and the increases to be so disregarded are—
- (a) any increase (for days of increment between pensionable age and retirement) under section 28(4) or (5) or 29(10) of this Act;
  - (b) any increase (for dependants) under section 41, 45 or 46; and
  - (c) where the claim is for unemployment benefit, any increase (for invalidity) under section 28(7);

and, in determining for the purposes of this subsection the rate at which a retirement pension would have been payable, section 30(1) of this Act (earnings rule) shall be taken not to apply.

- (7) Where a person is entitled to unemployment or sickness benefit, he shall also be entitled to earnings-related supplement of the benefit, at a weekly rate ascertained in

accordance with Schedule 6, Part I, for any day of unemployment or incapacity for work, being a day—

- (a) on which he is under pensionable age ; and
- (b) which forms part of a period of interruption of employment and is not earlier than the 13th day of that period;

but where he has been entitled to the supplement in respect of an aggregate of 156 days in the same period of interruption of employment (including for this purpose, in the case of a woman, any days in that period in respect of which she has been entitled to earnings-related supplement of a maternity allowance), he shall not be entitled thereto in respect of any further day in that period.

This subsection is subject to Schedule 6, Part II.

- (8) The amount payable by way of benefit under this section for any day of unemployment or of incapacity for work shall be 1/6th of the appropriate weekly rate.

## 15 Invalidity pension

- (1) Subject to the following provisions of this section, where in respect of any period of interruption of employment a person has been entitled to sickness benefit for 168 days (including, in the case of a woman, any day for which she was entitled to a maternity allowance), then—

- (a) he shall cease to be entitled to that benefit for any subsequent day of incapacity for work falling within that period; and
- (b) he shall be entitled to an invalidity pension for any day of incapacity for work in that period for which, by virtue only of paragraph (a) above, he is not entitled to sickness benefit if on that day either—
  - (i) he is under pensionable age, or
  - (ii) being over that age and not having retired from regular employment, he satisfies either of the conditions of subsection (2) below ;

and any day in the first 3 days of a period of interruption of employment which was a day of incapacity for work shall be treated for the purposes of this subsection as a day on which he was so entitled.

- (2) The conditions of this subsection are that—
  - (a) the person would on that day have been entitled to a Category A retirement pension (section 28) if he had retired from regular employment on attaining pensionable age; or
  - (b) the person is a woman and—
    - (i) she would on that day have been entitled to a Category B retirement pension (section 29) and the husband by virtue of whose contributions she would have been so entitled is dead, but
    - (ii) she has made an election for the purposes of section 30(3) of this Act (return to work after retirement) and has not revoked her election.

- (3) Subject to subsection (4) below, an invalidity pension shall be payable at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 2.

- (4) In the case of a person entitled to an invalidity pension under subsection (2)(a) or (b) above (being over pensionable age), the pension shall be payable at the weekly rate at which, apart from any increase to be disregarded for the purposes of this subsection,

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the retirement pension referred to in the applicable paragraph of subsection (2) would have been payable ; and the increases to be so disregarded are—

- (a) any increase (for days of increment between pensionable age and retirement) under section 28(4) or (5) or 29(10) of this Act; and
  - (b) any increase (for dependants) under section 41, 45 or 46.
- (5) The amount payable by way of an invalidity pension shall for any day of incapacity for work be 1/6th of the appropriate weekly rate.

## 16 Invalidity allowance

- (1) If a person is more than 5 years below pensionable age on the qualifying date in any period of interruption of employment then, in respect of every day of that period in respect of which he is entitled to an invalidity pension, he shall also be entitled to an invalidity allowance at the appropriate weekly rate specified in relation thereto in Schedule 4, Part i, paragraph 3; and " the qualifying date " means the first day in that period (whether before the coming into force of this section or later) which is a day of incapacity for work or such earlier day as may be prescribed.
- (2) An invalidity allowance shall be payable—
- (a) at the higher rate specified in relation thereto in Schedule 4, Part I, if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 ;
  - (b) at the middle rate so specified if paragraph (a) above does not apply and on the qualifying date the beneficiary was under the age of 45 ;
  - (c) at the lower rate so specified if paragraphs (a) and (b) above do not apply, and on the qualifying date the beneficiary was a man under the age of 60 or a woman under the age of 55.
- (3) The amount payable by way of invalidity allowance shall for any day of incapacity for work be 1/6th of the appropriate weekly rate.

## 17 Determination of days for which benefit is payable

- (1) For the purposes of any provisions of this Act relating to unemployment benefit, sickness benefit or invalidity benefit—
- (a) subject to the provisions of this Act, a day shall not be treated in relation to any person—
    - (i) as a day of unemployment unless on that day he is capable of work and he is, or is deemed in accordance with regulations to be, available to be employed in employed earner's employment; or
    - (ii) as a day of incapacity for work unless on that day he is, or is deemed in accordance with regulations to be, incapable of work by reason of some specific disease or bodily or mental disablement,
 ("work", in this paragraph, meaning work which the person can reasonably be expected to do);
  - (b) where a person is an employed earner and his employment as such has not been terminated, then in any week a day on which in the normal course that person would not work in that employment or in any other employed earner's employment shall not be treated as a day of unemployment unless each other day in that week (other than the day referred to in paragraph (e) below) on

which in the normal course he would so work is a day of interruption of employment;

- (c) the expression "day of interruption of employment" means a day which is a day of unemployment or of incapacity for work;
- (d) any two days of interruption of employment, whether consecutive or not, within a period of 6 consecutive days shall be treated as a period of interruption of employment and any two such periods not separated by a period of more than 13 weeks ("week" for this purpose meaning any period of 7 days) shall be treated as one period of interruption of employment;
- (e) Sunday or such other day in each week as may be prescribed shall not be treated as a day of unemployment or of incapacity for work and shall be disregarded in computing any period of consecutive days.

(2) Regulations may—

- (a) make provision (subject to subsection (1) above) as to the days which are or are not to be treated for the purposes of unemployment benefit, sickness benefit, invalidity benefit and a maternity allowance as days of unemployment or of incapacity for work;
- (b) prescribe respective circumstances in which, for the purposes of subsection (1) (b) above—
  - (i) employment which has not been terminated may be treated as if it had been terminated; or
  - (ii) a day which falls in a period when an employed earner's employment is suspended but does not fall to be so treated and which, apart from the regulations, would not fall to be treated as a day of interruption of employment may be treated as such a day.

(3) Subsections (1) and (2) above shall, for the purposes of earnings-related supplement under section 14(7) of this Act and, on and after such day as the Department may by order appoint, for all other purposes of this Part of this Act, have effect—

- (a) with the substitution for paragraph (b) of subsection (1) of the following paragraph—
  - “(b) where a person is an employed earner and his employment as such has not been terminated but has been suspended by the employer, a day shall not be treated in relation to that person as a day of unemployment unless it is the 7th or a later day in a continuous period of days on which that suspension has lasted, there being disregarded for the purposes of determining the first 6 days of the period (but for no other purpose)—
    - (i) Sunday or such other day in each week as may have been prescribed under paragraph (e) of this subsection,
    - (ii) any day of recognised or customary holiday in connection with the suspended employment,
    - (iii) such other day or days as may be prescribed ;”and
- (b) with the substitution for paragraph (b) of subsection (2) of the following paragraph—
  - “(b) prescribe respective circumstances in which for the purposes of subsection (1)(b) above an employed earner's employment may be treated—

- (i) as having been or, as the case may be, as not having been terminated, or
- (ii) as having been or, as the case may be, as not having been suspended.”.

## **18 Duration of unemployment benefit**

- (1) A person who, in respect of any period of interruption of employment, has been entitled to unemployment benefit for 312 days shall not thereafter be entitled to that benefit for any day of unemployment (whether in the same or a subsequent period of interruption of employment) unless before that day he has requalified for benefit.
- (2) A person who has exhausted his right to unemployment benefit requalifies for it when—
  - (a) he has again been in employment as an employed earner and has been so employed in 13 weeks since the last day for which he was entitled to that benefit; and
  - (b) in each of those weeks he has worked in such employment for 21 hours or more.
- (3) Where a person requalifies for unemployment benefit, subsection (1) above shall again apply to him but, in a case where the period of interruption of employment in which he exhausted his right to that benefit continues after his requalification, as if the part before and the part after his requalification were distinct periods of interruption of employment.

## **19 Loss of employment due to stoppage of work**

- (1) A person who has lost employment as an employed earner by reason of a stoppage of work which was due to a trade dispute at his place of employment shall be disqualified for receiving unemployment benefit so long as the stoppage continues, except in a case where, during the stoppage, he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation; but this subsection does not apply in the case of a person who proves—
  - (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
  - (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.
- (2) In this Act—
  - (a) " place of employment" in relation to any person, means the factory, workshop, farm or other premises or place at which he was employed, so however that, where separate branches of work which are commonly carried on as separate businesses in separate premises or at separate places are in any case carried on in separate departments on the same premises or at the same place, each of those departments shall for the purposes of this paragraph be deemed to be a separate factory or workshop or farm or separate premises or a separate place, as the case may be ;
  - (b) " trade dispute " means any dispute between employers and employees, or between employees and employees, which is connected with the employment



or non-employment or the terms of employment or the conditions of employment of any persons, whether employees in the employment of the employer with whom the dispute arises, or not.

## **20 Other disqualifications, etc.**

- (1) A person shall be disqualified for receiving unemployment benefit for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 of this Act (adjudication by insurance officers and other statutory authorities) if—
  - (a) he has lost his employment as an employed earner through his misconduct, or has voluntarily left such employment without just cause ;
  - (b) after a situation in any suitable employment has been properly notified to him as vacant or about to become vacant, he has without good cause refused or failed to apply for that situation or refused to accept that situation when offered to him ;
  - (c) he has neglected to avail himself of a reasonable opportunity of suitable employment;
  - (d) he has without good cause refused or failed to carry out any official recommendations given to him with a view to assisting him to find suitable employment, being recommendations which were reasonable having regard to his circumstances and to the means of obtaining that employment usually adopted in the district in which he resides ; or
  - (e) he has without good cause refused or failed to avail-himself of a reasonable opportunity of receiving training approved by the Department of Manpower Services in his case for the purpose of becoming or keeping fit for entry into, or return to, regular employment.
- (2) Regulations may provide for disqualifying a person for receiving sickness benefit or invalidity benefit for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 if—
  - (a) he has become incapable of work through his own misconduct; or
  - (b) he fails without good cause to attend for, or to submit himself to, such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.
- (3) Regulations may also provide for imposing, in the case of any prescribed category of persons, additional conditions with respect to the receipt of unemployment benefit, sickness benefit or invalidity benefit, and restrictions on the rate and duration thereof, if, having regard to special circumstances, it appears to the Department necessary to do so for the purpose of preventing inequalities, or injustice to the general body of employed earners, or of earners generally, as the case may be.
- (4) For the purposes of this section, employment shall not be deemed to be employment suitable in the case of any person if it is either—
  - (a) employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or
  - (b) employment in his usual occupation in the district where he was last ordinarily employed at a rate of remuneration lower, or on conditions less favourable, than those which he might reasonably have expected to obtain having regard to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed; or

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- (c) employment in his usual occupation in any other district at a rate of remuneration lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and of employees or, failing any such agreement, than those generally recognised in that district by good employers ;

but, after the lapse of such an interval from the date on which he becomes unemployed as in the circumstances of the case is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in his usual occupation if it is employment at a rate of remuneration not lower, and on conditions not less favourable, than those generally observed by agreement between associations of employers and of employees or, failing any such agreement, than those generally recognised by good employers.

- (5) For the purposes of this section the following definitions apply—
  - (a) " properly notified ", in subsection (1)(b), means notified by the Department of Manpower Services or some other recognised agency, or by or on behalf of an employer;
  - (b) " official recommendations ", in subsection (1)(d), means recommendations in writing made by an officer of the Department of Manpower Services ;
  - (c) " week " means any period of 7 days.

### *Maternity*

## **21 Maternity grant**

- (1) A woman shall be entitled to a maternity grant of the amount specified in relation thereto in Schedule 4, Part II, paragraph 1, if she has been confined and either—
  - (a) she or her husband satisfies the contribution conditions for a maternity grant specified in Schedule 3, Part I, paragraph 2; or
  - (b) she satisfies either—
    - (i) the contribution conditions for a maternity allowance specified in Schedule 3, Part I, paragraph 3, or
    - (ii) any contribution conditions which she is required to satisfy in order to become entitled to maternity allowance at a reduced rate by virtue of regulations under section 33 of this Act (partial satisfaction of contribution conditions).
- (2) In subsection (1)(a) above, the reference to a woman's husband includes a widow's late husband in a case where she has been confined of a posthumous son or daughter of his.
- (3) Except where regulations otherwise provide, a woman shall not be entitled to a maternity grant in respect of a confinement if on the date of the confinement she was outside Northern Ireland.
- (4) Regulations may provide that a woman confined of twins or a greater number of children shall, if the other conditions for the payment of a maternity grant are satisfied in respect of the confinement, be entitled to a maternity grant for each of them.
- (5) Regulations may provide that the provisions of this section shall apply to a woman, in a case where her claim indicates that she so desires, with the substitution for the condition that she has been confined of the condition that she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of

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weeks before that in which it is to be expected that she will be confined, and may modify the contribution conditions for a maternity grant in their application to such a case.

- (6) Subject to subsection (4) above, a woman shall not be entitled to more than one maternity grant in respect of any one confinement.

## **22 Maternity allowance**

- (1) A woman shall be entitled to a maternity allowance at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 4, if—
- (a) she is pregnant and has reached a stage in her pregnancy which is not more than the prescribed number of weeks before that in which it is to be expected that she will be confined (in this section referred to as " the expected week of confinement "); and
  - (b) she satisfies the contribution conditions for a maternity allowance specified in Schedule 3, Part I, paragraph 3.
- (2) Subject to the following provisions of this section, the period for which a maternity allowance is payable shall be the period of 18 weeks beginning with the 11th week before the expected week of confinement; and this shall be the maternity allowance period for the purposes of this section and the relevant contribution conditions.
- (3) A day for which a woman is entitled to a maternity allowance shall be deemed for the purposes of this Part of this Act to be for her a day of incapacity for work.
- (4) Where a woman is entitled to a maternity allowance, she shall also be entitled to earnings-related supplement of the allowance, at a weekly rate ascertained in accordance with Schedule 6, Part I, in respect of every day of the maternity allowance period which forms part of a period of interruption of employment and is not earlier than the 13th day of the latter period; but where she has been entitled to the supplement in respect of an aggregate of 156 days in the same period of interruption of employment (including for this purpose any days in that period in respect of which she has been entitled to earnings-related supplement of unemployment or sickness benefit) she shall not be entitled thereto in respect of any further day in that period.

This subsection is subject to Schedule 6, Part II.

- (5) A woman who has become entitled to a maternity allowance shall cease to be entitled to it if she dies before the beginning of the maternity allowance period; and if she dies after the beginning, but before the end, of that period the allowance shall not be payable for any week subsequent to that in which she dies.
- (6) Regulations may provide that a woman who has become entitled to a maternity allowance shall cease to be entitled to it if her pregnancy is terminated otherwise than by confinement.
- (7) Regulations may make provision, as respects cases where the date of the confinement occurs after the end of the expected week of confinement, for extending the maternity allowance period until the end of such week (not being later than the 6th week after that in which the date of the confinement occurs) as may be prescribed.
- (8) Regulations may modify subsections (1)(a) and (b), (2) and (5) above in relation to cases where a woman has been confined and either—

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- (a) she has not made a claim for a maternity allowance in expectation of that confinement (other than a claim which has been disallowed); or
  - (b) she has made a claim for a maternity allowance in expectation of that confinement (other than a claim which has been disallowed), but the date of the confinement was more than 11 weeks before the expected week of confinement.
- (9) Regulations may provide for disqualifying a woman for receiving a maternity allowance if—
- (a) during the maternity allowance period, she does any work in employment as an employed or self-employed earner, or fails without good cause to observe any prescribed rules of behaviour; or
  - (b) at any time before her confinement occurs, she fails without good cause to attend for, or submit herself to, any medical examination required in accordance with the regulations.
- (10) Where for any purpose of this Part of this Act or of regulations it is necessary to calculate the daily rate of a maternity allowance—
- (a) Sunday or such other day in each week as may be prescribed shall be disregarded ; and
  - (b) the amount payable by way of that allowance for any other day shall be taken as 1/6th of the weekly rate of the allowance.

### **23 Supplementary provisions as to maternity benefit**

- (1) In this Chapter—
- (a) "confinement" means labour resulting in the issue of a living child, or labour after 28 weeks of pregnancy resulting in the issue of a child whether alive or dead, and "confined" shall be construed accordingly ; and
  - (b) references to the date of the confinement shall be taken as referring, where labour begun on one day results in the issue of a child on another day, to the date of the issue of the child, or if the woman is confined of twins or a greater number of children, to the date of the issue of the last of them.
- (2) The fact that the mother of an illegitimate child is entitled to maternity benefit shall not be taken into consideration by any court of summary jurisdiction in deciding whether or not to make an order under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924.

### *Widowhood*

### **24 Widow's allowance**

- (1) A woman who has been widowed shall be entitled to a widow's allowance at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 5, if—
- (a) she was under pensionable age at the time when her late husband died, or he was then not entitled to a Category A retirement pension (section 28); and
  - (b) her late husband satisfied the contribution condition for a widow's allowance specified in Schedule 3, Part I, paragraph 4.
- (2) The period for which a widow's allowance is payable to a widow shall be the 26 weeks next following the husband's death:

Provided that the allowance shall not be payable for any period after the widow's death or remarriage or for any period during which she is cohabiting with a man as his wife.

- (3) A woman entitled to a widow's allowance shall be entitled to earnings-related addition to the allowance, at a weekly rate ascertained in accordance with Schedule 6, Part I, in respect of each week of the period for which the allowance is payable.

This subsection is subject to Schedule 6, Part II.

## 25 Widowed mother's allowance

- (1) A woman who has been widowed shall be entitled to a widowed mother's allowance at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 6, if her late husband satisfied the contribution conditions for a widowed mother's allowance specified in Schedule 3, Part I, paragraph 5, and either—
- (a) she has a family which satisfies the condition specified in subsection (2) below; or
  - (b) subject to such exceptions and conditions as may be prescribed, she has residing with her a person who—
    - (i) is under the age of 19 and is or has been a child falling within any of the paragraphs of that subsection, or
    - (ii) is under that age and would have been such a child but for the fact that, at the time when the woman's late husband died, the person, had attained school-leaving age or was not in Northern Ireland; or
  - (c) she is pregnant by her late husband.
- (2) The condition referred to in subsection (1)(a) above is that the woman's family includes a child with respect to whom one of the conditions specified in section 43(1) of this Act (conditions of payment of increase for child dependants) is for the time being satisfied and who either—
- (a) at her late husband's death was, or could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as, a child of his family; or
  - (b) is a son or daughter of theirs ; or
  - (c) subject to such exceptions and conditions as may be prescribed, having at the death of a previous husband of the widow by a marriage which ended with that husband's death been a child of that husband's family, was at the death of her late husband a child of the woman's family.
- (3) The period for which a widowed mother's allowance is payable to a woman shall be any period during which she satisfies the requirements of subsection (1)(a), (b) or (c) above and for which she is not entitled to a widow's allowance:

Provided that the allowance shall not be payable for any period after the widow's remarriage or for any period during which she is cohabiting with a man as his wife.

## 26 Widow's pension

- (1) A woman who has been widowed shall be entitled to a widow's pension at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 7, if her late husband satisfied the contribution conditions for a widow's pension specified in Schedule 3, Part I, paragraph 5, and either—
- (a) she was, at the husband's death, over the age of 40 but under the age of 65 ; or

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- (b) she ceased to be entitled to a widowed mother's allowance at a time when she was over the age of 40 but under the age of 65.
- (2) The weekly rate of a widow's pension payable to a woman who was under the age of 50 at the time when her late husband died or, as the case may be, when she ceased to be entitled to a widowed mother's allowance shall be reduced by an amount equal to 7 per cent, of its amount apart from this subsection multiplied by the number of years by which her age at that time was less than 50 (any fraction of a year being counted as a year).
- (3) The period for which a widow's pension is payable to a woman shall be any period during which she is under the age of 65 and for which she is not entitled to a widow's allowance or a widowed mother's allowance:

Provided that the pension shall not be payable for any period after the widow's remarriage or for any period during which she is cohabiting with a man as his wife.

*Retirement pensions (Categories A and B)*

**27 Matters affecting entitlement to pension**

- (1) In this Act " pensionable age " means—
  - (a) in the case of a man, the age of 65 ; and
  - (b) in the case of a woman, the age of 60.
- (2) For the purposes of this Act a person's working life is the period between (inclusive) the tax year in which he attained the age of 16 and (exclusive) the tax year in which he attained pensionable age or died under that age.
- (3) For those purposes, a person may (subject to the following subsection) be treated as having retired from regular employment at any time after he has attained pensionable age—
  - (a) whether or not he has previously been an earner;
  - (b) notwithstanding that he is, or intends to be, an earner, if—
    - (i) he is or intends to be so only occasionally or to an inconsiderable extent, or otherwise in circumstances not inconsistent with retirement, or
    - (ii) his earnings can be expected not to exceed, or only occasionally to exceed, the amount any excess over which would, under section 30(1) below (earnings rule), involve a reduction of the weekly rate of his pension ;

and a person so treated under this subsection shall not cease to be so treated except in pursuance of an election under section 30(3) below (return to work after retirement).

- (4) Subject to the following subsection, a person shall not be treated as having retired from regular employment unless he has complied with the prescribed requirements as to the giving of notice of the date of his retirement; and where the date of retirement specified in the notice falls before the date when the notice is given, the person shall not be treated as having so retired earlier than on the date of commencement of the prescribed period before the giving of the notice.
- (5) For the purposes of this Act a person who has not previously retired from regular employment shall be deemed so to retire on the expiration of 5 years from his attaining

pensionable age; and references in this Part of this Act to the date of a person's retirement shall be construed in accordance with this section.

- (6) No person shall be entitled for the same period to more than one retirement pension; but where under the following sections in this Part (whether Chapter I or Chapter II) a person would otherwise be entitled to more than one such pension, he shall be entitled (whichever pension he may apply for) to whichever one is from time to time the most favourable to him.

## **28 Category A retirement pension**

- (1) A person shall be entitled to a Category A retirement pension at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 8, if—

- (a) he is over pensionable age and has retired from regular employment; and
- (b) he satisfies the contribution conditions for a Category A retirement pension specified in Schedule 3, Part I, paragraph 5;

and the pension shall commence from the date of retirement and (subject to section 30(1) of this Act (earnings rule)) be payable for the pensioner's life.

- (2) A woman who on attaining pensionable age is married shall not be entitled to a Category A retirement pension unless either—

- (a) her marriage (to the man to whom she is married on attaining that age) took place on or after the date on which she attained the age of 55 ; or
- (b) the number of years of her working life (disregarding the year in which that marriage took place and any previous year) for which her earnings factor was sufficient for satisfaction by her of paragraph (b) of the second contribution condition for a Category A retirement pension specified in Schedule 3, Part I, paragraph 5, was at least—

- (i) one half of the number of complete years between (exclusive) the year in which that marriage took place and (exclusive) the year in which she attained pensionable age, or
- (ii) if that number of years is an odd number, one half of the next lowest even number.

In this subsection " year " means tax year.

- (3) Where a woman is a widow at the time when she attains pensionable age and does not with her own contributions satisfy the second contribution condition for a Category A retirement pension specified in Schedule 3, Part I, paragraph 5, then the contributions of her late husband may, to the extent provided by Schedule 7 to this Act, be treated as if they were contributions of her own.

- (4) The weekly rate of a Category A retirement pension shall be increased by 1/8th per cent, of its rate apart from this subsection for every 6 days (excluding Sundays) which—

- (a) fall in the period beginning with the day on which the pensioner attained pensionable age and ending with the day before that of his retirement; and
- (b) are treated by regulations as being, in relation to him and his pension, days of increment under this subsection,

but only if the number of such days is at least 48; and a day may be so treated by reference to the pensioner or some other person having received, or not having received, benefit of any prescribed description (whether or not under this Act)

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in respect of that day or a period in which it falls or by reference to any other circumstances whatsoever.

- (5) In the case of a woman entitled to a Category A retirement pension, the rate of the pension (with or without any increase under subsection (4) above) shall, if—
- (a) she has had a husband and he has died, and she was married to him when he died ; and
  - (b) the husband either—
    - (i) was entitled to a Category A retirement pension with increases under subsection (4) above, or
    - (ii) would have been so entitled if he had retired on the date of his death, be increased by 1/16th per cent, of the rate of the pension to which he was (or would have been) entitled for every 6 days which were (or would have been) in relation to him and that pension days of increment under subsection (4), but only if the number of such days is at least 48.
- (6) Where under subsection (4) or (5) above an increase is calculated as a percentage applied to a rate, there shall in arriving at that rate be disregarded any increase otherwise than under subsection (7) below.
- (7) The weekly rate of a Category A retirement pension shall be increased under this subsection if the pensioner was entitled to an invalidity allowance in respect of—
- (a) any day falling within the period of 13 weeks ending immediately before the day on which he attains pensionable age, or
  - (b) the last day before the beginning of that period;
- and the increase shall be of an amount equal to the weekly rate of the invalidity allowance (whether the higher, the middle or the lower rate) to which he was entitled on that day.
- (8) In ascertaining—
- (a) for the purposes of subsection (5) above, the rate of the pension of a woman's former husband; and
  - (b) for the purposes of subsection (7) above, the rate of a pensioner's invalidity allowance,
- regard is to be had to the rates in force from time to time as increased by up-rating orders, or by any Act passed, or Measure of the Northern Ireland Assembly enacted, after the 1973 Act.

## **29 Category B retirement pension**

- (1) A woman who is or has been married, and has attained pensionable age, shall be entitled to a Category B retirement pension by virtue of the contributions of her husband ; and the cases in which a woman is so entitled are those specified in subsections (2) to (5) below.
- (2) The first case of entitlement is where the woman is married to that husband at the time when she attains pensionable age and—
- (a) he also has attained pensionable age, and both of them have retired from regular employment; and
  - (b) he satisfies the relevant contribution conditions.



- (3) The second case of entitlement is where the woman marries after attaining pensionable age and—
  - (a) her husband has also attained pensionable age and both of them have retired from regular employment; and
  - (b) he satisfies the relevant contribution conditions.
- (4) The third case of entitlement is where the woman's husband is dead and his death was after she attained pensionable age, and—
  - (a) she was married to him when he died; and
  - (b) before his death he satisfied the relevant contribution conditions.
- (5) The fourth case of entitlement is where the woman's husband is dead and his death was before she attained pensionable age, and—
  - (a) she has retired from regular employment; and
  - (b) she was a widow immediately before attaining pensionable age and is entitled (or is treated by regulations as entitled) to a widow's pension ; and
  - (c) she became entitled to the pension in consequence of the husband's death.
- (6) The relevant contribution conditions for the purposes of the first, second and third cases of entitlement are those specified in Schedule 3, Part I, paragraph 5 (Category B retirement pension or widow's pension, as the case may be).
- (7) A woman's Category B retirement pension—
  - (a) in the first and second cases of entitlement shall—
    - (i) during any period in which the husband is alive, be at the lower rate specified in relation thereto in Schedule 4, Part I, paragraph 9, and
    - (ii) during any period after he is dead, be at the higher rate so specified; and
  - (b) in the third case of entitlement, shall be at the higher rate so specified ; and
  - (c) in the fourth case of entitlement, shall be at the same weekly rate as her widow's pension.
- (8) Where a woman would but for section 27(6) of this Act be entitled both to a Category A and also to a Category B retirement pension, and section 28(7) above would apply for the increase of the former pension, it shall be taken as applying also for the increase of the latter.
- (9) Subject to the provisions of this Act, a woman's Category B retirement pension shall commence from the date on which she becomes entitled under whichever of subsections (2) to (5) above is applicable in her case, and shall be payable for her life.
- (10) Where a woman is entitled to a Category B retirement pension by virtue of the contributions of her husband, the weekly rate of the pension shall be increased—
  - (a) during any period in which he is alive (and she remains his wife) by 1/16th per cent, of his pension for every 6 days (excluding Sundays) which—
    - (i) fall in the period beginning with the day on which he attained pensionable age and ending with the day before that of his retirement and not in a period before she married him or attained pensionable age; and
    - (ii) in relation to him and his pension, were days of increment under section 28(4),  
but only if the number of such days is at least 48 ; and

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- (b) during any period after he is dead, if she was married to him when he died, by that amount plus an additional 1/16th per cent, of the husband's pension for every 6 days which were in relation to him and his pension days of increment under section 28(4), but only if the number of such days is at least 48.
- (11) References in subsection (10) above to the husband's pension are to that pension without any increase otherwise than under section 28(7) above; and in ascertaining the rate of his pension for the purposes of subsection (10) regard is to be had to the rates in force from time to time as increased by up-rating orders, or by any Act passed, or Measure of the Northern Ireland Assembly enacted, after the 1973 Act.
- (12) Where a woman has made an election in accordance with regulations under section 30(3) of this Act (return to work after retirement) and has not revoked her election, there shall be taken into account, as days of increment in relation to her for the purposes of any increase of her pension under subsection (10)(b) above, any days after the date of her election and after the date of the death of her husband by virtue of whose contributions she is entitled to the pension, being days which would, if she were entitled to a Category A retirement pension, be days of increment under section 28(4) above in relation to her and that pension.

### **30 Category A and B pensions (supplementary)**

- (1) Where the earnings of a person entitled to a Category A or Category B retirement pension, being a person who is less than 5 years over pensionable age, have exceeded £20 for the week ending last before any week for which he is entitled to the pension, the weekly rate of pension for the last-mentioned week shall be reduced—
- where the excess is less than £4, by 5 pence for each complete 10 pence of the excess; and
  - where the excess is not less than £4, by 5 pence for each complete 10 pence of the excess up to £4 and by 5 pence for each complete 5 pence of any further excess:

Provided that this subsection shall not affect the rate of the pension for the first week after the date of the beneficiary's retirement.

In this subsection "week", where used in the expression "week for which he is entitled to the pension" and in the proviso, means such period of 7 days as may be prescribed by regulations relating to the payment of pensions.

- (2) With effect from such day as may be prescribed in the week containing 6th April in a year mentioned in the first column below, subsection (1) above shall have effect with the substitution for "£20" of the amount specified in relation to that year in the second column below—

1976	£35
1977	£50.

- (3) Regulations may provide that in the case of a person of any prescribed description who—
- has retired from regular employment or has otherwise become entitled to a retirement pension (whether Category A or Category B) but is, in the case of a woman, under the age of 65 or, in the case of a man, under the age of 70 ; and

- (b) elects in such manner and in accordance with such conditions as may be prescribed that the regulations shall apply in his case,  
 this Part of this Act shall have effect as if that person had not retired or become entitled to such a retirement pension ; and any such regulations may make such modifications of the provisions of this Part, or of those of Part III below as those provisions apply in a case where a person makes an election under the regulations, as may appear to the Department necessary or expedient.
- (4) Where a husband and wife have both become entitled to retirement pensions and—
- (a) the husband's pension is Category A; and
  - (b) the wife's pension is Category B by virtue of that husband's contributions,  
 the husband shall not be entitled to make an election in accordance with regulations made under subsection (3) above without the consent of the wife, unless that consent is unreasonably withheld.
- (5) Where a person has given notice for the purposes of regulations under section 27(4) above and the date of retirement specified in the notice falls after the date when the notice was given, a Category A or Category B retirement pension may be awarded as from the date of retirement so specified, but if so awarded shall be conditional on the person's having retired on or before that date.

#### *Other benefits*

### **31 Child's special allowance**

Subject to the provisions of this Act (and in particular to those of section 43 imposing limitations on payment of benefit in respect of children), a woman whose marriage has been terminated by divorce shall be entitled to a child's special allowance at the weekly rate specified in relation thereto in Schedule 4, Part I, paragraph 10, if—

- (a) the husband of that marriage is dead and satisfied the contribution condition for a child's special allowance specified in Schedule 3, Part I, paragraph 6; and
- (b) she has a family which includes a child and at that husband's death the child—
  - (i) was either a child of her family or, where the child is issue of theirs within the meaning of the Family Allowances Act, a child of that husband's family, or
  - (ii) would have been within sub-paragraph (i) above but for the fact that the child was not then in Northern Ireland; and
- (c) either—
  - (i) that husband had before his death been contributing at not less than the prescribed weekly rate to the cost of providing for that child, or
  - (ii) at the date of that husband's death she was entitled, under an order of a court, trust or agreement which she has taken reasonable steps to enforce, to receive (whether from that husband or from another person) payments in respect of that child at not less than that rate provided or procured by that husband :

Provided that the allowance shall not be payable for any period after the woman's remarriage or for any period during which she is cohabiting with a man as his wife.

**32 Death grant**

- (1) Subject to the provisions of this Act, a death grant of the amount specified in relation thereto in Schedule 4, Part II, paragraph 2, shall be payable in respect of the death of any person (" the deceased ") where the case is one falling within any of the paragraphs of subsection (2) below; and in that subsection and subsection (4) below references to a person being, or having been, a qualifying contributor are to his satisfying or having satisfied the contribution condition specified for death grant in Schedule 3, Part I, paragraph 7.
- (2) The following are the cases in which a death grant is payable—
- (a) the deceased was a qualifying contributor;
  - (b) the deceased was at death the husband, wife, widower, widow or a child of the family of a qualifying contributor;
  - (c) the deceased was a child and either—
    - (i) he had been a child of the family of a person who pre-deceased him (and was so at the death of that person) and that person was a qualifying contributor immediately before his death, or
    - (ii) he was the posthumous son or daughter of a man who was a qualifying contributor ;
  - (d) the deceased was over the age of 19 at death and—
    - (i) he was at death, and had ever since attaining the age of 19 been, incapacitated for regular employment, and
    - (ii) he was at death residing (or would, if not living in an institution, have been residing) with a near relative being either a qualifying contributor or the wife or widow of a qualifying contributor.
- (3) For the purposes of subsection (2) above, the following definitions 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 Department 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, stepmother or step-child, or brother, sister, half-brother, or half-sister, step-brother or step-sister, (any such relationship as is specified in sub-paragraph (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).
- (4) Regulations may provide that, in a case where the deceased—
- (a) was a child either at his death or at any time during the tax year in which he died or the preceding tax year; or
  - (b) was at his death over the age of 16 and under the age of 19 and was then incapacitated for regular employment (within the meaning given to that expression by subsection (3)(a) above),

but (in either case) a death grant is not payable by virtue of subsection (1), it shall nevertheless be payable if a person having such connection with the deceased as may be prescribed is or was at any time a qualifying contributor.

- (5) A death grant shall not be payable in respect of the death of a person who attained pensionable age before 5th July 1948 nor, except in prescribed cases, in respect of a death occurring outside Northern Ireland.

### *Supplementary*

## **33 Partial satisfaction of contribution conditions**

- (1) This section applies to—
- (a) unemployment benefit;
  - (b) sickness benefit;
  - (c) maternity allowance;
  - (d) widowed mother's allowance ;
  - (e) widow's pension;
  - (f) Category A retirement pension ; and
  - (g) Category B retirement pension.
- (2) Subject to the provisions of this section, regulations may provide for persons to be entitled to a benefit to which this section applies, in cases where the first contribution condition specified in relation to that benefit in Schedule 3, Part I, is satisfied, and the second contribution condition so specified is not.
- (3) Regulations under this section shall provide for benefit payable by virtue of any such regulations to be payable at a rate, or to be of an amount, less than that specified in Schedule 4 to this Act, and the rate or amount prescribed by the regulations may vary with the extent to which the relevant contribution conditions are satisfied; but the amount of any increase of benefit in respect of a child shall be the same as if both of the relevant contribution conditions had been fully satisfied.

## **CHAPTER II**

### **NON-CONTRIBUTORY BENEFITS**

## **34 Descriptions of non-contributory benefits**

- (1) Non-contributory benefits under this Chapter the following descriptions, namely—
- (a) attendance allowance;
  - (b) non-contributory invalidity pension (with increase for adult and child dependants);
  - (c) invalid care allowance (with increase for adult and child dependants);
  - (d) guardian's allowance;
  - (e) retirement pensions of the following categories—
    - Category C, payable to certain persons who were over pensionable age on 5th July 1948 and their wives and widows (with, increase for adult and child dependants), and

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Category D, payable to persons over the age of 80;

- (f) age addition payable, in the case of persons over the age of 80, by way of increase of a retirement pension of any category or of a pension or allowance to which section 40(2) applies.
- (2) The rates of benefits given in this Chapter and the other figures in this Part which affect those rates or the entitlement of any beneficiary shall be subject to alteration by up-rating orders.

### **35 Attendance allowance**

- (1) A person shall be entitled to an attendance allowance if he satisfies prescribed conditions as to residence or presence in Northern Ireland and either—
- (a) he is so severely disabled physically or mentally that, by day, he requires from another person either—
    - (i) frequent attention throughout the day in connection with his bodily functions, or
    - (ii) continual supervision throughout the day in order to avoid substantial danger to himself or others.
  - (b) he is so severely disabled physically or mentally that, at night, he requires from another person either—
    - (i) prolonged or repeated attention during the night in connection with his bodily functions, or
    - (ii) continual supervision throughout the night in order to avoid substantial danger to himself or others; or
- (2) Subject to the following provisions of this section, the period for which an attendance allowance is payable to any person shall be that specified in a certificate issued in respect of him by the Attendance Allowance Board as being—
- (a) a period throughout which he has satisfied or is likely to satisfy the condition mentioned in subsection (1)(a) above or that mentioned in (1)(b), or both; and
  - (b) a period immediately preceded by one of not less than 6 months throughout which he satisfied, or is likely to satisfy, one or both of those conditions.
- (3) The weekly rate of the attendance allowance payable to a person for any period shall be the higher rate specified in relation thereto in Schedule 4, Part III, paragraph 1, if the certificate states both as regards that period and as regards the preceding 6 months that he has satisfied or is likely to satisfy both those conditions, and shall be the lower rate so specified if the certificate does not so state.
- (4) An attendance allowance shall not be payable to a person for any period preceding the date on which he makes a claim for it; but, except in so far as regulations otherwise provide—
- (a) a claim for an attendance allowance may be made during the period of 6 months mentioned in subsection (2)(b) above, and an award may be made in pursuance of the claim subject to the condition that throughout that period the person to whom the claim relates satisfies the conditions there mentioned or, if the award is at the lower rate, one of those conditions; and
  - (b) an award so made may be reviewed if at any time it is found that during the period of the award or the interval between the making of the award and the beginning of that period the conditions so mentioned were at some time not

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both satisfied or, in the case of an award at the lower rate, were at some time not either of them satisfied.

- (5) Regulations may provide that subsections (1) to (4) above, and any other provision of this Act so far as the provision relates to any of those subsections, shall have effect, in relation to any severely disabled person who is under the age of 16, subject to such modifications as may be prescribed ; but nothing in this subsection authorises any increase in the rate of an attendance allowance.
- (6) Regulations may provide that an attendance allowance shall not be payable in respect of a person for any period when he is a person for whom accommodation is provided—
  - (a) in pursuance of Article 5, 7, 15 or 36 of the Health and Personal Social Services (Northern Ireland) Order 1972; or
  - (b) in circumstances in which the cost is, or may be, borne wholly or partly out of public or local funds, in pursuance of those enactments or of any other enactment relating to persons under disability or to young persons or to education or training.

### **36 Non-contributory invalidity pension**

- (1) Subject to the provisions of this section, a person shall be entitled to a non-contributory invalidity pension for any day on which he is incapable of work, if he has been so incapable for a period of not less than 196 consecutive days ending immediately before that day.
- (2) A person shall not be entitled to such a pension if he is under the age of 16 or receiving full-time education; and a woman shall not be so entitled if—
  - (a) she is married and either—
    - (i) she is residing with her husband ; or
    - (ii) he is contributing to her maintenance at a weekly rate not less than the weekly rate of such a pension; or
  - (b) she is cohabiting with a man as his wife,  
except where she is incapable of performing normal household duties.
- (3) A person shall not be entitled to such a pension unless he satisfies prescribed conditions as to residence or presence in Northern Ireland.
- (4) Subject to subsection (5) below, a person who has attained pensionable age shall not be entitled to a pension under this section unless he was so entitled (or is treated by regulations as having been so entitled) immediately before attaining that age.
- (5) Regulations may make provision whereby a person who has attained retiring age (meaning 70 in the case of a man and 65 in the case of a woman) and was entitled to a pension under this section immediately before attaining that age continues to be so entitled notwithstanding that he is not incapable of work or no longer satisfies the requirements of subsection (1) above as to the period for which a person must have been incapable of work.
- (6) Regulations may make provision whereby, in the case of a person who has previously been entitled to a pension under this section, the requirements of subsection (1) above as to the period for which a person must have been incapable of work may be satisfied by reference to a period not ending immediately before the day there mentioned, or not consisting of consecutive days.

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- (7) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as incapable of work, as incapable of performing normal household duties or as receiving full-time education.
- (8) A pension under this section shall be payable at the weekly rate specified in relation thereto in Schedule 4, Part III, paragraph 2.
- (9) Regulations may provide for disqualifying a person for receiving a non-contributory invalidity pension for such period not exceeding 6 weeks as may be determined in accordance with sections 97 to 104 if—
  - (a) he has become incapable of work through his own misconduct; or
  - (b) he fails without good cause to attend for, or to submit himself to, such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.

### **37 Invalid care allowance**

- (1) Subject to the provisions of this section, a person shall be entitled to an invalid care allowance for any day on which he is engaged in caring for a severely disabled person if—
  - (a) he is regularly and substantially engaged in caring for that person; and
  - (b) he is not gainfully employed ; and
  - (c) the severely disabled person is either such relative of his as may be prescribed or a person of any such other description as may be prescribed.
- (2) In this section " severely disabled person " means a person in respect of whom there is payable either an attendance allowance or such other payment out of public funds on account of his need for attendance as may be prescribed.
- (3) A person shall not be entitled to an allowance under this section if he is under the age of 16 or receiving full-time education; and a woman shall not be entitled to any such allowance if—
  - (a) she is married and either—
    - (i) she is residing with her husband; or
    - (ii) he is contributing to her maintenance at a weekly rate not less than the weekly rate of such an allowance; or
  - (b) she is cohabiting with a man as his wife.
- (4) A person shall not be entitled to an allowance under this section unless he satisfies prescribed conditions as to residence or presence in Northern Ireland.
- (5) Subject to subsection (6) below, a person who has attained pensionable age shall not be entitled to an allowance under this section unless he was so entitled (or is treated by regulations as having been so entitled) immediately before attaining that age.
- (6) Regulations may make provision whereby a person who has attained retiring age (meaning 70 in the case of a man and 65 in the case of a woman) and was entitled to an allowance under this section immediately before attaining that age continues to be so entitled notwithstanding that he is not caring for a severely disabled person or no longer satisfies the requirements of subsection (1)(a) or (b) above.
- (7) No person shall be entitled for the same day to more than one allowance under this section; and where, apart from this subsection, two or more persons would be entitled



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for the same day to such an allowance in respect of the same severely disabled person, one of them only shall be entitled, being such one of them as they may jointly elect in the prescribed manner or as may, in default of such election, be determined by the Department in its discretion.

- (8) Regulations may prescribe the circumstances in which a person is or is not to be treated for the purposes of this section as engaged, or regularly and substantially engaged, in caring for a severely disabled person, as gainfully employed or as receiving full-time education.
- (9) An invalid care allowance shall be payable at the weekly rate specified in relation thereto in Schedule 4, Part III, paragraph 3.

### **38 Guardian's allowance**

- (1) Subject to the provisions of this Act (and in particular to those of section 43 imposing limitations on payment of benefit in respect of children), a person shall be entitled to a guardian's allowance at the weekly rate specified in relation thereto in Schedule 4, Part III, paragraph 4, in respect of a child of his family, where the circumstances are any of those specified in subsection (2) below.
- (2) The circumstances referred to in subsection (1) are—
- (a) that both of the child's parents are dead ; or
  - (b) that one of the child's parents is dead and the person claiming a guardian's allowance shows that he was at the date of the death unaware of, and has failed after all reasonable efforts to discover, the whereabouts of the other parent; or
  - (c) that one of the child's parents is dead and the other is in prison.
- (3) There shall be no entitlement to a guardian's allowance in respect of a child unless at least one of the child's parents satisfies, or immediately before his death satisfied, such conditions as may be prescribed as to nationality, residence, place of birth or other matters.
- (4) Regulations—
- (a) may modify subsection (2) or (3) above in relation to cases in which a child has been adopted or is illegitimate, or the marriage of a child's parents has been terminated by divorce;
  - (b) shall prescribe the circumstances in which a person is to be treated for the purposes of this section as being in prison (by reference to his undergoing a sentence of imprisonment for life or of a prescribed minimum duration, or to his being in legal custody in prescribed circumstances); and
  - (c) may, for cases where entitlement to a guardian's allowance is established by reference to a person being in prison, provide—
    - (i) for requiring him to pay to the National Insurance Fund sums paid by way of a guardian's allowance;
    - (ii) for suspending payment of an allowance where a conviction, sentence or order of a court is subject to appeal, and for matters arising from the decision of an appeal;
    - (iii) for the cases in which a child is to be treated as a child of the claimant's family; and
    - (iv) for reducing the rate of an allowance in cases where the person in prison contributes to the cost of providing for the child.

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- (5) In the case of a child who is a child of the family of a man and his wife, the wife only shall be entitled to a guardian's allowance; but subsections (2) to (4) of section 4 of the Family Allowances Act (which specify the persons who are to receive an allowance under that Act payable in respect of such a child) shall apply in relation to a guardian's allowance as they apply in relation to an allowance under that Act.
- (6) No person shall be entitled to a guardian's allowance in respect of a child of which he or she is the parent

### **39 Retirement benefits for the aged**

- (1) Subject to the provisions of this Act—
- (a) a person who was over pensionable age on 5th July 1948 and satisfies such conditions as may be prescribed shall be entitled to a Category C retirement pension at the appropriate weekly rate ;
  - (b) a woman whose husband is entitled to a Category C retirement pension shall, if she is over pensionable age and has retired from regular employment and satisfies such other conditions as may be prescribed, be entitled to such a pension at the appropriate weekly rate; and
  - (c) a person who is over the age of 80 and satisfies such conditions as may be prescribed shall be entitled to a Category D retirement pension at the appropriate weekly rate if—
    - (i) he is not entitled to a Category A, Category B or Category C retirement pension; or
    - (ii) he is entitled to such a pension but it is payable at a weekly rate which, disregarding any increase (for dependants) under section 41, 45 or 46, is less than the appropriate weekly rate.
- (2) The appropriate weekly rate of a Category C or Category D retirement pension—
- (a) shall be the lower rate specified in relation thereto in Schedule 4, Part III, paragraph 5, where—
    - (i) the pensioner is a married woman, and
    - (ii) she has not, at any time since she became entitled to her pension, ceased to be a married woman; and
  - (b) shall be the higher rate so specified in any other case.
- (3) A Category C or Category D retirement pension shall be payable for the pensioner's life.
- (4) Regulations may provide for the payment—
- (a) to a widow whose husband was over pensionable age on 5th July 1948 ; or
  - (b) to a woman whose marriage to a husband who was over pensionable age on that date was terminated otherwise than by his death,
- of a Category C retirement pension, or of benefit corresponding to a widow's pension or a widowed mother's allowance; and any such pension or benefit shall be at the prescribed rate.

### **40 Age addition**

- (1) A person who is over the age of 80 and entitled to a retirement pension of any category shall be entitled to an increase of the pension, known as age addition.

- (2) Where a person is in receipt of a pension or allowance payable by virtue of any prescribed enactment or instrument (whether passed or made before or after this Act) and—
- (a) he is over the age of 80; and
  - (b) he fulfils such other conditions as may be prescribed,
- she shall be entitled to an increase of that pension or allowance, also known as age addition.
- (3) Age addition shall be payable for the life of the person entitled, at the weekly rate specified in relation thereto in Schedule 4, Part III, paragraph 6.

### CHAPTER III

#### INCREASES FOR DEPENDANTS

##### *Child dependants*

#### **41 Beneficiary's dependent children**

- (1) Subject to section 30(1) of this Act and to the following provisions of this Part, the weekly rate of any benefit to which this subsection applies shall, for any period for which the beneficiary has a family which includes a child or children, be increased in respect of that child, or each respectively of those children, by the appropriate amount specified in relation to the benefit in question in Schedule 4, Part IV, column (2) or (3).
- (2) Subsection (1) above applies to—
- (a) unemployment benefit;
  - (b) sickness benefit;
  - (c) invalidity pension;
  - (d) maternity allowance;
  - (e) widow's allowance; and
  - (f) Category A, B or C retirement pension.
- (3) In the application of subsection (1) of this section to a maternity allowance, references to a child or children shall include references to any child or children born to the beneficiary on the occasion of the confinement by reason of whose actual or expected occurrence she became entitled to the allowance.
- (4) Subject to section 43 below, the weekly rate of a widowed mother's allowance payable by virtue of section 25(1)(a) shall be increased for any period in respect of the child or, if more than one, each respectively of the children falling within paragraph (a), (b) or (c) of section 25(2) for the time being included in her family by the appropriate amount specified in relation to that allowance in Schedule 4, Part IV, column (2) or (3).
- (5) Subject to section 43, the weekly rate of a child's special allowance shall, for any period for which the beneficiary has a family which includes 2 or more children with respect to whom the conditions specified in section 31(b) and (c) are satisfied, be increased in respect of each respectively of those children other than the elder or eldest by the appropriate amount specified in relation to that allowance in Schedule 4, Part IV, column (3).

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- (6) Where the beneficiary by whom an increase of benefit under this section is claimed is a married woman residing with her husband, it shall be an additional condition with respect to receipt of that increase that her husband is incapable of self-support.

#### **42 Additional provisions as to increase under s. 41**

- (1) This section has effect with respect to increases under section 41 of this Act of benefits other than a child's special allowance.
- (2) Subject to section 43, a child of the family of a woman for the time being residing with the beneficiary is to be treated for the purposes of section 41 as a child of the beneficiary's family if the child—
- (a) is an illegitimate son or daughter of theirs; or
  - (b) was born not less than 6 months before the day for which the increase provided for by that section is claimed and was wholly or mainly maintained by the beneficiary throughout the 6 months ending immediately before that day.
- (3) Subject to section 43, where a man is entitled to unemployment benefit, sickness benefit, an invalidity pension, or a Category A or C retirement pension, there is to be treated for the purposes of section 41 as included in the beneficiary's family—
- (a) a child who, on the day for which the increase provided by section 41 is claimed, could (though not otherwise included in the beneficiary's family) have been treated as so included by virtue of paragraph 3 of the Schedule to the Family Allowances Act; and
  - (b) a child who could have been so treated but for the fact that the beneficiary is contributing at the appropriate rate to the cost of providing for the child;
- and " the appropriate rate" is a weekly rate which, though not less than the prescribed rate, is less than the minimum rate for the time being required for the purposes of section 3(2) of the Family Allowances Act.
- (4) In the case of retirement pensions (except Category D)—
- (a) where a man and his wife are both entitled to a retirement pension (being a Category A or C pension in his case and a Category B or C pension in hers)—
    - (i) they shall not both be entitled for the same period to an increase under section 41(1) in respect of the same child, nor shall they both be entitled for the same period, in respect of different children, to such an increase at the rate applicable to an only, elder or eldest child;
    - (ii) where one of them is entitled to such an increase at the rate above mentioned in respect of a child not included or treated as included in the other's family, the rates of any such increases to which the other is entitled shall be the rates which would have been appropriate if that child had been the elder or eldest child of the other's family;
  - (b) for any reference in subsection (2) above to the day for which the increase provided for by section 41 is claimed there shall be substituted a reference to the date of retirement or, where the beneficiary is a woman who became entitled to the pension without having retired, the date when she so became entitled;

and where, but for paragraph (a) above, a man and his wife would both be entitled to an increase of a retirement pension under section 41(1), regulations may make provision as to their priority.

### **43 Limits of increase for dependent children**

- (1) Where, apart from this subsection, a person is entitled to receive, in respect of a particular child who is, or who falls to be treated for the purposes of the relevant provision as, a child of that person's family, payment of an amount by way of a child's special allowance under section 31, or a guardian's allowance under section 38, or of any increase under section 41 of any benefit, that amount shall not be payable unless one of the following conditions is satisfied—
  - (a) that the child in question is living with the beneficiary; or
  - (b) that the requisite contributions are being made to the cost of providing for the child.
- (2) The condition specified in subsection (1)(b) above is to be treated as satisfied if, but only if—
  - (a) such contributions are being made at a weekly rate not less than the amount referred to in subsection (1)—
    - (i) by the beneficiary, or
    - (ii) where the beneficiary is one of two spouses living together, by them together; and
  - (b) where an allowance under the Family Allowances Act is payable in respect of the child as a child of the beneficiary's family, the contributions are over and above those required for the purposes of satisfying section 3(2) of that Act or (as the case may be) the Schedule to that Act, paragraph 1(2).
- (3) For the purposes of subsection (1) above, a child's special allowance is to be treated as a payment in respect of an only, or the elder or eldest, child with respect to whom the conditions specified in section 31(b) and (c) of this Act are satisfied, without prejudice, however, to any payment by way of an increase of the allowance in respect of any other such child under section 41(5).
- (4) Where a person is entitled in respect of a child to a guardian's allowance under section 38, the amount (if any) payable to that or any other person by way of any other benefit under Chapters I to III of this Part of this Act in respect of children of any family shall be such, and such only, as would be payable if the first-mentioned child were not included or treated as included in any family.

### *Adult dependants*

### **44 Short term benefit: increase for adult dependants**

- (1) Subject to the provisions of this section, the weekly rate of unemployment benefit or sickness benefit shall be increased by the amount specified in relation to the benefit in question in Schedule 4, Part IV, column (4), for any period during which—
  - (a) the beneficiary is—
    - (i) residing with his wife, or
    - (ii) contributing to the maintenance of his wife at a weekly rate not less than that amount; and
  - (b) his wife is not engaged in any one or more employments from which her weekly earnings exceed that amount.
- (2) Subject to the following subsections, the weekly rate—

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(a) of unemployment benefit or sickness benefit in the case of a beneficiary not entitled to an increase under subsection (1) above ; and

(b) of a maternity allowance in any case,

shall be increased by the amount specified in relation to the benefit in question in Schedule 4, Part IV, column (4), for any of the periods mentioned in subsection (3) below.

(3) Those periods are—

(a) any period during which the beneficiary's husband is incapable of self-support and either they are residing together or she is contributing to his maintenance at a weekly rate not less than the amount so specified;

(b) any period during which the beneficiary has residing with him, and is wholly or mainly maintaining, such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled ;

(c) any period during which some female person (not a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of section 41, being a person in relation to whom such further conditions as may be prescribed are fulfilled.

(4) A beneficiary shall not under subsection (2) above be entitled for the same period to an increase of benefit in respect of more than one person.

(5) Where a person is entitled to unemployment benefit or sickness benefit under section 14(2)(b) or (c)—

(a) he shall not be entitled to an increase under subsection (2) above in respect of any such period as is mentioned in paragraph (a) or (b) of subsection (3) above; and

(b) if he would have been entitled only by virtue of section 33 to the retirement pension by reference to which the weekly rate of the unemployment benefit or sickness benefit is determined, the amount of any increase under this section of that weekly rate shall be that which would have been applicable by virtue of that section in the case of such an increase of the weekly rate of that pension.

(6) In this section, " relative " does not include any person who is a child.

#### **45 Pension increase (wife)**

(1) This section applies to—

(a) a Category A or Category C retirement pension ;

(b) an invalidity pension.

(2) Subject to the following provisions, the weekly rate of a pension to which this section applies, when payable to a man, shall be increased by the amount respectively specified in relation to the relevant pension in Schedule 4, Part IV, column (4)—

(a) for any period during which the pensioner is residing with his wife; or

(b) for any period during which the pensioner is contributing to the maintenance of his wife at a weekly rate not less than that amount, and his wife is not engaged in any one or more employments from which her weekly earnings exceed that amount.

(3) Where the pensioner is residing with his wife, and the earnings of his wife for the week ending last before any week for which he is entitled to benefit under this section

exceeded £20, the weekly rate of benefit under this section shall for the last-mentioned week be reduced—

- (a) where the excess is less than £4, by 5 pence for each complete 10 pence of the excess; and
- (b) where the excess is not less than £4, by 5 pence for each complete 10 pence of the excess up to £4 and by 5 pence for each complete 5 pence of any further excess.

In this subsection "week", where used in the expression "week for which he is entitled to benefit" means such period of 7 days as may be prescribed by regulations made for the purposes of this subsection.

- (4) With effect from such day as may be prescribed in the week containing 6th April in a year mentioned in the first column below, subsection (3) above shall have effect with the substitution for "£20" of the amount specified in relation to that year in the second column below—

1976	£35
1977	£50.

#### **46 Pension increase (female with care of children)**

- (1) This section applies to—
  - (a) a Category A retirement pension ;
  - (b) a Category C retirement pension by virtue of section 39(1)(a);
  - (c) an invalidity pension.
- (2) Subject to the following provisions, the weekly rate of a pension to which this section applies shall be increased by the amount specified in Schedule 4, Part IV, column (4), for any period during which some female person (not a child) has the care of a child or children of the pensioner's family, or of a child or children treated as such for the purposes of section 41.
- (3) Subsection (2) above shall not apply if the pensioner is a man whose wife is entitled to a Category B retirement pension, or to a Category C retirement pension by virtue of section 39(1)(b), or in such other cases as may be prescribed.
- (4) Regulations may, in a case within subsection (2) above in which the female person there referred to is residing with the pensioner and fulfils such further conditions as may be prescribed, authorise an increase of benefit under this section, but subject to a reduction in respect of the female person's earnings, other than such of her earnings from employment by the pensioner as may be prescribed, comparable to the reduction under section 45(3) above.

#### **47 Invalidity pension (dependent relative)**

- (1) Subject to subsection (2) below, the weekly rate of an invalidity pension shall be increased by the amount specified in Schedule 4, Part IV, column (4)—
  - (a) for any period during which the pensioner's husband is incapable of self-support and either they are residing together or she is contributing to his maintenance at a weekly rate not less than the amount so specified; or

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- (b) for any period during which the pensioner has residing with him and is wholly or mainly maintaining such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled.

In this subsection " relative " does not include any person who is a child.

- (2) Where a person is entitled to an invalidity pension at a weekly rate determined under section 15(4) of this Act—
  - (a) subsection (1) above does not apply ; and
  - (b) if the pensioner would have been entitled only by virtue of section 33 to the retirement pension by reference to which the weekly rate of the invalidity pension is determined, the amount of an increase under this section of that weekly rate shall be that which would have been applicable by virtue of that section in the case of such an increase of the weekly rate of that pension.

#### **48 Pension increases: supplementary provisions**

- (1) A pensioner shall not under sections 45 to 47 above be entitled for the same period to an increase of benefit in respect of more than one person.
- (2) Sections 45 and 46 above, as they relate to the amount of the increase of a retirement pension, have effect subject to section 30(1) of this Act (earnings rule); and any reduction to be made under that subsection shall be made, so far as necessary—
  - (a) first, against the amount of the benefit set out in Schedule 4, Part I, plus any increase under section 28(4) or (5) or 29(10);
  - (b) secondly, against the increase under section 45 or 46 and before any reduction to be made under section 45(3); and
  - (c) lastly, against any increase under section 41.

*Increase of certain non-contributory benefits*

#### **49 Beneficiaries under ss. 36 and 37**

The weekly rates—

- (a) of a non-contributory invalidity pension ; and
- (b) of an invalid care allowance ;

shall, in such circumstances as may be prescribed, be increased for child or adult dependants by the appropriate amount specified in relation thereto in Schedule 4, Part IV.



## CHAPTER IV

### BENEFIT FOR INDUSTRIAL INJURIES

#### *General provisions as to benefit*

#### **50 Descriptions of industrial injuries benefits**

- (1) Subject to the provisions of this Act, where an employed earner suffers personal injury caused after 4th July 1948 by accident arising out of and in the course of his employment, being employed earner's employment, there shall be payable to or in respect of him the industrial injuries benefits specified below in this section.
- (2) The benefits are—
  - (a) injury benefit, payable to the earner in accordance with section 56 below if during the period specified in subsection (4) of that section he is, as the result of the injury, incapable of work ;
  - (b) disablement benefit (by way of gratuity or pension), payable to the earner in accordance with sections 57 to 63 below if he suffers, as a result of the injury, from loss of physical or mental faculty ;
  - (c) industrial death benefit, payable in accordance with sections 67 to 75 below to the persons specified in those sections, if the earner dies as a result of the injury.
- (3) For the purposes of this Chapter, an accident arising in the course of an employed earner's employment shall be deemed, in the absence of evidence to the contrary, also to have arisen out of that employment.
- (4) Regulations may provide for treating an employed earner for the purposes of this Chapter as incapable of work as the result of an accident or injury when he would not be so treated apart from the regulations, and may also make provision—
  - (a) as to the days which, in the case of an employed earner who at any time is or is to be treated as incapable of work as the result of an accident or injury, are or are not to be treated for the purposes of industrial injuries benefit as days of incapacity for work ; and
  - (b) as to the day which, in the case of night workers and other special cases, is to be treated for the purpose of such benefit as the day of the accident.
- (5) Subject to sections 124 and 126 of this Act (mariners, airmen and others), industrial injuries benefit shall not be payable in respect of an accident happening while the earner is outside Northern Ireland.

#### **51 Relevant employments**

- (1) In this Chapter and Chapter V below " employed earner's employment" shall be taken to include any employment by virtue of which a person is, or is treated by regulations as being for the purposes of industrial injuries benefit, an employed earner.
- (2) Regulations may provide for any prescribed employment not to be treated for the purposes of industrial injuries benefit as employed earner's employment notwithstanding that it would be so treated apart from the regulations.

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- (3) For the purposes of this Chapter an employment shall be an employed earner's employment in relation to an accident if (and only if) it is, or is treated by regulations as being, such an employment when the accident occurs.

## **52 Earner acting in breach of regulations, etc.**

An accident shall be deemed to arise out of and in the course of an employed earner's employment, notwithstanding that he is at the time of the accident acting in contravention of any statutory or other regulations applicable to his employment, or of any orders given by or on behalf of his employer, or that he is acting without instructions from his employer, if—

- (a) the accident would have been deemed so to have arisen had the act not been done in contravention of any such regulations or orders, or without such instructions, as the case may be ; and
- (b) the act is done for the purposes of and in connection with the employer's trade or business.

## **53 Earner travelling in employer's transport**

- (1) An accident happening while an employed earner is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment if—

- (a) the accident would have been deemed so to have arisen had he been under such an obligation; and
- (b) at the time of the accident, the vehicle—
  - (i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer; and
  - (ii) is not being operated in the ordinary course of a public transport service.

- (2) In this section references to a vehicle include a ship, vessel, hovercraft or aircraft.

## **54 Accidents happening while meeting emergency**

An accident happening to an employed earner in or about any premises at which he is for the time being employed for the purposes of his employer's trade or business shall be deemed to arise out of and in the course of his employment if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

## **55 Accident caused by another's misconduct, etc.**

- (1) An accident shall be treated for the purposes of this Chapter, where it would not apart from this section be so treated, as arising out of an employed earner's employment if—
- (a) the accident arises in the course of the employment; and

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- (b) the accident either is caused by another person's misconduct, skylarking or negligence, or by steps taken in consequence of any such misconduct, skylarking or negligence, or by the behaviour or presence of an animal (including a bird, fish or insect), or is caused by or consists in the employed earner being struck by any object or by lightning ; and
- (c) the employed earner did not directly or indirectly induce or contribute to the happening of the accident by his conduct outside the employment or by any act not incidental to the employment.

(2) This section applies only to accidents happening after 19th December 1961.

### *Injury benefit*

## **56 Injury benefit**

- (1) Subject to the provisions of this section, an employed earner shall be entitled to injury benefit in respect of any day during the injury benefit period on which, as the result of the relevant injury, he is incapable of work.
- (2) In this Chapter " work ", in the contexts " incapable of work " and " incapacity for work ", means work which the person in question can reasonably be expected to do.
- (3) Injury benefit shall be an allowance payable at the appropriate weekly rate specified in Schedule 4, Part V, paragraph 1; and the amount payable for any day of incapacity shall be 1/6th of the weekly rate.
- (4) " The injury benefit period " means, in relation to an accident, the period of 156 days (disregarding Sundays) beginning with the day of the accident, or the part of that period for which, under section 57(4) below, disablement benefit in respect of the accident is not available to the earner.
- (5) There is no entitlement to injury benefit in respect of any day during the injury benefit period—
  - (a) unless that day forms part of a period of interruption of employment; or
  - (b) where that day is one of the first 3 days of a period of interruption of employment.
- (6) Section 17(1) of this Act (days for which benefit is payable), and any regulations made under section 17(1) or (2), have effect for the purposes of injury benefit as for those of unemployment benefit or sickness benefit.
- (7) A person who has not attained school-leaving age shall not be entitled to injury benefit, except as may be provided by regulations.

### *Disablement benefit*

## **57 Disablement gratuity and pension**

- (1) Subject to the provisions of this section, an employed earner shall be entitled to disablement benefit if he suffers as the result of the relevant accident from loss of physical or mental faculty such that the assessed extent of the resulting disablement amounts to not less than 1 per cent.

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- (2) In this Act, references to loss of physical faculty include disfigurement, whether or not accompanied by any actual loss of faculty.
- (3) " Assessed " means assessed in accordance with Schedule 8 to this Act; and for the purposes of that Schedule there shall be deemed not to be any relevant loss of faculty when the extent of the resulting disablement, if so assessed, would not amount to 1 per cent.
- (4) Disablement benefit shall not be available to a person until after the third day of the period of 156 days (disregarding Sundays) beginning with the day of the relevant accident nor until after the last day (if any) of that period on which he is incapable of work as the result of the relevant accident:

Provided that, where he makes a claim for disablement benefit in respect of the accident before the end of that period and does not withdraw it before it is finally determined, then if on any day of that period not earlier than the making of the claim he is not so incapable of work, the fact that he is or may be so incapable on a subsequent day of the period shall be disregarded for the purposes of this subsection.

- (5) Where the extent of the disablement is assessed for the period taken into account as amounting to less than 20 per cent., disablement benefit shall be a disablement gratuity—
  - (a) of an amount fixed, in accordance with the length of the period and the degree of the disablement, by a prescribed scale, but not in any case exceeding the amount specified in Schedule 4, Part V, paragraph 2; and
  - (b) payable, if and in such cases as regulations so provide, by instalments.
- (6) Where the extent of the disablement is assessed for the period taken into account as amounting to 20 per cent, or more, disablement benefit shall be a disablement pension for that period payable at the appropriate weekly rate specified in Schedule 4, Part V, paragraph 3:

Provided that where that period is limited by reference to a definite date, the pension shall cease on the death of the beneficiary before that date.

## **58 Unemployability supplement**

- (1) The weekly rate of a disablement pension shall, if as the result of the relevant loss of faculty the beneficiary is incapable of work and likely to remain so permanently, be increased by the appropriate amount specified in Schedule 4, Part V, paragraph 4.
- (2) An increase of pension under this section is referred to in this Act as an " unemployability supplement".
- (3) For the purposes of this section, a person may be treated as being incapable of work and likely to remain so permanently, notwithstanding that the loss of faculty is not such as to prevent him being capable of work, if it is likely to prevent his earnings in a year exceeding a prescribed amount not less than £104.
- (4) An unemployability supplement shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

## **59 Increase of unemployability supplement**

- (1) If on the qualifying date the beneficiary was—
- (a) a man under the age of 60, or
  - (b) a woman under the age of 55,
- the weekly rate of unemployability supplement shall be increased by the appropriate amount specified in Schedule 4, Part V, paragraph 5.
- (2) In this section "the qualifying date" means, subject to subsections (3) and (4) below, the beginning of the first week for which the beneficiary qualified for unemployability supplement.
- (3) If the incapacity for work in respect of which unemployability supplement is payable forms part of a period of interruption of employment which has continued from a date earlier than the date fixed under subsection (2) above, the qualifying date means the first day in that period which is a day of incapacity for work, or such earlier days as may be prescribed.
- (4) Subject to subsection (3) above, if there have been two or more periods for which the beneficiary was entitled to unemployability supplement, the qualifying date shall be, in relation to unemployability supplement for a day in any one of those periods, the beginning of the first week of that period.
- For the purposes of this subsection a break of more than 13 weeks in entitlement to unemployability supplement means that the periods before and after the break are different periods, and a break of 13 weeks or less is to be disregarded.
- (5) In this section "period of interruption of employment" has the same meaning as it has for the purposes of unemployment benefit.

## **60 Increase of disablement pension for special hardship**

- (1) The weekly rate of a disablement pension shall, subject to the following provisions of this section, be increased by an amount not exceeding the appropriate amount specified in Schedule 4, Part V, paragraph 6, if as the result of the relevant loss of faculty the beneficiary—
- (a) is incapable, and likely to remain permanently incapable, of following his regular occupation ; and
  - (b) is incapable of following employment of an equivalent standard which is suitable in his case,
- or if as the result of the relevant loss of faculty the beneficiary is, and has at all times since the end of the injury benefit period been, incapable of following that occupation or any such employment.
- (2) In subsection (1) above—
- (a) the reference to a person's regular occupation is to be taken as not including any subsidiary occupation of his;
  - (b) the reference to employment of an equivalent standard is to be taken as not including employment other than employed earner's employment;
- and in assessing the standard of remuneration in any employment, including a person's regular occupation, regard is to be had to his reasonable prospects of advancement.
- (3) For the purposes of this section, a person's regular occupation is to be treated as extending to and including employment in the capacities to which the persons in that

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occupation (or a class or description of them to which he belonged at the time of the relevant accident) are in the normal course advanced, and to which, if he had continued to follow that occupation without having suffered the relevant loss of faculty, he would have had at least the normal prospects of advancement; and so long as he is, as a result of the relevant loss of faculty, deprived in whole or in part of those prospects, he is to be treated as incapable of following that occupation.

- (4) Regulations may for the purposes of this section provide that a person is not to be treated as capable of following an occupation or employment merely because of his working thereat during a period of trial or for purposes of rehabilitation or training or in other prescribed circumstances.
- (5) An unemployability supplement and an increase of pension under this section shall not be payable for the same period.
- (6) Subject to subsection (5) above, an increase of pension under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time, and the amount of the increase shall be determined by reference to the beneficiary's probable standard of remuneration during the period for which it is granted in the employed earner's employments, if any, which are suitable in his case and which he is likely to be capable of following as compared with that in his regular occupation within the meaning of subsection (1) above.
- (7) Regulations may make as respects a disablement gratuity provision corresponding to that made by this section as respects a disablement pension, and may include provision for payment of a pension in lieu of a gratuity.

## **61 Increase where constant attendance needed**

- (1) Where a disablement pension is payable in respect of an assessment of 100 per cent., then, if as the result of the relevant loss of faculty the beneficiary requires constant attendance, the weekly rate of the pension shall be increased by an amount, not exceeding the appropriate amount specified in Schedule 4, Part V, paragraph 7, determined in accordance with regulations by reference to the extent and nature of the attendance required by the beneficiary.
- (2) An increase of pension under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

## **62 Increase during hospital treatment**

- (1) Where a person is awarded disablement benefit but the extent of his disablement is assessed for the period taken into account by the assessment at less than 100 per cent., it shall be treated as assessed at 100 per cent, for any part of that period, whether before or after the making of the assessment or the award of benefit, during which he receives, as an in-patient in a hospital or similar institution, medical treatment for the relevant injury or loss of faculty.
- (2) Where the extent of the disablement is assessed for that period at less than 20 per cent., subsection (1) above shall not affect the operation of section 57(5) of this Act; but, in the case of a disablement pension payable by virtue of this section to a person awarded a disablement gratuity wholly or partly in respect of the same period, the weekly rate of the pension (after allowing for any increase under this Chapter) shall be reduced by the amount prescribed as being the weekly value of his gratuity.

### **63 Increase for exceptionally severe disablement**

- (1) Where a disablement pension is payable to a person under section 57(6) above, and—
  - (a) the person is or, but for having received medical or other treatment as an in-patient in a hospital or similar institution, would be entitled to an increase of the weekly rate of the pension under section 61, and the weekly rate of the increase exceeds the amount specified in Schedule 4, Part V, paragraph 7(a); and
  - (b) his need for constant attendance of an extent and nature qualifying him for such an increase at a weekly rate in excess of that amount is likely to be permanent,the weekly rate of the pension shall, in addition to any increase under section 61, be further increased by the amount specified in Schedule 4, Part V, paragraph 8.
- (2) An increase under this section shall be payable for such period as may be determined at the time it is granted, but may be renewed from time to time.

#### *Increases for dependants*

### **64 Beneficiary's dependent children**

- (1) Subject to the provisions of this section and section 65 below, the weekly rate—
  - (a) of injury benefit; or
  - (b) of a disablement pension where the beneficiary is entitled to an unemployment supplement,shall be increased for any period during which the beneficiary has a family which includes a child or children.
- (2) The amount or amounts of the increase shall be—
  - (a) in the case of injury benefit, as specified in Schedule 4, Part V, paragraph 9 ; and
  - (b) in the case of a disablement pension, as specified in Schedule 4, Part V, paragraph 10.
- (3) A child of the family of a woman for the time being residing with the beneficiary is to be treated for the purposes of this section as a child of the beneficiary's family if the child either—
  - (a) is an illegitimate son or daughter of theirs ; or
  - (b) was born not less than 6 months before the day for which the increase under this section is claimed and was wholly or mainly maintained by the beneficiary throughout the 6 months ending immediately before that day.
- (4) Subject to section 65 below, where a man is entitled to injury benefit or a disablement pension, there is to be treated as included in the beneficiary's family for the purposes of this section—
  - (a) a child who, on the day for which the increase provided by subsection (1) above is claimed, could (though not otherwise included in the beneficiary's family) have been treated as so included by virtue of paragraph 3 of the Schedule to the Family Allowances Act; and
  - (b) a child who could have been so treated but for the fact that the beneficiary is contributing at the appropriate rate to the cost of providing for the child;

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and " the appropriate rate " means a weekly rate which, though not less than the prescribed rate, is less than the minimum rate for the time being required for the purposes of section 3(2) of that Act.

## **65 Additional provisions as to increase under s. 64**

- (1) An increase under section 64 above of any amount in respect of a particular child shall for any period be payable only if during that period one or other of the following conditions is satisfied with respect to the child—
  - (a) the child is living with the beneficiary; or
  - (b) the requisite contributions are being made to the cost of providing for the child.
- (2) The condition specified in subsection (1)(b) above is to be treated as satisfied if, and only if—
  - (a) such contributions are being made at a weekly rate not less than the amount referred to in subsection (1)—
    - (i) by the beneficiary, or
    - (ii) where the beneficiary is one of two spouses living together, by them together ; and
  - (b) where an allowance under the Family Allowances Act is payable in respect of the child as a child of the beneficiary's family, the contributions are over and above those required for the purposes of satisfying section 3(2) of that Act or (as the case may be) the Schedule to that Act, paragraph 1(2).
- (3) Where a person is entitled in respect of a child to a guardian's allowance (section 38), the amount (if any) payable to that or any other person by way of an increase under section 64 of any benefit shall be such, and such only, as would be payable if that child were not included or treated as included in any family.
- (4) A married woman shall not be entitled to an increase under section 64 of the weekly rate of injury benefit or a disablement pension for any period during which she is residing with her husband and he is not incapable of self-support.

## **66 Adult dependants**

- (1) The weekly rate of injury benefit, and of a disablement pension where the beneficiary is entitled to an unemployability supplement, shall be increased under this section for any period during which—
  - (a) the beneficiary is—
    - (i) residing with his wife ; or
    - (ii) contributing to the maintenance of his wife at the requisite rate ; or
  - (b) the beneficiary's husband is incapable of self-support, and either they are residing together or she is contributing to his maintenance at the requisite rate; or
  - (c) the beneficiary has residing with him and is wholly or mainly maintaining any such other relative as may be prescribed, being a relative in relation to whom such further conditions as may be prescribed are fulfilled; or
  - (d) some female person (not a child) has the care of a child or children of the beneficiary's family, or of a child or children treated as such for the purposes of section 64 above, being a person in relation to whom such further conditions as may be prescribed are fulfilled.



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- (2) The amount of the increase under this section shall be—
- (a) in the case of injury benefit, that specified in Schedule 4, Part V, paragraph 11;
  - (b) in the case of a disablement pension, that specified in Schedule 4, Part V, paragraph 12 ;
- and the requisite rate for the purposes of subsection (1)(a) and (b) above is a weekly rate not less than that amount.
- (3) Regulations may provide that a beneficiary is not to be entitled to an increase of benefit under this section in respect of a wife or husband where the earnings of the wife or husband (calculated or estimated in the prescribed manner and on the prescribed basis) exceed the prescribed amount.
- (4) Where the beneficiary is entitled to an unemployability supplement and is residing with his wife, and the earnings of his wife for the calendar week ending last before any week for which he is entitled to benefit under this section exceeded £20, the weekly rate of benefit under this section shall for the last-mentioned week be reduced—
- (a) where the excess is less than £4, by 5 pence for each complete 10 pence of the excess ; and
  - (b) where the excess is not less than £4, by 5 pence for each complete 10 pence of the excess up to £4 and by 5 pence for each complete 5 pence of any further excess.
- (5) With effect from such day as may be prescribed in the week containing 6th April in a year mentioned in the first column below, subsection (4) above shall have effect with the substitution for " £20 " of the amount specified in relation to that year in the second column below—

1976	£35
1977	£50.

- (6) Regulations under subsection (3) above—
- (a) shall not restrict the amount of benefit in a case within subsection (4);
  - (b) may, in a case within subsection (1)(d) in which the female person is residing with a beneficiary entitled to unemployability supplement, and fulfils such further conditions as may be prescribed, authorise an increase of benefit under this section, but subject to a reduction in respect of the female person's earnings, other than such of her earnings from employment by the beneficiary as may be prescribed, comparable to the reduction in subsection (4);
  - (c) may, in connection with any reduction of benefit in respect of earnings, prescribe the method of calculating or estimating the earnings.
- (7) A beneficiary shall not be entitled to an increase of benefit under this section in respect of more than one person for the same period.
- (8) In this section " relative " does not include any person who is a child.

#### *Industrial death benefit*

### **67 Widow's benefit (entitlement)**

- (1) The widow of the deceased shall be entitled to death benefit if at his death either—

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- (a) she was residing with him, or
  - (b) she was receiving or entitled to receive, or would but for the relevant accident have been receiving or entitled to receive, from him periodical payments for her maintenance of not less than the prescribed amount.
- (2) In the case of a widow, death benefit shall be—
- (a) a pension commencing from the death of the deceased and payable, at the weekly rate for the time being applicable under section 68 below, for life or until she remarries; and
  - (b) a gratuity, payable on the termination of the pension in consequence of her remarriage, of an amount equal to 52 times the weekly rate of the pension to which she was then entitled:

Provided that a pension under this section shall not be payable for any period during which the beneficiary is cohabiting with a man not her husband.

- (3) In this section—
- (a) references to a widow receiving or being entitled to receive payments from the deceased are only to her receiving or being entitled to receive (whether from him or from another) payments provided or procured by the deceased ; and
  - (b) " entitled " means, in relation to any such payments, entitled under any order of a court, trust or agreement which the widow has taken reasonable steps to enforce.

## **68 Widow's benefit (rate)**

- (1) The weekly rate of a pension payable under section 67 above shall, for the period of 26 weeks next following the deceased's death, be the initial rate specified in Schedule 4, Part V, paragraph 13(a).
- (2) The weekly rate of the pension shall, after the end of that period, be the higher permanent rate specified in Schedule 4, Part V, paragraph 13(b)—
  - (a) for any period for which the widow is entitled, or is treated by regulations as entitled, to an allowance under section 70 below in respect of a child of the deceased's family; or
  - (b) where the widow was over the age of 50 at the deceased's death or was over the age of 40 at the end of the period for which she was entitled to such an allowance; or
  - (c) where the widow at the deceased's death was permanently incapable of self-support; or
  - (d) while the widow is pregnant by the deceased.
- (3) After the end of the period of 26 weeks referred to in subsection (1) above, the weekly rate of the pension shall, in any case not within subsection (2), be the lower permanent rate specified in Schedule 4, Part V, paragraph 13(c).

## **69 Widower's benefit (entitlement and rate)**

- (1) The widower of the deceased shall be entitled to death benefit if at her death he—
  - (a) was being wholly or mainly maintained by her or would but for the relevant accident have been so maintained ; and
  - (b) was permanently incapable of self-support.

- (2) In the case of a widower, death benefit shall be a pension at the weekly rate specified in Schedule 4, Part V, paragraph 14, commencing from the death of the deceased and payable for life.

## **70 Children of deceased's family**

- (1) Subject to the provisions of this section and Schedule 9 (limits on benefit payable on death), where at his death the deceased had a family which included a child or children, then, for any period during which a person has a family which includes that child or one or more of those children, the person shall be entitled in respect of that child, or in respect of each respectively of those children, to death benefit by way of an allowance at the appropriate weekly rate specified in Schedule 4, Part V, paragraph (15).
- (2) The higher rate specified in Schedule 4, Part V, paragraph 15(a) shall apply where the person to whom the allowance is payable is the widow of the deceased or such other person as may be prescribed and the widow is entitled to death benefit (other than a gratuity) under sections 67 and 68 of this Act; and the lower rate specified in Schedule 4, Part V, paragraph 15(b) shall apply in any other case.
- (3) Subject to subsection (4) below, where the deceased was a man, any of the following are to be treated under this section as having been children of his family at his death—
- (a) a legitimate son or daughter of his who—
    - (i) at his death was a child of his wife's, but not of his, family ; or
    - (ii) is born to him posthumously ;
  - (b) an illegitimate son or daughter of him and any woman residing with him at his death, being a son or daughter who then was a child of her family and was being, or would but for the relevant accident have been, wholly or mainly maintained by him ;
  - (c) a child who at the deceased's death was a child of some other person's family but could have been treated under paragraph 3 of the Schedule to the Family Allowances Act as a child of the deceased's family;
  - (d) subject to such exceptions and conditions as may be prescribed, a child who, having at the death of a previous husband of the wife by a marriage which ended with that husband's death been a child of that husband's family, was at the deceased's death a child of the wife's family.
- (4) Subsections (1) to (3) of section 65 of this Act apply in relation to an allowance under subsection (1) above as they apply in relation to an increase of benefit under section 64.

## **71 Parents**

- (1) A parent of the deceased shall be entitled to death benefit if at the deceased's death he or she was being to a substantial extent maintained by the deceased, or would but for the relevant accident have been so maintained.
- (2) In the case of a parent who, at the deceased's death, was being wholly or mainly maintained by the deceased, or would but for the relevant accident have been so maintained, death benefit shall be a pension commencing from the death of the deceased and, subject to subsection (3) below, payable for life.
- (3) A pension payable under subsection (2) above to the deceased's mother—
- (a) shall terminate on her remarriage or marriage ; and

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- (b) shall not be payable for any period during which she is cohabiting with a man not her husband,  
 unless the man whom she marries or, as the case may be, with whom she is cohabiting is a man with whom she was cohabiting immediately before the deceased's death.
- (4) In the case of a parent entitled to death benefit under subsection (1) above but not to a pension under subsection (2), death benefit shall be a gratuity payable, if and in such cases as regulations so provide, by instalments.
- (5) Subject to section 74 of this Act—
- (a) the weekly rate of a pension payable to a parent under subsection (2) above shall be 75 pence for any period during which the parents are living together and are both entitled to such a pension (whether in respect of the same or another death), and £1 for any other period;
  - (b) the amount of a gratuity payable to a parent under subsection (4) shall be £52, subject to the provisions of Schedule 9 limiting the benefit payable in respect of any death.
- (6) In this section, "parent" includes a step-parent and a parent by adoption and, in a case where the deceased was illegitimate, his mother; and "mother" shall be construed accordingly.

## 72 Relatives

- (1) Subject to Schedule 9, any such relative of the deceased as may be prescribed shall be entitled to death benefit if at the deceased's death—
- (a) the relative was being wholly or mainly maintained by the deceased or would but for the relevant accident have been so maintained; or
  - (b) the relative was being to a substantial extent maintained by the deceased, or would but for the relevant accident have been so maintained, and—
    - (i) in the case of a man, was permanently incapable of self-support;
    - (ii) in the case of a woman, was herself permanently incapable of self-support or was living with her husband who was permanently so incapable.
- (2) Subject to Schedule 9 and section 74(1)(a), in the case of a relative entitled to death benefit under subsection (1) above, the benefit shall be a pension at the weekly rate of £1 if—
- (a) the relative fulfils the condition specified in subsection (1)(a) above; and
  - (b) the relative or, in the case of a married woman living with her husband, she or her husband was at the deceased's death permanently incapable of self-support.
- (3) The pension shall commence from the deceased's death and, subject to subsection (4) below, be payable for such period as may be determined at the time it is granted, but may, if the beneficiary or her husband (as the case may be) continues to be permanently incapable of self-support or, in the husband's case, has died during the continuance of that incapacity, be renewed from time to time.
- (4) The pension shall cease on the death of the beneficiary within the period for which it was granted and, in the case of a woman—
- (a) shall not be payable for any period during which the beneficiary is cohabiting with a man not her husband; and

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- (b) shall cease on her marriage or remarriage within the period for which it was granted or, where it was granted by virtue of her husband's incapacity, on the termination of their marriage otherwise than by his death or on their ceasing to live together within that period, and shall not thereafter be renewed.
- (5) Subject to Schedule 9 and section 74(1)(b), in the case of a relative entitled to death benefit under subsection (1) above but not to a pension under subsection (2), the benefit shall be—
- (a) if the relative fulfils the condition specified in subsection (1)(b) but not the condition specified in subsection (1)(a), a gratuity of £52 payable, if and in such cases as regulations so provide, by instalments; and
  - (b) if the relative fulfils the condition specified in subsection (1)(a), an allowance at the weekly rate of £1.80, commencing from the deceased's death and payable for 13 weeks from that death or, if the beneficiary dies within those 13 weeks, until the beneficiary's death.
- (6) In this section "relative" does not include a husband or wife, or a parent within the meaning of section 71 above.
- (7) Notwithstanding subsections (1) to (6) above, a relative who was a child at the deceased's death shall not be entitled to benefit thereunder—
- (a) until he ceases to be a child ; or
  - (b) unless he was at the deceased's death, and is on ceasing to be a child, permanently incapable of self-support;
- and a pension payable to such a relative under this section shall commence only from the date on which he ceases to be a child.
- (8) Where the deceased was a man, this section applies to a posthumous son or daughter of his (whether legitimate or illegitimate) subject to such modifications as may be prescribed.

### **73 Woman having care of deceased's children**

- (1) Subject to Schedule 9, where at the date of the relevant accident and throughout the period between that date and his death—
- (a) the deceased had a family which included a child or children; and
  - (b) a female person (not a child) was residing with the deceased and had the care of the child or one or more of the children,
- she shall be entitled to death benefit if she was being wholly or mainly maintained by the deceased at that date and was, or would but for the accident have been, so maintained throughout that period.
- (2) Where the deceased was a man, any illegitimate son or daughter of him and the female person above referred to shall be treated under this section as having been a child of the deceased's family during any part of that period (between the date of the relevant accident and the deceased's death) during which he or she—
- (a) was a child of the female person's family ; and
  - (b) was, or would but for the relevant accident have been, wholly or mainly maintained by the deceased.
- (3) Subject to section 85 below (overlapping benefits), benefit under this section shall be an allowance at the weekly rate of £1 commencing from the death of the deceased and

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payable for any period during which the beneficiary has the care of the child or one or more of the children:

Provided that the allowance—

- (a) shall cease to be payable upon the marriage or remarriage of the beneficiary ; and
- (b) shall not be payable for any period during which the beneficiary is cohabiting with a man not her husband.

#### **74 Beneficiary previously maintained by deceased**

(1) In the case of industrial death benefit, where the deceased at his death was, or would but for the relevant accident have been, making contributions to the beneficiary's maintenance—

- (a) the weekly rate of any pension payable to the beneficiary—
  - (i) as a parent (within the meaning of section 71 above), or
  - (ii) as a relative prescribed for the purposes of section 72,

shall not exceed the weekly rate of the contributions which the deceased was (or would but for the relevant accident have been) making; and

- (b) the amount of any gratuity payable to the beneficiary as such a parent or relative shall not exceed such multiple of the weekly rate of those contributions as may be determined by or in accordance with regulations ;

but this does not apply where the deceased at his death was (or would but for the relevant accident have been) wholly maintaining the beneficiary.

(2) In the case of a relative who—

- (a) was at the deceased's death a child, or
- (b) is a posthumous son or daughter of the deceased,

references in subsection (1) above to the weekly rate of the deceased's contributions are to that of the contributions which he might have been expected to make to the relative's maintenance when he ceased to be a child.

#### **75 Death of person with constant attendance allowance**

(1) If a person dies at a time when—

- (a) he is entitled to an increase under section 61 above of a disablement pension and the amount of the increase is not less than the amount which at that time is specified in Schedule 4, Part V, paragraph 7(a); or
- (b) he would have been so entitled but for having received medical or other treatment as an in-patient in a hospital or similar institution,

he is to be regarded for the purposes of entitlement to industrial death benefit as having died as a result of the injury in respect of which the disablement pension was payable.

(2) The reference in subsection (1) above to an increase under section 61 includes only a payment by way of increase of a disablement pension, and in particular does not include any payment for constant attendance under section 150(3)(b) below (payments for pre-1948 cases).

(3) Subsection (1) above does not affect death benefit where the death occurred before 26th July 1971.

## CHAPTER V

### INDUSTRIAL DISEASES, AND INJURIES NOT WITHIN CHAPTER IV

#### **76 Benefit in respect of industrial disease, etc.**

- (1) Subject to and in accordance with this section and sections 77 and 78 below, there shall be payable, in respect of a person who has been in employed earner's employment for the purposes of Chapter IV above, such benefits as are there provided in respect of any prescribed disease or personal injury (but not an injury caused by accident arising out of and in the course of his employment), being a disease or injury due to the nature of that employment and developed after 4th July 1948.
- (2) A disease or injury may be prescribed in relation to any employed earners if the Department is satisfied that—
  - (a) it ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of their occupations and not as a risk common to all persons ; and
  - (b) it is such that, in the absence of special circumstances, >the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.
- (3) Regulations prescribing any disease or injury for those purposes may provide that a person who developed the disease or injury on or at any time after a date specified in the regulations (being a date before the regulations came into force but not before 5th July 1948) shall be treated, subject to any prescribed modifications of this Chapter, as if the regulations had been in force when he developed the disease or injury.
- (4) Provision may be made by regulations for determining—
  - (a) the time at which a person is to be treated as having developed any prescribed disease' or injury ; and
  - (b) the circumstances in which such a disease or injury is, where the person in question has previously suffered from it, to be treated as having recrudesced or as having been contracted or received afresh.
- (5) Nothing in this Chapter affects the right of any person to benefit in respect of a disease which is a personal injury by accident within the meaning of Chapter IV, except that a person shall not be entitled to benefit in respect of a disease as being an injury by accident arising out of and in the course of any employment if at the time of the accident the disease is in relation to him a prescribed disease by virtue of the occupation in which he is engaged in that employment.

#### **77 General provisions as to benefit under s. 76**

- (1) Subject to the power to make different provision by regulations, and to the following provisions of this Chapter, the benefit payable under section 76 above in respect of a prescribed disease or injury, and the conditions for receipt of benefit, shall be the same as in the case of personal injury by accident arising out of and in the course of employment.
- (2) In relation to prescribed diseases and injuries, regulations may provide—
  - (a) for modifying provisions of this Act relating to injury benefit and disablement benefit, and the administration of such benefit; and

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- (b) for adapting references in this Act to accidents.
- (3) Without prejudice to the generality of subsection (2) above, regulations thereunder may in particular include provision—
  - (a) for presuming any prescribed disease or injury—
    - (i) to be due, unless the contrary is proved, to the nature of a person's employment where he was employed in any prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease or injury,
    - (ii) not to be due to the nature of a person's employment unless he was employed in some prescribed occupation at the time when, or within a prescribed period or for a prescribed length of time (whether continuous or not) before, he developed the disease or injury;
  - (b) for such matters as appear to the Department to be incidental to or consequential on provisions included in the regulations by virtue of subsection (2) and paragraph (a) above.

## 78 Respiratory diseases

- (1) As respects pneumoconiosis, regulations may further provide that, where a person is found to be suffering from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis shall be treated for the purposes of this Chapter as if they were effects of the pneumoconiosis.
- (2) Subsection (1) above shall have effect as if after " tuberculosis " (in both places) there were inserted " emphysema or chronic bronchitis " , but only in relation to a person the extent of whose disablement resulting from pneumoconiosis, or from pneumoconiosis accompanied by tuberculosis, would (if his physical condition were otherwise normal) be assessed at not less than 50 per cent.
- (3) A person found to be suffering from pneumoconiosis shall be treated for the purposes of this Act as suffering from a loss of faculty such that the assessed extent of the resulting disablement amounts to not less than 1 per cent.

## CHAPTER VI

### ADMINISTRATION OF BENEFIT

*Provisions relating to benefit under Chapters I to V*

## 79 Claims and awards

- (1) Subject to the following provisions of this Chapter, and, in the case of retirement pensions, to section 27(6), it shall be a condition of a person's right to any benefit that he makes a claim for it in the prescribed manner and within the prescribed time.
- (2) 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;



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- (b) a Category C or Category D retirement pension;
  - (c) age addition.
- (3) Regulations may make provision—
- (a) for permitting, in prescribed circumstances, a claim for unemployment benefit, sickness benefit, invalidity benefit, non-contributory invalidity pension or injury benefit 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 Department 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, invalidity benefit or non-contributory invalidity pension 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.
- (4) Regulations may provide for treating a person for the purposes of the following provisions of this Act—
- (a) section 14(7) (earnings-related supplement of unemployment or sickness benefit);
  - (b) section 18 (duration of unemployment benefit); and
  - (c) section 22(4) (earnings-related supplement of a maternity allowance),
- 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 is not to 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 of re-qualifying for benefit.
- (5) Regulations may provide for requiring claimants to furnish to the prescribed person any information required for the determination of the claim or of any question arising in connection with it.
- (6) 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.

## **80 Claims in the alternative**

- (1) A claim for any one benefit under Chapters I to III of this Part may be treated as a claim in the alternative—
- (a) for such other benefit under those Chapters as may be prescribed; or
  - (b) for such benefit under Chapter IV or V as may be prescribed,
- or may be treated for the purposes of the Family Allowances Act as a claim for a payment under that Act.
- (2) A claim—
- (a) for industrial injuries benefit; or

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- (b) for benefit under the Supplementary Benefits &c. Act (Northern Ireland) 1966 ; or
  - (c) for a payment under the Family Allowances Act,
- may be treated as a claim in the alternative for such benefit under Chapters I to III as may be prescribed.

## **81 Payment**

- (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 under subsection (1) above as to the time of payment of benefit may provide—
  - (a) for adjusting the commencement and termination of benefit, or of changes in the rate of benefit, so that (except in the case of the benefits listed in subsection (3) below) payments are not to 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) The benefits excepted from subsection (2)(a) above are—
  - unemployment benefit,
  - sickness benefit,
  - invalidity benefit,
  - a maternity allowance,
  - and injury benefit.
- (4) Regulations may provide—
  - (a) for requiring beneficiaries—
    - (i) to furnish to the prescribed person any information required for the determination of a question arising in connection with the award,
    - (ii) to give notice to the prescribed person of any change of circumstances affecting the continuance of the right to benefit or its receipt;
  - (b) 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;
  - (c) 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 ;
  - (d) as to the circumstances in which any benefit which is payable to one person may be paid to another on his behalf; and
  - (e) in connection with a person's death—
    - (i) for enabling a claim for benefit to be made or proceeded with in his name,
    - (ii) for authorising payment or distribution of benefit to or amongst persons claiming as his personal representatives, legatees, next of kin

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or creditors (or, in cases of illegitimacy of deceased persons, to or amongst others), and

(iii) for dispensing with strict proof of the title of persons so claiming.

- (5) In subsection (4)(e) above "next of kin" means the persons who would take beneficially on an intestacy under the provisions of Part II of the Administration of Estates Act (Northern Ireland) 1955, and regulations under that paragraph may make provision with respect to claims for, and the payment of, a death grant as if it were a benefit due to the deceased at his death and as if the reference to creditors included a person who undertakes in writing to pay the whole or part of the deceased's funeral expenses.
- (6) 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.

## **82 Disqualification and suspension**

- (1) Regulations may provide for disqualifying a person for the receipt of any benefit if he fails to make his claim for it 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 the delay.
- (2) Notwithstanding any regulations made by virtue of subsection (1) 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 ;
  - (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 subsection (1) above by more than 12 months;
  - (c) on account of any other benefit (except a death grant, or disablement benefit or industrial death benefit) in respect of any period more than 12 months before the date on which the claim is made.
- (3) Subject to subsection (4) below, where it appears to the Department 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 ought to be revised in accordance with Part III of this Act (determination of claims and questions),
- it may direct that payment of the benefit shall be suspended in whole or in part until that question has been determined; but this does 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 20(1)(b) to (e).
- (4) Regulations may provide for subsection (3) above—
- (a) to cease to apply to any case, or to cases of any specified description, to which it would otherwise apply; or
  - (b) to apply to cases of any specified description to which it would otherwise not apply.

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- (5) 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 the person—
- (a) is absent from Northern Ireland; or
  - (b) is undergoing imprisonment or detention in legal custody.
- (6) Regulations may provide—
- (a) for the suspension of payment to or in respect of any person, during any such period, of benefit which is excepted from the operation of subsection (5) above or is payable otherwise than in respect of that period;
  - (b) for suspending payment of benefit to a person during any period in which he is undergoing medical or other treatment as an in-patient in a hospital or similar institution.

### **83 Disqualifications disregarded for certain purposes**

- (1) Subject to subsection (2) below, regulations may provide for a person who would be entitled to any benefit but for the operation of any provision of this Act disentitling him to receipt of that benefit to be treated as if entitled thereto for the purposes of any rights or obligations (whether his own or another's) under this Act which depend on his entitlement, other than the right to payment of the benefit.
- (2) Regulations under this section 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 the benefit has been exhausted.

### **84 Persons maintaining dependants, etc.**

- (1) Regulations may provide for determining the circumstances in which a person is or is not to be deemed, for the purposes of this Part of this Act—
- (a) to be wholly or mainly, or to a substantial extent, maintaining, or to be contributing at any weekly rate to the maintenance of, another person; or
  - (b) to be, or have been, contributing at any weekly rate to the cost of providing for a child.
- (2) Regulations under this section may provide, for the purposes 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 that person amount in the aggregate to sums which would, if they had been contributed by one of those beneficiaries, have been sufficient to satisfy the requirements of regulations under this section,
- that person shall be deemed to be wholly or mainly maintained by such of those beneficiaries as may be prescribed.
- (3) Regulations under this section may further provide, for the purposes of sections 71 and 72 of this Act, that where—

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- (a) a person was partly maintained by each of two or more employed earners of whom he was a parent within the meaning of section 71 or a relative prescribed for the purposes of section 72, as the case may be; and
  - (b) the employed earners have died as a result of accidents arising out of and in the course of their employed earner's employment,
- the parent or relative is to be treated as having received, from such of those employed earners as may be prescribed, contributions to his maintenance equal to the aggregate amount which they were together contributing before the accidents happened, and as having received nothing from the others.
- (4) Regulations may provide for any sum or sums paid by a person by way of contribution towards either or both of the following, that is to say—
- (a) the maintenance of his wife ; and
  - (b) the cost of providing for one or more children,
- to be treated for the purposes of any of the provisions of this Act specified in subsection (5) below as such contributions, of such respective amounts equal in the aggregate to the said sum or sums, in respect 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.
- (5) The provisions in question are—
- (a) section 31 (child's special allowance);
  - (b) sections 42, 43 and 65 (dependent children); and
  - (c) sections 44, 45 and 66 (maintained wife).

## **85 Overlapping benefits**

- (1) Regulations may provide for adjusting benefit payable to or in respect of any person, or the conditions for its receipt, where—
- (a) there is payable in his case any such pension or allowance as is described in subsection (2) below; or
  - (b) the person is, or is treated under the regulations as, undergoing medical or other treatment as an in-patient in a hospital or similar institution.
- (2) Subsection (1)(a) above applies to 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) which is payable to or in respect of—
- (a) the person referred to in subsection (1);
  - (b) that person's wife or husband ;
  - (c) any child or adult dependant of that person ; or
  - (d) the wife or husband of any adult dependant of that person.
- (3) Where but for regulations made by virtue of subsection (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.

## **86 Set-off of overpayments**

- (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, or by virtue of

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section 11(5) 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 38 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(5) 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 subsection (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 subsection (1) or (2) or any other enactment relating to benefit or family allowance overpaid.
- (4) For the purposes of subsections (1) to (3) above—
  - (a) a person is to be treated as retaining any sum which has been received by him and not repaid, except that he is not to 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 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 is to 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.
- (6) In subsections (1) and (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.

## 87 **Benefit to be inalienable**

- (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.

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- (2) The reference in subsection (1) above 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.
- (3) In calculating for the purposes of section 31, 73(3)(b) or 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 the means of any beneficiary, no account shall be taken of any increase of injury benefit or disablement benefit in respect of a child, or of industrial death benefit.

*Provisions relating to industrial injuries benefit only*

**88 Notification of accidents, etc.**

Regulations may provide—

- (a) for requiring the prescribed notice of an accident in respect of which industrial injuries benefit may be payable to be given within the prescribed time by the employed earner or, where within that time he dies as a result of the accident, by such other person as may be prescribed, to the earner's employer or other prescribed person;
- (b) for requiring employers—
  - (i) to make reports, to such person and in such form and within such time as may be prescribed, of accidents in respect of which industrial injuries benefit may be payable,
  - (ii) to furnish to the prescribed person any information required for the determination of claims, or of questions arising in connection with claims or awards,
  - (iii) to take such other steps as may be prescribed to facilitate the giving notice of accidents, the making of claims and the determination of claims and of questions so arising.

**89 Medical examination and treatment**

- (1) Regulations may provide for requiring claimants for injury benefit or disablement benefit—
  - (a) to submit themselves from time to time to medical examination for the purpose of determining the effect of the relevant accident, or the treatment appropriate to the relevant injury or loss of faculty;
  - (b) to submit themselves from time to time to appropriate medical treatment for the injury or loss of faculty.
- (2) Regulations under subsection (1) above requiring persons to submit themselves to medical examination or treatment may—
  - (a) require those persons to attend at such places and at such times as may be required; and
  - (b) with the consent of the Department of Finance, provide for the payment by the Department to those persons of travelling and other allowances (including compensation for loss of remunerative time).

**90 Obligations of claimants**

- (1) Without prejudice to section 89(1) above, it shall be the duty of any person claiming or entitled to injury benefit in respect of any injury not to behave in any manner calculated to retard his recovery.
- (2) Subject to subsection (4) below, regulations may provide for disqualifying a claimant for the receipt of injury benefit for failure without good cause to comply with the requirements of subsection (1) above in respect of the relevant injury, and may further provide for disqualifying a claimant for the receipt of benefit—
- (a) for failure without good cause to comply with any requirement of regulations relevant under this subsection (including, in the case of a claim for industrial death benefit, a failure on the part of some other person to give the prescribed notice of the relevant accident);
  - (b) for wilful obstruction of, or other misconduct in connection with, any examination or treatment to which he is required under relevant regulations to submit himself, or in proceedings under this Act for the determination of his right to benefit or to its receipt,
- or for suspending proceedings on the claim or payment of benefit, as the case may be, in the case of any such failure, obstruction or misconduct.
- (3) The regulations relevant under subsection (2) above are those made by virtue of the following provisions of this Act namely—
- section 79(1), (5);
  - section 81(4)(a);
  - section 88(a); and
  - section 89(1) and (2).
- (4) Regulations under subsection (2) above providing for disqualification for the receipt of benefit for any of the following matters, that is to say—
- (a) for failure to comply with the requirements of subsection (1) above, or those of regulations under section 89(1) or (2);
  - (b) for obstruction of, or misconduct in connection with, medical examination or treatment, shall not be made so as to disentitle a claimant to benefit for a period exceeding 6 weeks on any disqualification.

**91 Adjustments for successive accidents**

- (1) Where a person suffers two or more successive accidents arising out of and in the course of his employed earner's employment—
- (a) he shall not for the same period be entitled (apart from any increase of benefit mentioned in subsection (2) below) to receive industrial injuries benefit, either by way of injury benefit and a disablement pension or pensions, or by way of two or more disablement pensions, at an aggregate weekly rate exceeding the appropriate amount specified in Schedule 4, Part V, paragraph 16; and
  - (b) regulations may provide for adjusting—
    - (i) injury benefit or disablement benefit, or the conditions for the receipt of either, in any case where he has received or may be entitled to a disablement gratuity,
    - (ii) any increase of benefit mentioned in subsection (2) below, or the conditions for its receipt.



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- (2) The increases of benefit referred to above are those under—  
section 58 (unemployability supplement),  
section 61 (constant attendance),  
section 63 (exceptionally severe disablement),  
section 64 (dependent children), or  
section 66 (adult dependants);  
and for the purposes of subsection (1)(a) they include also, in the case of a beneficiary under the age of 18, any increase in the rate of a disablement pension under section 60 (special hardship).

### *Supplementary*

## **92 Benefit forgone for unabated sick pay**

- (1) This section applies to any arrangement—  
(a) which relates to pay during absence from work which can be abated on account of benefit unless the benefit is not claimed or paid ; and  
(b) which is for the time being approved by the Department.
- (2) In this section " benefit" means any of the following, namely—  
sickness benefit,  
invalidity benefit,  
maternity allowance,  
injury benefit, and  
earnings-related supplement under section 14(7) or 22(4).
- (3) A person who, in pursuance of any such arrangement, has not claimed benefit but would have been entitled to the benefit if he had claimed it shall, unless or except so far as regulations provide otherwise, be deemed to be entitled to the benefit for all the purposes of this Act (except so as to confer a right to payment of the benefit).
- (4) If the Department so directs, any approval given by it under the former principal Act or the former Industrial Injuries Act, or under any instrument having effect under either of those Acts, is to be treated as if it were approval given under subsection (1) above.

## **PART III**

### **DETERMINATION OF CLAIMS AND QUESTIONS**

#### *Adjudication by Department*

## **93 Principal questions for Department**

- (1) Subject to this Part of this Act, any of the following questions arising under this Act shall be determined by the Department—  
(a) a question whether a person is an earner and, if he is, as to the category of earners in which he is to be included;

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- (b) subject to subsection (2) below, a question whether the contribution conditions for any benefit are satisfied, or otherwise relating to a person's contributions or his earnings factor;
  - (c) a question which of two or more persons satisfying the conditions for an increase of benefit (whether benefit of the same or a different description) is entitled to the increase where by virtue of some provision of Part II not more than one of those persons is so entitled;
  - (d) a question whether a person is or was employed in employed earner's employment for the purposes of Part II, Chapters IV and V.
- (2) Subsection (1)(b) above includes any question arising—
- (a) under section 9(4) 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 9(6) or 10 ;
- but not any other question relating to Class 4 contributions, nor any question within section 98(1)(c) (disqualification for unemployment benefit, etc.).
- (3) The Department may, if it thinks fit, before determining any question within subsection (1) above, appoint a person to hold an inquiry into the question, or any matters arising in connection therewith, and to report on the question, or on those matters, to the Department.

#### **94 Appeal on question of law**

- (1) A question of law arising in connection with the determination by the Department of any question within section 93(1) above may, if the Department thinks fit, be referred for decision to the Court of Appeal in Northern Ireland.
- (2) If the Department determines in accordance with subsection (1) above to refer any question of law to the court, 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 Department, 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 Department on any question of law within subsection (1) above which is not referred in accordance with that subsection may appeal from that decision to the court.
- (4) The Department shall be entitled to appear and be heard on any such reference or appeal.
- (5) Rules made under section 7 of the Northern Ireland Act 1962 may include provision for regulating references and appeals to the court under this section.
- (6) Notwithstanding anything in any Act, the decision of the court on a reference or appeal under this section shall be final.

#### **95 Other questions for Department**

- (1) It shall be for the Department to determine—
  - (a) a question whether—

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- (i) an increase of disablement pension under section 61 (constant attendance), or
  - (ii) a further increase under section 63 (exceptionally severe disablement),
- is to be granted or renewed and, if so, for what period and of what amount;
- (b) a question which of two or more persons would be entitled for the same day to an invalid care allowance where there has been no joint election by those persons under section 37(7).
  - (c) a question how the limitations under Schedule 9 on the benefit payable in respect of any death are to be applied in the circumstances of any case ;
  - (d) a question as to the person to be treated as maintaining a child, or as to the family in which a child is to be treated as included (in a case where, by virtue of the Schedule to the Family Allowances Act, that question falls to be decided by the Department in its discretion);
  - (e) a question arising under section 80 (claims in the alternative).
- (2) A decision of the Department on a question within subsection (1)(b) or (d) above may be given so as to have effect with respect to a period before the date of the decision ; and the Department may at any time and from time to time reconsider the exercise of its discretion with respect to such a question and decide it again with such other effect as may seem to the Department to be proper in the circumstances of the case.

## **96 Review of decisions under ss. 93, 95**

- (1) Subject to subsection (2) below, the Department 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 within section 93(1) or 95(1)(a) or (b) above.
- (2) Such a decision shall not be reviewed while an appeal under section 94 is pending against the decision of the Department on a question of law arising in connection therewith, or before the time for so appealing has expired; and section 94 applies with any necessary modifications to any case in which a question has been raised with a view to the review under this section of any such decision.

*Adjudication by insurance officers, local tribunals and Commissioners*

## **97 Adjudicating officials and bodies**

- (1) Insurance officers shall be appointed by the Department, subject to the consent of the Department of Finance as to number, to act for such areas or otherwise as the Department directs.
- (2) A local tribunal 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; and
  - (c) a person appointed by the Department to act as chairman.
- (3) 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

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Commissioner and such number of other National Insurance Commissioners as Her Majesty may think fit.

- (4) Schedule 10 to this Act has effect with respect to local tribunals, Commissioners and others officiating or attending for the purposes of this Part of this Act.

## **98 Claims and questions to be submitted to insurance officer**

- (1) There shall be submitted forthwith to an insurance officer for determination in accordance with section 99 to 104 below—
- (a) any claim for benefit;
  - (b) subject to subsection (2) below, any question arising in connection with a claim for, or award of, benefit; and
  - (c) any question whether a person would by reason of the provisions of, or of any regulations under, section 20(1) or (2) of this Act have been disqualified for receiving unemployment benefit, sickness benefit or invalidity benefit if he had otherwise had a right thereto.
- (2) Subsection (1) above does not apply—
- (a) to a question for determination by the Department under section 93 or 95 of this Act, or by the Attendance Allowance Board under section 105(3); or
  - (b) to the disablement questions (section 108) in relation to industrial injuries benefit.
- (3) 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 apply with any necessary modifications.

## **99 Decision of insurance officer**

- (1) An insurance officer to whom a claim or question is submitted under section 98 shall take it into consideration and, so far as practicable, dispose of it in accordance with this section, and with procedure regulations under section 115, within 14 days of its submission to him.
- (2) Subject to section 103 below (reference of special questions), 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.
- (3) Where an insurance officer refers a case to a local tribunal, notice in writing of the reference shall be given to the claimant.

## **100 Appeal to local tribunal**

- (1) Subject to subsection (3) below, where the insurance officer has decided a claim or question adversely to the claimant, the claimant may appeal to a local tribunal.
- (2) The claimant shall be notified in writing of the insurance officer's decision and the reasons for it, and of his right of appeal under this section.

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- (3) Where in connection with the decision of the insurance officer there has arisen—
  - (a) a question for determination by the Department under section 93 or 95 above, or by the Attendance Allowance Board under section 105(3); or
  - (b) either of the disablement questions (section 108) in relation to industrial injuries benefit,and the question has been determined and the insurance officer certifies that the decision on that question is the sole ground of his decision, no appeal lies under this section without leave of the chairman of the local tribunal.
- (4) An appeal under this section shall be brought by giving notice of appeal to the Department within 21 days after the date of the decision or within such further time as the chairman of the local tribunal may for good cause allow.
- (5) 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.
- (6) Where the insurance officer has decided any claim or question under Chapter IV or V of Part II of this Act in favour of the claimant and any other person's right to benefit under those Chapters is or may be, under Schedule 9 to this Act (limits on benefit payable in respect of death), affected by that decision, that other person shall have the like right of appeal to a local tribunal as the claimant would have had if the claim or question had been decided adversely to him.

## **101 Appeal from local tribunal to Commissioner**

- (1) Subject to the provisions of this section, an appeal lies to a Commissioner from any decision of a local tribunal.
- (2) The persons at whose instance an appeal lies under this section are—
  - (a) an insurance officer ;
  - (b) the claimant;
  - (c) in any of the cases mentioned in subsection (3) below, a trade union ; and
  - (d) in a case relating to industrial injuries benefit, a person whose right to benefit is or may be, under Schedule 9 to this Act, affected by the decision appealed against.
- (3) The following are the cases in which an appeal lies at the instance of a trade union—
  - (a) where the claimant is a member of the union at the time of the appeal and was so immediately before the question at issue arose ;
  - (b) where that question in any way relates to a deceased person who was a member of the union at the time of his death;
  - (c) where the case relates to industrial injuries benefit and the claimant or, in relation to industrial death benefit, the deceased was a member of the union at the time of the relevant accident.
- (4) Subsections (2) and (3) above, as they apply to a trade union, apply also to any other association which exists to promote the interests and welfare of its members.
- (5) An appeal to a Commissioner must be brought within 3 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 Department stating the grounds of the appeal—

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- (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 a trade union or other association mentioned above, to an insurance officer.
- (6) If it appears to a Commissioner that an 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 of it he shall have the assistance of an assessor or assessors.
- (7) A Commissioner may, if he thinks fit, refer any question arising for his decision to a medical practitioner for examination and report.

## **102 Questions first arising on appeal**

- (1) Where a question under this Act first arises in the course of an appeal to a local tribunal or a Commissioner, the tribunal or Commissioner may, if they think fit, proceed to determine the question notwithstanding that it has not been considered by an insurance officer.
- (2) This section does not apply to a question for determination by the Department under section 93 or 95 of this Act, or by the Attendance Allowance Board under section 105(3), or to the disablement questions (section 108) in relation to industrial injuries benefit.

## **103 Reference of special questions**

- (1) The following subsections apply if on consideration of any claim or question an insurance officer is of opinion that there arises—
- (a) a question for determination by the Department under section 93 or 95 of this Act, or by the Attendance Allowance Board under section 105(3); or
  - (b) either of the disablement questions (section 108) in relation to industrial injuries benefit.
- (2) Subject to subsection (3) below, the insurance officer shall—
- (a) refer the question so arising for determination by the Department or by the Attendance Allowance Board, or in accordance with section 108 below, as the case may require; and
  - (b) deal with any other questions as if the question so referred had not arisen.
- (3) The insurance officer may—
- (a) postpone the reference of, or dealing with, any question until other questions have been determined;
  - (b) in cases where the determination of any question disposes of a claim or any part of it, make an award, or decide that an award cannot be made, as to the claim or that part of it without referring or dealing with, or before the determination of, any other question.
- (4) Subsections (2) and (3) above apply to a local tribunal and a Commissioner as they apply to an insurance officer, except that a tribunal or Commissioner shall, instead of referring a question in accordance with subsection (2)(a), direct it to be so referred by an insurance officer.

## **104 Review of decisions**

- (1) Any decision under this Act 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) the officer or tribunal is 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—
    - (i) a question for determination by the Department under section 93 or 95, or by the Attendance Allowance Board under section 105(3), or
    - (ii) either of the disablement questions (section 108) in relation to industrial injuries benefit,and the decision of that question is revised under section 95(2) or 96 (Department) or section 106 (Attendance Allowance Board) or section 110 (medical board).
- (2) A question may be raised with a view to a review under this section 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 sections 99 to 101.
- (4) A decision given on a review under this section, and a refusal to review a decision thereunder, shall be subject to appeal in like manner as an original decision, and sections 99 to 101 shall, with the necessary modifications, apply in relation to a decision given on such a review as they apply to the original decision of a question.

### *Adjudication in relation to attendance allowance*

## **105 Attendance Allowance Board for Northern Ireland**

- (1) The Attendance Allowance Board for Northern Ireland constituted under section 5 of the National Insurance Act (Northern Ireland) 1970 shall continue in being by that name.
- (2) Schedule 11 to this Act has effect with respect to the Board and their affairs ; and—
  - (a) Part I of the Schedule relates to the Board's membership and the method by which their functions are to be performed; and
  - (b) Part II relates to the Board's personnel, administration and expenses;but regulations may make further provision as to the constitution and procedure of the Board.
- (3) Subject to section 106 below, 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 35(1) of this Act shall be determined by the Board.

## **106 Review of, and appeal from, Board's decision**

- (1) The Attendance Allowance Board may—

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- (a) at any time review a determination of theirs under section 105(3) above or under this paragraph or paragraph (b) below, 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 35(2), or revoke or alter a certificate so issued, if they consider it appropriate to do so in consequence of a review in pursuance of this subsection.
- (2) Provision shall be made by regulations for enabling appeals to be brought to a Commissioner, with his leave or that of another Commissioner, against a determination by the Board of any question of law arising on a review under subsection (1) above or arising in connection with a refusal by the Board to review a determination made by them under section 105(3) or this section.

In this subsection references to the Board include a delegate appointed in pursuance of paragraph 5 of Schedule 11 to this Act.

- (3) Regulations under subsection (2) above may provide for the application, to an appeal brought in pursuance of the regulations, of section 116 of this Act (Tribunal of 2 or 3 Commissioners to sit, when so directed by the Chief National Insurance Commissioner or his deputy).
- (4) Provision may be made by regulations with respect to applications for reviews of determinations under section 105(3) and this section and with respect to the disposal of such applications ; but nothing in this subsection prevents such a review from being undertaken in a case where no application is made.

*Adjudication in relation to industrial injuries, etc.*

## **107 Declaration that accident is an industrial accident**

- (1) Where, in connection with any claim for industrial injuries benefit, it is determined that the relevant accident was or was not an industrial accident, an express declaration of that fact shall be made and recorded; and (subject to subsection (3) below) a claimant shall be entitled to have the question whether the relevant accident was an industrial accident determined notwithstanding that his claim is disallowed on other grounds.
- (2) Subject to subsection (3) below, and to section 117 (finality of decisions), any person suffering personal injury by accident shall be entitled, if he claims the accident was an industrial accident, to have that question determined, and a declaration made and recorded accordingly, notwithstanding that no claim for benefit has been made in connection with which the question arises, and this Part of this Act applies for that purpose as if the question had arisen in connection with a claim for benefit.
- (3) The insurance officer, local tribunal or Commissioner (as the case may be) may refuse to determine the question whether an accident was an industrial accident if satisfied that it is unlikely that it will be necessary to determine the question for the purposes of any claim for benefit; but any such refusal of an insurance officer or local tribunal shall be subject to appeal to the local tribunal or Commissioner, as the case may be.
- (4) Subject to the provisions of this Part of this Act as to appeal and review, any declaration under this section that an accident was or was not an industrial accident shall be



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conclusive for the purposes of any claim for industrial injuries benefit in respect of that accident, whether or not the claimant is the person at whose instance the declaration was made.

- (5) For the purposes of this section (but subject to section 117(3) below), an accident whereby a person suffers personal injury shall be deemed, in relation to him, to be an industrial accident if—
- (a) it arises out of and in the course of his employment;
  - (b) that employment is employed earner's employment for the purposes of Part II, Chapter IV;
  - (c) payment of benefit is not under section 50(5) precluded because the accident happened while he was outside Northern Ireland.
- (6) A decision under this section shall be final except that section 104 above—
- (a) applies to a decision under this section that an accident was an industrial accident as it applies to a decision under sections 99 to 101 if, but only if, the insurance officer or local tribunal (as the case may be) is satisfied by fresh evidence that the decision under this section was given in consequence of any wilful non-disclosure or misrepresentation of a material fact; but
  - (b) does not apply to a decision under this section that an accident was not an industrial accident.

## **108 Disablement questions**

- (1) In relation to industrial injuries benefit, the " disablement questions " are the questions—
- (a) whether the relevant accident has resulted in a loss of faculty;
  - (b) at what degree the extent of disablement resulting from a loss of faculty is to be assessed, and what period is to be taken into account by the assessment.
- (2) The disablement questions shall be referred to and determined by a medical board or a medical appeal tribunal.
- (3) Schedule 12 to this Act has effect with respect to medical boards and medical appeal tribunals, and their proceedings.
- (4) Where the case of a claimant for disablement benefit has been referred by the insurance officer to a medical board for determination of the disablement questions and, on that or any other subsequent reference, the extent of the disablement is provisionally assessed, the case shall again be so referred not later than the end of the period taken into account by the provisional assessment.

## **109 Medical appeals and references**

- (1) This section has effect where the case of a claimant for disablement benefit has been referred by the insurance officer to a medical board for determination of the disablement questions.
- (2) If the claimant is dissatisfied with the decision of the medical board, he may appeal in the prescribed manner and within the prescribed time and the case shall be referred to a medical appeal tribunal:

Provided that an appeal shall not lie against a provisional assessment of the extent of disablement before the expiration of 2 years from the date of the first reference of the

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case to a medical board, nor where the period taken into account by the assessment falls wholly within those 2 years.

- (3) If the Department notifies the insurance officer within the prescribed time that it is of opinion that any decision of the medical board ought to be considered by a medical appeal tribunal, the insurance officer shall refer the case to a medical appeal tribunal for their consideration, and the tribunal may confirm, reverse or vary the decision in whole or in part as on an appeal.

## **110 Review of medical decisions**

- (1) Any decision under this Part of this Act of a medical board or a medical appeal tribunal may be reviewed at any time by a medical board if satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent).
- (2) Any assessment of the extent of the disablement resulting from the relevant loss of faculty may also be reviewed by a medical board if the board are satisfied that since the making of the assessment there has been an unforeseen aggravation of the results of the relevant injury.
- (3) Where, in connection with a claim for disablement benefit made after 20th October 1953, it is decided that the relevant accident has not resulted in a loss of faculty, the decision—
  - (a) may be reviewed under subsection (2) above as if it were an assessment of the extent of disablement resulting from a relevant loss of faculty ; but
  - (b) subject to any further decision on appeal or review, shall be treated as deciding the question whether the relevant accident has so resulted both for the time about which the decision was given and for any subsequent time.
- (4) For the purposes of subsection (3) above, a final assessment of the extent of the disablement resulting from a loss of faculty made for a period limited by reference to a definite date shall be treated as deciding that at that date the relevant accident has not resulted in a loss of faculty.
- (5) An assessment made, confirmed or varied by a medical appeal tribunal shall not be reviewed under subsection (2) above without the leave of a medical appeal tribunal, and (notwithstanding the provisions of Chapter IV of Part II of this Act) on a review under that subsection the period to be taken into account by any revised assessment shall only include a period before the date of the application for the review if and in so far as regulations so provide.
- (6) Subject to the foregoing provisions of this section, a medical board may deal with a case on a review in any manner in which they could deal with it on an original reference to them, and in particular may make a provisional assessment notwithstanding that the assessment under review was final.
- (7) Section 109 of this Act applies to an application for a review under this section and to a decision of a medical board in connection with such an application as it applies to an original claim for disablement benefit and to a decision of a medical board in connection with such a claim.

### **111 Reference to single doctor**

- (1) Notwithstanding sections 108 to 110 above, regulations may provide that the disablement questions may, with the consent of the claimant, be referred to a single medical practitioner appointed by the Department instead of to a medical board.
- (2) The period to be taken into account by any assessment made by virtue of this section shall not exceed 6 months.
- (3) Regulations may make provision as to the procedure to be adopted where, on a reference under this section, the medical practitioner is of opinion that a final assessment can be made but that the period to be taken into account exceeds 6 months.

### **112 Effect of doctor's decision**

A decision on a reference under section 111 above shall have effect as if it were a decision of a medical board, and accordingly shall be subject to appeal and review, and may be referred for consideration to a medical appeal tribunal.

### **113 Adjudication as to industrial diseases**

- (1) Regulations shall provide for applying, in relation—
  - (a) to claims for benefit under Chapter V of Part II of this Act, and
  - (b) to questions arising in connection with such claims or with awards of such benefit,the provisions of this Part of this Act subject to any prescribed additions or modifications.
- (2) Regulations for those purposes may in particular provide—
  - (a) for the establishment of special medical boards and the appointment of medical officers for the purposes of the regulations (including, in the case of any such board, the purposes for which medical boards and medical appeal tribunals are established under the foregoing provisions of this Part of this Act);
  - (b) for the payment by the prescribed persons of fees of the prescribed amount in connection with any medical examination by any such board or officer and their return in any prescribed cases, and (so far as not required to be returned) their payment into the National Insurance Fund and recovery as sums due to that Fund ;
  - (c) for such matters as appear to the Department to be incidental to or consequential upon provisions included in the regulations by virtue of subsection (1) above and paragraphs (a) and (b) of this subsection.
- (3) The Department may pay such remuneration to any member of a medical board established by virtue of this section and to any medical officer appointed by virtue thereof, and such travelling and other allowances (including compensation for loss of remunerative time) to any such member or officer, and such other expenses in connection with any such board or with the work of any such officer as the Department, with the consent of the Department of Finance, may determine.

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

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### *Adjudication generally*

#### **114 Regulations as to determination of questions**

- (1) Subject to the provisions of this Part of this Act, provision may be made by regulations for the determination—
- (a) by the Department; or
  - (b) by a person or tribunal appointed or constituted in accordance with the regulations,
- of any question arising under or in connection with this Act or the former legislation, including a claim for benefit. " The former legislation " means the National Insurance Measures (Northern Ireland) 1966 to 1974 and the National Insurance (Industrial Injuries) Measures (Northern Ireland) 1966 to 1974.
- (2) Regulations under subsection (1) above may modify, add to or exclude any provisions of this Part of this Act, so far as relating to any questions to which the regulations relate.
- (3) As respects any question as to the right to benefit (other than a question for determination by the Department under section 93 or 95 of this Act) regulations under subsection (1) above shall not provide for the determination of that question by the Department but, subject to subsection (4) below, shall provide—
- (a) for the submission of the question in the first instance to an officer appointed by the Department;
  - (b) for authorising the 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.
- (4) Regulations under subsection (3) above 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.
- (5) Regulations under subsection (1) above may provide—
- (a) for the reference to the Court of Appeal in Northern Ireland for decision of any question of law arising in connection with the determination of a question by the Department; and
  - (b) for appeals to that court from the decision of the Department on any such question of law;
- and subsections (5) and (6) of section 94 of this Act shall apply to a reference or appeal under this subsection as they apply to a reference or appeal under subsections (1) to (3) of that section.

#### **115 Procedure**

- (1) Regulations may, for any purpose of this Part of this Act, make any such provision as is specified in Schedule 13 (procedure, evidence, hearings, forms of documents and other matters relating to adjudication).
- (2) Regulations made by virtue of subsection (1) above are referred to in this Act as " procedure regulations"; and in Schedule 13 " competent tribunal" means a

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Commissioner, a local tribunal, a medical appeal tribunal, a medical board or a single medical practitioner acting in place of a medical board.

- (3) Procedure regulations may deal differently with claims and questions relating to benefit under Part II, Chapters I to III and those relating to industrial injuries benefit.
- (4) At any inquiry held by virtue of procedure regulations the witnesses shall, if the person holding the inquiry thinks fit, be examined on oath; and the person holding the inquiry shall have power to administer oaths for that purpose.
- (5) 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.
- (6) Except so far as it may be applied by procedure regulations, the Arbitration Act (Northern Ireland) 1937 shall not apply to any proceedings under this Part of this Act.

#### **116 Tribunal of 2 or 3 Commissioners**

- (1) If it appears to the Chief National Insurance Commissioner (or, in the case of his inability to act, to such other of the Commissioners as he may have nominated to act for the purpose) that an appeal falling to be heard by one of the Commissioners involves a question of law of special difficulty, he may direct that the appeal be dealt with, not by that Commissioner alone, but by a Tribunal consisting of any 2 or 3 of the Commissioners.
- (2) If the decision of the Tribunal is not unanimous, the decision of the majority, or, in the case of a Tribunal consisting of 2 Commissioners, the decision of the presiding member, shall be the decision of the Tribunal.

#### **117 Finality of decisions**

- (1) Subject to the provisions of this Part of this Act, the decision of any claim or question in accordance with those provisions shall be final; and subject to the provisions of any regulations under section 114, the decision of any claim or question in accordance with those regulations shall be final.
- (2) Subsection (1) above 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.
- (3) A decision (given under section 107(2) of this Act or otherwise) that an accident was an industrial accident is to be taken as determining only that paragraphs (a), (b) and (c) of section 107(5) are satisfied in relation to the accident, and neither any such decision nor the reference to a medical board or medical appeal tribunal under section 108 of the disablement questions in connection with any claim to or award of disablement benefit is to be taken as importing a decision as to the origin of any injury or disability suffered by the claimant, whether or not there is an event identifiable as an accident apart from any injury that may have been received; but—
  - (a) a decision that on a particular occasion when there was no such event a person had an industrial accident by reason of an injury shall be treated as a decision that if the injury was suffered by accident on that occasion, the accident was an industrial accident; and

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- (b) a decision that an accident was an industrial accident may be given, and a declaration to that effect be made and recorded in accordance with section 107, without its having been found that personal injury resulted from the accident (saving always the discretion under section 107(3) to refuse to determine the question if it is unlikely to be necessary for the purposes of a claim for benefit).
- (4) Notwithstanding anything in subsection (2) or (3) above (but subject to the provisions of this Part of this Act as to appeal and review), where for purposes of disablement benefit in respect of an accident it has been found by a medical board or medical appeal tribunal, on the determination or last determination of the disablement questions, that an injury resulted in whole or in part from the accident, then for purposes of industrial death benefit in respect of that accident (including benefit on a death occurring before the passing of this Act) the finding shall be conclusive that the injury did so result.

The reference in this subsection to a medical board includes a medical practitioner determining disablement questions on a reference under section 111.

- (5) Subsections (2) to (4) above shall apply as regards the effect to be given in any proceedings to any decision, or to a reference under section 108 of this Act, whether the decision was given or reference made or the proceedings were commenced before or after the passing of the National Insurance Act 1972 (section 5 of which is replaced by this section), and accordingly—
- (a) any decision given before the passing of that Act that a claimant was not entitled to industrial death benefit may be reviewed in accordance with this Part of this Act to give effect to subsection (4) above; and
  - (b) the references in subsections (2) and (3) above to provisions of this Act, and the reference in this section to section 108, shall (so far as necessary) include the corresponding provisions of previous Acts.

## **118 Questions as to child or family**

- (1) Subject to subsection (2) below, this section applies to any question—
- (a) whether a person is or was a child, or is or was under school-leaving age;
  - (b) whether a person has or had a family including a child or children, or is or was a child of some other person's family;
  - (c) whether a 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 so treated 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.
- (2) This section does not apply—
- (a) to any question within section 95(1)(c) of this Act; or
  - (b) to the question whether a person is to be treated for any purpose as having a family including a child or children, or as being a child of some other person's family.
- (3) Where a question to which this section applies arises with respect to benefit, the question shall be determined in accordance with the foregoing provisions of this Part of this Act, subject to any prescribed modifications and adaptations.
- (4) Any decision of a question to which this section applies by virtue of subsection (1)(a) to (c) above, if given under this Part of this Act, shall have effect also for the purposes

of the Family Allowances Act, whether given for the purposes of this Act or of that Act.

### **119 Effect of adjudication on payment and recovery**

- (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) below, the decision given on the appeal or review shall require repayment to the Department 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.
- (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 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 its receipt, or any person's liability for contributions under Part I of this 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) above, 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 from any payment under the Old Cases Act, or otherwise ;
  - (c) modifying subsections (1) and (2) above 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) as is authorised to be made in a case where repayment is required by the regulations.

## PART IV

### GENERAL PROVISIONS AS TO OPERATION AND ADMINISTRATION OF THIS ACT

#### *Re-rating of contributions and up-rating of benefits*

#### **120 Amendments following alterations in Great Britain**

Whenever the Secretary of State makes an order under section 120, 122 or 124 of the Social Security Act 1975 (re-rating of contributions; up-rating of benefits), the Department, or, where the Secretary of State's order is made under section 122(4) of that Act, the Department of Manpower Services, may make a corresponding order for Northern Ireland, amending this Act or the Old Cases Act in the same way, and to the same effect, and from as nearly as may be the same date or dates, as the Social Security Act 1975 or the Industrial Injuries and Diseases (Old Cases) Act 1975 (as the case may be) is amended by the order of the Secretary of State.

#### **121 Supplementary provisions as to up-rating**

Schedule 14 to this Act has effect with respect to benefit under this Act or the Old Cases Act, where rates of benefit are altered—

- (a) by any Act passed, or Measure of the Northern Ireland Assembly enacted, subsequent to this Act, or by an up-rating order; or
- (b) in consequence of any such Act, Measure or order altering any maximum rate of benefit.

#### *Special classes of earners*

#### **122 Crown employment**

- (1) Subject to the provisions of this section, this Act applies to persons employed by or under the Crown in like manner as if they were employed by a private person.
- (2) This section does not apply to persons serving as members of Her Majesty's forces ; and employment as a member of those forces and any other prescribed employment under the Crown are not, and are not to be treated as, employed earner's employment for any of the purposes of Chapter IV or V of Part II of this Act.

#### **123 Her Majesty's forces**

- (1) Subject to section 122(2) above and to this section, a person who is serving as a member of Her Majesty's forces shall, while he is so serving, be treated for the purposes of this Act as an employed earner in respect of his membership of those forces.
- (2) The Secretary of State may make regulations modifying Parts I, II and III of this Act, in such manner as he thinks proper, in their application to persons who are or have been members of Her Majesty's forces; and regulations under this section may in particular provide—



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- (a) in the case of persons who are employed earners in respect of their membership of those forces, for reducing the rate of the contributions payable in respect of their employment and for determining—
    - (i) the amounts payable on account of those contributions by the Secretary of State and the time and manner of payment, and
    - (ii) the deductions (if any) to be made on account of those contributions from the pay of those persons ;
  - (b) for preventing a person who is discharged from Her Majesty's forces at his own request from being thereby disqualified for receiving unemployment benefit on the ground that he has voluntarily left his employment without just cause.
- (3) For the purposes of this Act, Her Majesty's forces shall be taken to consist of such establishments and organisations as may be prescribed by regulations made by the Secretary of State, being establishments and organisations in which persons serve under the control of the Defence Council.

#### **124 Mariners, airmen, etc.**

- (1) The Department may make regulations modifying provisions of Parts I, II and III of this Act, in such manner as the Department thinks proper, in their application to persons who are or have been, or are to be, employed on board any ship, vessel, hovercraft or aircraft.
- (2) Regulations under subsection (1) above may in particular provide—
- (a) for any such provision to apply to such persons, notwithstanding that it would not otherwise apply ;
  - (b) for excepting such persons from the application of any such provision where they neither are domiciled nor have a place of residence in Northern Ireland;
  - (c) for requiring the payment of secondary Class 1 contributions in respect of such persons, whether or not they are (within the meaning of Part I) employed earners;
  - (d) for the taking of evidence, for the purposes of any claim to benefit, in a country or territory other than Northern Ireland, by a British consular official or such other person as may be prescribed ;
  - (e) for enabling persons who are or have been so employed to authorise the payment of the whole or any part of any benefit to which they are or may become entitled to such of their dependants as may be prescribed.
- (3) Any secondary Class 1 contribution payable by an employer—
- (a) in respect of payments to a person employed on board a ship, vessel or hovercraft, where that person is by virtue of this section excepted from liability to pay a primary Class 1 contribution in respect of the payments ; or
  - (b) by virtue of this section in respect of a person so employed who is not an employed earner within the meaning of Part I,

shall be excluded from the contributions which under section 1(5) of this Act are to be taken into account for the purpose of arriving at the amount of any supplement under that subsection and shall be administered and applied in such manner and for such purposes as may be prescribed.

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## **125 Married women and widows**

- (1) The Department may make regulations modifying any of the following provisions of this Act, namely—
  - Part I, and
  - Chapters I, II and III of Part II (except section 33 in Chapter I),in such manner as it thinks proper, in their application to women who are or have been married.
- (2) Regulations under this section shall provide (subject to any prescribed conditions and exceptions) for enabling a married woman or widow to elect that in any tax year—
  - (a) her liability in respect of primary Class 1 contributions shall be a liability to contribute at the reduced, instead of the standard, rate ; or
  - (b) she shall be under no liability for Class 2 contributions,and to revoke any such election.
- (3) Regulations made for the purposes of subsection (2) above shall provide so that—
  - (a) a woman's election for those purposes is not to be made or revoked otherwise than in respect of a complete tax year (whether the year in which the election is made, or any subsequent year); and
  - (b) an election made or revoked for either one of the purposes mentioned in subsection (2) is to be deemed to be made or revoked for the other purpose also; and
  - (c) while an election has effect, the woman who made it is not entitled to pay any Class 3 contributions.

## **126 Persons outside Northern Ireland**

The Department may make regulations modifying Parts I, II and III of this Act, in such manner as it thinks proper, in their application to persons who are or have been outside Northern Ireland at any prescribed time or in any prescribed circumstances.

### *Finance*

## **127 National Insurance Fund**

- (1) The National Insurance Fund shall continue to be maintained under the control and management of the Department.
- (2) Accounts of the National Insurance Fund shall be prepared in such form, and in such manner and at such times, as the Department of Finance may direct, and the Comptroller and Auditor-General for Northern Ireland shall examine and certify every such account and lay copies thereof, together with his report thereon, before the Northern Ireland Assembly.
- (3) Any money in the National Insurance Fund may from time to time be paid over to the Department of Finance and by that Department invested in any 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.
- (4) The Department of Finance shall certify a statement of the securities in which money forming part of the National Insurance Fund is for the time being invested and that

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statement so certified shall be included with the accounts of that Fund laid before the Northern Ireland Assembly under subsection (2).

- (5) There shall be made out of the National Insurance Fund into the Consolidated Fund of Northern Ireland, or out of money hereafter appropriated for that purpose into the National Insurance Fund, such payments by way of adjustment as the Department determines (in accordance with any directions of the Department of Finance) to be appropriated in consequence of the operation of any enactment or regulations relating to the repayment or offsetting of benefit or other payments.
- (6) Where in other circumstances payments fall to be made by way of adjustment—
- (a) out of the National Insurance Fund either to the Department or another government department, or into the Reserve Pension Fund or the Consolidated Fund of Northern Ireland; or
  - (b) into the National Insurance Fund out of the Reserve Pension Fund or out of money hereafter appropriated for that purpose,

then, in such cases or classes of case as may be specified by the Department by order made with the consent of the Department of Finance the amount of the payments to be made shall be taken to be such, and payments on account thereof shall be made at such times and in such manner, as may be determined by the Department in accordance with any directions given by the Department of Finance.

## **128 Destination of contributions and supplements**

- (1) Contributions received by the Department under Part I of this Act shall be paid by it into the National Insurance Fund after deducting—
- (a) from contributions of any class, the appropriate health service allocation in the case of contributions of that class; and
  - (b) from secondary Class 1 contributions, the appropriate allocation to the Redundancy Fund.
- (2) The contributions referred to in subsection (1) above include those paid over to the Department by the Secretary of State under section 9(6) of the Social Security Act 1975 and by the Inland Revenue under paragraph 5(3) of Schedule 1 to this Act.
- (3) The supplements under section 1(5) of this Act shall be paid, in accordance with any directions given by the Department of Finance, into the National Insurance Fund.
- (4) In subsection (1) above, "the appropriate health service allocation " means—
- (a) in the case of primary Class 1 contributions, 0.4 per cent. of the amount determined to be that of the earnings in respect of which those contributions were paid;
  - (b) in the case of secondary Class 1 contributions, 0.6 per cent. of the amount determined to be that of the earnings in respect of which those contributions were paid;
  - (c) in the case of Class 2 contributions, 8 per cent. of the amount determined to be the total of those contributions;
  - (d) in the case of Class 3 contributions, 8 per cent. of the amount determined to be the total of those contributions; and
  - (e) in the case of Class 4 contributions, 0.6 per cent. of the amount determined to be that of the earnings in respect of which those contributions were paid;

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and " the appropriate allocation to the Redundancy Fund ", in the case of secondary Class 1 contributions, means 0.2 per cent. of the amount determined to be that of the earnings in respect of which those contributions were paid; and in this subsection "determined" means determined by the Department in accordance with any directions given by the Department of Finance.

- (5) So much of any contributions as is to be deducted under subsection (1) above before payment of the remainder into the National Insurance Fund shall be dealt with as follows—
- (a) from the health service allocation in respect of contributions of any class there shall be deducted such amount as the Department may estimate to be the portion of the total expenses incurred by it or any other government department in collecting contributions of that class which is fairly attributable to that allocation, and the remainder shall, in the hands of the Department, be taken as paid towards the cost of the health service in Northern Ireland;
  - (b) from the appropriate allocation to the Redundancy Fund there shall be deducted such amount as the Department may estimate to be the portion of the total expenses incurred by it or any other government department in collecting secondary Class 1 contributions which is fairly attributable to that allocation, and the remainder shall be paid by the Department into that Fund; and
  - (c) any amounts deducted in accordance with paragraphs (a) and (b) above shall be paid by the Department into the Consolidated Fund of Northern Ireland;
- and any estimate by the Department for the purposes of those paragraphs shall be made in accordance with any directions given by the Department of Finance.
- (6) The Department may make regulations modifying this section, in such manner as it thinks proper, in relation to the contributions of persons referred to in—
- section 123(2) (H.M. forces); and
  - section 124(1) (mariners, airmen, etc.).

## **129 General financial arrangements**

- (1) Subject to subsection (2) below, all benefit under Part II of this Act shall be paid out of the National Insurance Fund.
- (2) Subsection (1) does not apply to any of the following benefits, namely—
- (a) an attendance allowance ;
  - (b) a non-contributory invalidity pension ;
  - (c) an invalid care allowance ;
  - (d) a Category C or Category D retirement pension ;
  - (e) age addition payable—
    - (i) under section 40(1), in respect of a retirement pension of either of those Categories, or
    - (ii) under section 40(2);
  - (f) benefit payable under section 39(4) (benefits for old people payable under regulations and corresponding to Category C pension, etc.).
- (3) There shall be paid out of money hereafter appropriated for that purpose—
- (a) any administrative expenses of the Department or other government department in carrying this Act and the Old Cases Act into effect; and

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- (b) any of the benefits which by virtue of subsection (2) above are not payable out of the National Insurance Fund,  
except in so far as they may be required by any enactment to be paid or borne in some other way.
- (4) The administrative expenses referred to in subsection (3)(a) above include those in connection with any inquiry undertaken on behalf of the Department with a view to obtaining statistics relating to the operation of this Act or the Old Cases Act.
- (5) There shall be paid out of the National Insurance Fund into the Consolidated Fund of Northern Ireland, at such times and in such manner as the Department of Finance may direct, such sums as the Department may estimate (in accordance with any directions given by the Department of Finance) to be the amount of the administrative expenses incurred as mentioned in subsection (3)(a) above, excluding—
  - (a) expenses attributable to the carrying into effect of provisions of this Act relating to the benefits which by virtue of subsection (2) above are not payable out of the National Insurance Fund; and
  - (b) any other category of expenses which the Department of Finance may direct, or any enactment may require, to be excluded from the Department's estimate under this subsection.
- (6) Any sums repaid to the Department in pursuance of section 119(1) (effect of adjudication) shall—
  - (a) be paid by it into the Consolidated Fund of Northern Ireland in so far as they represent benefit which under this section is payable out of money hereafter appropriated for the purpose and not out of the National Insurance Fund; and
  - (b) otherwise, be paid by it into that Fund.

### **130 Payments for purposes of s. 92**

- (1) The Department may, with the consent of the Department of Finance—
  - (a) issue out of the National Insurance Fund sums equal to the respective amounts (as estimated in accordance with this section) which, but for any arrangement to which section 92 of this Act applies, would have been paid out of that Fund by way of benefit; and
  - (b) deal with those sums in accordance with the following provisions of this section.
- (2) Any such sum which is attributable to an arrangement relating to the members, officers and servants of the Post Office shall be paid to the Post Office; and, subject to this, any such sum shall be paid to such person or fund (including the Consolidated Fund of Northern Ireland) as the Department of Finance may direct.
- (3) The amounts mentioned in subsection (1)(a) above shall be estimated—
  - (a) where the payment is to be made into the Consolidated Fund of Northern Ireland, by the Department; and
  - (b) in any other case in such manner as may be agreed between the person receiving the payment (or responsible for the fund to which the payment is made) and the Department acting with the consent of the Department of Finance.
- (4) Subsection (1) above shall not apply where the pay during absence from work covered by the relevant arrangement forms part of the expenses within section 129(5) above.

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### **131 Payments for purposes of vocational training, etc.**

There may be paid out of the National Insurance Fund such contributions as the Department, with the consent of the Department of Finance, may determine towards the cost of the provision, under the Disabled Persons (Employment) Act (Northern Ireland) 1945, for persons entitled to disablement benefit, of vocational training courses, industrial rehabilitation courses or facilities in connection with employment or work under special conditions; and any such contributions shall, in accordance with the directions of the Department of Finance, be applied as an appropriation in aid of the moneys appropriated by Measure of the Northern Ireland Assembly for the expenses of the Department of Manpower Services under that Act.

*Advice*

### **132 Advisory functions in relation to attendance allowance**

The Attendance Allowance Board shall have (in addition to their other functions)—

- (a) the functions of advising the Department on such matters as it may refer to them relating to—
  - (i) the operation of provisions of this Act in relation to attendance allowance (including questions as to the advisability of amending those provisions),
  - (ii) the exercise, in relation to attendance allowance, of the Department's powers under those provisions ; and
- (b) such other functions, if any, as the Department may determine.

*Social security systems outside Northern Ireland*

### **133 Co-ordination with Great Britain**

- (1) The Department may with the consent of the Department of Finance make arrangements with the Secretary of State (" the joint arrangements ") for co-ordinating the operation of this Act and the Social Security Act 1975 with a view to securing that, to the extent allowed for in the arrangements, those Acts provide a single system of social security for the United Kingdom.
- (2) The responsibility of the Joint Authority continued in being by section 142(2) of the Social Security Act 1975 shall include that of giving effect to the joint arrangements, with power—
  - (a) to make any necessary financial adjustments between the Northern Ireland National Insurance Fund and the National Insurance Fund ; and
  - (b) to discharge such other functions as may be provided under the joint arrangements.
- (3) The Department may make regulations for giving effect to the joint arrangements; and any such regulations may for the purposes of the arrangements provide—
  - (a) for adapting legislation (including subordinate legislation) for the time being in force in Northern Ireland so as to secure its reciprocal operation with Great Britain;

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- (b) without prejudice to paragraph (a) above, for securing that acts, omissions and events having any effect for the purposes of the enactments in force in Northern Ireland have a corresponding effect in relation to Great Britain.
- (4) Nothing in this Act prejudices the making of any arrangement by the Department under section 11 of the Northern Ireland Constitution Act 1973 for the exercise and performance by or by officers of a department of the Government of the United Kingdom on behalf of the Department of any of the powers and duties of the Department under this Act.

### **134 Reciprocity with other countries**

- (1) For the purpose of giving effect to any agreement with the government of a country outside the United Kingdom providing for reciprocity in matters relating to—
- (a) payments in respect of interruption of employment by unemployment, sickness or otherwise ;
  - (b) payments in respect of the need of handicapped persons for attendance, the confinement of women, widowhood, orphanhood, retirement, old age, or death; or
  - (c) the payment of compensation or benefit to employed persons in respect of industrial or similar injuries,

Her Majesty may by Order in Council make provision for modifying or adapting 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) above 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 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 is to be available to the person concerned ;
  - (c) for making any necessary financial adjustments.

### *Enforcement*

### **135 Appointment and powers of inspectors**

- (1) For the purposes of this Act, the Department may appoint such inspectors, and pay to them such salaries or remuneration, as it may determine with the consent of the Department of Finance.
- (2) An inspector appointed under this section shall, for the purposes of the execution of this Act, have the following powers—
- (a) to enter at all reasonable times any premises liable to inspection under this Act;
  - (b) to make such examination and inquiry as may be necessary—
    - (i) for ascertaining whether the provisions of this Act are being, or have been, complied with in any such premises, or

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- (ii) for investigating the circumstances in which any injury or disease which has given or may give rise to a claim for industrial injuries benefit was or may have been received or contracted;
  - (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 on which he may reasonably require information, every person whom he finds in any such premises or whom he has reasonable cause to believe to be or to have been a person liable to pay contributions under this Act, 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.
- (3) The premises liable to inspection under this Act are any where an inspector has reasonable ground for supposing that—
- (a) any persons are employed ; or
  - (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 ;
- but do not include any private dwelling-house not used by, or by permission of, the occupier for the purposes of a trade or business.
- (4) Every inspector shall be furnished with a certificate of his appointment, and on applying for admission to any premises for the purposes of this Act shall, if so required, produce the certificate.
- (5) Where any premises are liable to be inspected by an inspector or officer appointed or employed by, or are under the control of, some other government department, the Department may make arrangements with that department for any of the powers or duties of inspectors under this Act 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 Act.
- (6) In this section and section 136 below " premises " includes any place ; and in subsection (2)(b) and (c) above the references to this Act include the former principal Act and the former Industrial Injuries Act.

### **136 Duty to submit to inspection**

- (1) In accordance with this section, 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 under this Act 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 subsection (1) above—
- (a) the occupier of any premises liable to inspection under this Act;
  - (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 ;



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- (d) the servants or agents of any such person as is specified in paragraph (a), (b) or (c) above ; and
  - (e) any person who is or has been liable to pay such contributions;
- but 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 spouse.
- (3) If a person—
- (a) wilfully delays or obstructs an inspector in the exercise of any power under this Act; 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 Act;
- he shall be liable on summary conviction to a fine not more than £50.
- (4) Where a person is convicted of an offence under subsection (3)(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 more than £10 for each day on which it is so continued.

### **137 Offences and penalties**

- (1) If a person fails to pay, at or within the time prescribed for the purpose, any contribution which he is liable under Part I of this Act to pay, he shall be liable on summary conviction to a fine not more than £50.
- (2) Subsection (1) above does not apply to Class 4 contributions recoverable by the Inland Revenue.
- (3) If a person—
- (a) buys, sells or offers for sale, takes or gives in exchange or pawns or takes in pawn a contribution card or a used contribution stamp ; or
  - (b) affixes a used contribution stamp to a contribution card; or
  - (c) for the purpose of obtaining any benefit or other payment under this Act, whether for himself or some other person, or for any other purpose connected with this Act—
    - (i) knowingly makes any false statement or false representation, or
    - (ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,
- he shall be liable on summary conviction to a fine not more than £400, or to imprisonment for a term not more than 3 months, or to both.
- (4) In this Act " contribution card " means any card issued under regulations for the purpose of payment of contributions by affixing stamps to it; and in any proceedings under subsection (3) above 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 or not it has actually been used for the payment of a contribution.
- (5) Subject to other express provisions of this Act, regulations may provide for the recovery on summary conviction of penalties for offences under this Act of

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contravening or failure to comply with regulations; but penalties so provided shall not exceed—

- (a) for any one offence, £50 ; or
- (b) for an offence of continuing any such contravention or failure after conviction, £10 for each day on which it is so continued;

but this subsection does not apply to a contravention of, or failure to comply with, regulations requiring a person to submit himself to medical treatment.

### **138 General provisions as to prosecutions**

- (1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Department or by an inspector or other officer authorised for that purpose by special or general directions of the Department.
- (2) An 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) 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 Department to justify a prosecution for the offence, comes to its knowledge, or within the period of 12 months after the commission of the offence, whichever period last expires.

For the purposes of this subsection, a certificate purporting to be signed by the Head of the Department or a secretary or assistant secretary of the Department as to the date on which the evidence in question came to the knowledge of the Department is conclusive evidence of the date on which it did so.

- (4) In proceedings for an offence under this Act, the wife or husband of the accused is competent to give evidence, whether for or against the accused :

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

- (5) 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 applies 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.

### **139 Questions arising in proceedings**

- (1) Where in any proceedings—
  - (a) for an offence under this Act; or
  - (b) involving any question as to the payment of contributions under Part I (other than a Class 4 contribution recoverable by the Inland Revenue); or

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- (c) for the recovery of any sums due to the Department or the National Insurance Fund,  
any such question arises as is mentioned in section 93(1) of this Act, the decision of the Department shall be conclusive for the purposes of the proceedings.
- (2) If a decision of any such question is necessary for the determination of proceedings, and the decision of the Department has not been obtained or a question has been raised with a view to a review of the decision obtained, the question shall be referred to the Department for determination or review in accordance (subject to any necessary modifications) with Part III of this Act.
- (3) Subsection (1) above does not apply if an appeal under section 94 is pending, or the time for appealing has not expired, or a question has been raised with a view to a review of the Department's decision; and the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

#### *Unpaid contributions*

### **140 Evidence of non-payment**

- (1) Subsection (2) below applies with respect to any period during which, under regulations made by virtue of paragraph 5(1) of Schedule 1 to this Act (deduction with P.A.Y.E.), contributions fall to be paid in like manner as income tax.
- (2) 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—
- (a) to him, or
  - (b) 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.
- (3) A document purporting to be such a certificate shall be deemed to be such a certificate until the contrary is proved.
- (4) A statutory declaration by an officer of the Department or 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 is admissible in any proceedings for an offence as evidence of the facts stated in the declaration.
- (5) Nothing in subsection (4) above makes 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.
- (6) Nothing in subsections (4) and (5) above makes a statutory declaration admissible as evidence in proceedings for an offence—
- (a) unless a copy of it 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 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

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the prosecutor requiring the attendance at the trial of the person by whom the declaration was made.

#### **141 Recovery on prosecution**

- (1) Where a person has been convicted of the offence under section 137(1) of this Act of failing to pay a contribution at or within the time prescribed for the purpose and the contribution remains unpaid at the date of the conviction, he shall be liable to pay to the Department a sum equal to the amount which he failed to pay.
- (2) Where—
  - (a) a person is convicted of an offence under section 137(3)(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 ; 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 Department a sum equal to the amount of the contribution.

#### **142 Proof of previous offences**

- (1) Subject to and in accordance with the following subsections, where a person is convicted of an offence mentioned in section 141(1) or (2)(a) above, evidence may be given of any previous failure by him to pay contributions under this Act, or reserve scheme contributions or premiums under the 1973 Act, within the time prescribed for the purpose; and in those subsections " the conviction " and " the offence " mean respectively the conviction referred to in this subsection 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 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, evidence may be given of failure on his part to pay (whether or not in respect of the same person) such contributions, or reserve scheme contributions or premiums, on the date of the offence, or during the 2 years preceding that date.
- (4) If the offence is one of failure to pay Class 2 contributions or is one of those mentioned in section 141(2)(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 subsection (3) or (4) above, the person convicted shall be liable to pay to the Department 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.

### **143 Provisions supplementary to ss. 141, 142**

- (1) Where a person is convicted of an offence to which section 141(1) or (2)(a) applies and an order is made under the Probation Act (Northern Ireland) 1950 placing the offender on probation or discharging him absolutely or conditionally, sections 141 and 142 above shall apply as if it were a conviction for all purposes.
- (2) Where a body corporate fails to pay any sum which it is liable to pay under sections 141 and 142, that sum (or such part of it as remains unpaid) shall be a debt due to the Department 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.
- (3) Any sum which a person is liable to pay under those provisions shall be recoverable from him as a penalty.
- (4) Sums recovered by the Department under those provisions, so far as representing contributions of any class payable under Part I of this Act, are to be treated for all purposes of this Act (including in particular the supplements under section 1(5) and the application of section 128) as contributions of that class received by the Department.
- (5) Without prejudice to subsection (4) above, insofar as such sums represent primary Class 1 or Class 2 contributions, they are to be treated as contributions paid in respect of the person in respect of whom they were originally payable; and provisions of this Act relating to earnings factors shall apply accordingly.
- (6) Subsections (4) and (5) above, as they apply to sums recovered by the Department under the provisions mentioned in subsection (2), apply also to any sums recovered under paragraph 9 of Schedule 23 to the 1973 Act (recovery of contributions etc. for purposes of reserve scheme).

### **144 Priority in bankruptcy, etc.**

- (1) Subject to and in accordance with Schedule 15 to this Act, the debts specified in subsection (2) of this section shall be included among those accorded priority under the relevant enactments specified in that Schedule (being enactments relating to personal insolvency, companies' winding-up and the remedies of debenture holders and chargees).
- (2) The debts referred to above are any sums owed on account of Class 1 contributions (primary or secondary) or Class 2 contributions payable in either case under this Act or the Social Security Act 1975 in the period of 12 months immediately preceding the date of the relevant event (which expression has the meaning indicated by Schedule 15).
- (3) Any priority accorded by the enactments relating to personal insolvency which are specified in Schedule 15 to this Act to debts consisting of income tax assessed and unpaid shall be accorded, to the same extent and subject to the same limitations, to debts consisting of Class 4 contributions (under this Act or the Social Security Act 1975) assessed and unpaid, so far as owed to the Inland Revenue and not to the Department or the Secretary of State.

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*Matters particularly relating to industrial injuries, etc.*

#### **145 Research on industrial injuries, etc.**

- (1) The Department may promote research into the causes and incidence of accidents arising out of and in the course of employment, or injuries and diseases which—
- (a) are due to the nature of employment; or
  - (b) it is contemplated might be prescribed for the purposes of Chapter V of Part II of this Act,
- either by itself employing persons to conduct such research or by contributing to the expenses of, or otherwise assisting, other persons engaged in such research.
- (2) The Department may pay to persons so employed by it such salaries or remuneration, and such travelling and other allowances, as it may determine with the consent of the Department of Finance.

#### **146 Control of pneumoconiosis**

As respects pneumoconiosis, regulations may provide—

- (a) for requiring persons to be medically examined before, or within a prescribed period after, becoming employed in any occupation in relation to which pneumoconiosis is prescribed, and to be medically examined periodically while so employed, and to furnish information required for the purposes of any such examination ;
- (b) for suspending from employment in any such occupation, and in such other occupations as may be prescribed, persons found on such an examination—
  - (i) to be suffering from pneumoconiosis or tuberculosis; or
  - (ii) to be unsuitable for such employment, having regard to the risk of pneumoconiosis and such other matters affecting their susceptibility thereto as may be prescribed;
- (c) for the disqualification for the receipt of benefit in respect of pneumoconiosis of any person who fails without good cause to submit himself to any such examination or to furnish information required by the regulations for the purposes thereof or who engages in any employment from which he has been suspended as aforesaid;
- (d) for requiring employers—
  - (i) to provide facilities for such examinations;
  - (ii) not to employ in any occupation a person who has been suspended as aforesaid from employment therein or who has failed without good cause to submit himself to such an examination;
  - (iii) to give to such medical board or officer as may be prescribed the prescribed notice of the commencement of any prescribed industry or process;
- (e) for the recovery on summary conviction of monetary penalties in respect of any contravention of or failure to comply with any such requirement as is mentioned in paragraph (d) above, so, however, that such penalties shall not exceed £5 for every day on which the contravention or failure occurs or continues ;

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- (f) for such matters as appear to the Department to be incidental to or consequential on provisions included in the regulations by virtue of the foregoing provisions of this section or section 78(1).

#### **147 Accidents in course of illegal employment**

- (1) Where under this Act—
  - (a) a claim is made for industrial injuries benefit in respect of an accident, or of a prescribed disease or injury ; or
  - (b) an application is made under section 107 for a declaration that an accident was an industrial accident, or for a corresponding declaration as to a prescribed disease or injury,subsection (2) below has effect.
- (2) The Department may direct that for the purposes of this Act the relevant employment shall, in relation to that accident, disease or injury, be treated as having been employed earner's employment notwithstanding that by reason of a contravention of, or non-compliance with, some provision contained in or having effect under an enactment passed for the protection of employed persons or any class of employed persons, either—
  - (a) the contract purporting to govern the employment was void; or
  - (b) the employed person was not lawfully employed in the relevant employment at the time when, or in the place where, the accident happened or the disease or injury was contracted or received.
- (3) In subsection (2) above, " relevant employment" means—
  - (a) in relation to an accident, the employment out of and in the course of which the accident arises ; and
  - (b) in relation to a prescribed disease or injury, the employment to the nature of which the disease or injury is due.

#### **148 Persons treated as employers for certain purposes**

In relation to—

- (a) a person who is an employed earner for the purposes of Chapters IV and V of Part II of this Act otherwise than by virtue of a contract of service or apprenticeship ; or
- (b) any other employed earner—
  - (i) who is employed for the purpose of any game or recreation and is engaged or paid through a club, or
  - (ii) in whose case it appears to the Department there is special difficulty in the application of all or any of the provisions of Chapters IV to VI of Part II relating to employers,

regulations may provide for a prescribed person to be treated in respect of industrial injuries benefit and its administration as the earner's employer.

#### **149 Supplementary schemes**

- (1) A body of persons claiming to represent, or to be entitled to be treated as representing, employed earners of any class and their employers may submit to the Department a scheme (" a supplementary scheme") for supplementing the rights conferred on those

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earners by Chapters IV and V of Part II of this Act, whether by providing for additional payments in cases for which benefit is provided by those Chapters, or by providing for payments in other cases, or otherwise.

- (2) Schedule 16 to this Act has effect with respect to supplementary schemes; and the provisions of this Act other than this section, and the provisions of regulations, shall not (except in so far as they are applied by a supplementary scheme) apply to, or have effect in relation to or for the purposes of, the scheme.

## **150 Payments for pre-1948 cases**

- (1) This section applies to any person who is or has been at any time after 4th July 1948—
- (a) entitled in respect of any injury or disease to weekly payments by way of compensation under the Workmen's Compensation Acts; or
  - (b) entitled to payments on account of an injury pension under or by virtue of any enactment in respect of an injury received or disease contracted by him before 5th July 1948 or in respect of his retirement in consequence of such an injury or disease.

- (2) In subsection (1) above—

- (a) " the Workmen's Compensation Acts " means the Workmen's Compensation Acts (Northern Ireland) 1927 to 1943 or the enactments repealed by the Workmen's Compensation Act (Northern Ireland) 1927 or those repealed by the Workmen's Compensation Act 1906; and
- (b) " injury pension " includes any pension or similar benefit payable in respect of a person's employment or former employment, being a pension or benefit which would not be payable or would be payable at a less rate but for an injury or disease referable to that employment.

- (3) Regulations may provide—

- (a) for conferring on persons to whom this section applies who as a result of the injury or disease in question are, or could for the purpose of the provisions of this Act relating to unemployability supplement be treated as being, incapable of work and likely to remain permanently so incapable—

- (i) the like right to payments under this Act by way of unemployability supplement, and

- (ii) the like right to payments under this Act in respect of a child or adult dependant,

as if the injury or disease were one in respect of which a disablement pension were for the time being payable ;

- (b) for conferring on persons to whom this section applies who as a result of the injury or disease in question require constant attendance—

- (i) the like right to payments under this Act in respect of the need for constant attendance, and

- (ii) the like right to an increase for exceptionally severe disablement,

as if the injury or disease were one in respect of which a disablement pension were for the time being payable in respect of an assessment of 100 per cent.;

- (c) for applying in relation to payments under this section the provisions of this Act relating to industrial injuries benefit, and to the making of claims and the determination of claims and questions in so far as those provisions apply in relation to—



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- (i) an unemployability supplement,
  - (ii) an increase of a disablement pension in respect of a child or adult dependant, or
  - (iii) an increase of a disablement pension in respect of the need for constant attendance or exceptionally severe disablement,
- (as the case may be) subject to any additions or modifications.
- (4) All payments under this section shall be made out of the National Insurance Fund.

#### *Other administrative provisions*

### **151 Furnishing of addresses for maintenance proceedings, etc.**

- (1) The Department may incur expenses for the purpose of furnishing the address at which a man or woman is recorded by it 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 subsection (1)(b) above " son or daughter " includes a son or daughter by adoption and an illegitimate son or daughter.

### **152 Treatment of certain marriages**

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) as to the circumstances in which, for the purposes of this Act,—
    - (i) a marriage celebrated under a law which permits polygamy; or
    - (ii) any marriage during the subsistence of which a party to it is at any time married to more than one person,is to be treated as having, or not having, the consequences of a marriage celebrated under a law which does not permit polygamy ;
- and regulations made for the purposes of subsection (6) above may make different provision in relation to different purposes and circumstances.

### **153 Exemption from stamp duty**

Stamp duty shall not be chargeable on any document authorised by virtue of this Act or otherwise required in order to give effect to this Act or in connection with any description of business thereunder.

**154 Disclosure of information by Inland Revenue**

- (1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to Inland Revenue shall prevent information obtained in connection with the assessment or collection of income tax under Schedule E from being disclosed to the Department or the Secretary of State, or to an officer of either of them authorised to receive such information, in connection with the operation of any enactment relating to the calculation or collection of contributions under this Act or the Social Security Act 1975, or the payment of benefit under either of those enactments.
- (2) Subsection (1) above extends only to disclosure by or under the authority of the Inland Revenue; and information which is the subject of disclosure to any person by virtue of that subsection shall not be further disclosed to any other person, except where the further disclosure is made—
- (a) to a person to whom disclosure could by virtue of this section have been made by or under the authority of the Inland Revenue ; or
  - (b) for the purposes of any proceedings (civil or criminal) in connection with the operation of any enactment relating to the calculation or collection of contributions under this Act or the Social Security Act 1975, or the payment of benefit thereunder ; or
  - (c) for any purposes of Part III of this Act or Part III of that Act.

**PART V**

## GENERAL

**155 Orders and regulations (general provisions)**

- (1) Powers under this Act to make regulations (except regulations under section 123) or orders are exercisable by statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958.
- (2) Except in so far as this Act otherwise provides, any power conferred thereby to make an Order in Council, regulations or an order may be exercised—
- (a) either in relation to all cases to which the power extends, or in relation to those cases subject to specified exceptions, or in relation to any specified cases or classes of case ;
  - (b) so as to make, as respects the cases in relation to which it is exercised—
    - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise),
    - (ii) the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case or different provision as respects the same case or class of case for different purposes of this Act,
    - (iii) any such provision either unconditionally or subject to any specified condition;

and where such a power is expressed to be exercisable for alternative purposes it may be exercised in relation to the same case for any or all of those purposes; and powers to make Orders in Council, regulations or an order for the purposes of any one provision of this Act are without prejudice to powers to make regulations or an order for the purposes of any other provision.

- (3) Without prejudice to any specific provision in this Act, a power conferred by this Act to make an Order in Council, regulations or an order includes power to make thereby such incidental or supplementary provision as appears to Her Majesty, or the authority making the regulations or order, as the case may be, to be expedient for the purposes of the Order in Council, regulations or order.
- (4) A power conferred by this Act to make an Order in Council or an order, except an order under Schedule 16, paragraph 1 (approval of supplementary scheme), includes power to vary or revoke any such Order in Council or order by a subsequent Order in Council or, as the case may be, order.
- (5) A power conferred on the Department or the Department of Manpower Services by any provision of this Act, other than section 86(1) to (4), to make any regulations or order, where the power is not expressed to be exercisable with the consent of the Department of Finance, shall if that Department so directs be exercisable only in conjunction with it.
- (6) Powers conferred by sections 123, 124 and 126 of this Act to modify Parts I to III of this Act extend also to modifying so much of any other provision of this Act as replaces provisions of the National Insurance (Industrial Injuries) Measures (Northern Ireland) 1966 to 1974.
- (7) A power under any of sections 123 to 126, 133 or 134 of this Act to prescribe, or to make provision by Order in Council for, modifications or adaptations of this Act shall be exercisable in relation to any enactment passed after this Act which is directed to be construed as one with this Act; but this subsection applies only so far as a contrary intention is not expressed in the enactment so passed, and is without prejudice to the generality of any such direction.
- (8) Powers of the Secretary of State under section 123(2) and (3) of this Act to make regulations are exercisable by statutory instrument; and subsections (2) and (3) of this section apply to those regulations as they apply to regulations made by the Department.

## **156 Orders and regulations (control by Northern Ireland Assembly)**

- (1) All regulations and every order to which this subsection applies shall be laid before the Northern Ireland Assembly 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 that Assembly.
- (2) Subsection (1) above applies to—
  - (a) regulations made by the Department wholly or partly by virtue of any of the following provisions of this Act, namely—
    - section 5(3) and (4) (widow's option as to rate of her liability for Class 1 contributions);
    - section 7(4) (Class 2 contributions, higher weekly rate);
    - section 10(1) (Class 4 contributions recoverable under regulations);
    - section 20(3) (additional conditions and restrictions as to certain benefits);
    - section 124 (mariners, airmen, etc.);

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- section 125 (married women and widows);
- (b) any order made by the Department wholly or partly by virtue of section 17(3) of this Act (substituted provision for section 17(1) and (2));
  - (c) any order made by the Department or the Department of Manpower Services by virtue of section 120 of this Act (alterations of contributions or benefits corresponding to those made by the Secretary of State).
- (3) Subsection (1) above does not apply to—
- (a) regulations under section 124 of this Act, where the instrument containing the regulations states that the regulations are made for the purpose of making provisions consequential upon the coming into force of an order under section 120 ;
  - (b) regulations to be made for the purpose only of consolidating regulations thereby revoked;
  - (c) regulations which, insofar as they are made under the powers conferred by the provisions mentioned in subsection (2) above, only replace provisions of previous regulations with new provisions to the same effect.
- (4) All regulations and orders made by the Department under this Act, other than regulations or orders to which subsection (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.
- (5) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 (procedure for laying statutory instruments or statutory documents before the Northern Ireland Assembly) 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 Assembly as if it were a statutory instrument or statutory document within the meaning of that Act.
- (6) During the interim period (as defined by section 1(4) of the Northern Ireland Act 1974), subsections (1) and (4) of this section have effect subject to paragraph 3 of Schedule 1 to that Act.

## **157 Interpretation**

- (1) Schedule 17 to this Act contains a glossary of terms; and in this Act (unless the context otherwise requires) any expression for which there is an entry in the first column of the Schedule has the meaning given against it in the second column or is to be construed in accordance with directions given against it in that column (references there to any section being to the applicable section of this Act).
- (2) Any reference in this Act to another enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment, including an enactment contained in this Act, the Social Security Act 1975 or the Social Security (Consequential Provisions) Act 1975.
- (3) Except where the context otherwise requires, a reference in this Act to any Part of it includes a reference to the Schedules of that Part.
- (4) Any reference in section 155 or 156(4) of this Act to an Order in Council, or an order or regulations, under this Act includes a reference to an Order in Council, an order or regulations made under any provision of an enactment passed after this Act and directed to be construed as one with this Act; but this subsection applies only so far as

a contrary intention is not expressed in the enactment so passed, and without prejudice to the generality of any such direction.

**158 Citation, extent and commencement**

- (1) This Act may be cited as the Social Security (Northern Ireland) Act 1975.
- (2) This Act extends to Northern Ireland only.
- (3) Subject to section 3(5) of the Social Security (Consequential Provisions) Act 1975, this Act comes into force on 6th April 1975.

## 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

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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 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 a 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 Department, where it 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 that 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 137(1) of this Act without proof of his failure so to pay any particular contribution.

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- (3) The Inland Revenue shall, at such times and in such manner as the Department of Finance may direct, account to the Department for, and pay to it, 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 tax 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, tax year as falling wholly within one or the other of those tax 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 8(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 Northern Ireland ;
  - (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 Department for the allocation of a national insurance number ;



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- (m) for any other matters incidental to the payment, collection or return of contributions.
  - (2) Regulations made by the Department 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 Department by any person who adopts any alternative method, and for the recovery by the Department, 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 Department may, with the consent of the Department of Finance, 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.

## SCHEDULE 2

Section 9(2).

### SCHEDULE 2 TO THE SOCIAL SECURITY ACT 1975: LEVY OF CLASS 4 CONTRIBUTIONS WITH INCOME TAX

#### *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.

#### *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 6th April 1975 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—
- (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

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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—
- (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.

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*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 9(7) of this Act or section 9(4) of the Social Security (Northern Ireland) Act 1975 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 9(9) or 10 of this Act or section 9(6) or 10 of the Social Security (Northern Ireland) Act 1975.

SCHEDULE 3

Section 13(6), (8).

CONTRIBUTION CONDITIONS FOR ENTITLEMENT TO 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—
- (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

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- (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—
- (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 these 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

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- (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; retirement pensions (Categories A and B)*

- 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 factors 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 ; 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.

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<i>Duration of working life</i>	<i>Requisite number of years</i>
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 25.
- (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—

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



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SCHEDULE 4

Sections 14 to 49, 56 to 75, 91.

RATES OF BENEFITS, GRANTS AND INCREASES FOR DEPENDANTS

**PART I**

CONTRIBUTORY PERIODICAL BENEFITS

Description of benefit	Weekly rate
1. Unemployment or sickness benefit (section 14).	(a) higher rate £9.80 (b) lower rate £6.90 (the appropriate rate being determined in accordance with section 14(4)).
2. Invalidity pension (section 15).	£11.60
3. Invalidity allowance (section 16).	(a) higher rate £2.40 (b) middle rate £1.50 (c) lower rate £0.75 (the appropriate rate being determined in accordance with section 16(2)).
4. Maternity allowance (section 22).	£9.80
5. Widow's allowance (section 24).	£16.20
6. Widowed mother's allowance (section 25).	£11.60
7. Widow's pension (section 26)	£11.60
8. Category A retirement pension (section 28).	£11.60
9. Category B retirement pension (section 29).	(a) lower rate £6.90 (b) higher rate £11.60 (the appropriate rate being determined in accordance with section 29(7)).
10. Child's special allowance (section 31).	£5.65

**PART II**

MATERNITY GRANT AND DEATH GRANT

Description of Grant	Amount
1. Maternity grant (section 21)	£ 25.00
2. Death grant (section 32), where the deceased was at his death—	

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Description of Grant	Amount
(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

#### NON-CONTRIBUTORY PERIODICAL BENEFITS (SS. 34-40)

Description of benefit	Weekly rate
1. Attendance allowance (section 35).	(a) higher rate £9.20 (b) lower rate £6.20 (the appropriate rate being determined in accordance with section 35(3)).
2. Non-contributory invalidity pension (section 36).	£6.90
3. Invalid care allowance (section 37).	£6.90
4. Guardian's allowance (section 38)	£5.65
5. Category C or Category D retirement pension (section 39).	(a) lower rate £4.30 (b) higher rate £6.90 (the appropriate rate being determined in accordance with section 39(2)).
6. Age addition (to a pension of any category, and otherwise under section 40).	£0.25

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## PART IV

### INCREASES FOR DEPENDANTS (SS. 41-49)

Benefit to which increase applies	Increase for only, elder or eldest qualifying child	Increase for each additional qualifying child	Increase for adult dependant
(1)	(2)	(3)	(4)
	£	£	£
1. Unemployment or sickness benefit—			
(a) where the beneficiary is under pensionable age	3.10	1.60	6.10
(b) where the beneficiary is over pensionable age	5.65	4.15	6.90
2. Invalidity pension	5.65	4.15	6.90
3. Maternity allowance	3.10	1.60	6.10
4. Widow's allowance	5.65	4.15	—
5. Widowed mother's allowance	5.65	4.15	—
6. Category A or B retirement pension	5.65	4.15	6.90
7. Category C retirement pension	5.65	4.15	4.30
8. Child's special allowance	—	4.15	—
9. Non-contributory invalidity pension	5.65	4.15	4.30
10. Invalid care allowance	5.65	4.15	4.30

Where unemployment or sickness benefit is payable at a weekly rate determined under section 14(6) of this Act, column (4) of this Part of this Schedule shall have effect subject to section 44(5)(b); and where an invalidity pension is payable at a weekly rate determined under section 15(4) of this Act, column (4) shall have effect subject to section 47(2)(b).

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## PART V

### RATE OR AMOUNT OF INDUSTRIAL INJURIES BENEFIT

Description of benefit, etc.	Rate or amount
1. Injury benefit under section 56 (weekly rates).	<p>(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant £12.55</p> <p>(b) for any period during which the beneficiary is not over the age of 18 and not so entitled £9.80</p>
2. Maximum disablement gratuity under section 57(5).	£1,260
3. Disablement pension under section 57(6) (weekly rates).	<p>For the several degrees of disablement set out in column 1 of the following Table, the respective amounts in that Table, using—</p> <p>(a) column 2 for any period during which the beneficiary is over the age of 18 or is entitled to an increase of benefit in respect of a child or adult dependant;</p> <p>(b) column 3 for any period during which the beneficiary is not over the age of 18 and not so entitled:</p>

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Description of benefit, etc.	TABLE		
	<i>Degree of disablement.</i>	<i>Amount</i>	
	(1)	(2)	(2)
	Per cent.	£	£
	100	19.00	11.60
	90	17.10	10.44
	80	15.20	9.28
	70	13.30	8.12
	60	11.40	6.96
	50	9.50	5.80
	40	7.60	4.64
	30	5.70	3.48
	20	3.80	2.32
4. Unemployment supplement under section 58 (increase of weekly rate of disablement pension).		£11.60	
5. Increase under section 59 of weekly rate of unemployability supplement (early onset of incapacity for work).		(a) if on the qualifying date the beneficiary was under the age of 35, or if that date fell before 5th July 1948 £2.40	
		(b) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 45 £1.50	
		(c) if heads (a) and (b) above do not apply, and on the qualifying date the beneficiary was a man under the age of	

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Description of benefit, etc.	Rate or amount
	60, or a woman under the age of 55
	£0.75
6. Maximum increase under section 60 of weekly rate of disablement pension in cases of special hardship.	£7.60 or the amount (if any) by which the weekly rate of the pension, apart from any increase under section 61, 63, 64 or 66, falls short of £19.00, whichever is the less.
7. Maximum increase under section 61 of weekly rate of disablement pension where constant attendance needed.	(a) except in cases of exceptionally severe disablement £7.60 (b) in any case £15.20
8. Increase under section 63 of weekly rate of disablement pension (exceptionally severe disablement).	£7.60
9. Increase under section 64 of weekly rate of injury benefit (dependent children).	(a) in respect of only, elder or eldest child of beneficiary's family £3.10 (b) in respect of each additional child of beneficiary's family £1.60
10. Increase under section 64 of weekly rate of disablement pension (dependent children).	(a) in respect of only, elder or eldest child of beneficiary's family £5.65 (b) in respect of each additional child of beneficiary's family £4.15
11. Increase under section 66(2) of weekly rate of injury benefit (adult dependant).	£6.10

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Description of benefit, etc.	Rate or amount
12. Increase under section 66(2) of weekly rate of disablement pension (adult dependant).	£6.90
13. Widow's pension under section 68 (weekly rates)—	
(a) initial rate	£16.20
(b) higher permanent rate	£12.15
(c) lower permanent rate	30 per cent, of the weekly rate for the time being of a widow's pension as specified in Part I of this Schedule, paragraph 7.
14. Widower's pension under section 69 (weekly rate).	£12.15
15. Allowance under section 70 in respect of children of deceased's family—	
(a) weekly rate of allowance at higher rate	(i) in respect of only, elder or eldest qualifying child £5.65
	(ii) in respect of each additional qualifying child £4.15
(b) weekly rate of allowance at lower rate	(i) in respect of only, elder or eldest qualifying child £3.10
	(ii) in respect of each additional qualifying child £1.60
16. Maximum under section 91(1) of aggregate of weekly benefit payable for successive accidents.	(a) for any period during which the beneficiary is over the age of 18 or is entitled to an increase

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Description of benefit, etc.	Rate or amount
	of benefit in respect of a child or adult dependant £19.00
	(b) for any period during which the beneficiary is not over the age of 18 and not so entitled £11.60

## SCHEDULE 5

Section 14(5)(b)(iv).

### MEANING OF " UNEMPLOYABILITY SUPPLEMENT OR ALLOWANCE "

" Unemployability supplement or allowance " in section 14(5)(b) of this Act means—

- (a) an unemployability supplement payable under section 58 of this Act, or
- (b) any corresponding allowance payable—
  - (i) by virtue of section 7(3)(a) of the Industrial Injuries and Diseases (Old Cases) Act 1975, 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

Sections 14(7), 22(4), 24(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 tax 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



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- (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 41(1) or 44(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 (section 56) 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 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; and
  - (b) for the reference to section 41(1) or 44(1) or (2) of this Act of a reference to section 64(1) or 66(1).
- 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 28(3).

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

- 1 (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) In this Schedule—  
     " the second contribution condition " means the second of the conditions for a Category A retirement pension specified in Schedule 3, paragraph 5 ;  
     and  
     " year " means a tax year.
- 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—  
         (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 sub-paragraphs (a) and (b) above any number of years following the husband's death (inclusive of the year in which he 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 sub-paragraphs (a) and (b) above any number of years—  
         (i) before that in which she became married to the husband, and  
         (ii) following the husband's death (inclusive of the year 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.

## SCHEDULE 8

Section 57(3).

### ASSESSMENT OF EXTENT OF DISABLEMENT

#### *General provisions as to method of assessment*

- 1 For the purposes of section 57 of this Act, the extent of disablement shall be assessed by reference to the disabilities incurred by the claimant as a result of the relevant loss of faculty, in accordance with the following general principles:—
- (a) save as hereafter provided in this paragraph, the disabilities to be taken into account shall be all disabilities so incurred (whether or not involving loss of earning power or additional expense) to which the claimant may be expected, having regard to his physical and mental condition at the date of the assessment, to be subject during the period taken into account by the assessment as compared with a person of the same age and sex whose physical and mental condition is normal;
  - (b) regulations may make provision as to the extent (if any) to Sch. 8 which any disabilities are to be taken into account where they are disabilities which, though resulting from the relevant loss of faculty, also result, or without the relevant accident might have been expected to result, from a cause other than the relevant accident;
  - (c) the assessment shall be made without reference to the particular circumstances of the claimant other than age, sex, and physical and mental condition ;
  - (d) the disabilities resulting from such loss of faculty as may be prescribed shall be taken as amounting to 100 per cent, disablement and other disabilities shall be assessed accordingly.
- 2 Provision may be made by regulations for further defining the principles on which the extent of disablement is to be assessed and such regulations may in particular direct that a prescribed loss of faculty shall be treated as resulting in a prescribed degree of disablement ; and, in connection with any such direction, nothing in paragraph 1(c) above prevents the making of different provision, in the case of loss of faculty in or affecting hand or arm, for right-handed and for left-handed persons.
- 3 Regulations under paragraph 1(d) or 2 above may include provision—
- (a) for adjusting or reviewing an assessment made before the date of the coming into force of those regulations ;
  - (b) for any resulting alteration of that assessment to have effect as from that date ;
- so however that no assessment shall be reduced by virtue of this paragraph.
- 4 The period to be taken into account by an assessment of the extent of a claimant's disablement shall be the period (beginning not earlier than the end of the injury benefit period, and limited by reference either to the claimant's life or to a definite date) during which the claimant has suffered and may be expected to continue to suffer from the relevant loss of faculty:

Provided that if on any assessment the condition of the claimant is not such, having regard to the possibility of changes therein (whether predictable or not), as to allow of a final assessment being made up to the end of the said period—

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- (a) a provisional assessment shall be made, taking into account such shorter period only as seems reasonable having regard to his condition and that possibility ; and
- (b) on the next assessment the period to be taken into account shall begin with the end of the period taken into account by the provisional assessment.

5 An assessment shall state the degree of disablement in the form of a percentage and shall also specify the period taken into account thereby and, where that period is limited by reference to a definite date, whether the assessment is provisional or final:

Provided that—

- (a) the percentage and period shall not be specified more particularly than is necessary for the purpose of determining in accordance with section 57 of this Act the claimant's rights as to disablement benefit; and
- (b) a percentage between 20 and 100 which is not a multiple of 10 shall be treated—
  - (i) if it is a multiple of 5, as being the next higher percentage which is a multiple of 10 ;
  - (ii) if it is not a multiple of 5, as being the nearest percentage which is a multiple of 10.

*Special provision as to entitlement to constant attendance allowance, etc.*

- 6 (1) For the purpose of determining whether a person is entitled—
- (a) to an increase of a disablement pension under section 61 of this Act (constant attendance allowance); or
  - (b) to a corresponding increase by virtue of section 150(3)(b) of this Act of any other benefit,

regulations may provide for the extent of the person's disablement resulting from the relevant injury or disease to be determined in such manner as may be provided for by the regulations by reference to all disabilities to which that person is subject which result either from the relevant injury or disease or from any other injury or disease in respect of which there fall to be made to the person payments of any of the descriptions listed in sub-paragraph (2) below.

- (2) Those payments are—
- (a) payments by way of disablement pension under Part II of this Act, Chapter IV or V ;
  - (b) payments such as are referred to in section 150(1) of this Act;
  - (c) payments in such circumstances as may be prescribed by way of such other benefit as may be prescribed (being benefit in connection with any hostilities or with service as a member of Her Majesty's forces or of such other organisation as may be specified in the regulations).

SCHEDULE 9

Sections 70, 72 and 73.

LIMITS OF ENTITLEMENT TO INDUSTRIAL DEATH BENEFIT

- 1 Where two or more persons satisfy the conditions, in respect of the same death, for receipt of an allowance or allowances under section 70 of this Act for any period—
- (a) not more than one of those persons shall be entitled for that period to such an allowance in respect of the same child, nor shall more than one of them be entitled for that period, in respect of different children, to such an allowance at a rate applicable to an only, elder or eldest child ;
  - (b) where one of them is entitled to such an allowance at a rate above mentioned in respect of a child not included in the family of the other or another of them, the rates of any such allowances to which that other is entitled shall be those that would have been appropriate if the child had been the elder or eldest child of that other's family ;
  - (c) where the deceased leaves a widow or widower, then for any period for which she or he is entitled to death benefit as the deceased's widow or widower and satisfies the conditions for receipt of such an allowance in respect of a child, she or he shall be entitled to the allowance in respect of that child, and any allowance payable to her or him in respect of the only, elder or eldest child of her or his family shall be payable at a rate applicable to such a child ;
  - (d) subject to sub-paragraph (c) above, regulations may make provision as to the priority in any prescribed circumstances of two or more persons satisfying the said conditions.
- 2 Where two or more persons satisfy the conditions, in respect of the same death, for receipt of—
- (a) a pension under section 72 of this Act; or
  - (b) an allowance under section 73,
- only one of those persons shall be entitled to the pension or allowance, as the case may be.
- 3 No person shall be entitled in respect of the death of a person to a pension under section 72 where any person is entitled in respect of the deceased's death to a pension as the deceased's widow or widower or the deceased's parent.
- 4 (1) Where a person would but for paragraph 2 or 3 above be entitled in respect of another person's death to a pension under section 72, he shall, subject to the following provisions of this Schedule, be entitled in lieu thereof to a gratuity.
- (2) The amount of any gratuity payable by virtue of this paragraph shall, subject to section 74 of this Act and the subsequent provisions of this Schedule, be £104; and any such gratuity shall be payable, if and in such cases as regulations so provide, by instalments.
  - (3) No person shall be entitled in respect of a person's death both to a gratuity under this paragraph and to an allowance under section 72.
- 5 No person shall be entitled in respect of a person's death both to an allowance under section 73 and to a pension or gratuity, or to an allowance both under section 72 and under section 73.
- 6 (1) The death benefit payable in respect of a person's death by way of parents' gratuities shall not exceed £78.

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- (2) The death benefit so payable by way of relatives' gratuities shall not exceed £52 except where either—
- (a) no person is entitled in respect of the deceased's death to a pension; or
  - (b) some person is entitled in respect thereof to a gratuity in lieu of a pension, and shall not in any case exceed £104.
- (3) The limits imposed by sub-paragraph (2) above may be applied either by excluding from the right to a gratuity some of the persons satisfying the conditions for receipt thereof, or by reducing in any proportions the gratuities payable to those persons, or partly in one way and partly in the other; and regulations may make provision as to the manner in which any of the limits imposed by this paragraph are to be applied in any prescribed circumstances.
- 7 (1) A person shall be treated for the purposes of this Schedule as satisfying the conditions for the receipt of a pension under section 72, notwithstanding that he is a child, if he may satisfy those conditions on ceasing to be a child.
- (2) The provision of this Schedule limiting the number of persons entitled to a pension under section 72 shall not preclude a person from becoming so entitled on ceasing to be a child by reason only of some other person having previously been so entitled.
- (3) For the purposes of paragraph 6(2) above, any pension or gratuity under section 72 to which a person may become entitled on ceasing to be a child shall be disregarded.
- 8 (1) Where a person entitled, or who may become entitled, to any such benefit as is mentioned in this Schedule dies within the prescribed time after the deceased without being awarded that benefit, that person shall be disregarded for the purposes of this Schedule, except in so far as it relates to an allowance under section 70 of this Act:
- Provided that, where an award of benefit in respect of the deceased's death, based on the fact that that person was or might become so entitled, has been made in favour of some other person, the death of the first-mentioned person shall not affect that award so as to deprive that other person of any benefit thereby awarded, except where, by reason of the first-mentioned person's death, a further award of benefit of a different description is made on review in favour of that other person.
- (2) For the purposes of this paragraph, a person shall be treated—
- (a) as having died without being awarded benefit if an award of benefit in his favour in force at his death is thereafter reversed on appeal or review ; and
  - (b) as not having died without being awarded benefit if an award of benefit is. on a claim made by him before his death, made after his death and not reversed as aforesaid.

## SCHEDULE 10

Section 97(4).

### SUPPLEMENTARY PROVISIONS AS TO LOCAL TRIBUNALS, COMMISSIONERS, ETC

#### *Panels for appointment to local tribunals*

- 1 (1) The panels referred to in section 97(2) of this Act shall be Constituted by the Department for the whole of Northern Ireland and each panel shall relate to such area

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as the Department thinks fit, and be composed of such persons as the Department sees fit to appoint.

(2) Before appointing members to either of the panels, the Department 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.

(3) The members of the panels shall hold office for such period as the Department may direct :

Provided that the Department may at any time terminate the appointment of any member of a panel.

(4) So far as practicable, each member of a panel shall be summoned in turn to serve 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 93(3) of this Act or with regulations under section 114(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.

#### *Tribunal chairmen*

2 (1) 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.

(2) 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.

#### *Expenses of tribunal members and others*

3 (1) The Department may pay—

(a) to any person (other than a Commissioner) appointed under Part III of this Act to determine questions or as a member of, or assessor to, any tribunal constituted under that Part, such remuneration and such travelling and other allowances;

(b) to any person required to attend at any proceedings or inquiry under Part III, such travelling and other allowances; and

(c) such other expenses in connection with the work of any person, tribunal or inquiry appointed or constituted under any provision of that Part (other than a tribunal presided over by a Commissioner),

as the Department with the consent of the Department of Finance may determine.

(2) The Department may pay to persons required under this Act (whether for the purposes of this Act or otherwise) to attend for or to submit themselves to medical

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or other examination or treatment such travelling and other allowances as the Department may determine with the consent of the Department of Finance.

- (3) In this paragraph 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 paragraph.

*Commissioners' remuneration etc.*

- 4 The Department shall pay to a National Insurance Commissioner such salary or other remuneration, and such expenses incurred in connection with the work of a Commissioner or any tribunal presided over by a Commissioner, as may be determined by the Department of Finance.

*Retirement of Commissioners*

- 5 (1) A National Insurance Commissioner shall retire when he attains the age of 72 ; but where a Commissioner who is remunerated by means of a salary would, if he were so to retire, not have completed 15 years' service, he may continue in office until the end of the completed year of service in which he completes 15 years' service or attains the age of 75, whichever first occurs.
- (2) For the purposes of this paragraph, paragraph 6 below and Part II of the Judicial Pensions Act (Northern Ireland) 1951, service before the coming into force of section 97(3) by any person as a Commissioner, deputy Commissioner, umpire or deputy umpire for the purposes of the former principal Act, the former Industrial Injuries Act or the enactments re-enacted by those Acts and remunerated by means of a salary shall be treated as service by that person as a Commissioner appointed under that subsection and so remunerated.

*Commissioners' pensions*

- 6 (1) The Department may from time to time recommend to the Department of Finance that there shall be paid out of moneys appropriated by Measure of the Northern Ireland Assembly 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 sub-paragraph (2),—
- (a) if he retires pursuant to paragraph 5 ; or
  - (b) if he retires after 15 years' service and at the time of retirement has attained the age of 65 ; or
  - (c) if the Department 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) When the number of completed years of service is as specified in column (1) of the Table below, the annual allowance shall not exceed the fraction of the last annual salary respectively specified in column (2) of the Table—



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TABLE

<i>Years of service</i>	<i>Fraction of salary</i>
Less than 5	6/40ths
5	10/40ths
6	11/40ths
7	12/40ths
8	13/40ths
9	14/40ths
10	15/40ths
11	16/40ths
12	17/40ths
13	18/40ths
14	19/40ths
15 or more	20/40ths

- (3) For the purposes of this paragraph—
- (a) service as a Commissioner which is not remunerated by means of a salary shall be disregarded ;
  - (b) the Department of Finance may by regulations provide for counting as service as a Commissioner pensionable service in any other capacity under the Crown.
- (4) The decision of the Department of Finance shall be final on any question arising as to—
- (a) the application of any of the provisions of this paragraph or paragraph 7 to any person ; or
  - (b) the amount of any superannuation allowance under this paragraph ; or
  - (c) the reckoning of any service for the purpose of calculating such a superannuation allowance.
- (5) This paragraph is without prejudice to the pension benefits conferred by the Judicial Pensions Act (Northern Ireland) 1951.

*Commissioners' pensions: supplementary*

- 7 (1) Paragraph 6(1) shall have effect notwithstanding that a Commissioner may, during his period of service as Commissioner, undertake other duties of a judicial or advisory nature for the purposes of this Act and, for the purposes of that sub-paragraph and paragraph 6(2), the last annual salary of any such person shall include any salary payable in respect of those other duties.
- (2) Subject to sub-paragraph (3)—
- (a) a person about to be appointed as Commissioner and remunerated by means of a salary ;

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- (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 Department satisfactory evidence that his health is suitable for the discharge of the duties of the office.
- (3) A person of the kind referred to in sub-paragraph (2)(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 sub-paragraph (4), as respects him—
- (a) paragraph 6(1) shall not have effect until he has completed 5 years' service ;  
and
- (b) Part II of the Judicial Pensions Act (Northern Ireland) 1951 shall not have effect until he has completed 10 years' service;
- and where the Department 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 Department may, after the completion of the relevant period of service, direct that the said sub-paragraph or, as the case may be, the said Part, shall have effect as if he had not made that election.
- (4) A Commissioner who has made an election under subparagraph (3) may at any time during his tenure of office furnish to the Department satisfactory evidence as to his health, and the Department may thereupon direct that for the purposes of paragraph 6(1) of this Schedule 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.
- (5) A person to whom a superannuation allowance has been granted under paragraph 6 before he has attained the age of 72 in consequence of an incapacity of the kind referred to in paragraph 6(1)(c) shall, until he has attained that age, be liable to be required by the Secretary of State 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.
- (6) Whenever a person has resumed his duties pursuant to subparagraph (5) 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 sub-paragraph, at the end of that period the superannuation allowance shall again be payable and be recalculated in accordance with the provisions of paragraph 6(2), and for that purpose the period of his resumed service shall be added to the period of his former service.
- (7) Where the rate of the superannuation allowance payable to any person under paragraph 6(1) as Commissioner is or would be increased by virtue of regulations made under paragraph 6(3)(b) in respect of service in some other capacity, any pension benefits paid to or in respect of him as having been a Commissioner shall, to such extent as the Department 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.
- (8) In paragraph 6 and this paragraph—
- (a) "pension" includes any superannuation or other retiring allowance or gratuity, and "pensionable" shall be construed accordingly; and

- (b) "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.

## SCHEDULE 11

Section 105(2).

### ATTENDANCE ALLOWANCE BOARD FOR NORTHERN IRELAND

#### 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 Department and not less than 3 nor more than 7 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 Department may appoint such persons as it 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 132 of this Act.
- 2 The House of Commons Disqualification Act 1957 shall continue with the Attendance Allowance Board for Northern Ireland included in Part II of Schedule 1 to that Act as substituted by section 10 of and Schedule 3 to the Act (bodies of which all members are disqualified for membership of the Northern Ireland Assembly) at the place where it was inserted in the Schedule by Schedule 2 to the National Insurance Act (Northern Ireland) 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.

#### PART II

##### PERSONNEL, ADMINISTRATION AND EXPENSES

- 6 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 Department 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 Department resign office at any time, while remaining eligible for re-appointment.

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- 7 The Department may remove a member of the Board on the ground of incapacity or misbehaviour.
- 8 Nothing in paragraphs 6 and 7 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 Department may determine, but the Department 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 Department resign office.
- 9 The Department shall make arrangements for securing that such of its officers and servants as it considers to be required for the exercise of the Board's functions are available to act as officers and servants of the Board.
- 10 The expenses of the Board to such an amount as may be approved by the Department of Finance shall be paid by the Department.
- 11 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 Department may with the consent of the Department of Finance determine.
- 12 Subject to any directions given to them by the Department, the Board may—
- (a) act notwithstanding any vacancy among their members ; and
  - (b) regulate their own procedure (including the quorum).

## SCHEDULE 12

Section 108(3).

### MEDICAL BOARDS AND MEDICAL APPEAL TRIBUNALS

- 1 Medical boards shall be appointed by the Department and shall consist of two or more medical practitioners of whom one shall be appointed as chairman:
- Provided that the Department may arrange with any other government department that any medical board consisting of two or more medical practitioners appointed or recognised by that department shall be a medical board for the purposes of this Act.
- 2 Medical appeal tribunals shall be appointed by the Department and shall consist of a chairman and two medical practitioners.
- 3 Subject to the foregoing paragraphs, the constitution of medical boards and medical appeal tribunals shall be determined by regulations.
- 4 The Department may pay—
- (a) to the chairman and other members of a medical board or medical appeal tribunal; and
  - (b) to a medical practitioner appointed to act instead of a medical board, such remuneration, and such travelling and other allowances, as it may determine.

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

- 5 The Department may pay to persons required to attend on the consideration of a case—
- (a) before a medical board or medical appeal tribunal; or
  - (b) before a medical practitioner acting in place of a medical board,
- such travelling and other allowances as it may determine.
- 6 The Department may pay such other expenses as it may determine, being expenses incurred in connection with the work of medical boards and medical appeal tribunals, and medical practitioners acting in place of a medical board.
- 7 The consent of the Department of Finance shall be required for any determination by the Department under paragraphs 4 to 6 above.
- 8 In the above paragraphs references to travelling and other allowances include compensation for loss of remunerative time ; but such compensation shall not be paid to a person in respect of any time during which he is in receipt of remuneration under this Schedule.

## SCHEDULE 13

Section 115.

### PROVISION WHICH MAY BE MADE BY PROCEDURE REGULATIONS

- 1 Provision prescribing the procedure to be followed in connection with the consideration and determination of claims and questions by the Department and a competent tribunal, or in connection with the withdrawal of a claim.
- 2 Provision as to 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.
- 3 Provision as to the time to be allowed for producing any evidence, or for making an appeal.
- 4 Provision as to the manner in which and the time within which a question may be raised with a view to its decision by the Department under Part III of this Act, or with a view to the review of a decision under that Part.
- 5 Provision for summoning persons to attend and give evidence or produce documents and for authorising the administration of oaths to witnesses.
- 6 Provision for authorising a competent tribunal consisting of two or more members to proceed with any case, with the consent of the claimant, in the absence of any member.
- 7 Provision for giving the chairman of a competent tribunal consisting of two or more members a second or casting vote where the number of members present is an even number.
- 8 Provision for empowering the Department, an insurance officer or a competent tribunal to refer to a medical practitioner for examination and report any question arising for its, his or their decision.
- 9 Provision—
- (a) 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

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- (b) for the appointment by the Department of medical practitioners to act for this purpose either generally or for such cases and for such tribunals as the Department may determine,  
and for extending and defining the functions of assessors for the purposes of this Act.
- 10 Provision 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 his interests.
- 11 Provision for requiring or authorising the Department to hold, or to appoint a person to hold, an inquiry in connection with the consideration of any question by the Department.

## SCHEDULE 14

Section 121.

### PROVISIONS APPLICABLE ON ALTERATION OF BENEFIT RATES

#### *Preliminary*

- 1 In this Schedule, "the commencing date " means the date fixed for payment of benefit at an altered rate to commence.

#### *Awards before commencing date*

- 2 (1) Where the weekly rate of benefit is altered to a fixed amount higher or lower than the previous amount, and before the commencing date an award of that benefit has been made (whether before or after the passing of the relevant Act, the enactment of the relevant Measure or the making of the relevant order), then subject to such exceptions or conditions as may be prescribed the benefit shall, except as respects any period falling before the commencing date, become payable at the altered rate without any claim being made for it in the case of an increase in the rate of benefit or any review of the award in the case of a decrease, and the award shall have effect accordingly.
- (2) Where the weekly rate of benefit is altered, and before the commencing date (but after that date is fixed) an award is made of the benefit, the award either may provide for the benefit to be paid as from the commencing date at the altered rate or may be expressed in terms of the rates appropriate at the date of the award.

#### *Variation of disablement gratuities*

- 3 Where in consequence of the passing of an Act, the enactment of a Measure, or the making of an order, altering the rate of disablement pension under section 57 of this Act, regulations are made varying the scale of disablement gratuities under section 57(5), the regulations may provide that the scale as varied shall apply only in cases where the period taken into account by the assessment of the extent of the disablement in respect of which the gratuity is awarded begins or began after such day as may be prescribed.

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*Benefit in respect of children or adult dependants*

- 4 Where for any purpose of this Act or regulations the weekly rate at which a person contributes to the cost of providing for a child, or to the maintenance of an adult dependant, is to be calculated for a period beginning on or after the commencing date for an increase in the weekly rate of benefit, but account is to be taken of amounts referable to the period before the commencing date, then those amounts shall be treated as increased in proportion to the increase in the weekly rate of benefit; but this paragraph has effect subject to such exceptions or conditions (if any) as may be prescribed.

SCHEDULE 15

Section 144.

PRIORITY OF DEBTS IN CASES OF PERSONAL AND COMPANY INSOLVENCY

- 1 (1) The relevant enactments relating to personal insolvency are the provisions of the Preferential Payments (Bankruptcies and Arrangements) Act (Northern Ireland) 1964.
- (2) For the operation of those enactments, " the relevant event" in section 144(2) is to be construed as meaning the order of adjudication or the filing of the petition of arrangement, or the death.
- 2 (1) The relevant enactment relating to companies' winding-up is section 287 of the Companies Act (Northern Ireland) 1960: but no priority under that enactment is extended by section 144(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 that enactment " the relevant event" in section 144(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 enactment relating to the remedies of debenture holders and chargees is section 92 of the Companies Act (Northern Ireland) 1960.
- (2) For the operation of that enactment, " the relevant event" in section 144(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 16

Section 149.

## SUPPLEMENTARY SCHEMES

*Implementation of schemes*

1 The Department may by order approve a supplementary scheme whether with or without amendment, if it is satisfied that it is expedient that the scheme should come into operation:

Provided that the Department, before approving a supplementary scheme, shall take steps to ascertain so far as practicable the views of any employed earners or employers affected thereby who in its opinion are not represented by the body submitting the scheme.

2 Subject to the provisions of this paragraph, and to paragraphs 3 to 5 below, a supplementary scheme may—

- (a) apply for the purposes of the scheme (including in particular the purpose of determining any question as to the application of the scheme to any person or class of persons) any of the provisions of this Act or of regulations, with or without modifications ;
- (b) make such provision for the constitution of a body to be charged with the administration of the scheme, and with respect to the supervision of the administration of the scheme and accounts, as the Department considers to be necessary for the purpose of giving effect to the scheme (including provision for the making of returns to the Department as to matters affecting the operation of the scheme);
- (c) provide for the participation of the Department in the administration of the scheme to such an extent and for such purposes as may be therein specified ;
- (d) provide for defraying, out of any funds which may be available for the purposes of the scheme, such fees and other charges as may be determined by the Department, with the concurrence of the Department of Finance, in respect of the participation of the Department in the administration of the scheme ;
- (e) contain such other provisions as the Department considers to be necessary for the purpose of giving effect to the scheme.

3 A supplementary scheme may empower the body charged with the administration of the scheme to make, if the Department so directs, such temporary modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as are, in the opinion of the Department, sufficient to secure the solvency of the fund constituted under the scheme.

4 No part of the funds required for providing benefits under a supplementary scheme, or otherwise in connection therewith, shall be derived from money appropriated by Measure of the Northern Ireland Assembly; but this paragraph does not prevent the making, in respect of persons whose remuneration is or may be defrayed out of money so appropriated, of a scheme whereunder contributions are payable by employers.

5 Subject to paragraphs 6 to 9 below, a supplementary scheme when approved by the Department shall continue in force until determined in accordance with its provisions.



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

*Amendment and consolidation of schemes*

- 6 The Department may by order—
- (a) vary or amend the provisions of a supplementary scheme in any manner and at any time if so requested by—
    - (i) the body by whom the scheme was submitted, or any other body of persons which in its opinion is concerned as representing employed earners or employers ; or
    - (ii) the body charged with the administration of the scheme ; and
  - (b) where it appears to the Department that, having regard to any periodic audit and valuation, the fund constituted under the scheme—
    - (i) is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities ; or
    - (ii) is and is likely to continue to be more than reasonably sufficient to discharge its liabilities,after consultation with the last-mentioned body make such modifications in any of the rates of contribution or the rates or periods of benefit under the scheme as appear to it to be required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities.
- 7 An order under paragraph 6 above with respect to any supplementary scheme may replace all or any of the provisions of the scheme (whether or not previously amended, varied or modified under that paragraph) with new provisions consolidating those provisions as they are to have effect with the amendments, variations or modifications to be made by the order.
- 8 The Department, after consulting the body charged with the administration of a supplementary scheme, may make an order under this paragraph for the purpose of consolidating the provisions of the scheme as for the time being amended, varied or modified.
- 9 An order made by virtue of paragraph 7 or 8 above may revoke previous orders under paragraph 6, 7 or 8 relating to the scheme so far as they are superseded by the consolidation or have otherwise become obsolete or unnecessary.

*Set-off of overpayments*

- 10 (1) Where a person who has received a payment in respect of any period under a supplementary scheme is subsequently found to be entitled in respect of that period to a payment by way of benefit, the entitlement to or payment of which disentitles him to the whole or part of the amount of the payment under the scheme, any payment by way of that benefit may, at the discretion of the Department, be abated by the amount of the overpayment under the scheme or so much thereof as has not been repaid to the fund out of which it was made.
- (2) In this paragraph and paragraph 11 below, "benefit" means benefit under Part II of this Act or under the former principal Act.
- 11 Where a person has received in respect of any period a payment by way of benefit which disentitles him to a payment which would otherwise be payable to him in respect of that period under a supplementary scheme and he is subsequently found not to have been entitled to the whole or part of the amount of that payment of benefit, any payment under the scheme in respect of that period may, at the

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discretion of the person by whom the payment falls to be made, be abated by the amount of benefit overpaid or so much thereof as has not been—

- (a) repaid or otherwise recovered, or
- (b) treated as having been paid on account of any other benefit payable in respect of that period, or on account of an allowance under the Family Allowances Act so payable.

- 12 The amount by which a payment to any person is abated under paragraph 10 or 11 above on account of some other payment to that person shall not be otherwise recoverable from that person and shall be made good out of the fund out of which the abated payment fell to be made to the fund out of which that other payment was made.

*Exemption of certain documents from stamp duty*

- 13 Stamp duty shall not be chargeable on any of the following documents—
- (a) a letter or power of attorney granted by any person as trustee for the transfer of any money vested in his name in the public funds or in any other securities and forming part of any funds applicable for the purposes of a supplementary scheme ;
  - (b) an agreement made or given for the purpose of, or in connection with, a supplementary scheme ;
  - (c) the appointment or revocation of appointment of an agent, the appointment of a new trustee, and any conveyance or transfer made for effectuating the appointment of a new trustee and any other document authorised by or in pursuance of a supplementary scheme.
- 14 Paragraph 13 above is without prejudice to section 153 of this Act.

SCHEDULE 17

Section 157(1).

GLOSSARY OF EXPRESSIONS

Expression	Meaning
" The 1973 Act ".	The Social Security Act 1973.
" Age ".	For purposes of this Act, a person— (a) is over or under a particular age if he has or, as the case may be, has not attained that age; (b) is between two particular ages if he has attained the first but not the second.
" Assessed " (in relation to extent of disablement).	Assessed in accordance with Schedule 8.
" The Attendance Allowance Board ".	The Attendance Allowance Board for Northern Ireland.
" Beneficiary ".	In relation to any benefit, the person entitled to that benefit.

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

Expression	Meaning
" Benefit ".	Benefit under this Act or (as respects any period before 6th April 1975) under— (a) the National Insurance Act (Northern Ireland) 1946 or 1966, or (b) the National Insurance (Industrial Injuries) Act (Northern Ireland) 1946 or 1966.
" Benefit year ".	See section 13(7).
" Capable of work ".	See section 17(1).
" The Chief National Insurance Commissioner ".	The Chief National Insurance Commissioner for Northern Ireland.
"Child "; " child of family ".	" Child " means a person who would be treated as a child for the purposes of the Family Allowances Act.  A person has, for the purposes of this Act, a family which includes a child or children if that person (not being a child) and a child or children (with or without a wife or husband of that person) would be treated for the purposes of the Family Allowances Act as constituting a family; and references to a child of a person's family are to be construed accordingly.
" Claim ".	Construe in accordance with " claimant " (below).
" Claimant " (in relation to contributions under Part I and to benefit under Part II Chapters I to III).	A person 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; a person who has claimed benefit.  The expression includes, in relation to an award or decision, a beneficiary under the award or affected by the decision.
" Claimant " (in relation to industrial injuries benefit).	A person who has claimed industrial injuries benefit.  The expression includes— (a) an applicant for a declaration under section 107 that an accident was or was not an industrial accident; and (b) in relation to an award or decision, a beneficiary under the award or affected by the decision.
" Commissioner ".	A National Insurance Commissioner.

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Expression	Meaning
" Confinement "; " date of confinement "; " confined ".	The expression includes a tribunal of 2 or 3 Commissioners constituted under section 116.
" Contract of service ".	See section 23(1).
" Contribution card ".	Any contract of service or apprenticeship, whether written or oral and whether expressed or implied.
" Current " (in relation to the lower and upper earnings limits under section 4(1)).	See section 137(4).
" Day of incapacity for work ".	For the time being in force.
" Day of interruption of employment ".	} See section 17.
" The deceased " (in relation to industrial death benefit).	The person in respect of whose death the benefit is claimed or payable.
" The Department ".	The Department of Health and Social Services for Northern Ireland.
" The Department of Finance ".	The Department of Finance for Northern Ireland.
" The Department of Manpower Services ".	The Department of Manpower Services for Northern Ireland.
" Disablement questions ".	See section 108.
" Earner " and " earnings ".	See section 3.
" Earnings factor ".	See section 13.
" Employed ".	Construe in accordance with " employment " below (except in the expression " employed earner ").
" Employed earner ".	Construe in accordance with sections 2 and 51 and regulations under those sections.
" Employment ".	Includes any trade, business, profession, office or vocation.
" Enactment ".	Includes an enactment of the Parliament of Northern Ireland or the Northern Ireland Assembly, and in relation to such an enactment includes an enactment re-enacting it with or without modification.
" Family allowance ".	An allowance under the Family Allowances Act.
" The Family Allowances Act ".	The Family Allowances Act (Northern Ireland) 1966.

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

Expression	Meaning
" The former Industrial Injuries Act ".	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.
" The former principal Act ".	The National Insurance Act (Northern Ireland) 1966.
" Government department ".	Means or (as the context requires) includes a Northern Ireland department.
" Hovercraft ".	A vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle.
" Incapable of work " and " incapacity for work ".	See sections 17(1), 36(7) and 56(2).
" Incapable of self-support ".	<p>A person is " incapable of self-support " if (but only if) he is incapable of supporting himself by reason of physical or mental infirmity and is likely to remain so incapable for a prolonged period.</p> <p>He is " permanently incapable of self-support " if (but only if) he is incapable of supporting himself by that reason, and is likely to remain so incapable for the remainder of his life.</p>
" Industrial death benefit ".	Industrial injuries benefit in respect of a person's death.
" Industrial injuries benefit ".	Benefit under Part II, Chapter IV or V.
" The Inland Revenue ".	The Commissioners of Inland Revenue.
" Late husband ".	A reference to a woman's late husband in relation to a woman who has been more than once married is to her last husband.
" Living with "; " living together ".	<p>A man and his wife shall not be deemed to be living otherwise than together unless—</p> <ul style="list-style-type: none"><li>(a) they are permanently living in separation either by agreement or under an order of a court, or</li><li>(b) one of them has deserted the other and the separation incident to the desertion has not come to an end.</li></ul>
" Lower earnings limit "; " upper earnings limit"	<p>References to these limits are to be lower and upper limits referred to in section 4(1).</p> <p>References to the lower or upper earnings limit of a tax year are to whatever is (or was) for that year the limit in force under section 4(1).</p>

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

Expression	Meaning
" Medical examination ".	The expression includes bacteriological and radiographical tests and similar investigations; construe " medically examined " accordingly.
" Medical practitioner ".	A registered medical practitioner. The expression includes a person outside the United Kingdom who is not a registered medical practitioner, but has qualifications corresponding (in the Department's opinion) to those of a registered medical practitioner.
" Medical treatment ".	Medical, surgical or rehabilitative treatment (including any course of diet or other regimen); references to a person receiving or submitting himself to medical treatment to be construed accordingly.
" National Insurance Commissioner ".	The Chief National Insurance Commissioner or any other National Insurance Commissioner for Northern Ireland.
" The National Insurance Fund " (except in section 133(2)).	The Northern Ireland National Insurance Fund.
" The Old Cases Act ".	The Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975.
" Pensionable age ".	In the case of a man, 65; in the case of a woman, 60.
" Pneumoconiosis ".	Fibrosis of the lungs due to silica dust asbestos dust or other dust. The expression includes the condition of the lungs known as dust-reticulation.
" Prescribe ".	Prescribe by regulations.
" Procedure regulations ".	Regulations under section 115.
" The Redundancy Fund ".	The Northern Ireland Redundancy Fund.
" Regulations ".	Regulations made by the Department under this Act.
" Relative ".	Includes a person who is a relative by marriage or adoption and a person who would be a relative if some person born illegitimate had been born legitimate (subject however to sections 44(6), 47(1), 66(8) and 72(6) as respects the meaning of " relative " in those sections).
" Relevant accident ".	The accident in respect of which industrial injuries benefit is claimed or payable.
" Relevant injury ".	The injury in respect of which industrial injuries benefit is claimed or payable.

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

Expression	Meaning
" Relevant loss of faculty ".	The loss of faculty resulting from the relevant injury.
"Residing with "; " residing together ".	Two persons shall not be deemed to have ceased to reside together by reason of any temporary absence of either or both of them, and in particular by reason— (a) of any such absence at school or while receiving medical treatment as an in-patient in a hospital or similar institution, or (b) of any absence of either or both of them in such circumstances as may be prescribed.
" Reserve Pension Fund ".	The Fund established under Part III of the 1973 Act.
" Reserve scheme contributions "; " reserve scheme premiums ".	The contributions and premiums payable under Part III of the 1973 Act.
" School-leaving age ".	For purposes of this Act, a person has attained (or not attained) school-leaving age if he would be treated as being over (or under) the upper limit of compulsory school age for purposes of the Family Allowances Act (disregarding regulations, under section 2 of the Family Allowances and National Insurance Act (Northern Ireland) 1968).
" Self-employed earner ".	Construe in accordance with section 2.
" Short-term benefit ".	Unemployment benefit, sickness benefit, maternity grant, maternity allowance and widow's allowance.
" Supplementary scheme ".	A scheme under section 149.
" Tax week ".	One of the successive periods in a tax year beginning with the first day of that year and every 7th day thereafter; the last day of a tax year (or, in the case of a tax year ending in a leap year, the last 2 days) to be treated accordingly as a separate tax week.
" Tax year ".	The 12 months beginning with 6th April in any year.
" Trade or business ".	For purposes of this Act, the exercise and performance of the powers and duties of a public or local authority are to be treated as the trade or business of the authority.
" Trade union ".	An association of employed earners.

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

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Expression	Meaning
" Unemployability supplement ".	Increase of a disablement pension under section 58.
" Upper earnings limit ".	See " lower earnings limit " and " upper earnings limit" (above).
" Up-rating order ".	An order made by the Department under section 120 corresponding to an order made by the Secretary of State under section 124 of the Social Security Act 1975.
" Week ".	A period of 7 days beginning with midnight between Saturday and Sunday, except (in sections 17(1)(d), 20, 30(1) and 45(3)) where the expression is otherwise defined.
" Working life ".	See section 27(2).