

SCHEDULES

SCHEDULE 3

Section 1.

COMMENCEMENT AND TRANSITORY PROVISIONS

Commencement of section 1(2) to (5)

- 1 (1) The provisions of section 1(2) to (5) of this Act shall not come into force until such date as the Minister of Social Security may by order appoint.
- (2) Different days may be appointed under this paragraph for different purposes of section 1(2) to (5) or for the same purposes in relation to different cases or classes of case ; and if that is done, or if a day is appointed other than the 9th April 1968, then—
- (a) an order under this paragraph may contain such incidental or supplemental provisions as appear to the Minister to be necessary or expedient as respects the period or any part of the period when the provisions contained in section 1 (or in Schedules 1 and 2 to this Act) are to have a partial operation only, and, in particular, may contain provisions modifying and supplementing, in relation to the period to which the order is to apply, the provisions so contained or those of any previous Act relating to national insurance ; and
- (b) any provision made in pursuance of paragraph (a) above may be varied or revoked by a subsequent order of the Minister.
- (3) Section 107(4) of the National Insurance Act 1965 (which provides for orders under that Act to be subject to annulment in pursuance of a resolution of either House of Parliament) shall not apply to any order under this paragraph, but a statutory instrument containing any such order shall be laid before Parliament after being made.

Awards made before changes in rates take effect

- 2 (1) As from the 9th April 1968 any allowance under the Family Allowances Act 1965 awarded before that date shall, subject to any prescribed exceptions or conditions, become payable at the rate provided for by this Act, and the award shall have effect accordingly.
- (2) Accordingly any award of such an allowance made before that date either may provide for the allowance to be paid as from that date at the rate provided for by this Act or may be expressed in terms of the rates appropriate at the date of the award.
- 3 (1) Where the weekly, rate of any benefit is affected by this Act, and before the date when the change takes effect (in this paragraph referred to as " the relevant date ") an award of that benefit has been made whether before or after the passing of this Act, then subject to such exceptions or conditions as may be prescribed the benefit shall, except as respects any period falling before the relevant date, become payable at the rate appropriate under or by virtue of this Act without any claim being made therefor 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.

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

- (2) Where the weekly rate of any benefit is affected by this Act, and before the relevant date (but after the date is appointed) an award is made of the benefit, the award either may provide for the benefit to be paid as from the relevant date at the rate appropriate under or by virtue of this Act or may be expressed in terms of the rates appropriate at the date of the award.

Set-off of overpayments of benefit

- 4 Where a beneficiary receives in respect of any persons as being, or as falling to be treated as, children of his family an amount of benefit which by reason of section 1 of this Act is not properly payable, but would have been properly payable according to the rates in force at the passing of this Act or at that of the National Insurance Act 1967, and he receives it for a period for which there are payable to him or anyone else in respect of those persons or any of them allowances under the Family Allowances Act 1965 at a rate which would not have been payable but for this Act, then the amount of benefit overpaid and not required to be repaid shall be treated as properly paid, but up to that amount any arrears of allowances payable under the Family Allowances Act 1965 for that period in respect of those persons shall be withheld.

Calculation of contributions to cost of providing for child

- 5 (1) Where for any purpose of the provisions amended by section 1(1)(b) of this Act the weekly rate at which a person contributes to the cost of providing for a child is to be calculated for a period after section 1(1)(b) applies, but account is taken of amounts referable to the period before it applies, then those amounts shall be treated as increased in proportion to the increase effected by section 1(1)(b) in the required rate of contributions.
- (2) In the case of any payment of benefit of which the amount is increased by this Act, the like principle shall be applied for purposes of section 42(1)(b) of the National Insurance Act 1965 or section 17(4)(b) of the National Insurance (Industrial Injuries) Act 1965 as is to be applied under sub-paragraph (1) above in the case provided for by that sub-paragraph.

Continuation of previous rates of benefit in special cases

- 6 As regards benefit of which any weekly rate is reduced by this Act, the Minister of Social Security may by regulations make provision, either generally or for particular cases or classes of case, for excluding the reduction in whole or in part where—
- (a) immediately before the reduction takes effect a person is entitled to any such benefit in respect of any children ; and
 - (b) during any period during which he continues without a break to be entitled to benefit (whether the same benefit or another) in respect of those children or any of them the aggregate weekly rate of the benefit to which he is entitled in respect of those children and of the allowances payable in respect of them under the Family Allowances Act 1965 is less than it would have been according to the rates in force at the passing of this Act or at that of the National Insurance Act 1967.

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

Regulations

- 7 Section 108 of the National Insurance Act 1965 and section 62(2) of the National Insurance (Industrial Injuries) Act 1965 (which require a draft of proposals for regulations under the Act to be submitted to the National Insurance Advisory Committee or Industrial Injuries Advisory Council, as the case may be) shall not apply to any regulations (whether made under this Schedule or not) if they are contained in a statutory instrument made before the expiration of the six months beginning with the date of the passing of this Act and the instrument states that it is made in consequence of the passing of this Act.

Interpretation

- 8 In this Schedule "benefit" means benefit under the National Insurance Act 1965 or the National Insurance (Industrial Injuries) Act 1965, and "beneficiary" has a corresponding meaning.