



National Insurance Act 1974

1974 CHAPTER 14

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

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:—

Benefits and contributions

1 Weekly rates of benefits under National Insurance Acts 1965 and 1966

- (1) In the National Insurance Act 1965 (hereafter in this Act referred to as " the Insurance Act"), in Schedule 3 (which sets out the weekly rates of benefits under that Act) there shall be substituted the provisions set out in Schedule 1 to this Act for those set out in Schedule 1 to the National Insurance and Supplementary Benefit Act 1973 (hereafter in this Act referred to as " the Act of 1973 ").
- (2) In sections 2(4) and 4(1) of the National Insurance Act 1966, in the words inserted by the amendments made by section 6 of the National Insurance Act 1971 (under which certain earnings-related benefits may include an amount equal to 15 per cent, of the amount, up to £12, by which the relevant earnings exceeded £30), for the word " £12 " there shall be substituted, for cases where the tax year there referred to is later than the year 1974-75, the word " £32 " instead of the £24 substituted by section 1(2) of the Act of 1973.

2 Contributions under National Insurance Act 1965

- (1) In the Insurance Act, in Schedule 1 (which sets out the weekly rates of contributions under that Act) there shall be substituted the provisions set out in Schedule 2 to this Act for those set out in Schedule 2 to the Act of 1973 and section 5(1) of the Pensioners' Payments and National Insurance Act 1973 ; and there shall be paid out of money provided by Parliament any increase resulting from this subsection in the sums so payable by way of Exchequer supplement under section 7 of the Insurance Act.
- (2) In section 4(1) of the Insurance Act, in the paragraph (c) inserted by the amendment made by section 1(2) of the National Insurance Act 1969—
 - (a) in sub-paragraphs (i) and (ii) (whereby, as those subparagraphs were originally enacted, the amount of any graduated contribution included 4 $\frac{3}{4}$ per cent, of any amount, up to £9, by which the relevant payment of remuneration exceeded £9 in the case of an employment other than a non-participating employment and $\frac{1}{2}$ per cent, of that amount in the case of a non-participating employment), for the words " 4 $\frac{3}{4}$ per cent." and " $\frac{1}{2}$ per cent." there shall be substituted respectively the words " 5.50 per cent. " and " 1.25 per cent." instead of the 5 per cent, and the 0.75 per cent, substituted by section 2(2) of the Act of 1973; and
 - (b) in the words following those sub-paragraphs (whereby, as those words were originally enacted, the amount of any graduated contribution included 3 $\frac{3}{4}$ per cent, of any amount, up to £12, by which the relevant payment of remuneration exceeded £18), for the words " 3 $\frac{3}{4}$ per cent." and " £12 " there shall be substituted respectively the words " 5.50 per cent. " and " £44 " instead of the 5 per cent, and £36 substituted by section 2(2) of the Act of 1973.
- (3) In sub-paragraph (iii) of section 10(1)(a) of the Insurance Act (which, as amended by section 2(3) of the Act of 1973, provides that regulations may except persons from liability to pay contributions where they are not in receipt of an annual income exceeding £520), for the word " £520 " there shall be substituted the word " £650 " ; and the like substitution shall be made in any regulations in force by virtue of the said sub-paragraph (iii) at the passing of this Act.
- (4) The contributions to be paid under the Insurance Act in respect of the financial year 1974-75 out of money provided by Parliament shall include, in addition to the Exchequer supplements, the sum of £315 million instead of the amount required in respect of that year by subsection (4) of section 2 of the Act of 1973, and the contributions under this subsection shall be paid in such manner and at such times as the Treasury may determine.

3 Industrial injuries and diseases (benefits and contributions)

- (1) In the National Insurance (Industrial Injuries) Act 1965 (hereafter in this Act referred to as "the Industrial Injuries Act"), in Schedule 3 (which sets out the weekly rate or amount of benefit) there shall be substituted the provisions set out in Schedule 3 to this Act for those set out in Schedule 3 to the Act of 1973.
- (2) In the Old Cases Act the word " £6.05 " (instead of the word " £4.70 " substituted by section 3(3) of the Act of 1973) shall be substituted—
 - (a) for the rate specified in section 2(6)(c) (maximum weekly rate of a lesser incapacity allowance supplementing workmen's compensation); and
 - (b) for the rate specified in section 7(2)(b) (industrial diseases benefit schemes: weekly rate of an allowance payable where disablement is not total).

- (3) In Part I of Schedule 2 to the Industrial Injuries Act, as amended by section 3(4) of the Act of 1973, in column 3 (which sets out the weekly rate of employers' contributions under the Industrial Injuries Act)—
- (a) the rate of 9p applicable where the insured person is a man over the age of 18 shall be amended to 11p;
 - (b) the rate of 7p applicable where the insured person is a woman over that age shall be amended to 9p;
 - (c) the rate of 4p applicable where the insured person is a boy under that age shall be amended to 5p; and
 - (d) the rate of 3p applicable where the insured person is a girl under that age shall be amended to 4p;

and there shall be paid out of money provided by Parliament any increase resulting from these amendments in the contributions so payable under section 2(1)(b) of the Industrial Injuries Act.

4 Relaxation of the earnings rule

- (1) In section 30(7) of the Insurance Act (which, as amended by section 1(1) of the National Insurance (Amendment) Act 1972, provides for the reduction of a retirement pension for any week where the beneficiary is under 5 years over pensionable age and his or her earnings for the preceding week exceeded £9.50) and in section 43A(2) of that Act and section 18 (3 A) of the Industrial Injuries Act (which provide for the reduction of an increase under the said section 43A or 18 of a retirement, invalidity or disablement pension for any week where the beneficiary is residing with his wife and her earnings for the preceding week exceeded £9.50), for the word " £9.50 " there shall be substituted the word " £13 ".
- (2) In paragraphs (a) and (b) of the said sections 43A(2) and 18 (3A) (which provide that the reduction shall be 5p for each 10p of so much of the excess earnings as is less than £2 and 5p for each 5p of any further excess), for the word " £2 " wherever it occurs there shall be substituted the word " £4 ".

Miscellaneous

5 Amendment of s. 39 of the Social Security Act 1973

- (1) Section 39 of the Social Security Act 1973 (which provides for the annual review of benefits for the purpose of up-rating) shall have effect in relation to relevant benefits as if in subsection (3)(a) (by virtue of which the Secretary of State is required in the course of a review to have regard to the extent to which current rates of benefit have retained their value in relation to the general level of prices obtaining in Great Britain since the end of the previous review period or, in the case of the first review, since the beginning of the income tax year in which the section came into force) for the word " prices " there were substituted the word " earnings " ; but it shall be the duty of the Secretary of State to disregard that amendment in connection with a particular review if he considers that it would be to the advantage of beneficiaries to do so.
- (2) In the preceding subsection " relevant benefits " means—
- (a) the benefits mentioned in Part I of Schedule 4 to the Social Security Act 1973 except unemployment or sickness benefit where the beneficiary is under pensionable age and except maternity allowance and age addition;

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

- (b) the increases mentioned in Part III of that Schedule except an increase of unemployment or sickness benefit where the beneficiary is under pensionable age and except an increase of maternity allowance ;
 - (c) the benefits and increases mentioned in Schedule 3 to the Industrial Injuries Act (including the maxima mentioned in paragraph 12 of that Schedule) except injury benefit, an increase of injury benefit in respect of a child or adult dependant, an increase of disablement pension in respect of a child or adult dependant where the beneficiary is not entitled to an unemployability supplement and except an allowance in respect of a deceased's children under section 21(1) of that Act; and
 - (d) the allowances to which section 3(2) of this Act relates ;
- and in this subsection " pensionable age " has the same meaning as in the Social Security Act 1973 and " beneficiary " means the person entitled to the benefit or increase in question.
- (3) In subsection (3) of the said section 39, after paragraph (b) there shall be inserted the following paragraph—
- “(c) the rate of change in the general level of prices and earnings with a view to considering the desirability of introducing legislation requiring more frequent reviews of benefit than is provided for in this section.”
- (4) After subsection (10) of the said section 39 there shall be inserted the following subsection—
- “(10A) Following each review of social security benefits under this section, the Secretary of State shall lay before each House of Parliament a report of his conclusions on the matters which he is required to consider by subsection (3) (c) above.”
- (5) In subsection (14) of the said section 39, for paragraph (a) (which provides that an order under that section increasing benefits in consequence of a review shall be made so as to come into force not earlier than 16th November or later than 30th November following the date of the approval of the order by Parliament) there shall be substituted the following paragraph—
- “(a) shall, if it is made in consequence of a review carried out in the year 1975-76, provide for the order to come into force before the end of the week beginning with the last Monday in July of that year.”
- (6) In subsection (2) of the said section 39, for paragraphs (a) and (b) (which relate to benefits under the Insurance Act, Part I of the Social Security Act 1973, the Industrial Injuries Act and the Old Cases Act) there shall be substituted the words " means benefits under Part I of this Act, the Industrial Injuries Act and the Old Cases Act " .

6 Minor supplementary provisions and amendments of certain social security enactments

- (1) The Secretary of State may by regulations make provision with respect to—
- (a) the correction of accidental errors in any decision or record of a decision given with respect to a claim or question arising under or in connection with any relevant enactment by a body or person authorised to decide the claim or question ; and

(b) the setting aside of any such decision in a case where it appears just to set the decision aside on the ground that—

(i) a document relating to the proceedings in which the decision was given was not sent to, or was not received at an appropriate time by, a party to the proceedings or the party's representative or was not received at an appropriate time by the body or person who gave the decision, or

(ii) a party to the proceedings in which the decision was given or the party's representative was not present at a hearing related to the proceedings;

and in this subsection "relevant enactment" means any enactment contained in the National Insurance Acts 1965 to 1974, the National Insurance (Industrial Injuries) Acts 1965 to 1974, the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1974, the Family Allowances Acts 1965 to 1969, the Supplementary Benefit Acts 1966 to 1973, the Family Income Supplements Act 1970 or the Social Security Act 1973.

(2) Regulations revoking regulations made or having effect as if made by virtue of section 104(4) (b) of the Insurance Act or section 83(4)(b) of the Industrial Injuries Act (which relate to the Joint Authorities for Great Britain and Northern Ireland for national insurance and industrial injuries purposes) may contain such provision as the Secretary of State considers appropriate in consequence of the revoking regulations, including provision for securing that any instrument which was made or could have been made or purports to be made by virtue of the revoked regulations has effect and is deemed always to have had effect, with or without modifications, by virtue of the revoking regulations ; and the Secretary of State may by regulations vary or revoke any provision included by virtue of this subsection in other regulations.

(3) The powers to make regulations conferred by the preceding provisions of this section—

(a) shall be exercisable by statutory instrument; and

(b) include power to make different provision for different circumstances;

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

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

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

*Supplemental***7 Expenses**

There shall be paid out of money provided by Parliament—

- (a) any increase attributable to section 1 of this Act in the sums payable out of money so provided on account of benefit by virtue of section 13(1) and (2) of the National Insurance Act 1971;
- (b) subject to the provision made by section 85 of the Insurance Act for reimbursement out of the National Insurance Fund and by section 61 of the Industrial Injuries Act for reimbursement out of the Industrial Injuries Fund, any increase attributable to this Act in the expenses of any government department which are so payable under either of those sections ; and
- (c) subject to the provision made by subsection (4) of section 46 of the Social Security Act 1973 for reimbursement out of the National Insurance Fund, any increase attributable to section 5 of this Act in the sums so payable under subsection (2) of the said section 46 in respect of the expenses and benefits mentioned in that subsection;

and the references in paragraph (b) of this section to section 61 of the Industrial Injuries Act include references to that section as applied by section 13 of the Old Cases Act.

8 Citation, construction, commencement, repeals and extent

- (1) This Act may be cited as the National Insurance Act 1974.
- (2) In this Act—
 - " the Act of 1973 " means the National Insurance and Supplementary Benefit Act 1973 ;
 - " the Insurance Act " means the National Insurance Act 1965;
 - " the Industrial Injuries Act " means the National Insurance (Industrial Injuries) Act 1965 ; and
 - " the Old Cases Act " means the Industrial Injuries and Diseases (Old Cases) Act 1967.
- (3) This Act—
 - (a) may be cited with the National Insurance Acts 1965 to 1973 as the National Insurance Acts 1965 to 1974 and, so far as this Act relates to the subject matter of those Acts, shall (except for section 6(1) to (3)) be construed as one with the Insurance Act; and
 - (b) may be cited with the National Insurance (Industrial Injuries) Acts 1965 to 1973 as the National Insurance (Industrial Injuries) Acts 1965 to 1974 and, so far as this Act relates to the subject matter of those Acts, shall (except for section 6(1) to (3)) be construed as one with the Industrial Injuries Act; and
 - (c) may be cited with the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1973 as the Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1974.
- (4) Schedule 5 to this Act shall have effect with respect to the commencement of this Act and with respect to the transitional matters dealt with in that Schedule.
- (5) The enactments mentioned in the first and second columns of Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

- (6) The following provisions only of this Act extend to Northern Ireland, namely—
- (a) subsections (1) and (3) of section 6, so far as those subsections relate to a decision or record of a decision given with respect to any question arising under or in connection with the Social Security Act 1973 (except Part I of that Act), and subsections (4) and (5) of that section;
 - (b) this section except subsections (2) and (3);
 - (c) paragraph 1 of Schedule 5 ; and
 - (d) Schedules 4 to 6 so far as they relate to enactments which extend to Northern Ireland but excluding Schedule 6 so far as it repeals provisions of sections 1 to 3 of the Act of 1973 and Schedules 1 to 3 to that Act.

SCHEDULES

SCHEDULE 1

Section 1(1).

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 3 TO THE NATIONAL INSURANCE ACT 1965

“Weekly Rates of Periodical Benefits and of Increases for Dependants

PART I

PERIODICAL BENEFITS

Description of benefit	Weekly rate
1. Unemployment or sickness benefit under section 19(2).	(a) higher rate £8.60 (b) middle rate £6.05 (c) lower rate £4.75 (the appropriate rate being chosen in accordance with National Insurance Act 1972 section 1(2)).
2. Invalidity pension.	£10.00
3. Invalidity allowance	(a) higher rate £2.05 (b) middle rate £1.30 (c) lower rate £0.65 (the appropriate rate being chosen in accordance with National Insurance Act 1972 section 1(4)).
4. Attendance allowance	(a) higher rate £8 00 (b) lower rate £5.35 (the appropriate rate being chosen in accordance with National Insurance Act 1972 section 2(2)).
5. Maternity allowance	£8.60
6. Widow's allowance	£14.00
7. Widowed mother's allowance	£10.00
8. Widow's pension.	£10.00
9. Guardian's allowance	£4.90

Description of benefit	Weekly rate
10. Retirement pension payable by virtue of this Act and not by virtue of any enactment directed to be construed as one with this Act.	(a) where the pension is payable to a woman by virtue of her husband's insurance and he is alive £6.00 (b) in any other case £10 00
11. Retirement pension payable by virtue of paragraph (a) or paragraph (b) of section 1(1) of the National Insurance Act 1970 or by virtue of section 5 of the National Insurance Act 1971.	(a) except where head (b) below applies £6.00 (b) where the pension is payable to a married woman who has not, at any time since she first became entitled to the pension, ceased to be a married woman £3.70
12. Age addition	£0.25
13. Child's special allowance	£4.90

PART II

INCREASES FOR DEPENDANTS

Benefit to which increase applies	Increase for only, elder or eldest qualifying child	Increase for second qualifying child	Increase for each additional qualifying child	Increase for adult dependant (where payable)
(1)	(2)	(3)	(4)	(5)
	£	£	£	£
1. Unemployment or sickness benefit under—				
(a) section 19(2)	2.70	1.80	1.70	5.30
(b) section 19(3)	4.90	4.00	3.90	6.00
2. Invalidity pension	4.90	4.00	3.90	6.00
3. Maternity allowance	2.70	1.80	1.70	5.30
4. Widow's allowance	4.90	4.00	3.90	—
5. Widowed mother's allowance	4.90	4.00	3.90	—

Where any unemployment or sickness benefit is payable at a weekly rate determined under section 19(3) of this Act, column (5) of this Part of this Schedule shall have effect subject to section 43(3)(b) of this Act, and where an invalidity pension is payable at a weekly rate determined under section 3(4) of the National Insurance Act 1971, the said column (5) shall have effect subject to section 43A(8)(b) of this Act.

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

Benefit to which increase applies	Increase for only, elder or eldest qualifying child	Increase for second qualifying child	Increase for each additional qualifying child	Increase for adult dependant (where payable)
(1)	(2)	(3)	(4)	(5)
6. Retirement pension payable by virtue of this Act and not by virtue of any enactment directed to be construed as one with this Act	4.90	4.00	3.90	6.00
7. Retirement pension payable by virtue of paragraph (a) or paragraph (b) of section 1(1) of the National Insurance Act 1970	4.90	4.00	3.90	3.70
8. Child's special allowance	—	4.00	3.90	—”

Where any unemployment or sickness benefit is payable at a weekly rate determined under section 19(3) of this Act, column (5) of this Part of this Schedule shall have effect subject to section 43(3)(b) of this Act, and where an invalidity pension is payable at a weekly rate determined under section 3(4) of the National Insurance Act 1971, the said column (5) shall have effect subject to section 43A(8)(b) of this Act.

SCHEDULE 2

Section 2(1).

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 1 TO THE NATIONAL INSURANCE ACT 1965

“Rates of Flat-Rate Contributions

PART I

EMPLOYED PERSONS

Description of employed person	Weekly rate of contribution	
	Unless by virtue of a non-participating employment	If by virtue of a non-participating employment
1	2	3
	£	£

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

Weekly rate of contribution		
Description of employed person	Unless by virtue of a non-participating employment	If by virtue of a non-participating employment
1	2	3
Men between the ages of 18 and 70 (other than men over the age of 65 who have retired from regular employment)	0.542	0.662
Women between the ages of 18 and 65 (other than women over the age of 60 who have retired from regular employment)	0.455	0.535
Boys under the age of 18	0.461	—
Girls under the age of 18	0.381	—

PART II

EMPLOYERS

Weekly rate of contribution		
Description of employed person	Unless by virtue of a non-participating employment	If by virtue of a non-participating employment
1	2	3
	£	£
Men over the age of 18	1.464	1.584
Women over the age of 18	1.258	1.338
Boys under the age of 18	0.987	—
Girls under the age of 18	0.847	—

For the purposes of this Part of this Schedule a person over pensionable age, not being an insured person, shall be treated as an employed person if he would be an insured person were he under pensionable age and would be an employed person were he an insured person.

PART III

SELF-EMPLOYED PERSONS

Description of self-employed person	Weekly rate of contribution
1	2
	£

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

Description of self-employed person	Weekly rate of contribution
1	2
Men between the ages of 18 and 70 (other than men over the age of 65 who have retired from regular employment)	2.243
Women between the ages of 18 and 65 (other than women over the age of 60 who have retired from regular employment)	1.877
Boys under the age of 18	1.272
Girls under the age of 18	1.072

PART IV

NON-EMPLOYED PERSONS

Description of non-employed person	Weekly rate of contribution
1	2
£	
Men between the ages of 18 and 65	1.733
Women between the ages of 18 and 60	1.357
Boys under the age of 18	0.992
Girls under the age of 18	0.782”

SCHEDULE 3

Section 3(1).

PROVISIONS TO BE SUBSTITUTED IN SCHEDULE 3 TO THE NATIONAL INSURANCE (INDUSTRIAL INJURIES) ACT 1965

“Rate or Amount of Benefit etc.

Description of benefit etc.	Amount
1. Injury benefit under s. 11 (weekly rate).	(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 £11.35 (b) for any period during which the beneficiary is not over the age of 18 and not entitled as aforesaid— (i) in so far as the period falls before 6th April 1975 £7.50

Description of benefit etc.	Amount																																				
	(ii) in so far as the period falls on or after that date £8.60																																				
2. Maximum disablement gratuity under s. 12(3).	£1,090																																				
3. Disablement pension under s. 12(5) (weekly rate).	For the several degrees of disablement set out in column 1 of the following Table, the respective amounts in that Table, using— (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; (b) column 3 for any period during which the beneficiary is not over the age of 18 and not entitled as aforesaid:																																				
	TABLE																																				
	<table border="1"> <thead> <tr> <th style="text-align: center;"><i>Degree of disablement</i></th> <th colspan="2" style="text-align: center;"><i>Amount</i></th> </tr> <tr> <th style="text-align: center;">(1)</th> <th style="text-align: center;">(2)</th> <th style="text-align: center;">(3)</th> </tr> <tr> <th style="text-align: center;">Per cent.</th> <th style="text-align: center;">£</th> <th style="text-align: center;">£</th> </tr> </thead> <tbody> <tr><td>100</td><td>16.40</td><td>10.00</td></tr> <tr><td>90</td><td>14.76</td><td>9.00</td></tr> <tr><td>80</td><td>13.12</td><td>8.00</td></tr> <tr><td>70</td><td>11.48</td><td>7.00</td></tr> <tr><td>60</td><td>9.84</td><td>6.00</td></tr> <tr><td>50</td><td>8.20</td><td>5.00</td></tr> <tr><td>40</td><td>6.56</td><td>4.00</td></tr> <tr><td>30</td><td>4.92</td><td>3.00</td></tr> <tr><td>20</td><td>3.28</td><td>2.00</td></tr> </tbody> </table>	<i>Degree of disablement</i>	<i>Amount</i>		(1)	(2)	(3)	Per cent.	£	£	100	16.40	10.00	90	14.76	9.00	80	13.12	8.00	70	11.48	7.00	60	9.84	6.00	50	8.20	5.00	40	6.56	4.00	30	4.92	3.00	20	3.28	2.00
<i>Degree of disablement</i>	<i>Amount</i>																																				
(1)	(2)	(3)																																			
Per cent.	£	£																																			
100	16.40	10.00																																			
90	14.76	9.00																																			
80	13.12	8.00																																			
70	11.48	7.00																																			
60	9.84	6.00																																			
50	8.20	5.00																																			
40	6.56	4.00																																			
30	4.92	3.00																																			
20	3.28	2.00																																			
4. Unemployability supplement under s. 13 (increase of weekly rate of disablement pension).	£10.00																																				
4A. Increase under s. 13A 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 05 (b) if head (a) above does not apply and on the qualifying date the beneficiary was under the age of 45 £1.30 (c) if heads (a) and (b) above do not apply and on the qualifying date the beneficiary																																				

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

Description of benefit etc.	Amount
	was a man under the age of 60 or a woman under the age of 55 £0.65
5. Maximum increase under s. 14 of weekly rate of disablement pension in cases of special hardship.	£6.56 or the amount (if any) by which the weekly rate of the pension, apart from any increase under s. 15,17 or 18 of this Act or under s. 6 of the National Insurance Act 1966, falls short of £16.40, whichever is the less.
6. Maximum increase under s. 15 of weekly rate of disablement pension where constant attendance needed.	(a) except in cases of exceptionally severe disablement £6.60 (b) in any case £13.20
6A. Increase under s. 6(1) of National Insurance Act 1966 of disablement pension (exceptionally severe disablement).	£6.60
7. Increase under s. 17 of weekly rate of benefit in respect of children, except where beneficiary is entitled to unemployability supplement.	(a) in respect of only, elder or eldest child of beneficiary's family £2.70 (b) in respect of second child of beneficiary's family £1.80 (c) in respect of each additional child of beneficiary's family £1.70
7A. Increase under s. 17 of weekly rate of disablement pension in respect of children where beneficiary is entitled to unemployability supplement.	(a) in respect of only, elder or eldest child of beneficiary's family £4.90 (b) in respect of second child of beneficiary's family £4.00 (c) in respect of each additional child of beneficiary's family £3.90
8. Increase under s. 18 in respect of adult dependant of weekly rate of injury benefit and of disablement pension not falling to be increased by unemployability supplement.	£5.30
8A. Increase under s. 18 in respect of adult dependant of weekly rate of disablement pension falling to be increased by unemployability supplement.	£6.00
9. Widow's pension under s. 19:	
(a) initial rate	£14.00
(b) higher permanent rate	£10.55
(c) lower permanent rate	30 per cent, of the weekly rate for the time being of a widow's pension under the National Insurance Act 1965 as specified in Schedule 3 to that Act.
10. Widower's pension under s. 20 (weekly rate).	£10.55

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Description of benefit etc.	Amount
11. Allowance under s. 21 in respect of children of deceased's family:	
(a) weekly rate of allowance under s. 21(1)	(i) in respect of only, elder or eldest qualifying child £2.70 (ii) in respect of second qualifying child £1.80 (iii) in respect of each additional qualifying child £1.70
(b) increase under s. 21(2)	£2.20
12. Maximum under s. 29(1)(a) 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 of benefit in respect of a child or adult dependant £16.40 (b) for any period during which the beneficiary is not over the age of 18 and not entitled as aforesaid £10.00”

SCHEDULE 4

Section 6(5).

MINOR AMENDMENTS OF SOCIAL SECURITY ENACTMENTS

PART I

ENACTMENTS OF PARLIAMENT OF UNITED KINGDOM

The National Insurance Act 1965

- 1 In section 81 of the Insurance Act—
- (a) in subsection (4)(b), after " from other benefit" insert " or from any payment under the Old Cases Act ";
- (b) for subsection (6) substitute—
- “(6) In this section " benefit" includes benefit under Part II of the Industrial Injuries Act.”

The National Insurance (Industrial Injuries) Act 1965

- 2 In section 12 of the Industrial Injuries Act, omit subsection (4).
- 3 In section 17(1) of that Act, omit " either " , the words from " or receiving " to " faculty " and " amount or ".
- 4 In section 18(2) of that Act, omit " either " and the words from " or is receiving " to " faculty ".
- 5 Section 30A of that Act shall cease to have effect.

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

- 6 In section 58 of that Act—
- (a) in subsection (1), omit paragraph (d);
- (b) for subsection (2) substitute—
- “(2) In respect of byssinosis, a person shall not (unless regulations otherwise provide)—
- (a) be entitled to injury benefit; or
- (b) be entitled to disablement benefit unless he is found to be suffering, as the result of byssinosis, from loss of faculty which is likely to be permanent.”
- 7 In section 62 of that Act, substitute the following for subsections (2) and (3)—
- “(2) Where the Secretary of State proposes to make any regulations to which this subsection applies he shall (unless it appears to him that by reason of the urgency of the matter it is inexpedient to do so) refer the proposals in the form of draft regulations or otherwise to the said Council for consideration and advice.
- (3) Subsection (2) of this section applies to all regulations made under this Act, the Insurance Act, Part I of the Social Security Act or Part IV of that Act so far as relating to Part I, being regulations which relate only to benefit under Part II of this Act or the administration of such benefit, but does not apply to—
- (a) regulations under section 83 of this Act; or
- (b) any such regulations as are specified in paragraphs (a) to (e) of section 94(9) of the Social Security Act or in paragraphs 12A to 19 of Schedule 12 to that Act.
- (3A) The Secretary of State may from time to time refer to the Council for consideration and advice such questions as he thinks fit relating to benefit under Part II of this Act and the administration of such benefit.”
- 8 For section 66 of that Act substitute—
- “**66** Without prejudice to section 90 of the Social Security Act, stamp duty shall not be charged on any of the documents specified in Schedule 6 to this Act.”
- 9 In section 71 of that Act, in subsection (1) omit " and methods of prevention ".
- 10 Sections 73 and 77 of that Act shall cease to have effect.
- 11 Part I of Schedule 1 to that Act shall cease to have effect.
- 12 In Schedule 6 to that Act, in paragraph 4 omit " this Act or of " and the words from " or otherwise " to the end.

The National Insurance Act 1966

- 13 In section 11(1) of the National Insurance Act 1966, after "claim for " insert " unemployment benefit or ".

The Supplementary Benefit Act 1966 (The Ministry of Social Security Act 1966)

- 14 In Schedule 2 to the Ministry of Social Security Act 1966, in paragraph 24—
- (a) for sub-paragraph (2)(c) substitute—

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- “(c) any increase of an allowance payable under section 21 of the National Insurance (Industrial Injuries) Act 1965, being an increase payable under section 21(2) in respect of—
 - (i) an only, or the elder or eldest, qualifying child, or
 - (ii) the second qualifying child,”;
- (b) for sub-paragraph (3)(b) substitute—
 - “(b) any increase of an allowance payable under section 21 of the National Insurance (Industrial Injuries) Act 1965, being an increase payable under section 21(2) in respect of any additional child beyond the first two.”

The Industrial Injuries and Diseases (Old Cases) Act 1967

15 In section 9 of the Old Cases Act, after subsection (2) add the following—

“(3) Any sum due from a person by virtue of any provision made by or under this Act may be recovered from him by reduction of any payment under this Act or from benefit under the Social Security Act 1973 or Part II of the Industrial Injuries Act.”

16 In section 14(1) of that Act in the definition of " prescribed " for " insured persons employed in insurable employment " substitute " earners employed in employed earner's employment ".

The National Insurance Act 1972

17 In section 4 of the National Insurance Act 1972, in subsection (2) omit the words from " but, if the deceased " to " section 19(1) ".

18 In section 8(4) of that Act, for " or instrument " substitute " instrument or document ".

The Social Security Act 1973

19 In section 15(5) of the Social Security Act 1973, in paragraph (b) after " in pursuance of " insert " those enactments or of ".

20 In section 26(2) of that Act, for " this Part, as it applies " substitute " the provisions of this Part, those of Part IV below as it relates to this Part, or those of Part IV of the former principal Act, as those provisions apply ".

21 In section 35 of that Act, at the end of subsection (4) add " or in such other cases as may be prescribed ".

22 In section 39(5)(b) of that Act, in sub-paragraph (iii) for the words from " rate of injury " to " adult dependant " substitute " benefit in respect of adult dependant, where no entitlement to unemployment supplement, 8A (the same, where there is entitlement to the supplement) ".

23 In section 47(1) and (2) of that Act, for " the Treasury " substitute " the Secretary of State ".

24 In section 48 of that Act—

- (a) after subsection (1) insert—

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- “(1A) References in subsection (1) above to this Act and this Part of it do not include any operation of the Act or Part in relation to benefit under Part U of the Industrial Injuries Act or the administration of such benefit.”;
- (b) in subsection (2) omit the words " Subject to the provisions of this section " and for the words from " such " to the end substitute " regulations made under Part I of this Act, or Part IV of this Act so far as relating to Part I, or under Part IV of the former principal Act or the Industrial Injuries Acts, but does not apply to any such regulations as are specified in Part III of Schedule 12 to this Act " .
- 25 In section 49(2) of that Act, for " shall " substitute " or, where the Secretary of State's order is made under section 8(4), the Department of Manpower Services for Northern Ireland may " .
- 26 In section 90 of that Act, after " Act" insert " Part IV of the former principal Act or the Industrial Injuries Acts or the corresponding Northern Ireland legislation " and for " that Part" substitute " those enactments, or that legislation " .
- 27 In section 94 of that Act—
- (a) in subsection (1) omit the words " but not Part I of Schedule 1 to that Act (insurable employments) " ;
- (b) for subsection (3) substitute—
- “(3) Regulations under the Industrial Injuries Acts may provide for an employment prescribed by the regulations not to be treated for the purposes of those Acts as employed earner's employment notwithstanding that it would be so treated apart from the regulations.”;
- (c) in subsection (9), for paragraph (d) substitute—
- “(d) regulations contained in a statutory instrument which states that it contains only regulations to which section 48(2) of this Act applies ;
- (dd) regulations contained in a statutory instrument which states that it contains only regulations making with respect to benefit under Part II of the Industrial Injuries Act or the administration of such benefit the same or substantially the same provision as has been, or is to be, made with respect to benefit under Part I of this Act, or the administration of such benefit.”.
- 28 In section 99(18) of that Act, for " or instrument" substitute " instrument or document " .
- 29 In Schedule 1 to that Act, in paragraph 6(1)(j), omit the words " where the employment is in continuation of employment in Great Britain " .
- 30 In Schedule 8 to that Act—
- (a) in paragraph 2(c), for " after that in which the husband died " substitute " following the husband's death (inclusive of the year in which he died) " ;
- (b) in paragraph 3(c), for sub-paragraph (ii) substitute—
- “(ii) following the husband's death (inclusive of the year in which he died),”.

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- 31 In Schedule 10 to that Act, in paragraph 1(2)(a), after " claim for " insert " unemployment benefit, ".
- 32 In Schedule 12 to that Act omit Part II and for paragraph 12 substitute—
- “12 Regulations relating only to benefit under Part II of the Industrial Injuries Act or the administration of such benefit.
- 12A Regulations made by virtue of paragraph 4 of Schedule 10 to this Act.
- 12B Regulations under paragraph 14(b) of Schedule 22 to this Act.”
- 33 In Schedule 15 to that Act—
- (a) in paragraph 2, at the end insert—
- “(7) This paragraph in its application to Northern Ireland shall have effect with the substitution—
- (a) for any reference to the Secretary of State (except the first reference in sub-paragraph (1) and the reference in sub-paragraph (3)) of a reference to the appropriate Northern Ireland department,
- (b) for the enactments specified in sub-paragraph (4) and any reference to those enactments of a reference to Articles 9 to 12 of the Superannuation (Northern Ireland) Order 1972, and
- (c) in sub-paragraph (5) for the words from " rules " to " 1948 " of the words " any provision such as is mentioned in paragraph 4 of Schedule 3 to the said Order of 1972, and for the purposes of this paragraph " the appropriate Northern Ireland department" in relation to any class of employment qualifying a person for benefit under any Article of the Superannuation (Northern Ireland) Order 1972 means the department which has power to make regulations under that Article.”;
- (b) in paragraph 12(a), after " former principal Act" insert " or Part III of the National Insurance Act (Northern Ireland) 1966 ".
- 34 In Schedule 22 to that Act, in paragraph 14, for sub-paragraph (b) substitute—
- “(b) for the purposes of this Act, the Industrial Injuries Act or the Family Allowances Act, as to the circumstances in which—
- (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;”.
- 35 In Schedule 23 to that Act, in paragraph 9(3), for " during the 2 years preceding the date of the offence " substitute " on the date of the offence or during the 2 years preceding that date ".
- 36 In Schedule 25 to that Act—
- (a) in paragraph 2(2)(a) after " 99(3)" insert " and paragraph 5(2) of Schedule 23 ";
- (b) in paragraph 10 after sub-paragraph (b) insert—

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- “(bb) in paragraph 5(2) after " State" insert " or of the Northern Ireland Ministry ;”;
- (c) in paragraph 15(1) after " section 12(3) or made" insert " by that department or the Department of Manpower Services for Northern Ireland " .
- 37 In Schedule 26 to that Act, in paragraph 2(3), for " 19" substitute " 16 " .
- 38 In Schedule 27 to that Act, in paragraph 103, for "The Ministry may, with the consent of the Ministry of Finance," substitute " The Department of Health and Social Services may, with the consent of the Department of Finance, " and for " the Ministry " in the second place where those words occur substitute " the Department of Health and Social Services " .
- 39 In Schedule 28 to that Act, in column 3 of the entry in Part II relating to the Social Services (Parity) Act (Northern Ireland) 1971, for "The National Insurance Acts 1965 to 1970" substitute " The National Health Service Contributions Act 1965 " .

The National Insurance and Supplementary Benefit Act 1973

- 40 In section 4 of the Act of 1973—
- (a) for the words following paragraph (b) in subsection (1) substitute—
- “(1A) In this section "benefit" means—
- (a) any of the following benefits under Part I of the Social Security Act 1973, namely—
- sickness benefit, invalidity benefit, maternity allowance and earnings-related supplement under section 10(8) or 17(4) of that Act; and
- (b) injury benefit under the Industrial Injuries Act.”;
- (b) in subsection (2) for " the Insurance Act" substitute " Part I of the Social Security Act 1973 ";
- (c) in subsection (3) omit " and the Industrial Injuries Fund " and for " those Funds " substitute " that Fund ";
- (d) in subsection (7) for the words from " section 85(4) " onwards substitute " section 46(4) of the Social Security Act 1973 " .
- 41 In section 5(1) of that Act, after the second " 1972 " insert " and the Social Security Act 1973 " and after " Insurance Act" insert " and section 12(1)(a)(i) of the said Act of 1973 .

PART II

NORTHERN IRELAND ENACTMENTS

The National Insurance Act (Northern Ireland) 1966

- 42 In section 80 of the National Insurance Act (Northern Ireland) 1966—
- (a) in subsection (4)(b), after " from other benefit" insert " or from any payment under the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966 ";
- (b) for subsection (6) substitute—

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

“(6) In this section " benefit" includes benefit under Part II of the Industrial Injuries Act.”

The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966

- 43 In section 12 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, omit subsection (5).
- 44 In section 17(1) of that Act, omit " either " , the words from " or receiving " to " faculty " and " amount or ".
- 45 In section 18(2) of that Act, omit " either " and the words from " or is receiving " to " faculty ".
- 46 Sections 25(2)(c) and 30A of that Act shall cease to have effect.
- 47 In section 56(1) of that Act omit paragraph (d).
- 48 For section 61 of that Act substitute—
- “61 Without prejudice to section 90 of the Social Security Act, stamp duty shall not be charged on any of the documents specified in Schedule 6 to this Act.”
- 49 In section 67 of that Act, in subsection (1), omit " and methods of prevention ".
- 50 Sections 69 and 72 of that Act shall cease to have effect.
- 51 Part I of Schedule 1 to that Act shall cease to have effect.
- 52 In Schedule 6 to that Act, in paragraph 4, omit " this Act or of " and the words from " or otherwise " to the end.

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

- 53 In section 5 of the Workmen's Compensation (Supplementation) Act (Northern Ireland) 1966, after subsection (2) add the following—
- “(3) Any sum due from a person by virtue of any provision made by or under this Act may be recovered from him by deduction from any payment under this Act or from benefit under the Social Security Act 1973 or Part II of the Industrial Injuries Act.”
- 54 In section 7(1) of that Act, for " six months" substitute " three months ".

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

- 55 In section 11(1) of the National Insurance (No. 2) Act (Northern Ireland) 1966, after " claim for " insert " unemployment benefit or ".

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

- 56 In Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966, in paragraph 24—
- (a) for sub-paragraph (2)(c) substitute—
- “(c) any increase of an allowance payable under section 21 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, being an increase payable under section 21(2) in respect of—

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- (i) an only, or the elder or eldest, qualifying child, or
- (ii) the second qualifying child.”;
- (b) for sub-paragraph (3)(b) substitute—
 - “(b) any increase of an allowance payable under section 21 of the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, being an increase payable under section 21(2) in respect of any additional child beyond the first two.”

SCHEDULE 5

Section 8(4).

COMMENCEMENT AND TRANSITIONAL PROVISIONS

Commencement of this Act

- 1 (1) Section 8(1), (2) and (4) of this Act and this paragraph shall come into force on the passing of this Act.
- (2) Subject to sub-paragraph (1) above, the provisions of this Act shall not come into force until such date or dates as the Secretary of State may by order appoint for those provisions or any of them.
- (3) Different days may be appointed under this paragraph for different purposes of the relevant provisions (that is to say, the provisions to which sub-paragraph (2) above applies) or for the same purposes in relation to different cases or classes of case ; and if that is done, or if different days are appointed for different provisions, then
- (a) an order under this paragraph may contain such incidental or supplemental provisions as appear to the Secretary of State to be necessary or expedient as respects the period or any part of the period when the relevant provisions 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 relevant provisions or the provisions of any Act amended by this Act; and
 - (b) any provision made in pursuance of paragraph (a) above may be varied or revoked by a subsequent order of the Secretary of State.
- (4) Section 107(4) of the Insurance Act (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.

Regulations etc.: temporary exclusion of certain requirements

- 2 (1) Section 108 of the Insurance Act (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made or, in certain cases, before a draft is laid before Parliament) and section 62(2) of the Industrial Injuries Act (which requires a proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice) shall not apply to regulations made, or to a draft of regulations laid, before the expiration of six months beginning with the date of the

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passing of this Act if the instrument containing the regulations or, as the case may be, the draft states that the regulations contain no provisions other than such as—

- (a) are made in consequence of this Act; or
- (b) operate with reference to the amount of a person's earnings and are made under one or more of the following provisions (which relate to the classification of insured persons or the liability to contributions), that is to say—
 - (i) sections 1(3) and 8(5) of the Insurance Act, and
 - (ii) section 3(3)(b) of the Industrial Injuries Act.

(2) The following enactments, that is to say—

- (a) section 107(1) of the Insurance Act; and
- (b) section 85(4) of the Industrial Injuries Act; and
- (c) section 4(8)(a) of the Old Cases Act,

shall not require a draft of any regulations, order or scheme to be laid before Parliament or approved by resolution of either House before the making of the regulations, order or scheme if the regulations, order or scheme are or is made before the expiration of six months beginning with the date of the passing of this Act and if the instrument containing the regulations, order or scheme states that they or it are or is made in consequence of this Act; but where any of those enactments would otherwise so require, the instrument containing the regulations, order or scheme shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.

SCHEDULE 6

Section 8(5).

REPEALS

Chapter	Short Title	Extent of Repeal
1965 c. 52.	The National Insurance (Industrial Injuries) Act 1965.	<p>Section 12(4).</p> <p>In section 17(1), the word "either", the words from "or receiving" to "faculty" and the words "amount or".</p> <p>In section 18(2), the word "either" and the words from "or is receiving" to "faculty".</p> <p>Section 30A.</p> <p>Section 58(1)(d).</p> <p>In section 71(1), the words "and methods of prevention".</p> <p>Sections 73 and 77.</p> <p>In Schedule 1, Part I.</p>

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Chapter	Short Title	Extent of Repeal
1966 c. 9 (N.I.).	The National Insurance (Industrial Injuries) Act (Northern Ireland) 1966.	<p>In Schedule 6, in paragraph 4, the words " this Act or of" and the words from " or otherwise " onwards.</p> <p>Section 12(5).</p> <p>In section 17(1), the word " either", the words from " or receiving " to " faculty " and the words " amount or ".</p> <p>In section 18(2), the word " either " and the words from "or is receiving" to " faculty ".</p> <p>Section 25(2)(c).</p> <p>Section 30A.</p> <p>Section 56(1)(d).</p> <p>In section 67(1), the words " and methods of prevention ".</p> <p>Sections 69 and 72.</p> <p>In Schedule 1, Part I.</p> <p>In Schedule 6, in paragraph 4 the words " this Act or of" and the words from " or otherwise " onwards.</p>
1972 c. 4.	The National Insurance Regulations (Validation) Act 1972.	The whole Act.
1972 c. 57.	The National Insurance Act 1972.	In section 4(2), the words from " but if the deceased" to " section 19(1)".
1973 c. 38.	The Social Security Act 1973.	<p>In section 48(2), the words " Subject to the provisions of this section ".</p> <p>In section 94(1), the words " but not Part I of Schedule 1 to that Act (insurable employments) ".</p> <p>In Schedule 1, in paragraph 6(1)(j) the words " where the employment is in continuation of employment in Great Britain ".</p> <p>Part II of Schedule 12.</p>

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

Chapter	Short Title	Extent of Repeal
1973 c. 42.	The National Insurance and Supplementary Benefit Act 1973.	Sections 1(1), 2 and 3(1), (3) and (4). In section 4(3), the words " and the Industrial Injuries Fund ". In section 7, paragraphs (a) and (b) and the words following paragraph (c). In section 8(1), paragraph (b) and the word " and" immediately preceding that paragraph. Schedules 1 to 3.